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—
Chair

The Honourable Don Boudria

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•(1105)

[English]

The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)): Order. We now have a quorum, or at least a quorum for the purpose of listening to witnesses.

[Translation]

Pursuant to Standing Order 81(4), the committee is studying the main estimates 2005-2006: vote 15, Office of the Chief Electoral Officer, under PRIVY COUNCIL, which was referred to the committee on Friday, February 25, 2005.

It is our pleasure to welcome this morning, Mr. Jean-Pierre Kingsley, the Chief Electoral Officer. Welcome, Mr. Kingsley. We also have with us Ms. Diane Davidson, the Deputy Chief Electoral Officer and Chief Legal Counsel. Welcome, Ms. Davidson.

[English]

We also welcome Ms. Janice Vézina, senior director, election financing and corporate services.

Mr. Kingsley, perhaps you would like to make a brief presentation before we proceed with members' questions.

[Translation]

Mr. Jean-Pierre Kingsley (Chief Electoral Officer of Canada, Office of the Chief Electoral Officer): Thank you very much, Mr. Chairman.

I am pleased to appear before you to present the 2005-2006 main estimates for my office as well as an update with respect to candidate reimbursements originally scheduled for April 19. Thank you for introducing the staff members with me this morning.

As requested by the chair, I will outline today our major priorities for the fiscal year starting April 1, 2005. I will also provide information on our election readiness and the current status of candidates' reimbursements. My office operates on two separate budget authorities: an annual appropriation, vote 15, and the statutory authority. Vote 15 is the component of our budget that you are considering today. It covers only the salaries of our permanent employees, which amount to \$20.2 million for some 330 full-time employees. Its level of funding is determined by Treasury Board, but it depends on the salaries of these employees.

The second set of budgetary authorities is statutory, which is a direct draw from the Consolidated Revenue Fund. The estimates under this budget authority vary from one fiscal year to the next, reflecting the particular activities that my office must carry out under

legislation for the conduct of electoral events. This includes by-elections and referendums and the decennial redistribution of electoral districts, a process that was just completed.

There are also two other budget authorities that are statutory: the salary of the Chief Electoral Officer—which he appreciates very much—and funds required for the contributions to the employee benefit plans. The various functions and duties relating to the delivery of elections and referendums could not be performed in an effective and efficient manner without the statutory draw. That is because the timing of elections is not known, nor is it possible to identify in advance exceptional circumstances that frequently arise during an election.

In this regard, the statutory authority complements the adaptation powers under section 17 of the act and the ability to adapt rates under the Federal Election Fees Tariff. The draw also ensures that the delivery of elections is not subordinate to any political agenda.

The budget for fiscal year 2005-2006 is \$63.6 million under statutory authorities. With the annual appropriation, the total budget is therefore \$83.8 million. The major items in our 2005-2006 main estimates, in addition to the salaries of permanent employees in vote 15, include: political financing programs, including allowances to political parties, \$26.7 million; information technology programs, \$8.7 million; maintaining event-readiness activities, \$7.3 million and the National Register of Electors and Electoral Geography Programs, \$4.3 million. I will not read the rest of the list, but all the items are there. Ms. Longfield will note that we picked up on her suggestion and listed the items in descending order.

Our preliminary estimated cost for the next general election, should it be held this year, is some \$195 million. Reimbursement of election expenses to political parties and candidates would be an estimated additional \$55 million. The total estimated cost would then be some \$250 million compared to the \$279 million for the 2004 general election.

Elections Canada is ready to conduct the next general election whenever it may be called. In reaching this stage of readiness, we have attempted to address the problems that were brought to our attention by members of Parliament, including location of polling stations. We have also provided 5-day training to some 35 returning officers and assistant returning officers, as well as 3-day training to some 90 automation coordinators. In addition, we continue to update the National Register of Electors.

We continue to update the National Register of Electors and recently included new information for over 800,000 electors based on early filing data from the Canada Revenue Agency that we received in mid-April. This information now appears in our files.

We have also shared data with Elections BC, enabling the addition of some 580,000 electors to the provincial voters' list for their election this month, saving them an estimated \$11 million.

• (1110)

[English]

We have also written to over 355,000 potential new electors to confirm their eligibility to register. To date, some 51,000 individuals have responded to confirm their citizenship. Some 11,000 others have indicated that they are not citizens, thus re-emphasizing the need, which I've stressed before at this committee, to modify the income tax form to include a distinct question on citizenship.

Engaging youth participation remains a priority. For instance, as soon as the election is called, I plan to write to some 350,000 young first-time electors to encourage them to register. We are also pleased to renew our partnership with Student Vote 2005, giving youth under 18 an opportunity to manage and participate in a model or parallel election.

Moreover, I published a notice on May 2, 2005, in the *Canada Gazette* stating that the new boundaries of Miramichi and Acadie—Bathurst are coming into effect at the first dissolution of Parliament.

An hon. member: Good job.

Mr. Jean-Pierre Kingsley: Merci.

On May 3, 2005, we distributed the revised polling division maps and documents and paper in electronic form to members of the House and to political parties.

One of the members approached me before this meeting to tell me he'd received his. That was much appreciated.

As of today, there are ten vacant returning officer positions. To be fair, two became vacant only in the past week.

I will now turn briefly to the current status of reimbursements. Since the implementation of Bill C-24, Elections Canada has paid out some \$76 million to political parties and candidates. In the 2004 general election, there were 1,686 candidates, 837 of whom are eligible for a partial reimbursement of their election expenses. To date, a total of \$16 million has been paid in candidate reimbursements. We estimate that a remaining \$10 million will be spent in reimbursements, for a total of some \$26 million for that purpose.

Reimbursements to candidates are made in a two-step process. Initial reimbursements totalling \$9.8 million were made in July 2004. For all 837 eligible candidates—that is, those who received at least 10% of the valid votes cast in their ridings—the average amount was \$11,700. Each one received that.

Final reimbursements, the second step, based on the information contained in the candidate's campaign return, are processed on an ongoing basis once the review of each campaign return has been completed. According to the act, candidates have four months following polling day to submit their campaign returns and related

documents. The first priority is given to those files eligible for reimbursement.

In total, 382 requests for extensions were sought and granted—three and a half times the number for the 2000 general election—including 322 submitted to my office, and the balance to various courts across the land.

The monitoring and management of filing deadlines is an extensive, time-consuming process. My office was in frequent communication with the Speaker of the House, some party whips, all political parties, as well as affected candidates and their official agents on the status of candidate filings during October, November, and December 2004, expressly advising them of the need and deadlines for filing, and providing assistance as required.

In addition, my office was open during weekends close to the filing deadline, and it remained open until midnight on the final day as an aid to last-minute filers. We stayed open for filing until midnight.

• (1115)

We also provided assistance to MPs and candidates who required extensions to their deadlines, either from me or from a judge. The advisory committee for political parties recognized our efforts in this regard. By December 2004, we refunded some \$1.6 million in nomination deposits, based on our preliminary review of the filings. Then we undertook a more thorough review to determine compliance with the disclosure obligations of the act as necessary for the final reimbursement of election expenses under section 465. That section requires that the Chief Electoral Officer provide the Receiver General with a certificate assuring legal compliance before the formal reimbursement may be made. The statute requires that. That is not a wish on my part.

Once we started the review of the returns we noted that one-third of the returns were found to have errors or omissions that were serious enough to require a formal amendment to the return. This necessarily prolonged the process. The timing of reimbursements actually getting into the hands of candidates is also affected by assignment agreements between candidates and political parties. That's how political parties get repaid if they made loans to MPs or candidates, or that's how parties keep a portion of the returns as an automatic payoff.

Should my office receive timely and accurate responses from candidates, official agents, and auditors to questions that have been raised during our review, we estimate that by May 20, 2005, final reimbursements will have been made for those returns that are in compliance with the requirements of the act.

To conclude, I would like to inform the committee that my report, containing recommendations on the redistribution process, will be ready for tabling before Parliament within a few weeks. However, the report on recommendations to be made under section 535 of the Canada Elections Act has been delayed in light of heightened election preparedness activities, which I have ordered my office to do.

My colleagues and I are open to your questions, Mr. Chairman and honourable members.

[Translation]

The Chair: Thank you very much, Mr. Kingsley.

For the first round, we will go back to our usual practice of five minutes per person.

Mr. Casey.

[English]

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you very much. There are so many questions we have to ask, I don't even know where to start. I just read the paper today that has a quote about funding in Quebec. Somebody has to be responsible to answer these questions, and somebody has to be responsible to hold people accountable. It's a complicated process that you run, and we're all looking to you to help us with direction.

But if you read the quotes, they say: "Mr. Béliveau said he later received \$75,000 to \$100,000 in an envelope full of \$20 and \$100 bills from Mr. Corriveau." "Mr. Béliveau said the rest of the money—\$200,000—was given to another Liberal organizer in Eastern Quebec...." "In addition, Mr. Brault has told the inquiry that he gave about \$1 million in various contributions to the Liberals between 1996 and 2002...." It just goes on and on and on.

You hold me accountable. You drive us crazy, literally, about every nickel and dime in our return. We have to account for everything. Yet here we're talking about \$300,000 in cash in paper bags in \$20 bills and nobody is accountable for that? I don't understand how Elections Canada can stand on the side and say, "We don't have any responsibility here for this, but for you, Mr. Casey, you have to account for every single nickel and dime." I'm just frustrated by this.

I don't see Elections Canada involved in this debate, and it seems to me it should be. There are people here, probably, who were elected only because of criminal activity. There are members of Parliament who could be here.... I mean, \$300,000 in \$20 bills—that's four full independent MPs' election funding. I just find it frustrating that Elections Canada is not involved with this and is not protecting us and not protecting other MPs.

So could you tell us what role Elections Canada has in all these paper bags full of money that are affecting elections? These are electing people illegally, if they're true. Does Elections Canada have an ounce of a role here, or who does?

• (1120)

Mr. Jean-Pierre Kingsley: Through you, Mr. Chairman, Elections Canada is responsible for auditing what it receives as reports and for enforcing the statute. Until December 31, 2003, the statute said that any prosecution of infraction of the statute had to be undertaken within a year and a half of its commission. As of January 1, 2004 the law was changed. It said that from this point on—because there is no retroactive legislation in this country—any infraction will be counted for a year and a half from the moment its disclosure becomes public, by which time the commissioner must undertake prosecutory action. There is a seven-year timeframe now associated with that, so it must be undertaken within seven years.

Those two things were modified as a result of Bill C-24. We have applied the statute fully. If there were any role for Elections Canada, we would have undertaken it by this time.

The Chair: You have a final brief question, Mr. Casey.

Mr. Bill Casey: Elections Canada has been totally silent on this. For me, this is an incredible thing. I want you to make me account for every nickel and dime of my election. I want you to do that. I'm not criticizing you for that, but I am criticizing the silence of the electoral commission on all these issues, because these get right to the very core of what we're doing here. You should be active and you should be voicing an opinion on this. It's just not enough, in my opinion, to say it's past the statute of limitations. Certainly, that's up to us. We're going to have to review that, obviously, now.

You have a role here to help us. This is a very complicated process and a very—

The Chair: Mr. Casey, there is not going to be any time for Mr. Kingsley's response.

Mr. Bill Casey: What section are you applying here, or referring to?

Mr. Jean-Pierre Kingsley: Madam Davidson will look for that.

In the meantime, I've not been asked to comment on any of these.

Mr. Bill Casey: We're asking you now—

The Chair: The time has expired for this round of questioning.

We'll now move to the question of Monsieur Guimond.

[Translation]

It is your turn, Mr. Guimond.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chairman.

I would like to come back to the matter of reimbursements, Mr. Kingsley. You made a commitment that everything would be settled by May 20. You know that under a minority government, there is almost a daily possibility of an election being called. An election could be called on May 8 or May 10. Could you speed up the audits so that all the work would be done sooner than you planned, that is before May 20? I believe you also made a commitment to ensure that 90 per cent of the amounts to be reimbursed would be paid by the beginning of May. I would like to know what the situation is at the moment.

Mr. Jean-Pierre Kingsley: Mr. Chairman, the program I described this morning reflects what we can do in a responsible manner on the basis of my duties under the act. We will complete our work on May 20, provided people make the changes required in order to comply with the legislation. I am going to stick to the schedule. We have already made the necessary changes to proceed as quickly as possible in order to achieve the same type of performance as in previous elections. However, there is a minimum required, and I cannot go beyond that.

• (1125)

Mr. Michel Guimond: Do you maintain that you will be able to pay 90 per cent of the amounts to be reimbursed by May 20 should an election be called quickly? Do you still maintain that commitment?

Mr. Jean-Pierre Kingsley: When I made the commitment, almost a month ago, I said that if an election were called before we could get our work done, I would pay the reimbursements under a special authorization during the election, that is once the election has been called, up to 90 per cent of the amount we consider justifiable, based on the record submitted to us. That commitment stands.

Mr. Michel Guimond: I have one other question to ask you during my five minutes. I will have more questions later.

You mentioned that there were 10 returning officer positions vacant. I assume that the positions are throughout the country. Could you tell us where the latest positions which became vacant are located? Are there still two vacant positions in Quebec? That is what I want to know. I have heard that in the riding of Richmond—Arthabaska, the RO had resigned effective July 1, 2005. We can therefore assume that if an election is called soon, the individual will be able to perform his or her duties. In the riding of Laurentides—Labelle, the resignation apparently comes into effect on May 3, this week.

In light of the fact that there is a minority government, will it be possible to fill these 10 vacant RO positions quite quickly? Unfortunately, the old system is still in place: these are partisan appointments made by the government.

I hope that if there is a change of government, the party in power will be more open to the Bloc Québécois's traditional position, which is that ROs be named through an open, transparent process.

Mr. Jean-Pierre Kingsley: Precisely because of the system in place at the moment, I must tell you very frankly that I have absolutely no idea what the minister plans to do to fill these positions. I can only hope that there will only be one or two vacant positions if an election is called.

I must confess that I am concerned about the fact that there are 10 vacancies at the moment. I do not like this situation. At the time of the last election, only one position was vacant.

Mr. Michel Guimond: What is done in such a case?

Mr. Jean-Pierre Kingsley: I use a special authorization I have under the act. Where there is no acting RO—as is the case with four of the positions—I appoint one. That is what happens.

The Chair: We will now move to the next questioner. Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): My questions will be along the same line.

If you appoint an individual after the election has been called, this person will be in a very difficult situation, because he or she will be taking the training during the election campaign.

The poor people in the riding and the various political parties have to deal with this individual. I would not say that the person does not have the skills required, but he or she definitely does not have the training required to do the job competently.

• (1130)

Mr. Jean-Pierre Kingsley: You are absolutely right, Mr. Godin. What more can I say?

Mr. Yvon Godin: We must hope that the message gets through to the minister, so that the appointments are made, one way or another.

I would like to congratulate Elections Canada, which had until May 23 to adjust the boundaries of the Parish of Allardville, including a part of Saint-Sauveur and the Parish of Bathurst, but excluding the City of Bathurst and all the surrounding communities. This should be reported in the *Canada Gazette* published on May 2. I would like to tell you officially that the people in this region are very pleased.

Now that it is official, can we have a list of the people in the riding of Acadie—Bathurst?

Mr. Jean-Pierre Kingsley: Our current list for the election is an exact reflection of the change that was made, Mr. Godin. I am pleased to tell you that.

The maps we issued recently take the changes into account, including the maps on polling divisions. With respect to the list, I cannot give it to you or the other candidates until the election is called.

Everything has been done. That is why I told you I was ready.

Mr. Yvon Godin: That will be done when the election is called.

Mr. Jean-Pierre Kingsley: Once the election is called, we will act immediately to give you a copy of the list through the returning officer. The list will reflect these changes.

Mr. Yvon Godin: Mr. Chairman, I would like to ask a question about addresses. I had provided examples from my riding, but it could just as well have happened elsewhere.

There was a problem with regard to postal codes beginning with “E0” or “E0B”. In the letter you gave me today, you say that the problem has been corrected and that it is possible that the list had not been compared with the party's list. I accept your answer.

However, you state in your letter, in referring to postal code “E0B 1A0”: Please note that the registry contains four voters who have this postal code, as well as 60 voters who have expired postal codes beginning with “E0” which we still have not had the opportunity to update.

This has been going on since 1999. Postal codes beginning with “E0” go back to the time when the 911 emergency line was created. The addresses were changed in 1999. Codes beginning with “E0” or “E0B” have ceased to exist since 1999.

Mr. Jean-Pierre Kingsley: Mr. Godin, the problem is that no one told us about these changes. The authorities, including tax authorities, did not give us the new postal codes. That is why I tell you in the letter that we want to look at the issue more closely in cooperation with the New Democratic Party. The problem is mostly due to the fact that the NDP produces its own list. There are major differences between both lists. We assume ours is more up-to-date. Your lists had over 600 fictitious postal codes, whereas ours only had 64, I believe, which is 10 times less than what was on the NDP's list. Our list is much more up-to-date, but we will have to do some detailed work to see how we can organize the voters to take them out of one section.

Mr. Yvon Godin: I am talking about my riding, but it has happened elsewhere as well. I am sure that this did not only happen in Acadie—Bathurst.

Mr. Jean-Pierre Kingsley: Our answer is based on all the addresses. I am not only referring to your riding, but to every address we have for New Brunswick: 60 or 64 of these addresses have this postal code which does not exist anymore. We will have to study every address, because it is possible that some of them may be contained in other ridings. In the case of New Brunswick, we will examine the matter with yourself and with others. We all do the work this week.

The Chair: Do you have another question? Go ahead.

Mr. Yvon Godin: I have a very simple question regarding the person who changed her name on her income tax returns and who asked Elections Canada to change her name as well. I am still referring to your letter, in which you say that if you cannot check the accuracy of information with a second reference, you do not make the change. In the case of the woman who had asked for a change, you checked with the vehicle licence bureau, which had not recorded the change. So you did not make it yourself.

Mr. Jean-Pierre Kingsley: That is right.

Mr. Yvon Godin: This person told me that she had called Elections Canada to ask that her name be changed. I am not talking about my office or the NDP list anymore, I am talking about Elections Canada, of the service she received and the problem she had to deal with. I think that ultimately, her name was removed from the list.

Mr. Jean-Pierre Kingsley: Her name was not removed from the list, Mr. Chairman, and it is my pleasure to confirm that to you. There was a mistake in the spelling of this person's given name, and she did not like that.

• (1135)

Mr. Yvon Godin: When you write “Albino” instead of “Albina”, that is enough to bother someone.

Mr. Jean-Pierre Kingsley: Yes, especially when you are familiar with Latin. You have basically just changed that person's gender.

Mr. Yvon Godin: It is as if someone called me Yvonne.

Mr. Jean-Pierre Kingsley: We had changed her given name on her request, but the most recent list, the one from October, contained the mistake because it was the one we used during the election, as I explained earlier. That is why the mistake seems to have been perpetuated. But I can tell you now that her given name has been changed correctly. Albina is Albina.

The Chair: Ms. Boivin.

Ms. Françoise Boivin (Gatineau, Lib.): Thank you, Mr. Chairman. I have a few questions.

I would like to begin by saying that the work you do is extraordinary. I do not know how you do it given the number of employees you have.

That being said, we had until the end of October to file our election expense reports, is that not so? Is that the right date? Unless I am mistaken, every candidate must file their return, whether they got 10 per cent of the votes or not. There is no rule pertaining to the percentage of votes obtained, is that not right?

Mr. Jean-Pierre Kingsley: It has to be done.

Ms. Françoise Boivin: What happens to those who do not file their return? Does your office make a complaint? In my riding, for instance, there is a Conservative candidate who, until last week, had not filed his report. At least, there is nothing to show that he did. However, if I look at the type of campaign he waged, which included all sorts of advertisements, I imagine that he must have spent a certain amount of money during the election campaign. I would like to know how you follow up on these types of cases.

[English]

Ms. Janice Vézina (Senior Director, Election Financing and Corporate Services, Office of the Chief Electoral Officer): You're correct in saying all candidates, regardless of the vote, must file a return, a report of their election expenses and contributions, within four months of polling day. That was October 28, 2004.

As Mr. Kingsley mentioned in his speech, we processed 382 requests to extend the filing deadline. If an official agent felt they could not meet the deadline, they could apply to the CEO before October 28 and request an extension for certain reasons—they must provide reasons that are in the act—or they could see a judge to get an extension. We had extensions up to—ones we're aware of, through the court—April 8.

They're still coming in. There are still people going to see a judge to get extensions because they've missed their initial deadline or they've missed the deadline from the CEO.

It is an infraction, and where we have non-compliance—where we see we're missing a return, we're unaware of any process in the court, and they've not applied to the CEO—we refer that file to the commissioner, who will investigate.

Ms. Françoise Boivin: What happened with the party...before the next election?

[Translation]

It means that, in principle, during the next election, I could run against a new Conservative candidate without even knowing what he or she actually spent during the last election. That could happen.

[English]

Ms. Janice Vézina: One of the penalties for not filing your return on time or with any extensions you've been given is that you lose the right to be a candidate.

Ms. Françoise Boivin: But my question is this. There could be a new candidate, so I could face another Conservative candidate, who would have a very lavish campaign, and again we won't know exactly what they're spending. That's what you're saying to me.

[Translation]

Mr. Jean-Pierre Kingsley: That is possible. That is also what I would say to Mr. Casey. Some people do not respect the law. A person may be arrested during the night for having committed a murder or a theft, but that does not mean that there is no Criminal Code. We have an electoral law, and people are supposed to respect it.

Ms. Françoise Boivin: I would like to come back to a point raised by Mr. Casey.

[English]

I really take offence at your comment, let me tell you.

[Translation]

You said that under section 465 of the Canada Elections Act, which was amended by Bill C-24, when you issue the final compensation, you first check each figure contained in the report. In your brief, you say:

That section requires that the Chief Electoral Officer provide the Receiver General with a certificate assuring legal compliance before the formal reimbursement may be made.

That being said, if a party believes that a candidate may have misrepresented his or her figures, is there not a specific way for the party to contest the figures instead of appearing before a committee to discuss generalities? Is there not a process contained in the act which would allow someone to contest the figures? Suppose that a candidate states that he spent \$3,500 in rent for headquarters, but is suspected of having spent \$5,000 and it is thought that brown envelopes changed hands. Is there a process to look into this type of situation? Are there ways of filing an objection instead of levelling vague and vicious allegations?

• (1140)

Mr. Jean-Pierre Kingsley: On the Elections Canada website, we post within six to eight weeks the returns which were sent to us by all candidates, as provided. Do you follow?

Ms. Françoise Boivin: Yes.

Mr. Jean-Pierre Kingsley: The amounts are all included. Any person may complain...

Ms. Françoise Boivin: If they think it is incorrect.

Mr. Jean-Pierre Kingsley: ...concerning any possible offence. The commissioner will investigate each complaint to determine whether there are grounds for legal action.

Ms. Françoise Boivin: At the present time, have you received any, with respect to any candidates? I only want to know whether you have received any complaints.

Mr. Jean-Pierre Kingsley: The complaints are addressed to the elections commissioner and I am not always fully informed about all the complaints he received.

Ms. Françoise Boivin: Mr. Kingsley, if you were getting ready to issue a refund cheque and there were a complaint against a candidate, would there not be a red flag somewhere in the file of this

candidate? Before sending payment, you would say that there may be a problem because of the complaints and I imagine you would first of all want to settle the complaints.

Mr. Jean-Pierre Kingsley: That would depend on the nature of the complaint. At the same time, one would have to take into account the fact that refunds might already have been paid. According to the nature of the complaint, if the commissioner takes legal action against the person, then this person may be ordered to make repayment. As far as I am concerned, I act on the basis of what I consider to be correct in the reports but this does not prevent the commissioner from taking legal action against someone, even for something that I may have accepted in good faith.

The Chair: Thank you, Ms. Boivin.

Mr. Reed.

[English]

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chairman.

Based on your response to Mr. Casey's question earlier, the following appears to be your position. If in the 2004 election a Liberal campaign in a given riding spent money that was obtained prior to December 31, 2003—through, for example, the sponsorship scandal—in violation of the Canada Elections Act, if these funds were not reported to you by the official agent of the campaign in that riding, as is also required under the act, and then if you failed to find the infraction within 18 months, the following things occur: one, there ceases to be any legal obligation to return the illegally obtained funds; two, the local campaign will receive a rebate from Elections Canada in the amount of 60¢ for every dollar of illegally obtained funds, which may now be spent to campaign for the re-election of the Liberal candidate in the upcoming election in the same riding; and three, the local campaign fund will receive in the coming election a further 50¢ rebate for every dollar spent from these funds—in other words, 30¢ for each illegally obtained dollar—which may be spent in a subsequent election several years down the road.

My questions, therefore, are first, is this in fact your position, and second—if Madam Davidson has had the time to look it up—on what section of the Elections Act would that be based?

Mr. Jean-Pierre Kingsley: Well, Mr. Chairman, I don't know if it's my position or not. I'll have to look at the three in detail and review them as to how the law applies.

But I can tell you one thing. If moneys were received for a campaign after January 1, 2004, that is the statute that will apply to the fullest extent possible.

But I would like to review the question in detail and provide a written reply.

Mr. Scott Reid: I'll be happy to give you a written question.

The Chair: Just a moment, Mr. Reid.

Please remember we have as witnesses before us officers of Parliament and this is not an examination of a judicial kind. Please, colleagues, be cognizant of this, though I don't want to restrain anybody from asking what they like.

Please continue, Mr. Reid.

Mr. Scott Reid: Thank you.

The question I'm really asking here is this. Let's imagine the moneys were obtained under the sponsorship scandal; of course, the sponsorship program shut down December 12, 2003. Say the moneys were received by a riding association. They were then transferred from the riding association to the campaign, where they were spent in 2004. Now, one law applies for the receipt of the moneys; however, their expenditure to elect somebody occurred in 2004, and a different law applies. I'm trying to determine which of the two applies.

What I'm really trying to find out is whether the Canadian taxpayers are simply trapped and are unable to get money that was spent in 2004 that had in fact been illegally obtained, not by the campaigns but by the riding association, which presumably transferred these funds to the campaign. That would in fact be the logical flow of funds.

• (1145)

Mr. Jean-Pierre Kingsley: Mr. Chairman, I did get the gist of the question, but I would like to have an opportunity to consider it and to come back as soon as possible. In view of the present situation, I suspect I will be able to do that within a matter of days, not a matter of weeks, and come back to the committee with a written reply.

The Chair: Yes.

There's just a little bit of time left, Mr. Reid. Do you have something else?

Mr. Scott Reid: I was hoping Madam Davidson had the relevant sections.

Ms. Diane Davidson (Deputy Chief Electoral Officer and Chief Legal Counsel, Office of the Chief Electoral Officer): It's section 514 of the Canada Elections Act that covers the new limitation period of seven years.

Mr. Scott Reid: Thank you very much.

The Chair: Just for everyone's benefit, Madam Davidson, I'll point out that this section did not exist prior to Bill C-24. Is that correct?

Ms. Diane Davidson: That's correct, Mr. Chair.

The Chair: Thank you.

[Translation]

Thank you. Our next questioner will be Ms. Picard.

Ms. Pauline Picard (Drummond, BQ): Thank you, Mr. Chairman. I'll yield to Mr. Guimond because Mr. Kingsley has already answered my question.

Mr. Michel Guimond: It will be quick. During your previous appearance, Mr. Kingsley, you were asked all sorts of rather technical questions that could easily be debated in the Advisory Committee on Political Parties. I don't want to put them to you once again but I would like to know if progress is being made. We talked about doubles, about dates of birth. I'm speaking from memory. You were waiting for an opinion from Ms. Stoddart, the Privacy Commissioner. I don't remember whether you talked about the fact that during the election period returning officers refused to allow

party representatives to consult the register of electors who have voted at their polls on the pretext that no provision is made for this in the act. We asked you whether under the powers you are given, you were able to issue a directive that would allow party representatives to consult these registers daily. I consider that all these questions are technical. If we asked them the last time, it is because they are a subject of concern to us and probably to the other parties. I'd like to know where the situation stands.

Mr. Jean-Pierre Kingsley: We are following up on all of that. On Friday, May 13 we will be meeting the political party advisory committee to follow up on this whole series of questions raised previously. As for consulting the lists of those who have already voted, I will have to give particular attention to that. You raised this question.

Mr. Michel Guimond: Didn't I ask it the last time?

Mr. Jean-Pierre Kingsley: You may have asked it but I will have to take another look at it because I can't give you the answer straightaway this morning. I wouldn't like to mislead you by telling you that all of this has been settled. We have taken note of the question and I will certainly have the opportunity to make a ruling on this matter before the next vote and to inform the committee.

Mr. Michel Guimond: My last question concerns the presence of cameras in the polling station. The last time, that is last year, the evening's newscast clearly showed the Leader of the Liberal Party vote and then the Leader of the Conservative Party. However, in the constituency of Laurier-Sainte-Marie, the returning officer refused access to cameras.

Under the principle of equity, I would like to see the same directive applying to everyone. In this instance, there was a clear display of partisanship. I have always maintained that your service was the guardian of democracy but it is not so obvious when this kind of thing takes place. We are believers, some of us were baptized. In this case, believing without seeing...

Mr. Jean-Pierre Kingsley: As you know, Mr. Guimond, I did have the opportunity to discuss the matter with the leader of your party. I told him that the directive was the same for all the returning officers throughout the country. The media are not allowed to enter polling stations. nevertheless, some do succeed in doing so. But I know that the media do respect the laws of their country!

There are some who lie in wait at the doorway with a special lens allowing them to take pictures. I will be issuing once again the same directives to all the returning officers and once again, when I will look at the news, I will see the various party leaders being filmed as they vote. Then I will have to ask myself if we should not make a change to the act in this respect in view of the fact that there are so many people who do not respect the directives.

• (1150)

The Chair: Can we clarify this matter for everyone? Personally I am sorry to say that I did not quite follow, Mr. Kingsley.

Is it normal or not for the media to be able to photograph a candidate? I am not talking about a shot where a candidate would be shown marking his ballot. I simply want to know whether or not the media are allowed in the polling station. In my own constituency, the answer was sometimes yes, sometimes no, depending on the election.

Mr. Jean-Pierre Kingsley: The interpretation that I gave, and the one to be found in the act, is the following: in Canada, we do have some control over who comes in to the polling station on the day of the vote. The media are not supposed to be there, they are not admitted. In spite of that, sometimes they do come in to take photographs. This is what happened in the last election. Some of them were caught taking photographs and others, because they were carrying cameras. We told them to leave. This situation was perceived as an example of unfairness, and I am sensitive to that.

The Chair: It may be a matter we shall be called upon to examine. Thank you.

I think that I have taken a few seconds of Mr. Guimond's time. I apologize.

Mr. Michel Guimond: No offence taken, I have already finished.

The Chair: I see.

Ms. Longfield.

[English]

Hon. Judi Longfield (Whitby—Oshawa, Lib.): Thank you.

Thank you, Mr. Kingsley. I appreciate the ordering of amounts, but under "other items", when I see miscellaneous and it's as large as an item way up on the list, I kind of want to know what's included in that \$4.5 million for "other items, primarily salaries of certain term and casual employees, temporary help, professional services, training, travel, telecommunications, postage and courier". Am I led to believe that essentially this is salaries?

Ms. Janice Vézina: Salaries are about 10% of that amount, for term and casual employees who are working on special projects.

Hon. Judi Longfield: Okay, and professional services?

Ms. Janice Vézina: It's \$3 million, and that includes training.

Hon. Judi Longfield: Okay, and what would professional services entail? What kinds of things would we be seeing there?

Ms. Janice Vézina: That could be consultants we hire to work on different projects, people from the private sector to assist us on very specialized projects or where we don't have the resources to dedicate from internal resources. So these would be people we contract with. We go to a competitive process and we obtain services.

Hon. Judi Longfield: So it's a tendering process, that kind of thing.

Ms. Janice Vézina: Yes.

Hon. Judi Longfield: Okay, and how long would that term of employment or that contract last?

Ms. Janice Vézina: It would depend on the nature of the project.

Hon. Judi Longfield: What would be an example of one of the projects you might undertake?

Ms. Janice Vézina: We could be looking at, let's say, a training program where we need some consulting support to mount a training program. We're in a situation now where most of our resources are dedicated to the heightened state of readiness, so often we'll have to turn to the private sector to help us out.

Hon. Judi Longfield: I see.

Through you, Mr. Chair, I've noticed that you've trained about 35 returning officers. Are those just new ones, ones who needed to get up to speed? The additional ones don't require anything else. Is that your view?

Mr. Jean-Pierre Kingsley: The 35 are returning officers and assistant returning officers, but they are new ones. We haven't retrained the ones who are there now because of the closeness to the last election.

Hon. Judi Longfield: Would you normally retrain them? Would there be a process?

Mr. Jean-Pierre Kingsley: We would have retrained if it had been a normal electoral cycle because that's what we did last time. We bring them all back to Ottawa for training, or sometimes we go out to the regions. It's too long a time to rely on memory when it's three and a half to four years.

Hon. Judi Longfield: Is there something in place by way of interpretation bulletins, updates, and all of that, going to those returning officers that you won't have...? You say it's a long time. In this particular case, it hasn't been all that long, so hopefully their memory is still....

Mr. Jean-Pierre Kingsley: Yes, but there is a slew of directives, there's a manual.... And all of it, by the way, is accessible on the web. We facilitate everything on computers. Your training program is on DVD and the web. We've really facilitated their task tremendously.

• (1155)

Hon. Judi Longfield: Do you have any idea how many have availed themselves of this online training or this video training, or any of that? Is there no way of keeping in touch, or knowing if they are?

Mr. Jean-Pierre Kingsley: We might know. I don't know right now. It may be that the operations directorate keeps track of this. Certainly when we pay them to undertake training, we make sure they get it and that they took it.

Hon. Judi Longfield: Exactly.

You talk about how much has been paid out in candidate reimbursements. Can you give me an idea of how many campaigns that would actually be? You said that, to date, you've paid out a total of \$16 million—some of that was in the initial rebate—but how many would have received their final payments?

Ms. Janice Vézina: Candidates?

Hon. Judi Longfield: Yes.

Ms. Janice Vézina: It would be 419.

Hon. Judi Longfield: So 419 out of the 837.

Ms. Janice Vézina: Yes.

Mr. Jean-Pierre Kingsley: And that incorporates 204 members of Parliament.

Hon. Judi Longfield: Thank you very much.

The Chair: Thank you very much.

Mr. Johnston, you're next.

Mr. Dale Johnston (Wetaskiwin, CPC): Thank you, Mr. Chairman, and thank you to the witnesses.

I'm looking at page 8 here. You said there are three and a half times as many requests for extensions sought and granted this time as there were in 2004. I'm wondering if that's because of the complexities of the reporting that come about because of Bill C-24. And in relation to that, I wonder if there has been any thought by your department as to supplying EDAs with a template or a computer program to assist them in complying with all of this.

I'll have another couple of questions, so perhaps you could briefly answer these.

Mr. Jean-Pierre Kingsley: I've asked Madame Vézina to reply, if this is acceptable to both of you.

The Chair: Madame Vézina.

Ms. Janice Vézina: In terms of the reasons that are provided for extension of the filing deadline, we're not seeing the complexity of the law or anything like that as a reason. We're seeing things like people saying, "I had to change my official agent and I had to appoint a new one, so they had to become familiar with the file". We had reasons such as, "We thought the auditor was going to send the report in, but it's still on the auditor's desk". Most of it is through inadvertence. They give such reasons as, "My mother was sick", "I need more time", or "I had a heart attack". These are the types of things we see—illness, absence, or just misjudging the extent of the work—but we're not seeing reasons given suggesting that Bill C-24 is too complex.

Mr. Dale Johnston: What about a template, or something, to help the EDA's report?

Ms. Janice Vézina: For the EDAs, we've produced a tremendous amount of material that's on our website, and it has been shipped to them as well. We have developed training videos that are available on the web and on DVD. We have developed software for them to complete their fiscal return. We've also developed manuals and handbooks that guide them through the completion of their returns, and we've developed model returns that show them actually how to record transactions. It gives them examples.

In addition, in February, at the request of the Advisory Committee of Political Parties, we went on the road. We went across the country and delivered 21 training sessions directly to EDAs. We had approximately 600 people attend these training sessions, and they were very well received. Again, we went through all the material and the requirements of the act with the people from the electoral district associations.

Mr. Dale Johnston: Thank you. With four or five parties reporting in every quarter—and by your own figures, 1,686 riding associations submitting reports—what do you see that doing to your budget and your staff?

Ms. Janice Vézina: We have 1,058 registered electoral district associations. Their first return is due on May 31. We did receive an increase in staff through Treasury Board's submission, to process the higher volumes resulting from Bill C-24, so we are ready and we're putting the infrastructure in place to deal with those returns when

they come in May, but it's significant. We had requested, just in my area, an additional 20 people to accommodate the increase in returns and increased processing requirements resulting from Bill C-24.

• (1200)

Mr. Dale Johnston: I'll ask you two very brief questions. Will that extra staff show up in next year's budget or this year's budget?

Ms. Janice Vézina: It will be in this year's budget. Next year, it's an ongoing—

Mr. Dale Johnston: Of course, it will be. What I meant was the increase.

I would also like to ask you, Mr. Kingsley, what recommendations you would have for ensuring the competence and impartiality of your returning agents. When you were here last time, I think you said you had some problems with returning officers, and you had no real authority to discipline those people.

Mr. Jean-Pierre Kingsley: As I've mentioned to this committee before—

Mr. Dale Johnston: I'm sorry—as well, what recommendations would you have for us to rectify that situation?

Mr. Jean-Pierre Kingsley: What I recommended before was that the law be changed so that the chief electoral officer would run competitions and appoint the most qualified Canadian of those who applied in the riding to run the electoral district. I've also stated that we could do this with a minimal resource draw. It would be very easy to draw up such a profile—as a matter of fact, we have one—and start doing this as returning officers, even including the present ones, leave their positions for whatever reason. This would not be a massive firing of returning officers; it would be a replacement, so I would be running competitions for the ten that are free now.

Mr. Dale Johnston: And rather than have them answerable to the minister, you would want to have them answerable to you, I'm sure.

Mr. Jean-Pierre Kingsley: Yes. That is the other problem.

[Translation]

The Chair: Mr. Godin.

Mr. Yvon Godin: Since all the good questions have been asked, I just have a few small ones to put.

On page 7 of your brief, you say: Engaging youth participation remains a priority. For instance, as soon as the election is called, I plan to write to some 350,000 young electors to encourage them to register.

This was done at the last election. What was the result? You say that you intend to do so soon. Have you obtained any results?

Mr. Jean-Pierre Kingsley: If I remember correctly, Mr. Godin, I think that we had a positive response rate of approximately 20 per cent. It may have been slightly higher, particularly when taking into account the ripple effect my letter might have had. Some young people registered only on the day of the poll but they cannot really be included. The direct responses to the appeal amount to about 20 per cent. Thus it is very important for us to find other means, and this is one of the aims of my next report, so that young people are registered almost automatically on the voters' list as soon as it is determined that they are Canadian. This means that as soon as an election is called, they merely have to show up or not at the polls. They will already be registered on the list. This is what we must attempt to do. It is one of the flaws of the present system and we are going to have to come up with some way of dealing with it.

We are making an effort to engage electors who tend to be less involved since it is the beginning of their career as participants in Canadian elections. We will have to come up with a solution. That is why I suggested amending the income tax return so that there are two questions instead of just one.

Mr. Yvon Godin: My other question relates to the amount you provide for polling stations.

In New Brunswick, in the provincial election, the amount allocated for office rental is greater than that provided by the federal government. In other words...

Mr. Jean-Pierre Kingsley: When it comes to office rental, the amount is set out in the tariff of fees approved by the governor in council. However, I also have the authority to allow for the payment of a higher amount if it is demonstrated that the market justifies it. I must rely on what I am told by returning officers. I approved a number of exceptions because generally speaking, the tariff of fees reflects what is considered reasonable. Nonetheless, I have this authority because we do not want to miss the opportunity to get good premises.

•(1205)

Mr. Yvon Godin: That is the problem.

Mr. Jean-Pierre Kingsley: That is not something I can accept. Under the act, I do have the required authority to ensure the operations of Elections Canada and I make use of it. There is no reason why a Canadian should be deprived of his right to vote or the opportunity to do so. But I rely upon the returning officers for recommendations. They must be on the lookout.

Mr. Yvon Godin: If the province of New Brunswick has a set rate, I am sure it has also done its homework. I don't think that it spends money for nothing. There is a difference between the provincial and federal level.

Mr. Jean-Pierre Kingsley: It's because we do not operate on the same basis. We proceed on the basis of a single polling station and we extrapolate from that. They operate differently. I don't know exactly how, I cannot remember the details. I can however assure you that when it does become a problem, I will be ready to act. If the returning officer is aware of something, he informs me and I move. That is our motto: "We move".

The Chair: Thank you.

Ms. Boivin.

Ms. Françoise Boivin: In order to understand the way you operate better, I will use my case as an example, which may pertain to others as well, Mr. Kingsley. At the end of October, we submitted our return. The first contact with your service occurred the week before your committee appearance. We were told that an auditor had been assigned to the file and that all of our questions would be answered. Apparently there was some type of category mistake made and the whole matter would be resolved in less than a second.

I'm trying to understand the delay that occurred between October and April. Was it because your staff's priority is to obtain returns from everyone, or is it because the Boivin file would be dealt with once someone got around to it, and the entire lot was dealt with like that? I'm trying to understand, because every time someone from my team called, he or she was told that the first returns submitted were the first ones to be audited. But I couldn't have been any quicker: I submitted the return the day before the deadline. Some people have told me that they were now being audited for the second or third time. In my case, it was very quick: there were just some category details to change. I'm simply trying to understand why it has taken so long.

My other question pertains to the polling stations. We pointed out a problem that you said has been resolved. What type of solution did you come up with? This was a problem in my riding: you could live in one neighbourhood but have to vote somewhere else. People weren't really used to that. Many people became discouraged and did not vote.

Those are more or less my questions.

Mr. Jean-Pierre Kingsley: I will answer the second question, which pertains to the location of polling stations. About 50 members or candidates wrote us—after an election, they are generally members—to point out various problems that arose during the last election, and I asked the returning officers concerned to contact all of the individuals who had complained and to reach an agreement on a location which both parties felt was reasonable. It is pointless to choose another location if it does not suit the individual representing the voters.

Ms. Françoise Boivin: So, if I did not submit an official letter of complaint, I may very well have the same problem. Is that right? My returning officer was aware of the problem, since he had told each of the candidates that although this may not have been the ideal solution, given the date of the election...

Mr. Jean-Pierre Kingsley: We asked the returning officers to look into the problems raised during the last campaign. However, I cannot guarantee that each and every one of them understood the message fully and made the necessary changes.

Ms. Vézina can answer the first question.

[English]

Ms. Janice Vézina: In terms of what we were doing between October 28 and when your official agent was contacted, as we mentioned, the request for extension to the filing deadline occupied us really until Christmas, to deal with all the cases we had.

In addition, we treated the refund of the nomination deposit as a priority, because this is important to people who take the \$1,000 out of their own pocket, particularly for small campaigns, candidates of small parties, independents. They need the \$1,000 back. It's their own money.

So we did a quick review of the files, because there are certain conditions that have to be met before you can refund the \$1,000. Once that was done, in January we started the audit of all the files. We couldn't open them all at once. In fact, I would say close to 1,300 would have come right at the deadline, so there were a whole bunch that arrived at that particular point in time.

• (1210)

[Translation]

The Chair: Once again, your time is up. Mr. Casey now has the floor.

[English]

Mr. Bill Casey: Thanks very much.

I seem to be captivated by these little bags of money. I kind of apologize for that, but I still have to ask questions about it.

I'm sorry Madame Boivin is offended by my quotes from *The Globe and Mail*, but I can't help that.

Anyway, I have another quote here. Benoît Corbeil said in a news media interview that he once received tens of thousands of dollars in cash to pay off Liberal organizations during the 2000 election.

I have three questions. Do you share information with Revenue Canada? Surely Revenue Canada would be interested in these tens of thousands of cash transfers back and forth between people. I know Revenue Canada does share information with the provinces. Do they have access to your information, and do you have access to their information? That's one question.

You said a minute ago that your motto is that you take action. What action would you take to address this situation that we're reading about? Also, you said earlier that you've not been asked to make a comment, and with great respect, I would ask you to make a comment on it.

Thank you.

The Chair: Mr. Kingsley.

Mr. Jean-Pierre Kingsley: With respect to Revenue Canada, when there is an investigation that is undertaken by the commissioner, if he ascertains that an infraction may have occurred under the Canada Customs and Revenue Agency Act, he forwards this information to those authorities.

If he ascertains that there may have been a breach of the Criminal Code, he refers that to the Attorney General for the country or for the province, which is his responsibility, as it is the responsibility of all of us, whenever we find it's possible an infraction has been committed. So that is the nature of the relationship between the two of us.

With respect to the fact that we do undertake action, the only flaw I can find in the present statute is the seven-year limitation. I will consider making a recommendation that this be eliminated, and that

any infraction under the Canada Elections Act continue to be an infraction until time immemorial.

That is the only thing that comes to mind, and I will be honest enough to tell you that you will think deeply about it before you accept my recommendation, because seven years was one of the most hotly contested sections of the statute the last time it was presented to this committee. I was satisfied with the action that was taken, because it was a significant improvement over the previous law.

Obviously, if the statute had existed as it exists now, action would have been possible, in some instances, by my office and would have been undertaken, but that is not the case.

• (1215)

Mr. Bill Casey: What would you have done?

Mr. Jean-Pierre Kingsley: Well, in any case, the matter would have been referred to the commissioner and the commissioner would have investigated. If he had found evidence of anything, he would have prosecuted. He has independent prosecutorial authority. He does not need to refer to any other authority in the land, and this is how he does it at the present time. It is a "he" at this time.

This occurs many times. There are hundreds of complaints after an election. As a matter of fact, there are about a thousand files that are referred to the commissioner after every election. I report to you on how he disposes of them in my cyclical reports to this committee and to Parliament, because that's something I feel it is important to do. And he must answer to every complainant in writing how he has disposed of a file.

It is one of the incredible strengths of the Canadian electoral system, one for which we are the envy around the world. Very few have this prosecutorial authority, independent of anybody else, and we use it in this country. By and large, people respect the Canada Elections Act.

[Translation]

The Chair: Ms. Picard.

Ms. Pauline Picard: I would like to continue along the same vein as Ms. Boivin and deal with the delays in return audits.

Ms. Vézina, Mr. Kingsley, I will use my own case as an example. We filed our return on September 29, 2004. On December 8, an auditor contacted my official agent to resolve a question about kilometrage, and the matter was resolved. A telephone call was placed, we made the necessary correction and faxed everything. However, on March 22, the same individual asked us to provide him with a copy of a loan that our official agent had made.

I would like to understand how you operate. Do you examine a return, make a correction and then put it back in order to examine it again a little later on? Why did this individual ask us, on December 8, for a copy of a loan that had been made?

We had, in fact, filed this return on September 29, and answered all of the required questions. I therefore called back on April 12 to find out where things stood. I wanted to find out whether other corrections needed to be made. I was told that, no, my return was now in the last stage of the audit and that I was perhaps going to receive my cheque the next month.

How do you proceed? Do you work on one file, and then deal with another, then go back to the first file? I do not understand.

[English]

Ms. Janice Vézina: In terms of your particular case, when I get back to the office I can look into it. We can call you to discuss exactly what happened and why.

In general terms, if the auditor is working on a file and they run into things that require clarification, they'll make calls to the official agent. In many cases—and I'm not saying in your case—we do experience delays in getting responses. In fact, we've now reverted to calling the member of Parliament or calling the candidate directly when we can't get answers from the official agent. Sometimes we'll wait weeks and then have to call back again. These people work during the day, they have jobs, and they get back to us in the evening or whatever.

So yes, we'll put the file aside and start another one. We can end up with many files open at the same time until we can resolve the various issues.

[Translation]

Ms. Pauline Picard: The individual, in this specific case, was retired and could therefore respond immediately to your auditor.

As far as I am concerned, I do not understand why, three months later, we received a call saying that a supporting document was missing. We sent it immediately by fax, only to be told by telephone, once again, three months later, that our file was still under review. I do not understand that.

I am speaking on behalf of other members who are dealing with the same situation. We were wondering whether you processed every file from start to finish or whether you process several files at the same time, even if it meant going back to them later on. And yet, we answered all of your questions the same day.

Mr. Jean-Pierre Kingsley: We will have to check with the auditor as to what occurred in this specific case and then we will provide you with an explanation, personally.

The Chair: Thank you.

Mr. Reid simply wanted to draw our attention to the fact that, once we have finished with the questions, we have to deal with the votes.

I believe that you have all been given the document on votes.

[English]

Mr. Scott Reid: Thank you, Mr. Chairman.

Just following up on our earlier discussion, presumably any funds unlawfully spent by a local or national campaign are actually the property of the Receiver General for Canada, and are therefore subject to a reimbursement prohibition. It's my understanding that there's also a prohibition on any money being lent to a campaign by a lending institution unless there is a reasonable expectation that it will be repaid—for example, via the use of the 50% election rebate as security, or 60% in the case of the 2004 election.

Therefore, would it not be the case that a lending institution would be in violation of the provisions of the Canada Elections Act relating to donation limits if it were to lend to a party's electoral campaign in

a riding where that party is under suspicion of having been in receipt of unlawful funds?

• (1220)

Ms. Diane Davidson: I don't believe I'll be able to give a satisfactory answer. I'd have to look at the statute. There are various provisions that one would need to look at, and I don't think it would be fair to provide you an answer right here on the spot. But certainly we can look into it and get back to you with an answer in writing.

Mr. Scott Reid: Thank you very much.

The Chair: If that ends the questions, I'd like to terminate this item, and we could go back to the issue of privilege referred to us.

Before voting on this, I want to thank our guests.

Mr. Yvon Godin: What are we doing now?

The Chair: Just a minute. First I want to thank our guests. Then there will be the votes on the estimates, which, as I indicated a few minutes ago, have been circulated.

[Translation]

Mr. Kingsley, thank you for appearing this morning. We would also like to thank Ms. Davidson, Ms. Vézina and, of course, all of the employees. I apologize, once again, for the fact that you have had to come here on two occasions to deal with this file.

[English]

Thank you very much.

Having then completed the review of the estimates, can I ask the members if you are ready for the vote on this item?

[Translation]

Mr. Yvon Godin: Mr. Chairman, is there a quorum?

The Chair: Ms. Boivin, we need to have a quorum. There, that has now been taken care of.

[English]

Can I ask, shall vote 15 under Privy Council, less the amount of \$5,057,750 granted in interim supply, carry?

Mr. Scott Reid: Are we allowed some debate on this or is that...?

The Chair: Oh, you can do whatever you like. We can bring them back. We can bring the witness back—

Mr. Scott Reid: I don't want to do that.

The Chair: No, but I'm giving to colleagues what is available.

Mr. Scott Reid: Okay. And are we allowed to make amendments to the—

The Chair: Well, as you know, the only amendment that is admissible is to reduce a credit. One cannot increase it. That's unconstitutional, so one cannot increase or reappportion to another vote an amount in an estimate.

Mr. Scott Reid: So I couldn't change this. I don't actually know what the votes mean. It says vote 15 here. I couldn't move that to vote 14 or vote 16?

The Chair: No.

Mr. Scott Reid: What is vote 15 anyway? What does that mean?

The Chair: Vote 15 under the Privy Council is the vote that gives the funding in order for Elections Canada to carry out its mandate.

We will have our researcher describe it to us.

Mr. Scott Reid: Oh, so it's a vote of the Privy Council?

Mr. James Robertson (Committee Researcher): It comes under Privy Council because the Chief Electoral Officer and Elections Canada report to the Speaker through the designated minister, who is the House leader or a minister who is part of Privy Council. So traditionally the main estimates and the supplementary estimates of Elections Canada are grouped under Privy Council. That is merely for administrative purposes of the estimates.

The amount is set out in the first page of his statement to say he has an annual appropriation, which is vote 15. This is the amount that must be voted on each year by Parliament. He also has his statutory authority, which is for the running of electoral events.

•(1225)

The Chair: Those are the other ones under the act.

Mr. Scott Reid: So vote 15 is a bunch of supply votes and the 15th of those was that Parliament undertook or that...?

Mr. James Robertson: One of the votes is for the House of Commons, one is for the Senate, one is for the Library. Vote 15 is an historical number. It has no importance. It is the vote that funds the appropriations portion of the Elections Canada budget and it is for 330 full-time employees.

Mr. Scott Reid: So it's sort of the same way we talk about Bill C-38. Everybody is, of course, referring to the Firearms Act, but even though there's a different Bill C-38 now—

The Chair: I think you mean C-68.

Mr. James Robertson: As I understand it, vote 15 is always in every appropriations bill. Vote 15 is Elections Canada. There's a consistency there.

The Chair: The bills change numbers, but this one, we're told, does not. Vote 15 is always the vote to give the funding for the Elections Canada function.

Mr. Scott Reid: Okay. So way back when, there was some sort of reason, and we just kept it as vote 15.

The Chair: It was probably the sequence in which they established the office.

Mr. Scott Reid: But in terms of the total amount under vote 15, we're not just looking at part of vote 15, with part of it up before another committee? This is the whole thing?

The Chair: This is it—except, of course, some of it has been granted to interim supply. In other words, it's vote 15 minus an amount, because this is the main number that we're talking about. Some of it was granted through the interim supply bill that the House passed some time ago. We don't vote that again. We already voted it in the House.

So the amount that was voted in interim supply was \$5,057,750. It was voted previously.

Mr. Scott Reid: It was voted on March 12. Is that what this "3" means?

The Chair: That's correct, in the House.

Or what was the date on which we voted? It was in March, but it wasn't....

Mr. James Robertson: It is three months, because it is April, May, and June. My understanding is that for all of the main estimates, interim supply goes up until the end of June of 2005.

The Chair: Yes, but the question was on what date we voted it.

It was just before the end of March, two or three days before. We may have the exact date here.

That's the date when we sit late and vote...?

Mr. Scott Reid: Yes.

The Chair: Okay, well, that's the one. That's when we voted it.

Mr. Scott Reid: Mr. Chair, what I'm really trying to do here is just decode this for my own information.

The Chair: It's three-twelfths of the year.

Mr. Scott Reid: All right. So that works out to be a quarter: \$5,057,750 is a quarter of \$20,231,000, leaving us the \$15,173,250 we are now voting on.

The Chair: That's correct.

Mr. Scott Reid: If that's the case, that means we're really voting for the other nine-twelfths of the year, which would take us to March 31 of next year?

Mr. James Robertson: Correct.

Mr. Scott Reid: Okay. I've got it.

The Chair: Unless there are supplementary estimates—but that's another thing; there's another document referred to here.

Mr. Scott Reid: It could turn out that he needs extra money to keep doing his activities.

The Chair: That's correct.

Mr. Scott Reid: Actually, do you mind if I take one more question?

The Chair: We're going to have to adjourn this and bring it back another day unless this is the last question. We've run out of time.

Mr. Scott Reid: Then I'll allow my colleague to ask his question.

The Chair: We have a question of privilege before us. We have to decide what to do with it.

Mr. Dale Johnston: The question I have is the one I put to Mr. Kingsley: will we see an increase in this as a result of extra employees? I think they said they would have to bring on 20 or so extra employees.

Just for those others of you who were listening, did he reply that this included the other 20 employees or not?

The Chair: I think I remember him saying they were already on staff, so this was included, because the reports have to be in no later than the last of May. That's what I recall him saying.

Are you ready to vote on this now?

Some hon. members: Agreed.

• (1230)

Ms. Françoise Boivin: I so move.

Mr. Scott Reid: And I move that we have a recorded vote.

The Chair: Okay.

Shall vote 15 under Privy Council, less the amount of \$5,057,750 granted in interim supply, carry?

Privy Council

Chief Electoral Officer

Vote 15—Program expenditures.....\$20,231,000

[*Translation*]

(Vote 15 carried: yeas 11; nays 0)

[*English*]

The Chair: Shall I report the estimates to the House? Does someone so move?

• (1235)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): I so move.

Mr. Scott Reid: I'd like a recorded vote on that.

The Chair: You're serious?

Mr. Scott Reid: Yes.

The Chair: Okay. All right.

[*Translation*]

Ms. Françoise Boivin: Pardon me, but what are you talking about?

The Chair: Shall I report the main estimates to the House?

(Motion agreed to: yeas 11; nays 0.)

[*English*]

The Chair: Colleagues, we will now move in camera.

[*Proceedings continue in camera*]

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