



ISSN 1180-4386

**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Thursday 5 May 2016

**Journal
des débats
(Hansard)**

Jeudi 5 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
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Room 500, West Wing, Legislative Building
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

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

Thursday 5 May 2016

Jeudi 5 mai 2016

The committee met at 0900 in committee 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. I'm calling this meeting to order to consider Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

Written submissions received so far have been distributed. Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 181 and to keep them brief in order to allow maximum time for the witnesses to respond. Are there any questions?

MS. DEB SCHULTE

The Chair (Mr. Peter Z. Milczyn): Our first witness is Deb Schulte, who is joining us via teleconference. Good morning, Ms. Schulte.

Ms. Deb Schulte: Good morning.

The Chair (Mr. Peter Z. Milczyn): You have 10 minutes to present, and I would ask, as you start, if you could just state your name for the record so we have it in Hansard. Also, to members of the committee: When we begin questioning, if you could introduce yourselves so that the witness knows who is asking her a question.

Ms. Schulte, just so you know who's here, I'm Peter Milczyn, the Chair; from the Conservative caucus, we have Mr. Fedeli and Mr. Hardeman; from the New Democratic caucus, we have Mr. Hatfield; and, from the Liberal caucus, we have Mr. Rinaldi, Ms. McGarry, Ms. Hoggarth and Mr. Dong.

You can begin now.

Ms. Deb Schulte: Thank you very much to all of you, and I do apologize for not being able to actually be there

in person. As you know, I have the honour and the privilege of serving as MP, and we're up here in Ottawa sitting this week.

I just want to start by saying how much I do appreciate the opportunity to present today on this matter and for all of your efforts to improve the Municipal Elections Act. Hopefully through these efforts we can steps to ensure a more level playing field for candidates and give democracy a chance.

I'd like to say a few things about democracy before I proceed because I'm doing this to try and ensure democracy works as it should. We all know the definition by Abraham Lincoln—"government of the people, by the people, for the people"—and we know the essential elements: the separation of powers, basic civil rights and human rights, religious liberty and the separation of church and state.

I've had the opportunity to run in three municipal campaigns in Vaughan over the past 10 years and I have served on York region and Vaughan council. What I saw happening, and in closed sessions, at times shocked and disappointed me. We all know the money being made from land speculation and the changes in land use, including upzoning. There is no problem with this at all as long as there is a separation of power between those converting the land and those profiting from this opportunity.

The problem occurs when people around the council table are obligated to those involved in this business. It does not just come from those donations given; the process starts with who is helped and how candidates are helped to win seats. Then, there is always the threat that if you don't play along, you'll get targeted in the next election. Let me just be very clear: There are many developers not engaged in this activity; however, for those that don't do it, they are, in fact, at a disadvantage.

For four years, I served as a regional councillor for Vaughan and was a voice for our new official plan, the Places to Grow Act, the greenbelt and for sustainable development. In the last municipal election, I had an extensive and expensive attack campaign anonymously launched against me.

This was not the first time this tactic was used in Vaughan with success. In 2010, an attack campaign had been successfully launched against some sitting councillors, and several lost their seats. In addition, favoured candidates had their campaigns boosted by undeclared paid volunteers by corporations or individuals. This ac-

tivity is not limited to Vaughan; I've heard many similar stories from other councillors in other municipalities around the GTA.

I was told that I benefited from that previous campaign in 2010. I heard, "We put you in and we can take you out." And that is precisely what happened to me. I lived with that threat every day for four years, and I know I was not the only one on our council to experience this. This pressure does influence councillors and it deters others from running.

I want to make it clear: I am not a bitter losing candidate. I believe I've had the chance to serve at the federal level because of what happened to me and I'm truly grateful for this opportunity. The federal rules make it more difficult to assert this type of influence. I have experience now, having run at the federal level as well. Their rules make it more fair. I understand the province is looking to go that way, and I'm thinking: Why should municipalities be allowed to continue to operate in the current backwater?

I've seen a lot of activities that undermine our democracy and need to be either stopped or brought into the open. Many are being addressed with your proposed changes; however, I believe we need to go further. If you believe corporate and union donations have unfairly influenced election outcomes—and if you look at Robert MacDermid's research over many years, he's connected the dots on developer funding and successful candidates, especially in development-rich areas—then they should be banned, as they are in federal elections, not made voluntary for municipalities.

Second, ensure third-party advertising is registered to an elector, preferably in the municipality, and make that registered individual follow the same financial rules as the candidates, with all the same limits. Funding and expenses need to be reported. Make it mandatory to identify all the flyers, emails and videos with an identifier so they can be traced back to the source. Make them follow the same rules as the candidates.

I'm not saying to stop third-party advertising; make it accountable. But enforcement is the key. You'd have to apply a significant fine for non-compliance, as denying participation in the next election will not be a deterrent for overspending or not following the rules. They'll just find another vehicle to do it again in the next election.

I saw people being used for this exact purpose in 2010. The second time, in 2014, it was anonymous. But there's no way to get at the behaviour and figure out who's doing it, because it's not illegal. Unless it's illegal, you can't find out who's paying the bills. This actually goes on.

You need to include "volunteer hours" that are paid for by external individuals as a contribution from that individual and make it subject to the same limits.

I have experienced this directly, the boosting by a developer that's not declared by the candidate. If they get caught, the candidates would just say that they didn't know their volunteers were being paid. This type of activity allows candidates to exceed campaign limits

without penalty, and it definitely does not support a level playing field.

I'm hopeful these suggestions may be considered as you debate the bill over the coming months. I really thank you for giving me the chance to share my experiences and my concerns. I believe we owe it to democracy and to the people to fix this.

I wanted to give more time for questions, if that's possible, so my witness statement is a bit shorter. I think I've given you the essence, and I think the questions will probably be more helpful if you want to fill in any more.

The Chair (Mr. Peter Z. Milczyn): That's not how we operate here, Ms. Schulte, so you do have a few more minutes if there's something additional you want to add.

Ms. Deb Schulte: No, I think that's fine. I think I've said what needs to be said.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Our first question will be from the official opposition.

Mr. Ernie Hardeman: Ernie Hardeman, MPP for Oxford. I thank you very much for your presentation. I too have had considerable experience in municipal elections and in municipal office, and I appreciate and thank you for having done that.

I just want to ask a couple of questions and your opinion. The bill, of course—and I think you mentioned this—makes the restriction on advertising in municipal elections optional for the council. What do you think the likelihood is of council—in the areas you spoke of where there are problems with this type of issue, where the developers, in your submission, have more power than they should have for their donations—what's the likelihood of those councils making the decision to limit that advertising?

Ms. Deb Schulte: I'm just trying to make sure I understand your question. Are you talking during the time of an election, or during the time that the council is sitting?

0910

Mr. Ernie Hardeman: In order to change the status quo in municipalities in the next election, the council of today has to make a decision not to allow corporate and union advertising.

Ms. Deb Schulte: Yes.

Mr. Ernie Hardeman: What do you think is the likelihood of that happening?

Ms. Deb Schulte: I think for enlightened councils that are not heavily influenced by this problem, it's probably likely that they will do it because I think the public is very supportive of this direction. For those councils that are in challenge and are being influenced, it's going to be way more difficult.

I think that it would be very helpful to everybody if it wasn't up to councils. If this is the right thing to do, the province should make it mandatory. It shouldn't be up to municipalities to decide. I think the evidence is there that this needs to be changed. It's happening at all other levels of government. Why should the municipal government be allowed to operate differently? Let's make it con-

sistent across all three levels of government. That has to come down from the province.

Mr. Ernie Hardeman: Okay, thank you very much. On the other one, I just wanted to touch on third-party advertising and the suggestion to make sure that when they do the advertising during the election, that we can follow back as to where the money came from.

How would we deal with that, as provincially we've had the issue of a third-party organization structured with donations from everyone having their own name and there's no way for the people to actually find out? We can find out after the election, but we can't find out during the election who is actually behind that spending. How would you suggest to stop or change that to make that more accountable and transparent as to who is actually behind trying to do third-party advertising?

Ms. Deb Schulte: It's a very big problem and it's a challenge. I have some ideas, but I don't have the complete answer. A candidate has to present themselves. They have to be a real person. They have to exist in the context of that election, either in the municipality, in the province, or in Canada in the federal. I think if there's some threat of being found to be guilty of not following rules, eventually even after, they would have to stay within the rules.

I'm not saying to deny it completely; I think they just need to be following the same rules. And you're right to make sure that it is clear who is putting money behind that. I think it's a very preliminary first step. It would be important for the Election Act to say that you have to at least declare yourself as an entity. You have to have some context within the community—

The Chair (Mr. Peter Z. Milczyn): Ms. Schulte, I'll cut you off there because the opposition went over their time.

Ms. Deb Schulte: Okay.

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

Mr. Percy Hatfield: Thank you, Deb. It's Percy Hatfield from Windsor–Tecumseh. Thank you. I believe you said, “I think I said what needs to be said,” and thank you for saying that, because I believe in everything you stated.

I used to be a reporter, as well as a seven-year member of city council, so I know what you're talking about. I know that Vaughan has a reputation across the province for exactly what you've talked about. It's not the only community; I have a friend who was a mayor in a nearby community who got into a fight with developers, and her husband got beaten up badly. She has since left political life. When you say, “We can put you in and we can take you out,” they certainly can.

The banning of corporate and union donations: As I understand it, you would favour a mandatory ban, as opposed to a suggested ban from municipalities. Is that correct?

Ms. Deb Schulte: Absolutely.

Mr. Percy Hatfield: So is that your strongest recommendation to this committee?

Ms. Deb Schulte: I think it is absolutely one of the most important things we do. But, as I've said before, the

donations are just one of the ways that influence can be asserted. If you don't close the door on the third-party advertising, and to a lesser extent the boosting by volunteers who are paid for by the development industry and others, you really have just put in one stopgap measure and opened the floodgates on the others.

Mr. Percy Hatfield: I'm just trying to figure out how to get a handle on the boosting, though. How do you see somebody coming into a campaign office and keeping an account of who came into today, how many hours they were there and where they are normally employed or where they are coming from? How do you get a handle on those so-called volunteers?

Ms. Deb Schulte: I'll give you an example of what happened to me, and I'll try and be quick because I know our time is limited. I had a developer offer me some of his employees who were not busy. They said that they “would like to volunteer on your campaign,” and I said, “Okay. That sounds reasonable.” I was in my early days and I was pretty naive, and I said, “Sure; that sounds great.”

I had one of my coordinators go out with them to make sure they followed the rules. I was very much a rule-follower and putting the signs in correctly. They just got casually conversing, and of course the people admitted that they were actually hired specifically to help campaigns put in signs. Immediately upon me finding this out, I went back and paid cheques to that developer for those two employees to make sure that that was—because I had a specific rule in my campaign commitment to people that I would not take donations from developers and corporations. It opened my eyes to all the different ways that it can happen, how they can influence. So I closed that door. I had the conversation with them. I said, “If you really, truly believe in me and you want to support me, then you would support my commitment to the people that I would not take donations.”

Mr. Percy Hatfield: So, Deb, are you saying—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, that was your time.

Mr. Percy Hatfield: Thank you.

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

Mr. Lou Rinaldi: Good morning, Ms. Schulte. Lou Rinaldi, MPP for Northumberland–Quinte West. Thank you for taking the time to give us some of your feedback.

I just want to follow up a little bit. I think we got the gist of your presentation on corporate donations. I think it's pretty clear, but you didn't talk much about the union donation piece. Can you shed some light on your feelings about that part of it and how that relates? Let's not kid ourselves: Some unions did help on campaigns with some of their members. Whether they were paid or not, I have no idea. Can you shed a bit of light on that?

Ms. Deb Schulte: I don't have as much experience with union involvement. There's much more of that happening, I believe, at the federal and the provincial levels. It does happen in some cases at the municipal level as well; they're not as deeply involved. It really comes down to what the layers of influence are and what

level of government can best support the union members, and municipal probably not as much, except in probably the building trades.

I don't have as much experience in that. I try not to talk about things that I don't have a lot of experience in. It does happen, and I think it comes in not so much with donations but obviously you can see there is that element, but it also comes with the volunteers.

Mr. Lou Rinaldi: In the very short time we have left, I just want to change the channel a bit. The reforms—and I'm not sure whether you had the opportunity to look at the present legislation.

Ms. Deb Schulte: I did.

Mr. Lou Rinaldi: The reforms that we embarked on in general—with the exception of some of those things you talked about that you're very passionate about, and we get that: Is there anything else that we need to be aware of, or are you supportive of the direction that or the bill is going towards?

Ms. Deb Schulte: I am absolutely committed to and supportive of the direction the bill is going, but what I am telling you is, there are three things that you need to do in addition. One is, you need to make sure that it's mandatory for municipalities; second, if you don't close the door or at least tighten it up somehow on third-party advertising and the boosting through volunteers, you are just going to shift the focus onto those two aspects. You can get donations and support in many ways, and those are the three ways that it comes. All you will do is close off the donations somewhat and you will just open up the floodgates on the other two.

I'm telling you: There are three things you have to look at if you're really serious about ensuring fairness and that democracy works well. Those three things have to be done, and not all of those are in your bill. That's why I'm here in front of you today.

Mr. Lou Rinaldi: Thank you very much. I don't have any other questions. Thank you very much for your contribution. It's very much appreciated. All the best to you in Ottawa too.

Ms. Deb Schulte: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Schulte, for appearing before us today, albeit by teleconference. If there are any materials that you'd like to send to us, please do so. And good luck in your deliberations in Ottawa too.

Ms. Deb Schulte: Thank you very much, and good luck for the rest of the discussions today.

0920

COUNCIL OF CANADIANS
WITH DISABILITIES

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. John Rae. Good morning, Mr. Rae.

Mr. John Rae: Good morning, Mr. Chairman and members of the committee.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes. As you begin, if you could just state your name for the official Hansard record, please.

Mr. John Rae: Good morning, Mr. Chairman and members of the committee. My name is John Rae, R-A-E. I live in Toronto. I've come here today to give a disability perspective on Bill 181, an Act to amend the Municipal Elections Act, 1996.

It has been suggested that the most important act any citizen performs in a democracy is casting one's vote. That needs to be an informed vote. The potential introduction of a new voting system—in this case, a ranked ballot approach—provides municipalities with the opportunity to do it right from the get-go. To offer you a sports analogy, you and your colleagues have the opportunity to give us the chance to score a touchdown in the area of accessibility and to make municipalities in this province a leader, not just in Ontario, but across the country. That's important. It is important that you and your colleagues seize this opportunity and not fumble the ball.

When I speak about making the system fully accessible, and I must emphasize the word "fully" accessible—section 11 of the bill speaks to this question. 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.

When I think about accessibility, we're speaking about a number of things. Clearly, voting locations must provide access. I know that in various municipalities, finding accessible locations for all polls is not an easy task. Fortunately for municipalities, Elections Ontario has conducted an extensive review of the polling locations that it uses. Clearly, municipalities may use some different ones, but I believe that this list and resource will be helpful to city clerks and town clerks as they select accessible polling locations.

Interpreters must be available. For people like me—a person who is blind—when I talk about accessibility, that involves the opportunity to vote independently and in secret, as you and all other sighted people can do. This requires the introduction of additional methods of voting, or alternative methods. Some municipalities use alternative methods; some municipalities already use a variety of methods. I'm referring, of course, to the option of using an electronic machine, as I can in the city of Toronto, where I live; or the possible introduction of telephone or electronic options.

In my work with Elections Canada, they have always been unhappy that I have never been willing to tell them which of those options I would prefer them to implement. I have done that purposefully in an effort to seem flexible—something that friends of mine wonder if I can be, but I do try. I assure you, my objective is very simple in not answering their question, because my objective, members of the committee, is outcome and not necessarily the system. I want a system that will make it possible for me to vote independently, in secret, like you

can. There are various methods that will accomplish that outcome, and they all may work. I suspect it's fair to say that more Ontarians have a telephone than have a computer, so perhaps that's the better way to go, but as I want to emphasize, my issue is outcome, not necessarily method.

I spoke earlier about the desire to be able to cast an informed vote. That requires additional measures beyond simply being able to cast one's vote on election day or in an advance voting opportunity. It requires that campaign offices be accessible so that members of the disabled community can visit their candidates or participate as volunteers. It requires that literature be available in a format that someone like me can read. It particularly requires that all-candidates meetings be held in fully accessible locations so that all citizens have the opportunity to come, learn what candidates have to say, and take part.

It also requires that campaign financing rules offer an accommodation to candidates with a disability who may incur additional costs in being a candidate. Some people may require specialized transportation. I might require getting certain materials put into Braille—aspects of the candidate that go beyond what you as a sighted, non-disabled candidate may need. Campaign financing regulations must, as other aspects of life do, provide accommodation.

In conclusion, members of the committee, the Charter of Rights and Freedoms, the Ontario Human Rights Code and the UN Convention on the Rights of Persons with Disabilities all speak to access. They all require governments to create a more equitable world for persons with disabilities. They all require that action be taken. You have the opportunity to help build a new system the right way, from the ground up, so that people like me don't have to bang on doors one at a time to get it fixed after the ball is fumbled. I urge you to add to section 11 to make it more inclusive and robust.

Thank you for the opportunity to appear. I'll happily respond to any questions you have.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation, Mr. Rae. We'll begin questions for you with the New Democratic Party. Mr. Hatfield.

Mr. Percy Hatfield: Good morning again, John. I remember campaigning, I believe, municipally. I went to a woman's door, and she was blind and she said, "I can't read your material." I said, "I'll read it to you." So I did that as the plan B fallback position. I have driven residents—the infirm—to the polls, to try to get them there. I have, at city council in Windsor, after hearing from the deaf community, who wanted sign language—on the local cable station, we were allowed to talk for two or three minutes about our campaign, but the deaf community didn't get it, couldn't understand it, couldn't hear it, so I raised the issue of the municipality paying for the signers when we did that.

I know a bit of where you're coming from, but I need some more clarification on it, however. I understand the

disability, the barriers, the plan, the follow-up, the literature, the Braille. I'm just not sure, when you started talking about ranked balloting, how that, for the blind, is any different from anyone else.

Mr. John Rae: It's not any different, but this is the introduction of a potentially new system, and the way in which one casts one's vote must be made accessible. That's why I'm here: to urge you to ensure that it will be.

0930

Mr. Percy Hatfield: I've heard from others that, if they're voting in a regional government, they might be electing 28 people or something; if you had to rank-ballot, you would have to rank them in order of precedence for your top down to the bottom. Would that be more of an issue for the partially sighted or the blind?

Mr. John Rae: It probably would be slightly more complicated. But I have asked this very question of one of the leading manufacturers of voting machines because I wondered this myself.

Typically, in Toronto, I am presented with a list of candidates for mayor that has 50, if not 60, names on it, but that's voting for one person for each office. These machines are experienced at doing that. So I asked the question whether it would be possible to rank a ballot; they say they have experience with this and that it can be done. I understand the idea would be that we might ask to rank our top three or top five. I hope we would not have to rank all 50 or 60. That would take a while.

The Chair (Mr. Peter Z. Milczyn): Our next question is from Mrs. McGarry in the Liberal caucus.

Mrs. Kathryn McGarry: Thank you very much, Mr. Rae, for coming in. You've got some great suggestions. I think that it's always very refreshing to have not just issues that come up but potential solutions and suggestions on how we can move forward to ensure that we've got fair and equal voting for all residents.

There are a few suggestions out there. For instance, the act already provides the municipalities with the authority to use alternative voting, such as voting by mail or by telephone or by Internet, and the use of machines, such as touch screens and vote tabulators. From what I gather from yourself, I'm not sure that all municipalities are using some of these various options. In your opinion, how do we ensure that we move forward with a range of options to suit the various disabilities that are there?

Mr. John Rae: Municipalities around Ontario are, shall I say, all over the map when it comes to the methods that are used. The thing is, I think most of them will work for us. Whether we're talking about a machine, a telephone voting system or an Internet system, those can all be made to work. What does not work for me is a paper ballot because, while you may be able to give me a template where I should be able to mark my ballot—I can tell you that I got interested in this issue one year when I had, I think, 12 candidates in a federal election. I should be able to count down to the sixth or seventh candidate. Most days I could do that, but I have to confess that I came away from that voting experience not being sure that I actually put my X in the right hole. That just

shouldn't be, especially when there are ways to prevent it.

Again, I emphasize that my objective is outcome, not necessarily method. I will take this opportunity to offer to you folks and to any municipal clerk or to the ministry my willingness to consult further on alternative methods, if I could be helpful at any point.

Mrs. Kathryn McGarry: I know that we very much appreciate that offer. To help identify, remove and prevent barriers that can affect electors and candidates with disabilities, we're proposing that the clerks would need to develop an accessibility plan and make it public before voting day.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mrs. McGarry; that was your time.

Our next round goes to the official opposition: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Rae, for your presentation—very thoughtful presentation.

I just want to follow up on Mrs. McGarry's question about the clerk having to prepare an accessibility plan prior to an election. That goes to, I think, the first comment you made in your presentation where you said that it's one thing, in section 11, to say that they have to develop a plan, but that doesn't necessarily get it done, and that we needed to do more. Could you just go a little deeper into your concern with the section that says that they have to prepare a plan and what your concern is with that that we have to broaden that?

Mr. John Rae: When I think about the Ontarians with Disabilities Act—that required municipalities to prepare plans. That was useful because that got disability issues on the radar screen of many municipalities who, hitherto, may not have given our issues great consideration. A plan is one thing; it's a good start.

How are these plans to be developed? In the disability rights movement, sir, we use the phrase, "Nothing about us without us." It's the clarion call of the disability rights movement. So in terms of the work of clerks in developing their plans, I have identified a number of options that would solve the barriers that I have identified. Involving members of the disability community from within their particular municipality or outside people like myself is the best way to develop a good plan. I have suggested that, in order to make it more effective, this committee needs to beef up section 11 of Bill 181 to be more prescriptive in making things happen.

Mr. Ernie Hardeman: It's one thing to look at what you need to do, but it's another thing to actually do it, I think is what you're saying.

Mr. John Rae: That's why I want more than just reference to a plan in section 11. It is a good framework, but we need to go further.

Mr. Ernie Hardeman: Very good. Thank you.

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

Thank you, Mr. Rae, for your presentation this morning.

Mr. John Rae: Thank you, Mr. Chairman and members of the committee, for giving me the opportunity.

MR. ROBERT MacDERMID

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Robert MacDermid. Good morning, Mr. MacDermid. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for Hansard.

Mr. Robert MacDermid: Okay, thank you.

My name is Robert MacDermid. I'll be talking mostly about the campaign finance reforms in the bill and the third-party requirements.

Thank you for the opportunity to appear before the committee to comment on Bill 181. As you may know, I'm a professor of political science at York University, and I've been researching and writing about political finance and municipal finance in Ontario for about two decades. In that time, I have looked at thousands and thousands of municipal candidate campaign statements—probably far too many for my own health. I've also been involved in efforts to reform municipal politics in Toronto and the rest of the province and working with several different groups to bring about reforms to this act.

The principles: I'll just briefly state what I think is important in campaign finance legislation and how it relates to representation.

Democratic politics needs political finance systems that rely on small contributions from a broad base of citizens. High contribution limits and/or corporate and union contributors will, under the economic logic of fundraising—which you all know means that you chase the highest donor—inevitably drive representatives into the embrace of wealthy supporters, as we have seen time and time again. Lowering limits and excluding non-voters from political finance ensures that representatives must listen to and incorporate a broad range of opinions if they are to attract funding to campaign effectively. The campaign finance system must reinforce, rather than undermine, the purposes of representation. I think that's so important.

Let me go through the eight changes to the bill that I think are important. First of all: banning non-voter contribution sources. That means the banning of corporate and union contributions. But let's be realistic: The problem is with corporate contributions, not really with union contributions. Of all of the municipalities I've tracked, union contributions are trivial. There are a few where they are higher, but for the most part, they're trivial. I have clearly documented the relationship between the development industry and its significance of contributions to municipal councils, who, of course, approve development plans and create profits for developers, and, in doing so, also, of course, expand the municipal tax base for councillors.

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Bill 181 proposes a local option. I think that that's short-sighted. The local option provides reform where it's least needed and makes it less likely where it's most needed. In other words—as somebody asked of a prior presenter—it's very likely that councils that are dominated by development funding are not likely to pass this;

whereas, of course, those where development funding is immaterial are more likely to pass it. So, quite frankly, the local option will not get at what the reform has intended. Secondly, the Premier has pledged to remove corporate and union funding from provincial politics, so now is the time to be consistent and extend the same reforms to the same citizens when they vote at the municipal level.

Second of all, limits on candidate contributions: I recommend that we replace the limit on the size of contributions that candidates and their spouses can make to their own campaigns. Municipal politics in Ontario are unusual. It's unlike provincial or federal politics, where candidates can only give what other citizens can give. This allowance to allow people to self-fund their campaigns—sometimes to the tune of hundreds of thousands of dollars—simply prolongs the kind of economic inequality that exists in the system. It allows rich people an opportunity to run where poor people cannot. Self-funding needs to be removed from the bill. People have to rely, as I said, on small contributions from a broad base of people. Self-funding is also an issue because it opens the door to getting around the rules about contributions by illegally allowing somebody to give a cheque or give money to a candidate who can then give the money in their own name rather than having to give it obviously. I think that's probably something that goes on.

Third, the \$5,000 municipality-wide limit: When this was brought in 2009, there wasn't really an explanation for it. It seemed to be that it was just a rule against large contributors. Here I'm talking about a rule that says that no one can give more than \$5,000 to candidates in a single municipality. In the context of Toronto, that seems to make sense; there are 45 members on the Toronto council. However, in most councils—and although I couldn't find this number, I think most councils probably average seven or eight members—the \$5,000 limit allows one funder to give to a majority of council the maximum contribution. In other words, they can support the majority of members on that local council with maximum contributions. I think that's intolerable from a democratic perspective. That doesn't happen at any other level. I think it's very important to lower that limit to \$3,000, where, in the average council, that would mean that no one could do that—could exercise that degree of influence over a majority of council members.

Fourth, the oversight of financial statements: This bill gives new responsibilities to the clerk. I would point out that the clerk is in an employment relationship with council members, and I wonder if that is the best enforcement authority. However, I applaud the fact that global oversight is now going to be checked out by the clerk. In prior years, there was no enforcement of that rule, and, quite frankly, the global limit was broken with impunity by many people in a number of larger municipalities.

I would also argue that clerks or compliance audit committees should also be given the power to ensure that the campaign statements are complete. In my experience in looking at thousands of these, about a quarter of

them—and the statements of many sitting council members—are not complete. They flout the rules by not disclosing the addresses of contributors or the names of cheque-signers. That's routinely flouted by sitting members of council and by other people who are defeated. I'd say about a quarter of all of those statements that I've looked at have serious flaws, and this despite the fact that they are signed by an auditor. That is not an adequate enforcement method for rules about campaign finance. I also recommend that the clerk or the compliance audit committee review the statements when they're handed in and ensure that they are completed before they are made public on March 31 in the year following the election—five months after election day. They should be completely filled out by then. It's not an appropriate enforcement mechanism of the rules to leave it to citizens to make complaints to compliance audit committees. That's not an effective enforcement policy for making sure that these rules are followed.

Fifth, the contribution of paid labour to campaigns, which a prior presenter brought up: I want to be very clear what this is. This is not people who are volunteering to work on a campaign in their off-working hours; this is people who are being paid to work on a campaign by their employer and being paid to work on the campaign of their employer's choice. Employers don't go to employees and say, "Take the time off. You can work on any campaign that you want." They say, "If you want to work today, go and work on so-and-so's campaign."

This represents a huge black hole in municipal campaign finance, and probably in campaign rules at other levels as well. I would estimate that it's hundreds of thousands of dollars that go unreported, undisclosed and unlimited. It not only affects this; it affects the third-party spending rules as well, because you're opening a huge rule that would just allow employers to allow employees to go and work on third-party campaigns as well. There needs to be a way of correcting this.

The sixth point is third-party spending limitations. The Municipal Elections Act has in it the details about candidate spending limitations. There are no details here about third-party spending limits. This is a really important democratic question. How much should these people be allowed to spend? It shouldn't be left to the minister by regulation to pass this. It should be part of this debate.

I'm being asked to comment on this and I have no idea what the limit is. I don't know whether it's going to be high or whether it's going to be low; whether it's going to stifle citizens or whether it's going to make it impossible for candidates to speak. That must be in the bill for democratic purposes. It really must. It's in there for candidates; it must be in there for third parties as well.

I also believe that the third-party section needs to be better informed by a reading of the Harper decision, the Supreme Court 2004 decision on the federal third-party rules. It's pretty clear that they have a lot to say about how much that limit should be. If the limit is somehow not in accordance with Harper, it will be struck down

under the Charter of Rights and Freedoms very quickly, as soon as a case comes forward.

When you look at the problem of limits and what it should be, it's vexing, because there are 444 municipalities. They are of a huge range of size. In the ward that I live in, my candidate has a spending limit of \$6,000. What is the third-party limit going to be? If it's the same as the federal limit—about \$4,000—that's going to allow the third parties a huge megaphone. If it's too small, then it's going to silence them completely.

I should also say—I didn't put it in here—that there needs to be a threshold in the act about third-party spending. There is no threshold at all. If you do anything—if you put something on Facebook, presumably—you would have to register as a third party. In the federal act, there's a threshold of \$500. It should probably be something like \$1,000, so at least I can put up a webpage or something like that, some minimal expenditure that wouldn't require me to register—

The Chair (Mr. Peter Z. Milczyn): Mr. MacDermid, that's your 10 minutes.

Mr. Robert MacDermid: Oh, dear.

The Chair (Mr. Peter Z. Milczyn): I'm sure that we could go on much longer.

Mr. Robert MacDermid: I could.

The Chair (Mr. Peter Z. Milczyn): Questions are from Mr. Dong.

Mr. Han Dong: First of all, good morning, Professor MacDermid. That was very insightful. I see that you have eight points listed—all very interesting.

I have a couple of questions. You presented a very convincing argument about banning corporate and union donations. I think, morally, that is the right thing to do, and that's why, at the provincial level, we are doing so.

I want to ask: In your mind, do you think that that will, in its initial stage, pose some challenges to municipal candidates in terms of raising enough money to be sufficient for their campaign? Because at the federal and provincial level, it's a party. You have a bigger platform to raise money on and more media attention. But on an individual basis, do you think that they will have a problem raising money?

Mr. Robert MacDermid: No. The city of Toronto passed the rule in 2010, and politics occurred in the city of Toronto in 2010. Candidates raised money. I haven't done a study of it, but I suspect that they probably raised as much money in 2010 as they had raised in prior years when corporate and union contributions were permitted.

Mr. Han Dong: Why don't you think that it's a good idea to leave it to the municipalities to make that decision of whether to ban or not ban?

Mr. Robert MacDermid: As I said, I think that just leaves municipalities where the problem is greatest unreformed and municipalities where the problem is non-existent reformed. What councillor wouldn't vote for a proposition to ban corporate money, like my council in Brock township, where there's maybe \$500 worth of corporate money? That would be a wonderful freebie, wouldn't it, for them to vote against that or to vote to ban

it? In Vaughan or in Pickering or in Brampton, where corporate money makes up 50% or 60% of all of the contributions going to candidates, that might be more problematic.

Mr. Han Dong: My other question is about the spending limit on third-party advertising that you just mentioned. But you see the challenge, whether it's from municipality to municipality or whether it's a very organic group of citizens or organized interests. Do you think that it should be left to the municipalities to decide what the limit should be?

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Mr. Robert MacDermid: No. I mean, it's a problem, but the limit should be in the bill. Come on. This is a hugely important democratic question. To say that it should be done by the minister in his office with a few advisers is problematic.

Mr. Han Dong: Have you considered that it could be in the regulations, so that the amount could be changed more—

Mr. Robert MacDermid: Yes, I think that there should be an escalator clause in there of some sort or some description, which might relate to the size of the community, and which might vary the cost, absolutely. Or it could be simply a percentage of a candidate's expenditure limit, which is effectively what the federal rule is. It's about 4% of a federal candidate's expenditure limit.

Mr. Han Dong: Any opinion on ranked ballots?

The Chair (Mr. Peter Z. Milczyn): That was your time, Mr. Dong.

Mr. Fedeli?

Mr. Victor Fedeli: Thank you very much, Mr. MacDermid, for this paper, which you and I could have actually co-written.

Mr. Robert MacDermid: Ah. What an honour.

Mr. Victor Fedeli: It's refreshing to see this, so thank you.

I'll have full disclosure here, for 30 seconds: Back in 2003, I successfully ran for mayor, and my printed policy the day I announced my candidacy was, "I will not accept corporate donations. I will not accept union donations. I will not accept anything more than \$100 from any family, including my own as the candidate, and I will run a full-page ad the Friday before the Monday election to announce every single one of my donors." There were 300 \$100 donors; the \$30,000 was well under the campaign limits at the time, and I won with a 75% majority. This is also a testament to the fact that these rules can work.

I want to talk about an area that I couldn't get involved in: paid labour in campaigns. I couldn't fight that, if you will. I wouldn't accept paid labour from campaigns. But how you follow up on this is the area that I want to talk to you about. How can we control this? Give me some ideas.

Mr. Robert MacDermid: Well, I think the candidates have to ask volunteers if they're being paid. If volunteers lie, then there's nothing that can be done. But clearly that

would be the simplest way: “Are you being paid by your employer? Why are you here at 3 o’clock in the afternoon? Are you being paid or are you not?” That’s the simplest way to do it, I think, but maybe that’s not—you’re looking puzzled, so maybe I didn’t answer the question. Sorry.

Mr. Victor Fedeli: That may be on one side of the coin, then, with respect to some of the corporate side that you’re looking at. What about the union side, where you’ve got employees who go out and bang out signs at night and that type of thing?

Mr. Robert MacDermid: At night, when they’re not being paid by their employer? I see no problem with that.

Mr. Victor Fedeli: Well, that’s different if they’re not being paid by their employer. I know when I ran provincially, I had to face employees of a certain group who were paid \$220 a night to hand out literature against me. I brought it up—

Mr. Robert MacDermid: By their union? Or not by the candidate?

Mr. Victor Fedeli: It’s a group. They were not paid by the candidate, and the candidate didn’t have to, and didn’t, declare any of those funds. Would you think that that’s an area we could be tightening up on?

Mr. Robert MacDermid: Well, that’s it. As I said, it needs to be declared—no, it shouldn’t have to be declared; it’s illegal. It shouldn’t be allowed. I’m sorry—I don’t mean it’s illegal; it shouldn’t be allowed. I think that the candidate has to be the front of the enforcement of that by simply asking volunteers, “Are you being paid by somebody else? You cannot work on my campaign if you are. Please come back when you’re no longer on working hours. I’d love to have you, but I don’t want to have you when you’re being paid by your employer.”

Mr. Victor Fedeli: So you think it can only be on the honour system? Are there any amendments that we can put in that you would—

The Chair (Mr. Peter Z. Milczyn): Unfortunately, that’s your time, Mr. Fedeli.

Mr. Victor Fedeli: Thanks.

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

Mr. Percy Hatfield: Bob, you’re one of the provincial experts on campaign finance. Could you tell the committee what your research has shown in the Lake Simcoe watershed communities—the development communities’ contributions and how they shape the makeup of the dozen or so communities in that watershed?

Mr. Robert MacDermid: It varies quite a bit across the—I looked at, I think, 13 municipalities in the Lake Simcoe watershed. Those are all different municipalities. They have different electoral systems. Some, like Aurora, are multi-member districts, and others—they’re different sizes and so on, and there are different degrees of development there.

When you look at the monetary value of the development permits issued in a year and the amount of money coming from developers in that municipality, they correlate quite wonderfully. I’ve seen this since I’ve been writing about it in 2000, 2003 and 2006.

There’s a huge relationship between where development occurs and the amount of development money that goes into campaigns. In some municipalities, it can be 60% or 70% of the money going to all of the candidates, and in some cases, it can be even higher for elected councillors. I’ve seen elected councillors 80% of whose funding came from the development industry, either directly from corporations or from individuals who are connected to the development industry. That’s a huge concentration of influence, and of course what it ends up being is unregulated urban sprawl in many of those municipalities where development interests are greatest.

That affects us all. We all sit in car jams all the time, often in suburban communities, because urban planning was absent, because developers’ wishes were followed, because urban sprawl was allowed. That comes back to affect us all, and I think it’s particularly important around Lake Simcoe, where issues of pollution are foremost and where developer building—because it’s beyond the greenbelt—is most pressing, in many communities where it’s not controlled beyond the greenbelt.

Mr. Percy Hatfield: And what did your research show about where the development money came from? Was it from local developers or money from outside the community?

Mr. Robert MacDermid: It mostly, of course, comes from outside the community. As you probably well know from casual observation, many developers live in Vaughan, and their corporations are headquartered in Vaughan, yet they give very generously in the 20 or 30 other communities in southern Ontario where this is a problem.

The problem of developer influence is compounded by external influence as well. Many voters are now subject to support for councillors that comes from outside their community and that isn’t attentive to what community issues are about; it’s only concerned about development projects. I think that obviously distorts local democracy.

Mr. Percy Hatfield: What would the Donald Trumps of the world do if they couldn’t self-finance their campaigns?

Mr. Robert MacDermid: Well, I think Mr. Trump probably could raise money, but yes, it’s an important point.

I just add one other thing: the registration of third parties. I think that the Supreme Court will strike down this bill, because you contemplate registering third parties for the entire almost six-month election term. If you read Harper, you will see that they would not tolerate a limit on freedom of expression under charter section 2(b). They would not limit that or entertain that for six months, so I would recommend that you shorten that to two months at the most.

Finally, the disclosure point that I’d like to just quickly add is that it’s about time we grew up in Canadian politics. In American politics—you just mentioned Mr. Trump—I can look up who gave Mr. Trump money last week. Nowhere in Canadian politics can I look at this at all.

This is not rocket science. For any municipal candidate, we could arrange cloud-based software that could disclose. In fact, in the last three election campaigns, the candidates for the mayor of Toronto have disclosed before election day because they felt the pressure. Citizens wanted to know, because they found this to be an important piece of information.

So we need to get over that. I think citizens deserve to know who's funding them—not five months after the campaign; I mean, that's useless information five months after. Why not a week before?

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

Mr. Robert MacDermid: Thank you.

The Chair (Mr. Peter Z. Milczyn): I gave you a little bit of extra time there to finish your remarks.

Mr. Robert MacDermid: Yes, thank you. I appreciate that.

The Chair (Mr. Peter Z. Milczyn): If there are any other further written submissions you'd like to make, please feel free to do so.

Members of the committee, we have two housekeeping matters that I have to ask you about. Is there a request for Hansard to prioritize these public hearings, in order for legislative research to be able to do their summaries? Does the committee want to formally ask for these proceedings to be prioritized by Hansard?

Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, I think that in our debate prior to this, there has been real concern expressed by some members of the committee that, in fact, there was not enough time between the end of the presentations, the formulation of proposed amendments and the time that amendments are supposed to be in. So I think anything we can do to speed up the process—that is, to ask for the enhanced service from Hansard—is a good idea, and I would suggest we do it.

The Chair (Mr. Peter Z. Milczyn): So we're all agreed on that point? All right, so it's unanimous consent.

We have one other request. One of our witnesses, a Mr. Alex Cullen from Ottawa, has requested reimbursement for his travel expenses to come to Toronto to make his presentation at committee. He has requested to be reimbursed for his mileage up to the maximum amount of \$308. It's up to committee whether it wants to grant this request or do something else with it.

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Mr. Lou Rinaldi: Just for clarification, is this something we normally do? There are other options, like phone.

The Chair (Mr. Peter Z. Milczyn): It is in order for somebody to request to be reimbursed. This gentleman has been advised that he could be a witness by teleconference. He prefers to come in person.

Ms. Ann Hoggarth: Is this person disabled?

The Chair (Mr. Peter Z. Milczyn): I do not know that.

Mr. Ernie Hardeman: Mr. Chairman, I think the committee does provide other opportunities. I'm sure the presentation Mr. Cullen would make would be worth the price of admission, but I really think that if we're going to have that service available through the committee, then that opportunity should have been given to other people as we started the process rather than do it now and one person gets special consideration.

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

Mr. Percy Hatfield: I gladly support the concept. I just want to make sure it's not precedent-setting. Has this been done in the past?

The Chair (Mr. Peter Z. Milczyn): The Clerk advises me that certain requests have been accommodated in the past, but it's on a case-by-case basis.

Mr. Lou Rinaldi: I would say that if there's a specific reason why it has to be accommodated, then we need to know what that is and we'll make a judgment. But just for the sake of doing a presentation, I think the telephone works great.

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

Mr. Percy Hatfield: With your permission, Chair, I would suggest that the reason the request is here is because the committee is here as opposed to travelling this bill around the province, which we did ask for at one point.

The Chair (Mr. Peter Z. Milczyn): I will ask the Clerk to attempt to contact this individual between now and when we reconvene in the afternoon and inquire whether there is some special accommodation that needs to be made. I guess we could revisit this, this afternoon, if there's some further information that would assist us. All right?

With that, the committee is recessed till 2 p.m.

The committee recessed from 1002 to 1401.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. Committee is back in session.

Members, before we broke, we had a discussion about a request from Mr. Cullen for reimbursement of his travel expenses to Toronto. The Clerk has confirmed with this individual that there are no special accommodations that are required. It's simply that Mr. Cullen is making this request.

Mr. Ernie Hardeman: Mr. Chairman, just like you, I'm broke, too—you said "before we broke."

Unless we have extenuating circumstances—I think in the past I've had a number of times where it happened, where there were meetings scheduled out of the city, in a certain other city or something. When it changed that we weren't going to meet there and someone who had already put their name in was asked to come to Toronto, I think under those circumstances the committee might want to give some consideration. But I see some challenges if we start, just for the asking, paying everybody who wants to get paid. I don't think that's—

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

Mr. Percy Hatfield: Thank you, Chair. I guess I see it from a different light. Had we gone to Ottawa and travelled the bill like we had requested, we would have

been paying for 20 or 25 people to go to Ottawa. As opposed to that, now one person in Ottawa is asking for reimbursement to come here. Look at all the money we're saving. I would suggest that we accommodate his request.

The Chair (Mr. Peter Z. Milczyn): Are you making that as a motion?

Mr. Percy Hatfield: I am.

The Chair (Mr. Peter Z. Milczyn): All right. Ms. Hoggarth. And let's please all be mindful of the time and that we have a number of witnesses—

Ms. Ann Hoggarth: If he's made a motion, can I say anything before we vote on the motion?

The Chair (Mr. Peter Z. Milczyn): Yes, the motion is debatable. I'm just saying, please be mindful of the time.

Ms. Ann Hoggarth: Okay. My feeling is that had the rules been set out for everyone that way, that they could be reimbursed, and had we decided on that—or the government had decided on that, the Legislature had decided on that—then I wouldn't have a problem with it. However, because this is one person and there are no real extenuating circumstances, I don't believe we should pay for it.

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

Mr. Ernie Hardeman: I agree with the member's argument. If we had gone travelling in the province and given more people an opportunity closer to home to have the meetings, it might have been, but then in the second comment I think that's where the Conservative philosophy and the New Democratic philosophy differ. Just because we saved the money doesn't mean we have to find a place to spend it. If we look at the government today, we have already spent considerably more money than we had, so this hopefully will help us achieve a better balance in our deficit. So I oppose the motion.

The Chair (Mr. Peter Z. Milczyn): Any further debate? None. So, on Mr. Hatfield's motion to reimburse this individual for their travel expenses, all in favour? Opposed? That does not carry.

We will now resume consideration of Bill 181, An Act to amend the Municipal Elections Act, 1996, and to make complementary amendments to other Acts.

Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 181 and to keep them brief in order to allow maximum time for the witness to respond. Are there any questions? No?

CAMPAIGN FAIRNESS

The Chair (Mr. Peter Z. Milczyn): I will call our first witness of this afternoon. Ms. Malcolmson, please come forward. You have up to 10 minutes for a presentation. When you start, if you could please state your name for the official record.

Ms. Claire Malcolmson: Thank you. My name is Claire Malcolmson. Hello, good afternoon, esteemed members of committee. Thank you for having me here.

It is a pleasure to share with you today Campaign Fairness's proposed amendments to Bill 181. I've been the executive director of Campaign Fairness since its inception in 2014. My 15-year career in environmental education, outreach and policy has focused on water planning, watershed planning and Ontario, in particular, with a real emphasis on Lake Simcoe.

First, I wish to congratulate the government for introducing this bill and for listening to concerns about campaign financing. I want to thank all committee members for doing your best to make this bill as good as it can be in order to support the goals it sets out to achieve.

Campaign Fairness is the brainchild of my long-time colleagues and collaborators, Bob Eisenberg and David Donnelly, who encouraged people like me, who were looking at Lake Simcoe—the impacts of urban sprawl and its impacts on the lake and water quality—to look at root causes of the problems affecting Lake Simcoe.

I concur with them that the standards and priorities of municipal councillors and councils have an enormous impact on the daily lives of the residents within their boundaries, both human and non-human residents. It's from this position that we chose to look at the factors affecting who gets elected municipally, with whose money and how that might be improved to better serve the long-term interests of residents and future generations and ecosystems.

Campaign Fairness board member and associate professor of political science at York University, Bob MacDermid, whom I believe you heard this morning, analyzed the financial statements of Lake Simcoe watershed candidates in the 2014 municipal election. The following research highlights support our recommendations for changes to Bill 181. I'm not sure if he went into this this morning, but we worked very closely together, using his research to come up with our positions and to validate our campaign in fact.

Just five highlights:

(1) Corporate funding influences the outcomes of municipal elections.

(2) Less than half of 1% of the population contributed to a campaign in the Lake Simcoe area in 2014.

(3) Money from the development industry makes up more than half of all money from corporations.

(4) The development community spends more on elections where more development activity is occurring. So where there is more money spent on building permits, there is also more money spent on campaigns.

(5) More than half—just about 60%—of the total contributions to candidates came from outside the municipality where the candidate was campaigning.

These research highlights demonstrate that there is a need for some change.

I know you've all have received Campaign Fairness's recommendations because I've emailed them. Also, you have a copy of my presentation. So I'm going to go

through them as much as I can cover in the time I have, and put a little more meat on the bones.

The first recommendation is to ban corporate and union contributions to municipal election campaigns. As you know, Bill 181 allows municipalities to do that. This is a very good step. We're really happy with this, actually. Of course, we would like this to be mandatory. We think it'll just take a really long time for this to be enacted in Ontario municipalities. When and if the province bans corporate and union contributions to provincial election campaigns, we ask that you revisit the Municipal Elections Act at that time, too, in order to make this change mandatory.

We do understand that it is politically risky to ask municipalities to do something the province is not willing to do themselves at this point, but it is my understanding that AMO has asked that they be treated the same as the province. So my only question to the committee is: If that's the case, then what reason can you offer to not revisit the Municipal Elections Act when Ontario changes its own priorities for campaign financing?

1410

Ontario's water and natural and agricultural spaces really can't wait for each and every municipality to curb whatever undue influence the development industry, other corporations, or donors are having on some councils by opting to make that change; nor can we really afford to delay an improvement in civic participation in municipal politics. Banning corporate and union contributions would help restore faith, I believe, and increase democratic participation in municipal politics.

Recommendation 1, part 2, is very much connected to the first one. We see the two as being quite closely tied together; that is, encouraging support from individuals by requiring contribution rebate programs. This was not changed in Bill 181. Why is this an important change? Basically, it's really the need to increase participation. The contribution rebate programs provide an incentive for individuals to contribute.

We've heard a number of questions from committee members actually, as well as others—and I will try to address them now. One question is: Which municipalities are offering the rebates and how do they work? There are at least six municipalities in Ontario that do this. They vary in size and type. Some municipalities will only rebate a low amount, \$75 to a contributor; Toronto goes up to \$1,000. So there's a lot of variety there. Some only offer rebates to residents of the municipality. Some don't offer rebates to corporations and unions. Most of the rebate programs seem to have an impact on individual citizen donations, but that is not true absolutely across the board—I don't want to be a liar about that.

Who pays for the rebates? We asked for a universal requirement for a rebate program, but we didn't go into detail about how that would be paid for. In short, the legislation allows municipalities to pay the rebates themselves, so we would hope that municipalities would use that power increasingly.

We hear the argument that municipalities can't afford it. One could argue that rebates are paid for by all cit-

izens and given to viable candidates who receive some support from individuals, which I think is some identification of their viability. This, actually, may be more fair—having the tax base refund and, in an indirect way, support that candidate—than having unions and corporations do so.

What are the benefits of offering the rebates? I'm just trying to summarize here.

Professor MacDermid looked at nine inner GTA municipalities in the 2014 municipal election. In three of those municipalities, the rebate program is in place. Of the nine, the average level of individual contributions was 39%. In two of those municipalities that offer contribution rebates, Markham and Vaughan got 61% and 51% respectively in individual contributions. That's 12% or 13% higher than average. It's quite good.

Vaughan is an interesting case because they instituted their rebate program in the middle of Professor MacDermid's studies. Before the rebate program, in 2006, individual donations in Vaughan were just about 20%, and after 2014—so two elections later—it was up to 50%, so a 30% increase. It's really significantly higher. Sorry—the previous numbers I said were 12%; it's more like 20% higher in the other ones.

Another question was: Do the rebates increase the amount donated by individuals, or do they increase the number of individuals giving? I asked a number of municipalities that use this program to provide some information, and what I heard was, in Markham, in the two periods when they were offering the rebates, they issued 500 more rebates in the first election when it was allowed and 500 more in the next election it was allowed. That's a significant increase: 500 more each time. The amount contributed went up a little bit—\$5, \$25, average—over that period of time as well.

In Ajax, however, the clerk did some major analysis. The conclusion of a very long series of charts was that the program actually had—

The Chair (Mr. Peter Z. Milczyn): I'm sorry, Ms. Malcolmson, that's your 10 minutes.

Ms. Claire Malcolmson: Oh, okay.

The Chair (Mr. Peter Z. Milczyn): We'll start our round of questioning now with the official opposition, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation today. I guess it would be helpful, in my question, if you just finished the last comment on what happened in Ajax.

Ms. Claire Malcolmson: This is for you. In Ajax, the clerk analyzed the data and said that the program had little appeal to low-value donors, who gave a small contribution, and no influence on the total amount contributed.

The overall is that these programs are helpful, but as I said before, it's not exclusively the case. We have a lot of candidate self-funding that balances.

Mr. Ernie Hardeman: I just wanted to go—and it was intentionally, Mr. Chair. I did want that on the record for my question. Obviously, a lot of municipalities have

to make that decision as to whether they want to do the rebate program or not. Obviously, it's to do with the tax system, too. But I wondered if it makes it more attractive, that you get more value for your money when you donate, and whether more people will donate, recognizing it is hitting the same taxpayer as the one they have to collect it from. Does it actually increase the contribution per person or does it increase the contribution—

Ms. Claire Malcolmson: In the two cases that I can—well, for Markham and Vaughan, what I can tell you is that the total amount of money went up more than 20% after the rebate program was put in place. I actually just spoke to a councillor from Oakville, and he said that he doesn't know exactly but he's quite sure it has increased the amount contributed.

We haven't had enough time to give a really thorough answer to that question. In the case of Ajax, the answer is no, it does not increase the number of contributions or the value of contributions, but in Markham, it does both increase the value and the number of contributions.

Mr. Ernie Hardeman: The second item of that, of course, is that I have some concern that if you're using the rebate to encourage more contributions, isn't that kind of counterproductive to what we're trying to do? We want more people involved, not necessarily to raise more money for election purposes. We want an even playing field for everyone and we want to get more people involved. Making it a rebate to encourage more spending: Is that really going to solve the problem of participation of the public?

Ms. Claire Malcolmson: Well, it's just one way for people to contribute. I do think that the risk of changing the way that campaigns are financed is that you leave it up to people who are wealthy enough to cover the entire campaign cost themselves, and that's not what we want. So in order to counterbalance that, you need some way to incent individuals to donate. It's up to the municipality to decide at what amount of donation they start to use that program. You could say, "At \$50, we'll give you 50% back," so that lower-end donations do come in from people who don't have—

The Chair (Mr. Peter Z. Milczyn): Thank you. That was your time.

Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon, and welcome.

Ms. Claire Malcolmson: Thank you.

Mr. Percy Hatfield: I have a question about your position on self-funded campaigns. If an Ontario Donald Trump wants to pay for his or her own campaign, what, in your opinion, should be a cap, if any, that would be placed on a self-funded campaign?

Ms. Claire Malcolmson: As an organization, we don't have an answer to that question per se. I do think that, yes, it would be interesting for the committee to come up with a suggestion for that, because that would help encourage using more individual donors. Maybe it's a percentage that you look at, that you want to encourage a candidate to get a percentage of individual donations, as well as their own funding.

1420

Mr. Percy Hatfield: Earlier today, Bob MacDermid was talking about the Supreme Court case, the Stephen Harper case and the precedent there, and suggesting to apply those rules. The Supreme Court would probably strike down the third-party advertising restriction that would be a gag order for six months as opposed to a two- or three-month gag order, if you will. Do you have anything further to say on that?

Ms. Claire Malcolmson: I don't know the court case you're speaking about, but if you want to—

Mr. Percy Hatfield: No, I'll just go on. It would take me all my time to tell you what it was.

Financial reporting: Bob also talked about doing it one week prior to the election as opposed to five months after. What's your opinion on that?

Ms. Claire Malcolmson: I think it would be amazing. A big problem in the way things are working right now is that people don't know who's funding their candidates. I've heard from this government that it's not reasonable to put that information up on a website as elections are going on. I really find that a bit hard to believe at this stage in our technological ability in this world.

I think that would give citizens a great measure of confidence in knowing who they're going to vote for and would help the people who are doing their very best to run a really ethical campaign, whatever that means for them, to show people whose votes they want what that looks like for them.

Mr. Percy Hatfield: You could probably do it on a daily basis, let alone—

Ms. Claire Malcolmson: Sure.

Mr. Percy Hatfield: That's the technology of the world we live in today, right?

Ms. Claire Malcolmson: It can't be that hard.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Hatfield. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon, Ms. Malcolmson.

Ms. Claire Malcolmson: Thank you.

Ms. Ann Hoggarth: I don't know whether you know, but I'm very interested in Lake Simcoe, too, because I'm from the riding of Barrie and I think my mayor is very involved in your group as well.

I'd like to know what your perspective is on the proposal to require municipal clerks to conduct a proactive screening of financial statements for potential contraventions made by contributors for over-contributing to municipal election campaigns.

Ms. Claire Malcolmson: I think that's a good idea. I feel a bit sorry for the clerks, who seem to have quite a lot more work on their plates as a result of this. It would be worth considering if there's some additional spending that needs to happen to help the clerks do that job better. It's a really important job. At the provincial level there is some oversight for this type of accounting. I think some help is needed there.

Ms. Ann Hoggarth: This morning, someone alluded to the fact that perhaps with the clerk being an employee

of the municipality, there may be some conflict of interest for them doing this when they're checking up on the people who are actually her or his bosses. What do you think about that?

Ms. Claire Malcolmson: That's true, but I think most people who have jobs come up against something like that a lot of the time. So the best solution would be for an independent committee, some sort of body that is not the clerk, doing this work so they don't have any ties to their political masters. That seems like a real stretch. It didn't seem like we were going to get that.

Giving the clerk additional powers is important but making clear what their legal obligations are is most important, because then they need to justify doing what they're doing and they need to know that there are some serious consequences if they don't do their job. So I encourage you to try to make sure that those loops are closed.

Ms. Ann Hoggarth: Do you have any other suggestions on how we could increase electoral fairness other than what we've talked about here today?

Ms. Claire Malcolmson: Really, I think our recommendations are fairly comprehensive. If the amendments that we're proposing are seen in the bill, then we'll have a pretty high-quality piece of work here.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. If you have any further submissions you'd like to make to the committee, you have until 6 p.m. on Thursday, May 12.

Ms. Claire Malcolmson: Okay. Thank you. You've got it.

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

THE GREEN PARTY OF TORONTO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Alan Kasperski. Good afternoon. You have 10 minutes for your presentation. If you could please state your name for the official record as you begin.

Mr. Alan Kasperski: Certainly. My name is Alan Kasperski, and I'm the leader of the Green Party of Toronto. I appreciate the time that you've allocated to me because I wanted to talk about something that is not in the amendments to the Municipal Elections Act.

Let me start by giving you a quote from the Supreme Court. Justice Frank Iacobucci, whom some of you may be aware of, said two things in a case from 2003: "Inequities in the electoral system are not acceptable merely because they have historical precedent and institutions are not constitutional merely because they already exist."

What I'm asking for, very simply, is what all of you have right now when you campaign. You're members of political parties. When a voter goes to vote for you at the ballot box, he knows which party you belong to. It's clearly on the ballot, your party affiliation. Why is that important? Because it has an educational-informational component.

If there was an election today and all of you were running, I don't know anything necessarily about—other than knowing some names—the various people in the room. I know Mr. Milczyn from his days at city council, but I don't know what you believe as far as factory farming; I don't know what you believe on a whole range of issues. But I do know that you're a Liberal or a Conservative or a member of the NDP. Because my politics are closely aligned to one of those parties—or may be—I can have some confidence by voting for one of you, simply because the party affiliation is on the ballot.

Party affiliation is on the ballot provincially and federally—in numerous other parts of the country—Quebec—but not in Ontario for two reasons: We don't have municipal political parties. There is no reason why we shouldn't. There is nothing to prevent us from having municipal political parties.

The act right now doesn't allow for it. It's unconstitutional—so said Frank Iacobucci, Beverley McLachlin, Louise Arbour and other members of the Supreme Court at the time. They also defined how many people, how you register a party and what constitutes a party. The guidelines of the federal government and the provincial governments are a little bit different.

What I'm asking for is to correct a problem with the act now. This doesn't necessarily modernize it; it brings it in line with what the court has said—and not just the Supreme Court, because this came out of a case at the Ontario Superior Court of Justice, which went to the Ontario Court of Appeal and went to the Supreme Court. In all three instances, they argued about what constitutes a party. But in all three cases, they said that party affiliation on the ballot is a required part of our democracy.

So, basically, what I'm asking for is to add a provision in the act to say, "On the ballot, party affiliation will be there," and how do you register parties. This doesn't mean that you have to go back and rewrite. This is something that you can pull right out of the Election Act of Ontario, because it's clearly in there what needs to be on the ballot. Elections Ontario has a very simple process for registering political parties. It's a one-page form.

There are 444 municipalities across Ontario; they're all, of course, different sizes. I think that some consideration would have to be given for the size of the municipality as far as the number of people that would constitute a party. Federally, it's 250 members. Provincially, it's 1,000, or two candidates during an election.

I would suggest that there would need to be, probably, three tiers—small, medium, large—in Ontario. But that's effectively what I'm asking: make a correction to the act to make it constitutional.

Thanks very much.

1430

The Chair (Mr. Peter Z. Milczyn): Thank you very much. You did have quite a bit of time left.

Mr. Alan Kasperski: Oh, I've got opinions about all the other stuff, but I figured I'd focus on one thing because, clearly, there are other people who can speak to ranked ballots and finances. We do have positions on

those things, but, in a sense, this is, to us, something—this is not new. We have been pursuing this for some time. We have brought this to the attention of various members of the government and said, “Why hasn’t this been corrected?” The response I got was, “We don’t support political parties at the municipal level.” And I asked why.

This is not a discussion about whether they’re good or bad. If I run for mayor from the Green Party of Toronto and have three people vote for me—myself, my family—and nobody else, I’ll get a pretty good answer about what people think about political parties. But I dare say any of you can look at city councils in your own communities and you know which parties councillors fall into.

Thanks very much for your time.

The Chair (Mr. Peter Z. Milczyn): Thank you. We will start your round of questions with Mr. Hatfield.

Mr. Percy Hatfield: Thank you for being here, Alan. I have been a New Democrat for three years. Prior to that, I had no party affiliation. I served seven years on Windsor city council. What would I do at election time? What would you suggest I put on my ballot—some kind of party affiliation?

Mr. Alan Kasperski: The same thing that occurs now federally or provincially: independent. That would be your choice. If you wanted to put “independent,” you could, and there are provisions for that. If you wanted to put nothing at all, you could put nothing at all.

To be on the ballot as a party, you would have to be an official candidate from the party. There would have to be some balance there. You couldn’t just say, “I want to be from the Pirate Party.” You could put “independent” if you wanted.

Mr. Percy Hatfield: When you’re quoting the Supreme Court, was that a decision about Ontario municipal elections?

Mr. Alan Kasperski: It was a case that started in 1999. The Communist Party of Canada in a federal election—

Mr. Percy Hatfield: Federal, not municipal.

Mr. Alan Kasperski: Federal, but—

Mr. Percy Hatfield: So what you’re quoting is a Supreme Court decision—a minority or a majority decision—on a federal ballot, not a municipal ballot?

Mr. Alan Kasperski: No. The case went from Ontario—originally filed in Ontario—up to the Supreme Court. They made no distinction about whether it was federal, provincial or municipal. In fact, what happened after the Supreme Court decision is that legislation was changed to add party affiliation.

Mr. Percy Hatfield: Not at the municipal level.

Mr. Alan Kasperski: And that was one of the big questions at the time: Why? When I talk to people and I say, “The Green Party of Toronto, the Liberal Party of Toronto,” “Oh, we can’t have parties at the municipal level.” Really? There’s nothing in the Municipal Act that says you can’t.

We don’t know why, going back 15 years, it wasn’t done municipally. It was in British Columbia, it was in Quebec, but in the—

Mr. Percy Hatfield: Manitoba at one time.

Mr. Alan Kasperski: Yes. In Ontario they tried to start an NDP, the greater—Jack Layton and his group wanted to start a party in Toronto. There was no distinction in the decisions at all three levels between the various levels of government.

Mr. Percy Hatfield: All right, thank you.

Mr. Alan Kasperski: You’re welcome.

The Chair (Mr. Peter Z. Milczyn): The next round of questions: Mr. Baker.

Mr. Yvan Baker: Do you want to take it?

Mr. Granville Anderson: Go ahead.

The Chair (Mr. Peter Z. Milczyn): You can share your time.

Mr. Yvan Baker: How much time?

The Chair (Mr. Peter Z. Milczyn): Three minutes.

Mr. Yvan Baker: Three minutes. Okay. I’d better get started.

Thank you very much for coming in. I appreciate your presentation. I’ve had the privilege of working with and meeting with on a number of occasions a constituent of mine, who is sitting behind you, Mr. Stephen Thiele, so I’ve been well briefed on some of the issues that you presented on.

A lot of your presentation focused on a legal ruling, so thank you for that.

I was hoping you could share with folks—those folks who are here, those folks who are watching at home: What would be the benefits of political parties? If you had to explain this to the average person, why do we need political parties?

Mr. Alan Kasperski: Two things come to mind. Various groups have referenced the ward 16 election in the last municipal election in Toronto, where the candidate who won, won with supposedly 17% of the vote. It was actually about 10.5% when you factored in turnout. There were 16 candidates in that election. Imagine the homeowner sitting there going, “I’ve got 16 pieces of literature—maybe. “How do I pick?” How does the average person pick now? A smiling face—make sure it’s a toothy grin on your literature? Your name? Your ethnicity?

I’ve been a returning officer and have seen some candidates for whom the people from a particular community come out to support that candidate because of the name. Does the average person take the time to read through policy positions and all these kind of things? Not a lot.

How do they know? This was my point earlier. I know that if I was in Barrie voting for Ms. Hoggarth and I was a Liberal supporter, I would have some confidence, as she is an official candidate from that party, that I could vote Liberal and know and be comfortable with the kinds of policy decisions she would make.

The second thing I would refer to is Toronto city hall, something Mr. Milczyn would be very familiar with. I’m one of those perverse people who watches on Rogers from time to time. When there’s a controversial piece of legislation coming up, like there was just recently, every

councillor has to get up and talk, and they want an extension. They all put their positions forward.

The city of London, in England, has 21 councillors. What they do is they have parties. If it's transportation, Mr. Baker speaks on behalf of the Liberal Party and speaks to that particular issue. It doesn't have to be four or five other people from the party giving their position, so it makes it more efficient. It makes it more understandable.

By having an affiliation, by being part of a party, there are benefits about financing. There is campaign financing and raising funds and all those kinds of things. I understand you've got a professor from Ryerson University coming in later who will give you chapter and verse on the benefits of parties. To my way of thinking, I want those same benefits that all of you have had, and your predecessors, by being part of a party.

The Chair (Mr. Peter Z. Milczyn): That's the three minutes. We'll move on to the official opposition for questions now.

Mr. Ernie Hardeman: Thank you very much for your presentation. I've been in both positions, municipally and provincially, and, as you said, municipally I didn't have—nor did I want—the ability to put my party affiliation, because the election was about me and what I stood for.

When I became provincial, and now that I've been elected for a number of times, my people still aren't quite sure why it is that my position is generally Conservative, because that's what I am. But that wasn't important to them when I was elected as a municipal politician, the difference, of course, being that when you get elected with a party affiliation, it isn't good enough just to put it on a ballot and say, "I'm from the Green Party," or, "I'm a Conservative." There has to be some method to hold you to that policy during the term of you being elected.

If there are not parties in the chamber to do the debate, to say, "Each party has a leader and each party has a policy that they're going to implement" as you're doing the campaign, just having people running around with having their party affiliation on the ballot would—I should say it this way: Wouldn't you think that that would actually be trying to sell a false security, that just because I put Green Party on my ballot, that somehow I would follow the ideology that you have? And then when I get elected, I'm still as Conservative as I ever was, but I thought maybe my chance of getting elected as Green was more advantageous this election.

Mr. Alan Kasperski: Certainly, I think that there has to be accountability. A certain amount of that is going to come from the party system itself. We're not going to say, "Oh, certainly, Mr. Hardeman, we're happy to have you be a Green and run in your community." There are policies. There are provisions within a party that you have to adhere to.

With the Greens, it's very simple: There's a Green charter. There are 10 points worldwide. Are there variations within it? Sure there are. I think that that accountability needs to extend beyond that.

We don't have recall legislation in Ontario. Should we? Should there be some ability that if a municipal councillor or a mayor gets so out of hand that he needs to be removed, do we have to wait for him to commit a criminal offence? Should there be some means of being able to say, "You're not adhering to the policies that you ran on, or that your party adheres to"? How do you deal with that? I think that can be done either by the party or by the legislative group itself.

1440

Our system, our democracy, is representative. Our suggestion is that it needs to be more participatory. The turnout in the last provincial election was what, 52%? It's poor. How do you increase that? You increase that by building trust into the system. How do you do that? You do that via people who are running as candidates. You do that by making the voting system better. Ranked choice helps. Party affiliation helps. Mandatory voting helps. There's a whole series of things. I'm not saying that putting the affiliation will make the system all better, but it will help.

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there Mr. Kasperski. The three minutes are up. Thank you very much for your submission. If you want to provide anything in writing to the committee, the deadline for that is 6 p.m. on Thursday, May 12.

Mr. Alan Kasperski: Thanks very much.

THE TORONTO PARTY FOR A BETTER CITY

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Stephen Thiele. Good afternoon.

Mr. Stephen Thiele: Good afternoon. How are you?

The Chair (Mr. Peter Z. Milczyn): Very well. Good to see you.

Mr. Stephen Thiele: Nice to see you as well.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes, and for the official record, as you begin, if you could please state your name.

Mr. Stephen Thiele: Sure. Thanks very much. Good afternoon. Thank you for allowing me to speak. My name is Stephen Thiele. I'm president of the Toronto Party for a Better City. We are a civic party, and we've been in existence since 2006.

As the previous speaker, Mr. Kasperski, spoke, our wish or ask is similar to the Green Party of Toronto's ask, and that is that civic parties finally be formally recognized within municipal elections law in Ontario. Bill 181 does not address the idea of formal recognition of civic parties. It does not address that a civic party can be included on the ballot paper. Mr. Kasperski spoke to the Supreme Court of Canada decision; I'll touch upon that a little bit. Just for the record, through you, Chair, to Mr. Hatfield: the case is *Figueroa v. Canada*. It's a 2003 decision of the Supreme Court of Canada.

You'll have in front of you, just as a matter of house-keeping, a written submission that we've made. I'm not going to read that submission; I'm just going to touch on

some points. When we as the Toronto Party examined Bill 181—it's a little dense, to be honest—one word stood out, and that word was “modernization.” Why is that word important? Because it speaks to the purpose of this bill. This bill is to modernize municipal elections in Ontario, and there are some good things in this bill. There are some good things with respect to the nomination process. There are good things with respect to third-party financing. In fact, there's actually a provision in this bill that may permit, in a very exceptional circumstance, the inclusion of party affiliation on a municipal election ballot. That's contained in section 30, subsection (2), paragraph 5—the amendment that's made there.

However, at the end of the day, when you examine all of these changes and all these proposed amendments, we really don't see that Bill 181 will modernize municipal elections. In fact, we believe that it will entrench the status quo.

What is it that ails municipal elections in Ontario? There are three things, in our view:

- (1) There's a lack of transparency in representation.
- (2) There's a lack of ethnic and gender diversity on our city councils.
- (3) The power of incumbency.

The changes in Bill 181 do not address any of these three ailments. However, we do believe that civic parties can be a cure or help cure some of these ailments.

I want to address a myth, and that myth is that, in Ontario, civic parties are forbidden. That is simply not true. You will see in your package a letter from Minister John Gerretsen that was written to the Toronto Party in 2006. In that letter, he wrote, in part, “Currently, the Municipal Elections Act, 1996 does not prevent candidates from working together, nor does it prevent the formation of civic parties.”

Well, if civic parties can exist in Ontario, why does the current act and why do the proposed amendments to Bill 181 fail to recognize civic parties in any way whatsoever? The current act contains a myriad of financial provisions that are actually barriers to the formation of civic parties. Those barriers are archaic; they are not modern. Nothing in 181 does anything to remove any of those barriers.

Let me talk a little bit about the issue of transparency. It's probably the most modern concern of the electorate: They don't like governments to keep secrets; they want things out in the open. We've seen protests in Toronto over the last months organized by Black Lives Matter because an SIU report was kept secret and hidden from public view. It was that protest that finally allowed that SIU report, in part, to be made public. So that's a very important concern.

At the civic level, we have a lack of transparency. We know, for the most part, that a number of candidates are affiliated with political parties, yet they will deny that they are affiliated with political parties at the federal or provincial level. A few elections ago in Toronto, we have had the NDP actually organize the nomination meeting to choose Helen Kennedy to run in ward 21, although

they're not supposed to support municipal candidates. She was eventually defeated by Adam Vaughan. Putting civic parties on the ballot makes the process transparent. If I run as a candidate in a municipal election, I want my party name on the ballot. I want people to know that I am a member of the Toronto Party and that the Toronto Party has certain values that you may agree with or disagree with, but at least it's out in the open.

Ethnic and gender diversity is a significant problem, particularly in the GTA. The statistics speak for themselves. From 2000 to today, 11% to 13% of councillors are visible minorities; that's not reflective of our cities. Twenty-seven per cent to 33% are women; that's not reflective of the diversity of our cities. Political parties permit—in fact, bend over backwards to ensure—that an equal number of women are running and that people of colour are running. So political parties are a good thing from that perspective.

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; it shortens that period for the new or fresh face to campaign. Why is that important? Because only the incumbent can spend money in a non-election period by using their office budget and sending out newsletters. In Toronto, that's to the tune of approximately \$35,000 a year. That's not a level playing field.

Can civic parties cure that? In some respects, I think they can, because then at least you have a ready-made organization coming into a campaign. The reason we have very short election periods, or writ periods, at the provincial and federal levels is probably because the parties are organized; they're ready to go into a campaign. So we think civic parties are a good thing from that perspective.

One thing that bothers the Toronto Party is that whenever I speak about civic parties, I'm viewed as a radical or that my views are on the fringe, but that's not true. In fact, it's a mainstream view. It's a view that is supported by others, including Robin Sears. Robin Sears wrote an article two years ago in the Toronto Star about the need for municipal parties in Toronto. The view is supported outside of Toronto. There was an article in a Burlington newspaper after the 2014 election talking about lack of turnover, the power of incumbency and that we need civic parties. The view is supported worldwide. Mr. Kasperski spoke, I think, about the city of London. Major metropolises around the world are governed by civic parties: London, Paris, Tokyo, New York. In Canada, British Columbia and Quebec have had civic parties recognized for 60 to 70 years. We want to modernize the Municipal Elections Act. Civic parties are modern; they're not archaic. So we just ask that party affiliation be put on the municipal election ballot.

1450

Party affiliation is important. Mr. Kasperski touched upon it a little bit. We're going to take you back to 2007.

Prior to 2007, in Ontario provincial elections, party affiliation was not included on the provincial election ballot. That matter was debated here in 2007, and all parties—the Liberals, the Conservatives, and the New Democrats—agreed that party affiliation on the ballot was important.

Why was it important? Because it was providing information to the voter so that the voter could make an informed choice when he or she cast his or her ballot. The reality is not everybody knows that you may be a Conservative or you may be a Liberal or you may be an NDP until they get to the ballot box, but they feel comfortable that when they cast their ballot, they agree with the policies in general of one of those parties, and tick off the name whether they know you or not.

The Chair (Mr. Peter Z. Milczyn): That's your 10 minutes.

Mr. Stephen Thiele: Okay.

The Chair (Mr. Peter Z. Milczyn): This round of questions begins with the government: Mr. Baker, for three minutes.

Mr. Yvan Baker: Thanks so much, Chair. Stephen, it's great to see you. Thanks so much for coming to present here today.

Mr. Stephen Thiele: Thank you, Yvan.

Mr. Yvan Baker: Stephen, you and I have talked on a number of occasions about this. You've come to see me in my constit office. We've talked extensively, so I feel quite knowledgeable about your position and what's in your brief.

I'm going to ask you a question along the lines of what I asked Mr. Kasperski earlier. It's not exactly the same question, but I want to translate what you know into terms and a perspective that the folks at home who are watching or who are reading the Hansard would best understand.

The one thing that I'd like to talk about is that, in your opening remarks, you talked—and I'm not quoting you—along the lines of the fact that there's nothing in this legislation or in prior legislation that would prevent people like the members of the Toronto Party, presumably, from campaigning as a group or a slate or anything like that.

Mr. Stephen Thiele: Correct.

Mr. Yvan Baker: But, from what I understand, you're saying that what you'd like is that plus the ability to put that on the ballot.

Mr. Stephen Thiele: Correct.

Mr. Yvan Baker: Can you explain for the folks at home—

Mr. Stephen Thiele: We've had this conversation.

Mr. Yvan Baker: Sure, but for the folks at home: Why is adding the party name to the ballot so important? What's the incremental benefit of that that you don't enjoy right now, of being able to campaign as a group?

Mr. Stephen Thiele: I'm going to address that. I guess there are two things. One is legitimacy. I've been a candidate in a municipal election, and when I campaign I say I'm a member of a political party, of a civic party. People scoff at that idea because the general view is that

civic parties cannot exist in Ontario. So they don't trust me. They go, basically, "You're lying."

I've also seen candidates campaign at the door and they know that so-and-so is a Liberal and so they'll give a Liberal view, when indeed their views are something else, just to convince them. There's no accountability from that perspective.

That's why I talk about lack of transparency. Make it transparent. If I put that name on the ballot, then someone will know that you are a member of the Toronto Party or you're a member of the Liberal party, because that, then, vis-à-vis you and the elector, holds you to account to that elector. They're going to follow you and how you vote, and if you vote in a way that doesn't match the philosophy that they thought you held, they may not vote for you again. I think that's important.

It's really about giving information to the elector. Mr. Kasperski quoted from the Supreme Court of Canada. I'm going to quote a different passage from Justice Iacobucci. This got to the heart of his decision: "The restriction on the right of candidates to include their party affiliation on the ballot paper ... undermines"—underline that word, "undermines"—"the right of each citizen to make an informed choice from among various candidates."

The municipal election ballot: let's look at Toronto. Sixty mayoral candidates—

The Chair (Mr. Peter Z. Milczyn): Mr. Thiele, I'll stop you there because we have to move on to the next party. Mr. Hardeman.

Mr. Stephen Thiele: Okay. I'll have to speak faster.

Mr. Ernie Hardeman: Well, thank you and thank you very much for your presentation. My concern is that we seem to be somehow getting into this dilemma where we want to put a name of a party on a ballot to tell people what my ideology is, as opposed to what we do provincially or federally. The reason that it's put there is so they can recognize that that's the policy that we're running on.

So, unless we find some way in the bill to make party politics the way the city is governed, then I think using a party affiliation that does not have a policy to deliver and is not going to be advertising that policy to the people—so when they get out to vote, they'll have no idea what the party stands for—then they're using it just to direct the description as to somehow they should vote for you because of where you are in ideology. It's not what people are voting for municipally; they're voting for the individual. That's what it's all about. That's why we don't presently have parties.

I'm just asking you how you would envision changing the structure so being elected to a party on Toronto city council would in fact be so I, as a voter, would have an ability to be somewhat assured that you are going to deliver on the things you stood for. Because so far, unless you have a party policy, I wouldn't know.

Mr. Stephen Thiele: Well, that's right. You wouldn't know unless you checked the party. It works the same way. I mean, with all due respect—

Mr. Ernie Hardeman: In the city of Toronto, how would the average citizen check the philosophy of a party that they've never heard of?

Mr. Stephen Thiele: They would check the philosophy of the party like they do now. If I'm looking to vote in a provincial election and I look at who the candidate is, I'm going to the Conservative Party of Ontario website to see what the policies of the party are, or I'm going to the Liberal Party website. The Toronto Party had a policy in the 2010 election. We actually put out a policy book. So they would know.

Mr. Ernie Hardeman: I'm trying to get a handle on how we deal with it after the election that somehow if you're elected on an ideology or the party policy and you're the only one there, you can't deliver on it. In party politics, there's an obligation for the party, after they get elected, to implement the policies they ran on.

Mr. Stephen Thiele: Well, absolutely, but you can do that on a council as well. Whether I'm a single member or I'm elected with a collective—if I'm elected with a collective, we're going to have certain ideas on transportation, we're going to have certain ideas with respect to garbage and we may have certain ideas with respect to UberX. Those are city-wide issues; those are not local issues. You can check that.

It's just like any other party, either a provincial party or a federal party. If Prime Minister Trudeau does not hold true to electoral reform, let's say, I, as a voter for the federal Liberal Party, may say, "Well, you did not uphold your promise to me as an elector and I'm not going to vote for you again." So it works the same way.

The Chair (Mr. Peter Z. Milczyn): That's this round of three minutes. We'll move on to Mr. Hatfield.

Mr. Percy Hatfield: I've been asked several times: What's the biggest difference from being a city councillor to being an MPP? The hardest thing for me was, when I joined a party, to toe the party line and be partisan, as opposed to being an independent thinker. When I was on city council, there were members of that council who I knew to be members of a political party, but during debate at city council on municipal issues, one would go this way, one would go that way and one would be straight down the middle.

It's an independent body. I don't see how being identified as a party and having to vote on a party line is going to change the way we clean a sewer or fix a sidewalk. I just don't get it.

Mr. Stephen Thiele: Well, again, you're talking purely local issues. Fixing a sidewalk or erecting a stop sign is certainly not what city councillors do today. The city of Toronto is the sixth-largest government in Canada. It has a \$10-billion budget. It has 45 members of city council. It may soon go up to 57, and 57 independently elected individuals running on their own ideas does not allow Toronto to be efficient.

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Part of what the provincial government must do is create an environment to advance the economy of Ontario. Political parties that come together at your city levels with a collective view on, let's say, transportation, to build subways or LRTs instead of debating these issues for 20 years, actually advance the economy in

Ontario. So these are good things. I mean, take a look at Montreal. Take a look at Vancouver. This is what happens in those cities—

Mr. Percy Hatfield: Let's just stop there for a minute. Let me just ask you this. The Bloc was a party that wanted to break up Canada. Has your party, the Toronto Party, ever registered to run provincially or federally?

Mr. Stephen Thiele: No, we have not.

Mr. Percy Hatfield: You only do it at the municipal level?

Mr. Stephen Thiele: That's correct.

Mr. Percy Hatfield: Would you agree or disagree that if you were on the provincial ballot as the Toronto Party, or on the federal ballot as the Toronto Party, you would grow in party status and perhaps have more impact when you ran municipally? Short answer, please.

Mr. Stephen Thiele: I think that's an unfair question.

Mr. Percy Hatfield: All right. Then I take it away and won't ask it.

Mr. Stephen Thiele: Well, no, you've asked me the question and I'm going to answer it.

Mr. Percy Hatfield: No, we'll just ignore it. I don't want to ask you an unfair question. I do not want to ask you anything unfair.

Mr. Stephen Thiele: The reason that it's—

Mr. Percy Hatfield: Can your campaign literature identify—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, let him answer. You posed the question. Let him answer.

Mr. Percy Hatfield: He goes on for five minutes, and there goes all the time for questions.

Mr. Stephen Thiele: The reason I say it's unfair is not a criticism of your question; the Toronto Party has no interest in becoming a federal or provincial party.

Mr. Percy Hatfield: Thank you for that answer.

When you campaign, does your campaign literature have you down as a member of the Toronto Party?

Mr. Stephen Thiele: Yes.

Mr. Percy Hatfield: Is that in your favour?

Mr. Stephen Thiele: I don't know whether it's in my favour or not. What I do know is that it is identifying to the elector, and I am giving the elector information as to the values I hold, as a candidate, that are held through the Toronto Party.

Mr. Percy Hatfield: How many members of the Toronto Party ran in the last municipal election?

The Chair (Mr. Peter Z. Milczyn): That was the three minutes we had, Mr. Hatfield.

Thank you for your presentation this afternoon. If there's anything further you'd like to submit to the committee in writing, the deadline is 6 p.m. on Thursday, May 12.

Mr. Stephen Thiele: All right. Thanks very much.

RANKED BALLOT INITIATIVE OF TORONTO

The Chair (Mr. Peter Z. Milczyn): Our next witnesses are Ms. Katherine Skene and Mr. Michael Urban.

Good afternoon. You have up to 10 minutes for your presentation. When each of you begins, could you please state your name for the official record?

Ms. Katherine Skene: My name is Katherine Skene.

Members of the committee and committee staff, thank you for the invitation to speak here today. Thank you to all others in attendance for taking the time to participate in this very important discussion around democratic reform at the municipal level.

I'm the co-chair of the Ranked Ballot Initiative of Toronto. We call ourselves RaBIT, for short. I am joined at the table by my co-chair, Michael Urban.

RaBIT is an independent, non-partisan, grassroots organization. We are dedicated to realizing a more inclusive, positive and representative government through the introduction of ranked ballots for municipal elections in the city of Toronto. We have been advocating for the adoption of ranked ballots in Toronto since 2010, as an organization, while many of our individual members have been doing so for even longer.

In this presentation, I will focus primarily on the need to proceed with the consideration of this bill with all deliberate speed possible. I will also address some smaller issues concerning the electoral calendar and third-party advertising, after which my colleague and I will be happy to answer your questions.

I'd like to begin my remarks by once again saying thank you. Specifically, RaBIT would like to thank the members of this committee for holding hearings on this bill so promptly. As I will outline shortly, our timeline for enabling ranked ballot elections in 2018 is already very tight.

We would also like to thank you in advance for your hard work. We are great believers in the electoral and legislative processes, and we are confident that you will perform your duties to ensure that this bill is the best it can be when it returns to the Legislature for final reading. We were encouraged by the minister's openness and generous offer to accept all reasonable amendments that improve the bill, and we hope you will proceed with your work in the same collaborative spirit.

Moving to the actual matter at hand, 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 government is empowered to promulgate the regulations that would actually enable those municipalities to do so. It does not go much beyond this. So while it is an important step in the right direction, this legislation is only that: It is one step toward realizing our goal of elections that are more fair, diverse, inclusive and friendly.

To a very great extent, the devil will be in the details of the regulations, and we will not be able to evaluate whether the government has kept its campaign promise until we see the specifics of those regulations. This was expected, if a little disappointing, given our interest in those details.

But herein lies the rub: Given that the government has promised to ensure that municipalities will be able to use ranked ballots for the 2018 elections, and given that it has been suggested to us by municipalities that they will require two years' preparation time, we can see that time is of the essence.

In order to responsibly make a switch to ranked ballots, municipalities and their councils have significant due diligence to perform. They will need to engage in public consultations, debate and discussion to determine whether they want to make the switch. If they do want to make the switch, the municipal clerks and their staff will need to put in place all of the technical and logistical systems and processes in order to ensure a successful election. For some municipalities, this may involve the purchase and testing of new vote-counting technology. Most of all, municipalities will need time to educate the electorate and the candidates before the election campaign to ensure that everybody is able to get the most out of the new system. Doing all of this is essential to ensure that municipalities take advantage of ranked ballots and all the benefits they have to offer, and doing all of this will require having access to those regulations by which these elections will run.

So, as you can see, there is still a lot to do and we are already on a tight timeline. In order to get access to these regulations, the bill you are currently considering needs to be given third reading and passed. First and foremost, I am here today to encourage all members of this committee to proceed with all deliberate focus and speed to ensure that this bill is returned to the Legislature in good time so that it can be passed into law as soon as possible and the regulations to which it refers can be drafted and released.

As I mentioned at the beginning of my remarks, there are also a couple of smaller points I wanted to make today.

First, we would like to note with approval several changes to the electoral calendar which we believe will help make implementation of ranked ballots easier and less onerous for municipalities, such as the shortening of the campaign period, especially at its close. This change is important to us because it provides more time for municipalities to design and print ballots, which is a critical technical pressure point. It's the question we're asked most often as advocates: "What will this actually look like?" Given the additional technical requirements associated with printing a ranked ballot, this extra time will ensure a successful election. From our perspective, this change is indicative of a process which has engaged responsibly and responsively with municipalities, something that gives us confidence in the wider process.

My second point concerns third-party advertising. Given the diversity of political persuasions and viewpoints held by the thousands of members and supporters of RaBIT, our organization is very strongly focused on that on which we all agree, namely the implementation of ranked ballots. We usually refrain from commenting on other issues. In this instance, however, the impacts on our

organization would be great, and so we feel compelled to address the third-party provisions contained in the legislation.

It is our understanding that certain provisions in this legislation would add additional burdens to third parties wishing to participate in debates on issues during municipal election campaigns. While we do not oppose the regulation of such participation on principle, we are concerned that the requirements are overly burdensome to small organizations with limited resources, like ours. While we leave it to the members of the committee to consider the specific provisions at issue and any potential improvements, we suggest you consider setting a campaign period spending threshold—for instance, Alberta has set one of \$1,000—below which organizations would not be bound by these requirements.

Finally, I'd like to conclude my remarks by saying thank you again to the members of this committee for taking the time to study this bill. We believe that the adoption of ranked ballots, which is a small and simple change, will produce a big impact and bring about a new politics in Toronto that is more fair, diverse, friendly and inclusive.

With that, Michael and I will be happy to answer any questions you may have.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. This round of questions will begin with the official opposition. Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much for your presentation. It's much appreciated. It is one of the larger items in this bill, and I think it's very important that we have some discussion on it.

You mentioned the fact that maybe this bill doesn't quite go as explicitly as it should in trying to meet the mandate letter that the minister got when the Premier asked him to look at or to implement a ranked ballot system. The concern, I guess, is that there seem to be a lot of challenges as to what ranked ballots really do, when it's finished. Of course, it is the fundamental part of municipalities, in fact, as it is provincially. In any province where we've had ranked ballots anywhere, or where we've tried to change the electoral system in any way, there has been a referendum. In any area in the United States where that has happened, the people get a choice as to whether they want to change the way they get elected.

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One can say, "Well, this is not really changing much," but it is. It's fundamentally different. If you look at places where they have it, there is some concern that the outcome is not what is being suggested by the ranked ballot system; that if we get enough second choices to beat the first-choice candidate, then we have a different winner. But that means that some people got more power in their vote than the others, because if the numbers had turned out a little bit differently, it would have been a different one.

My concern is not so much whether it's the right one or not. I'm a firm believer in the fact that the people

should decide, not governments. If we believe in democracy, we should have the people have an opportunity to say, before we start the system—in a lot of places, they haven't been really happy with the turnout after they did it—we should have a referendum so the people can have a say: "Do you want a change, or don't you?"

When this started, the city of Toronto said they wanted it. We now have resolutions and correspondence that they don't want them to pass it at all, but if they make it optional the way it is, make sure they include the opportunity for a referendum so that the city can have the people decide how it should be.

What's your view on the democracy of having a referendum before it's implemented?

Ms. Katherine Skene: It's a good question. It's a question that comes up often.

RaBIT is absolutely in favour of widespread public consultation.

You're right: Ranked ballots, for us, is about better democracy.

Public consultation should be careful and should be open, and people should be as easily engaged as possible. A referendum can absolutely achieve those goals, but it's not the only way to achieve those goals. In fact, we don't believe it's necessarily the best way to achieve those goals. Referendums are often done at the will of politicians, and they're very easy to manipulate in terms of who asks referendum questions, what the referendum questions are and how they are phrased. The cost of a referendum is extraordinary. Here in Toronto, it would probably cost more than \$15 million—

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there, because that was the three minutes.

Mr. Hatfield.

Mr. Percy Hatfield: Katherine, when you were concluding your remarks in your initial presentation, you spoke just about Toronto. We're looking at, province-wide, more than 444 municipalities. What is your view on how many may choose to go to a ranked ballot initiative, as opposed to your focus, being in Toronto?

Ms. Katherine Skene: Sorry, can you—how many municipalities may choose to do it?

Mr. Percy Hatfield: Yes. Have you done any research into that? Have you consulted anything, or are you just talking about Toronto and that's it?

Ms. Katherine Skene: Yes, we are focused on Toronto. We are the Ranked Ballot Initiative of Toronto. You will hear from Dave Meslin, who is the creative director of Unlock Democracy and 123 Ontario, and 123 Ontario is a network of organizations very much like RaBIT.

There are pushes in London, Kingston and Oakville. I read a news story that the council of Oakville has recently voted unanimously to study this option. Barrie is looking at it; there is a large group in Ottawa. So this isn't just about Toronto. We're very proud that we think Toronto started that push, but democratic reform is important, no matter the size of your municipality, no matter the size of your council.

Mr. Percy Hatfield: Other people have talked to us, not necessarily the committee, but if you're voting for a regional government and there could be 12, 14 or 28 people, is it your view that each of those has to be ranked from one to 28 or one to 14 or one to 12? How do you look at it?

Ms. Katherine Skene: I think that's up to the municipality to decide how many choices they want to rank. Most municipalities will choose between three and five. Truthfully, beyond three, I think some of us would be hard pressed to say, "Well, this would be my fourth choice and this would be my fifth choice." Most people tend to stop after that number anyway, even if you get the option of ranking 14 councillors or 28 councillors. But again, it will be up to municipalities to decide what's right for them and how they want to do that, depending on what those regulations say, of course.

Mr. Percy Hatfield: And on third-party advertising, as I understand it, if somebody running for mayor of Toronto says he's going to do away with the ranked ballot in the next election and that becomes a campaign issue, you guys, RaBIT, can't even comment on it, because you're an organization and you're not an individual who's registered. You know what I'm getting at. You won't be able to talk on it for six months.

Ms. Katherine Skene: Yes, that's right. Some people would say we could register and it shouldn't be that onerous, and maybe that's true, but our board and our core volunteers—we're maximum 30 or 40 people at this point and we all have day jobs. We don't have the resources and we don't necessarily have the knowledge to navigate those bureaucratic systems at city hall to say, "We're registering the right way so we're not going to get in trouble, and we have opinions that say that that's true." That's why I'm suggesting that there has to be this campaign limit.

RaBIT operates on a shoestring budget—"shoestring" being almost zero, actually. We have to have the ability to comment on these issues as they come up, and not just organizations like ours, but other issues—

The Chair (Mr. Peter Z. Milczyn): Thank you. We now have to move on to the government side. Mr. Rinaldi for three minutes.

Mr. Lou Rinaldi: Thank you so much for being here today. Thank you for all the work you do and your passion. Most people who have presented also have a lot of passion.

Because ranked ballots seems to be your main drive, I just want to follow up a bit on the comment you made that we're there, but not quite all the way there. You've heard the minister and you've obviously had a number of occasions to talk about how we're going to proceed to the next step as far as communicating it through regulation. I guess part of the reason is that this is new. If we entrench into legislation whatever referendum or consultation, it will be a huge challenge to adjust as we go down the road.

Would you comment or agree that we can deal with that piece through a regulatory process? And it's strictly

so that it's flexible and nimble. It's still giving municipalities those choices to make their own—because after all, they are democratically elected folks. We might not like who we elected, but the majority of people did. Would you comment on that a little bit?

Ms. Katherine Skene: To be clear, I have zero opinion on how it is the government does this, so long as it does it. Through regulation is a perfectly fine way to do it. Our concern is the speed at which those regulations will be available. Toronto is a large city with a very big budget, and we've heard people speak to that today. Not every municipality has that same budget or those same resources, and so for some municipalities, those regulations will be especially important in deciding how to actually run a ranked-ballot election.

Even here in Toronto, elections staff asked us a lot of questions, like: How many do you rank? Well, I don't know. So those are the questions that city staff are most interested in, because it will be how they actually run the elections.

Mr. Lou Rinaldi: You probably will know there are working groups already working to try to come up with some process to help municipalities who want to venture down that road—because after all, it's optional. We're not going to see 444 municipalities jump at this; I don't expect they will. Some of them maybe want to try; they might turn the clock back. I want to be fair and honest.

So some of the work is already happening as we go through this—because you're right: Two years is not a long time. We want to make sure that hopefully, if the legislation is passed towards the end of the summer, we'll have a fairly clear direction, subject to regulatory postings and time for people to comment.

Anyway, that's it, Chair.

The Chair (Mr. Peter Z. Milczyn): If you can respond in six seconds?

Laughter.

Mr. Lou Rinaldi: I'm not sure that was a question.

The Chair (Mr. Peter Z. Milczyn): Okay. Now the three minutes is up.

Thank you very much for your submissions today, and obviously for your work over a number of years. If you do have anything further you'd like to provide to the committee in writing, the deadline for that is 6 p.m. on Thursday, May 12.

Ms. Katherine Skene: Great. Thank you.

UNLOCK DEMOCRACY

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Meslin. The record will note that Mr. Meslin is wearing a jacket and tie today.

Laughter.

Mr. Dave Meslin: I would like that deleted from the Hansard.

It's not my first time addressing a committee with you as Chair, but it's my first time in this building. It's nice to see you again.

1520

The Chair (Mr. Peter Z. Milczyn): Please state your name for the official record.

Mr. Dave Meslin: My name is Dave Meslin, creative director of a non-profit group called Unlock Democracy. We have a project called 123 Ontario which, as Katherine mentioned, is a network of grassroots, volunteer-run organizations of citizens from across Ontario advocating for ranked ballots for their local councils. We have active groups in Ottawa, Whitby, Windsor, Toronto, London, Guelph, Hamilton and new ones coming online all the time.

I've been here since 9 a.m. watching this procedure. It's a very impressive process. I think it's a shame that the general public is more exposed to the Legislature and the heckling that happens there and that they don't see this process. I've been really impressed with the questions coming from all three parties.

I've also been really impressed with the process that led us to where we are now. The ministry has been very inclusive in their process in reaching out to stakeholders and trying to get a lot of input, both through the official public consultations last summer and by having groups such as the technical working group, which included clerks and some members of the volunteer community as well. It has been great to be a part of that whole process and to be where we are now.

Let me also say that this has been a very unique process in its multi-partisanship. A lot of issues in this building and in general get very polarized quickly between right and left, urban and suburban or this and that. What's really special about this movement is that people from all stripes and geographies have come together to say that it's the right time for this change and it's a small and simple change that'll make elections more fair and friendly.

The first motion for ranked ballots came forward from two conservative councillors—small-c conservative. We don't have parties in Toronto, as we've heard. Case Ootes and Mike Feldman put forward a motion in Toronto asking for ranked ballots for the mayoral elections. That motion passed almost unanimously in 2010 with support from the right and the left, and then since, of course, we've seen private members' bills from the NDP and the Liberals and now a government bill. This has really been a collective effort from people across the spectrum. The support in the media has been, in a way, almost never been seen before. Everyone from Jonathan Goldsbie on the left, to Jerry Agar and Sue-Ann Levy on the right, people are saying our elections need to be fair. We need a level playing field so people can compete against incumbents and we can see more friendliness and better results.

I've been advocating for municipal ranked ballots—just to be clear, I don't actually advocate for this reform for provincial or federal elections. We can talk about that later if you'd like. Municipal ranked ballots I've been pushing for for 10 years.

I visited the city of Cambridge, Massachusetts, which is the only multi-member, ranked-ballot, council-elected

city in North America, except for the Minneapolis parks board, which is a multi-member district of three which uses a ranked ballot. I've also spent extensive time in Minneapolis watching their elections there. I actually lived there for a week during their last election, meeting with the clerk, meeting with candidates, meeting with volunteers and meeting with voters and advocates, of course. I was really impressed with how the system is working there. Voters understand it. They like it. They have a very diverse council. There's no confusion about how to rank, and it has been a very smooth transition despite other rumours I've heard in the media.

A few quick comments about details in the bill. My main comment would be to echo Katherine and Michael, which is that we just need to get this through as quickly as possible because we're actually running out of time for some of the larger cities to be able to implement this. The logistics for a city like Toronto, for example, are absolutely enormous. If they need to change the software of their tabulators and put out RFPs for that, the window is shrinking very, very quickly.

Nomination requirements: Right now, it's easier to run for mayor of Toronto than to run for the president of the student council at U of T. There are currently no signature requirements, and you need \$200 to run for mayor of Toronto. It might seem counterintuitive for a democracy activist to be saying we should make it harder to run, but I think we should make it harder to run because a lot of those candidates aren't serious candidates, and it doesn't do a service to the voter to have the ballot cluttered with people who aren't serious.

In a city the size of Toronto, I think the deposit should be much, much higher, and I don't think you can take a one-size-fits-all approach because while in Toronto we have too many people running for mayor—upwards of 60—I know in other smaller communities you have the exact opposite problem: You have acclamations. We don't need to raise your thresholds. If anything, we should lower them. We do need to raise it in Toronto. I'm not sure if the one-size-fits-all approach right now works in the bill.

I think it's important that the bill allows cities to choose mayor only or council only; that they don't have to do both. It might be a great way for a city to try it—just for mayor—and see how it goes.

I don't support a referendum, but I think cities should have the right to choose to have a referendum, which the bill offers right now.

You'd mentioned in a comment that people should decide. Well, that's exactly what a ranked ballot allows people to do at the election. So if you think that 50% of the people is an important threshold to meet to change the voting system, I would argue that maybe 50% is an important threshold to win an election in the first place.

To me, a ranked ballot turns every election in every ward into a referendum. Right now, if 60% want to get rid of the mayor, he or she can still win. That's not a referendum. We want a referendum in every ward for every mayor. The way you do that is with the ranked ballot.

Section 40 talks about the posting of results. There's a sentence where it just says that the—how many minutes do I have left, Chair?

The Chair (Mr. Peter Z. Milczyn): You have—keep talking—

Mr. Dave Meslin: Okay. Section 40—

The Chair (Mr. Peter Z. Milczyn): —just over four minutes.

Mr. Dave Meslin: Oh, great. That's fine.

It says that “the clerk shall make the following information available....” Number one is the number of votes for each candidate. That would be adequate under a first-past-the-post selection. You might want to add something in there that actually states that the clerk has to release the results of each round and how the votes were transferred, especially for the multi-member districts, where it gets a little complicated.

It's really important not just that cities try this but that everyone likes it and everyone understands it. For those cities that want to have a referendum, my response to Mr. Hardeman would be to try it first. If you're going to have a referendum, let people know what the two options are. But if we're going to do that, I want to make sure that the reporting from the clerk is very clear, so voters do understand where their votes went. Of course, anyone who has watched a leadership race for your party or any party knows exactly where the votes go. It's a very simple system.

Two quick comments about parts of the bill that aren't related to ranked ballots: I'm actually concerned about shorter campaigns. I like moving the end date earlier. That gives the clerks more time to create the ballots. A ranked ballot is more complicated to produce.

I'm wondering why you're going from January all the way to May. A lot of people have proposed that it might give an unfair advantage to incumbents. We hear over and over that Toronto, or Ontario cities, have the longest campaign periods in Canada. I would argue it's the exact opposite: We have the shortest of any electoral districts anywhere in Canada.

Federally, or in Vancouver or Montreal, as we've heard, where they have parties, they can raise money right now. If I want to run against you next time, or you, I can do an event next week. I can hold a fundraiser. I can make a website. If I want to run against Gregor Robertson or Denis Coderre, I can put up a website next week. But if I want to run against my councillor, or John Tory, I have to wait until January 2018, and you're pushing that back to May.

You're making the shortest fundraising period in Canada a half shorter, and I think that's going to really hurt challengers. If you want to experiment with it, go to February, go to March or go to April. It's a huge change that could have negative consequences.

I echo the concerns that have been raised about third-party restrictions. I want to make sure, if this bill does pass, that I can publicly advocate for councillors to implement ranked ballots without being accused of being some third party who is spending inappropriately. The

two ways to do that are to either create a maximum threshold, that you can spend up to \$500 or \$1,000, or simply remove the word “issue” in section 1(6). It says “promoting, supporting or opposing a candidate or an issue....” I don't think there's a reason to include “issue” there.

I'll just close by saying that I encourage you to act quickly on this. I thank you again for the consultation. I really think it's a no-brainer. The reason that all of your parties use this system is because it's the most fair way to elect a winner. We, as voters, want to be able to have the same opportunity to use the system that you have all used to choose your leaders, and the same system that you use to be nominated in all of your ridings. We want to have that same chance too.

Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Let me ask—and I hope it's not an unfair question. Unlock Democracy: What is your view on party affiliation on municipal ballots?

Mr. Dave Meslin: Are Alan and Stephen still here? Uh-oh, they're watching.

I actually think it's really complicated. I will be honest: There are definite benefits. For example, I've been to an AGM in Vancouver—it was at COPE, which is one of the parties there—where people were voting on policies and voting on candidates. Here in Toronto, I have no way to do that. In between elections, I have no way to participate in a political body from 2014 to 2018. So I understand where they're coming from, and I do agree that there are benefits.

At the same time, I really like how the 45 members of council are independent, whereas you see in this Legislature that there are three parties and every member of each party votes the exact same way every single time, without exception.

1530

Mr. Percy Hatfield: Most of the time.

Mr. Dave Meslin: Ninety-nine per cent?

Mr. Percy Hatfield: Ninety-nine and a half.

Mr. Dave Meslin: And the NDP is one of the most whipped parties, for better or worse—I know it is federally.

So I like that in Toronto you'll get 44 to 1, 42 to 2, 43 to 1, or 17 to 25; you never know. There are little clusters who vote as blocs, and some of them even caucus, but even within those caucuses they break ranks and do their own thing. I kind of like it.

So I don't know. I'm really torn. I don't disagree that cities should maybe have the right to do it. I mean, that's the part where I probably agree with them completely: Why not? If the right was given, though, I don't know if I would advocate for Toronto to make that change.

Mr. Percy Hatfield: You talked about the ranked-ballot motion that came to Toronto city council. You mentioned the two councillors. Am I right in my recollection that it was a walked-on motion, that it didn't

come with a staff report, with background information pro or con; it was just presented and that was it?

Mr. Dave Meslin: That was the 2010 motion. That's true. But a few years later, in 2013, I believe, there was a very long process that went through the government management committee. That was a motion put forward by committee chair Paul Ainslie. That had public consultations at committee, with lots of deputations and lots of media exposure, and that motion won, I believe, 25 to 18.

Mr. Percy Hatfield: Your friend the Chair mentioned your jacket and tie. Inside the Beltway, what's the story on the jacket and tie?

Mr. Dave Meslin: I've only worn this previously for funerals, and two or three weddings. But I wanted to make sure you took me seriously, so I took out my funeral attire.

Mr. Percy Hatfield: Thank you.

Mr. Dave Meslin: I wish I had a more colourful tie, but it's not appropriate for funerals, though. I'll get a better tie for next time.

The Chair (Mr. Peter Z. Milczyn): I've always taken you seriously, Mr. Meslin.

Mr. Dave Meslin: Thank you.

The Chair (Mr. Peter Z. Milczyn): Questions? Mr. Anderson.

Mr. Granville Anderson: Thank you, Mr. Meslin, for being here. I found your presentation very interesting. I'm going to split my time with my colleague.

I know you're a big proponent of ranked ballots. It's something that I am not quite sure is the best way. The analogy you used when you use political parties—I have seen some terrible leaders be elected because of ranked ballots, so that's really not a great analogy. I could go down a list, which I won't. So—

Mr. Dave Meslin: I'd like you to.

Mr. Granville Anderson:—you don't necessarily get the best candidate by ranked ballot. That's one point.

Mr. Dave Meslin: Sure.

Mr. Granville Anderson: The second point is the election period. I am one for a much shorter period. Where I live, where I am in Clarington, I have seen where we have three or four people trying to run for mayor, and it's gridlock. Nothing gets done. Everybody is jockeying and nobody can agree on anything, and the whole council is—nothing happens, because everybody is jockeying because of the long campaign period. So I disagree with you on that one as well.

I'll leave it open for you to comment, and then I'll turn it over to my colleague.

Mr. Dave Meslin: Sure. Where are we at with minutes? Back at committee at city hall, we'd have a little clock counting down for me.

The Chair (Mr. Peter Z. Milczyn): You have one minute, 45 seconds.

Mr. Dave Meslin: Okay. In terms of whether good leaders are elected, that's really up to the voters. Voters might choose bad leaders. I actually find that the runoff for leaders that our parties use usually does end up

choosing very good leaders. You can disagree or agree with their policies, but it has elected some very successful leaders.

Dalton McGuinty, on his first round of ballots, was in fifth place. With the runoff, he won. You can debate whatever you want about his time, but he did well electorally for quite some time.

People argue that Stéphane Dion was an awkward choice and that they chose the wrong one, which was a very convincing argument until Michael Ignatieff did much worse. So I don't know; I think they might have picked the right guy.

The main thing is that it's not for you or me to decide who the right candidate is. It's for voters, whether it's for a leadership race or for a ward, and only with a ranked ballot can a majority of those voters express their opinion. A majority of those Liberals wanted Dion, and that's who they got stuck with, for better or worse. If the majority of Torontonians want to get rid of John Tory or keep John Tory, they should get that result. We don't have that right now.

In terms of your second question—oh. Again, I don't know; we'd need a crystal ball to know what the impact would be of changing the periods. What I'm suggesting is, don't do it so much. If you want to experiment with making it shorter, go to March. I think it's a really big change to go from January to May.

Mr. Han Dong: I just want to expand on that. I'm of the logic that if you extend the writ period to January or even to December or November, wouldn't the councillors or the mayor be more focused on election campaigns as opposed to their work?

Mr. Dave Meslin: Can I say one sentence? I've never understood the argument that politicians shouldn't be campaigning instead of governing. The best way to campaign is to govern well, and I have no problem with that happening at the same time.

The Chair (Mr. Peter Z. Milczyn): On that note, we'll end.

Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much. You can't run out on me just like that.

Mr. Dave Meslin: Sorry.

Mr. Ernie Hardeman: I just wanted to say that I agree with some of your presentation, or a lot of your presentation. I have some concerns that the first time using ranked ballots, there's going to be a lot of confusion. I don't think that's a good way to hold a referendum on whether that's the way we should have gone. You haven't been able to convince me of that.

But I was very interested in the issue of the timing of the elections, moving from January 1 to May 1. There seems to be absolutely no rationale for that, just because the city of Toronto had too long an election period. They never had a longer election period. The actual writ period in this bill is extended, not reduced, because they've moved the nomination close to mid-July, which used to be in September. So, in fact, the actual election is on starting the middle of July, as opposed to September, and the fundraising has been cut from January 1 to May 1.

So I totally agree with you and I think they just didn't give it any thought that some people may have trouble raising money in that short a time. That kind of money for a race like running for the mayor of Toronto—it would take longer than that if you started from scratch, I'm afraid, so I think that is a thing that they have to realize with. But I think if you looked at the reporting and the talk in the town, shall we say, during the last Toronto election, everybody said an election from January 1 till October is just way too long. It's only because everybody wanted to start the election, as opposed to just raising money.

Mr. Dave Meslin: Nothing forces candidates to nominate in January. Some races don't really get going until the summer; some start early. I would say that the last federal election started years before the election. I mean, we had ads running. Harper was running ads against Trudeau well before the election period. The US presidential election has been going on since the last one ended. So I just think we have to be realistic about how long elections actually are and look at what the possible negative consequences might be of shortening that fundraising period. One option might be to somehow allow candidates to register to fundraise but limit what they can do in terms of campaigning.

I think you'll still have mayoral people saying publicly in February, "I'm gonna run." There's no way that John Tory's opponents are all going to wait until May to publicly declare their intentions.

Mr. Ernie Hardeman: Yes, but according to—

Mr. Dave Meslin: But now they're going to be in a situation where they are going to announce it, but they're not allowed to put up a website.

Mr. Ernie Hardeman: That's right. If they put an ad in the paper to announce that they're doing it—

Mr. Dave Meslin: Even a website—

Mr. Ernie Hardeman: —if they accept money, they're not allowed to do that.

Mr. Dave Meslin: Yes. This actually goes back to the issue of parties. If we did have official parties, as they do in Vancouver and Montreal—Vision and COPE and NPA can run ads just like our parties do now in between election periods. They can raise and spend money all the time.

In Toronto, because we don't have parties and there's no mechanism to legally raise or spend one penny up until nominations start, it's really dangerous to move that date.

Mr. Ernie Hardeman: If you take the—

The Chair (Mr. Peter Z. Milczyn): That's the three minutes.

Mr. Ernie Hardeman: —all those independents couldn't raise any money. It would put us at a disadvantage.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation today, Mr. Meslin.

Mr. Dave Meslin: Thank you.

The Chair (Mr. Peter Z. Milczyn): If you do want to provide anything further in writing to the committee, the

deadline is 6 p.m. on Thursday, May 12. If you want to send more beer coasters, that would be the deadline by which to do it.

Mr. Dave Meslin: I shall do that. Thank you.

Mr. Ernie Hardeman: We should have a set.

TOWN OF OAKVILLE

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mayor Rob Burton. Good afternoon, Your Worship.

Mr. Rob Burton: Good afternoon, sir. Thank you very much for the opportunity to share some thoughts with you.

The Chair (Mr. Peter Z. Milczyn): Please start by stating your name for the official record.

Mr. Rob Burton: I'm Rob Burton, the mayor of Oakville.

There was some discussion of Oakville earlier in this chamber, and so I thought it would be a really good thing to start by telling you that headlines—as all of you know as experienced participants in public life, headlines aren't always written in the best of conditions and they are not always an accurate reflection of what's actually in the story. Alas, we do have a bit of that here.

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I thought the best way to dispel that is to read you word for word the resolution that Oakville's council unanimously adopted in a recorded vote Monday night in support of Bill 181:

"Whereas, Bill 181, Municipal Elections Modernization Act, 2016 has passed second reading and is currently under consideration by the Standing Committee on Finance and Economic Affairs; and

"Whereas, the proposed changes, if passed, give municipalities the authority to pass a by-law to use ranked ballot voting, beginning in the 2018 municipal elections; and

"Whereas, ranked ballots would allow a voter to rank candidates in order of preference and replace 'first-past-the-post' vote counting; and

"Whereas, municipalities that choose to pursue the option of implementing ranked ballots will be required to hold at least one public meeting; and

"Whereas, municipalities would have the power to hold a referendum to determine public sentiment for the ranked ballot option; and

"Whereas, the bill seeks to give all municipalities the option to ban corporate and union donations; and

"Whereas, Bill 181 also proposes to shorten the campaign calendar by opening nominations for candidates on May 1 instead of January 1; create a framework to regulate third-party advertising, including contribution and spending limits; make campaign finance rules clearer and easier to follow for voters, candidates and contributors; remove barriers that could affect electors and candidates with disabilities; and make it easier to add or change information on the voters' list;

"Therefore be it resolved that the town of Oakville supports the intent of Bill 181 to modernize the Muni-

pal Elections Act and will undertake consultation with the Oakville public when the framework and details for ranked ballot elections are set out in the regulation.”

I think it’s fair to say that we fully support the bill. It’s important to understand that the bill contains options for local choices, and that is a very important thing to the people of Oakville. I believe all across the province you will find that people have a great fondness for thinking that they ought to make their own decisions for their own future in their communities.

We also believe that the government’s selection of the approach of using the broad principles in the act and the details in the regulation is a worthy one, and we believe that it will allow the government to be more nimble. All across the province I know that everyone wishes for a government that is nimble and responsive, so we support that as well.

I would say, on the question of non-serious candidates, that all the mayors of the 905—I’m not telling a secret. We meet and we talk amongst ourselves and we all believe that there’s a problem of non-serious candidates, in effect, abusing the public’s patience and time at elections. At the municipal level, we have long believed that making election rules consistent for the three levels—municipal, provincial and federal—would be a good thing to do.

We have always found it interesting that sometimes it seems like when there’s a problem at the provincial level about anything—say, campaign finance—the government’s response is to say, “Look over here. We’re going to reform municipal finance.” We’re the downhill folks and we receive this kind of help and we—I have a number of points I’d like to point out where there’s an anomaly. For instance, in chasing the reduction of non-serious candidates, we’re reintroducing the idea of a nomination paper, where you have to get 25 signatures, but I’m pretty sure that you have to get 100.

I have to ask if your sauce wouldn’t be a better sauce for us than to have 100 for you and 25 for us. I don’t know the rationale for it, but I believe at the federal level it’s 100 as well. If we were able to agree that all of us should be 100, at least there wouldn’t be any confusion about it. If it works for you, it might work for us, and if it’s going to work for us, where is your change to make yours 25? That would be the question I put to you.

We also believe that being consistent is an important part of appearing to be fair and that to have different rules for different folks won’t look fair to the public. So when it comes to this question of third parties that you’ve heard about today, it is true that unincorporated groups may wish to register as third parties. The bill says they’re either individuals or corporations. We believe that this bill is the way to go to ensure accountability. Otherwise, we think you’re going to allow people or corporations to hide behind ad hoc group names. We say, let such groups incorporate.

I led several incorporated citizen groups: a residents’ association and an ad hoc clean-air-seeking organization. They were very small. We didn’t have a big budget. In-

corporating was not a burdensome duty on us. We didn’t have to; we did it voluntarily. I believe that we can let such groups incorporate. I don’t think it’s that hard, and I question the motives of people who can’t accept a minimum of process.

On the question of parties, we have no parties in our council chamber. We have council members—in my case, about 50-50—who are known to be members of two different political parties, but in my tenures as mayor, I have never seen a party vote in my council chamber. We’ve always parked our party affiliations at the door. I believe that that is, in fact, the practice all across Ontario. I actually think that it’s one of the strengths and beauties of the Ontario approach to organizing municipalities.

It’s fashionable to talk about how we have the weak mayor system and we don’t allow political parties. It is fairly unique if you look around North America, where there are many, many ways of organizing municipalities, but I think we have a really wonderful system in that, if you have the confidence of council, you can get things done, and if you haven’t the confidence of council, you’re pretty much stymied. We’ve had examples of that, and I think that’s actually the beauty of our system. I would urge you to do whatever you can to not lose that.

On the maximum donation level, we ask: Why is the maximum amount that individuals can give \$750 when the maximum at the provincial level is about twice that? I run in an area that is more than the size of one and a half ridings. What would be the harm if you had consistent rules about election donations?

On the question of ties, theoretically, it’s possible for there to be a tie at some point in a ranked ballot system, depending on the counting method used. There are about five different known counting methods. I’m expecting that the government will probably prescribe the counting method, but in the event of a tie—right now, we have this flip-a-coin, draw-a-card, game-of-chance approach to breaking the tie. In a ranked ballot system, what would be wrong with having the tie go to the one with the most first-place votes? I just leave it out there as a question for thought.

Finally, on the question of reporting, I echo my friend Mr. Meslin. By the way, I think he cleaned up really well today. I think that the clerk should be required to report the results of each round. I believe that transparency is an incredibly important piece of the public having confidence in elections.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation. We’ll start this round of questions with the government. Ms. Hoggarth.

Ms. Ann Hoggarth: Hello, Mayor Burton. It’s good to see you again. Thank you for your involvement and your interest in this bill. I’d like to know: Do you feel that you have been well consulted in the development of this bill?

Mr. Rob Burton: Yes, I do. In fact, I’m not at all dissatisfied with the consultation that we’ve had on the bill.

Ms. Ann Hoggarth: Great. In your opinion, what are the most effective tools to support ranked ballot voting in the municipalities across Ontario?

Mr. Rob Burton: If I understand the question correctly, passing the consultation activity down to us to conduct at the local level is the strongest thing on the table here, because it allows the local community to feel that they own the outcome.

Ms. Ann Hoggarth: I was pleased to hear in your motion that there will be at least one public—that's what it says in the bill—meeting.

Mr. Rob Burton: Oh, in Oakville, we have public consultation guidelines that go above and beyond any provincial requirement.

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Oakville is a town that loves to be consulted. It's full of people with opinions that they're interested to share. I actually embrace that. I've come to believe that the more input we have on decisions, the stronger the decision we make. So it's never been a burden, and we often wind up with much more success. I can count on the fingers of one hand, in 10 years, the split council decisions that we have had as a result of the extensive public consultation that we do. When we come to a decision, we have really worked it out with the community.

Ms. Ann Hoggarth: Great. Do you think it is important that the municipalities get to decide whether to ban corporate and union donations, or do you think that should be done in this bill?

Mr. Rob Burton: I support local choice. I can tell you that my council—let's see; it's tricky to do. Mayors are not supposed to predict what they think councils will do. You're supposed to call the vote before you announce it. I'm not announcing a vote in advance or anything, but if I was forced to guess, I would confidently bet that my council will ban union and corporate donations.

Ms. Ann Hoggarth: Okay. The shorter campaign periods: Will they allow for better municipal elections?

Mr. Rob Burton: I believe so. I take the point expressed earlier that the actual writ period, the campaigning time, is actually a little improved—lengthened—and my council and I are looking forward to that. We think the January start was burdensome.

We also think that there was a degree of voter fatigue that happens from having the campaigns too long.

We believe this bill is in harmony with our needs.

Ms. Ann Hoggarth: Thank you so much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll go now to the official opposition. Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much, Your Worship, for being here and making your presentation. It's much appreciated.

I did want to clarify one thing. The motion that you read from council—and I know the parliamentary assistant and myself have had some debate—the actual bill does not include one public meeting.

Mr. Lou Rinaldi: It will be in regulations.

Mr. Ernie Hardeman: We've checked that with your ministry and got that confirmed this morning. Not that it makes any difference, because I was more interested in your consultation of what council proposes to do prior to

making any decision on whether you want to propose it. I think that's the important part.

The question, though, becomes: How can we be sure that all councils are going to do that? Obviously, you said you have a very, very stringent guideline for all your public consultation. That's what makes your municipality work well. But that's not true from all the people who came and spoke to us. At both their municipalities, they have some concerns that in some of the issues, their municipality will not do the consultation, and then, in the end, will not necessarily do what the consultations suggest but will do some things for their own benefit on some issues. In a municipality where they're getting a lot of development money through donations, the people there are concerned that they will not vote to not accept them anymore with the present council.

How would you envision that the province could guarantee, on behalf of all the constituents we have, that the public is going to be involved in those decisions?

Mr. Rob Burton: The government can ensure that, if they enshrine it in regulation—I can only assure you that it will happen in Oakville because our community is so engaged that we couldn't do anything without public consultation. It would be a career-limiting move to do anything without consultation in Oakville.

It may be that other communities have a different outlook on life. It's a fine dilemma because I used to be a conservative, and I'm happy to remind you that it's a tenet of conservatism that the local community should decide. You can't have it both ways. You have to either believe in that or not.

I think that everywhere that people are concerned about it, there will be a grassroots swell of interest and concern on it. I do personally believe that we need to get developer money, corporate money and union money out of politics. I believe that to be true at the provincial level as well as at the local level. I believe in consistency, so—

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there, because the three minutes are up.

Mr. Hatfield for the New Democrats.

Mr. Percy Hatfield: Rob, I was hoping that you were going to say, "I used to be a Conservative, but now I'm a New Democrat," but you didn't get there.

Mr. Rob Burton: Percy, I've been recruited by the NDP three times. Keep trying.

Mr. Percy Hatfield: Consider yourself recruited again, then.

One thing that you didn't address, Your Worship, was the lame duck period between the time of the election and the first meeting of the new council. Do you have any concerns about the lame duck period at all?

Mr. Rob Burton: Well, in 2006, when I was first elected, the lame duck period happened to be exactly three weeks because the election day, at that time, was in November and the term began on December 1. Three weeks was just enough, if you see what I mean. I wouldn't want a shorter one than that. I know people who work so hard on their elections that their fondest wish after winning one is to have a vacation to get ready, so I don't know.

I don't believe that the time frame is a big problem. There are other provisions about what councils can do in a lame duck situation that, I think, adequately protect the public. I'm not sure that it's a big issue.

Mr. Percy Hatfield: Okay. Let me ask you this, then. You do favour consistency between municipal, provincial and possibly federal, be it campaign donation amounts or the number of signatures on a ballot. Why would you not favour a mandatory ban on corporate and union donations, as opposed to a voluntary ban, for consistency, if the province is about to do it anyway?

Mr. Rob Burton: I'm in favour of consistency. That might be the best answer that I can give you.

Mr. Percy Hatfield: All right. Give me your best answer on your personal view on ranked ballots.

Mr. Rob Burton: My personal view of ranked ballots? I believe, if we use contingency voting counting, that it's a fine system. To make that plainer, you keep the top two and distribute the others. It's the simplest approach.

Mr. Percy Hatfield: Do you have wards or city-wide in Oakville?

Mr. Rob Burton: We have wards, and I'm a big fan of wards. We have a funny culture—maybe “funny” is the wrong word. It's kind of a schizophrenic thing. You're sworn in to work for the entire town, but you're elected by the electors of a ward. I think that's a lovely dichotomy. That's a lovely dualism.

Mr. Percy Hatfield: Has LUMCO taken positions on any of these, or has AMO?

Mr. Rob Burton: AMO has taken positions on these, and I have them here. In one or two tiny little ways, I may be out of line with AMO.

Mr. Percy Hatfield: So you'll send us a letter later on, telling me what those are?

Mr. Rob Burton: I'd be glad to give those to you.

Mr. Percy Hatfield: Thank you, sir.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Just to that point, Your Worship: If you do wish to submit anything in writing, the deadline for that is 6 p.m. on Thursday, May 12.

Mr. Rob Burton: Thank you very much, and all the best with your deliberations.

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

MS. CATHRINE McKEEVER

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Cathrine McKeever. Good afternoon.

Ms. Cathrine McKeever: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Ms. Cathrine McKeever: Yes, it has already been corrected; thank you very much. Our name is McKeever—Cathrine McKeever, Bowmanville, municipality of Clarington.

Good afternoon. The ranked ballot certainly gives new meaning to the saying, “Vote early, vote often.” We have

an electoral system that is easy to explain, easy to understand and easy to calculate: One person, one vote; whoever earns the most votes wins. It cannot be more democratic than that.

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The voters of the ward or municipality or riding make their choice. For example, they want candidate A to represent them. Candidate A has received the majority of votes for that position; ergo, A is the winner. How easy was that to explain, to understand and to calculate? Candidates B, C and D did not garner enough support, did not convince enough voters of their capabilities; ergo, they did not win the position.

The complaints from those who did not vote for A are that their votes did not count, that it's not fair, that it's not democratic and that the majority voted against A. Well, no. If you insist on counting votes against rather than for, the majority voted against D, who had the least votes, followed by C, then B, with A having the least votes against. A is still the winner.

I don't know when voting against someone crept into the election process. Perhaps it was when private and public sector unions or other special interest groups decided that they were entitled to more than those of us not so aligned who have less influence. I suggest they all buy pink shirts and try to stop bullying the rest of us.

There are decent candidates who want to do what is best for all, and sensible people vote for them. Then, there are selfish candidates who narrow that view, implying that they will do what is best for some. Strategic voting enters democracy: “Don't vote for someone; vote against them. We must stop them getting the power to take our stuff. We must stop this democratic process, must change what words mean and must manipulate the numbers.” This strategic voting movement is so Orwellian that maybe it started in 1984.

How many of you were elected because you earned your votes? How many were elected because of strategic votes?

The previous Premier failed to end our democratic process because the voters said, “No.” Now you are using the thin-edge approach municipally, while the Prime Minister has said he will end it federally. At least Premier McGuinty held a referendum. But, since both provincial and federal Liberals now have majorities, you need not bother. You can now change our democratic system to replace it with your first-past-the-post system, change what words mean—majority: not the greatest amount, but 50% plus one—and manipulate the numbers—not one vote, but infinite. You truly can engineer our election process into oblivion.

You claim that you can increase voter turnout by forcing citizens to vote for representatives they do not want. Yet you're not interested in what voters say about this voting. Let the municipalities decide—but decide before next December. Presumably you're pushing this through so you can have it in place for the next provincial election, when those aforementioned unions and special interest groups really come into their own.

An MPP from London says that they want ranked ballots, but Toronto says they don't. If there are six candidates for mayor of London but 18 for mayor of Toronto, do Torontonians only have the same six votes as Londoners? Or do Londoners get the same 18 as Torontonians? Have you lengthened the campaign period by six weeks so clerks have time to tell residents how many votes they are allowed for each position, based on the number of votes you have given other municipalities?

If Clarington has five candidates for mayor, I will vote five times for the person I choose, because my neighbour also has five votes to cast but uses them for ranking. Is my ballot invalid because I refuse to cast charity votes? You say it is not multiple votes, but if you are counting seconds and thirds from ballots, what are they if not votes? All this just to achieve your Orwellian majority of 50% plus one. Let's face it: If you need to rely on third-place choices, you're really not the one wanted, are you?

Of all the things Ontarians petition their government for, you seem to have picked one not high on their list, then combined it with other items to make it tenable. You've picked a small group to support your actions and called it "consulting the public." I will allow that you appear to have consulted more on this than you did on the condo act, when you consulted three.

If you are so convinced this is the perfect system, why not allow the voters an opportunity to agree with you? Conversely, why not just divert a portion of those taxpayers' dollars going for sex ed classes to classes on civic responsibility? Would a few hours of unbiased explanation about our existing system of one person, one vote, by ward or riding be too much to ask? At some point in education, as in life, multiple-choice answers are abandoned in favour of definitive ones. Just because lots of students picked "D" does not mean the answer to four plus six is 11.

Minister McMeekin stated that our electoral system is broken and he's going to fix it. A few years ago, this would have meant I would have to rank a man under charges for domestic abuse; a second with two restraining orders to stay out of town hall, one for assaulting our municipal clerk, the other for threatening staff; and the third, who I wanted to be our mayor anyway. Guess who the sensible voters of Clarington chose?

In larger cities, there may be 10, 15 or 20 mayoral candidates to be ranked—again, an experience not likely to increase voter participation, especially when there are still untold councillors to be ranked. Isn't the goal of this manoeuvre to take this system to provincial and federal levels, when political parties legitimately enter the fray? Here, you get voters to rank by ideology, not capability; by greed, not by need.

While those on the left may have multiple choices for representation, those of us who are right do not. To tell me that I have to rank the Flying Elephant Party, the Wash Your Dishes Daily Party and the Only Read Non-Fiction Party is not a modernization of elections, but a mockery.

I realize you won't answer my questions about your motivations for pushing this scheme, but one I demand an answer for is: How dare you tell me who to vote for?

Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll start this round of questions with the opposition: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. Very well done. Obviously it only deals with, as you mentioned, the main item that you have concern with in the bill. I'm glad you made the presentation so emphatically.

Mostly, though, my position has been that what we have here is a proposal to change the way people get elected in municipalities, and then giving the authority of whether they should switch or not to those same people who in fact would or could benefit from having it done. I've been suggesting all along that, at the very least, this is the direction in which we want to go and I'm not going to make it a choice on that vote as to how they vote for, but at the very least the people should have an opportunity to vote in a referendum of whether they want it.

As you mention in your proposal, Dalton McGuinty did a lot of things wrong but the one thing he did at least do was he—

Ms. Cathrine McKeever: He didn't need to bother having a referendum either. More taxpayers' dollars wasted.

Mr. Ernie Hardeman: But he had a referendum towards whether the people wanted change, and the people decided that they didn't want the change. That's the point I'm trying to make. I have a feeling—we've a bit of debate in this committee about how the city of Toronto wants it one way and then they want it another. The city of Oakville has made a decision that they want to take it to the people through consultations. The city of London has had some discussion about it, but no decision yet.

But why would the council have to make the decision, as opposed to the people, whether the people want the job applications that they're giving out to the politicians at the time—whether they want the application changed?

Ms. Cathrine McKeever: Quite simply, because the Liberals said so and they've got the majority. Ergo, it's going to happen. I've sat here and listened to people—like Bowmanville. Anybody heard of it? It's west—east of here, rather. There's a world outside of Toronto. I hear people say that all the time, but not until this afternoon have I actually felt the annoyance at people who live in Toronto, who think they are, quite frankly, the centre of the universe, when in fact it is Bowmanville, and we know it.

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No, this is not democracy. Ranked ballot—oh, cheerleader, yah, yah, yah. No: one person, one vote, not ranked. Who are you people to tell us who we have to vote for? That is the most insulting, disgusting, undemocratic, infuriating thing I have ever heard since Dalton McGuinty did it a couple of years ago.

Mr. Ernie Hardeman: The other thing, of course, on that same issue—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman—
Ms. Cathrine McKeever: Nor councillors.

The Chair (Mr. Peter Z. Milczyn): —we'll cut you off there. That's the three minutes. We'll move on to Mr. Hatfield for three minutes.

Mr. Percy Hatfield: I'm from Windsor. That's the centre of the universe. It's close to Bowmanville in the sense that it's not Toronto.

Ms. Cathrine McKeever: It's the centre of the south universe.

Mr. Percy Hatfield: Yes. Thank you. We're close to Motown, too.

Cathrine, can I get your opinion on party affiliation on the municipal ballot? Are you in favour of that or not in favour of that?

Ms. Cathrine McKeever: Not in favour of it. Realistically, coming from a small town, everybody's on committees. Everybody knows what everybody does. He's talking about Oakville being small. Bowmanville is small. Come on. Everyone knows.

No, I don't see a need for an affiliation. As you pointed out earlier, where's the expectation? Okay, so you're with this party; you're elected. Where is the party paraphernalia behind this to support this? You've got a party paraphernalia. You do; they do. Where is the party paraphernalia? How does it affect anything in a municipality?

Mr. Percy Hatfield: Have you run for council before?

Ms. Cathrine McKeever: Council, provincial, federal—oh, yes. You've never seen my name on anything. No, I'm way too odd to be elected, apparently.

Mr. Percy Hatfield: Not outspoken, no?

Ms. Cathrine McKeever: Despite the fact I'm a woman. Gee, there's diversity.

Mr. Percy Hatfield: I get it.

How much time is left?

The Chair (Mr. Peter Z. Milczyn): One and a half minutes.

Mr. Percy Hatfield: I take it you're not a big fan of Dalton McGuinty?

Mr. Han Dong: “You are” or “you aren't”?

Mr. Percy Hatfield: Aren't.

Mr. Han Dong: Oh.

Ms. Cathrine McKeever: Are you asking me or him?

Mr. Percy Hatfield: No, no. I know he's not.

Ms. Cathrine McKeever: Oh, okay.

Mr. Percy Hatfield: No, I'm kidding.

Ms. Cathrine McKeever: Then what are you doing over there, man? Get over to the right side of the table.

Mr. Percy Hatfield: I'm just having fun, Cathrine.

Just for clarification, in your presentation you talked about the condo act and the consultation. You said, I think, you only consulted with three. I just want a clarification—

Ms. Cathrine McKeever: Well, there were three condo owners consulted. There were 14 developers consulted, 12 lawyers and then some kind of banker—financial people.

Mr. Percy Hatfield: And one condo owner put on a committee?

Ms. Cathrine McKeever: And three condo owners.

Mr. Percy Hatfield: But one put on a committee—only one owner put on a committee?

Ms. Cathrine McKeever: What committee?

Mr. Percy Hatfield: The committee that—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, could you come back to Bill 181?

Mr. Percy Hatfield: If I have to, yes. I was enjoying Ms. McKeever's—

Interjection.

Mr. Percy Hatfield: I'm just sorry I didn't wear my pink shirt today, that's all—or one of my pink shirts today.

Ms. Cathrine McKeever: The lack of consultation is well noted from the governing party—

Mr. Percy Hatfield: Thank you.

Ms. Cathrine McKeever: —who now probably won't have questions. So maybe you can continue.

Mr. Percy Hatfield: Oh, no. They're just—

The Chair (Mr. Peter Z. Milczyn): Thank you. Now I'll go to the government side for three minutes. Mr. Dong.

Mr. Han Dong: Cathrine, good afternoon. First of all, I want to thank you for coming all the way down here and making your presentation. I can hear that you're very passionate about the democratic process. I just want to assure you that we take—

Ms. Cathrine McKeever: Then why are you doing this?

Mr. Han Dong: —we take great pride in representing our ridings.

You ask a good question: Why are we doing this? In the last municipal election, there were councillors elected with 15% of the support—

Ms. Cathrine McKeever: So? If the majority—

Mr. Han Dong: —with 20%—

Ms. Cathrine McKeever: The majority is the greatest number of votes—

Mr. Han Dong: You had your chance for your presentation—

Ms. Cathrine McKeever: —on each side.

Mr. Han Dong: If I may, I would like to ask a question—

Ms. Cathrine McKeever: Okay.

Mr. Han Dong: —and I hope you have an answer for it. I just want to point out that, as the bill stands right now, if passed, municipalities are not forced to carry out a ranked ballot system. They do have a choice. Now, they're requested to host a public hearing where they get everybody's voice—

Mr. Lou Rinaldi: It's in regulations.

Mr. Ernie Hardeman: It's not in the bill.

Mr. Han Dong: Well, we talked about this before.

So they will have a fair chance to consult with their constituency on which direction to go, but they're not forced; it's an option to them. I just want to point that out.

I do have a question for you—

Ms. Cathrine McKeever: But you're forcing the bill in the first place. You're forcing the action in the first place. You are forcing the municipality to do this.

Mr. Han Dong: No, we're providing an option to municipalities that would like this option.

Anyway, my question is on your position on banning corporate and union donations. Do you think that's the right way to go? Again, that's a municipal choice—

Ms. Cathrine McKeever: I think it's actually irrelevant, because there are other ways to benefit, rather than just financial. There are many other ways that particularly developers—anyone with enough money to give something with the expectation of a return of some kind is going to get it. It doesn't have to be money.

Mr. Han Dong: So you are not for the idea for—

Ms. Cathrine McKeever: I think it's irrelevant.

Mr. Han Dong: You think it's okay with corporate—

Ms. Cathrine McKeever: No, I said it's irrelevant.

Mr. Han Dong: It is relevant, because that is what's happening right now. They are donating to candidates and—

Ms. Cathrine McKeever: Yes, but if you say, “No, no, you can't give money anymore,” then there are ways in kind to get it.

Mr. Han Dong: Ah, I see what you're saying.

Ms. Cathrine McKeever: That's why I say it's irrelevant whether you can give money or give whatever promises.

Mr. Han Dong: Do you feel that candidates are now being—

Ms. Cathrine McKeever: Nudge, nudge, wink, wink—you know.

Mr. Han Dong: Oh, gotcha. All right, thank you.

The Chair (Mr. Peter Z. Milczyn): That's your three minutes. Thank you, Ms. McKeever, for your presentation. If there's anything further you'd like to provide to the committee in writing, the deadline to do that is 6 p.m. on Thursday, May 12.

Ms. Cathrine McKeever: Okay. Thank you.

MR. PATRICE DUTIL

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Patrice Dutil. Mr. Dutil, you have 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Patrice Dutil: Yes, good afternoon. My name is Patrice Dutil. I'm a citizen of Toronto, a resident of Toronto. My full-time job is professor of politics and public administration at Ryerson University. Thank you very much for this opportunity to speak to you this afternoon.

J'ai un grand plaisir de comparaître devant vous cet après-midi. J'évoque le souvenir de mes parents, qui auraient été très fiers de voir leur fils s'adresser au Parlement de leur province adoptive en français.

I'll speak in English. Je serai très heureux de répondre à vos questions en français, si vous le désirez.

I have two broad points I want to make to you this afternoon. The first one is regarding the proposed reforms to the electoral system, namely the single transferable vote. Secondly, I want to speak to you in favour of legislation that would allow parties to be formed and to be active on the municipal scene.

The purpose of this act is to make the municipal system more transparent, more attractive, where people will feel better educated about the issues, more aware of the issues, and hopefully allow for a higher turnout, because we have in Ontario a very low turnout.

Does this bill meet that test? It does not. There is absolutely no evidence whatsoever that the transferable vote has ever made any difference to turnout. There is no evidence of this. In this period when we are talking constantly about evidence-based policy, I'd like to see a study, any study, that shows that STV has ever made a difference.

People will point to Australia, for example. Everybody knows that in Australia, you are required to vote, by law. It is not STV that has done it. Ireland has STV. The turnout is declining.

I think it's incumbent on the government, it's incumbent on the public service, to prove that STV has made a difference and that STV, if applied in this province, will actually make a difference in terms of municipal turnout, in terms of municipal awareness, in terms of producing a more educated public. There is no evidence. Why go into this rabbit hole when there is no evidence?

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There are other things, however, that jurisdictions around the world have done, and that's the first—I handed out a very brief summary of some of my points. I'm surprised it's not addressed in this legislation. Why not vote on Sunday? If you want to look at jurisdictions that have high turnouts, they vote on Sunday. They vote when people have time off. Having the vote on Monday, when people are working, when people are busy, when people are stuck in traffic, is inadequate. It has been 25 years since Sunday shopping. We could vote on Sunday, with lots of opportunities to vote beforehand, of course. But if you want to vote, let the vote happen on Sunday. Allow Ontarians to make a party of it: Have a picnic; go vote.

The government should be investing—not a loan, but in consortium with other provinces, with the federal government and with municipalities—into electronic voting. Why aren't we doing more work on electronic voting? It's 2016. We can move millions of dollars with the push of a button. We can't vote? Surely we've come to a stage in this province, in the sophistication of this province, where we can vote on Sunday and we can vote electronically. If you want to make a difference, if you want to raise turnout, if you want to raise awareness, vote on Sunday. You can make it Saturday if you want; most people are off on Sunday. Do it Sunday.

STV: There's no indication that it has ever worked. The other last point I want to make on STV is that it has to be put to the people. This is not something that should

be an option for municipalities, and there is law behind this. It is now a constitutional convention in this country—a convention—that any change to the voting system must be put to the people. It's not something that is just thought up at the last minute.

British Columbia, Ontario, New Brunswick, PEI: In all cases, the proponents of changing the system said in great detail that the matter was so important, so fundamental to our political culture that it had to be put to the people. In this bill, the municipality has the right to consult or not to consult, or do something or not do something. That is completely unacceptable. Any change to such a fundamental aspect of our democracy—our democracy that will be celebrating its 225th anniversary next year—needs to be put to the people. It is constitutional convention. It is not just a whim; it is convention. A convention—look at your constitutional law—is extremely important.

I'll also say that, of course, Great Britain had a referendum on adopting electoral changes, and they were turned down also. In Australia, where there has been a long-standing practice of electoral reform, the last time it happened they had to go to the people. They went to the people. New Zealand went to the people. You have to go to the people.

No municipality should have the right to change the voting system without going to the people, period. In fact, I'll go so far as to predict that any change to any municipal system this way will be challenged in the courts, and it will be challenged on constitutional grounds. There should have been more research on this. I'm very disappointed that there wasn't.

I want to make a pitch for political parties. I published an op-ed in the *Toronto Star* a couple of weeks ago. I think that citizens in municipalities should have the right to form parties if they want to—they don't have to; if they want to. Why is that? Because parties matter in the mission of educating the public, of recruiting candidates, of vetting candidates, of ensuring that candidates are accountable. We all talk about the diabolical case of a councillor in Toronto having been elected with 15% of the vote. I agree with you; that's completely unacceptable. But how are you supposed to know the difference? None of these people are known. There are 20 candidates on the ballot. You might as well throw a dart.

The only way we can educate citizens, the only way citizens can educate themselves, is if the candidates tie themselves to a political party, to a program, and a program that holds people accountable. It doesn't have to be Liberal, Conservative, New Democrat; it can be local civic parties. This is the case in Quebec; it's the case in Vancouver. They've done quite fine. In a city like Toronto with a \$10-billion budget, we are stuck in a situation where we literally do not know who we're voting for.

What happens in terms of politics? Well, it is the incumbents who win. The only thing you ever hear from anyone is in a newsletter that comes from your councillor every season, paid for by the taxpayer. Anybody who wants to challenge the incumbent is literally disarmed.

This person cannot even spend money between elections to make herself or himself known.

We have a system that is rigged in favour of incumbency, and I suspect—there is no study of this, but I think the government of Ontario should pay for a study like this, of the rate of incumbency in our province. A rate of incumbency that is too high is an indication of a sick democracy. Democracy lives, democracy is fertilized when there is a turnover of power, and the only way you're going to have a turnover of power is if people actually know who they're voting for. Political party labels are the best tools we have in our political culture to make that known.

In summary, I think the STV, as it is cast in this bill, should be deleted. If it's not deleted, then there should be an amendment that it be put to the people. There should also be provisions. I've made an attempt to amend what's there. Obviously, the British Columbia legislation could be much more inspiring in terms of the wording to establish the constraints and the regulations around political parties. Certainly, I think that a committee like this should look into that and hopefully consider it in its final report.

Thank you for listening to me.

The Vice-Chair (Mr. Yvan Baker): Thank you very much, monsieur Dutil. Now the questions will pass over to the NDP. You have three minutes.

Mr. Percy Hatfield: Patrice, you mentioned that in Quebec, they have political parties at the municipal level. My recollection of the inquiry into construction malfeasance—mayor after mayor all fell by the wayside. Why do you think having political parties is going to lead to good governance when it hasn't happened in Quebec?

Mr. Patrice Dutil: In terms of Quebec, you're associating two things that should not be associated. There was something wrong with the political culture there, but it's not the fact that the parties existed. It's not because there are parties that there was corruption. There would have been corruption no matter what. So I don't see the link between corruption and political parties.

The reality is that political parties in Montreal have risen and fallen. They change. They move as the population articulates different perspectives, different needs. I really don't see the link between the fact that there are political parties and corruption. I don't deny the corruption.

Mr. Percy Hatfield: What evidence do you have for the committee that if we had political parties in Ontario at the municipal level, it would lead to better governance?

Mr. Patrice Dutil: I have the examples of what's happening at the federal level and at the provincial level. The reality is that we have an electoral system at the federal level and provincial level that has worked, where parties have blossomed, have articulated perspectives, have put together programs, have run on those programs, are held accountable to those programs. Our system works. Give credit to the system when it works, and our system has worked.

We've had changeovers in government. Sometimes, we've had dynasties that have lasted too long—historical accidents. But we have a system that is flexible enough, where people can in fact articulate and put into action their desire to see a change in government. Our system has worked. Our parties are sufficiently distinct that they provide an alternative for the people.

Mr. Percy Hatfield: Your op-ed page was “Toronto Needs Political Parties;” it wasn't “Ontario needs.” Could you not then change the City of Toronto Act as opposed to—

Mr. Patrice Dutil: That is an option for you. I published it in the Toronto Star, so I kind of thought I should make it “Toronto.”

Mr. Lou Rinaldi: I get the Toronto Star.

Mr. Patrice Dutil: Sorry?

Mr. Lou Rinaldi: I get the Toronto Star in Brighton.

Interjections.

Mr. Patrice Dutil: It could be “Ontario.” In fact, I would argue that it should be consistent across the board.

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Mr. Percy Hatfield: My recollection, reading Public Power, a book that Howard Hampton wrote about the history of public power in Ontario, is that referendums were regularly held on holidays, on Sundays, or even on New Year's Day, way back when we first got electricity off Niagara Falls. Somewhere along the line, that changed. So I like your idea about Sunday voting.

Mr. Patrice Dutil: I think it's critical. This works. In Europe they have high turnouts; they all vote on Sundays.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll now go to the government side for three minutes. Mr. Baker.

Mr. Yvan Baker: Thank you very much, Mr. Dutil. First of all, I just wanted to comment on a few of the things that you were saying in your testimony. I have a couple of questions for you. I wanted to highlight that around the issue of the ranked ballot, or the single transferable vote as you put it, that's something that is a choice of every municipality. Each municipality can choose.

The other thing I wanted to point out is that that choice will be informed, undoubtedly, by what the voters' expectations might be as well as the conventions of that municipality in terms of how they consult with voters and make decisions. We just had testimony from the mayor of Oakville talking about how the people there—informed decision-making there. That may be appropriate for Oakville; you might tweak that somewhat for the constituency in Barrie or for Trinity–Spadina or for the city of Toronto and so on. This allows for some customization.

The other thing is that you talked a lot about the importance of having a referendum. My question around that is, if you believe that a referendum is required—and you should tell me if I've misunderstood—I presume that you believe that because you believe that you don't want to have a majority of voters sign off on or approve

changes to the electoral system. Wouldn't that same principle apply if you were looking to—isn't that what the single transferable vote, or what the ranked ballot allow voters to have: that 50% of voters would have to vote in favour of a candidate to elect them? That's a question of principle. I'm trying to understand whether the principle applies—that 50% of people need to support the decision as to whether or not the system changes—when you apply that same principle to every other decision that that municipal government makes. That's my question to you.

Mr. Patrice Dutil: Can I answer that?

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

Mr. Patrice Dutil: I would go further. British Columbia unanimously voted that the threshold was not 50% but 60%. I support that. In Ontario, if you want to change a corporate bylaw on a fundamental aspect of a company's mission, you need 60% of the vote. Why is that? Because it is central to the mission of the organization. It cannot simply be 50% plus one. My point to you is that voting is so critical to our political culture, so critical to the way we elect, that it cannot simply be 50% plus one. It has to be 60%.

Now, are you asking, should there be lots of referendums? That's entirely up to the municipality. If the municipality says that this issue is vital to their concerns, then they should put things to a referendum. I have no objection to that. But I think that on an issue like this one—how we elect our municipal councillors or our mayor—it should be 60% and it should be put to the people. You are changing the rules of the game. Put it to the people. It cannot simply be a choice of incumbents.

Mr. Yvan Baker: How much time do I have, Chair?

The Chair (Mr. Peter Z. Milczyn): No time. We'll move on to the official opposition for three minutes.

Mr. Ernie Hardeman: Thank you very much for your presentation. Obviously, I was interested in your talking about the ranked ballot system. We will be—to reassure you—putting an amendment to change that. I can't promise the government is going to vote for it, but I can promise it will be introduced; but it wouldn't go so far as to tell them what kind of standard they would have to meet. If the standard is any referendum, it can't win without 50%. But whether they want to increase that is something that could be decided as a local thing.

The other thing I think is important: Do you think it would be necessary that, in fact, you would have to include a percentage of the voters having voted? That makes it a much more difficult one. I just wonder whether you would think that would be important or not.

Mr. Patrice Dutil: You are raising a very important point—thank you, Mr. Hardeman. The reality is that in British Columbia, for example, 58% of the people who voted voted in favour of change, except that something like 40% of the people turned out, which means that the actual percentage of British Columbia voters who actually voted for change was less than 30%. That's not good enough to change the rules of the game. It's just not enough.

So I think that a municipality should be required to set those rules. I still think that because this is so important, it should be 60%. I don't think that a municipality, a local government of incumbents, should be protecting its place in power this way. You're giving the incumbents too much power.

Mr. Ernie Hardeman: Can I ask, though: If you're using the argument that you have to have that higher percentage of voter turnout, isn't that somehow taking away the democratic process, that those people who don't come out to vote carry the same weight as those who do, because they can stop something from happening by not showing up?

Mr. Patrice Dutil: I agree. I want to clarify: When I say 60%, it's 60% of the people who have actually turned out to vote. I think it should be higher, but let's be reasonable. I agree with you: To be reasonable, it should be 60% of the people who are turning out to vote, yes.

Mr. Ernie Hardeman: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation this afternoon.

Mr. Patrice Dutil: Thank you very much. Good luck with your deliberations.

The Chair (Mr. Peter Z. Milczyn): If there's anything further you'd like to submit in writing, you can do so until 6 p.m. on Thursday, May 12.

M. Patrice Dutil: Merci.

Le Président (M. Peter Z. Milczyn): Merci beaucoup.

MR. MIKE CLUETT

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Mike Cluett. Good afternoon, sir.

Mr. Mike Cluett: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Mike Cluett: Okay. Thank you very much for allowing me to speak here today. My name is Mike Cluett. I'm a local and regional councillor in the town of Milton, in the region of Halton. Again, thanks for allowing me to speak on the Municipal Elections Modernization Act.

I first off want to acknowledge that I am not speaking on behalf of the town of Milton or the region of Halton, unlike my counterpart who recently spoke today. We haven't predetermined our choice as to where we want to go regarding Bill 181 in the town of Milton.

This is an important discussion and one that's worthy of debate and engagement with Ontarians as we look for opportunities to evaluate our current systems and processes. Given the limited time that I have available, I want to focus the committee's attention on a number of concerns that I have with the proposed legislation.

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 representatives, 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 of 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.

Elections belong to the people, not to the members of the government in Canada, the province of Ontario or municipal councils. The electorate must have a say on how that system is determined.

Ensuring that we protect the democratic process from being manipulated by the political process is non-negotiable.

Through this legislation, the provincial government has already decided that there are two choices, and two choices only. We are aware that there are more than two electoral methods available, but they're not up for discussion, apparently.

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.

Back in 2007, a referendum was held, with the decision by voters to stay with the first-past-the-post system. While I agree that times do change and that governments should evolve, I do not agree with the government's proposal to punt the issue to local municipalities. This circumvents the voters and does not take into account their desire, or lack thereof, for change.

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During the last municipal election campaign in 2014, I can't recall one area, municipality or candidate speaking on the issue of electoral reform and changes to the voting system we now know. So how can this legislation propose that municipal councils as small as seven decide how people elect them without a mandate from the voters? Even the most recent polls after the last federal election listed electoral reform at or near the bottom of voters' issues of concern. Electoral reform is also being discussed at the federal level of government, where there continue to be loud calls for a referendum on that issue.

Another concern I'd like to raise with you is that by allowing municipal councils the ability to make these changes, you open up the risk of self-serving decision-making for personal and political survival. Allow me to give you a brief history of my political career in Milton.

I first ran for Milton town council in 2006 and came up 92 votes short. Now, if ranked ballots were the desired voting at the time, chances are that I probably would have been elected. In 2010, I ran again and was successful. There were only two candidates in my ward and I garnered 80% of the vote, so ranked balloting wouldn't have been an issue. Then recently, in 2014, out of a field

of four candidates, I won with roughly 46% of the vote, with my nearest opponents being 20 points behind. So with ranked balloting, chances are I still would have been successful.

Given my own personal experience, I could choose ranked balloting and have no issues. Conversely, I could also look at other members of my council and point to a councillor who was elected out of a field of seven or eight candidates and elected with 25% of the vote. This person could look at the opportunity and realize that if there were ranked balloting, they wouldn't be sitting there, so they'll choose to stay with first-past-the-post.

I bring this up to illustrate a point. By giving the authority to change their electoral system to municipal councils, it opens it up to self-interest and self-preservation over the merits of each individual system. We've seen in recent by-elections in the city of Hamilton and the town of Oakville that there are a high number of candidates running for these positions; over 20 in Hamilton and 11 in Oakville vying for a spot around the council table. Municipal councillors can now sit back and say, "I wouldn't have been there if that particular voting system was in place," so they make their decision based on their own self-interests. That is a conflict of interest.

Should any changes be made in the voting system we have, those changes should be made across the board—federally, provincially and municipally. The intent of this bill has been described as making it easier for people to vote. In many areas of this legislation, the opposite can happen and could lead to further confusion and voter fatigue.

Voting systems should be uniform instead of piecemeal, with one system for one level of government and another system for the other. I can draw an example from my area: the region of Halton. Halton is an upper-tier municipality comprised of four municipalities: the city of Burlington, the town of Oakville, the town of Halton Hills and the town of Milton. In Halton, we also elect the regional chair, as opposed to other jurisdictions that appoint their regional chair.

If changes were made to this legislation, we could have the following scenario: Out of the four municipalities, we could have two choosing the route of ranked ballots and the other two staying at first-past-the-post. That means that residents in the ranked-balloting municipalities can choose their local and regional councillors through ranking their choices and having to vote for the regional chair in a first-past-the-post system. This can and will lead to confusion in how we vote and will result in voters giving up, or the opposite effect happening: declining voter turnout.

In summary, I feel that if the provincial government wants to go down the route of changing the way that we elect our politicians in Ontario, we must first start with getting a mandate from the voters via a referendum. The group Defend Democracy has stated that our electoral system is "the basis of our democracy," and that "no ... government or political party has the authority to ... alter

our democratic system," as it is "up to the people of Canada to decide directly through a referendum."

No method of voting is perfect, and there are many views on which system is more representative of the people, but a government shouldn't be making these decisions. That decision belongs to the people themselves.

As an elected municipal official, I do support giving municipalities the authority to make decisions, some that are not on the table in Bill 181—whether or not to allow windmills in your jurisdiction or more flexibility for making planning processes in fast-growing municipalities like the town of Milton. But again, those are not on the table.

If we are going to be making changes to our voting systems, we need to start at the top: With the voters in the province of Ontario, as it should be.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll start this round of questioning with the government side for three minutes. Mr. Dong.

Mr. Han Dong: Thank you very much, Councillor, for coming over and making the presentation.

The bill, as you know, has many parts to it. I want to know: In your opinion, do you think that now is a good time with this bill to ban corporate and union donations? What's your view on that?

Mr. Mike Cluett: If we're going to be making changes to the way that election campaigns are financed, as we are trying to do in the province of Ontario and as it has been done at the federal level, it should be done at the municipal level, as well. I have no problems with removing corporate donations from election campaigns. It forces people to go to the people in their constituency, in their riding or in their wards to raise money to finance their campaigns. If we're going to be doing it, again, we should have uniform rules federally, provincially and municipally, so that all levels of government are transparent.

Mr. Han Dong: So you think it should be banned provincially, federally—already banned—and municipally as well? Do you think it should be a mandatory ban?

Mr. Mike Cluett: A mandatory ban?

Mr. Han Dong: Yes. Or should the choice be left to the municipalities?

Mr. Mike Cluett: That choice could be left up to the municipalities. But, again, I think that, if we are going to be making changes—the federal government has made a change for donations. The provincial government is looking at those changes, and I think that the municipal governments should also make those. It should be uniform across the table when it comes to transparency for voters.

Mr. Han Dong: What's your view on shorter campaign periods?

Mr. Mike Cluett: Shorter campaign periods, I think, can actually hinder new candidates from coming forward. I look at my situation. The first time that I was elected in 2010, I was elected as a local councillor and I represented roughly about 4,000 homes. In 2014, I was attempting to

run for the local and regional position, where, in the town of Milton, since we're growing so fast, it resulted in about 15,000 homes. I registered the first day, January 2, so that way I could get out to talk to voters directly, to campaign, to finance and, even in the dead of winter, to go out and knock on doors.

Mr. Han Dong: So you started campaigning very early in January.

Mr. Mike Cluett: I started very early, again, just for the size of the municipality that we have and how fast it's growing. People are moving in on a day-to-day basis. It helped me to get to more doors throughout the election campaign.

If you shorten that campaign period, that stops candidates from actually doing that. It stops them from raising money, because it's a shorter period of time for when you can raise funds—

Mr. Han Dong: Were you the incumbent at the time?

Mr. Mike Cluett: Pardon me?

Mr. Han Dong: Were you the incumbent at the time?

Mr. Mike Cluett: I was a local councillor in the first term and then I was running for a local and regional council seat—same areas, but more wards. I was one ward as opposed to four.

Ms. Ann Hoggarth: You lost the first time.

Mr. Mike Cluett: In 2006, I didn't win; in 2010, I won locally; and in 2014, I won locally and regionally. Because, again, it's a two-tiered, upper-tier municipality.

Mr. Han Dong: So you welcome a shorter campaign period—no, sorry.

Mr. Mike Cluett: No, I think that a shorter campaign period favours incumbency—

The Chair (Mr. Peter Z. Milczyn): That's the three minutes.

Mr. Mike Cluett: —because it doesn't give the opportunity for people to get out there early and make change.

The Chair (Mr. Peter Z. Milczyn): Thank you. This round to Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. First of all, quickly, I want to say that I'm glad to hear another presentation that agrees with my proposal to put an amendment in to mandate a binding referendum—

Mr. Mike Cluett: Absolutely.

Mr. Ernie Hardeman: —before anyone can make that decision.

I want to talk just a little bit, though, about the last question there about the length of the election period. Up until recently, the date, January 1, didn't appear anywhere. There was never a start of the election period. There was just a deadline for nominations. Is that correct?

Mr. Mike Cluett: Yes.

Mr. Ernie Hardeman: Then they put in the time of when you could start to raise money. That's all at that point. That's all that January 1 was. You could still wait with putting your nomination in until nomination day.

Mr. Mike Cluett: My understanding of it was that you have to register in order to start raising funds.

Mr. Ernie Hardeman: Register.

Mr. Mike Cluett: Yes.

Mr. Ernie Hardeman: But not be nominated.

Mr. Mike Cluett: No, that's correct.

Mr. Ernie Hardeman: Okay. Now, what the bill does is move the nomination deadline up, which actually starts the official election. That is now longer than it was.

Do you see any problem with allowing the registration day to stay on January 1 to allow new candidates to raise money?

Mr. Mike Cluett: Absolutely. It's just that, when you have—again, a situation like ourselves in Milton is a good example because we're the fastest-growing municipality in Canada, and before I get home, there's probably another five or 10 families already moved in. It's important for people to get out—if you want to get involved in the election process—to be able to get your name out there, and to be able to get out there early enough.

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Mr. Ernie Hardeman: The other area I just want to quickly touch on—being the fastest-growing or one of the fastest-growing municipalities, is there a concern in your municipality about election financing and the fact that one sector of our economy is contributing a lot more than others into your electoral process?

Mr. Mike Cluett: That comes from time to time throughout the process. Again, the majority of my campaign donations have been personal. I have received corporate donations in the past because, you know, I'm not afraid of doing that. But, if it comes down to it, where we do have a ban on corporate donations, I'm more than happy to go that route. But it does come from time to time, especially in a high-growth area, with the development community participating in the electoral process.

Mr. Ernie Hardeman: Thank you.

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

Interruption.

The Chair (Mr. Peter Z. Milczyn): Do members—

Mr. Percy Hatfield: It's a quorum call. Somebody else is supposed to be there. We're in committee.

The Chair (Mr. Peter Z. Milczyn): Okay. They have quorum, in any case.

Mr. Mike Cluett: I thought they were ringing me out from all that way.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, for three minutes.

Mr. Percy Hatfield: Mike, you got 80% of the vote and then you got 46% of the vote. What were the voter turnouts in those elections?

Mr. Mike Cluett: Some 35%, I believe, in the one, and about 34% in the other. So roughly in that third range.

Mr. Percy Hatfield: About the same around the province. So, even with 80% of the vote, you didn't have a majority of the eligible electors.

Mr. Mike Cluett: No. The majority of the people who came out to vote did.

Mr. Percy Hatfield: I think Trudeau, as I recall during the federal election, talked about proportional representation in part of his campaign—if indeed he did—and he got elected. Is that, in your opinion, a referendum? Or does he have to hold a referendum before he does anything with it?

Mr. Mike Cluett: He would absolutely have to hold a referendum, just as this government should have to hold a referendum before they change the way they vote.

Mr. Percy Hatfield: In your personal opinion, should all regional chairs be elected directly by the people in a democratic fashion? Or do you old boys want to keep it to yourself?

Mr. Mike Cluett: I think that all regional—all elected positions—

Mr. Percy Hatfield: And I'm older than you.

Mr. Mike Cluett: No, I understand that. We're close.

Mr. Ernie Hardeman: That was a slap back.

Mr. Mike Cluett: An unintentional one, but that's okay.

I do believe that all regional chairs should be elected. I think, if you're holding a position of public office like a regional chair, local councillor, MPP or MP, you should be elected by the people and not appointed by a council.

Mr. Percy Hatfield: I don't disagree. Just, when you were talking about democracy so much, earlier on—yet you're part of a system where, once you get elected as a regional councillor, then you'd select your regional chair from amongst yourselves.

Mr. Mike Cluett: In Halton region, we don't do that.

Mr. Percy Hatfield: No?

Mr. Mike Cluett: Our Halton regional chair, Gary Carr, is elected by the people.

Mr. Percy Hatfield: Oh, I thought you indicated that that was different.

Mr. Mike Cluett: No. There are other jurisdictions who don't elect their chair.

Mr. Percy Hatfield: Right.

Mr. Mike Cluett: Halton does elect their chair through the general election.

Mr. Percy Hatfield: Right.

If the province ever went to a referendum, as Mr. Hardeman has suggested, do you have any set criteria for the voter turnout or the results of that referendum, or would you accept just whatever the voters decided?

Mr. Mike Cluett: I would be looking for at least a 60% or maybe even a 65%—you would need a good majority of people in order to make a change; 50% plus one, I think, is not sufficient, given the—changing our democracy, changing our voting system like this. I think it would have to be a large—

Mr. Percy Hatfield: Yes, but on the other hand, we get a 35% turnout at the municipal level.

Mr. Mike Cluett: But we do have a higher turnout provincially. I think, if this question was on the table, you wouldn't find that the turnout would be much higher. So this is where the province should be holding its referendum, and not the municipalities.

Mr. Percy Hatfield: So, if the province held a referendum, and you wouldn't accept 50% plus one at the provincial level, even though governments can be elected by 33% or 35% of the total vote—they can form a majority government.

Mr. Mike Cluett: That's true, but we're talking about voting. We're talking democracy. Democracy needs to be—

Mr. Percy Hatfield: So why would you need 60% in favour for a referendum vote?

Mr. Mike Cluett: Because it's democracy.

Mr. Percy Hatfield: Isn't 50% democracy?

Mr. Mike Cluett: If we're changing the way we're voting—

The Chair (Mr. Peter Z. Milczyn): That's your three minutes, gentlemen.

Mr. Mike Cluett: —then it has to be, I think, more than 50% plus one if we're going to be making that change, or else you're going to be going back and forth with successive governments changing our voting system over and over again.

The Chair (Mr. Peter Z. Milczyn): Thank you, Councillor Cluett, for your presentation this afternoon.

Mr. Mike Cluett: Thank you.

The Chair (Mr. Peter Z. Milczyn): If you do wish to submit anything further, in writing, to the committee, you can do so until 6 p.m. on Thursday, May 12.

Mr. Mike Cluett: Absolutely. Thanks very much.

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

MR. JOHN PEPALL

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. John Pepall.

Mr. John Pepall: Thank you, Mr. Chairman.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. John Pepall: My name is John Pepall. There is a version of what I'm going to say to you which may or may not have been distributed. There's part of it that's kind of technical, so you may want to look at it.

I want to speak against ranked ballots, or preferential voting. I believe you'll already have heard a certain amount about that subject. I'm going to speak only on that subject, subject to whatever questions you may have. As I say, I want to descend to some detail. It may seem odd to make an issue of what is only an option introduced by the bill, but preferential voting is fundamentally flawed and irrational and should not be allowed.

Preferential voting seems to many a solution to what seems to them a problem: that candidates can be elected with less than a majority of the votes. Have voters rank candidates in accordance with their preferences and eliminate candidates until one candidate has a majority of preferences and it seems the problem is solved.

But preferential voting's orderliness conceals a fatal flaw. It can breach monotonicity, the surely basic prin-

principle that a candidate should be better off if she gets more votes. This is not, as surely it should be, necessarily so.

It's in the paper before you. I'll go through it. It takes a little thinking through. It took me a bit of thinking through to figure it out. I'm suggesting an election in which there are three candidates and 21 voters. The voters fall into four groups. Seven of them have the preferences A, B, C; three have the preference B, A, C; five, the preferences B, C, A; and six, the preferences C, A, B.

With those votes, on first preferences, B gets eight votes, A gets seven and C six. With the lowest number of votes, C is eliminated. Those who had C as their first preference having A as their second, on the second count, A wins, 13 votes to eight.

Suppose, then, that the second group of voters, who were B, A, C in the first example I gave, changed their minds and had the preferences A, B, C. You have 10 voters now whose preferences are A, B, C; five, B, C, A; and six, C, A, B. Now B has the lowest number of votes on the first count and is eliminated. The B voters' second choice being C, on the second count, A loses and C wins. A has 10 votes; C has 11 votes. More votes for A and no more votes for C lead to A losing and C winning. It can also happen that a shift of votes between two candidates makes no difference to them, but may cause another candidate, whose votes remain the same, to win or lose.

Our present way of voting is perfectly straightforward and simple: Whoever gets the most votes wins. We all understand that. There are no complications to it. People are frustrated, often, because people can win with well below a majority of the votes, but it's something we can understand. After all, if you get 50% plus one of the votes, you're not the people's choice; you're just the one who got 50% plus one of the votes. That's the way by which we make a decision, and the purpose of voting is to make a decision.

When you get into different ways of voting, it gets complicated. This flaw in preferential voting—I didn't find it—is well known. Academics and others have written about it for 100 years or more.

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Preferential voting is used in many organizations and in some countries, most notably Australia. Advocates of preferential voting generally ignore its fundamental flaw. Those who admit it contend that a breach of monotonicity rarely happens. In fact, we can't know how often it happens. In a sense, it's not something that happens. Preferential voting produces a result. The question is, is it a rational result, in the sense that the winner won because more people voted for the winner, or did the winner win because fewer people voted for the winner? That's what can happen with preferential voting.

You can't tell what the alternatives would have been, whether somebody would have won if they had got fewer votes, unless you look at all the preferences in the election, which they don't do. They only count them until they've got a winner.

In Australia, preferential voting has worked to accommodate the permanent coalition of the Liberal Party and the National country party. It has basically been a two-party system, with the coalition parties using preferential voting to sort out things between themselves. As Greens and other parties have entered into Australian politics, things have begun to break down.

Where there are parties and simple left, centre and right politics, the irrationality of preferential voting may be tempered. But politics is never simply left, centre, right. At the municipal level, the range of issues; the importance of simple competence, integrity and willingness to serve; and the multiplicity of candidates mean that voters' preferences may be widely distributed and produce results beyond the understanding of the voters and contrary to their intentions.

I have only spoken here about electing a single councillor in a ward and electing a mayor. If you get into STV or, say, electing seven councillors at large, it gets wildly complicated. Nobody knows what's going on. But the same fundamental flaw exists.

The ministry material makes several unfounded claims: "Ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement." No, in fact, because you go out and you say, "I'm going to vote for B," and your vote may actually result in B losing, with preferential voting. So you're not having your say. Your say is being frustrated.

There's no basis for the claim that it would increase voter engagement. I presume they mean "turnout." In Australia, voter turnout is high because it's compulsory. We've heard about low turnout earlier this afternoon. Happily, we're not going to be forced to vote in municipal elections. I think that would be a step too far.

"Ranked ballots may also:

"—reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate." There's nothing wrong with strategic voting. It's perfectly right to consider the chances of a candidate winning in deciding how to vote. If you vote sincerely, because you're seduced by preferential voting into thinking that it doesn't matter, the system will work it out and my vote will count. You may be mistaken. Your "sincere" vote may produce the opposite of the result that you want.

It would "reduce negative campaigning...." Negative campaigning is no worse than positive campaigning. Saying, "I'm a wonderful fellow and I'll do wonderful things for you" is no worse—it's a question of whether it's true or not—than saying, "He's no good. He's not going to do anything for you."

In fact, in Ireland, where they have a single transferable vote, even within the parties they have vicious conflicts because with people who are running for one seat where six members will be elected, there are people in the same party who are dissing each other all the time. So it doesn't produce more benign, friendly politics, whether we want that or not.

The point that it would encourage people to stay in the race: In my ward 20 in Toronto in 2014, there were 22 candidates. I met two or three of them and saw signs or pamphlets for perhaps 10. They mostly seemed to be decent people. I had great difficulty in deciding on one candidate to cast my vote for. Had I been asked to fill in a ranked ballot, I should have been at a loss as to how to do so. I could not have known what the effect of my preferences would have been.

Giving municipalities the option of adopting ranked ballots would mean that municipalities could change election procedures in ignorance of the fundamental flaw in preferential voting, or possibly on a calculation that it would be to the advantage of some interests. That calculation—

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Pepall. I'll stop you there. It has been 10 minutes.

The first round of questions goes to the opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. It's the first one we've had on ranked ballots, the actual results of the counting and how it can skew what would appear to be the results.

One of the things I've heard is—people say to me when it comes to the ranked ballots is, "If we just go and vote and if we don't understand it, if we just vote for one, then isn't it irrelevant whether it was a ranked ballot or not?" Their vote counts the same; they voted exactly the same way they always did, so there's no impact of that. Is that true?

Mr. John Pepall: It gets a little difficult, because in a way in a sense you could say that you don't cast votes; you express preferences when you have a preferential ballot. If you had 22 candidates and you had to go down the list and Snokes was 21, did you vote for Snokes? He might literally be the last person you would want elected, but your preference for Snokes over Snake at the bottom would enter into the system and might result in the election of Snokes, even though Snokes was literally the last person you wanted elected. It becomes difficult to say what it means to vote, even.

Mr. Ernie Hardeman: You were here at the last couple of presentations.

Mr. John Pepall: Yes.

Mr. Ernie Hardeman: There was considerable talk about whether a council should decide whether we're going to change the voting system or whether the people should decide. Have you got any opinion on that?

Mr. John Pepall: My appeal to this committee is that you should amend the bill and strike out everything about ranked ballots.

One of the problems is that we may or may not have a referendum in the country about electoral reform. We had one in Ontario and so on. These issues are very complicated. As we know, turnout in municipal elections is often very low. The prospect of people in Maple River having to vote about which complex form of voting they would prefer is not, I think, one that would really be healthy for democracy. I think that this form of voting is

so wrong that it should not be allowed. Having said that, I agree that the people should decide and the government of Ontario should decide.

Mr. Ernie Hardeman: Your comment is that first-past-the-post is the worst system in the world, except for all of the others?

Mr. John Pepall: Yes. I think it's perfect, actually.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, for three minutes.

Mr. Percy Hatfield: Thank you, John, for being here. Ward 20 had 22 candidates. You had difficulty deciding because you didn't meet them all. You met a couple, saw some signs. If, on the ballot, the party affiliation would have been there, would that have helped you in any way?

Mr. John Pepall: Yes, I think it would have. I think you may know who the winner in ward 20 was.

Mr. Percy Hatfield: No, I'm not from Toronto.

Mr. John Pepall: Oh, okay. Well, you may know Joe Cressy.

Mr. Percy Hatfield: I do.

Mr. John Pepall: We know which party he was running for.

Mr. Percy Hatfield: The best.

Mr. John Pepall: Yes. But I don't think that we'd be very much better off if there were 22 parties. I think that's another issue which I don't address. But there are too many candidates, and I don't know what's to be done about that.

Mr. Percy Hatfield: Let me ask you another question. It's not in this bill, but some people think it should be, and that's permanent residents who are non-Canadians. They live next to you, they pay municipal taxes, they send their kids to the schools in your neighbourhood, they volunteer at your churches and they volunteer as coaches in soccer or baseball teams. Should they be given the right to vote at the municipal level—not the provincial, not the federal, but at the municipal level—since they're paying municipal taxes?

Mr. John Pepall: My answer is no. I think that if they are permanent residents and they want to vote in municipal elections, they can become Canadian citizens. Municipal government is part of the total package of what it is to be a Canadian and of our politics. If you choose not to sign on to that, then you lose your franchise, it seems to me.

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Mr. Percy Hatfield: But if they're in the process—you've got to be here for so many years before you can actually get the paperwork.

Mr. John Pepall: Presumably, so many years will be plenty of time to become a citizen.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Now three minutes with Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much, Mr. Pepall. Obviously, I think we get the message on your feelings about the proposed way of voting—an option. What would you say that, since this process began some time

ago—almost a year ago—people had the opportunity to send in their comments or their thoughts, and there were over 3,400 submissions and there was an enormous amount of support for ranked balloting? Don't get me wrong; I'm not trying here to sway your mind because obviously you believe in what you believe. Do you think the government or folks sitting around this table should pay some attention to that?

Mr. John Pepall: Well, yes, but just because 1,000 people or a million people tell you to do something is not a reason to do it. They have to be able to say, "Do it because it's a good thing to do." You have to exercise your judgment and decide, "Is it a good thing to do?" This isn't the first time I've written or spoken on this subject, and I don't claim to be any kind of expert. I don't even like the term "expert." But the fact is, I believe that people who advocate preferential voting simply don't understand. They think—and it looks like that. Certainly that's the way it looks: "Perfectly straightforward; solved the problem; we've got a majority." But that's not the way it works.

Mr. Lou Rinaldi: So your opinion is that we should just ignore those comments or those suggestions?

Mr. John Pepall: You should take them into account, but as I say, just because a million people say "Do this" is no reason to do it unless you are persuaded that doing this is the right thing to do. If people understood it, write back to them and say, "Well, it's very good of you to write, but have you considered that in fact preferential voting doesn't work to the advantage of the voter?" Then they might say, "Oh, I never really thought about that."

Mr. Lou Rinaldi: In political parties, that's the way that we elect leaders. That's the way I got nominated to represent the Liberal Party in my riding in 2003. Was that a bad thing?

Mr. John Pepall: I agree with Professor Dutil that there should be—I don't expect them in every municipality. There should be municipal political parties. They should at least be possible, but I don't think they should be NDP, Liberal and Conservative. I think they should be the Maple Party, the Oak Party or whatever in that municipality—grouping people together who share a common view.

The Chair (Mr. Peter Z. Milczyn): That's all the time we have.

Mr. Lou Rinaldi: Oh, too bad.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for a very interesting presentation. If there's anything additional you'd like to submit to the committee in writing, you may do so until 6 p.m. on Thursday, May 12.

Mr. John Pepall: Thank you.

CUPE ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Fred Hahn. Good afternoon. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Fred Hahn: Sure. My name is Fred Hahn. I'm with Dan Crow, who's a researcher for our organization. I'm happy to present today on this piece of legislation.

We represent, as I'm sure many of you know, 250,000 workers all across the broader public sector; 80,000 of them are municipal workers and 55,000 of them are school board workers.

As a union that's committed to improving the lives of our members and all working people, we encourage our members to be engaged politically, so we're quite interested in and obviously keen on municipal elections.

The issues of campaign contributions and third-party financing have garnered a great deal of public attention of late. Campaign finance legislation is an important part of the democratic process. It helps to ensure that electoral campaigns are fairer and mitigates against the influence of large contributions from relatively wealthy donors. Caps on campaign contributions are important in terms of thinking about election spending, so we do want to thank the government for introducing Bill 181.

We want to take this opportunity to provide some proposed amendments that we believe could clarify and actually strengthen the bill.

Studies of municipal election financing demonstrate that large contributions from corporations make up between 40% and 50% of all money raised in municipal election campaigns. Large contributions from relatively wealthy individuals also play a disproportionately large role at the municipal level.

We'd like to note, however, that union contributions are small—very small—in comparison. Union donations range from 1% to just around 10%, or a little bit more, of all money raised in all municipal election campaigns in the province.

This legislation empowers municipalities to ban both corporate and union donations, and it appears to imply that the role of unions and corporations is relatively equivalent. Despite the apparent false equivalency created by this legislation, we are supportive of it in principle, including the sections that ban both union and corporate donations.

But in my comments today, I want to focus on three main areas of the legislation.

In terms of caps on campaign contributions, capping contributions to individual candidates at \$750, and instituting a cap of \$5,000 for two or more candidates in any municipal or school board election, seems like a very good place to start. This level will help to create a more level playing field between candidates and reduce the influence of big money. But \$750 is significantly more, we think, than the average person is likely to contribute or would be able to afford to contribute.

Even though this is a relatively modest cap, we think it doesn't completely level the playing field. So we'd recommend that that cap be reviewed after each election, with the goal of determining what the limit should be and potentially reducing it further.

We'd also like to raise the concern that in this current bill, the limit on contributions does not apply to a candi-

date's ability to self-finance their campaign, allowing virtually unlimited self-financing privileges to those are affluent. We recommend that there be a cap on campaign contributions that also applies to candidates who contribute to their own campaign.

This legislation doesn't consider voluntary labour to be a campaign contribution, nor does it count the use of paid employees so long as they do not receive more pay than they would normally receive. It's entirely appropriate to continue to encourage volunteer labour on election campaigns. This is a central component of our democracy, and it's a key way that individuals can participate in the electoral process.

However, we would like to recommend that the use of paid employees not extend to professional services, like polling, advertising and research. Professional services provide a higher value to campaigns than other forms of volunteer activity, like answering phones, making calls on behalf of a candidate, or distributing leaflets.

Second, we'd like to talk about the limits to third-party advertising. Limits on third-party advertising are also important components of ensuring campaign fairness. In the absence of any limits to paid advertising, it would be possible for folks to spend a great deal of money.

According to this bill, third-party advertising includes advertising intended to support or oppose a candidate or issues. If the purpose is to limit advertising on issues that can be clearly identified as related to a specific candidate, then that should be more explicitly outlined in the legislation. This would be appropriate.

But the definition of "issue" is particularly significant in municipalities that decide to ban contributions by both unions and corporations. In such cases, unions and corporations will be prohibited from registering as third parties and thus will also be barred from any form of advertising or public communication during a campaign. While these limits could be appropriate, we believe and feel strongly that unions should have the ability to purchase advertising on issues that are important to us, because those issues, we believe, are important to our members who are members of those communities.

Lastly, I want to talk about ranked ballots. We have a concern about including provisions in this bill that would empower municipalities to use ranked ballots. The primary purpose of the bill is to change rules about election financing to create a fairer playing field for all candidates. Allowing for a change of electoral system in municipalities is a separate, important and very distinct issue and should be considered on its own.

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The proposal to allow ranked ballots comes without any prior discussion and without sufficient research to determine what effects that change would have in municipalities. So we propose that this section of the bill be removed, and that a more open and separate consultation on the process of electoral reform in municipalities be undertaken.

Thank you very much for the time that you've taken to listen to the presentation. I'd be happy to answer any questions that you might have.

The Chair (Mr. Peter Z. Milczyn): Thank you. The first round of questions will be from Mr. Hatfield.

Mr. Percy Hatfield: Hi, Fred. Thanks for being here. You mentioned that a self-financed campaign should have a cap, and you didn't mention how much that cap should be. Have you given thought to that?

Mr. Fred Hahn: Well, there is a cap around financing for multiple candidates in any one municipality being \$5,000, so that would seem like a reasonable cap. Now, I suppose people could fundraise for themselves, but this is a different issue from self-financing.

Mr. Percy Hatfield: The ranked ballots: You say there's not enough research done and it should be a separate consultation, yet RaBIT in Toronto, for example, is all in favour of ranked ballots, and they see that as a more democratic way, within the city of Toronto, to proceed the next time out. Perhaps changing the City of Toronto Act as opposed to changing the Municipal Act for everyone is an option, but you're of the opinion, as I understand it, that there's just not enough research done on it and it should be a separate consultation.

Mr. Fred Hahn: That is what we're saying. Look, there are folks who have strong views on whether or not this particular model should be utilized in a first-past-the-post system. Of course, ranked ballots can be used in proportional representation. The challenge we have here is that it's kind of like a mixed metaphor. The purpose of this legislation is to talk about how we control big money in municipal politics; it's not about how we actually elect municipal politicians. That is an important question, but I would say to you that even in the city of Toronto, where there are some who are quite engaged, we represent close to 100,000 members in the city of Toronto, and very few of them have been engaged on whether or not we ought to change the municipal electoral system.

Mr. Percy Hatfield: All right. I guess my final one would be on the banning of union and corporate donations. As I understand, the province is headed in that direction. I think Mr. Trudeau has talked about it as well. Are you in favour of doing one system that applies to all three orders of government, and having it mandatory as opposed to leaving it as an option for those municipalities that so choose?

Mr. Fred Hahn: I think it would be more consistent and more clear to have a system that applied to all levels. I think that the system in place at the federal level, where there was a clear ban but there was also public financing of elections, makes indubitable sense in a democracy, where we want to encourage people to participate not only as voters in the electoral process but perhaps as candidates. In the current system, all of you will know that mounting a campaign costs money. Working-class people are very much less likely to be able to afford to do it. So if we had public financing of elections, it would be more fair, more even and make more sense. If we had a system that was consistent at all levels, then the rules would be the same everywhere.

Mr. Percy Hatfield: So depending on the number of votes you get at the municipal level, could that trigger

how much a municipality could, if you will, kick back to your campaign, to help you pay for that cost of running at the municipal level?

Mr. Fred Hahn: Indeed.

The Chair (Mr. Peter Z. Milczyn): Thank you. Our next round: Three minutes, Ms. Hoggarth.

Ms. Ann Hoggarth: Hi, Fred. Thank you very much for your presentation. Also, I wanted to say—one other day you were supposed to come, and you weren't here—I'd like to thank you for all the work you do for your members. I know you work really hard, and you seldom get told that.

The government heard interest from stakeholders about increasing voter participation. Frankly, when I was first elected, some of the first people through the door were about this issue. They came—lots, and often. Many believe that a ranked ballot system could increase voter turnout, since voters are able to be more expressive with a ranked ballot. What are your views on increasing voter participation and how this could be achieved?

Mr. Fred Hahn: I think it's incredibly important to enhance voter participation. I think part of the reason why voters are not encouraged to vote is that they vote for political parties that run on platforms and then, once elected, do things that they never said they would do in that platform, that no one ever voted for when they voted for that candidate. So I think that that is one reason why that turns people off from elections.

I think there are lots of ways that we could be encouraging people to vote, and I think that a change in the electoral system could be one of them, and that includes at the municipal level.

Again, I think the core purpose of this is quite important, which is to get big money out of politics at the municipal level. When developers—particularly developers—are spending huge bucks and financing municipal campaigns at 50%, then I think we have a recognized problem. It's why you brought in the legislation; we appreciate that. I think that should be the focus of this bill. The question of ranked ballots or any other electoral reform or other ways to encourage electoral participation is incredibly important and will be enhanced by the passage of legislation that gets big money out of politics.

Ms. Ann Hoggarth: In the bill, it does say that municipalities have to have public consultation and conversation with their constituents before deciding to pursue ranked ballots. Many of the details for ranked-ballot elections, including a mandatory requirement for a minimum standard of at least one public meeting and how votes should be counted, would be set out in regulation. What is your view on the ranked ballot? You said you don't like it, right? You think there are other systems.

Mr. Fred Hahn: I have personal views on ranked ballots. Our union is just about to debate this in more detail, given what has happened at the federal level and what will be happening at the federal level.

What I think is important here is not whether the opinion on this particular system is—this is quite a big

issue about the way we elect people, just as it is a big issue how we finance election campaigns. I think, in fairness to our democracy, these issues deserve the kind of attention that would be paid to them should they be separated into different pieces of legislation. Lots of us have been around and know that one public meeting in a municipality can get you five people, depending on how it's publicized and how much time is noticed and all this stuff. I'm not sure that's good enough to change the way people elect their representatives in the future.

The Chair (Mr. Peter Z. Milczyn): Our next round goes to the opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. I didn't realize, after we had such a pleasant breakfast the other morning—and I was out in front of the Legislature with you today—that you would come in here and I would agree with almost everything you have in your recommendations.

Mr. Lou Rinaldi: Wow. That's a first.

Mr. Percy Hatfield: Come on over, Ernie.

Mr. Ernie Hardeman: The reason I mentioned that is because what I'm talking about is not exactly a partisan issue; it's democracy itself. On ranked ballots—and that's where I agree with you most—your suggestion is that we take our time, take it out and do it. I don't think the government is going to do that.

I want to propose that a binding referendum be held before any municipality can implement it. That, at least, would give the opportunity for both sides of the issue to get their research done and to try to convince the people as to the best way to move forward. That's why I agree with that.

A couple of issues: One was on third-party advertising on issues. I would agree with you that if it's an issue that we want all parties or everyone in the election involved with, we should allow people to advertise that, and yet, at the same time, not to use that to direct people how to vote on the actual candidates in the election, since it's not partisan in the municipal ones. Having clarified what that issue is would be a great thing.

The last one I wanted you to comment on was self-financing. In the party system—we keep talking about how we want to make the federal, provincial and municipal the same, and we've heard a lot of that from the municipal presenters—self-financing amounts to that every candidate can put exactly the same in as any other voter into their own campaign. Why is it your suggestion that in the municipal it should be \$5,000 instead of \$750?

Mr. Fred Hahn: I revise my suggestion. It should be \$750.

Mr. Ernie Hardeman: Thank you very much. That's well said. There's some truth to that. We're either for self-financing or not. I think if you're going to stop that, then you don't allow that avenue of financing. Trying to set limits in there, to me—our provincial system has a pretty good system that says, "I'm a voter in the riding and I can donate \$1,300 now and that's it," and the rest you have to raise. I think that's a good one.

The other thing was from the comments from the government side: the issue about increasing voter turnout

through ranked ballots. I have not yet found a single place where they have it where that was one of the outcomes of switching to ranked ballots: that it brought more people out. I can assure you that the people of my municipality, if they have a ranked ballot without a very intensive training program, will not go out to vote because they don't understand it anymore.

The Chair (Mr. Peter Z. Milczyn): That was your three minutes.

Thank you very much, Mr. Hahn. If there is anything further you'd like to submit to committee, you may do so until 6 p.m. on Thursday, May 12.

Mr. Fred Hahn: Thanks very much.

The Chair (Mr. Peter Z. Milczyn): Our next witness is via teleconference. They were scheduled for 5:40 p.m. They're not online yet, so we will recess until 5:40.

The committee recessed from 1730 to 1740.

MR. BILL TIELEMAN

The Chair (Mr. Peter Z. Milczyn): The committee is back in session. Our next witness is Mr. Bill Tieleman via telephone. Good afternoon, Mr. Tieleman.

Mr. Bill Tieleman: Good afternoon, Mr. Milczyn.

The Chair (Mr. Peter Z. Milczyn): Thank you for waiting. You have 10 minutes for your presentation, following which there will be nine minutes of questioning: three minutes by each caucus. The first round of questions after your presentation will be from the government caucus. Mr. Tieleman, whenever you're ready, please start.

I'll just tell you who's in the room: from the official opposition, Mr. Ernie Hardeman; from the third party, Mr. Percy Hatfield; and from the government, Mr. Lou Rinaldi, Ms. Ann Hoggarth, Mr. Han Dong and Mr. Granville Anderson.

Whenever you're ready, please start. Please state your name for the official record.

Mr. Bill Tieleman: Certainly. Thank you, Mr. Milczyn, and thank you to the committee members. My name is Bill Tieleman and I have been president of No BC-STV, where STV stands for single transferable vote. I was president of what was the proponent group in British Columbia in both the 2005 and the 2009 official binding provincial referenda that were called by the government to decide by electors on whether or not to adopt a single-transferable-vote electoral system.

In British Columbia, as you may know through the committee and this consideration, on the 2005 ballot there was a super-majority required for passage of the STV system. It failed to meet the required 60%. The vote was close. It was 57.7% in favour of the STV system and 42.3% in favour of first-past-the-post, the current system which we have here in British Columbia and, of course, in Ontario. Some 1.7 million voters participated in that 2005 binding referendum.

That referendum and the STV recommendation were the result of a citizens' assembly that was set up by the government, with representatives from all of the BC

provincial ridings, who got together to consider possible alternatives to first-past-the-post and then made a recommendation, which was then put into a package for voters to consider.

In 2009, because of the close vote, then Premier Gordon Campbell from the BC Liberal Party decided to have another vote. The first time around, there was a fair bit of research—polling companies and others had looked at it, also academics and political scientists—and there was a lot of confusion as to exactly what this system meant, how it would work, and all of the details. It is, as you probably know now, a complex system that's only used nationally in two countries: in Malta and in Ireland, when you get to STV.

In 2009, the government decided to have another vote, and also decided that there would be a proponent group on each side. No BC-STV, which I led, was the official opposition, so to speak, to STV.

In the end, the referendum coincided with the election, and the numbers were basically reversed. There was a 61% vote in favour of retaining the first-past-the-post system and only 39% were in favour of the single transferable vote, or STV, system. It still required a 60% in favour, and instead it had a 39% in favour. It failed, and that was the end of the debate here.

One of the most important things that I should have mentioned to Mr. Chair: The only issue I'm really addressing is the ranked-ballot question and the question of whether voters should have the right to decide on the electoral system.

I think one of the major differences that we saw between 2005 and 2009, because there was no change in the system that was proposed, was that there was a full-some debate; there was a real campaign that happened. The provincial government, having granted each side \$500,000 to run campaigns of awareness, education and persuasion—each side was allowed to raise additional funding. The STV side raised about an additional \$350,000 to \$400,000 more than my side. Still, the numbers were reversed.

One of the key pieces to this whole enterprise in British Columbia as a lesson is that when voters are engaged, when they have the opportunity to hear all sides, when they have an extended period of time and the education and the awareness, then they can make an informed decision. I think that that was reflected in the difference in the results.

The only other thing that I wanted to mention in particular—and I think we really felt this very strongly in British Columbia—is that you can't improve democracy without giving electors a vote. I think that this was an extremely important aspect of the entire exercise here. Although those on the other side who were in favour of STV were very disappointed in the results, they could not argue that people did not have an opportunity to have a say or that they didn't have an opportunity to have a campaign and awareness. In the end, it was a result that had social licence and legitimacy at the end of it.

Where I have an objection with the proposed legislation is that it does not give voters a mandatory and re-

quired 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. It is lasting perhaps decades or longer when you adopt or change a system—and again, a major constitutional change.

I think those are the key points that I'd like to make to the committee. I really appreciate the opportunity to give a voice from afar in sunny Vancouver today and get the opportunity to talk to you, and I'd be happy to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Tieleman. The first questions are from the government side. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Mr. Tieleman, for joining us this afternoon, and thank you for your comments. Just a quick question, since we're over the phone here: Where's home for you?

Mr. Bill Tieleman: I'm in Vancouver, and I live in Vancouver.

Mr. Lou Rinaldi: Oh. Thanks very much.

Can you maybe highlight for the committee—obviously you make exceptional time from across the country to participate in this debate today—what spurred that on, just from an interest point?

Mr. Bill Tieleman: I was aware of the legislation coming forward. Basically, I have a master's degree in political science. I also lived in Toronto for six years so I'm familiar with Ontario politics as well. I followed quite closely all the referendums, including in England and other places, where there have been votes on electoral systems—New Zealand in the past. So I find it quite interesting.

But I also spent an enormous amount of time here on those two campaigns, and I think that that experience is of some value to people. I have regularly been consulted by many different folks from across the country, including previously the federal Liberals' critic on democratic reform.

Mr. Lou Rinaldi: As I said, thank you very much for taking the time to share.

We know your views on ranked ballots and your options to get there. I know that that's your only focus, but if you had an opportunity to look through the rest of the bill, can you give us some idea of your thoughts on union and corporate donations to campaigns?

Mr. Bill Tieleman: I favour banning union and corporate donations, and I certainly favour the federal system as it now exists. I think that's a very positive step. As I said, I didn't intend to make an intervention on any other part of this, but I certainly support it personally.

Mr. Lou Rinaldi: Thanks very much for your time today.

The Chair (Mr. Peter Z. Milczyn): Our next round of questions is from the official opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. We've had quite a bit of discussion about having a referendum when municipalities want to do ranked balloting in their municipalities. Do you think that would improve it if you had a referendum on it and allowed the people to decide, as opposed to the elected officials? Would that make a difference on whether they would support it or not if, in fact, they were given that choice?

Mr. Bill Tieleman: I do. I believe that. We've known and learned increasingly in our democratic society that the idea of social licence of the legitimacy of things is important. You can pass things in a Legislature, you can pass things in Parliament, but if they don't have popular support and they don't have that social licence, then there's a real challenge and a real problem with everything that flows from that.

So I think it's extremely important that people be given the choice. They may or may not participate in a referendum, although I have to say that in British Columbia, most voters who did vote also voted in the referendum. It clarifies the air, and no one can say—I think this is useful for all sides in these kinds of situations, all political parties—that you didn't give the voters a chance to consider this and you foisted it on them or there was something involved in that which was not fair. At that point, you've clarified it. The voters have spoken. If they say yes or no, then you proceed. If you don't have that, then I think there will always be questions. We're all involved in politics in some way. Every electoral system has pluses and minuses, advantages and disadvantages and all sorts of things that we can and can't see into the future. That's why I think it's important to have that fulsome debate with voters participating and giving them the final choice and not having it by elected officials.

Mr. Ernie Hardeman: We've had a lot of discussion about, when you do a referendum vote, setting the bar higher than 50%. Could you explain to me why a democratic vote on an issue should have a higher percentage to win than the 50%, as you had in BC? Why do you need more than 50% to validate a referendum?

Mr. Bill Tieleman: It's certainly a decision that each jurisdiction has to take, but I believe a super-majority is a reasonable position to take on these things because what we're doing is changing. We're not just electing one member, one city council or one member of provincial Parliament; we're voting on a change to our entire electoral system for an indefinite period of time. I think most people would say you wouldn't change a system for one election and then think about changing again. It would probably be in place for many, many years.

It has a very long-standing and very important differentiation between some of the other votes that we have. Budgets can change from year to year. Ministerial allocations can change. But these kinds of things go on for a very long time, and I think that's a key and fundamental difference.

Mr. Ernie Hardeman: Thank you very much, and thank you for taking the time to talk to us.

Mr. Bill Tieleman: Thank you, sir.

The Chair (Mr. Peter Z. Milczyn): Our next round of questions is from Mr. Hatfield with the New Democratic Party.

Mr. Percy Hatfield: Thank you, Mr. Tieleman, for taking part today. I see an inconsistency in your suggestion that we should have a super-majority referendum of 60% to adopt a ranked balloting system that will only declare somebody elected when they get 50%.

Mr. Bill Tieleman: Again, as I said, it's up to the jurisdiction. I can see many reasons for having a super-majority. For example, Mr. Hatfield, I am president of my strata council. In order to pass our budget, we require 66 and two thirds, and on some measures we require 75% of our members to vote that through because they're fairly significant changes. That's up to you folks to

decide. I'm fundamentally here to say that there should be referendums.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, Mr. Tieleman, for spending some time with us from the other side of the country. We appreciate your submissions. If there's anything you'd like to submit in writing to the Clerk of the Committee, you may do so until 6 p.m. Eastern time on Thursday, May 12.

Mr. Bill Tieleman: Great. Thank you very much for taking the time with me. I appreciate the opportunity.

The Chair (Mr. Peter Z. Milczyn): There being no other business, committee is adjourned until 9 a.m. on Thursday, May 12.

The committee adjourned at 1753.

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