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**Official Report
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(Hansard)**

Thursday 19 May 2016

**Journal
des débats
(Hansard)**

Jeudi 19 mai 2016

**Standing Committee on
Finance and Economic Affairs**

Municipal Elections
Modernization Act, 2016

**Comité permanent des finances
et des affaires économiques**

Loi de 2016 sur la modernisation
des élections municipales

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 19 May 2016

Jeudi 19 mai 2016

The committee met at 0901 in room 151.

**MUNICIPAL ELECTIONS
MODERNIZATION ACT, 2016
LOI DE 2016 SUR LA MODERNISATION
DES ÉLECTIONS MUNICIPALES**

Consideration of the following bill:

Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts / Projet de loi 181, Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Peter Z. Milczyn): Good morning. We're assembled here for clause-by-clause consideration of Bill 181, An Act to amend the Municipal Elections Act, 1996—

Interjection.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong, I hope I don't have to speak even louder—and to make complementary amendments to other Acts.

Laura Hopkins from legislative counsel is here to assist us with our work, should we have any questions for her. A copy of the numbered amendments received thus far is on your desk. The amendments have been numbered in the order in which the sections appear in the bill.

Are there any questions before we start? Before we begin—

Mr. Ernie Hardeman: Chair?

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chair, and thank you very much for your kind prelude here.

I'm just a little concerned. We're going to deal with the amendments today, but I've been reading the paper the last couple of days and the minister seems to be referring to items that are not in the bill—that they are, and if they aren't, he's going to put them in. I wondered if we could get any direction from the government as to whether we're going to do what the minister says in the paper or whether we're going to do the amendments that the government has put forward.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: I think we have a number of amendments in front of us from all sides. I would suggest that we carry on with the agenda of today, not speculate on what might happen down the road.

The Chair (Mr. Peter Z. Milczyn): Any further questions?

Before we begin section 1, I will allow each party to make some brief comments on the bill as a whole, if they choose to. Afterwards, debate should be limited to the section or amendment under consideration. Are there any opening comments? No? Very well.

On amendment number 1 to subsection 1(3.1), subsection 1(1) of the Municipal Elections Act, Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 1 of the bill be amended by adding the following subsection:

“(3.1) Subsection 1(1) of the act is amended by adding the following definition:

““Minister” means the Minister of Municipal Affairs and Housing or any other member of the executive council to whom the responsibility for the administration for this act is assigned under the Executive Council Act; (“ministre”)”

It's just a housekeeping thing to make sure that in every place in the bill where it refers to “minister,” everyone knows that it's the Minister of Municipal Affairs and Housing. I think it's particularly important because the elections may not be under the purview of the Minister of Municipal Affairs in everyone's mind, as democratic reform—or some other type of minister. I put in the definition so it would be everywhere in the act.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: I recommend opposing the motion for the simple reason that “minister” is defined in the Municipal Act, and the act specifies that the definition applies to all other acts affecting or relating to municipal matters. I don't think this is necessary.

The Chair (Mr. Peter Z. Milczyn): Further discussion on the amendment?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Hardeman, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment does not carry.

Motion number 1.1: Mr. Hatfield?

Mr. Percy Hatfield: I move that the definition of “third party advertisement” in subsection 1(1) of the Municipal Elections Act, 1996, as set out in subsection 1(6) of the bill, be amended by striking out “or an issue”.

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: I think it’s self-explanatory.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: I recommend opposing the motion. It was never our intent to limit advocacy or expression around issues throughout municipal election campaigns. We want non-profit groups and charities to continue to be able to provide valuable contributions to the dialogue surrounding municipal elections. That’s why we propose to exempt issue-based advertising from the proposed third-party advertising framework. In this way, third-party advertising will only include support or opposition of a candidate or a specific answer to a question in a ballot.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I think that there was obviously a good reason to put the issues in, I’m sure, when the bill was drafted. I think, rather than take it out, I would suggest that I move a motion to amend the amendment that instead of just taking out “issue,” we take it out and put in “includes advertising that takes a position on an issue with which a registered party or candidate is associated.”

It covers off the need for which the original issue was in there. Because that’s the issue: If a candidate stands for that issue, and you start advertising on that particular issue, it become obvious why you’re doing that, whether it’s for or against. If you add that in there, I think that way it will cover off everybody’s needs.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, do you have your amendment in writing?

Mr. Ernie Hardeman: I have it here in writing, yes, but I don’t have it for everyone.

The Chair (Mr. Peter Z. Milczyn): Well, we can have a brief recess while the Clerk prepares a copy for everybody.

The committee recessed from 0908 to 0915.

The Chair (Mr. Peter Z. Milczyn): Committee is back in session. Mr. Hardeman, we were last dealing with your amendment to the amendment.

Mr. Ernie Hardeman: Yes, Mr. Chair. While we were waiting for the amendment to be copied, I was leafing through my book. Actually, the next amendment is an amendment that the government is putting forward on the same section of the bill. I would suggest that, for my amendment, I would be looking forward to moving it in that motion instead of this one.

The Chair (Mr. Peter Z. Milczyn): So you’re withdrawing your amendment to 1.1.

Mr. Ernie Hardeman: I’m withdrawing the amendment to that one, yes.

The Chair (Mr. Peter Z. Milczyn): All right. Is there any further discussion on 1.1? No? Mr. Hardeman has withdrawn his amendment to Mr. Hatfield’s amendment.

On Mr. Hatfield’s amendment, if there is no further discussion, all in favour? Opposed? That does not carry.

The next motion, 1.2: That motion is dependent upon the passage of motion number 1.4, so I would suggest that we stand down 1.2 until we get to 1.4.

The next amendment, 1.2.1: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that the definition of “third party advertisement” in subsection 1(1) of the Municipal Elections Act, 1996, as set out in subsection 1(6) of the bill, be struck out and the following substituted:

“‘third party advertisement’ means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

“(a) a candidate, or

“(b) a ‘yes’ or ‘no’ answer to a question referred to in subsection 8(1), (2) or (3),

“but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection (2) or (2.1); (‘publicité de tiers’)”

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Lou Rinaldi: Chair, this would allow groups and charities that undertake public outreach on issues as matters of normal business to continue to do so during an election period, without being subject to a third-party advertising framework.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield. Sorry, Mr. Hardeman.

Mr. Percy Hatfield: Grow a moustache, Ernie.

The Chair (Mr. Peter Z. Milczyn): My apologies to Mr. Hatfield.

Mr. Percy Hatfield: It’s okay. I’ll put my hand over it.

Mr. Ernie Hardeman: Mr. Chair, in relation to the amendment that’s before us, I have a concern. I understand the need for (b), which is “a ‘yes’ or ‘no’ answer to a question referred to...” This is the opportunity for municipalities to have other issues on the ballot, in fact. Then you would have to register as a third party to advertise one way or the other for that item that’s on the ballot. You’d have to register to do that.

My concern with the amendment that I had previously, that I wish to put in the record now, is to deal with a different issue. This is about when you have an election and when there is an issue.

In my small community, they want to build a new community centre. We have two or three candidates on one side, and two or three candidates on the other side. Then you need to have something in this legislation that prevents the people who are going to be third-party advertisers on one side or the other, that they can’t just go—because they’re not considered a third party, they don’t have to register and they can spend all of the money they want to fight that issue one way or the other. I think it’s important that we cover that off. When it’s an issues election, the deals with the candidate should be in there.

I have it printed here, and now I’ll just read it; then we’ll get it copied.

The Chair (Mr. Peter Z. Milczyn): Could you please read it?

Mr. Ernie Hardeman: I move that motion number 1.21 be amended by adding the following clause to the definition of “third party advertisement”:

“(c) an issue with which a candidate is associated.”

The Chair (Mr. Peter Z. Milczyn): We’ll recess again briefly so the Clerk can make copies. Recess for two minutes.

The committee recessed from 0921 to 0923.

The Chair (Mr. Peter Z. Milczyn): We’re back in session. The Clerk has distributed Mr. Hardeman’s amendment 1.2.1.1. Discussion?

Mr. Lou Rinaldi: Chair, this is way too broad. I recommend not supporting it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I respect the parliamentary assistant’s opinion on that, but this is taken directly from legislation that the government introduced yesterday to deal with third-party advertising provincially. I see absolutely no reason why the government would not support it for municipalities in the same way, to identify what is considered third party. The main difference that we made in it is that we have taken out “position taken by a registered party” because obviously municipally we don’t have registered parties. That was the act that was introduced to deal with provincial politics; I can’t understand why they would not support putting it into municipal government.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No? Then on Mr. Hardeman’s amendment to the amendment, 1.2.1.1, all in favour? Opposed? That does not carry.

Moving back to motion 1.2.1, is there any Further discussion on that? Mr. Hatfield.

Mr. Percy Hatfield: Technically speaking, Chair, it’s 1.21.

The Chair (Mr. Peter Z. Milczyn): No, that was a typo, Mr. Hatfield.

Mr. Percy Hatfield: Oh, it was a typo.

The Chair (Mr. Peter Z. Milczyn): It’s supposed to be 1.2.1. Otherwise, it would be 1.21.

Mr. Percy Hatfield: I’m only going by what I had in front of me.

The Chair (Mr. Peter Z. Milczyn): That was a typo, which the Clerk brought to my attention.

So on 1.2.1, further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I’d just like to thank the government for bringing in—I mean, it shows that you listened to the people that came and said that you’re going to have a problem on the issues part of the third-party advertising. We had a briefing and a discussion with staff on that. I think you are to be commended for actually listening and bringing forth an amendment that, to me, make sense.

Mr. Lou Rinaldi: It happens once in a while.

Mr. Percy Hatfield: That’s why I thought I’d mention it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Yes. I’m on the other side of the issue. I want to suggest to the government that I’m disappointed that, in fact, a third party is different when it’s a municipal third party than when it’s a provincial third party. I just don’t think that’s appropriate. Where you have third-party advertising not allowed provincially, under exactly the same circumstances, we’re suggesting that municipally, they should have that.

I’m disappointed with that, and I’ll be voting against the amendment as it is.

The Chair (Mr. Peter Z. Milczyn): No Further discussion? All those in favour of the amendment? Opposed? The amendment carries.

The next amendment—yes, Mr.—

Mr. Ernie Hardeman: Did you quit calling for recorded votes, Mr. Chair?

The Chair (Mr. Peter Z. Milczyn): You did not ask for a recorded vote on that one.

Mr. Ernie Hardeman: No, but you were doing it anyway. It’s okay, but—

The Chair (Mr. Peter Z. Milczyn): No. No, we only—you asked for a recorded vote, I believe, on the first item. I called for a recorded vote. That was recorded. Otherwise, we’re just using a show of hands.

Mr. Ernie Hardeman: I would just ask that we have recorded votes on them all.

The Chair (Mr. Peter Z. Milczyn): Very well. We will have a recorded vote on each vote, then.

The next is 1.3. Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 1(2) of the Municipal Elections Act, 1996, as set out in subsection 1(7) of the bill, be amended by striking out “incurs no expenses, directly or indirectly, in relation to the advertisement” and by adding the following clauses:

“(a) incurs no expenses, directly or indirectly, in relation to the advertisement; or

“(b) has incurred a total of less than \$1,000 in expenses, directly or indirectly, in relation to advertisements in respect of the election in the municipality.”

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: There will be people out there who want to be involved on an issue. It may mean that they print up a flyer, they take it to their neighbours and they say, “You know, before you cast your vote, consider the ramifications.” This is how I see—the need to save this playground or the need to have a sidewalk in this neighbourhood. If they’re doing this because they really believe this is an important issue—“Don’t cut down the trees in our neighbourhood park” or whatever it is—but they’re not going to spend more than \$1,000 on this small, neighbourhood campaign, then I don’t see why they should have to register, then file income and expenses and do all that paperwork, and if they mess it up, they could run afoul of the law and be fined substantially for trying to be involved democratically.

Other jurisdictions have a limit of \$500. We’re suggesting \$1,000. To me, it shows that we’re listening to

the people that came and said, “Look, we want to be involved in little neighbourhood campaigns, but not at the expense of having to register and file information and keep up with the tax guys.” I think we have to look after the people who want to be involved, but not involved to some great extent.

0930

Mr. Bill Walker: I just want to clarify, Mr. Hatfield: Can you tell me why \$1,000, as opposed to in other jurisdictions? I believe federally it’s also \$500. So why the \$1,000? Why wouldn’t we stay the same as the federal and other jurisdictions, for consistency?

Mr. Percy Hatfield: I agree. Do you want to bring it down to \$500? I’ll support that.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I think the spending limit of \$1,000 is high, especially in the context of some very small municipalities. All of us have travelled around the province and seen the sizes of some municipalities and, frankly, this will create some issues.

Mr. Percy Hatfield: Well, Chair, I’ll just say that when the Ontario Nonprofit Network made their presentation, they were the ones that suggested a limit of \$1,000.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 1.3, a recorded vote has been requested.

Ayes

Hardeman, Hatfield, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): That does not carry.

Mr. Percy Hatfield: Do I hear the government saying \$500?

The Chair (Mr. Peter Z. Milczyn): This is not an auction, Mr. Hatfield.

The next motion is 1.3.1. Ms. Vernile?

Ms. Daiene Vernile: Just a point of order.

The Chair (Mr. Peter Z. Milczyn): Yes, Ms. Vernile?

Ms. Daiene Vernile: Not to criticize the Clerk but my surname is pronounced “Vernile.”

The Clerk of the Committee (Mr. Eric Rennie): Oh, sorry.

Ms. Daiene Vernile: No worries. I’ve been called worse.

The Chair (Mr. Peter Z. Milczyn): So noted. Mr. Rinaldi?

Mr. Lou Rinaldi: I move that subsection 1(2) of the Municipal Elections Act, 1996, as set out in subsection 1(7) of the bill, be amended by striking out “directly or indirectly”.

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I think I support this motion. I think that that’s what we heard at committee, that there was a lot of concern about people who just wanted to make a statement and didn’t want to have to be registered to do that, so I support this motion.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: I’ll be supporting it as well, Chair.

The Chair (Mr. Peter Z. Milczyn): All right, so on amendment 1.3.1—we will be having recorded votes from here on in. That’s what Mr. Hardeman requested.

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That motion carries.

We are now on 1.4. Just to remind committee members, we stepped over 1.2, so once we deal with 1.4, then we will go back to 1.2.

On 1.4, Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 1(7) of the bill be amended by adding the following subsection:

“Same

“(2.2) An advertisement is deemed not to be a third-party advertisement for the purposes of this act if the entity that causes the advertisement to appear in any broadcast, print, electronic or other medium is a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada).”

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: This would exempt charities, which are already subject to restrictions on partisan advertising. They can’t do it or they lose their charitable status, so this should be put into the bill to exempt charities from the legislation.

The Chair (Mr. Peter Z. Milczyn): Further discussion? None? So we’ll vote on motion number 1.4.

Ayes

Hatfield.

Nays

Albanese, Dong, Hardeman, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That does not carry.

On motion 1.2, I’m ruling that this amendment is out of order, as it was dependent on a previous amendment that was lost.

Is there discussion on section 1? Further discussion on section 1? We'll call a vote on section 1, as amended. All the votes are recorded from here on in.

Ayes

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): The section passes.

There are no amendments proposed to sections 2 through 6, inclusive. Is there any discussion on those? Would committee members agree to vote on sections 2 through 6, inclusive, as a package?

Mr. Percy Hatfield: If I can move it, then I'll feel like I've accomplished something.

The Chair (Mr. Peter Z. Milczyn): We appreciate your interventions, Mr. Hatfield.

Is there any discussion on sections 2 through 6, inclusive? Shall sections 2 through 6, inclusive, be carried?

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): They carry.

Next is motion number 2: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsections 7(1) and (2) of the bill be struck out.

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: The main purpose of this is that the deadlines for the submitting of the bylaws for putting things on the ballot should be the same for everyone and not different for municipalities, having to put it on sooner than the minister has to put it on. I think that it's more of a housekeeping thing than it is anything, but the timing just doesn't make sense.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Returning the deadline to June 1 will allow decisions to be made regarding these questions on the ballot after the campaign period has begun. This is consistent with other proposed requirements that decisions be made on ballot questions in advance of council members and school trustees becoming candidates. So I recommend opposing it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I think that putting a deadline on when they have to have their consultation done may take away their ability to have sufficient consultations because it's so far before the actual deadline that they

have to have it completed. I see no reason why it wouldn't be sufficient to have it completed when the nominations are finished and they can put it on the ballot. It's not going to get printed on the ballot until they print ballots, so I don't see any reason why it needs to be rushed.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, shall motion number 2 be carried?

Ayes

Hardeman, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): It does not carry. Section 7: Is there any further discussion on section 7? Seeing none, shall section 7 be carried?

Ayes

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 7 carries. Motion number 3: Mr. Hardeman.

0940

Mr. Ernie Hardeman: I move that clause 8.1(1)(a) of the Municipal Elections Act, 1996, as set out in subsection 8(1) of the bill, be amended by striking out "March 1" and substituting "April 15".

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Again, this is moving the date of the municipal bylaw question from March to April 15. Bill 181 moves the deadline up to March 1. Previously it was set at 180 days. For the 2018 municipal election, setting the deadline to March 1 would mean that the question would be required to be submitted 239 days before the election instead of the previous 180 days.

We support municipal councils doing public consultations and we want to give them as much time as possible in order to do so. We didn't hear anything in our presentations—there was no one that said we needed to shorten that time or we needed to cut off the debate that they should have to put it in sooner so they couldn't change their mind on it and so forth.

The status quo has been working fairly well, and they've had the time to do the consultations. We shouldn't try to take time away from their consultations.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend not supporting this motion. If April 15 was the deadline to pass a bylaw to put a municipal question on the ballot, the deadline for the Chief Electoral Officer to decide an appeal will occur after nomination day. A timely deadline is required to allow clerks to finalize the ballots and have them printed prior to advance voting in the election.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to point out to the parliamentary assistant that we didn't have a single person from the administration who said that they needed more time to prepare the ballot with the 180 days that were available now for that process to happen, so why do we need to go to 239 days so council has to make that decision that much further down?

The other problem with it is that any issues that come up in those 239 days can no longer get on the ballot. We think that what we call the "dead period" for not being able to put something on the ballot being 180 days is considerably long enough, rather than going to 239 days.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 3, all those in favour?

Ayes

Hardeman, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion does not carry.

On section 8, is there any further discussion? Seeing none, shall section 8 be carried?

Ayes

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 8 is carried.

There are no amendments tabled for sections 9 and 10. If members agree, can we vote on sections 9 and 10 together? Is there any discussion on those sections? No.

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Sections 9 and 10 are carried.

Motion number 4: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 12.1 of the Municipal Elections Act, 1996, as amended by section 11 of the bill, be amended by adding the following subsection:

"Consultation

"(2.1) In preparing the plan, the clerk shall consider input from accessibility advocates and any resources available from the office of the Chief Electoral Officer of the province of Ontario regarding barrier-free locations."

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, I think it was the first or second presenter that spoke to us about the accessibility issues. He started off by telling us that it was well and good to prepare a plan, but unless there was something in the legislation that implemented the plan, it was going to be very difficult to make improvements in making sure that people with disabilities could vote just like everyone else. He thought it was very important that there was a little bit more bite in the bill to make sure that things were happening rather than things are just—yes, that's mandated, to prepare a plan, but there's nothing in the bill that says they have to implement the plan or that they even have to make everything accessible in it.

This one here is just to make sure that there's a bit of follow-up to it. It isn't onerous on anybody that they have to build new buildings or anything, it's just that there's follow-up on how they're going to deal with the accessibility issue in the municipal election.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Municipalities and clerks are subject to the Accessibility for Ontarians with Disabilities Act that's in place now, so they have to meet a lot of those requirements that they plan to use. Clerks are already required to ensure that the voting places are accessible and will exercise discretion when finding appropriate resources to identify and reduce barriers in their municipalities. Frankly, municipalities should have some flexibility to address these needs based on local circumstances and this varies right across the spectrum.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: Yes, as Mr. Hardeman did, I listened intently to John Rae, our second delegation on this bill, the vice-chair of the Council of Canadians with Disabilities. I fully support the resolution. I see nothing wrong with suggesting to municipalities that they do have other resources available to them with expertise in a barrier-free Ontario. The more people that can be brought in to create barrier-free places for voting, techniques and technology the better. I will be supporting the motion.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I think Mr. Hatfield makes a perfect point. Mr. Rae didn't say that preparing the plan was the wrong thing to do, but he was very concerned that the clerk, independently, may not be as well equipped to deal with all the challenges that the disability community faces. They should get as much information

and as much help in preparing that plan, and then getting it implemented, to deal with the shortcomings.

This really isn't about anything more than getting the right information to prepare a plan that will actually help people with disabilities, rather than just saying, "Yes, we have it accessible." What about the people whose disability isn't the stairs going in, it's other things? That should be part of the plan too. There's more than one disability.

This here says they should involve the disabled community in preparing the plan. I just can't believe that we're even having a discussion as to not putting it in—to make sure that we get as much information as we can to prepare the plan for the people that are disabled.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 4, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion does not carry.

Mr. Hardeman: motion number 5.

Mr. Ernie Hardeman: I move that subsection 12.1(3) of the Municipal Elections Act, 1996, as set out in section 11 of the bill, be amended by adding "and about the implementation of the plan" after "disabilities".

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Ernie Hardeman: Again, currently, Bill 181 requires clerks to prepare an accessibility plan before the election. Although there is a requirement for them to report after the election, there is no requirement for that report to include any evaluation of the plan.

During the committee, John Rae of the Council of Canadians with Disabilities said, "Subsection 2 provides that the clerk shall prepare a plan regarding the identification, removal and prevention of barriers. That is a useful framework, but that's all it is: a framework. In order to be successful, it must be added to and made more robust and prescriptive."

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That was direct from the disability community. I think that it deals with the same thing that I said in the last motion, which is that more needs to be done than just saying, "Somebody without the disability should just go out and prepare a plan," but there's no one who oversees whether the plan actually accomplishes what it needs to do. This here is saying directly what we heard: "Get it done. Don't just pass it over."

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, the motion implies that implementation of the plan is different than the identification and removal of barriers to the municipal election.

This motion is duplicate and unnecessary, as the section already requires the clerks to report on the identification, removal and prevention of barriers.

The Chair (Mr. Peter Z. Milczyn): Ms. Vernile.

Ms. Daiene Vernile: I'd like to state for the record—and you may appreciate hearing this, Mr. Hardeman—that the AODA is reviewed every five years. It's being reviewed this year and will be in place and updated for the next election.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I appreciate the comments. I will be supporting the motion from the official opposition.

I get regular updates from people involved in the disability community who regularly remind me that, despite the regular reviews of the AODA, the government is light-years behind in the promise and commitment to implement the recommendations of so many years ago. There's a timeline, there's a deadline for when things were supposed to be enacted, and they'll never get there, based on the evidence that the disability community sees so far.

It's one thing to say—with all due respect—that it's under review, when the disability advocates come to us and say, "We've got to have this plan. We support the plan, but you've got to make sure that it works, and you've got to make sure that we always continually improve the plan." Yet when you talk to various people within the disability community, they say that we're not doing enough. They had to raise the flag during the Pan Am Games about what was not happening on the disability front. At the Pan Am, Parapan American—whatever the title of the games is; it escapes me now—we had a lot of disabled athletes and their supporters in town. They kept telling us that we've got a lot more to do.

I just think that what has been suggested is not onerous. It's not picking on the government in any way. It's just trying to shape legislation that the disabled community would like to see, and would like to see implemented. I'll be supporting it.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Well, just to wrap up, I think the act says that the clerk must prepare a plan, but that's all it says about it. It doesn't say that they have to evaluate the plan. It doesn't even have to measure up to see, after the fact, whether it accomplished anything. It just says, "They prepare a plan."

For those of us who sit in the House, which is everybody on the committee, you will know that there is quite often a disagreement about when somebody asks for a plan. One side says, "We have a plan," and the other side says, "You have no plan."

The truth is that it doesn't make any difference in this case. The clerk has to prepare one, but no one can ever ask whether it actually works or whether it meets all the objectives of the disability act. Unless somebody with a disability takes it to court, nothing happens.

This amendment would require clerks to report on the implementation of their accessibility plan: “That’s your plan. How are you going to go about implementing it?” If nothing needs changing, then they’re going to say, “It’s all implemented.” If something needs changing, “It’s going to get done.”

I just can’t understand why this would not be a requirement.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I think that Mr. Hardeman started going down that road and I just want to finish what the legislation proposes to do.

Within 90 days—he’s right—after voting day in the regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect the electors and candidates with a disability and shall make the report available to the public.

So there is a follow-up, obviously allowing some flexibility to that, but the follow-up will detail the outcome of them creating a plan that works. I think this is a bit more of a flexible approach. I think it addresses the issue that the message will get out there that we need to provide a safe and reliable place so that all our folks with disabilities can exercise their democratic right.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I’ll just go back to the other comment. John Rae of the Council of Canadians with Disabilities disagreed with the parliamentary assistant that that was good enough, what the bill does. He says we need it to do more: We needed to have some follow-up; we needed to make sure it was implemented. That’s all this does. It doesn’t require more expenditures. It doesn’t require anything except that just preparing the plan is not enough; we have to help implement it. We have to make sure people with disabilities have the same opportunities as the rest of us when it comes time to vote.

I’ll leave it at that.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I too know that they will be looking at the plan afterwards, but what concerns me is that if you don’t have an implementation part of your plan—you’re going to prepare a plan, but if you don’t have goals and objectives to be met and implemented, when you go to do your follow-up report, you’ll be reading material such as, “The original plan said we should remove barrier A. We were going to do that; then something happened. But we’ll do it the next time,” as opposed to a plan that says, “Remove barrier A by such-and-such a date and then have a follow-up to make sure that that is done prior to election day.” That is your implementation plan that has been suggested in this amendment, as opposed to, “I have a plan and these are the barriers that should be removed,” and then a follow-up report that says, “We had a plan to remove the barrier, but we didn’t get around to it.”

That’s not good enough for the disabled community. They want to see goals and objectives. The implementation plan would set out those standards of barrier-free

access prior to the election. I think that’s what is important in this proposal.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 5, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion does not carry.

On section 11, is there any further discussion? Seeing none, shall section 11 be carried? All those—oh, Ms. Vernile, do you want to—

Ms. Daiene Vernile: I’m voting.

The Chair (Mr. Peter Z. Milczyn): Okay. On section 11, shall it be carried?

Ayes

Albanese, Dong, Hardeman, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 11 is carried.

There are no amendments tabled to section 12. Is there any discussion? Seeing none, shall section 12 be carried?

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 12 is carried.

Motion 5.1. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 13 of the bill be amended by adding the following subsection:

“(0.1) Clause 17(2)(b) of the act is repealed and the following substituted:

“(b) is,

“(i) a Canadian citizen, or

“(ii) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Canada) who meets the qualifications set out in the regulations;”

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The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: I guess the bottom line is that this would allow for voting by permanent residents in the province of Ontario at the municipal level. It is something that has been talked about, more so in the larger metropolitan areas than others.

I believe Toronto city council, in June 2013, passed its electoral reform resolutions including that the city

council request the Minister of Municipal Affairs and Housing to amend the necessary legislation to allow permanent residents the right to vote in municipal elections.

North Bay has also passed such a resolution. There's a website, City Vote, that's out there, dedicated to this, spearheaded by Desmond Cole.

The Maytree Foundation, if I can use some of their quotes—actually, they were quoting a Toronto Star editorial, arguing that extending the voting right is a matter of fairness and a way of bridging urban divides. It may even open up the democratic process and help more visible minority candidates win elected office.

“As the Toronto Star editorial points out, around a quarter-million newcomers live, work and play, and send their kids to school in Toronto”—just in Toronto. “They pay taxes and, as consumers of goods and services, contribute to the economy of the country's largest city. However, they do not get to elect their local representatives because they are not yet citizens. As they tend to settle in communities with very high concentrations of permanent residents, this results in a diminished political voice for entire neighbourhoods.

“At Maytree we have been advocating for the need to extend this right by echoing the legal and constitutional case for it made by Canadian Civil Liberties Association and by supporting City Vote....”

“CCLA believes the right to vote is so fundamental to a democratic society that there must be an extraordinary reason to deny it.”

Live here, Work here. Vote here. That's the tagline of City Vote's mission. It is to ensure that hundreds of thousands of permanent residents across Canada get to vote for their mayor, city councillor and school board trustee.

Now, it's becoming more of an issue than before “because a sharp increase in processing fees, longer residency requirements and the processing backlog could add more years to gain citizenship.

“Also, changes to the citizenship test have made it harder to pass.”

If you look at the statistics, the pass rates have been dropping from 83% just a few years ago, in 2011, to 73% in 2012.

Toronto city council was among the first to recognize the need for change. It believes in extending the voting rights to permanent residents. While it is awaiting approval from the government, North Bay, as I said, also came into it.

If you look at it, it goes beyond Ontario. In Atlantic Canada, Halifax, Nova Scotia, and Saint John, New Brunswick, have voted to ask for provincial legislation allowing permanent residents to vote in municipal elections.

When you think about it, these are people that are here. They buy a home, they pay property taxes, or they rent, and their landlord may not live within the community. He may live out of town or out of country. But these are the people that use the transit system, use

our libraries, send their kids to school, buy goods and services. You would expect, because of that, they are fully participating in society. Therefore, they should have a right to decide at the municipal level—it's for school board trustees as well—who are the people who will be making the decisions that will affect the lives of my children or who will be affecting my neighbourhood.

Many of these newcomers are the first to volunteer at the church, volunteer on the sports field to coach the soccer teams or the basketball teams. To be fully welcomed into society, they should have the right to vote. We keep saying we're a changing demographic in Ontario. We have persons of colour and persons with disabilities coming here and not being able to exercise the right to vote at the municipal level, which is the most grassroots form of democracy.

All, I believe—many of us with past municipal experience—would agree that, at the municipal level, that is a more direct, hands-on contact with the voters, as opposed to—I come from Windsor. I'm up here four days a week. I'm not on the street every day, as a Toronto city councillor is, meeting with the people in his or her neighbourhood, hearing from those people directly, not by email or telephone. It's the same when we elect people at the federal level and send them to Ottawa.

Having a voice at the municipal level—if you go into a neighbourhood and you say, “These people can't vote for me; I'm not going to listen to them,” as opposed to, “These people can vote; I better listen to them”—I think that's important. That's why I believe in giving the right to vote at the municipal level. I'm not talking about the provincial level, I'm not talking about the federal level, but at the municipal level for these people.

It's not just me. As I say, in city councils in Toronto, in North Bay, in Saint John, New Brunswick, and in Halifax, it's a growing thing.

You look at the new leader of the Conservative Party, Patrick Brown. He won the leadership vote by bringing in a whole bunch of newcomers to Ontario politics. I don't think there was anybody at the door saying, “Can I see your citizenship? Do you have the right to vote?” If you live in Ontario, you had the right to vote for a new leader. So why wouldn't you, at the same level, say, “You have the right to vote for your mayor or your city councillor or your school board trustee”? I just think it's an issue of fairness and I think it's high time we took the lead on it. Other people are ahead of us, but don't wait for it to become a fad and then finally catch up to it.

Let's take the lead on it and let's show the newcomers coming here that we value them and we respect them. Some of these people are coming here from countries where they've never had the right to vote. They're coming from regimes that denied them—or denied some of them, maybe their women—the right to vote, or whatever. They're coming here, and to feel great about living here, you give them the right to vote and make them feel more at home, and make them more aware of the true value they can bring to a democratic province and country by giving them the right to vote at the municipal level.

I fully support it. I hope you'll see your way fit to support it.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, obviously Mr. Hatfield has a lot of passion on this, and rightfully so, I must say.

The issue is we are now linked to Canadian citizenship on how we vote in municipal elections. At this time, the government does not have an appetite to change that.

Let me add a couple of things to that. Should we have a broader discussion on this issue? I think we should. I'm not sure that in the swipe of a pen here we should make those drastic decisions. I'm an immigrant. I was very, very fortunate that when I had the opportunity to vote for the very first time when I came of age, I was already a Canadian citizen.

As a young person—when I came here I was 12. I believe we had to be here five years back then to apply to become a Canadian citizen. Coming from the country where I was born, where elections seemed to be the norm every couple of months, sometimes a year—

Interjection: Eight months.

Mr. Lou Rinaldi: Eight months?

Interjection: It was the average, anyway.

Mr. Lou Rinaldi: So you got a lot of practice to vote. I think those folks were way more engaged in the voting process because they did it so many times.

I remember specifically one night, just before we went to meet the judge in a group setting to become citizens, my father said, "It's been a long time since we voted. This will give us an opportunity to vote." I remember that just as plainly as if it happened a minute ago.

1010

I'm not suggesting that's the only reason my mother and father and I—because I was young at the time—and my sister became Canadian citizens. This country adopted us and I'm very proud of it, and I'm also very proud to have roots from where I come from. But I think the reality of the day is that, should we go in that direction, as you're suggesting, as legislators, somewhere down the road or whenever—maybe it's a discussion we need to have.

I'm not saying no because the sky is going to fall in, but I'm not sure this is the appropriate time to engage in that discussion.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Well, I think Mr. Hatfield makes a very good case. I may be the only one in the committee who has been around long enough to remember when what he is suggesting was, in fact, the case. There was a time when, if you owned property, your nationality was not critical.

Having said that, I think we're going to be dealing with the Election Act further down about how we vote. My debate there will be that I think that should be a decision that the people beyond the present sitting government get to make. If you buy into that, then I think it makes reasonable sense to say that there's got to be more

input from the people of the province as to who votes, the same as how they vote.

I'm really torn between this because I agree with just about everything that Mr. Hatfield says—that people should have a right to vote. They pay the bills; they don't get a discount on their taxes in municipalities because they don't get to vote. There should be the same benefits for them, for the detriments that they have. But I do see the challenge with how the people should have a say in that.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I just want to chime in here. I think the people who now have the right to vote in municipal elections have worked very hard to become Canadian citizens in order to do that.

The other side of it is that if you allowed it to be someone who owned a house or owned property, that would mean Donald Trump would be able to vote in our municipal elections. I have great difficulty with someone who just owns property for a business and who is a citizen of another country voting in our elections, no matter what level it is.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: I won't belabour this. I'll just say that we often hear at the municipal level, "The province shouldn't be telling us what to do. We are a recognized, mature order of government and we should be making our own decisions." When you have the city council in Canada's largest city, the city of Toronto, voting for this right, asking the government for the ability to make this happen within their municipality, I think we should be listening. The people who elected the members of Toronto city council have as much voice and as much right to bring forth this kind of a change in the municipal electoral system, and we should leave it up to the municipalities to determine if that's what they want to do here.

Prior to this, we've talked about giving municipal councils the right to either hold a referendum or to make a change at the municipal level in certain aspects of this bill, and yet when they ask the government for the right to allow non-citizens to vote, we hear from the government, "No, we don't care what you think in Toronto. We don't care what you think in North Bay. We're going to shut you down." They don't want to hear that from the Legislature. They want to listen to the people that elected them, just as much as they elected us.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I just wanted to clarify that Mr. Trump couldn't vote here because corporations can't vote in Ontario. The reason I say that is because that comes into it. Regardless of if he's not a Canadian and doesn't reside here, just owning property as a corporation wouldn't allow him to vote.

Mrs. Laura Albanese: He has an apartment downtown.

Ms. Ann Hoggarth: He has an apartment and pays taxes.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman has the floor.

Mr. Ernie Hardeman: But I do share your concern on the need to make sure that the people we all represent, who all had to be a citizen to vote, should have a say in whether we change that system. But having said that—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, I will cut you off. It is 10:15. We're obligated to recess now. We will pick this up. The committee will be recessed and we reconvene at 2 p.m. this afternoon.

The committee recessed from 1015 to 1400.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. We'll reconvene and continue with our clause-by-clause consideration of Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

When we broke earlier today, Mr. Hardeman had the floor, and he was speaking to motion 5.1. Mr. Hardeman, do you want to continue?

Mr. Ernie Hardeman: Mr. Chair, the recess completely broke my chain of thought, so I have no more to say.

The Chair (Mr. Peter Z. Milczyn): I think you made your points before we broke.

Mr. Hatfield?

Mr. Percy Hatfield: Good afternoon. I'm just wondering, at the pleasure of the committee, if anyone wants me to do a 20-minute summary of what I said prior to the break so that we could know what we're voting on?

The Chair (Mr. Peter Z. Milczyn): Is there any further discussion?

Mr. Lou Rinaldi: I'm okay.

The Chair (Mr. Peter Z. Milczyn): So there is no further discussion? All right.

On the question on motion 5.1—to remind remembers, there has been a request that every vote be a recorded vote, so that's how we will proceed for the balance of the meeting. Shall motion 5.1 be carried?

Ayes

Hatfield.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Motion 5.2: Mr. Hatfield?

Mr. Percy Hatfield: Well, it was related to 5.1—

The Chair (Mr. Peter Z. Milczyn): Hold on. I apologize. I do have a ruling. I'm ruling this amendment out of order as it was dependent on the previous amendment, which was lost.

Mr. Percy Hatfield: Right. I was going to withdraw, but I'll accept your ruling.

The Chair (Mr. Peter Z. Milczyn): Thank you. I always welcome your assistance.

There are no further amendments to section 13. Is there any further discussion on section 13? Seeing none, shall section 13 be carried?

Ayes

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

Nays

Hatfield.

The Chair (Mr. Peter Z. Milczyn): The section is carried.

There are no amendments tabled to sections 14, 15 and 16. If it's the pleasure of the committee, then I will call a vote on sections 14 through 16, inclusive. Shall sections 14 through 16, inclusive, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Those sections are carried.

Motion number 6: Mr. Hardeman?

Mr. Ernie Hardeman: I move that section 17 of the bill be amended by adding the following subsection:

“(0.1) Subsection 23(2) of the act is amended by striking out ‘September 1’ in the portion before clause (a) and substituting ‘the nomination day specified in section 31.’”

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: This amendment would require the clerk to have the municipal voters list reproduced on nomination day. Under Bill 181, nominations close in July, but candidates don't receive the voters list until September 1. It's unfair to force people to register that early and then refuse to give them the voters list so they can contact their voters. This will represent a real challenge for school board candidates who are trying to contact only their voters.

We believe that the solution is to move the nomination cut-off date later in the year and match the distribution of the voters list to the nomination day. This is the first of a couple of amendments to make that change.

The concern was also raised during committee that the clerk is unable to verify signatures on the nomination papers because they are due six weeks before the list is prepared. This would allow the clerk to verify the signatures.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend against this particular motion. This change would conflict with section 19(1.1), which provides that the Municipal Property Assessment Corporation—MPAC—must deliver the preliminary list to the clerk no later than September 1.

It would also result in voters lists being distributed earlier in the election period, resulting in lower accuracy of the list that would be provided to the clerks and candidates.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I think that the parliamentary assistant has, in fact, made my case for the fact that MPAC can't provide the list prior to what is in this piece of legislation.

Our recommendation, through this amendment, is to move that deadline for the nomination so it matches the two. It's very difficult for the people who are going to be involved in the election, particularly the candidates running for the school boards, where they have to divide the electors between public and separate school supporters, because if you're running for the separate school, you're only going to contact the people who are supporting the Catholic system. If you move that further towards that, so that it's at the same time as it comes out, that would solve that problem.

The other thing we did hear about from municipalities, that this bill doesn't deal with, is what they call the "lame-duck period" within councils. Most of the time, the lame-duck period is referring to the period between the election and the time that the new council takes over. But there's also a lame-duck period between the time that nominations take place and the day that the new council takes over. If, on nomination day, three quarters of the seats of council could change through the election, that means there's a whole number of things that council cannot do during that whole writ period. The extension of that writ period is not going to shorten that lame-duck period. It's actually going to lengthen the lame-duck period from July 1 all the way to election day, until the new council takes over, or whichever of those comes first. The council is going to be restricted on what they can do.

We heard presenters come forward with the fact that the period was already too long, and this is going to lengthen that even more. I think that it will be very helpful for municipalities to move that nomination day just a little bit further south.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further discussion? Seeing no further discussion on motion number 6, shall it be carried?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Motion number 7: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 23(5) of the Municipal Elections Act, 1996, as set out in

subsection 17(3) of the bill, be amended by striking out "September 1" at the end and substituting "the nomination day specified in section 31".

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: This is similar to our last amendment. This is to ensure that candidates have access to the voters list when the campaign begins. Again, it's all the other issues that I brought up in the last one.

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The Chair (Mr. Peter Z. Milczyn): Thank you.

Mr. Ernie Hardeman: I'm sure, given the 50-50, that this time the parliamentary assistant is going to recommend that we support this one.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing no further discussion on motion number 7, shall the motion be carried?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Is there any further discussion on section 17? Seeing none, shall section 17 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 17 is carried.

There are no amendments tabled to sections 18 and 19, so with the agreement of the committee, we will vote on the two of them together.

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Sections 18 and 19 are carried.

Motion 8, on subsection 20(1) of the bill: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 20(1) of the bill be struck out and the following substituted:

"20(1) Subsection 27(1) of the act is repealed and the following substituted:

"List of changes

"Interim list

“27(1) During the period beginning on September 15 and ending on September 25 in the year of a regular election, the clerk shall,

“(a) prepare an interim list of the changes to the voters’ list approved under sections 24 and 25 on or before September 15; and

“(b) give a copy of the interim list to each person who received a copy of the voters’ list under section 23 and to each certified candidate.”

Chair, this is really a technical fix to the original bill. This section provides the deadline for preparation of the interim changes to the voters list.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, we will be supporting this motion, but I guess it really shows that—in our previous motion, we were talking about changing the date because of the timing of the voters list. Now, because this is required, we have to have an interim voting list to take up that time between what should be the nomination day and the list day being the same day. It seems to be that we’re going the long way around to move the actual start of the election, instead of what it is in the bill now, to when the voters list is ready. We will support it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment, shall the amendment be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments to section 20. There’s no further discussion. Shall section 20, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

Nays

Hatfield.

The Chair (Mr. Peter Z. Milczyn): Section 20 is carried.

There are no amendments tabled to section 21. Is there any discussion? Shall section 21 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 21 is carried.

Section 22: Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: That’s motion number 8?

The Chair (Mr. Peter Z. Milczyn): No, we’re on section 22. There are no amendments tabled for section 22.

Your party did file a notice of intent to vote against section 22.

Mr. Ernie Hardeman: Just quickly speaking to the motion—I think I spoke to it in the House and before. The suggestion that a volunteer firefighter should have to take a leave of absence to run for a seat on council: There’s absolutely nothing that the volunteer firefighter does that would in any way impact positively or negatively on, or give advantage or disadvantage to, their ability to run for council. It just seemed to me really awkward to suggest that, during the writ period—in fact, their neighbour’s house could be on fire, but they have taken a leave of absence so they can’t help put the neighbour’s fire out because they’re running for council. People who are volunteer firefighters and people who are on council, in my rural community, are doing both for the betterment of the community, and they, my friend, can do both at the same time.

I appreciate the fact that there is a suggestion here that the government agrees with me on this one and is going to do the same.

The Chair (Mr. Peter Z. Milczyn): Further discussion: Mr. Rinaldi?

Mr. Lou Rinaldi: I just want to recognize that we certainly are in agreement on this particular section. That’s why we have public hearings, right?

The Chair (Mr. Peter Z. Milczyn): Further discussion: Mr. Hatfield?

Mr. Percy Hatfield: I just should put it on the record as well that we had concerns with this section, and I’m glad that we’ve come to an agreement on it.

The Chair (Mr. Peter Z. Milczyn): Thank you. Shall section 22 be carried?

Nays

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 22 is lost.

Motion number 9, on section 23: Mr. Hatfield? Or—Mr. Hardeman. I’m sorry.

Mr. Percy Hatfield: I withdraw.

Mr. Ernie Hardeman: Thank you. You can read it, Percy.

I move that section 31 of the Municipal Elections Act, 1996, as set out in section 23 of the bill, be amended by striking out “July” and substituting “August”.

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: The government is actually creating a municipal campaign that is significantly longer than before. We've heard a lot of discussion, both in hearings at this committee and prior to that, in the lead-up to the minister introducing the bill, that the election was too long. Nominations will now close about six weeks earlier, on the fourth Friday in July instead of the second Friday in September. This would result in a campaign longer than the last federal election, and we all, in our ridings, heard that that was too long. But this is actually making that period longer.

The longer campaign will not only be exhausting for the public; it would create real hardships for all of the people who are forced to take a leave of absence from their job to run for office. We just dealt with the fire department because it was more obvious there, but there are a lot of people in municipal politics who have jobs where they have to take leave from their jobs to run for office. Obviously, lengthening the time frame that much is going to be difficult for a lot of people.

The government has stated that more time is needed due to ranked ballots, so we have allowed an additional two weeks. This gives clerks the time they need while minimizing the hardship to potential candidates. Our amendment doesn't take it right back to the length that it was. But we believe that the benefit it will provide to all the candidates who are running will be greater this way than the harm it will be doing by shortening that length of time for the clerk to prepare the ballots.

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With the size of the ballot, there isn't that much difference between whether it's a ranked ballot or whether it's a regular ballot. It's the same piece of paper. We believe that giving the bit of extra time to put together the whole framework would be a good idea. That's why we think that should be changed to shorten the actual writ period.

The reason we're not shortening it at the front end, and it's been mentioned before, is with political parties, we have the ability to raise funds for elections all the way through the term. It doesn't stop. With municipal, they can't raise any money or spend any money until they register, so that, in essence, starts the campaign. We're concerned that if we shorten that down any more, they wouldn't have time to raise the money. This here will not change that date. It will give them the same length of time, and I think everyone would benefit from it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: The proposals presently in the proposed legislation were established with a working group between the Ministry of Municipal Affairs and Housing, municipal clerks, folks supporting ranked ballots and other community advocacy groups. There was a round table established. What's in the legislation presently was recommended by them.

I would suggest that we not support this amendment, but we stick with what's in the bill.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to say that I respect the comments of the parliamentary assistant, but of all the people we spoke to here, which all of us had the opportunity to consult with, not one person came forward and said that we needed to lengthen the distance between nomination closing and election day. They all spoke about reducing the front end of the timing, which was the January 1 amount. There were no presentations made to this committee that suggested that we needed a longer actual writ period, which was the day nominations close. They all dealt with nominations opening, not nominations closing.

I respect what the government will do with it, but I think this would help all municipalities out, and all the candidates.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No? On motion number 9, the amendment to section 23.

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Is there any further discussion on section 23? Shall section 23 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 23 is carried.

Motion number 10, to subsection 24(1): Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 33(1.1) of the Municipal Elections Act, 1996, as set out in subsection 24(1) of the bill, be struck out and the following substituted:

“Endorsement of nominations for council

“(1.1) The nomination of a person for an office on a council must be endorsed by at least the following number of persons, and they may endorse more than one nomination:

“1. 100 persons, in the case of the nomination of a person for the office of mayor of the city of Toronto.

“2. 25 persons, in the case of the nomination of a person for any other office.”

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Ernie Hardeman: This really is just to increase the number of signatures on the nomination papers. Of course, everyone will recognize the reason why I suggested that there be more for the mayor of Toronto. Ten people or 100 people, it doesn't make that much difference, but at least it shows a sign that they have to go further afield to get the signatures to make sure that there is some support.

We heard from numerous presenters that having too many non-serious candidates makes it more challenging for voters to find out where the candidates stand on the issues. This would increase the number of signatures to run for mayor of Toronto at 100.

In the last election, of the 65 candidates for mayor in Toronto, six candidates didn't get 100 votes. I think that expressed quite a problem as to how you deal with people who put their name in but are really not serious about running a campaign to become the mayor. This would mean that at least they'd have to get that many signatures to get into the race.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I think we want a consistent process across the province. Elections are not just about elections in the city of Toronto. Mr. Hardeman will know that there are some very small communities in his riding, my riding and others across the province that this might create a challenge for. Frankly, we want to have some stability right across the province, and I suggest not supporting this.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment to subsection 24(1), all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On motion 11, subsection 24(1): Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 33(1.2) of the Municipal Elections Act, 1996, as set out in subsection 24(1) of the bill, be amended by striking out "an office within the municipality" and substituting "the office for which the person is nominated".

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: The reason for this—and it's no different from the previous discussion about how this isn't about Toronto; this is about all of Ontario—is that the situation is equal in all of Ontario and in my municipality of 9,000 people, that we have a ward system. In the act the way it is presently written, someone can run for a ward without a single signature from their ward. They

can get those signatures anywhere else in the municipality, rather than just in the ward.

I think it's very important that, if they're running for a certain area, the people in that area are the people who nominate him. The legislation presently doesn't do that. That's the reason for this amendment. So if you're running for ward 26, the signatures on your nomination must be from people who have the right to vote for you when the time comes. Presently, it just says you have to be from Toronto or, in my case, you have to be from South-West Oxford, and after you've got it signed by all the people in ward 1 you can go run in ward 9.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I think this makes for a bit of inconsistency, because the member would know that you don't have to run in the ward where you reside. You could run in any ward in that municipality so, frankly, it benefits everybody in that municipality. I recommend not supporting it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I was torn on this one, as a former city councillor from two different wards, after a boundary redistribution. Then, I thought, once I was elected on council, I wasn't making decisions as a ward councillor. For the most part, I was making decisions on a city-wide basis.

I accept the reasoning behind it, but on the other hand, I believe once you are elected to a body such as a municipal council, you don't confine yourself to making decisions just based on the interests of your ward as opposed to a city-wide population. So as much as I wrestled with it, at the end I think I just won't be able to support it.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: In answer to both the comments, I'm not suggesting that you should be from the ward you're running in but I believe those are the people you're going to represent. I do believe that they are the only people who should get to nominate you. It's their representative. The reason we have a ward system is so they can make that decision about who they're going to have representing them in the big picture at the city. Yes, the candidate would vote for the issues of the big city, but doing that in the frame of mind of the people they represent and how it will impact on them.

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If, in fact, you have no signatures from the people in the ward that you're running in, then there's no reason to have any signatures, because you have no direction from the people you're going to represent or, in fact, that you have that many people who want you to represent them, because that's not where you got the names. It comes down to, if you can get the signatures anywhere as a ward councillor, then you might as well not have signatures at all.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I guess my experience reveals that it's not so much the support you get on the nomination form, it's the support you get at the ballot box. Regardless from whence your nominators come—ward or city-wide—it's the voters within the ward that you're running in that will decide your fate, whether their name was on your nomination form or not. I'll leave it at that.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: I don't disagree with you, Mr. Hatfield, except, using that argument, why do we ask them to get any signatures? It's a lot of work. If the signature doesn't mean anything, because it's from someone who doesn't even have the ability to vote for you, then why does it matter that you got signatures at all?

The principle of it is that there is some sign that they have a certain amount of support—it's the same argument that I use for the mayors needing more—that there's some idea that you can get as many votes, at least, as the people who signed your nomination paper. But if they don't have to be from the office you're running for, then it doesn't tell you anything.

The second thing is that the parliamentary assistant suggested that it shouldn't be that way because you don't have to live in your ward. I totally agree, but if you don't live in your ward and run in that ward anyway, you can't vote for yourself in that ward either. That's a given.

The principle is that the voting process is going to take place and be done by the people in that ward, and I think that should be the process from start to finish, which is the nomination papers and the vote on the ballot.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to subsection 24(1), all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Motion number 12 on subsection 24(5): Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 24(5) of the bill be amended by striking out "May 1" at the end and substituting "April 1".

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: This amendment would allow candidates for municipal office to file their nomination papers on April 1 instead of May 1, as is currently stated in Bill 181. Unlike provincial and federal elections, there is no mechanism for municipal candidates to raise money

before the campaign. We heard concerns that candidates—particularly new candidates—needed a little more time to raise money.

April 1 will still result in candidates registering three months later than in the previous elections, but we believe that, in most municipalities, the cut-off for nominations will have a bigger impact on when the actual election takes place than the date when the candidates can start to register and begin raising money.

During the committee, Stephen Thiele, president of the Toronto Party for a Better City, said: "The power of incumbency is the largest problem at the municipal level. It happens all across Ontario. It is very, very difficult, in our current system, to defeat an incumbent. The act—and this act, which actually shortens the writ period—makes that worse, because it shortens the time period for a new or fresh face to fundraise."

Again, as in the previous amendments, this is to lengthen the ability of them to raise money, not necessarily changing the length of time—and it doesn't change the length of time—that the actual election takes place. The start for the election is exactly the same date. It just gives them an extra month to raise money.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, again, the distribution of board trustees, which determines the equivalent of wards for school boards, are finalized in mid-April. The April 1 deadline may require trustee candidates who have filed their nomination to withdraw their nomination and file a new one if the boundary distribution changes. Opening nominations on May 1 will avoid this issue.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment, all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

There are no further amendments tabled for section 24. Is there any further discussion on section 24? Seeing none, shall section 24 be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): It's unanimous. The section is carried.

There are no amendments tabled for sections 25 through 30, inclusive. If the committee agrees, then I will call a vote on sections 25 through 30, inclusive.

Ms. Daiene Vernile: Yes.

The Chair (Mr. Peter Z. Milczyn): We're agreed? All in favour of section 25 through section 30, inclusive?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous, so sections 25 through 30, inclusive, are carried.

Motion 12.1—just a moment.

Interjection.

The Chair (Mr. Peter Z. Milczyn): This is motion 12.1, an amendment to section 31. Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be amended by striking out “may, by regulation” in the portion before paragraph 1 and substituting “shall, by regulation, within 12 months after the day section 31 of the Municipal Elections Modernization Act, 2016 receives royal assent”.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: No, I think we're all cognizant of the difference in the meanings of the word “shall” and the word “may.”

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I would just say that the proposed amendment does not allow the flexibility of the Lieutenant Governor in Council to make a regulation when appropriate. It is inappropriate to impose a deadline on the Lieutenant Governor in Council to make a regulation.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I support this recommendation. I think the real challenge is when we had a briefing on this bill prior to even the second reading debate on it, the comment was—and still is—that there's an awful lot left to regulation in this bill, particularly on issues like the ranked ballots and so forth. I think one needs to know.

We had a great debate going on, both outside the Legislature and in the Legislature, about whether there was actually anything in this bill that dictated that municipalities must have consultation with their community before they could institute ranked ballots—and we're going to get to that later.

The question and the debate was, “Well, it was in the bill that you had to have one meeting.” It's not in the bill that you have to have one meeting. It's all by regulation. And at that point, when we asked that in the briefing, we were told that in fact they were hoping to have most of the regulations ready even before the bill was passed, because part of how you design the ranked ballots is going to dictate greatly whether it's the right idea to do.

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So to now suggest that it's not good enough—it's not flexible enough—to make it a year after the bill is passed,

I think, kind of throws in disarray the objective that we were going to have this done almost simultaneously with the bill being done—that would be within this time frame. So I guess, really, if the government members believe or think that we should have believed them in the first place, then I think they would support this amendment.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: There is a big difference between “may” and “shall.”

If the Lotto Max gets back up to \$50 million and I win, I may give everyone in this room—audio, translation, audience, ministerial staff—\$1 million each. I may, as opposed to, “I shall give them all \$1 million.”

There's a huge difference in “may” and “shall.” Tightening up the language, saying you shall do something, makes it very definitive, as opposed to, “Well, we may, if we get around to it, or we may not, or we may change our mind.”

In contracts negotiated in labour situations, the words “may” and “shall” are the difference between hundreds of thousands of dollars in legal fees at arbitration. “May” means a hell of a lot different than “shall.” This is just tightening it up so there's no dispute about it.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Our intent is still to have regulations up sooner rather than later. As Mr. Hardeman suggested that he hasn't seen any yet, I think you're going to see them in a very short time—before, probably, the legislation has passed in the House, for the first round. Of course, we have to wait until the legislation has passed to post it for another 45 days. That's the legal requirement.

I think by doing this, we'll give, on the changes specifically, a bit better advance notice to municipalities so they can get ready. The election is two years away, so we need to give them some time. I think you will see those regulations posted soon, before the legislation has passed—again, passed—officially post them then. So I would encourage us to leave that flexibility. It is not uncommon, Chair, that you cannot include everything tied to legislation, for future governments and Lieutenant Governor in Council to make those decisions to adjust to the needs of the day.

Interjections.

The Chair (Mr. Peter Z. Milczyn): Hold on. Through the Chair.

Mr. Walker?

Mr. Bill Walker: I'd just ask Mr. Rinaldi if he could clarify that he thinks they'll be here, or could he suggest that they shall be here in a short period of time?

Mr. Lou Rinaldi: It will be here.

Mr. Bill Walker: See, that's definitive.

Mr. Lou Rinaldi: You asked.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, shall the amendment to section 31 be carried?

Ayes

Hardeman, Hatfield, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Mr. Percy Hatfield: Mr. Chair, just to bring it to your attention, 14.1 and 17.1 are now moot.

The Chair (Mr. Peter Z. Milczyn): You are withdrawing 14.1 and 17.1?

Mr. Percy Hatfield: Yes.

The Chair (Mr. Peter Z. Milczyn): All right. Motions 14.1 and 17.1 are withdrawn.

Motion number 13, on section 31 of the bill: Mr. Rinaldi?

Mr. Lou Rinaldi: I move that the French version of paragraph 3 of subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following—so I need some of my French folks to help me out here. Glenn?

Mr. Glenn Thibeault: No pressure.

M^{me} Daiene Vernile: « 3. Le dépouillement du scrutin se fait en une ou plusieurs décomptées, à l'issue »—

The Chair (Mr. Peter Z. Milczyn): I apologize. Mr. Rinaldi, I believe that you didn't read it correctly. So could you reread it, please?

Mr. Lou Rinaldi: The first section?

The Chair (Mr. Peter Z. Milczyn): Yes—or Ms. Vernile, either one of you.

Mr. Lou Rinaldi: So you want the whole thing?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Glenn Thibeault: Do you want me to read it?

Ms. Daiene Vernile: You read it. Your French is better.

The Chair (Mr. Peter Z. Milczyn): Yes, in English and in French.

Mr. Glenn Thibeault: Okay, Chair. I move that the French version of paragraph 3 of subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following substituted:

« 3. Le dépouillement du scrutin se fait en un ou plusieurs décomptes, à l'issue de chacun desquels au moins un candidat est élu ou éliminé. »

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: What does it say?

Mr. Yvan Baker: You heard the man.

Mr. Glenn Thibeault: I'm not here to translate.

Interjection: Maybe legislative counsel can.

Mr. Ernie Hardeman: The question is, what is it translating?

The Chair (Mr. Peter Z. Milczyn): Could we have the English translation, please?

Ms. Laura Hopkins: The English version of paragraph 3 of section 41.1 appears in the bill and it's un-

changed. The motion makes a technical change to the terminology used in the French version.

Mr. Glenn Thibeault: That's exactly what I said.

The Chair (Mr. Peter Z. Milczyn): Further discussion? There being no further discussion on the amendment to section 31, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

Motion 14, an amendment to section 31: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be amended by adding the following paragraph:

“4. If there is a tie between one or more candidates in any round, the candidate with the greatest number of first place rankings shall not be eliminated.”

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: In the big picture, I think this is just to say that how you would break a tie is that the person getting the most first-place votes would win.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I hope it's not a silly question, but what if there are two candidates with an identical number of first-place ballots? What happens?

Mr. Ernie Hardeman: The odds are somewhat against that. I think at that point in time, it would have to be settled the same way they settle any other election of how you break a tie.

We're just saying that in a ranked ballot one, having the most first-place finishes should give you the win. But if they were both tied that way, it's possible that it could be decided by who then had the most second-place as opposed to third-place. That would still be left up to the minister to decide by regulation.

We just believe that it should be, by law, that the one who gets the most first-place votes is always the winner in tie votes.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, there is a working group working out the technicalities. I know that the opposition will love to hear what I'm going to say next: That will be dealt with in regulation, in due course. There are experts around the table pulled from the municipal sectors to determine all of the process of the ranked ballots and how they're counted.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I think that has been somewhat my problem with a lot of the things in this bill. We seem to be reluctant to leave it up to this Legislature and this group to make decisions. We're

going to leave it all to a third party that somebody is going to put together and they're supposedly experts on this.

I think that when it comes to counting votes and how they should be counted, there are no experts. I think it's "What is the right thing to do?" I think that decision should be made by the people in this committee and referred to the people sitting in the Legislature to decide on what the end result should be, and not to say, "We have a special group that we think can look after it much better than we can, so they can decide what they think is the best way to declare a winner." I think that's a decision that this committee and this Legislature should be getting to make.

1450

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 31—oh, Mr. Walker.

Mr. Bill Walker: No, sorry. I'm just way ahead.

The Chair (Mr. Peter Z. Milczyn): Let me finish calling the vote.

Mr. Bill Walker: My apologies.

The Chair (Mr. Peter Z. Milczyn): On the amendment to section 31: all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On 14.1: Mr. Hatfield is choosing not to advance that amendment.

So we'll move on to motion number 15, an amendment to section 31. This is also a technical amendment to the French language version. If members want to use their earpieces for the translation, you may do so. Mr. Rinaldi?

Mr. Lou Rinaldi: Mr. Thibeault should do that, because of the French.

The Chair (Mr. Peter Z. Milczyn): Mr. Thibeault? Motion number 15.

Mr. Glenn Thibeault: All right. Thank you, Chair. I move that the French version of paragraph 3 of subsection 41.1(4) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following substituted:

« 3. Les renseignements qui doivent être mis à la disposition du public relativement à chaque décompte du dépouillement du scrutin. »

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, as you indicated, this really is a technical fix on the French version.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Then, on the amendment to section 31, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was carried unanimously.

Motion number 16: an amendment to section 31: Mr. Hardeman.

Mr. Ernie Hardeman: I move that paragraph 11 of subsection 41.1(6) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, this amendment would remove the ability of the minister to override the Municipal Elections Act by regulation, and it's that broad. Bill 181 contains extraordinary regulation-making authority. Most concerning is paragraph 11 of subsection 6 which gives the government authority to make regulations on "Such other provisions of this act as the Lieutenant Governor in Council considers appropriate."

This means that, despite the public hearings on this bill and the debate in the Legislature and here in committee, cabinet can simply overrule any portion of the legislation by regulation. To me, that just negates the need for us being here at all. I think it's just a terrible clause to put into any piece of legislation, particularly one that deals with elections.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend voting against this motion, because the provision is included as changes may be required to certain sections of the act for the purpose of implementing ranked ballots for elections starting in the year 2018.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, if this legislation needs that broad a regulatory power that they can change anything in the bill without coming back to the Legislature—so this bill gets passed, and just that section says they never have to come back to make a change because they can change any part of this bill by regulation—then I really don't know why they brought forward this bill.

They could have just done it through regulation, just had one phrase that said, "The minister has the power, through the Lieutenant Governor in Council, to regulate municipal elections," period. Then he could have done everything that we've been talking about for days and days through regulation. I think for any government to think that they should have such broad regulatory powers just isn't right.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: My argument was this is really to deal with ranked ballots. It's new. We need some flexibility to try to make the right decision at the end of the day. This does not apply to the whole piece of legislation.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: That's the problem. This isn't just about ranked ballots; this section gives the minister regulatory powers over the whole act and gives you everything in the act by regulation—not just ranked ballots; everything else, too. That's why we're making that—they shouldn't have that kind of power in any piece of legislation, particularly elections legislation. It just doesn't make sense.

The minister could, by regulation, take all the dates out of it so we no longer have municipal elections. That would be what this section says. I think that's wrong.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 31:

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On motion number 17, an amendment to section 31: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 41.1 of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be amended by adding the following subsections:

“Public consultation before making regulations

“(8) The Lieutenant Governor in Council shall not make any regulation under subsection (1) unless,

“(a) the minister has published a notice of the proposed regulation in The Ontario Gazette and given notice of the proposed regulation by all other means that the minister considers appropriate for the purpose of providing notice to the persons who may be affected by the proposed regulation;

“(b) the notice complies with the requirements of this section;

“(c) the time periods specified in the notice, during which members of the public may exercise a right described in clause (9)(b) or (c), have expired; and

“(d) the minister has considered whatever comments and submissions that members of the public have made on the proposed regulation in accordance with clause (9)(b) or (c) and has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the minister considers appropriate.

“Contents of notice

“(9) The notice mentioned in clause (8)(a) shall contain,

“(a) a description of the proposed regulation and the text of it;

“(b) a statement of the time period during which members of the public may submit written comments on the proposed regulation to the minister and the manner in which and the address to which the comments must be submitted;

“(c) a description of whatever other rights, in addition to the right described in clause (b), that members of the public have to make submissions on the proposed regulation and the manner in which and the time period during which those rights must be exercised;

“(d) a statement of where and when members of the public may review written information about the proposed regulation; and

“(e) all other information that the minister considers appropriate.

“Time period for comments

“(10) The time period mentioned in clauses (9)(b) and (c) shall be at least 90 days after the minister gives the notice mentioned in clause (8)(a).

“Discretion to make regulations

“(11) Upon receiving the minister's report mentioned in clause (8)(d), the Lieutenant Governor in Council, without further notice under subsection (8), may make the proposed regulation with the changes that the Lieutenant Governor in Council considers appropriate, whether or not those changes are mentioned in the minister's report.

“Review

“(12) Any person resident in Ontario may make an application for judicial review under the Judicial Review Procedure Act on the grounds that the minister has not taken a step required by this section.

“Time for application

“(13) No person shall make an application under subsection (12) with respect to a regulation later than 21 days after the day on which the minister publishes a notice with respect to the regulation under clause (8)(a).”

1500

The Chair (Mr. Peter Z. Milczyn): Further discussion, Mr. Hardeman?

Mr. Ernie Hardeman: Chair, this amendment would require a minimum of 90 days of public consultation on regulations regarding ranked ballots.

The key message is that the rules regarding an election should not be made by one party behind closed doors. We need to ensure that all people who are impacted by the rules—candidates, municipal clerks, people dealing with disabilities and others—have the opportunity to review and comment on these regulations.

During the committee hearings—and I think that this is important—Katherine Skene of RaBIT, the Ranked Ballot Initiative of Toronto, stated,

“Insofar as ranked ballots are concerned, the legislation you are considering is actually quite limited in terms of specifics. From our reading, this legislation largely states that municipalities may choose to use ranked ballots for their elections and that the provincial govern-

ment is empowered to promulgate the regulations that would actually enable those municipalities to do so. It does not go much beyond this.”

I think that’s the important part. There is nothing in there as to how the minister is going to prepare the regulations. The government on the other side keeps talking about, “We don’t know how this is going to work. This is a brand new game here. We want to make it broad so we can do a whole lot of things, because we might try something and it doesn’t work.”

There’s nothing in here about the process that’s going to involve the public in making all of those decisions. Who’s going to decide how it’s going to work and who’s going to decide on whom it’s going to work for? That’s, I think, a real concern. I think we do need to look at that.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, starting from my conclusion in the comments: What the member is suggesting would not make it possible for any municipality to use ranked ballots by 2018. The time frame would not allow that to happen, if he’s recommending that people go through all those steps.

We’ve heard from some municipalities—we heard both sides, to be honest—that have even passed resolutions, waiting for the government to make the decision on whether this would be allowed for the next election. AMO accepted the process that some municipalities—they didn’t take a stand as an association—would like to try it.

If we go through the process of the amendment that the member is suggesting, it would not really give municipalities that want to try ranked ballots time to put a process in place. As I stated before, there will be detailed regulations that we’re going to see in a very, very short time. The public will have an opportunity, for 45 days, to have an input into the process.

There have been regulations that have been changed from the proposed in the past, if there is anything substantial that would interfere or create any kinds of headaches. I would think that municipalities and the public would have an interest to look at those regulations.

Chair, we cannot support this.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I can’t understand—and the parliamentary assistant has tried to explain to me, but either I’m a little dense or he’s very poor at explaining something. Is the government suggesting that we are proposing a system of ranked ballots and we have absolutely no idea of how we’re going to do it?

Mr. Lou Rinaldi: No.

Mr. Ernie Hardeman: Because that’s what you just said: We have to have broad powers because we don’t know what we’ll find yet when we decide to say yes to the ranked ballots. How long is it going to take? What are we going to do? What are we going to create? If you have none of that, how can you possibly say that it’s even an idea worth considering, if you’ve done no studies at all or looked at anything about whether this will work?

Then, to say, “Well, because it will be quite complicated and may take quite a while, we don’t want to tie the minister’s hands. We want him to be able to just put something together any way he wants, because we don’t really think that you should get anybody else involved”—at least, not people who might not have the same views as he has. They just say, “Go ahead. You prepare it. We can set a committee up that comes up with the right—in my best interests,” and I’m speaking as you would, but not to bring any public into it to see whether it’s being designed in the best interests of the public. How is the municipality, if this bill passes and they can do it and we’ll say “September 1”—if they know nothing about what a ranked ballot system looks like, how are they supposed to decide that they want the ranked ballot, because you haven’t designed it and you’re not going to design it until they decide whether they want it? It just doesn’t make any sense, Parliamentary Assistant.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I was talking to somebody who made a presentation earlier, and he said to me that he ran out of time before he made the observation that when the Harris government forced amalgamations and mergers of municipal boundaries, they didn’t offer referendums of the municipalities at that time. He wanted me to make sure that I mentioned, at this time, that there was no referendum then and there doesn’t have to be a referendum now.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi?

Mr. Lou Rinaldi: Thanks. You stole my thunder a little bit. As we’ve been saying all along, there will be public input. I think the member is going way, way outfield with a lot of assumptions. We said all along that, if this legislation is passed, municipalities will have an opportunity to set up a processing place where they have to have some type of public consultation. That will be spelled out, as I’ve said before and I’m going to repeat it again, in regulations. They will be out and posted beforehand.

I guess the challenge that I find—and not to repeat what my good friend from the NDP had mentioned: We seem to be embarked on a way that says that we need to involve referendums and public input. The member will well know, because you were here and I was a mayor of a municipality at the time, when four hours of debate led to a decision on amalgamation in this province. Municipalities had no power to make any decision except to scramble and see who they could get married to at the last minute. So now all of sudden we’ve become creatures who can’t do anything without a referendum.

If we’re going to have a referendum, I’m not sure what the purpose of us being here is, then. We can’t make any decisions—that’s to quote the member. I think we’re being flexible and we’re being adaptive. At the end of the day, we must remember that a municipality doesn’t have to accept it. We’re not shoving this down their throat like it has happened in the past. On this side, we do have respect for municipalities. You’ve heard from AMO

that they're prepared to work with us—those municipalities that want to. I get a bit frustrated, and pardon me if I do get frustrated, when I hear those comments that we're ignoring everybody.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Well, Mr. Chairman, I know we've gotten out of order because the motion we're presently dealing with has nothing to do with referendums. It was good to bring it up, but you brought it up at the wrong time. But the issue that the parliamentary assistant is talking about is that we're going to set up a consultation process. For the benefit of the people in the municipal sector, they should know what the process is—not necessarily the results. But there is nothing in this, in the whole bill—it gives the minister the power to set up the process, but he doesn't set it up. He doesn't say, "There will be a meeting." It doesn't say, "You will have public hearings." It doesn't say anything about what they have to do. There's no framework. There's just that he has the ability, by regulation, to ask for that.

We as a committee, and we as the Legislature when we vote on this for third reading, will have no assurances that he will see fit to do it, because there's nothing in here that mandates it. In fact, the closest we came to mandating it was the NDP motion to change the "may" to "shall," and that didn't pass because you didn't want to make any solid commitment that you will do anything other than what's in the bill. That's the only reason I'm putting this forward. But this isn't the section—and we will speak to it when we get there—on referendums.

1510

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none on the amendment to section 31, all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Mr. Hatfield has indicated he will not be moving motion 17.1, so we're moving on to motion 18, an amendment to section 31. Mr. Hardeman.

Mr. Ernie Hardeman: Now we're there.

The Chair (Mr. Peter Z. Milczyn): Now we're there.

Mr. Ernie Hardeman: I move that section 41.2 of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following substituted:

"Preconditions for ranked ballot elections

"41.2(1) No municipality shall conduct a ranked ballot election for an office on its council unless,

"(a) the election is authorized by a regulation made under section 41.1;

"(b) the municipality has held a referendum of the persons entitled to be electors at the election and at least the designated percentage of the ballots cast in the referendum authorize the council of the municipality to pass a by-law authorizing the election; and

"(c) the council of the municipality passes a by-law described in subsection (2) and a by-law authorizing the election.

"Designated percentage of ballots

"(2) The council of the municipality shall, by by-law, designate the percentage mentioned in clause (1)(b) which shall be at least 50 per cent or at least 60 per cent, as the council determines.

"Application of act to referendum

"(3) The referendum is an election to obtain the opinion of the electors in the municipality on a question required by law as described in paragraph 3 of section 3 and this act applies to the referendum with necessary modifications, except as otherwise provided.

"Exception

"(4) Sections 8, 8.1 and 8.2 do not apply to the referendum.

"Wording

"(5) The wording of the referendum question shall be,

"(a) clear, concise and impartial; and

"(b) capable of being answered in the affirmative or the negative and the only permitted answers to the question are 'yes' or 'no'."

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: In the debate on this bill we've had a lot of debate about this and, obviously, it has been in the works for a long time. But we did hear a lot about it. Actually, it even surprised me, and I'm sure it surprised the government side. There were a lot of people who came in with comments about it—about the ranked ballots—who were not necessarily favourable about that approach. I think it's very important.

We've heard some comments about other things that have happened in former governments. I'm not sure that—20 years ago, or 18 years ago—the decisions of that day should drive us to do what we're doing today, but, at the same time, none of those were actually about the basics of my right to vote and what that vote does. Okay?

We have had, forever, not just then—we've forever had municipalities changing in size and changing in complexities. We've had boundary adjustments and we've had all these things, but the right to vote and how you vote and how your vote is counted is pretty important to people, at the most.

I think one of the things that I'd just like to put in the record are some of the things that have happened. In October 2015, the Toronto city council passed a motion which recommended:

"j. that the province should not proceed with amendments to the Municipal Elections Act to provide for ranked choice voting;

“k. that if the province does amend the Municipal Elections Act to provide for ranked choice voting;

“a. the use of ranked choice voting be optional for the city of Toronto; and

“b. the city of Toronto only be permitted to implement ranked choice voting after holding public consultations and a referendum;”

Now, if we go back to where this debate started—and it was part of an election platform—it was at the request of the city of Toronto. After more research and after they looked into it, this is the motion they then passed. They don’t want it because they have looked at it, they heard similar presentations to what we heard here and, in their opinion, it doesn’t work. So they don’t want it.

These are quotes and information we got from the presentations we had.

“We recommend that a local consultation process, the goals of which should include those expressed in the purpose clause of the legislation, should be required before a municipality makes significant changes to the way councillors are elected or at the request of citizens seeking such changes.” That was Fair Vote Canada that presented.

Another one: “The earliest Hamilton will allow how its municipal politicians are elected won’t happen until at least the 2018 municipal election with a city-wide plebiscite, said Mayor Fred Eisenberger...”

“Eisenberger said holding a plebiscite is important since it will encourage the public to get involved in the political process to determine if they want a change in how the electoral system is administered.

“‘I don’t think it’s a bad idea,’ said Eisenberger. ‘A significant change of this order and magnitude in terms of (having a public voice), you need probably a stronger voice than usual on the issue.’”

He believes that even though he supports the ranked ballot, we should have a referendum on it.

“A provincial referendum or some method of formal public consultation on ranked ballots should be conducted prior to amending the Municipal Elections Act to permit ranked ballots”—from the city of Markham’s submission to the Municipal Elections Review Committee.

“Canada’s electoral system is the basis of our democracy. Considering the potential impact, no one government or political party has the authority to fundamentally alter our democratic system. If our system is to be reformed, it is up to the people of Canada to decide directly through a referendum.” Again, that’s changing the electoral system, and that was by the Defend Democracy group.

“Given the vagueness in the current bill, I would definitely recommend a change to require that any municipality that opts to change its voting system must hold a referendum of citizens prior to making the change.” That was presented here by OPSEU president Warren Smokey Thomas, who presented on May 12.

“My main concern with Bill 181 is that it allows individual municipal councils in the province of Ontario to make changes on the way that we elect our representa-

tives, with little or no public consultation with the voters. The fact that these decisions can be made without holding a binding referendum is, at the bare minimum, concerning.

“I can’t stress enough the importance of seeking comprehensive public input and holding a referendum before any changes are made. Direct voter input about how we vote in elections is critical, and I personally can’t support a bill that takes democracy away by allowing a government to change the way they are elected without appropriate consultation. As elected officials we have a responsibility to consult the voters in the province of Ontario.

“Ontarians must have a choice via a referendum before we embark on changing our voting system. Failure to do so is a slap in the face to the voters and is counter to everything we stand for as a democracy.” Mike Cluett, local and regional councillor in the town of Milton. Again, it was presented at this committee.

“Where I have an objection with the proposed legislation is that it does not give voters a mandatory and required referendum on an electoral system change. I think that’s a requirement. I think there are two areas where it is required in a modern democracy: one on constitutional change, and the other on electoral system change, because it has such an impact for such an extended period of time.”

“I’m fundamentally here to say that there should be referendums.” Bill Tieleman, president of the No BC-Single Transferable Vote committee.

“For all the talk about electoral reform that Canadians have been exposed to over the past few months, the only consensus is on the need to hold a referendum on any proposal that is made.” Mario Canseco, vice-president of public affairs at Insights West polling company.

There is a whole bunch more here, Mr. Chair. One from the media: “If you want to fundamentally change how people elect their representatives, then surely you need the consent of the people who do the electing. If any government, legislation, or reform advocate believes the public truly wants to overhaul the voting system, then they should be willing to put it to a democratic vote. Anything other than that is both paternalistic and elitist.” Andrew Dreschel of the Hamilton Spectator.

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“We have a system of representative government. We elect people every four years to make decisions on our behalf. Changing the electoral process is so fundamental that every Canadian should have a vote in the outcome.”

“Referendums on voting change have already been held in three provinces, setting a precedent of sorts. All failed, and some reformers are so hell-bent on dumping first-past-the-post that they are urging the Liberals to be ‘brave’ and move ahead on their own hook. That makes no sense. The lesson of past referendums cannot be that the people are too blind or foolish to see the light; it must be that those who want change have to do a better job of persuasion.” That’s the Toronto Star editorial in January 2016.

There are a couple of more here that I just want to put on the record.

“We were the party that opened the discussion and put the referendum on the ballot. So, I think it is clear that we are open to having these discussions.” I think that’s one of the most interesting ones, because that is Kathleen Wynne in the Toronto Star.

There’s another one here. During the debate on the electoral system reform act, which was brought forward by this government, the minister responsible for democratic renewal said, “A decision to change electoral systems should not be taken lightly. Regular elections allowing citizens to choose who will represent them and govern are the foundation of our democracy, and so we have developed a referendum process so that Ontarians can make a choice on the future of the electoral system by which they elect members to this Legislature.” That was by the minister of democratic reform for this government a number of years ago.

A quote from the Select Committee on Electoral Reform, which, incidentally, included Kathleen Wynne: “Legitimacy must also apply to the process by which electoral reform is achieved. If the process is unimpeachable, even those who disagree with the eventual outcome can accept it as legitimate. Such judgements are at the heart of democratic decision-making. A key ingredient in that process will be measuring public support through a plebiscite or referendum, about which more is said below.” So even the Premier and the committee she was on said that for something like this, you should have a referendum.

This isn’t about whether referendums have been held before. This government said we were going to do that when we wanted to change the voting system in the province of Ontario. They put the package together, and we had an election on it and it failed. But we had the election on it.

Now, all of a sudden, we’re going to give somebody the power to do this without even holding a public meeting to discuss it with their people. I think that’s just terrible, and as they say, that’s my story and I’m sticking to it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: The member from Oxford is absolutely right: I did misspeak earlier. I was speaking on 17 when I should have been speaking on 18, because I’d crossed out 17.1 and lost my place for a moment on the agenda. So take the comments I made about the referendum earlier and just cut and paste and put them here, and I’ll be quite content with that.

What is being suggested makes sense, and it should be at the municipal level. Those comments should be in front of a municipal council when they decide if they want to hold a referendum before they discuss ranked balloting. But at this level, we’re giving the municipality the option. If they want to go ahead with it or not, and hold a referendum or not, that’s up to them to make that decision.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, you can cut and paste what Mr. Hatfield said and put it as my comments, but I would just add that there will be an opportunity for comment.

We keep on referring to municipalities as a responsible level of government, and I think we should treat them as a responsible level of government. If they wish to have a referendum, so be it. I think we’ve heard that from some municipal leaders who were here. We heard that from AMO and we heard that from some interest groups, for sure.

I recommend that we don’t support this.

The Chair (Mr. Peter Z. Milczyn): Mr. Walker.

Mr. Bill Walker: I just want to echo my colleague for Oxford’s comments: Anything to change an electoral system is fundamental to democracy, and I think there has to be a referendum to allow the people who are going to be most impacted to exercise their fundamental right of voting and changing the system, which is truly going to impact every single one of them. I definitely support what he’s suggesting: that there has to be a referendum before there would ever be anything like a ranked ballot system.

The Chair (Mr. Peter Z. Milczyn): Thank you.

Mr. Ernie Hardeman: Mr. Chair, I’m not going to read more quotes into the record. I have plenty more to read.

But I do have a few questions, if I could ask the parliamentary assistant; I think that’s how that’s supposed to work here at committee to get answers from the government. We had a couple of presenters state that ranked ballots resulted in higher error rates for voters who are lower-income or multicultural. In fact, the researcher from MIT reported that the first time this system was used in San Francisco, there was a significantly higher error rate among people with lower income and Hispanics.

Do you know, parliamentary assistant, whether the government did any research into that before putting forward this bill? Does it have a different impact on different parts of the province when it comes to errors in voting, or would it have that?

Mr. Lou Rinaldi: The only thing that I can share with you, Chair, is that there are parts of the world where they use ranked ballots. I don’t have the specifics that the member is asking for.

Mr. Ernie Hardeman: Ontario is—and we all know this—a very multicultural province. Did the government do any research into the impact of the language barrier and whether changing to the system that requires more explanation would make it more difficult for cultural communities to vote? I think that we had a presentation here from someone who had done different numbers on different areas of the places where they had ranked ballots. In fact, he found some interesting things that he told us. But I just wonder whether the government did any work on seeing what impact that could have.

Mr. Lou Rinaldi: Chair, I respect the member. I paid quite a bit of attention to his rationale for pushing this

forward. I don't have any more to add to that, Chair. I'm not sure that we're going down whatever path he intends to go, but I certainly have no intention of going down that path.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Just one more: One of our presenters told us that ranked ballots actually—this is in the talking about some of the things that we're hoping ranked ballots would produce. They suggested that the ranked ballots actually resulted in less diverse councils.

If a municipality applies to do it, have you done any research to say whether you should say “yes” or “no,” or what you would need to do, as it relates to trying to give us more diverse and more representative councils in our communities? No answers?

Mr. Lou Rinaldi: I think that I made my comments.

Mr. Ernie Hardeman: Just one final question, then: Did you do absolutely no research on this before you decided that this was a good idea?

Mr. Lou Rinaldi: I made my comments, Chair.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Lou Rinaldi: This is not question period.

Mr. Ernie Hardeman: Well, that's what this committee is supposed to do. You're supposed to have discussion.

The Chair (Mr. Peter Z. Milczyn): One at a time.

Mr. Baker.

Mr. Yvan Baker: Chair, I think that the PA has answered the questions, so I think that we're ready to move on.

The Chair (Mr. Peter Z. Milczyn): No Further discussion? Mr. Walker.

Mr. Bill Walker: I think that, to my colleague's point, these are very specific questions that were asked not just by us, but by the public—who, again, this all comes down to. That's who we are here to represent.

We've been given information that suggests that there are concerns, and you would hope—particularly when there is all of this thought that everything is going to be done by regulation in this bill—that you've at least done the homework and you've at least gone out and done the research to understand what has happened in other times, other circumstances and other communities, so that we don't make errors that are going to have a colossal impact on something as fundamental as our democratic right to vote.

I think that we deserve some answers in regard to this. Did you do any homework or any research whatsoever? Yes or no?

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I remember asking the representative from Ottawa123 when he suggested that ranked balloting would increase visible minority representation on municipal councils. It was more hearsay of what they thought would happen because people who might otherwise not—they wouldn't get the first vote necessarily, but they might get some second- or third-place ballots

that would then push them on to the elected part of the ballot.

1530

But I don't think, as far as I know, there is any necessarily hard evidence that would support that visible minorities or female candidates would end up in more elected positions under a ranked ballot. It's a theory, and I don't disavow the theory, but I don't think we've yet seen any evidence one way or the other on the positive results of it. But we did ask the questions at the time to the people who were speaking in favour of the initiative.

The Chair (Mr. Peter Z. Milczyn): Mr. Walker?

Mr. Bill Walker: Mr. Chair, just out of respect for the multicultural communities that we're elected to represent, to the people that may have language barriers, one of the biggest challenges we have, and I think everyone would agree in this room, is that there is a lot of apathy in regard to voting and the number of people that actually vote. There are valid concerns being raised that there could be a situation where fewer people will vote because it's going to be more difficult to actually understand what the impact of this is and how they should vote and how they understand which way they might wish to vote.

If the government is not going to make a comment, then I would suggest, on the record here, that if they're not going to say they did research, then we will assume that they did no research and thus they're not respecting those multicultural communities so that they can actually participate in our democracy, which is one of the things that, again, they sign when they become a citizen of Canada.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further discussion? Seeing none, on the amendment to section 31—I'll let Mr. Hardeman get in his seat—all those in favour of the amendment?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Is there any further discussion on section 31? Seeing none, shall section 31, as amended, be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): Section 31, as amended, is carried.

Motion number 19, on section 32: Mr. Rinaldi.

Mr. Lou Rinaldi: I will do this one. There's no French; I'm waiting for an Italian one, though, Chair.

I move that section 32 of the bill be amended by adding the following subsection:

“(2.1) Clause 42(3)(b) of the act is repealed and the following substituted:

“(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed.”

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Lou Rinaldi: Chair, this is really a technical fix—I’ll carry on, sorry—to propose a change to ensure clerks can comply with the requirements to provide candidates with a copy of the procedures and forms.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): It’s unanimous. The amendment is carried.

Motion number 20, amendment to subsection 32(2.2): Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 32 of the bill be amended by adding the following subsection:

“(2.2) Subsection 42(4) of the act is amended by striking out the portion before paragraph 1 and substituting the following:

“Same

“(4) The following rules apply with respect to the clerk’s duties under clause (3)(a):”

Once again, this is a technical fix to remove the requirements for the clerk to provide a copy of procedures to persons before they become candidates. Nominations will be filed beginning May 1.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Through you, Chair, was that your talking point for motion 19 or for motion 20?

Mr. Lou Rinaldi: For 20.

Mr. Percy Hatfield: For 20? All right. My motion 20 says it tightens up procedures for vote-counting equipment.

Mr. Lou Rinaldi: Oh.

Mr. Percy Hatfield: My 19 says the clerk gives procedures and forms to the candidate when the nomination is filed.

Mr. Lou Rinaldi: I’m just confirming that—

Mr. Percy Hatfield: No big deal.

Mr. Lou Rinaldi: No, just to clarify it, though.

Do you want to arm-wrestle in the meantime, to see who’s right?

Mr. Percy Hatfield: Oh, you would win.

Mr. Lou Rinaldi: Whew.

We’re good? We’re good.

Mr. Percy Hatfield: All right.

Mr. Lou Rinaldi: But thanks for bringing it up.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to subsection 32(2.2), all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments tabled to section 32. Is there any further discussion? Shall section 32, as amended, be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): Section 32 is carried.

There are no amendments tabled for sections 33 and 34. If the committee is in agreement and there’s no further discussion, I will call the question on those two sections. Shall sections 33 and 34 be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Sections 33 and 34 are carried.

Motion 21, an amendment to subsection 35(1): Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 35(1) of the bill be struck out and the following substituted:

“35(1) Subsection 45(4) of the act is amended by striking out ‘provide a space for use as a voting place, free of any charge related to the provision of space’ at the end and substituting ‘provide, free of any charge, a space for use as a voting place’.”

At the end, this substitutes “provide, free of any charge, a space for use as a voting place.” Once again, this is a technical fix requested by the city of Toronto.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment to subsection 35(1), all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no other amendments tabled to section 35. Is there any further discussion? Shall section 35, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 35 is carried.

1540

The Clerk of the Committee (Mr. Eric Rennie): As amended.

The Chair (Mr. Peter Z. Milczyn): I thought I said “as amended.”

The Clerk of the Committee (Mr. Eric Rennie): Oh. Sorry.

Mr. Peter Z. Milczyn: Okay. Section 35, as amended, is carried.

There are no amendments tabled for sections 36 through 41, inclusive. If the committee agrees, I will put the question on those items together. No further discussion? Shall sections 36 through 41, inclusive, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Sections 36 through 41, inclusive, are carried.

Motion number 22, an amendment to subsection 42(3): Mr. Hardeman?

Mr. Ernie Hardeman: I move that subsection 42(3) of the bill be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: I think it’s just that the question was about the recounts. In fact, that part of the bill says that the judge can decide to do it in a different manner than the original election, except with the ranked ballots. If it was a machine that was wrong or something, it would mean they still have to do it with that same machine. So it’s trying to clean it up.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No further discussion. On the amendment to subsection 42(3), all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

There are no other amendments tabled for section 42. Is there any further discussion? Shall section 42 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 42 is carried.

There are no amendments tabled for sections 43 through 46, inclusive. If the committee agrees, I will put the question for those together.

Ms. Daiene Vernile: Yes.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall sections 43 through 46, inclusive, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): It’s unanimous. Sections 43 through 46, inclusive, are carried.

Motion—

Mr. Percy Hatfield: Chair, can we have a five-minute break?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield wants a five-minute recess. All those in favour? Okay. A five-minute recess.

The committee recessed from 1543 to 1551.

The Chair (Mr. Peter Z. Milczyn): We’ll reconvene.

We left off at motion number 23, an amendment to section 47. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 88.2 of the Municipal Elections Act, 1996, as set out in section 47 of the bill, be amended by adding the following subsection:

“Same

“(4) Despite subsection (3), no landlord, person, condominium corporation or agent may prohibit the display of signs in relation to an election in common areas of the building if space in the building is being used as a voting place.”

Once again, this is a technical fix necessary to ensure that election signs are not prohibited in spaces being used as voting places.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Just a question: Is that including a candidate’s name, “Vote for Lou,” as opposed to, “This is a voting place”?

Mr. Lou Rinaldi: I think so.

Mr. Percy Hatfield: It means you’re allowed to have “Vote for Lou” up in the building?

Ms. Daiene Vernile: No. Just electoral signs.

Mr. Lou Rinaldi: No, just electoral signs.

Mr. Percy Hatfield: Proclaiming that this is a voting place.

Mr. Lou Rinaldi: Yes.

Mr. Percy Hatfield: Is that clear enough, do you think?

Mr. Lou Rinaldi: I think so.

Interjection.

Mr. Lou Rinaldi: There is another section in the bill, which details what signs can be put where, that would cover this.

Mr. Percy Hatfield: All right.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment to section 47, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments tabled to section 47. Is there any further discussion? Shall section 47, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 47, as amended, is carried.

Motion number 24, an amendment to section 48: Mr. Hardeman?

Mr. Ernie Hardeman: I move that paragraph 2 of subsection 88.3(3) of the Municipal Elections Act, 1996, as set out in section 48 of the bill, be amended by striking out “business”.

This is just a housekeeping thing. There are a lot of people that would not have a business address. Volunteers who don’t have a business address—this takes that out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Lou Rinaldi: Again, I recommend voting against. The current proposal provides consistency with provincial provisions, which also require a business address.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section—

Mr. Percy Hatfield: Chair?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I’m somewhat confused, I guess. I know that when we run provincially or federally, we have a campaign office. At the municipal level, you may not have a campaign office; you may be doing it out of your home. If you go with what has just been suggested by the member from Oxford, with the address of the candidate’s representative, you’re giving that person’s home address as opposed to the candidate’s home address because, as he says, not everybody has a business

address. So, if I could just get the government to give me a clarification around this.

Mr. Lou Rinaldi: Sorry, Percy?

Mr. Percy Hatfield: Maybe I didn’t understand why you don’t think it’s necessary.

Mr. Lou Rinaldi: Well, I believe, as I said, the current proposal with provincial provisions, which also requires a business address, would not require an individual to provide a business address when they are providing information to the broader public in writing before an election campaign advertisement can appear.

Does that help?

Mr. Percy Hatfield: Okay.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 48, all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion number 25, an amendment to section 48: Mr. Hardeman.

Mr. Ernie Hardeman: I withdraw that amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not introducing that amendment.

Motion number 26, an amendment to section 48: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 88.3(5) of the Municipal Elections Act, 1996, as set out in section 48 of the bill, be amended by striking out “two years” in the portion before paragraph 1 and substituting “four years”.

Chair, this is a technical fix that provides consistency with the requirements that candidates keep their own campaign financial records for four years.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 48, all those in favour?

Ayes

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is carried.

There are no further amendments tabled for section 48. Is there any further discussion? Shall section 48, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 48, as amended, is carried.

Motion 26.1, an amendment to section 49: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 88.4(2) of the Municipal Elections Act, 1996, as set out in section 49 of the bill, be struck out and the following substituted:

“Restricted period for third-party advertisements

“(2) The restricted period for third-party advertisements in relation to an election in a municipality begins on the applicable day, as follows, and ends at the close of voting on voting day:

“1. The day that is 60 days before voting day.

“2. If there are fewer than 60 days between the earliest day that an individual, corporation or trade union is permitted to file a notice of registration and voting day, the earliest day that a notice of registration can be filed.”

1600

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Currently, we’re putting a gag order out for six months from the nomination day to voting day. I don’t believe that that is the—well, I hope that’s not the intent of the proposed legislation. I can understand having a restricted period for third-party advertising to 60 days; that seems fair. But to prevent people from expressing an opinion for six months seems unusual. I believe there are Supreme Court decisions that even suggest that that is too much of a length of time to put a gag order on anybody and prevent them from stating their preference on any issue. I think 60 days is reasonable; I don’t think six months is. I hope that the government will see this as a friendly amendment and agree to support it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I recommend against this motion. This motion will result in third-party advertising that supports or opposes a candidate being unregulated for the first four months of the campaign period in a regular election. Restrictions on third-party advertising will not come into effect until a month after nominations have closed. So, actually, this motion will weaken the framework for regulating third-party advertising.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: We heard in question period today, actually, again—when we were talking about changes to the provincial election. It was stated then that the government, during that period of time, is free to run government advertising, which may impact on somebody’s feelings, one way or the other, towards the government. They’re free to advertise during the six-month election period when nobody else is. When you take

away the right of the public to advertise for that length of time, it is just, to me, an unreasonable length of time. People who want to be involved at the municipal level and want to have a say should be able to have that say—not right up until election day, but the two months prior to: I believe that blackout period is fine. But six months, to me, is just too much of a length of time.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: I appreciate where Mr. Hatfield is coming from, but we believe our amendment, which exempts issue-based advertisements, sufficiently allows for freedom of advocacy and expression. The shortened advertising regulation period will not achieve this as effectively.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, on the amendment to section 49, all those in favour?

Ayes

Hatfield.

Nays

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 27, an amendment to section 49: Mr. Hardeman?

Mr. Ernie Hardeman: I withdraw that one too.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

On motion number 28, an amendment to section 49: Mr. Hardeman?

Mr. Ernie Hardeman: I withdraw that one too. It’s connected to the one before.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

Motion 28.1, an amendment to section 49: Mr. Hatfield?

Mr. Percy Hatfield: I move that subsection 88.5(3) of the Municipal Elections Act, 1996, as set out in section 49 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: Broadcasters and publishers are not required to reject what they deem to be a third-party ad, and the reason is, I guess, that the government should enforce the act, not the broadcasters or the publishers, who may not know what an election ad is or who a third party is, and thus may feel pressure to wrongly reject a legitimate ad. I don’t think we should put the onus on the broadcasters and the publishers as much as on the government itself. I think that we should support this amendment.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: These requirements are consistent with the requirements related to third-party advertising under the Election Finances Act for provincial elections. The information that a third-party advertiser is required to provide is not onerous. Broadcasters and publishers are required to keep these records for public inspection after the election. Removing the requirement to ensure that this information is provided will reduce transparency and may make enforcement more difficult.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, then on the amendment to section 49, all those in favour?

Ayes

Hatfield.

Nays

Dong, Hardeman, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 28.2, an amendment to section 49: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 88.5 of the Municipal Elections Act, 1996, as set out in section 49 of the bill, be amended by adding the following subsection:

“Same

“(3.1) For greater certainty, subsection (3) does not prevent a broadcaster or publisher from causing an advertisement to appear during the restricted period if the person or entity that has incurred the expenses for the advertisement is not required to be a registered third party”

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: It’s just a weaker alternative to motion 28.1. I would have preferred motion 28.1, but since I didn’t get there, I would suggest this is another option to consider.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: I hate to disappoint Mr. Hatfield, but we again recommend against this. For the rationale, this proposed exemption is not necessary as advertisements that are not considered to be third-party advertising, such as advertisements regarding issues, will not be captured by the regulatory framework. Removing issues from the definition of third-party advertising will make it easier for broadcasters to determine from the content of an advertisement whether the advertisement will be captured by the third-party advertising framework.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, on the amendment to section 49, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 29, an amendment to section 49: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 88.5(4) of the Municipal Elections Act, 1966, as set out in section 49 of the bill, be amended by striking out “two years” in the portion before paragraph 1 and substituting “four years”.

1610

Again, Chair, this is a technical fix to provide consistency with the requirements that third-party advertisers keep their campaign financial records for four years.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I’m wrong, I’m sure, but I thought the member said “1966,” but I know that he meant “1996.”

Mr. Lou Rinaldi: If that’s what I said, then I’ll correct it to “1996.” Thank you.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Then, on the amendment to section 49, all those in favour of the amendment?

Ayes

Dong, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments tabled for section 49. Is there any further discussion?

Shall section 49, as amended, be carried?

Ayes

Dong, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 49, as amended, is carried.

Motion number 30, an amendment to section 50: Mr. Hardeman.

Mr. Ernie Hardeman: Withdraw, please.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

Mr. Lou Rinaldi: Chair, is it withdrawn?

The Chair (Mr. Peter Z. Milczyn): He’s not moving it. It wasn’t introduced, so it can’t be withdrawn. He’s just not moving it.

Mr. Lou Rinaldi: Sorry, Chair.

The Chair (Mr. Peter Z. Milczyn): Motion 30.1, an amendment to section 50: Mr. Hatfield.

Mr. Percy Hatfield: Chair, I do believe I will withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield is not moving that motion.

Motion 30.2, an amendment to section 50: Mr. Hatfield.

Mr. Percy Hatfield: I move that paragraphs 2 and 3 of subsection 88.6(4) of the Municipal Elections Act, 1996, as set out in section 50 of the bill, be amended by striking out “Subject to subsection 88.15(4)” at the beginning.

The Chair (Mr. Peter Z. Milczyn): Further discussion, Mr. Hatfield?

Mr. Percy Hatfield: I believe that it’s a housekeeping motion related to 37.2, confirming that corporations and unions can register as third parties, even though they can’t make donations. It’s effectively identical to 30.3.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, we’ll be supporting this motion, and I want to thank the member for bringing this forward.

Interjection: Remember this moment.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 50—oh, Mr. Hardeman. Sorry.

Mr. Ernie Hardeman: Just a question on that: If they’re registering as a third party, are they then covered by the funding of the third party too, as to how many donations they can take and so forth?

Mr. Percy Hatfield: I would think, if they’re registered as a third party, they have to comply with all of the laws, regulations and restrictions that apply to third parties, yes.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 50, all those in favour?

Ayes

Dong, Hatfield, McGarry, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is carried.

Motion number 30.3: I’m ruling this amendment as out of order as it proposes to accomplish the same thing as the previous motion. It is therefore redundant.

Motion number 31, an amendment to section 50: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.6 of the Municipal Elections Act, 1996, as set out in section 50 of the bill, be amended by adding the following subsection:

“Publication of list

“(15) Upon certifying a notice of registration, the clerk shall add the name of the registered third party to a list of registered third parties for the election and shall make the list available to the public in a manner that the clerk determines.”

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: I think it’s just as the motion says: They should make public the third-party registrants, the same as they would with candidates.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Just that the bill already requires third parties to identify themselves on the advertising, so there’s no need to put an onus on the clerk to compile a list. The identification is already on the sign; it’s part of the legislation.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: I don’t think it’s an onerous obligation to make this available to the public. I’ll support the motion.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, on the amendment to section 50, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

There are no further amendments tabled for section 50. Is there any further discussion on section 50? Shall section 50, as amended, be carried?

Ayes

Dong, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Those opposed? Section 50, as amended, is carried.

There are no amendments tabled to section 51. Is there any discussion? Shall section 51 be carried?

Ayes

Dong, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 51 is carried.

Motion number 31.1, an amendment to section 50: Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair—

Interjection.

The Chair (Mr. Peter Z. Milczyn): Did I say—I apologize. Just to be clear, it’s an amendment to section 52. Mr. Hatfield.

Mr. Percy Hatfield: Yes, paragraphs 2 and 3.

I move that paragraphs 2 and 3 of subsection 88.8(3) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: As I understand it, this would ban corporate and union campaign donations during municipal elections. I know we’re talking about it at the provincial level. I know the city of Toronto has done this and other people have already. I think it just makes sense, in this day and age of one-vote counts, that we want to know who is supporting us, of course, but to get big money out of—well, in the case of corporations, get big money out, but I think in the union case, not necessarily so big. Experience has shown us that unions do make smaller contributions than corporations, but if we’re going to do it at other levels, other orders of government, then we should be doing it at the municipal level as well.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: We agree with Mr. Hatfield’s motion—we agree with the principle of the motion—but we have a proposed government motion which provides greater certainty on this issue and will remove corporations and unions from the list of who can contribute and add it to the list of who cannot contribute. So our motion will be more clear and more inclusive.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman? No? Further discussion? Then, on the amendment to section 52, all those in favour of the amendment?

1620

Ayes

Hatfield.

Nays

Dong, Hardeman, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 31.2, an amendment to section 52: Mr. Rinaldi?

Mr. Lou Rinaldi: I move that subsections 88.8(3) and (4) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out and the following substituted:

“Who may contribute

“(3) Only the following persons may make contributions:

“1. An individual who is normally resident in Ontario.

“2. Subject to subsection (5), the candidate and his or her spouse.

“Who cannot contribute

“(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

“1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.

“2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.

“3. A corporation that carries on business in Ontario.

“4. A trade union that holds bargaining rights for employees in Ontario.

“5. The crown in right of Canada or Ontario, a municipality or a local board.”

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: I think the motion is kind of fairly comprehensive. This motion will prohibit corporations and unions from making contributions to councillors and trustees, consistent with the government’s announced intention to prohibit corporations and unions from making contributions to candidates in provincial elections.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I have a question, perhaps. It’s for Ms. Hopkins, actually.

When I read “or registered candidate at a federal election endorsed by that party,” how long are you a registered candidate at a federal election endorsed by that party? If you’re elected as a federal member of Parliament, does this wording prevent you from making a donation to a municipal campaign?

Mr. Lou Rinaldi: Chair, if I can get some clarity on that? Good question.

The Chair (Mr. Peter Z. Milczyn): Legislative counsel?

Ms. Laura Hopkins: Mr. Hatfield, I wish I had more expertise in elections law in this area. What I can tell you, as a person without expertise in election law, is it would be unusual to characterize a sitting member as a candidate. So to the extent that this only deals with the status of candidates, it wouldn’t deal with the status of members who are not candidates—who are sitting members.

Mr. Percy Hatfield: So, Chair, through you, if I could ask the government: First, what is your interpretation? Then, I’ll have a follow-up question.

Mr. Lou Rinaldi: Ditto. So, once a candidate is elected, he is not a candidate anymore; he’s a member.

Mr. Percy Hatfield: I don’t want to get into a large debate on this, but I’m just wondering why this wording is even in here. I don’t want to use the word “evil,” but what is wrong with somebody that has been nominated to run in a federal election being asked to make a contribution at the municipal level? Why doesn’t it also say

“at the provincial level”? Why are we singling out nominated federal candidates?

Mr. Lou Rinaldi: My understanding is that this is already in the act, and it’s just to clarify it.

Mr. Percy Hatfield: I guess my question is, why is it even in the act? I didn’t know it was there before. I’m just seeing it now, and I’m saying, if you get nominated to run federally, why can’t you make a municipal contribution?

Mr. Lou Rinaldi: This is my own opinion, and I stand to be corrected: Wouldn’t it imply that there might be some political attachment to that candidate? But that’s just my own opinion.

The Chair (Mr. Peter Z. Milczyn): If I may, it means the campaign of a candidate. It does not mean the person; it means their campaign account. That’s what it means.

I don’t think the Chair is normally supposed to inter-vene, but—Mr. Hardeman.

Mr. Ernie Hardeman: I don’t purport to be of a legal mind, but I think the intent of this is to make sure, if you read that, the federal constituency association or the local riding constituency association can’t donate. If you’re a candidate, you can actually flow your money through you and out of the party. You can get it from the party into the candidate, and then you could fund a municipal candidate. This will prevent that from happening.

Mr. Percy Hatfield: Chair, I accept the wisdom of the member from Oxford.

The Chair (Mr. Peter Z. Milczyn): Not mine?

Any further discussion? On the amendment to section 52, all those in favour?

Ayes

Dong, Hatfield, Hardeman, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

Motion number 32, an amendment to section 52: Mr. Hardeman.

Mr. Ernie Hardeman: I withdraw the amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman will not be introducing that motion.

Motion 32.1, an amendment to section 52: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 88.9(4) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out and the following substituted:

“Multiple candidates

“(4) A contributor shall not make contributions exceeding the following total to two or more candidates for office on the same council or local board:

“1. \$5,000, in the case of the council or a local board of the city of Toronto.

“2. \$3,000, in the case of the council or a local board of a municipality that is not the city of Toronto.”

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, that’s fine; however, that’s not the written motion 32.1 we have.

Mr. Percy Hatfield: Oh, my gosh. It’s getting late. I read the PC motion that was withdrawn. I didn’t turn enough pages.

Thank you for that; thank you very much.

The Chair (Mr. Peter Z. Milczyn): You can start over.

Mr. Percy Hatfield: All right. I move that subsection 88.9(4) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be amended by striking out “\$5,000” and substituting “\$3,000”.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Well, I’ll try to make the PC argument for myself, I guess.

The maximum campaign contribution for all elections within a municipality being \$3,000—I guess it doesn’t matter whether you’re in the city of Toronto or someplace else, but the \$3,000 maximum contribution is plenty of money. Most of us don’t have that kind of money to donate in any event, but it should be a reasonable maximum campaign contribution that we can say we agree with. I think \$3,000 is a lot better than \$5,000. I guess that’s why it’s being recommended.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: This would maybe make it a little bit more difficult for candidates to fundraise during their campaign. I recommend not supporting this motion.

Ms. Daiene Vernile: It would be even more difficult.

Mr. Lou Rinaldi: It would be even more difficult, sorry.

1630

The Chair (Mr. Peter Z. Milczyn): Further discussion? Then, on the amendment to section 52, all those in favour of the amendment?

Ayes

Hardeman, Hatfield.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On motion 33, an amendment to section 52: Mr. Hardeman.

Mr. Ernie Hardeman: I will not be putting that amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman will not be introducing that motion.

On motion 33.1, an amendment to section 52: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 88.9(5) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Well, I guess it takes the exemptions out for the candidate or the candidate's spouse making contributions to their own campaign.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend not supporting this. Feedback from consultations raised concerns regarding the influence of contributions from corporations and unions, rather than concerns regarding self-funded candidates.

The Chair (Mr. Peter Z. Milczyn): Is there any further discussion on this? If there is, then I will recess now. Or do you want to take the vote on this before we recess?

Mr. Lou Rinaldi: Let's vote.

The Chair (Mr. Peter Z. Milczyn): There's a vote upstairs.

So no further discussion on this? On the amendment to section 52, all those in favour of the amendment?

Ayes

Hatfield.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

Mr. Percy Hatfield: Chair, just before we recess—

The Chair (Mr. Peter Z. Milczyn): The amendment is lost. Mr. Hatfield?

Mr. Percy Hatfield: I wonder if you could poll the committee whether we want to keep going in the interest of trying to get as much work done as we possibly can, as opposed to breaking for a vote that we're not in the House to—

The Chair (Mr. Peter Z. Milczyn): We are recessing—I was going to recess for 20 minutes, and then we would come back.

Mr. Percy Hatfield: I'm suggesting you poll the committee to see if they want to do that, or keep on going to try to plug away at this.

The Chair (Mr. Peter Z. Milczyn): We're recessing for 20 minutes.

The committee recessed from 1633 to 1648.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session.

Before the recess, we got as far as motion 33.1.1, an amendment to section 52. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 88.11 of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out and the following substituted:

“Rebate of contributions to candidates

“88.11(1) A municipality may, by bylaw, provide for the payment of rebates to individuals who made contributions to candidates for office on the municipal council.

“Same, resolution

“(2) A local board may, by resolution, provide for the payment of rebates to individuals who made contributions to candidates for office on the local board.

“Same

“(3) The bylaw or resolution shall establish the conditions under which an individual is entitled to a rebate.

“Same

“(4) The bylaw or resolution may provide for the payment of different amounts to different individuals on any basis.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? Seeing none, on the amendment to section 52:

Ayes

Dong, Fedeli, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): That is unanimous. The amendment is carried.

Mr. Ernie Hardeman: Was it my request, Mr. Chair, that we do the recorded vote for each one?

The Chair (Mr. Peter Z. Milczyn): Yes, it was.

Mr. Ernie Hardeman: I will withdraw that request. We will ask for it if we need one.

The Chair (Mr. Peter Z. Milczyn): Very well.

There are no further amendments tabled for section 52. Any further discussion on section 52? Seeing none, shall section 52, as amended, be carried? All those in favour?

1650

Interjections: Carried.

The Chair (Mr. Peter Z. Milczyn): The Chair calls it, Mr. Rinaldi. Section 52, as amended, is carried.

Next is motion 33.2, an amendment to section 53: Mr. Hatfield.

Mr. Percy Hatfield: I move that paragraphs 2 and 3 of subsection 88.12(3) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be amended by striking out “Subject to subsection 88.15(4)” at the beginning.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment to section 53: All those in favour? Opposed? That is carried.

Motion 33.3: I rule that this amendment is out of order, as it proposes to accomplish the same thing as the previous motion.

The next is motion number 34, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: I move that paragraph 4 of subsection 88.12(3) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be amended by striking out “Subject to subsection (5)” at the beginning.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment to section 53: All those in favour of the amendment? Opposed? The amendment is lost.

Motion 35, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 88.12(5) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Any discussion? All those in favour of the amendment? All those opposed? The amendment is lost.

Motion 36, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 88.13(2) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be struck out and the following substituted:

“More than one registered third party

“(2) A contributor shall not make contributions exceeding the following total to two or more registered third parties registered in the same municipality in relation to third-party advertisements:

“1. \$5,000, if the municipality is the city of Toronto.

“2. \$3,000, if the municipality is not the city of Toronto.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment, all those in favour? Those opposed? The amendment is lost.

Motion number 37, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 88.13(3) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be struck out and the following substituted:

“Exception

“(3) Despite subsections (1) and (2), a registered third party shall not make contributions exceeding \$5,000 to the party itself.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 53. Is there any further discussion? Shall section 53, as amended, carry? All those in favour? Opposed? Section 53, as amended, is carried.

On motion 37.1, an amendment to subsection 54(1): Mr. Hatfield.

Mr. Percy Hatfield: I'll withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield is not introducing that motion.

Motion 37.2, an amendment to subsection 54(2): Mr. Hatfield?

Mr. Percy Hatfield: I believe, in the interest of time, that I'll withdraw this one as well.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield will not be tabling that amendment.

There are no further amendments tabled to section 54. Is there any further discussion? Seeing none, shall section 54 be carried? All those in favour? Opposed?

Ms. Daiene Vernile: Say that again, please.

The Chair (Mr. Peter Z. Milczyn): Shall section 54 be carried? All in favour?

Interjections.

The Chair (Mr. Peter Z. Milczyn): There is no discussion from the audience. This is the vote on section 54.

Mr. Victor Fedeli: Let's vote for the third time now.

The Chair (Mr. Peter Z. Milczyn): Are we clear what we're voting on?

Mr. Percy Hatfield: We are.

The Chair (Mr. Peter Z. Milczyn): Shall section 54 be carried? All those in favour? Opposed?

Mr. Glenn Thibeault: I'm not sure.

Interjections.

Mr. Victor Fedeli: Well, you're voting three times now. One of those is going to work.

The Chair (Mr. Peter Z. Milczyn): Section 54 is lost. There are no—hold on.

Mr. Victor Fedeli: It did not carry.

The Chair (Mr. Peter Z. Milczyn): It's lost. It did not carry. It did not carry, so it's lost. It's the same thing.

Mr. Ernie Hardeman: The whole section was lost?

The Chair (Mr. Peter Z. Milczyn): Yes.

Motion 38, an amendment to subsection 55(3): Mr. Hardeman.

Mr. Ernie Hardeman: I move that paragraph 2 of subsection 88.16(4) of the Municipal Elections Act, 1996, as set out in section 55(3) of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion on the amendment? All those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 55. Is there any further discussion? Shall section 55 be carried? All in favour? Opposed? Section 55 is carried.

There are no amendments tabled for sections 56 through section 58, inclusive. If the committee is in agreement, I'll put the question on all three sections. No further discussion? Shall sections 56 through 58, inclusive, be carried? All in favour? Opposed? Those are carried.

Motion 38.1, an amendment to subsection 59(3): Mr. Rinaldi.

Ms. Daiene Vernile: Chair, I'll be reading it.

The Chair (Mr. Peter Z. Milczyn): Ms. Vernile.

Ms. Daiene Vernile: I move that clause 88.20(4)(a) of the Municipal Elections Act, 1996, as set out in subsection 59(3) of the bill, be amended by striking out “or an issue”.

The Chair (Mr. Peter Z. Milczyn): Any discussion on the amendment? Shall the amendment be carried? All those in favour? Opposed? Carried.

There are no further amendments for section 59. Any discussion? Shall section 59, as amended, be carried? All in favour? Opposed? Section 59, as amended, is carried.

Motion number 39, an amendment to section 60: Mr. Rinaldi or Ms. Vernile.

Mr. Lou Rinaldi: She can read faster than I can.

Ms. Daiene Vernile: I move that subsections 88.21(11) and (12) of the Municipal Elections Act, 1996, as set out in section 60 of the bill, be struck out and the following substituted:

“Number of electors, regular election

“(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:

“1. The number determined from the voters’ list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.

“2. The number determined from the voters’ list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

1700

“Same, by-election

“(11.1) For the purposes of subsection (7), for a by-election the number of electors is the greater of the following:

“1. The number determined from the voters’ list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.

“2. The number determined from the voters’ list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65(4).

“Certificate of maximum amounts

“(12) The clerk shall calculate the maximum amounts permitted by subsections (6) and (9) for each office for which nominations were filed with him or her and give a certificate of the applicable maximum amounts to each candidate,

“(a) in the case of a regular election, on or before September 25; and

“(b) in the case of a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65(4).”

The Chair (Mr. Peter Z. Milczyn): Any discussion? Mr. Hatfield.

Mr. Percy Hatfield: Just to be a little picky, I guess, I believe we missed the word “bracket” in 11. We said 7 without bracket and in “Certification of maximum amounts,” we said 6 and 9 without saying “bracket” around 6 and 9.

Ms. Daiene Vernile: I was exercising brevity, but thank you.

Mr. Percy Hatfield: I know, but I don’t know if, technically, it has to be done, because it means a different section if the bracket isn’t there.

Interjection.

The Chair (Mr. Peter Z. Milczyn): Legislative counsel advises us that it’s fine.

No further discussion on the amendment? All those in favour? Opposed? The amendment is carried.

No further amendments to section 60. Is there any further discussion? Shall section 60, as amended, be carried? All in favour? Opposed? Section 60, as amended, is carried.

Motion number 40, an amendment to section 61: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsections 88.22(6) and (7) of the Municipal Elections Act, 1996, as set out in section 61 of the bill, be struck out and the following substituted:

“Maximum amount

“(6) During the restricted period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount equal to,

“(a) 25 per cent of the maximum amount that would apply to a candidate under subsection 88.21(6) for third party advertisements whose purpose is to promote, support or oppose a candidate, and not an issue, in relation to an election in a municipality; or

“(b) 75 per cent of the maximum amount that would apply to a candidate under subsection 88.21(6) for third party advertisements whose purpose is to promote, support or oppose an issue, and not a candidate, in relation to an election in a municipality.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion?

Mr. Percy Hatfield: Just for clarification again—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: We didn’t bracket A and B. I don’t know if, in that point, we had to, because it wasn’t in a subsection, but—

Interjection.

The Chair (Mr. Peter Z. Milczyn): I believe legislative counsel thinks it’s okay.

Any further discussion? On the amendment, all those in favour? Opposed? The amendment is lost.

Motion 41, an amendment to section 61: Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 88.22(7) of the Municipal Elections Act, 1996, as set out in section 61 of the bill, be struck out and the following substituted:

“Prescribed formula

“(7) The formula prescribed for the purpose of subsection (6) must be written so that the amount calculated under it varies based on the number of electors entitled to vote in a regular election or by-election, as the case may be, in the municipality.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is carried.

Motion number 42, amendment to section 61: Ms. Vernile.

Ms. Daiene Vernile: I move that subsections 88.22(11), (12) and (13) of the Municipal Elections Act,

1996, as set out in section 61 of the bill, be struck out and the following substituted:

“Number of electors, regular election

“(11) Subject to subsection (15), for the purpose of applying the prescribed formula for a regular election, the number of electors is the greater of the following:

“1. The number determined from the voters’ list from the previous regular election, as it existed on the day specified in subsection (12), adjusted for changes made under sections 24 and 25 that were approved as of that day.

“2. The number determined from the voters’ list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

“Same, by-election

“(11.1) Subject to subsection (15), for the purpose of applying the prescribed formula for a by-election, the number of electors is the greater of the following:

“1. The number determined from the voters’ list from the previous regular election, as it existed on the day specified in subsection (12), adjusted for changes made under sections 24 and 25 that were approved as of that day.

“2. The number determined from the voters’ list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65(4).

“Same, regular election or by-election

“(12) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (11.1), the number shall be determined using the voters’ list from the previous election as the list existed on,

“a nomination day in the year of the previous election, if the formula is being applied for the purposes of the 2018 regular election; or

“(b) September 15 in the year of the previous election, if the formula is being applied for the purposes of an election in any other year.

“When calculation must be made

“(13) The clerk shall calculate the maximum amounts under subsections (6) and (9),

“(a) for a regular election, no later than September 25 in the year of the election; and

“(b) for a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65(4) or subparagraph 3 ii of subsection 65(5).”

The Chair (Mr. Peter Z. Milczyn): Any discussion? Mr. Hatfield.

Mr. Percy Hatfield: We did miss—under (12), it was (a).

Ms. Daiene Vernile: Please add brackets accordingly.

The Chair (Mr. Peter Z. Milczyn): Legislative counsel indicates it’s all right.

Any discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments tabled for section 61. Any discussion? Shall section 61, as amended, be carried? All those in favour? Opposed? Section 61, as amended, is carried.

Motion number 43, an amendment to section 62: Mr. Hardeman.

Mr. Ernie Hardeman: I’ll withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

Motion 43.1, an amendment to section 62: Mr. Hatfield.

Mr. Percy Hatfield: I’ll withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield is not introducing that motion.

Motion number 44, an amendment to section 62: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.26 of the Municipal Elections Act, 1996, as set out in section 62 of the bill, be amended by adding the following subsections:

“Review by clerk

“(13) The clerk with whom a candidate files a financial statement or supplementary financial statement under this section shall review it to determine if it appears to be complete and if it identifies the names and addresses of all persons or entities that have made contributions under section 88.8 to the candidate.

“Requirement to produce information

“(14) If the clerk determines that a financial statement or supplementary financial statement filed under this section does not appear to be complete or does not identify the information required by subsection (13), the clerk may require the candidate to provide the information to the clerk.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 62. Any further discussion? Shall section 62 be carried? All those in favour? Opposed? Section 62 is carried.

1710

Motion number 45, an amendment to section 63: Mr. Hardeman.

Mr. Ernie Hardeman: I move that clause 88.27(1)(r) of the Municipal Elections Act, 1996, as set out in section 63 of the bill, be amended by striking out “and” at the end of subclause (i) and by striking out subclause (ii) and substituting the following:

“(ii) a total of \$5,000 to two or more registered third parties registered in the city of Toronto in relation to third party advertisements, and

“(iii) a total of \$3,000 to two or more registered third parties registered in a municipality that is not the city of Toronto in relation to third party advertisements.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

Motion number 46, an amendment to section 63: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.30 of the Municipal Elections Act, 1996, as set out in section 63 of the bill, be amended by adding the following subsection:

“Refund of registration filing fee”—

The Chair (Mr. Peter Z. Milczyn): Oh, hold on. I apologize. Continue.

Interjection.

The Chair (Mr. Peter Z. Milczyn): I apologize for interrupting you. Continue.

Mr. Ernie Hardeman: I didn’t realize that you had interrupted me.

“Refund of registration filing fee

“(2.1) If the clerk of the municipality is satisfied that a registered third party has complied with subsection (1) and that the financial statement is complete and accurate, the clerk shall refund to the party the registration filing fee that the party paid under subsection 88.6(1).”

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 63. Is there any further discussion? Shall section 63 be carried? All those in favour? Opposed? Section 63 is carried.

There are no amendments tabled to section 64. Is there any discussion? Shall section 64 be carried? All those in favour? Opposed? Section 64 is carried.

Motion number 47, an amendment to section 65: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 88.34(8) of the Municipal Elections Act, 1996, as set out in section 65 of the bill, be amended by striking out “and brief written reasons for the decision”.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment: Shall the amendment carry? All those in favour? Opposed? The amendment is lost.

Motion number 48, an amendment to section 65: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.34(9) of the Municipal Elections Act, 1996, as set out in section 65 of the bill, be struck out and the following substituted:

“Appeal

“(9) If the committee decides under subsection (7) to reject the application, the decision of the committee may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment: All those in favour of the amendment? All those opposed? The amendment is lost.

Motion number 49, an amendment to section 65: Mr. Hardeman.

Mr. Ernie Hardeman: Withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not introducing that amendment.

There are no further amendments tabled to this section. Is there any further discussion? Shall section 65 be carried? All those in favour? Opposed? Section 65 is carried.

Motion number 49.1, an amendment to section 66: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 88.35 of the Municipal Elections Act, 1996, as set out in section 66 of the bill, be amended by adding the following subsections:

“Incomplete information

“(1.1) As soon as possible following the filing date or supplementary filing date, as the case may be, under section 88.31, the clerk shall notify a candidate if, in the clerk’s opinion, the candidate’s financial statement does not include the information required under clause 88.23(1)(g) such that the clerk is unable to determine whether a contributor appears to have exceeded any of the contribution limits under section 88.9.

“Same

“(1.2) A candidate who is notified under subsection (1.1) may withdraw the financial statement and file a corrected statement in accordance with subsection 88.26(3).

“Report

“(1.3) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.31, the clerk shall prepare a report outlining any inability to determine, because of continued incomplete information, whether a contributor appears to have exceeded any of the contribution limits under section 88.9

“Same

“(1.4) The clerk shall forward each report prepared under subsection (1.3) to the compliance audit committee.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment, shall the amendment carry? All those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 66. Is there any further discussion? Shall section 66 be carried? All those in favour? Opposed? Section 66 is carried.

Motion number 50, an amendment to section 67: Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 88.37(7) of the Municipal Elections Act, 1996, as set out in section 67 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments tabled for section 67. Is there any further discussion? Shall section 67, as amended, be carried? All in favour? Opposed? Section 67, as amended, is carried.

Motion number 51—

Interjections.

The Chair (Mr. Peter Z. Milczyn): I apologize. Hold on; I’m going a little bit too fast.

There are no amendments tabled to sections 68 or 69. We’ll vote on them together. Is there any discussion? Shall sections 68 and 69 be carried? All in favour? Opposed? Sections 68 and 69 are carried.

Motion number 51, an amendment to subsection 70(1): Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Fedeli.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 92(1) of the Municipal Elections Act, 1996, as set out in subsection 70(1) of the bill, be amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

“(c) if the candidate fails to produce information that a clerk requires under subsection 88.26(14).”

The Chair (Mr. Peter Z. Milczyn): I’m ruling this amendment out of order as it was dependent on a previous amendment that was lost, which was motion number 44.

There are no further amendments tabled to section 70. Is there any discussion? Shall section 70 be carried? All in favour? Opposed? Carried.

There are no amendments tabled for sections 71 and 72. If the committee agrees, we’ll vote on them together. Shall sections 71 and 72 be carried? All in favour? Opposed? Sections 71 and 72 are carried.

1720

Motion number 52, an amendment to subsection 73(1), clause 95(1)(a.2): Mr. Hardeman.

Mr. Ernie Hardeman: Vic, you can do that one.

Mr. Victor Fedeli: Thank you. I move that subsection 95(1) of the Municipal Elections Act, 1996, as amended by subsection 73(1) of the bill, be amended by adding the following clause:

“(a.2) specifying types of advertisements that are included or not included in the definition of ‘third party advertisement’ in subsection 1(1);”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

Motion number 53, an amendment to subsection 73(1): Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 95(1) of the Municipal Elections Act, 1996, as amended by subsection 73(1) of the bill, be amended by adding the following clause:

“(a.3) specifying standards that the plan described in subsection 12.1(2) must comply with;”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

Motion number 54, an amendment to subsection 73(3.1): Mr. Fedeli.

Mr. Victor Fedeli: I move that section 73 of the bill be amended by adding the following subsection:

“(3.1) Clause 95(1)(j) of the act is amended by adding ‘or to a referendum held under subsection 41.2(1)’ at the end.”

The Chair (Mr. Peter Z. Milczyn): I’m ruling this amendment as out of order, as it was dependent on a previous amendment that was lost, which was motion number 18.

Motion number 55, an amendment to subsection 73(6): Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 73(6) of the bill be struck out and the following substituted:

“(6) Subsection 95(2.1) of the act is repealed and the following substituted:

“Transitional regulations, Municipal Elections Modernization Act, 2016

“(2.1) The minister may, by regulation, provide for transitional matters that, in the opinion of the minister, are necessary or desirable in connection with the Municipal Elections Modernization Act, 2016.

“Same

“(2.2) A regulation made under subsection (2.1) applies despite any provision in this or any other public or private act.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? Mr. Hatfield.

Mr. Percy Hatfield: Just when we were rolling along there, right?

We see this as problematic because it means that the government may pass a regulation concerning traditional matters related to Bill 181 that overrides everything else in there or in any other act. It’s a huge safety valve that allows the government to suspend or change any provision in Bill 181 as a transitional measure.

On the one hand, there’s a safety valve to fix unintended consequences. If the bill had set tight limits on how it might be applied, that would probably be okay. But this clause’s sheer breadth, allowing the minister—without even needing cabinet approval—to rewrite the entire bill as a regulation, is worrisome. What exactly will be rules for the 2018 municipal elections? Will the rules be what it says in Bill 181 or what it will say in some as-yet-unknown transitional regulation? No one can know.

If the minister really needs full flexibility to rewrite the entire bill to deal with unforeseen transitional matters, then maybe he should simply press “pause” on this bill and consult properly, rather than give himself a blank cheque to set aside his own bill and write a completely new one in the regulations.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: As Mr. Hatfield said, just as we were rolling along so well, this goes back to something I was discussing, some time back, where the regulatory powers of the minister are so broad in this bill that it really mitigates the need for the bill, almost, except that you needed a bill to put those powers in. When you get anything that says regulations “despite any provision in this or any other public or private act,” it just boggles the mind that there is no definition of what you can do with those private and public acts.

This even goes beyond some of the things that he has power for in this act. He can do just about anything—run the government from the minister’s office. This one here doesn’t suggest it has to be done by order in council, even. I know the present minister would never abuse his power, but this sure opens it up. The Good Book says, in the commandments, “Lead us not into temptation,” and this one is going to lead somebody into vicious temptation.

I'm definitely not going to support it, but I also ask the government to take a second look at it and not support it, too.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: A recorded vote.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? No.

Ayes

Dong, McGarry, Rinaldi, Thibeault, Vernile.

Nays

Fedeli, Hardeman, Hatfield.

The Chair (Mr. Peter Z. Milczyn): The amendment is carried.

There are no further amendments tabled for section 73. Is there any further discussion? Shall section 73—

Mr. Ernie Hardeman: A recorded vote.

The Chair (Mr. Peter Z. Milczyn): Shall section 73, as amended, be carried?

Ayes

Dong, McGarry, Rinaldi, Thibeault, Vernile.

Nays

Fedeli, Hardeman, Hatfield.

The Chair (Mr. Peter Z. Milczyn): Section 73, as amended, is carried.

There are no amendments to sections 74 and 75 that have been tabled. Is there any discussion? Then shall sections 74 and 75 be carried? All in favour? Opposed? Sections 74 and 75 are carried.

Motion number 56, an amendment to subsection 76(2): Mr. Hatfield.

Mr. Percy Hatfield: Chair, I am so disappointed by the voting results of the previous motion that I do not wish to continue any more today. Therefore, I will withdraw this motion.

The Chair (Mr. Peter Z. Milczyn): That is your right. You have chosen not to move that amendment.

Mr. Glenn Thibeault: Mr. Speaker?

The Chair (Mr. Peter Z. Milczyn): Mr. Thibeault? Mr. Rinaldi?

Mr. Lou Rinaldi: Mr. Speaker, could we just have a minute recess?

The Chair (Mr. Peter Z. Milczyn): Certainly. A two-minute recess.

The committee recessed from 1728 to 1729.

The Chair (Mr. Peter Z. Milczyn): If we're in agreement, we can reconvene. Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I'd like to move subsection 76(2) of the bill, paragraph 3.

I move that paragraph 3 of subsection 76(2) of the bill be amended by striking out "54(2)".

I'd just like to commend the NDP for bringing this to our attention. I think it's a good housecleaning motion.

The Chair (Mr. Peter Z. Milczyn): Very well. Is there any discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I don't know what it is we're doing here. Is that an amendment that was just withdrawn?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield did not move his amendment and I understand Mr. Rinaldi essentially moved the same amendment. He read it in.

Mr. Victor Fedeli: Can you bring an amendment on the floor like that?

The Chair (Mr. Peter Z. Milczyn): This is not a time-allocated bill, so amendments may be made on the floor, and it is the same text. Mr. Hardeman?

Mr. Ernie Hardeman: Can I request a few-minute recess?

The Chair (Mr. Peter Z. Milczyn): Two-minute recess.

The committee recessed from 1731 to 1732.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session. When we left off, Mr. Rinaldi had moved an amendment to subsection 76(2), paragraph 3. Is there any further discussion? Seeing none, on the amendment: All those in favour? Opposed? The amendment is carried.

There are no further amendments tabled for section 76. Is there any further discussion? Shall section 76, as amended, be carried? All in favour? Opposed? Section 76, as amended, is carried.

Section 77, short title: Any discussion? Shall section 77 be carried? All in favour? Opposed? Section 77 is carried.

Shall the title of the bill be carried? All in favour? Opposed? Carried.

Shall Bill 181, as amended, be carried? All in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House? Carried? Opposed? It's carried.

We have no further business. I want to thank members. Everybody gets an extra 26 minutes of constituency week. Committee is adjourned.

The committee adjourned at 1734.

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