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—
Chair

Mr. Gary Goodyear

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• (1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): We'll bring the meeting to order. This morning is our public meeting, and I thank you all for coming.

I'm very pleased to have met Mr. Kingsley. Although we've had some conversations on the phone, today is the first time we've met.

It's an absolute pleasure to have you here, Mr. Kingsley. I do note that you've been the Chief Electoral Officer for 16 years, which I find extremely impressive and very good.

Perhaps you can just briefly introduce yourself and then introduce the people you have with you.

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

Through our earlier discussion several weeks ago, this invitation was made to me. I jumped at the opportunity, as I always do, to appear before this committee. This is the primary committee before which I appear and before which I tell all. I look forward to the opportunity this morning to tell all whenever I have an answer to provide.

By the way, we did discuss this morning what you thought the members may raise with me, so the members will have to bear with me if I don't have a full answer. This will be more of a memory bank day than a full briefing day.

I have been the Chief Electoral Officer for 16 years, and I find that to be very long. I am a hospital administrator by trade. I have been in public service, in one form or another, practically all of my life. I consider hospital work to be public service as well. I don't distinguish between one form of public service and another.

Joining me today on the witness stand is Diane Davidson, the deputy chief electoral officer and the chief legal counsel. She is known on the Hill because this is where she started her career. She was here for 20 years working alongside colleagues who are behind you and by your side. I think she joined Elections Canada in October of 2000, just on the verge of the October election that year.

I don't intend to spend a lot of time, but I do want to make a few comments, starting with the fact that I have brought along with me a copy of the Auditor General's report on my office. Of course, having been here 16 years, there must be a reason why I'm doing that, and the reason is very simple: the auditor in charge of the file told me that in the 18 years he's been working on files in the Auditor General's office, this was the best report.

This is a reflection of the kind of dedication that I think I've brought to all of my jobs in serving the public, with a concern at the same time about the means I use to achieve those ends and the money we spend. It's not our money, and we're fully cognizant of that. I thought I would bring that report along because it bears witness to that. Frankly, I felt personally vindicated, especially since there have been other audit reports that have been less flattering of other people.

I would be more than pleased to pursue any topic that members wish to raise about the responsibilities of my office. There are some new members, and for them this will be the first opportunity. There is also a good number of people I've met here before, and with whom I've had frank and honest exchanges at this committee—right?

We're still wrapping up the 39th general election. It takes time. While we're at it, I'll mention something that is usually of interest to members. We expect that we will have paid members of Parliament and other candidates their reimbursements, if they file on time and without mistakes, by the middle to end of November of this year. It takes us a number of months to process files. Of course, the closer to reality the filings are, and to the statute, the faster the reimbursement.

I usually like to put that out. At a past meeting, members were concerned because they had not received their payments before the last election. Well, by law—the law passed by your predecessors—I must be satisfied with every report, not just a sampling but every report. Therefore I require that my people be satisfied with everything that is reported.

My report on the 39th general election will be with you on May 11, the statutory date by which it is due. I'll publish the official poll-by-poll results the same day.

[Translation]

“On the same day, I will also send the electoral map entitled “Canada's 39th Legislature“. It will indicate the election results. It is an excellent map, colour-coded by party.

I will stop there with my opening remarks. I know full well that committee members are more interested in asking questions. I now defer to you. Thank you very much.

[English]

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

Welcome, Diane; I appreciate your being here as well.

We are going to open for rounds of questions. Historically the committee has been a little bit less formal, for the most part, in its rounds, but we'll start with the standard first round and allot each party seven to eight minutes. Then we'll open up for a second round. If we have time we can go to a third.

Is that acceptable to everybody?

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Chair, what length of time are you recommending for the second round?

The Chair: We have seven to eight minutes for each party for the first round, so maybe five minutes. Does that sound reasonable?

Mr. Scott Reid: Okay. Thank you.

The Chair: The first round is open to any member of the Liberal Party.

The chair recognizes Ms. Jennings.

• (1110)

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you very much, Mr. Kingsley, for your presentation. I have a couple of questions to ask concerning the recommendations you made after the 38th general election.

As far as checks are concerned at polling stations to determine a voter's eligibility, you noted that section 144 should be amended to make it possible to require a statement under oath or a statutory declaration from the voter to prove his or her eligibility, and to determine whether there is reasonable doubt as to the voter's citizenship.

Such evidence may be required when there are doubts concerning an individual's identity, however, that does not apply when there are doubts as to the citizenship or age of an individual. I would like you to explain at greater length why you want the act to be amended to include this authority.

Mr. Jean-Pierre Kingsley: The reason is very simple. I am trying to find an answer to the concerns raised by the members of this committee. We are talking here about the possibility of turning up to vote at a polling station without holding Canadian citizenship. This is why I made a recommendation so that the citizenship of such individuals may be established, or at least so that we can ensure such persons provide written evidence of their citizenship.

I have not heard it said that there was a major problem in this respect. The main reason I wanted to make a recommendation with regard to this power, which is not included in the act, is that I am an officer of Parliament, and attempting to meet the requirements of members is part of my mandate.

Hon. Marlene Jennings: My next question is related to the recommendation you wish to see implemented. On page 49 of your report, one reads the following:

[English]

Completing the Cycle of Electoral Reforms - Recommendations from the Chief Electoral Officer of Canada on the 38th General Election.

In the very last paragraph, you're talking about verifications that you've actually done of payers of Canadian tax who do income tax

filing, who check off the box that says "As a Canadian citizen, I authorize the Canada Revenue Agency to provide my name, address, and date of birth to Elections Canada for the National Register of Electors", and you've subsequently done a verification to see what percentage of them are non-citizens but actually identify themselves as citizens.

In the last paragraph, you say that "after the 2001 modification of the T1 General form...173,000 individuals expressly confirmed that they were in fact non-citizens, despite the fact that they had originally checked the income tax box reserved for citizens". And you follow up with recommendations that it should be an affirmative statement rather than a statement that implies, etc., to try to correct that.

Given that such a high number of taxpayers check off that box, stating "As a Canadian citizen" when in fact they're non-citizens, are you confident that requiring only a written affidavit or a solemn affirmation of eligibility at the poll would be sufficient to ensure that each and every person for whom there's a doubt that they're a Canadian citizen or there's a doubt, if they are a Canadian citizen, that they are of legal age...that it would be sufficient to reduce to virtually non-significant numbers non-citizens who may end up voting?

• (1115)

Mr. Jean-Pierre Kingsley: Mr. Chairman, the reason I am satisfied that it would be satisfactory is that the very statistics the member has just quoted make it such that we do not add names to the lists of electors from the income tax file, because too many of them are contaminated. That data bank is contaminated, in a sense, because too many non-Canadians check off that box.

Now, I want to make sure people appreciate that the people who are checking off that box are not lying; they're not purposely lying. The problem is that the one box contains two questions, and what this demonstrates is that we've been confusing the electors by asking for one answer to two questions. That's why I've recommended that there should be two questions on that questionnaire: one that says "I am a Canadian citizen", and another one that says "and I wish to share my data". The only thing we do now with the income tax file is update the information; that is to say, if you move from one address to another, we change your address, and that's all we do.

Hon. Marlene Jennings: Mr. Kingsley, I understand that. The point I was trying to make is that, thankfully, you do a verification and you have done that, so you have been able to screen out 173,000 people.

So then my question was, are you confident that giving the returning officers the authority at the actual polls—advance polls, special polls, regular voting day polls—to question a person and require that this person swear an oath or sign a written affidavit will be sufficient to screen out non-citizens who inadvertently might want to vote?

I'm not talking about someone who consciously knows they're a non-citizen and knows they're not allowed to vote and is willing to commit a fraud on the electoral system. I'm just asking if you are satisfied that it would be sufficient, or do you think that if there is a reasonable doubt as to the person's eligibility, that level of proof should be higher than just a sworn affidavit? It might be the birth certificate plus other pieces of identification, or it might be the passport, for instance, or the citizenship card, so that if there is a reasonable doubt that a person is a citizen, or if there's a reasonable doubt that the person is 18 years old, one might require some secure piece of identification that actually gives the birth date.

Mr. Jean-Pierre Kingsley: I am satisfied.

I think I understood the purport of the question, but I thought I would add the other element. I didn't want people to think that non-Canadians were being added willy-nilly to the list, because we don't do that.

I am satisfied. I can't imagine people walking around with their birth certificate just in case they're asked a question at the polls. I can't imagine people starting to do that. It brings us into another realm, and we may wish to discuss that as well, which is ID at the polls.

Hon. Marlene Jennings: [*Inaudible—Editor*]...afterwards? Would you see that?

The Chair: Could we get a short answer on that? I want to move on to the next questioner. We can come back to this, but is there a short answer?

Ms. Diane Davidson (Deputy Chief Electoral Officer and Chief Legal Counsel, Office of the Chief Electoral Officer): I want to make a small point. When a person makes a sworn affidavit they do sign a document, and on that document it is stated that they can be prosecuted for lying. There is a warning, a deterrent, in terms of making a false statement.

The Chair: Monsieur Proulx, I know you had your hand up, but I'm going to move on to the Bloc. We'll come back to you.

Mr. Guimond.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chair, Mr. Kingsley and Ms. Davidson.

From the outset, I should say that we are currently compiling, once again, a list of the horror stories from the last election campaign. And I am deliberately calling them horror stories rather than mistakes. I know you will not take my remarks personally, because neither you nor the members of your team can be held responsible for the irregularities which have occurred. However, it is important nevertheless to inform you of them. That has been the Bloc Québécois' tradition since 1993. We are [*Editor's Note: Technical Difficulties*] a different tone.

I would simply like to ask you, for the purposes of this discussion, whether it is normal for a returning officer to give up to five voting kits to one single individual who has not even have had to identify himself. In other words, a person may leave with five kits or even a box full of kits. You have to ask yourself: is that desirable in a democratic process?

There were people on the voters' list who were registered under their accountant's address and not their real residential address. During advance polling in my riding, in Baie-Saint-Paul poll, a clerk appointed by the Liberals went right in the middle of the whole process and photocopied voters' lists at the local Jean Coutu pharmacy. We know that there are people appointed by the returning officer. Does that mean that the person acting as deputy returning officer has to wage war with the clerk appointed by the Liberals? Should she tell such a person that that should not be done? Should there be staff members responsible for telling others that that is completely forbidden? That does basically raise a number of issues, and we will have a lot of other issues to broach with you all as well. We are currently compiling the information.

We have before us what constitutes the main course: Bill C-2 on accountability, incorrectly named in French *Loi fédérale sur l'imputabilité*, which affects the Chief Electoral Officer and us. So, I need your comments.

My first question is about Bill C-2. In order to guide us in our work, and if the chair and other committee members are in agreement, could you perhaps give us a comprehensive analysis of the bill's provisions and give us your opinion on those which impact you?

A legislative committee was struck to consider this bill. As you know, it is lengthy and includes 317 sections, proposed amendments to 40 acts, as well as two new pieces of legislation. You will not be able to testify before our committee. However, to guide us in our work and to help me in the event that I am called to sit on this legislative committee, I would like to know what you think as Canada's Chief Electoral Officer.

Can you give me a short answer on this matter?

• (1120)

Mr. Jean-Pierre Kingsley: I noted down the three or four comments you made concerning the recent election campaign and I already look forward to receiving your list of complains. We are taking this very seriously, just as we did after the last election. I won't answer every question you asked, since you asked me not to.

There are three main parts to Bill C-2 which affect the Election Act: the appointment of returning officers, my office being for subject to the Access to Information Act, and the consequences of the role of the Attorney General for the role of commissioner. Let me be honest with you: we are currently reviewing all of that in detail. As you said, this is a major bill which will also have a very substantial impact on the Elections Act. The three factors I mentioned before are enough to make that obvious.

Here is what I would be prepared to do. I will obviously be called to testify before the committee which would be struck as part of Bill C-2. I would like to testify there first given that that committee would be mandated for this very purpose, and then come back to you to provide additional testimony which you seem to be interested in hearing. Moreover, I'll do all of that without delay. I've never required several months' notice, nor will I require such notice in these particular circumstances. After I've testified before the legislative committee, I'll be ready to testify here concerning the issues as a whole. Your committee will not have to summon me. I'd be pleased to appear.

•(1125)

Mr. Michel Guimond: At present, we are talking about eight returning officer positions. There may be more, but those are the eight I have observed across Canada. Of course, you know that the last position on the list is that of the returning officer for Louis-Hébert. The incumbent in Louis-Hébert passed away on April 18. There are other vacancies as well, including Hamilton, Yukon and others. In all, there are eight.

Section 28(4) of the Canada Elections Act states that the Governor in Council—in other words, the government—has 60 days to appoint a new returning officer.

The government is showing some willingness. You had some reservations about Bill C-312. Here, everyone knows my tendency to boast—but new members are not familiar with my proverbial humility. In any case, the Bloc Québécois is very happy to see that Bill C-2 provides for non-partisan appointments, something that the Bloc Québécois has been demanding for a long time. I am sure that the word I used in French—*départisanées*—does not actually exist, but it will serve as a neologism. I am talking about eliminating partisan politics from the process of appointing returning officers.

In the meantime, what is being done about those eight vacant positions? Have you already asked the Governor in Council to make a start? The legislation is not being complied with in three ridings. As for the riding of Battlefords—Lloydminster, the deadline is May 1. It would make no sense for the government to go ahead with these appointments immediately.

I would therefore like to hear your views on the transition we should be making between the current appointment process and the appointment process put forward in Bill C-2.

Mr. Jean-Pierre Kingsley: I continue to write to the Governor in Council every time a returning officer position becomes vacant. The current legislation continues to apply. It is the only legislation that allows me to take action.

Moreover, I do not believe that any position has gone beyond the 60-day deadline. You mentioned May 1, but we are not there yet.

Mr. Michel Guimond: The returning officer position in the riding of Hamilton-East—Stoney Creek has been vacant since November 21, 2005. It should have been filled by January 20, 2006.

Mr. Jean-Pierre Kingsley: You are quite right. I take back what I said.

Mr. Michel Guimond: Forgive me.

Mr. Jean-Pierre Kingsley: No, I should be the one to apologize. The deadline was indeed allowed to slide by. I think that it is now up to the Governor in Council to take action. As for myself, I complied with the provisions of the act which stipulate that I must inform the Governor in Council in writing whenever a returning officer position becomes vacant. I am waiting for new returning officers to be appointed.

Since we did have deputy returning officers in those ridings, we were able to make acting appointments. As I have already said, it is important for returning officer positions to be filled. If returning officers cannot be appointed on a permanent basis, there should at least be temporary appointments in case there are elections. With a

minority government, that is much more likely than it might otherwise be.

[English]

The Chair: We've run out of time on this round.

It might be a good idea if the questions were shorter than the answers; then we can get more answers.

Yvon, would you prefer to go?

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman. Mr. Kingsley and Ms. Davidson, I would like to welcome you here today.

I have a few questions for you. We had elections in 2006, but we feel as if we are still in 2004, without knowing in what direction we should be going.

My first question is on the resources at Elections Canada.

•(1130)

[English]

For example, Elections Canada is just now following up on the nomination race that was held in 2004. That seems as though you didn't have enough funds for staff to do it. We're in 2006.

[Translation]

Mr. Jean-Pierre Kingsley: With regard to resources, I would like to reassure committee members. Elections Canada has what we call statutory authority—in other words, if I need additional resources, I obtain them automatically. It is not to me to determine the resources I need to fulfil the duties of my position. So there is no problem there. In my 16 years as Chief Electoral Officer, the committee has never heard me talk about a lack of resources because there is no such lack. It is entirely up to the Chief Electoral Officer to determine the resources required to do what needs to be done. So there is no problem there.

If there have been delays anywhere, I am quite prepared to examine the issue with you to see what is going on. However, I can assure you that the cause will not be a lack of resources.

Mr. Yvon Godin: I don't know whether you have received any complaints about members' householders. When an election is called, we cannot send out householders unless they are already on their way and we can no longer stop them. There have been some 30 complaints about this. I think that is a very high number, since householders were not generally a complaint issue. In fact, we received the complaints 21 days after the election was called. Obviously, it does not take 21 days for a letter mailed in Ottawa to reach a voter's home.

Is Elections Canada monitoring the situation closely? Are the costs taken into account in candidates' expenditures?

Mr. Jean-Pierre Kingsley: Elections Canada makes no special effort to track this. If there is abuse, I rely on you the members and the candidates, to report that abuse and to complain to the commissioner. That is how the system has always worked. I have therefore not allocated resources across Canada to check on householder use.

Mr. Yvon Godin: So we could simply forward those 30 complaints to you?

Mr. Jean-Pierre Kingsley: Absolutely. If you forward them to me, I will refer them to the commissioner, since they involve an alleged breach of the legislation. We should bear in mind that it is not an actual breach of the legislation, but rather the possibility that Parliament has subsidized an election campaign, something that is inherently problematic. So if you forward the complaints to me, I will have them examined to determine whether the member or candidate in question properly reported his or her expenses.

Mr. Yvon Godin: My other question is about people in hospitals and residences. If someone ends up in a hospital from advance voting day until election day, he or she has a problem. Basically, that person—who would not have known he would be hospitalized—will be unable to vote.

Do you have any suggestions to make on this issue?

Mr. Jean-Pierre Kingsley: Mr. Godin, you have identified a problem that has existed since the act was amended in 1993. The act stipulates that the lists must be revised—and I have no choice in this regard—six days prior to the election. From that point to election day, we cannot do anything. So from that day on, there can be no requests for special ballots. We cannot do anything for people who have heart attacks between that day and election day. And you are the ones who adopted the act that prevents me from acting otherwise.

You had reasons for doing that, reasons that were justified administratively speaking, because you want voters lists that are up-to-date on election day. You gave me, me and the electoral system, six days to finalize the lists, with annotations for everyone who has requested a special ballot, because you do not want these people to vote twice. That is why you, as parliamentarians, included those provisions in the act.

It will be impossible to eliminate this six-day period, and it will be difficult to shorten it, but there may be a way to do that. But if you change the period from six days to four, in the meantime, there will be victims of heart attacks who will not be able to vote, and you will receive complaints about that. That is a reality that we will not be able to change.

•(1135)

Mr. Yvon Godin: I understand that there may have been reasons at the time, but perhaps we did not think about people who are in the hospital, or people for whom it is impossible to leave their homes, or people who must go and work abroad, and so on. It would be helpful to look at the reasons that were used in the past and to see if there could be a special ballot in hospitals on election day to enable people who are there to vote.

We are working very hard to ensure that all Canadians exercise their right to vote. We even make sure that they are able to exercise their right to vote when they are abroad, by giving them an opportunity to do so at an embassy. However, people who are hospitalized five minutes from their polling station cannot vote. I agree with you that for them, this is terrible.

Mr. Jean-Pierre Kingsley: I share your feelings, Mr. Godin. That is why I said that you had identified a problem. I explained the reason why the problem is as it is. However, I recommended

somewhere that we sit down together and examine the matter, to see how we could deal with these specific cases.

We must also take into account the fact that the people who are in the hospital do not all come from the same riding. That is why we cannot set up a polling station there on election day. People in the hospital come from a variety of ridings. I was president of the Ottawa General Hospital, and there could be people from 20 different ridings at any given time. That is the other reason why you did not want polling stations in hospitals on election day. We did not want people from outside the riding who are at the hospital to vote in that riding. However, I would like us to sit down and examine the matter again.

[English]

The Chair: I don't want to take any time, but of course the problem of multiple ridings voting in a hospital is the same thing embassies have to deal with around the world. There is possibly a solution in there somewhere.

We'll move to the next speaker, Mr. Hawn.

Mr. Laurie Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair.

Thank you for coming, Mr. Kingsley and Ms. Davidson. It's good to meet you.

I want to make some observations on an election experience that we had in Edmonton Centre in 2006. Some of it took place in 2004 as well. Then I have some questions.

During the last campaign, we got an e-mail from a prominent Edmonton lawyer about the fact that many individuals were enumerated at their downtown offices instead of at their homes. One individual bragged about how many times he had gotten to vote for my opponent based on the number of leases he had in the riding and therefore the number of voter cards he received. That number was fourteen.

We thought it was rumour mongering, but we thought we'd check. We looked up some of the addresses in Edmonton's premier high-rise tower and discovered that there were 29 individuals registered to vote out of various offices—or the lobby—of that building.

This led to a more thorough search. We used a very large Edmonton map and checked against the revised voters list of 91,300 names. We had a team of people stay up all night to do this. We uncovered 300 apparently spurious registrations and several hundred suspicious ones that merited closer scrutiny. We found 100 non-existent addresses in Edmonton's downtown core. In some cases the addresses listed were fictional residences between two genuine buildings. We found hundreds of families registered to vote out of their law offices, medical offices, accounting offices, Government of Canada offices.

In some cases there may have been genuine errors involved, but in other cases married couples, including their children, were registered to vote out of high-rise office spaces. Dozens of people were registered to vote out of office towers, but suite numbers were not listed, making the addresses look like normal residential addresses. Some people were registered to vote in other ridings as well as ours. In some cases people were registered to vote only in Edmonton Centre when it was clear they lived in another riding. One of those included a candidate.

Dozens of people were registered to vote out of storage yards, and yet there's no legitimate way anybody can be registered to vote out of a storage yard. Eighteen people were registered to vote out of one truck stop. People were registered to vote out of karaoke bars, lingerie stores, dance lounges, galleries; you get the picture.

We had other observations with respect to the voter cards. Some nationalities routinely get multiple voter cards. Some get three voter cards, some get two voter cards. Most don't use them, probably, but they certainly could.

Voter cards don't necessarily get put into mailboxes. A lot of people in apartment buildings are fairly transient, and voter cards get left in stacks in lobbies of apartment buildings. The cards can then be picked up and used by anyone. Since we don't require identification at the polling station, anybody can be anybody. This election and last, in fact, we got phone calls—anonymous, naturally—offering us extra voter cards, for money, naturally. We, naturally, refused.

We found vouching practices that were not in accordance with the Elections Act. A bus with 40 people rolled up to a poll with one person purporting to vouch for those 40 people. We had very well-trained scrutineers who said, no, you can't; one person may vouch for one person, period. We put the other 39 people back on the bus. There was a fair amount of resistance, naturally, from the people we were turning away, but we knew we were right.

The issue of non-citizens voting was brought up before. We certainly share that concern. People expect to be ID'd. When I vote provincially, municipally, or federally I expect somebody to ask for my identification. When I go in to vote that day, I carry some identification with me, whether it be a passport, a driver's licence, a birth certificate, or whatever.

We talked about the possibility of prosecuting people who fraudulently sign those and so on. I'd be interested to know how many of those have actually been prosecuted.

Special ballots was another concern. We identified a number of people who had voted by special ballot from non-eligible addresses. Despite the objections raised with Elections Canada, these ballots were verified and counted.

The same concerns apply to multiple voting by people through multiple business addresses, as I've already mentioned. We know what happened because we saw it happen. We raised objections, and we brought all of this to the attention of Elections Canada. They were very sympathetic to the situation, because clearly there was a problem with the voters list.

● (1140)

I'm sure it's not just in Edmonton Centre. I'm sure it's the same in other ridings as well. The commissioner of elections assured us that they would continue to investigate this after the election. I'm curious as to what the outcome will be.

What I'd like to do is ask a number of specific questions if I could. What specific measures are being taken to improve the quality of the permanent list of electors? Some concerns have been raised as to why it might get out of whack. What specific measures have been taken to prevent the mailing of multiple voter cards to the same individual? Is Elections Canada taking any steps to ensure that mail carriers actually put every voter card in a mail slot? What specific measures are being taken to distinguish between residential addresses and mailing addresses on Canada Revenue Agency tax forms? What is Elections Canada's policy as to when special ballots can be disallowed?

That's probably enough questions for one go-round.

The Chair: That's quite a number of questions.

Mr. Kingsley, you can start from the top, and I'll certainly allow you a little bit more time. We have about three minutes left on the clock for this round.

Mr. Jean-Pierre Kingsley: To begin with, I will state that I was aware, and I remember the problems with Edmonton Centre. I will also reassure people that the problems were in Edmonton Centre, and they did not manifest themselves to any extent, as was presented.

We were able to purify the lists through special measures that we took. We did this with the returning officer, and I understood that this was done to the satisfaction of the various candidates. But that may not be the case, in which case I would like to pursue it further. Please remember that if there are instances of multiple voting of which members are aware, a formal complaint must be filed with the commissioner of Elections Canada so that he may pursue the matter. We do not investigate on the basis of hearsay, honestly. We cannot do that. The law requires that there be a written complaint, and the same goes for any other infractions of the statute. If people request or attempt to do things that are against the statute, we need the information, and the commissioner will then have the grounds on which to consider launching an investigation and, possibly, a prosecution.

Regarding the matter of people being on the list at addresses that don't exist, or multiple families being listed at one address, what we found out—and this was more particularly a problem in Edmonton Centre—is that for purposes of the income tax system, some people register their addresses as their accountant's, so we were getting the accountant's address as a genuine address. We were able to purge the lists of these before the election. We've also instituted special measures in our computer programs, to detect this problem from now on, but this has been a problem that surfaced particularly during this campaign.

In terms of Canada Post, we pay first-class postage rates for the voter information cards. There is no voter card in this country. It's a voter information card. It's information that is provided. That card does not entitle one to vote. It certainly does not entitle one to vote multiple times. We do check the lists for duplicates, but I will also say—I will take only one more minute and I will have to come back for a number of the other answers—that we launched a special effort just before the last election, to review the whole functioning of the list. I think we've passed a milestone. Generally speaking, the list performed better at this election than it has for any other election. We've launched a special effort that will involve MPs because we need to see how we can improve it even further. I will remind members that we send the lists out every year to members of Parliament. I know Mr. Godin religiously checks the addresses. He checks the lists to see what is right, and whether there are errors on the lists. Because he brings these to our attention on a yearly basis, we are able to improve the lists for that particular riding. But only a small number of members of Parliament....

• (1145)

The Chair: Thank you very much.

We're going to move to the second round. In this particular case I don't think we need to be quite as formal. I have been watching for hands to come up.

Monsieur Proulx, if you want to go ahead, we will have five minutes for the second round.

I will be watching for hands, and if folks want to raise theirs, I will get them onto the list. Let's follow that sort of less formal order.

Mr. Proulx, go ahead, please.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Kingsley and Mr. Davidson, thank you for accepting our invitation to appear before the committee. I have a few comments and questions.

First, the Liberal Party of Canada is also in the process of preparing its list of errors and horror stories. We will table it once it is finished because it is a fairly exhaustive list. We will also provide examples, such as the case involving a returning officer's employees asking workers what their political allegiance was so that work schedules provided more work to some workers as opposed to others. That was a fairly difficult situation.

After Mr. Davidson spoke, Mr. Owen asked a question. Do you have statistics on the number of people who are or have been charged with making a false declaration at the time of voter registration? It would be great if you could give us these figures today or through the clerk of the committee.

I would like to make a comment on the permanent voters' list. During the January election, we were particularly upset to find out that names had allegedly been added to the list from income tax or health insurance lists. In those cases, the other names had not been removed from the voters' list. So there were cases where six people were identified as living in the same bachelor apartment. Of course, that's impossible. So when you find one and call the owner of the building or the tenants of the apartment, you find out that the person left four years ago, and that another person left six years ago.

Perhaps there is a mechanism which isn't working or which doesn't even exist. Whatever the case may be, we should try to make sure this doesn't happen again.

I don't think that you will be able to answer my question today on voters who register on the day of the vote. A little earlier, we were talking about identification. There were rumours, which we are in the process of confirming for our catalogue, that in certain ridings, people could register as voters by simply presenting a magazine on which there was a sticker with their name and address. The people claimed that the magazine was addressed to them by Canada Post and that this gave them the right to register as voters. As it turns out, after election day or after polling stations closed, it was discovered that the same magazine was being passed around and that an organizer at the door was systematically providing people with the stickers. There's something wrong with that process, and I think that we, in our capacity as members of Parliament, and you, in your capacity as the enforcer of the law, must look into the possibility of making changes.

I was afraid that it was your catalogue, Mr. Guimond.

Some hon. members: Oh, oh!

• (1150)

Mr. Jean-Pierre Kingsley: It is thicker than that.

Mr. Marcel Proulx: I know he'll give it to me as soon as he gets the chance.

Mr. Michel Guimond: Yes, I'm waiting for the right opportunity to talk about it before catching my plane.

Mr. Marcel Proulx: Mr. Kingsley, I realize you did not decide or will not decide on the following issue, but I would like to know what you think about the section in your report dealing with access to multi-residential buildings, to gated communities and other such places. In the past, members of Parliament made sure that candidates could have access to multi-residential buildings. However, there are unanswered questions as far as gated communities are concerned. But I'd like to take that one step further.

Do you think the act should be amended to allow a candidate to access public places such as shopping malls, places of work, be they factories or office buildings, during an election?

How much time do I have left, Mr. Chairman?

[*English*]

The Chair: You're done.

Mr. Marcel Proulx: I'll wait for the answers.

[*Translation*]

Mr. Jean-Pierre Kingsley: Mr. Chairman, I will try to answer very briefly. As far as removing the names of people who have changed addresses from the electoral lists is concerned, once in a while in the last six years, I know that we have taken measures to ensure that when a person registers on the electoral list during an election, that person is asked whether anyone would have lived in their place of residence previously. We annotate the list to indicate that a person has moved. We do not automatically delete the name. If that person shows up at the polling station, we can ask them.

If there was fraud, I would like to know about it. Again, this is the type of situation I want to hear about when we meet with members of Parliament. That way, we can think of ways to solve the problem.

As far as registering on election day is concerned, you said that some people showed up with a magazine. I would like to know how much time it took election officials to realize that the same magazine was being passed around and that only the sticker had changed. That is a clear case of fraud. In that type of situation, I have to know exactly what happened. I will not tolerate that type of thing for even a second. So I would like to know more about that case.

Lastly, as far as access to gated communities and to public places is concerned, the areas you call public spaces are, in fact, not public. You talked about shopping malls. We were asked this question during the election. Candidates would like to campaign in shopping centres.

As for candidates going into the workplace, I frankly have reservations about that because it is very difficult. If I was still the CEO of a hospital and if candidates wanted to campaign at the hospital over lunchtime in the cafeteria, I would have a big problem with that. However, in a place that is accessible to the public, it is not as difficult, even though it might be designated as a private place under the law.

I am referring to shopping centres and so on. Perhaps we could make places like that more accessible to candidates. However, we should not waste any time in addressing the matter of gated communities by amending the act.

• (1155)

[English]

The Chair: Thank you.

We'll move to the government side. I have three names over here. The first is Mr. Hawn.

Mr. Hawn, you have five minutes.

Mr. Laurie Hawn: I have just a short comment, and then I'll yield to my colleagues.

Mr. Kingsley, I do have to express some frank skepticism that the kinds of things that I and others talked about, specifically mine, happened only in Edmonton Centre. If they do happen only in Edmonton Centre, then the people of Edmonton Centre and other people need to be shocked for an entirely different reason, which I won't go into.

We did file complaints or observations with the commissioner of elections. My campaign manager was told by the commissioner of elections that he would be instituting an investigation into this situation. So I would just ask—if you don't know the status off-hand, and you probably don't—that we be given some information on the status of that investigation.

Mr. Jean-Pierre Kingsley: Okay.

With respect to my comment on Edmonton Centre, what I attempted to say was that this happened to the largest extent in Edmonton Centre. I'm not going to say that this happened only in Edmonton Centre. A few other ridings come to mind, in which we had a problem with public buildings being listed as residential

addresses. So there was some level of the same problem in other ridings, but there seemed to be an undue concentration of it in Edmonton Centre.

With regard to anything that was referred to the commissioner, the commissioner will provide an update on where he stands on those files. I'm not automatically privy to that information. The commissioner acts independently of the Office of the Chief Electoral Officer and keeps me informed generally about what he is doing, but not on individual files necessarily. But I'll ask him, and we'll provide the answer to you through that means.

Mr. Laurie Hawn: I guess I'm taking a little bit more time from my colleagues here, Mr. Chair.

With respect to the voter cards and the statement by Ms. Davidson that people can't take one of those voter cards and go vote—if I understood you correctly—our experience shows that's not true. If I get a voter information card that says I am Laurie Hawn and I live in Upper Rubber Boot and that I can go vote at poll whatever, if I show up with that card, walk in, and give them the card, they don't ask me any other questions. I don't show any identification. I get my ballot, and I go and vote. If I have 15 voter cards, I can go to 15 polls and do the same thing. And that, sir, does happen.

Mr. Jean-Pierre Kingsley: Sir, what I don't understand is how you can go to fifteen different polls when you have the same address. Your poll is tied to your address.

Mr. Laurie Hawn: No. Fifteen cards. The example that I used in the beginning was that of a lawyer, who clearly knows better, bragging that he voted fourteen times for my opponent in the 2004 election because he had a voter card for each of the fourteen properties that he leased in the riding.

Mr. Jean-Pierre Kingsley: I would like that name, because under the statute there is a seven-year limitation for any infraction committed during the 2004 general election. So I definitely need that name.

The issue that you're raising, which is one of ID at the polls, is one that perhaps we could be discussing at greater length, because doing so could take a long time this morning. There are pros and cons to that issue, and I would like to be able to discuss them very openly and honestly with the members.

Mr. Laurie Hawn: But to me, that we need to know who is voting is fundamental. Non-citizens vote. People vote multiple times. People vote in ridings they don't belong in, for some of the reasons we've just talked about.

To me, it's absolutely fundamental that if I'm going to vote I must produce identification. It's very simple. Nothing else makes any sense, and I don't understand why that is so difficult to mandate.

• (1200)

Mr. Jean-Pierre Kingsley: The statute says that you don't need to. If members of Parliament want to change the statute and require ID, then members of Parliament will have to change the law. But you can't look to me to mandate it, if it's not in the law.

Mr. Laurie Hawn: As a senior administrator, would you support that kind of a change?

Mr. Jean-Pierre Kingsley: I'm not ready to indicate support today. I think it has to be discussed. There's the whole thrust of the legislation, which has existed since 1920 in this respect. Before we change that, I think people should be aware that the change would be a major one.

There is also a whole slew of measures that do exist to ensure the integrity of the process. I'd like to have the opportunity to remind the members of what those are. I'd like to be better prepared to have that discussion, Mr. Chairman.

The Chair: I think that's fair. We can bring Mr. Kingsley back at another time and get into an in-depth discussion when you have had an opportunity to prepare for this.

Your colleagues may want to note that you've taken all their time.

Go ahead, please, Ms. Picard.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Kingsley, it is always a pleasure to see you again.

I would like to come back to the way returning officers are appointed, but before that, I would like to tell you about something that happened in my riding during the last election.

The chief Liberal organizer had recommended a candidate for a returning officer. The organizer put a lot of pressure on this woman, and she asked us to talk to you about it, because she felt very intimidated by the organizer. This happened as a consequence of returning officers being appointed by the party in power, by the government. It was a very unfortunately experience for the returning officer, and you had to step in and tell this man to stop intimidating voters who had come to the advance poll. A person even came to see me and said that there were people at the door who were scaring him. The returning officer could not control the situation. Since the appointment had been recommended by the organizer, the organizer thought he could abuse the process.

I hope that the problems associated with appointing returning officers will be eliminated with Bill C-2. The bill does not refer to a public competition or to an external appointment process, as it called in the jargon of the federal public service. So how will candidates be recruited?

Mr. Jean-Pierre Kingsley: First, thank you for once again raising the issue of returning officers, an issue which has consistently been the subject of my recommendations since I have held my position. I spoke about this in 1990, the year I was appointed, before the royal commission that was considering this issue. I recommended that the royal commission draft a recommendation but it chose not to do so. I persisted, however, because, quite honestly, this type of problem is a source of immense frustration for the Chief Electoral Officer. Thank you for having raised it once again.

In terms of the process, we obviously became aware of the wording of the bill at the same time as everyone else. We are currently preparing the system that would be used to recruit and appoint returning officers.

The system would rely primarily on merit, depending on the requirements of the position and the qualities necessary in people taking on those responsibilities, including political neutrality.

Second, having a process will ensure that an individual's merit is determined fairly and equitably. When I appear before the committee that will be considering Bill C-2, I will be in a position to expand on that topic. However, I can tell you that the system will be based on merit, as set out in Bill C-2, as well as on transparency.

● (1205)

Ms. Pauline Picard: Section 297 of the Elections Act states that, “without delay after the validation of the results, the returning officer shall prepare a certificate... that sets out the number of votes cast for each candidate, and shall deliver... a copy of it to each candidate”. However, some returning officers refused to give them to us and stated that they would be sending them through the mail.

Mr. Jean-Pierre Kingsley: I feel that that was very clearly done in bad faith. However, when I have had to intervene, I have stated that things had to be done differently. You know that.

Ms. Pauline Picard: Fine. There could also be a problem with requests for recounts, which must be made “within four days after the date on which a returning officer issues a certificate”, under section 301(1) of the Act.

If a candidate receives the results on the day of validation and another candidate receives the results through the mail one week later, which date is used as the starting point?

Mr. Jean-Pierre Kingsley: Later I will give you a legal interpretation of that issue. However, one must not forget that the results are posted on Elections Canada's website as soon as they are available. Furthermore, we consistently update those results, which the candidates can use.

I understand the implications of your question and later I will give you a more specific answer.

[*English*]

The Chair: Thank you.

I must apologize. I overlooked Mr. Reid, so I'm going to go to Mr. Reid. I apologize, sir, I didn't see your hand up.

Then we'll move to Mr. Lukiwski and then Mr. Godin.

Mr. Scott Reid: Thank you.

It's always a pleasure to have you here at our committee.

I wanted to start by explaining—because you actually raised this question, what Mr. Hawn was asking—how a person can vote in multiple places if they've received a voter card. I know you were assuming people would get a voter card at one address. The answer is this.

In the last election I received three voter cards. One for Scott Reid, one for Jeffrey Reid, and one for Scott Jeffrey Reid. Obviously I voted only once, but had I wanted to, what I could have done is this. I could have gone to the returning office and voted once as Scott Reid. I could have shown them my ID that says I'm Scott Reid. I could have voted a second time at the advance poll as Jeffrey Reid—of course my ID shows that too—and then I could have voted at my regular poll. There would be different people at each poll, and that would cover me. And I could show them my ID each time.

I'm not saying this happens all the time, but you get the point. The safeguard you would normally have of having scrutineers watching would actually be absent in this situation. I just point that out because you had raised the question.

I wanted to actually revisit a question Mr. Proulx had brought up. He asked about the number of prosecutions there had been in recent years for false declarations. I'm not sure if you did answer that—he had so many questions—but if you didn't, I would appreciate your indicating that. In particular, I would like you to respond to something I read in the *Toronto Star* a few months ago. They had quite a discussion about electoral fraud, going back and forth, and of course you participated in a series of letters to the editor and articles.

This is an article in which it's claimed or alleged.... I'll just read what it says:

It is illegal under the Canada Elections Act to vote more than once in an election. Penalties range from a \$5,000 fine to five years in prison, or both. But it's believed that no one in Canada has ever been convicted of voter fraud, and our elections are based on an honour system.

I'm not sure if that allegation is true, but I would like to find out now, if I could.

Mr. Jean-Pierre Kingsley: The reason there has not been prosecution is that there's no complaint that could be justified. There are a lot of perception issues and rumours, and people talk about this type of thing occurring.

Mr. Scott Reid: I'm sorry, this is actually the truth? I'm not suggesting that—

Mr. Jean-Pierre Kingsley: No, I agree.

Mr. Scott Reid: I'm aware, for example, that you're not even involved in the prosecution process. My question is, is it true that there have been no prosecutions?

Mr. Jean-Pierre Kingsley: I'll verify that and come back to the committee. It's my belief that it is not the case that there's been a successful prosecution. What we did on the side is agree with Mr. Proulx that we would be providing this committee with an answer about the question he had raised.

What I find interesting in your comments is that you could have provided your ID three times, so why is going to be useful to provide the ID at the polls?

• (1210)

Mr. Scott Reid: It's not a bad point. This actually raises the next thing I wanted to get on to. I'm sorry to be so aggressive at moving my questions through here, but it's just that I've only got five minutes.

This raises the question about the mailman dropping the cards off at a location instead of putting them in mailboxes at apartment buildings. Is it an offence under the Elections Act, or is it not an offence, for the mailman to drop them off?

Mr. Jean-Pierre Kingsley: No, it is not an offence to do that, because that is not under the Canada Elections Act. But it is part of the contract with Canada Post.

I will say that Canada Post has been providing very good service to Elections Canada, and we do pay the prime rate for the service. However, if that occurs, I want to know, because they'll be able to trace it to the courier. What we do know happens is that some people just chuck the card; they just leave it there, and it may appear as though the postman left it there. But if a postman did leave it there, we would like to know that as well. We will pursue every one of those cases with Canada Post, and they know who delivers the mail at each address.

But again, that is something of which we've made a note, and I want to pick it up through this review of the use of the register. I do know there is an issue there that is a perception of an issue, and there may even be an issue in substance. We have to come to terms with those, because they matter. Part of what we're going to be saying is that we need more involvement by members of Parliament. That's going to be part of the answer.

The Chair: Okay.

Go ahead, please, Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much.

Welcome, Mr. Kingsley and Ms. Davidson.

I'm sure the question I have falls within the purview of the commissioner of elections. I'd like your opinion concerning an allegation of voter fraud in a northern riding of Saskatchewan. I believe the correct name is Desnethé—Missinipi—Churchill River. It involves a colleague of mine. I'm sure you're aware that throughout the election there was a very close race between the Conservative candidate, who was the incumbent, and his Liberal challenger. The Conservative candidate, however, led throughout the evening—and of course there were updates throughout the evening in all of the major electronic media—by about a couple of hundred votes. However, the last poll to be reported was three and a half hours late coming in—this can be verified by the returning officer on site—and when the ballots were tallied, they were 100% in favour of the Liberal candidate. I think it also showed that there was over 100% voter turnout.

One could obviously make the allegation that there is some basis for an investigation. I recognize the fact that this does not fall within your ambit; however, my question is whether, in circumstances like this, the commissioner of elections still requires a formal complaint to be lodged, or whether he could take a look at this and say, you know something, I think we should call for an electoral review.

Mr. Jean-Pierre Kingsley: He wouldn't automatically need a formal complaint to undertake a review of such a situation. He may launch investigations through his own initiative, depending upon circumstances surrounding a particular matter.

Mr. Tom Lukiwski: Okay. Thank you for that, and I have another question. I'm sorry, sir, and I know this doesn't fall within your ambit. I would suggest that perhaps at some time we may wish to call the commissioner of elections to appear before this committee, because there are a number of questions that really fall outside of your jurisdiction, and I don't want to put you the spot.

I do have a question, however, sir, that does fall under your jurisdiction and deals with a suggestion made by our colleague, Monsieur.... He is not here, unfortunately. He said he didn't want to boast, but I thought he should. His question was about having appointed returning officers. Rather than being something partisan, appointment would be based on merit, and we would certainly support that. As you know, this matter will be addressed in the proposed Federal Accountability Act. Our congratulations to the Bloc for making this an issue. I think it's a very worthy one, and I'm glad to see that changes will take place.

You mentioned that you had already started developing job descriptions outlining the qualifications required for the successful candidates, so I guess my question is actually twofold. Assuming the Federal Accountability Act is passed, regardless of when that may be, when would you be able to move forward? Once all of the job descriptions have been completed, and all of your work has been done, and once the act has been passed, how long do you think it would be before you could begin work on initiating a merit-based appointment process for returning officers?

The second question is what form of posting will you have? In other words, how do you plan to inform the general public that these positions will be available for individuals to apply for?

• (1215)

Mr. Jean-Pierre Kingsley: My office will be ready to implement this the day of royal proclamation. But I understand that the Governor in Council will have to approve this separately from royal assent. I'll be ready on that day. We're making the plans now.

In terms of disseminating information on the availability of a position, we intend to use means that are available to the public and that are reasonable under the circumstances. In other words, the job may not be announced in a national newspaper, but it may be advertised on the Internet, or in local newspapers. There will be something that meets the definition of public announcement in today's society, some means, traditional or other, that people use to find out about jobs that are available now. That's what we're going to use.

Mr. Tom Lukiwski: All right.

Mr. Jean-Pierre Kingsley: We're not going to be inventive and use something that no one else does for the simple reason that we wouldn't be reaching people that way.

Mr. Tom Lukiwski: In other words, your best efforts to make sure that it's broadcast and disseminated as widely and broadly as possible so that individuals will have an opportunity to apply.

Mr. Jean-Pierre Kingsley: I would like all 97,000 people in the riding to know about it.

Mr. Tom Lukiwski: Thank you.

The Chair: I'm sorry, Mr. Lukiwski, you're out of time.

It looks like we'll probably have time for another round.

Monsieur Godin, you have the floor.

[*Translation*]

Mr. Yvon Godin: Thank you, Mr. Chairman.

I would like to tell you about a situation that occurred at the University of Toronto. During what is called advance polling, polling stations were open. They had three days to vote at the University of Toronto. Twenty-four hours before the vote, it was cancelled. The students were not at all happy. They were very frustrated by Elections Canada's actions, and they would have liked to have had an opportunity to vote.

Mr. Jean-Pierre Kingsley: Mr. Chairman, I have a very clear recollection of what I happened there. The approach the returning officer wanted to use was not in keeping with the spirit of the act and would have caused problems because there would have been too many people and the election workers would not have been able to control the crowd. We were able to set up, in accordance with the act, enough polling stations on the campus to meet the demand on polling day. What we did was set up advance polls on the same campus. Initially, the students were displeased when voting day was postponed, but they did have an opportunity to vote on the campus. There were enough stations to handle the turnout expected.

Mr. Yvon Godin: Earlier, we were talking about the cards that enable people to get into various places and about the fact that a person can register using an address on a magazine label. Let me give you an example of what happened to a young woman who was voting for the first time. I think that sometimes we stress certain things and not others. I do not know whether a mistake was made in my riding or not, but you will tell me what you think. You may perhaps tell me that this is the law and that it is up to us to find the solution to the problem.

This woman was voting for the first time in my riding. She left Grande-Anse to go to the hospital in Bathurst, because she had learned that her grandfather was dying and did die that very day. There was an Elections Canada polling station in Bathurst, but no one agreed to let her vote there. She had to pay cab fare to go back to Grande-Anse. She was crying during the trip because she wanted to vote for the first time. She had her identity card and her driver's licence. We are not talking about downtown Toronto here; this a place where everyone knows everyone else. No one wanted to do what was required to allow this young woman to vote for the first time.

• (1220)

Mr. Jean-Pierre Kingsley: First of all, I would say that what she did is entirely to her credit. The issue is that no one would help her. You expect people to enforce the act, and that is what I require of election workers.

Mr. Yvon Godin: In your opinion, nothing in the act...

Mr. Jean-Pierre Kingsley: On polling day, the only place she can vote is at the polling station where she is registered by her address. There are no exceptions.

Mr. Yvon Godin: Unless she has six cards and goes to very various polling stations.

Mr. Jean-Pierre Kingsley: In British Columbia, voters can vote anywhere in their riding. We could consider that with you when we deal with this matter. In B.C., people can vote anywhere in their riding. We can talk about this, if you prefer this approach.

Mr. Yvon Godin: Is that for a provincial or federal election?

Mr. Jean-Pierre Kingsley: It is just for a provincial election in B. C. In the case of federal elections, the act does not vary from one province to the other.

Mr. Yvon Godin: I would like to raise another issue, but you may perhaps tell me that this too is in keeping with the act.

Candidates seeking a party's nomination are required to open a bank account. If a candidate makes 200 copies of his election brochure on his personal computer without incurring any expenses, is it the act that requires him or her to open a bank account, or is this an Elections Canada regulation?

Mr. Jean-Pierre Kingsley: No, this is not a regulation. Elections Canada does not make regulations on this, nor the cabinet. This is the law. However, you raise an issue that I will deal with in my report. We should review the provisions of the act. I'm referring to new measures introduced in Bill C-24, which became law on January 1, 2004. That was the first time there was such a provision. You worked to pass good legislation, and I did what I could to advise you, but that does not mean that there is not room for improvement. We would like to deal with this matter at your convenience. This report was tabled in September 2005, but I was never asked to appear before the committee to discuss it. I think we should talk about this, because a number of the recommendations in the report are very good and would improve the process, including nomination campaigns.

[*English*]

The Chair: I agree.

Mr. Jean-Pierre Kingsley: *Merci.*

The Chair: Thank you.

I believe that's a great recommendation.

I have five speakers left, and I'm trying to keep it to five minutes. In order to give Mr. Kingsley an appropriate time to answer, maybe we could tighten up our questions a little bit.

Five minutes, Ms. Jennings.

•(1225)

[*Translation*]

Hon. Marlene Jennings: Thank you, Mr. Chairman.

I would like to thank you very much for your answers to my colleagues' various questions, Mr. Kingsley. I think you have clarified things to some extent.

I would like to come back to the issue regarding amendments to the act in order to give the Chief Electoral Officer the power to

choose and appoint returning officers. This is a very interesting issue that deserves debate by parliamentarians. I would just like a few clarifications.

At the moment, when a returning officer is appointed by order in council, how long is the term?

Mr. Jean-Pierre Kingsley: Until there is a readjustment and the electoral boundaries change. If the readjustment has taken place and the electoral boundaries have not changed, the person continues in the position.

Hon. Marlene Jennings: Despite the fact that the candidate's name was put forward by a member of Parliament from whatever political party, once the person is appointed, he or she is not accountable to anyone. If there are no changes in the electoral boundaries, the person could remain in the position for 30 years, according to what you say.

Mr. Jean-Pierre Kingsley: Some people have remained in the position for about 20 years.

Hon. Marlene Jennings: I see. I would like us to correct the impression that people may have. They may think that since a member of Parliament put forward one or more names and because the individual was selected and appointed by order in council, the returning officer is automatically accountable to the member of Parliament or to future candidates from the same party. That is not the case, nor is it the case if someone has gone through all the steps in the selection process and been appointed for a 10-year period. If the term is renewable, the individual may be subject to pressure within his or her company to have the term renewed. I make this comment simply to demonstrate that there may be aberrations in both cases.

In your proposal, you say that if the amendment were accepted, the revocation should occur for the reasons set out in subsection 24 (7). Do you have a copy of the act so that we can see exactly what these reasons are? Are you suggesting that a very clear revocation process, and one that is well-known to the public, be set up should the act be amended as you propose?

Mr. Jean-Pierre Kingsley: Mr. Chairman, I would like to answer this question at a later meeting, because this is part of Bill C-2. We are reviewing what the bill proposes. However, we can certainly tell you what is provided for in section 24.

With respect to your comments about returning officers, an example was given by another member of Parliament, who said that pressure was applied to a returning officer—for what it is worth. Personally, I'm talking about determining merit based on the real needs of the position and the perception on the part of the party that was not involved in appointing the returning officer regarding the political affiliation of the returning officer—because that is what we are talking about—and the increased likelihood that such a thing could actually happen.

[*English*]

With your permission, Madame Davidson will answer the question about what is in the section of the statute.

[*Translation*]

Ms. Diane Davidson: Subsection 24(7) cites the reasons for which a returning officer may be removed:

- a) [...] for reason of illness, physical or mental disability [...]
- b) fails to discharge competently a duty of a returning officer under this Act or to comply with an instruction of the Chief Electoral Officer [...]
- c) fails to complete the revision of the boundaries of the polling divisions in their electoral district as instructed by the Chief Electoral Officer [...]
- d) contravenes subsection (6) [knowingly engages in politically partisan conduct] [...]

Hon. Marlene Jennings: Thank you, so this already exists.

[English]

The Chair: Thank you. We appreciate that answer.

Madame Guay.

[Translation]

Ms. Monique Guay (Rivière-du-Nord, BQ): Good afternoon, Mr. Kingsley.

I can tell you that things went well in my riding as regards the returning officer. He followed the Act, he was very clear, and we were informed immediately when something was wrong. In addition, problems were solved quickly. However, I do not know whether this was the case in all ridings. In our area, things went well.

Earlier, you were saying that some returning officers had been appointed for a period of up to 20 years. However, we should remember that the electoral boundaries are readjusted every 10 years. So there are changes made to the returning officers. That is what happened in my riding. When it was split in two, we got a new returning officer. They do not necessarily hold the position for 20 years.

I have a rather particular question to ask you. In my riding, on polling day or in the advance polls, even though people had their voter card, they were required to have identification cards as well. I was even asked for this myself, even though everyone knew who I was when I went to vote.

I have nothing against this approach, but I am wondering whether it should not be followed everywhere. There cannot be one rule in one riding but not in others. The returning officer of a riding cannot decide to act in one way in one area, while a returning officer in another riding decides to act differently. This caused a problem, particularly for young people.

For example, I took my 18-year-old son to vote for the first time. He did not have his I.D. card with him, but he had his voter card. And they did not want to allow him to vote. I had to go into the polling station to identify him, to say that he was my son and that he was entitled to vote. In the end, he was allowed to vote. This is perhaps something that should be looked into.

There was another situation that I found very problematic and that I experienced during the last election campaign. I would even say that it involved a lack of respect for all voters. I am talking about candidates who run but whom no one sees throughout the entire campaign. They put signs everywhere, and journalists ran after them without ever managing to reach them. I am talking about candidates who were never in the riding, not once.

I do not know whether it might be possible to establish some requirements in this regard when we amend the Canada Elections Act. I think this displays a complete lack of respect for people,

because they want to know for whom they are voting. There were signs everywhere, but generally speaking, these candidates do not even live in the riding. Their pictures are simply displayed on posts around the riding and we are criticized because we do not know where they are or who they are. I think this is a serious problem and one that shows a complete lack of respect for voters.

I would ask you to think about this matter.

● (1230)

Mr. Jean-Pierre Kingsley: I will begin by responding to the second issue you raised, that of candidates. I'm pleased that you made that comment here because it is in this place that this issue has to be considered and I don't know that I would have a position on that. This is an issue that specifically involves this country's political life.

In terms of the identification cards, the returning officer did not have the right to do what he did. He simply did not have the right to do that.

I'm pleased that you raised that issue, because it raises a larger one. Who are the citizens in our society who generally do not carry identification cards on them? At some point, when the issue is debated, the question will have to be asked. Should people have to carry identification on them in order to vote?

Ms. Monique Guay: They are often younger people.

Mr. Jean-Pierre Kingsley: They are young people, aboriginals, etc. There are groups of people in our society who do not generally carry identification on them. These are people who live differently from us, and there are a fair number of them. We will need to address all those questions when we talk about identification cards.

Thank you.

[English]

The Chair: Madame Guay, you have one minute left.

[Translation]

Ms. Monique Guay: No, I'm fine. Thank you.

[English]

The Chair: I have Mr. Preston next. Did you want to take 30 seconds of his time?

Mr. Tom Lukiwski: Yes.

I have just a quick follow-up, Mr. Kingsley, on the appointment of returning officers. You're ready to go; you said that basically you will, as soon as royal assent has been given, and that's great.

In a minority situation, of course, we could be going to an election at any time. How long do you think, or at least how long do you hope, it would take to get all 308 or 310 returning officers appointed? Is there any kind of a timeline on that?

Mr. Jean-Pierre Kingsley: I would hope to be able mount an exercise that would do it.... I hesitate because I said I wouldn't testify on Bill C-2 here, but I will say two months.

Mr. Tom Lukiwski: Thank you.

The Chair: You have four and a half minutes.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): That's great.

Mr. Kingsley and Ms. Davidson, welcome today.

You made a point to Mr. Hawn that after it was brought to your attention you were able to purify some address lists that he had. You commended Mr. Godin for his supplying to you changes and addresses and making the list better.

Are we to take it that it is our job now to ensure that the Elections Canada list is right?

• (1235)

Mr. Jean-Pierre Kingsley: No. With all due respect, sir, what I'm trying to say is that people have been relying solely on Elections Canada to do this, and that was not necessarily the intent initially.

By the nature of the problems that are raised here, there is definitely a need for parliamentarians to be involved in reacting to the list that is provided to them annually.

Mr. Joe Preston: I do agree with you. The error rate on it, to me, is above where it needs to be, and we have been doing the same type of thing to try to clean the list.

You send out your voter ID cards by first-class mail. I would then assume you receive boxes of them back as non-deliverable.

Mr. Jean-Pierre Kingsley: The number that we receive back is, in proportionate terms, very low. It is very low. When we review this, if the committee wishes, perhaps as part of that review we'll share those statistics with you and tell you what it is that we get back, what kinds of problems and how we solve them. We should do that at—

Mr. Joe Preston: Using your same list, I get a lot more back. Maybe it's an isolated case by riding, but we'll certainly use that, because it seems to be the only way to clean the list—to mail everybody on it and then change it.

Mr. Jean-Pierre Kingsley: That may be a suggestion. Perhaps we could be doing that each year. Perhaps we should.

Mr. Joe Preston: Yes.

It also answers some of my colleagues' points that some postal workers may be leaving them. Those should surely be sent back as not delivered, and maybe they're not. That may be another piece of that too.

We spoke of an oath being used as a method of verifying identification for those without identification. Whenever there is a doubt, the person will sign an oath, and it says that is true. Do you have an approximate number for how many oaths are used per riding or across the country? An average by riding may be the issue. Is it something that is used far more strictly by some returning officers than others? We heard of a case from my colleague where the returning officer was asking for identification. You say that's not correct. Then, in the case where we can't ask for identification, how often is someone asked to supply the oath?

Mr. Jean-Pierre Kingsley: We would have to go into the poll books to find the answer to that, and that is not something that is done regularly. If the committee wishes, perhaps we could undertake such a review and provide you with the statistics. I'd like to know if this is something the committee would like, because that would represent work. I don't mind that, but...

Mr. Joe Preston: It's not something I'm necessarily asking for; I'm just trying to get a feel for this. It's a citizenship piece. Something that was asked a lot during the election was for proof of citizenship. As we've already heard, if I walk in with a voter's card and without ID, I'm allowed to vote. Yet there's no proof of citizenship asked for there. We've already said that certainly the voter card could go out to someone without citizenship through the tax rolls. The affidavit certainly says on it "I am a Canadian citizen", but they've already checked the box someplace on the tax form that gives that same information.

Mr. Jean-Pierre Kingsley: Please remember, sir, they're not added to the list from the income tax forms.

Mr. Joe Preston: You're using it only to clean addresses.

Mr. Jean-Pierre Kingsley: It is only to change people from one address to another if they're already on the list. To get on the list, at a moment in time they had to tell someone that they were Canadian citizens, or to attest to that.

Mr. Joe Preston: Then I'll ask a follow-up question to that.

If the check box on the tax form isn't how I get on the voters list, how do I do that? What are the numbers of ways? How do I get on the voters list initially?

Mr. Jean-Pierre Kingsley: We write to the persons who check off that box and offer them the opportunity of writing back to us by simply posting the letter back saying they want to be added to the list. However, as with everything else, we have a 20% return rate for those who should be answering, and therefore we could be significantly improving—should the recommendation that I've made be approved changing the Income Tax Act—because this is the main means of adding youth to the list. Youth are notorious for not responding to the mail that we send, but if they bother to check the two boxes "I am a Canadian citizen" and "I do wish to share the information to be added to the list", that would simplify greatly adding youth to the list. It is the main means we have under the system now. Otherwise we're caught having to reply to them.

• (1240)

The Chair: Thank you.

Mr. Jean-Pierre Kingsley: I do want to add one element, sir.

Every poll has a bold notice on the wall: I am 18 years of age and I am a Canadian citizen. Every poll has that. We added that in the 1997 general election as a result of comments made at this table.

The Chair: Thank you.

Mr. Reid and then Monsieur Godin.

I have room for one more speaker; if not, we will wrap it up. We are coming to a close.

Mr. Scott Reid: Mr. Hawn gave the example of a bus with roughly 40 people on it, with one person resident in the poll saying they wanted to vouch for these people. His scrutineers objected vigorously and were successful at stopping that, but that had a lot to do with having someone who is aggressive in place on the ground.

In the case of the example Mr. Lukiwski mentioned, of the particular box at a poll that had over 100% participation and some other very interesting anomalies, there was no scrutineer present. It is difficult to arrange in many ridings, quite frankly, to have a scrutineer from all parties present at all polls, particularly when polls are widely spread geographically, although that can also be an issue in urban areas. This suggests there certainly are openings for wilful electoral fraud.

Again, I mentioned there had been a discussion in the Canadian media about at least the theory that fraud was occurring in some areas, and in some ridings on a reasonably widespread basis, which raises an obvious question for me. It seems to me that the legislation could be amended to say that where someone doesn't have the proper identification and comes in and signs an oath, the ballots could be set aside and kept secret. We have the means to do that sort of thing. Mail-in ballots are kept secret—they are placed in a double envelope, with the inner one not being marked. The ballots could be kept secret until an after-the-fact verification occurs. That would ensure effectively that one could confirm whether or not the person was simply left off the list—I certainly know from my own riding there were lots of people left off the list who have a right to vote—without actually making it possible for people to engage in the kinds of fraud that are alleged to be occurring.

I would be interested in your thoughts on the observation I've just made.

Mr. Jean-Pierre Kingsley: Number one, with respect to scrutineers, I'm glad you raise the point. In effect, the comment you're making leads me to believe that perhaps the Chief Electoral Officer should take special means over and above the provision of a deputy returning officer and a clerk where scrutineers are not available from parties. It must be remembered that part of the strength of the system was supposed to be candidates providing scrutineers so that they are present where things occur.

With respect to 100% or more of electors voting, I want to remind people that because of the polling day registration that is permissible under our law, it's only an appearance that 100% or more of the people voted. It's an appearance, because a lot of the people who were on the list did not vote. In effect, if your comment were true, there's a lot more that would have occurred that would not have been correct. It's possible under our system for more than 100% of the people who are on the list at a particular poll in numbers to have voted because of the polling day registration. I'll remind members that we did provide the listing by poll of the people who registered on polling day, subject to review.

With respect to your suggestion of holding ballots for those who registered on polling day—I think this is what you were recommending—that is something that could be done. Where we would go and check, I don't know, but these are things we could be pursuing. I've attempted in the past to get lists of Canadian citizens from the citizenship department, but I'm not entitled to them as Chief Electoral Officer. I've attempted to get lists of non-Canadians, because they have lists of non-Canadians, but I cannot get them either.

Perhaps we should be looking at that as an additional means, and perhaps we could also be reconsidering polling day registration, if it is a deep concern to members.

• (1245)

The Chair: Thank you very much.

Next is Monsieur Godin, please. I have my complete list of members. Please go ahead.

[*Translation*]

Mr. Yvon Godin: I am very proud to be able to say that in my riding of Acadie-Bathurst, 76.1 per cent of the people voted. This is a riding that is very active when there are elections. I think they even hold the record.

I'd like to go back to the issue of returning officers who will be appointed under the new act, if it is passed. Who will appoint the deputy returning officer? What is your opinion?

Our colleague raised certain issues. Yes, it is time for the legislation to change. People are frustrated when they see these political appointments. It's impossible not to be. We live in a democratic society where everyone can express their views through elections, yet there are individuals who are politically appointed for 15 to 20 years. Usually, retired professors who have been good Liberals are hired. You don't need to comment, given that I have already done that for you.

The legislation states that on election day, there will be no orange, blue or red binders, no blue or red sweaters, etc. in the polling stations. However, there will be people there all day who will be supervising the election and the ballot boxes and who will be wearing clothing with the emblem or the name of the Liberal Party, the Conservative Party or the NDP.

I think the law has to change. I saw a woman wearing clothing with the Liberal Party's emblem and she wasn't even sitting in her seat. She was behind the ballot box, eating her Kentucky Fried Chicken. That shouldn't happen. I think that is even more obvious than red, blue or orange colours. I think that if we are going to focus on colour, then we should also be focussing on the party name. People aren't stupid. They will have had 53 days in order to find out who their candidates are. When they go into a polling station, they should be allowed to vote freely, without anyone attempting to influence them.

I will end on that note. Thank you for coming today. We will be speaking again.

Mr. Jean-Pierre Kingsley: Mr. Godin, it is very difficult to disagree with you on the points that you have raised.

[*English*]

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

Before I get into my question I'll just give you another example of a horror story, which will be preventable now because you're going to be appointing returning officers.

It was a case in Saskatchewan, not in my riding but in my neighbouring riding, and it involved the returning officers telling the incumbent candidates, of course, that they had the right to suggest names of officials who were going to be clerks, DROs, and that sort of thing. They said the deadline was January 3 I think for the last election and to please have their lists in by that time. My Conservative colleague in the neighbouring riding put his list in, and I think it was just before the end of the year, so it was four or five days before the deadline. To his dismay the returning officer said, well, sorry, but all the positions are already staffed. The former MP, an NDP candidate, Lorne Nystrom, had submitted a list of names and the returning officer said he had accepted all of Mr. Nystrom's names because they had experience and had been doing this for 15 years.

This is another abuse that hopefully will be avoided by the appointment of returning officers. It lends credence to the reasons why we need merit-based appointments. So I applaud you and the Bloc and everyone who is in favour of this.

My question is specifically on an example that happened in my riding in 2004. I won by a small majority of 122 votes, and after the election the results were challenged by the candidate who finished a close second to me. It was a legitimate challenge, but it speaks to the fact that we need to clean up how we send out voter card information.

As is the case in many rural ridings, you may live in one riding but you pick up your mail in another riding, and that's exactly what happened in my case. A number of border constituents who lived in my riding actually went into Moose Jaw, which was in the neighbouring riding, to a post office box system to pick up their mail. The suggestion was that the people were picking up their mail and the voter cards they picked up said they would vote in Moose Jaw because that's where the mail was. They challenged based on the fact that many people might have voted incorrectly in the wrong riding.

It turns out that people in my riding were wise enough to know to vote where they did, but the fact is that the voter information sent to people in my riding told them they were supposed to be voting in a neighbouring riding. My local returning officers fixed this in the 2006 election. They literally went out and got the names of all the people in the border riding areas who picked up mail in Moose Jaw and sent them individual notices saying they vote here, so everything was fine.

Could that be occurring in different ridings across Canada? Do you have any plans to rectify that?

• (1250)

Mr. Jean-Pierre Kingsley: Sir, I remember this case very well. I followed it to the hilt. As a matter of fact, that's where I spent my summer that year, following this case.

Mr. Tom Lukowski: A lovely place, Saskatchewan, isn't it?

Mr. Jean-Pierre Kingsley: No, I meant following the case; I did not go to Saskatchewan.

I do not recollect that those cards were wrong, either in the mailing or in the information they contained. They were mailed to

the mailing address, but the information that was provided was as a result of their residential address.

I would like to tell the committee that the judge who presided in the case said the system had worked and was impeccable. That was a source of great pride to me—that the system had worked.

There was a misinterpretation by some candidates because the mailing address was in the other riding. That was a misconception that was not borne out. There were 285—I remember that number—of those who were residing in your riding getting the mail in the other riding.

The Chair: Thank you very much.

I do have time for one short one.

Madame Picard.

[*Translation*]

Ms. Pauline Picard: Mr. Kingsley, could you tell me who has the authority to relieve returning officers of their duties? How many recommendations have you made with respect to removing returning officers? And how many were removed during the last election?

Mr. Jean-Pierre Kingsley: Only the Governor in council has the authority to relieve a returning officer of his or her duties.

In the past, I have made a certain number of recommendations. I made one during the last elections, and when I noted that no changes were being made, I stopped doing that. I learn quickly.

Ms. Pauline Picard: Thank you very much.

[*English*]

The Chair: Thank you.

Mr. Kingsley, I want to thank you very much. We did have a conversation, and I suggested this would be a bit more of a general meeting, but you fielded some pretty detailed questions. It's clear to me that we will get you back, and I understand you're more than willing to do that.

Did you want to make a final comment? Please do.

Mr. Jean-Pierre Kingsley: Yes. I really appreciate this opportunity, and I hope that the next time we meet I will get some tough questions.

• (1255)

The Chair: We'll start preparing right now just so that you will be happy.

Again, thank you very much.

And, Diane, thank you very much for being here.

Members, before you go, I'd like to remind you that the next meeting, on May 4, is in camera with the Sergeant-at-Arms. It's in camera because we are discussing security. However, I would like to take five minutes prior to going in camera to have a public meeting to discuss the membership lists for Bill C-2. One party is still outstanding.

Also, after listening to the conversations today, it appears to me that we may want to have the Chief Electoral Officer back, as well as the commissioner of elections. We might want to decide whether we

want to do that in two separate meetings or in one meeting together. So if it is the will of the committee, we will take an additional few minutes to make a decision on that. I just wanted to plant that seed.

As there is no other business, the meeting is adjourned.

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