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# **Standing Committee on Procedure and House Affairs**

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**EVIDENCE**

**Tuesday, December 1, 2009**

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**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

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• (1145)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** Order.

We're back looking at the Referendum Act under Standing Order 108(2).

I want to quickly finish a matter we were dealing with in camera. The steering committee is having some trouble determining when they can meet, because Monsieur Guimond is out of town. I suggest we ask the clerk to send letters to the two people we were talking about, asking if they are able to attend either Tuesday or Thursday of next week. Some time in that period we'll also endeavour to have a steering committee meeting so we can clear up the other issues.

If I have the will of the committee, we'll simply do those first two items without having a steering committee meeting, and then we'll do it.

**Some hon. members:** Agreed.

**The Chair:** We have three witnesses today, all chief electoral officers.

I will let you one at a time—and you'll have to draw straws among yourselves—give a brief opening statement to the committee, and then we'll ask you questions.

Please begin at your leisure. We have until one o'clock.

Thank you.

**Mr. Lowell Croken (Chief Electoral Officer and Chief of Protocol, Legislative Assembly, Elections P.E.I.):** Thank you for inviting me to present.

I'm honoured to be here representing Canada's smallest province, Prince Edward Island. Our province has plebiscite legislation, but we do not have referendum legislation.

I'm going to share with you a little bit of information about our province. Federally, we have four members of Parliament; provincially, we have 27 members in the Legislative Assembly; municipally, we have 74 mayors and chairpersons and more than 325 municipal councillors. In schools, we have three school boards electing a total of 29 trustees.

Elections P.E.I., the office I work with, oversees and manages provincial, municipal, and school trustee elections. Provincially, we have four registered political parties: the Liberal Party, the PC Party, the New Democratic Party, and the Green Party.

In 2007 Prince Edward Island had 97,810 electors on the provincial register of electors. The voter turnout in the last provincial election, which was in May 2007, was 83.8%. The average voter turnout for the past 13 provincial general elections, from 1966 to 2007, averaged a little under 84%. Prince Edward Island's population is estimated at 140,400 persons.

The province has a Plebiscite Act, with supporting legislation. The regulations are approved by the Lieutenant Governor in Council, and for each plebiscite, the regulations are tailor-made for the plebiscite in question. The regulations then take on the name of the plebiscite that is in question, and they are only in force during that particular plebiscite event. This policy permits the province to better react to the ever-changing circumstances of plebiscites.

From 1878 to 1901 there were several plebiscites held, all with respect to prohibition. Back in 1913 there was a plebiscite held at the local school district meetings, in which it was estimated that 90% of the rural folks voting rejected the opening of the provincial highways to automobiles.

Over the next 75 years, smaller plebiscites followed on a variety of topics, most isolated to certain parts or groups of the province. For example, in 1954 a plebiscite was held asking potato producers the following question: "Are you in favour of retaining the P.E.I. Potato Marketing Board?" Sixty-six percent voted yes. Now, some 55 years later, the P.E.I. Potato Marketing Board still represents Island potato producers.

In the last 100 years there have been really only two major plebiscites island-wide: in 1988 on the fixed link crossing, and then in 2005 on the mixed member proportional representation system. The first plebiscite, the fixed link crossing plebiscite, was held on January 18, and the vote was held all across the province. The fixed link question was as follows: "Are you in favour of a fixed link crossing between Prince Edward Island and New Brunswick?"

In order to pass, the question required a yes vote of 50% plus one. The fixed link plebiscite was run similarly to a provincial election. The voters list was used from the previous election, and the voter registration period was extended to cover ten days, thus allowing more electors to be added to the list of electors. There were 364 polling locations, staffed by election officials. There were 86,000 eligible electors. Almost 56,000 voted, for a voter turnout of 65%, and 40.3% voted no, while 59.5% voted yes. There was no public financial support for either the no or the yes campaign.

As a point of interest, the accepted practice for PEI plebiscites pertaining to the order of listing of the no or yes answer on the ballot is that we always list the no and yes in alphabetical order, similar to the listing of candidates' names on ballots.

The government chose the date of January 18 for polling day so that families and friends could discuss, debate, and be informed about the fixed link issue over the Christmas holidays.

The second major plebiscite was held in 2005. Here's some background information.

In 2002, at the request of the Legislative Assembly, Elections P.E. I. prepared a report detailing electoral systems from around the world and listed advantages and disadvantages of the "first past the post" system.

In 2003 the electoral reform commission, chaired by retired Chief Justice Norman Carruthers, recommended that the "first past the post" system be modified to provide for a mixed member proportional voting system.

In February 2005 the Commission on P.E.I.'s Electoral Future was established under the chairmanship of Mr. Leonard Russell. The commission held several public meetings and prepared and distributed information to the public, including via a website. The report compared the first past the post system, our current system, and the commission's proposed mixed member proportional system.

The commission recommended that a provincial plebiscite be held on October 28, 2005. The Lieutenant Governor in Council approved the following question: "Should Prince Edward Island change to the mixed member proportional system as presented by the Commission on P.E.I.'s Electoral Future?"

The plebiscite requirements were similar to the requirements used for the 2005 referendum held earlier in British Columbia. The Lieutenant Governor in Council approved the following definition of "majority", with the following two requirements. One, a yes vote by at least 60% of the voters province wide was required to approve the proposal. The results were that 63.6% voted no and 36.4% voted yes. Second, a yes vote of at least 50% in at least 60% of the provinces' 27 electoral districts—that is, in 16 districts—would be required to approve the proposal. Only two electoral districts received a yes vote of 50% plus one. The remaining 25 electoral districts did not reach the 50% requirement.

The voter turnout for the plebiscite was as follows: with 97,000 eligible electors, 32,000 voted, for a voter turnout of only 33%. As was the case in the earlier 1988 plebiscite, there was no public financial support for either of the no and yes campaigns; consequently, there were no requirements for the filing of financial reports or the issuing of donations or income tax receipts.

This plebiscite in 2005 was run a little differently from the 1988 fixed link plebiscite. The province, deciding to be financially responsible, chose: one, to provide for fewer voting locations; two, not to prepare a list of electors. Three, electors were asked to answer qualification questions and then sign the poll book. Four, two days for advance polls were held, with one poll in each of the 27 electoral districts. Five, on voting day, two or three voting locations were established in each of the 27 electoral districts, amounting to 61

voting locations province-wide as compared to the 296 province-wide voting locations used in the 1988 fixed link vote. The mixed member proportional representation plebiscite vote was not successful. The plebiscite on proportional representation cost \$241,000 to administer.

In summary, the consequence of the fixed link yes vote in 1988 was that the Confederation Bridge was constructed. The curved 12.9-kilometre bridge is the longest in the world crossing ice-covered water. It officially opened in the spring of 1997, at a total construction cost of one billion dollars. The bridge joins the rest of Canada to Prince Edward Island.

The consequence of the mixed member proportional system no vote in 2005 is that the province remains under the "first past the post" electoral system, and to date the province has not mandated any commissions or committees to further review or discuss changing our electoral system.

I would recommend that provincial plebiscites be held during a provincial election, for administration purposes but also to bring more awareness to the plebiscite question, as well as financial savings.

I appreciate this opportunity to share with you Prince Edward Island's experience with plebiscites, and I will later answer your questions.

Thank you.

• (1150)

**The Chair:** Thank you very much.

Next...

[Translation]

**Mr. Marcel Blanchet (Chief Electoral Officer, Élections Québec):** Thank you.

Ladies and gentlemen, it is a pleasure to appear before this committee to tell you about the Quebec experience with referendums. Before beginning, I would like to remind you that the Chief Electoral Officer of Quebec is responsible for the holding of elections and referendums in Quebec and also supervises and offers advice to municipal and school electoral officers. To assist the committee in its work, my presentation will deal mainly with the legislative framework for referendums organized by the Chief Electoral Officer of Quebec. Since 1980, we have been directly responsible for the holding of three referendums. The Referendum Act, which received Royal Assent in 1978, governed those three electoral events.

In my presentation, I will attempt to give a brief explanation of the unique characteristics of the Quebec system. I will talk first about the legislative framework. In Quebec, referendums are governed by the Referendum Act. That act provides for the adoption of the provisions of the Election Act then in force. Those provisions are listed in Appendix 2. So there is a Referendum Act, which contains an Appendix 2, and that appendix includes the measures in the Election Act that must be adapted. It is a little complicated.

In Appendix 2, we have what is quite simply the recipe for converting the provisions of the Election Act into provisions for referendums. The Chief Electoral Officer then publishes a special version of the act so that a referendum can be held. So the Chief Electoral Officer does not make regulations specific to the referendum. However, it must be noted that this calls for constant updating of Appendix 2, each time the Election Act is amended. This has been done regularly, except for the last two times, in 2006 and 2008. At the time, a complete revision of the Election Act was being considered in Parliament. We said that in the circumstances, we would wait for the revision to update the appendices to the Referendum Act, but it hasn't been done yet. However, it is up to date as of 2006.

At the municipal level, referendums are governed by the Act respecting elections and referendums in municipalities. In that case, the provisions governing referendums and elections are included in a single act. We can come back to this particular legislative framework, if you would like, during the question period.

I am now going to address the question of financing. The Referendum Act, like the Election Act, provides for stringent controls on financing and oversight of spending. For referendums, the term election expenses is replaced by regulated expenses. The principle of equity among the political actors that is found in the Election Act is adapted to the referendum context. In this case, the act provides that only two national committees, also called umbrella committees, may incur regulated expenses. Those expenses are limited to \$1 per elector. So if there are 5.5 million electors, each committee may spend \$5.5 million.

On the question of sources of financing, the national committees may use four types of sources. First, there is the government subsidy, which the National Assembly may fix. In the 1995 referendum, that subsidy was fixed at \$0.50 per elector. There is also the transfer or loan of money from political parties, which may not exceed \$.50 per elector, that is, an additional \$2.5 million, in terms of the 1995 referendum. Third, contributions by electors, which may not exceed \$3,000 per elector, to each national committee. A fourth source of financing could be loans. The legislature has also provided for that, but it has never been used. A loan must be repaid within 90 days after the poll, that is, at the time the regulated expenses report is submitted.

However, even though there are stringent rules governing financing and control of electoral spending in a referendum in Quebec, it must unfortunately be said that some of the actors may try to circumvent the rules. A report has been written about our experience, dealing with the activities of certain actors. In the report, commissioner of inquiry Bernard Grenier found that there was illegal spending in the 1995 referendum. Mr. Grenier also recommended a number of remedial measures.

• (1155)

In addition to the national committees, the Referendum Act provides that a non-affiliated elector or a neutral intervenor may incur advertising expenses of up to \$1,000. Those provisions represent the action taken by the legislature in response to the decision of the Supreme Court in Libman. Those rules, which are set out in the Referendum Act, are modeled on the rules in the Election

Act, in terms of both control of expenses and sources of financing, with the exception of the limit imposed on spending. For an election, individuals may spend a maximum of \$300, while in a referendum it is \$1,000.

I would like to say a few words on holding a referendum and an election simultaneously. Quebec's Referendum Act makes it impossible for a referendum to be held at the same time as a general election. When a writ instituting the holding of a general election be held is issued, any writ instituting a referendum ceases to have effect.

However, a municipal referendum could be held at the same time as a municipal election in Quebec. This has not happened, but the act as it currently stands allows it. It appears that the nature of the referendum and the question asked may have a major influence on the decision as to whether to hold the two events at the same time.

Another peculiarity of Quebec's referendum rules is the obligation of the Chief Electoral Officer of Quebec to send electors, not later than 10 days before the holding of a poll, a booklet explaining each of the options. The text is established by each national committee. Each option is given equal space in the booklet, as fixed by the Chief Electoral Officer.

I would also like to explain some peculiarities of Quebec's referendum timetable. The referendum period is fixed at 33 days and may be as long as 39 days, depending on the day of the week when the writ is issued. However, the writ instituting the referendum may not be issued before the 18th day following the day on which the National Assembly was informed of the referendum question. One thing that provision allows us to do is produce all of the electoral materials required for the referendum on time, including the ballots for voting outside Quebec, without extending the referendum period.

I hope that this brief overview of the Referendum Act will help you in your discussions of the federal Referendum Act. As I said earlier, our referendum rules are in fact a transposition of the provisions that apply in a general election. As the person who administers elections, I believe it is desirable for the rules in place during a referendum to be as close as possible a reflection of the rules governing general elections, in particular to avoid confusion among the electors and the various political actors on the scene.

Thank you for your attention.

• (1200)

[English]

**The Chair:** Merci.

Mr. Essensa.

**Mr. Greg Essensa (Chief Electoral Officer, Elections Ontario):** Good afternoon, and thank you, Mr. Preston, members of the committee, for inviting me to speak before you today on the topic of referendum legislation in Ontario and on our recent experience at Elections Ontario with a referendum in 2007.

I do want to note to begin, though, that I was appointed to the position of Chief Electoral Officer of Ontario in June 2008, and therefore I was not the Chief Electoral Officer at the time of the referendum and the general election in 2007. I understand that my predecessor as the CEO of Ontario, Mr. John Hollins, appeared before this committee last week to address the same topic. As he focused more on the operational experiences of the referendum, I will focus my attention on the legislative framework surrounding referendums in Ontario. I will spend some time discussing the legislative framework and then be happy to answer any questions you might have on the 2007 referendum or the related legislation.

The referendum we had in 2007 was the first referendum in Ontario in over 80 years. In terms of legislation guiding referendums in Ontario, we do not have a general referendum statute. The Taxpayer Protection Act of 1999 does have referendum provisions, but there has never been a referendum in Ontario under this legislation. I know that the Referendum Act governs referenda at the federal level, and that the Chief Electoral Officer of Canada is responsible for adapting the provisions of the Canada Elections Act to a referendum if one takes place. There is no similar referendum act at the provincial level, so in order for the referendum in 2007 to occur, specific legislation had to be passed to allow for it.

That specific referendum legislation for Ontario and the referendum itself that followed came about as a result of the Citizens' Assembly on Electoral Reform, which was mandated in 2006 to assess Ontario's electoral system, to consider alternatives, and make recommendations on it. The citizens' assembly made its final report in May 2007 and recommended that an alternative electoral system be established in Ontario. In 2006 the Electoral System Referendum Act had to be introduced. It provided that if the citizens' assembly recommended changes to the electoral system, a referendum on their recommendations would be held in conjunction with the 2007 general election. That legislation also included provisions for some key aspects of the referendum should it occur. These provisions included that the referendum question was to be defined by cabinet; the electoral system recommended by the citizens' assembly would have to receive at least 60% of the vote overall and more than 50% of the vote in at least 64 electoral districts to be considered binding; the Election Act would apply to the referendum with necessary modifications; and finally, the Chief Electoral Officer would oversee the financial affairs of referendum campaign organizers under a regulation made by cabinet.

Because the citizens' assembly recommended in favour of a new electoral system, the provisions of the Electoral System Referendum Act did apply and a referendum occurred in Ontario in 2007 at the same time as the general election. The question for the referendum as established by cabinet was: "Which electoral system should Ontario use to elect members to the provincial legislature?" The first answer: "The existing electoral system (first-past-the-post)", or "The alternative electoral system proposed by the Citizens' Assembly (mixed member proportional)".

Another key aspect of the legislative framework for the 2007 referendum was the public education component. The Election Act was amended to make the Chief Electoral Officer responsible for conducting a public education program to ensure that electors received clear and impartial information about the referendum

process, the date of the referendum, the referendum question, and the content of the choices of the referendum. As a result of this mandate for public education, Elections Ontario administered an extensive campaign to communicate referendum information to electors across the province. Mediums that were used as part of this communication effort included broadcast, print, online, posters, direct mail, and a public call centre. There were also outreach initiatives targeted towards young electors, and referendum resource officers who delivered information on the referendum in each and every electoral district.

Elections Ontario conducted surveys to determine the level of awareness of the referendum in advance of their electoral event and afterwards as a means of assessing the needs of the public education program and its ultimate success. In June 2007 only 8% of electors identified themselves as aware of, or very or somewhat knowledgeable about, the referendum. After the referendum, surveys indicated that 83% of electors were aware of the referendum, and 76% of electors felt they were either very or somewhat knowledgeable about the referendum. Elections Ontario had set a goal of ensuring that 75% of electors would know about this and have an understanding of the referendum and its contents. Based on these results, Elections Ontario felt it met its goal.

Though ultimately quite successful, the public education component of the legislation did create some operational challenges for Elections Ontario. One key challenge was the time and demands it placed on the Chief Electoral Officer and deputy chief electoral officer.

• (1205)

The CEO and deputy CEO conducted more than 120 interviews about the referendum. While providing this type of public information was extremely important and valuable, it also required a significant time investment on the part of these two senior individuals, who also had extensive responsibilities related to the administration of the election at the same time.

Another significant challenge for Elections Ontario that was related to the public education component of the legislation was the issue of neutrality. Elections Ontario was charged with providing information on the referendum in a completely neutral manner, and Elections Ontario is, of course, an impartial organization. However, there were external pressures to promote one side over the other during the referendum. Elections Ontario presented information in a neutral and impartial manner in accordance with the legislation, but in doing so did receive some criticism from those who wanted us to in fact take sides.

More broadly speaking, administering a referendum at the same time as a general election created some operational challenges as well, because it meant preparing for an extremely large and demanding project in a very short timeframe. This created some capacity challenges for Elections Ontario, and the organization had to work extremely hard to overcome them and deliver the two events simultaneously and successfully.

By way of conclusion, I want to note that the legislative framework that allowed for the referendum in 2007 does have a sunset provision. Some aspects of the referendum legislation were repealed fairly soon after the 2007 event, and the remaining provisions of the Electoral System Referendum Act, 2007 are scheduled to be repealed on October 10, 2013.

I hope this brief presentation has provided you with an overview of the legislative framework that allowed for the 2007 referendum in Ontario as well as some insight into some of the operational impacts and challenges that the legislation had on Elections Ontario.

I'm happy to address any questions that the committee members might have on this presentation.

Thank you.

**The Chair:** Thank you very much for all your presentation.

We'll now go to questions and comments. We're going to do only five minutes, because we have so much to do and three witnesses.

Mr. Proulx, you are first.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Thank you, Mr. Chair.

Thank you, gentlemen, for accepting our invitation.

[Translation]

Mr. Blanchet, with respect to the federal act, we are wondering whether a referendum should be held at the same time as a general election, or it is preferable to hold a referendum and an election independently. In Quebec, in my experience, and I am younger than some around the table, it has always been done separately, it was either a referendum or an election.

How do you see it working if both were held at the same time? Is that unacceptable, in your opinion?

**Mr. Marcel Blanchet:** It depends on the subjects. For some subjects it seems to me that there should not be a referendum at the same time as an election. Others, which I might describe as lighter, could be the subject of a referendum question on the occasion of an election. It depends on the subjects, but there is also the problem of financing. In Quebec, there are strict rules governing financing, both in an election and in a referendum. If it was decided to hold an election at the same time as a referendum, which the act does not ordinarily allow, then the legislation would first have to be amended to allow it. It would be necessary to harmonize the financing rules to avoid people who support a candidate in an election also supporting one or the other option in the referendum. It would be a bit complicated to untangle, but I think it could be done. However, it is not something I would recommend, given that ordinarily, I imagine, you would want to give a referendum question the full attention it deserves, if the public were to be consulted on a particular question. I understand that this would produce economies of scale, but in my opinion, if the question is worth putting to the public, I would prefer that there be a referendum separate from an election.

• (1210)

**Mr. Marcel Proulx:** In his presentation, Mr. Croken suggested that for economic reasons it would probably be acceptable to do the two together, except that the same problems might not arise in a similar context in Prince Edward Island, with 97,000 electors.

When Mr. Essensa's predecessor testified the other day, he talked about the referendum that was held in Ontario. And you touched on that point indirectly. He explained that it was much more an administrative sort of referendum. It was a question about the election method that should be used. So the politicians did not get as actively involved.

Take the example of a possible referendum in Quebec dealing with the yes or the no. In a former life, I was an election campaign and referendum campaign organizer, and I find it hard to see what could be done to apportion or divide up the expenses. It would be somewhat chaotic to ask our official agents to determine which part of our trip outside the riding should be allocated to the election and which part should be allocated to the referendum. If I understand correctly, you prefer to keep it separate.

In any event, when the witness was questioned last week, I understood that in Ontario, when it was administrative as it was in the past, the situation was different. However, it was a fairly divisive referendum, if you will...

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Impassioned!

**Mr. Marcel Proulx:** Perhaps. Part of Ontario might be as impassioned as us in Quebec, that's true.

It would be a different situation.

Thank you.

[English]

**The Chair:** Thank you very much.

**Mr. Marcel Proulx:** I come from eastern Ontario, and I can be very passionate, whereas in other parts of Ontario... Never mind.

**The Chair:** I, of course, find you that way, Monsieur Proulx.

Mr. Lukiwski, some passion from the western part of Canada.

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

Thank you, gentlemen, for appearing.

I have only five minutes, so I'll try to be brief.

First, I have a request of the clerk. We have the presentation in hard copy from Mr. Croken, but we don't have the hard copy—at least I don't—from the other two presenters. Would we be able to get copies?

**The Clerk of the Committee (Ms. Angela Crandall):** It will be in the transcript that's being produced.

**Mr. Tom Lukiwski:** Thank you.

Mr. Croken, I'm curious. You have plebiscite legislation in P.E.I. but not referendum legislation. I'd like to know the history of that. More particularly, are plebiscites binding in P.E.I.?

**Mr. Lowell Croken:** The direct answer would be no. A plebiscite is really an expression of interest, but if the vote is strong enough, I believe the government would really have to listen to that vote and react to it.

**Mr. Tom Lukiwski:** Why do you not have referendum legislation? Do you think it's unnecessary?

**Mr. Lowell Croken:** I believe at this point in time it's considered unnecessary. We haven't had any issues to vote on that required a referendum.

**Mr. Tom Lukiwski:** Thank you for that.

I heard the answer from Monsieur Blanchet about whether or not he felt it's a good idea to have referendums in conjunction with provincial elections. I'd like to hear the opinions from Mr. Croken and Mr. Essensa as well.

We'll start with Mr. Croken.

**Mr. Lowell Croken:** Thank you.

After hearing the other two presentations, I think my comment is that my only experience in running a plebiscite is with one that was run like a mini plebiscite. As the administrator, if I were to do another plebiscite, I would want to do it province-wide, similar to a provincial election, in all the polling divisions and electoral districts. It's much easier to administer. The costs would be higher, but everyone would know where they should go to vote, and it would be easier to run the whole process than cherry-picking where the polling stations would be.

• (1215)

**Mr. Tom Lukiwski:** So that I'm clear on this, do you feel it would be a good idea to hold a plebiscite in conjunction with a provincial election, or just use the same infrastructure available for a provincial election?

**Mr. Lowell Croken:** I'm going to answer yes to both, depending, of course, on what the question is. If it's a question that the politicians would be involved in, it would probably be difficult to do them both at the same time. For our proportional representation plebiscite, the political parties did not get involved. It was kind of done in the public forum. That worked for that particular plebiscite.

**Mr. Tom Lukiwski:** Thank you.

Mr. Essensa.

**Mr. Greg Essensa:** Based on our limited experience in Ontario with referendums, there's no question that there's a significant cost savings to be incurred by running them conjunctively.

The issue we really incurred in Ontario, though, was perhaps caused by the actual question asked. The message was extremely difficult to get out to the electorate. There were challenges in combination and in some of the public education campaign. Although we were able to get the message there, it was always in a competitive aspect with the mainstream media.

I know my counterparts in Quebec have alluded to the idea that depending on the nature of the question, any emotional issue that would resonate with the electorate may actually ultimately determine whether you would do it independently or in conjunction with a general election.

**Mr. Tom Lukiwski:** Do I have a small amount of time left, Chair?

**The Chair:** You've got a whole minute.

**Mr. Tom Lukiwski:** I'll come back to Mr. Croken. I was interested in your comment that in a plebiscite held back in 1913,

about 90% of rural folks rejected opening provincial roads to automobiles. I'm wondering how long that lasted.

**Mr. Lowell Croken:** Back then I think it was just an expression of interest, and vehicles did come to Prince Edward Island.

**Mr. Tom Lukiwski:** That's why they needed the bridge.

Thank you for that.

I have nothing more, Mr. Chair.

**The Chair:** Go ahead, Madame DeBellefeuille.

[Translation]

**Mrs. Claude DeBellefeuille:** Thank you, Mr. Chair.

I would like to thank our guests for being here this morning.

Mr. Blanchet, the committee's study is in response to the recommendation by the Chief Electoral Officer of Canada, Mr. Mayrand, that the federal Referendum Act be modernized. One of the reasons for doing this is that he sees a major difference between how the Elections Act and the Referendum Act are administered. So when the two may apply at the same time, it creates a problem.

If I understood correctly, you said that the appendix that governs referendums, in Quebec's Referendum Act, is updated every time the Election Act is amended. So it has been aligned fairly rigorously, up to 2006, when debate began in the National Assembly about reforming the electoral system.

Could you tell us what the benefits would be of aligning the federal Elections Act and the federal Referendum Act as far as possible?

**Mr. Marcel Blanchet:** I'm glad you have asked the question and I hope I will have an opportunity to answer it for the parliamentarians in the National Assembly as well.

The Referendum Act contains an appendix that sets out the provisions of the Election Act that have to be changed for holding a referendum. The Act provides that the Chief Electoral Officer has to produce a special version of the Election Act when a referendum is held. That special version contains the Referendum Act and the provisions incorporated into the Election Act for holding a referendum. Obviously, every time the Election Act is amended, we have to make sure that the same thing is done in the appendix that may be used for a referendum.

At the municipal level, it is in the same legislation, the Act respecting elections and referendums in municipalities. So there is a complete legislative framework in the legislation. Of course, as electoral officer, I would hope that all the provisions that are to govern a referendum would also be in the Election Act. So it is much easier to manage, to administer, and to harmonize, because that's a big job, each time there is a referendum, to take the appendix and make a special version to be used for the referendum. That special version does not have the force of law. So if there is an interpretation problem, for example, you have to refer to the Referendum Act and the appendix. My own recommendation is to put it all in the same act.



•(1220)

**Mrs. Claude DeBellefeuille:** So the federal Chief Electoral Officer's desire to include the Referendum Act within the Elections Act would make it easier to administer it even more rigorously.

**Mr. Marcel Blanchet:** It would further be possible to also harmonize the financing rules. That would mean we could make sure there is no problem in holding an election at the same time as a referendum in future, if the rules were properly harmonized.

**Mrs. Claude DeBellefeuille:** I would like to get your opinion about the fact that a federal referendum might be called but some provinces, under the existing act, might take the opportunity to hold a referendum on the same question, under their own legislation, as was done in 1992 at the time of the Charlottetown Accord.

**Mr. Marcel Blanchet:** That's a political choice that was made at the time. We were well aware of the difficulty it might have caused. Some people who lived in Quebec could not vote because they had not resided in Quebec for six months. One of the requirements of the Quebec act is that a person must have been domiciled in Quebec for at least six months before an electoral or referendum event is held. So it might have caused a problem. Obviously, that was a rule that Quebec was adamant on. In the case of the 1995 referendum, if the requirement of six months' residence in Quebec before the referendum had not existed, a lot of people might have come to Quebec for the weekend and voted.

**Mrs. Claude DeBellefeuille:** I would like to talk about one aspect of your presentation. You also said that the act requires that the Chief Electoral Officer of Quebec produce a booklet distributed to all electors 10 days before the referendum is held. The booklet has to explain the no position and the yes position. I am not completely familiar with the federal Referendum Act, but that seems to me to be an objective measure that electors can rely on.

However, you said that the text is provided by the national yes and no committees, and that it is checked, harmonized and rigorously edited by your office.

**Mr. Marcel Blanchet:** That's right. The rules for writing it are decided by the Chief Electoral Officer of Quebec. Fairness in the presentation of each of the two camps has to be ensured. I have an example here. I don't know whether you want me to file it with the clerk. You can have a look at it.

**Mrs. Claude DeBellefeuille:** Do you think this is an important measure that could be adopted in the federal Referendum Act?

**Mr. Marcel Blanchet:** It is worth considering. It is a way of informing the debate.

[English]

**The Chair:** Great.

Mr. Christopherson, it's good to have you back again.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you, Chair. You don't need to say that each time. I'm assigned to this file.

**The Chair:** No, but I still love having you here.

**Mr. David Christopherson:** Well, I appreciate it very much, Mr. Chair.

**An hon. member:** Feel the love, David. Feel the love.

**Mr. David Christopherson:** I'll take it. There's not a lot of love around here to be had.

Thank you very much, Chair.

Thank you all for your presentations today. I'm just going to jump right into it, because I don't have a lot of time.

My sense is that we're beginning to hear that it's a big decision for Parliament whether we're going to do these during an election or whether they're going to be separate. It could affect outcomes, and also, it's big bucks.

It's interesting that it is now suggested that maybe we have a two-tier... Let me just throw something at you. What would your comfort level be with the notion that we would build into it two ways of doing it, with a decision point prior to, to be made by Parliament, as to whether or not it warrants a stand-alone, and therefore the extra expense, or whether it could be held simultaneously? Or is that just over-complicating things?

I'd like your thoughts, please, from all three of you.

Go in order of Confederation, why not?

**Mr. Greg Essensa:** I would suggest to the committee that is a suggestion that may warrant some serious consideration. When I look at Ontario's experience, some of the challenges we had, certainly by the number of not-voted ballots, there was a challenge getting the message through to the electorate. There were many electors, well over 100,000, who attended with very little interest in participating in the referendum for a variety of reasons. So I could very easily see the merits, perhaps, of establishing a two-tiered process that would allow Parliament, in its infinite wisdom, to determine, based on the question that you were debating at the particular time, whether it wished to conduct it in isolation or with a general election.

From my perspective, I would see a great deal of merit in that consideration.

•(1225)

**Mr. David Christopherson:** Thank you.

Sir.

[Translation]

**Mr. Marcel Blanchet:** I share the view of my colleague from Ontario. It does depend on the subjects, as was said a little earlier. Given that there are financing rules, I think it is very important, when it is decided to hold an election at the same time as a referendum, to make sure that the question is not a question like the one in 1995 in Quebec. I find it hard to see how an election could be held at the same time as a referendum on Quebec sovereignty. The act has to provide for both possibilities: that it will be up to the government to decide whether a referendum and an election will be held at the same time or a separate referendum will be held. That is a view that I think is worth considering.

[English]

**The Chair:** Mr. Croken.

**Mr. Lowell Croken:** I would agree with both of their statements.

I guess the only downside to having it at the same time as a provincial election is that some people who may go out to vote provincially may not be informed about the plebiscite or referendum question, and may just tick off one of the boxes.

**Mr. David Christopherson:** Another issue we're grappling with—although my sense is it's getting clearer, and we'll see what this does—is the notion of whether we would have a national referendum act, period. If there's a national issue, that's it; they run it and there's no question at all. There's been a suggestion that if provincial legislation for referendums—I'm not going to met say standards—matched up with the criteria in enough areas of the federal, if for some reason, whatever that might be, the provinces wanted to conduct it under their legislation, perhaps we could. We've had some experience with this. The Charlottetown accord I think went that way. So should we offer that option, or should we just say it's a national issue, a national referendum, with national rules, so stay away from any variations of that?

**Mr. Greg Essensa:** I would caution the committee on a couple of issues. I think you would definitely need to address the issues of residency, because I do understand that this does change based on the various statutes across the country. Regarding the issue of identification, all jurisdictions now have identification rules, and they are not all consistent, so I think that's another issue you would need to take into consideration.

Finally, as my colleague from Quebec indicated, there is the entire aspect of financing. Financing rules would vary from jurisdiction to jurisdiction, so there might be some merit to considering having a national act that would supersede all of the various provincial statutes, in order to have a consistent manner or application across the country.

**Mr. David Christopherson:** You mean on a federal question?

**Mr. Greg Essensa:** I mean on a federal question.

[Translation]

**Mr. Marcel Blanchet:** That comes back to what I said earlier. I completely agree with my colleague from Ontario. In 1992 in Quebec we saw the problems that this situation could cause. The criteria for being able to vote were not the same as elsewhere in Canada. If it were ever decided to do that, it would be important to make sure that the rules are completely identical, so as not to put electors at a disadvantage in terms of the right to vote.

[English]

**Mr. Lowell Croken:** I agree with what both of them have said.

Another item to be taken into consideration is that if it's done provincially, you have 13 jurisdictions that are holding their own different elections all at different times, so scheduling might be very difficult, I would think, for a small jurisdiction like mine if a federal referendum were thrown on top of us to administer while we're doing a municipal, provincial, or school trustee election.

**Mr. David Christopherson:** If I have time, I have one quick question.

**The Chair:** Sorry, you do not.

**Mr. David Christopherson:** I do not. Okay, sorry.

Thank you, Chair.

**The Chair:** We'll get back to you.

Mr. Jennings...oh, Madam Jennings. I apologize.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** I didn't realize you had the power to effect sex change.

**Some hon. members:** Oh, oh.

**The Chair:** Oh, you'd be amazed what chairs are able to do.

**Some hon. members:** Oh, oh.

**Hon. Marlene Jennings:** I guess I would.

[Translation]

Thank you. Your presentations have been very informative.

Mr. Croken, you said that in the two plebiscites held in Prince Edward Island there was no requirement for financial reports or receipts because there was no public funding. Is that correct?

[English]

**Mr. Lowell Croken:** Yes, that's correct, on both plebiscites.

[Translation]

**Hon. Marlene Jennings:** Mr. Essensa, I would like to know whether financial reports, receipts, and so on, are required for referendums in Ontario.

● (1230)

[English]

**Mr. Greg Essensa:** Yes, financial reports and receipts had to be submitted for Ontario. The Chief Electoral Officer worked with the Institute of Chartered Accountants of Ontario to actually develop an audit, which he passed by directive, so that those campaign organizers who had to register with the chief financial officer had to actually file those audits and those campaign receipts with the CEO's office.

[Translation]

**Hon. Marlene Jennings:** In either of the two campaigns, if there were funds left in the bank, what would happen to the money? The question is for you as well, Mr. Croken.

[English]

**Mr. Greg Essensa:** If there were any leftover funds, those funds were in fact turned over to the Chief Electoral Officer.

**Hon. Marlene Jennings:** Monsieur Croken.

**Mr. Lowell Croken:** In our case, we weren't involved whatsoever in the no or yes campaigns. We had no obligation to file anything with Elections P.E.I.

**Hon. Marlene Jennings:** So you have no idea if there was any balance of money left over, what happened to it, whether it went into the pockets of the organizers? You have no way to determine what happened to that money?

**Mr. Lowell Croken:** That is correct, but it is our understanding there was very little money involved from the get-go.

**Hon. Marlene Jennings:** But you have no way of verifying if that was accurate or not?

**Mr. Lowell Croken:** That's correct.

[Translation]

**Hon. Marlene Jennings:** Mr. Blanchet, you said that the best thing would be for a national Referendum Act to be included in the Canada Elections Act, to ensure oversight of financial limits, good governance of campaign finances in a referendum, so it could be strictly controlled, and so the sources of the money, where it came from, what happens, and so on, could be verified.

Allowing the provinces to hold national referendums seems to me to be very problematic because there would be 13 legislative frameworks involved. It's all very well to say that it would be allowed as long as the provincial or territorial legislation was more or less the same as the federal act, but Prince Edward Island, for example, has no control over finances. I know that is also the case in other jurisdictions. I can't see how that could be done.

As well, I find it hard to see how there could be two legislative frameworks to govern referendums: one that decides the question is not so important, so it can be held at the same time as an election campaign, and another that decides the question is so important that the two must not be combined. Whether we like it or not, if the only reason for having two legislative frameworks was that one of them decides that it is not too important and so a referendum can be held at the same time as an election, it would be politicized in any event.

Second, people who are not interested in the question also won't vote. We have seen the example of Ontario. In my opinion, a referendum should not be held at the same time as an election. If our only justification is to increase the turnout, we should find other ways of getting electors interested. If they are not interested, despite all our efforts, it is because the question really does not interest them.

I would like to know your reactions to my position.

**Mr. Marcel Blanchet:** It is always a political choice, but it seems preferable, to me, not to hold a referendum at the same time as an election. It is possible to do that where I am, in Quebec, in municipalities. It is open to them to hold certain types of referendums at the same time as a municipal election. It is open to them, but they don't do it. I have seen one municipality in the past that wanted to do this. Ultimately, it decided it was too complicated and decided against it. I think that was a political choice.

Might there be subjects on which the government would want to hold a referendum and an election at the same time? It's possible, but myself, as an election administrator, I can assure you that I prefer it to be separate.

• (1235)

**Hon. Marlene Jennings:** Thank you.

Mr. Essensa or Mr. Croken, if you have an opinion on what I said, feel free to express it.

[English]

**The Chair:** Very short, because you are well past the time.

Perhaps you could add your comments to Mr. Reid's questions.

Mr. Reid.

[Translation]

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** My question is for Mr. Blanchet. Let's talk about referendums in municipalities. How many referendums have there been?

**Mr. Marcel Blanchet:** There are referendums in municipalities virtually once a week. It must be noted that there has to be a referendum, for example, when a municipality decides to adopt a borrowing bylaw or make a zoning change, if there are enough signatures in a register kept by the city clerk. If enough people sign the register, there will be a referendum, if the municipality still wants to have its planning bylaw or borrowing bylaw adopted. So there are referendums regularly.

There are sometimes also consultative referendums. I recall one case in particular that was somewhat interesting. In the mid-1990s, the issue was whether the City of Sainte-Foy would support holding the Olympic winter games in Quebec City. The City of Sainte-Foy and the then mayor objected fiercely. It organized a referendum to consult the public. Again, there are referendums virtually once a week in Quebec, in the municipalities, but never at the same time as an election.

**Mr. Scott Reid:** What year did this practice start?

**Mr. Marcel Blanchet:** The Act respecting elections and referendums in municipalities dates from 1987. So it has certainly been in the law since then. Before that, municipal elections and referendums were governed by various statutes, including the Charter of the City of Québec, the Charter of the City of Montréal, the Cities and Towns Act and the Municipal Code. They all laid down different rules. It was all completely reformed in 1987. The act now applies to all municipalities in Quebec.

**Mr. Scott Reid:** In general, what is the turnout?

**Mr. Marcel Blanchet:** In the case of referendums or elections?

**Mr. Scott Reid:** I'm talking about referendums at the municipal level.

**Mr. Marcel Blanchet:** It depends on the subject. For example, if it's a zoning bylaw, the stakes may be very high, and so the turnout may be high. In cases like that, obviously it's the opponents who vote, to prevent the bylaw being passed. Whether it is a borrowing bylaw or a zoning bylaw, you have to understand that the result of the referendum is binding on the municipal council. In the case of a consultative referendum, however, the turnout may be very low.

[English]

**Mr. Scott Reid:** Are there any provisions for municipally conducted referendums in the other two provinces, or is that not taken into account in your laws?

**Mr. Greg Essensa:** In Ontario there are municipal referendums, but the question has to be approved by the Chief Electoral Officer. There have been some in our larger jurisdictions—the city of Toronto comes to mind. The question was whether they wanted to approve a casino within the boundaries of the city. These questions come from the municipal councils to the Chief Electoral Officer for the approval of the question, and then they're run at the municipal level.

**Mr. Lowell Croken:** It's exactly the same in Prince Edward Island. It's run under the provincial plebiscite act, but the municipal council provides us with the question, and then we run it similar to an election. We've done two.

**Mr. Scott Reid:** You've done two such referendums?

**Mr. Lowell Croken:** Yes, two plebiscites from municipalities.

**Mr. Scott Reid:** I gather in Ontario it's more frequent, but not nearly as frequent as it is in Quebec. Is that correct?

**Mr. Greg Essensa:** It is not nearly as frequent as in Quebec. It's actually quite infrequent.

**Mr. Scott Reid:** How long does it take between the time that a question is approved by council and submitted to the Chief Electoral Officer and the time it's ready to be rolled out?

**Mr. Greg Essensa:** There is a deadline in the Municipal Elections Act in Ontario. The question has to be approved by the council and submitted to the Chief Electoral Officer by the end of March in the calendar year of the election. Next year, Ontario will hold municipal elections in October, so the question would have to be approved by council and submitted to my office before the end of March.

**Mr. Scott Reid:** Then it would be run simultaneously.

**Mr. Greg Essensa:** It would be simultaneous.

**Mr. Scott Reid:** Do they always run simultaneously?

**Mr. Greg Essensa:** Yes, they do.

**Mr. Scott Reid:** Is it the same thing in P.E.I.?

**Mr. Lowell Croken:** Yes, and our election period is 26 to 32 days. We would need the question prior to the start of the process.

**Mr. Scott Reid:** Thank you.

• (1240)

**The Chair:** Monsieur Malo.

[Translation]

**Mr. Luc Malo (Verchères—Les Patriotes, BQ):** Thank you, Mr. Chair.

Mr. Blanchet, I am going to ask you three questions to flesh out the answers you gave a little earlier.

In the case of a federal referendum, it may happen that a province decides to hold a referendum under its own rules because the question of residence could have a major impact on the outcome. However, some electors may be disadvantaged because they can't exercise their right to vote.

How can we make sure that these two situations are taken into account in any future legislation?

**Mr. Marcel Blanchet:** If it is a national referendum, held Canada-wide, I think the rules in the federal Referendum Act should apply. There absolutely has to be harmonization, so people all have the same right to vote, in that situation, so the rules do not vary from one province to another. If the referendum is held under the national Act, certainly there will be no problem in that regard. Again, I recall the problems we saw in the 1992 referendum in Quebec. The Quebec Act did not have an actual residence rule, while the federal Act had one. As a result, about 10,000 electors were unable to vote.

**Mr. Luc Malo:** You spoke earlier about the text that your office prepares in a referendum campaign. Is that text, which states the positions of the two umbrella committees, defined in the act? Is the act quite clear as to the content of the text, or is it only when the referendum is called that your office decides what rules will apply in that regard?

**Mr. Marcel Blanchet:** When a question providing for a referendum is introduced in the National Assembly, there are 18 days before the government issues a writ instituting the referendum. During that period, and of course once the writ is issued, we have a good idea of what the question will be. However, it can be amended during a 35-hour debate, which takes place in the 18 days between when the question is introduced in Parliament and when it is adopted. Obviously we work on preparing the rules we will ask the yes and no camps, the umbrella camps, to follow in presenting arguments for one option or the other. At the office of the Chief Electoral Officer, we make sure that each camp's text is fair and is written in somewhat the same way, and that the arguments are set out in somewhat the same order. That's what we do.

**Mr. Luc Malo:** So it is done case by case?

**Mr. Marcel Blanchet:** Yes, it's case by case. In the example I have here, the yes and no arguments each comprise about 20 pages presented by each of the camps in support of its position. We made sure that the number of pages and characters was approximately the same, and that the case was mounted in approximately the same way.

**Mr. Luc Malo:** When you propose that the financing rules be the same for general elections and referendum campaigns, does that mean that the legislation should consider the umbrella committees to be registered political parties, in making the financing rules?

**Mr. Marcel Blanchet:** The rules are not necessarily the same. For example, in the case of the rules that apply to referendums, the act provides for maximum spending of \$1 per elector. So if there are 5.5 million electors, each camp may spend \$5.5 million. For the funds that each of the committees may have to hold its referendum, there are different rules. There is a government subsidy of \$0.50 per elector. That is what was decided for the 1995 referendum. Another \$0.50 may come from the political parties, which may therefore also be deposited into each camp's fund. Individuals may also make contributions, to a maximum of \$3,000. Again, certain amounts can be calculated in that way. The amounts are therefore not the same, the rules are not identical. However, if it were to be decided to hold an election and a referendum at the same time in Quebec, it would have to be ensured that there is a watertight contract between the referendum rules and the election rules. That can be done, but it is not easy to do.

There is the very recent example of a provincial election campaign that took place in a local riding in Quebec, more specifically the riding of Rivière-du-Loup. It prompted quite a bit of discussion. One of the parties decided to organize a big political meeting in Rivière-du-Loup at the same time as the election, although the meeting was first supposed to have been held in Drummondville or Sherbrooke, if I remember correctly. It was relocated to Rivière-du-Loup to take advantage of the time an election was being held. You can imagine the complaints we got about that. A distinction had to be made between expenses relating to the big happening in Rivière-du-Loup and expenses relating to the election, to support the candidate in the race. It was done very transparently, but I can assure you that it was done under very close scrutiny.

**Mr. Luc Malo:** Thank you.

• (1245)

[English]

**The Chair:** Merci.

Mr. Christopherson.

**Mr. David Christopherson:** Thank you, Chair.

I have two questions, maybe three.

On umbrella groups, I know that in Quebec you have already used the notion of the umbrella organizations. I believe that Mr. Holland expressed the view—I stand to be corrected, but I believe it was him—that even though they didn't have it in Ontario, he would prefer... He was quite alarmed by the polling they did afterward that found a majority of people saw his office as being biased, and that troubled him greatly.

Second, do you think there should be a baseline of public funding so that everyone starts from the same level playing field, or should it just be those who are interested on one side or the other who contribute if they want to?

**Mr. Greg Essensa:** Given our experience in Ontario, I would concur with my predecessor's view. One of the issues I know he was very troubled about was the fact that, as you alluded to, Elections Ontario was perceived to be biased because of the role they performed on the public education front.

The legislative framework established by the regulation under the Electoral System Referendum Act did not provide for umbrella groups. In fact, it provided for what were called “registered campaign organizers”.

In Ontario we had ten registered campaign organizations sign up. They were any entities or individuals who collectively were going to raise or expense more than \$500. There was no public funding provided by the government. As in Quebec, there was no ability on a per capita basis for the political parties to make donations to these registered campaign organizers, as well.

So I do concur with my predecessor's view that, yes, having umbrella organizations would be preferable. I think the most recent example occurred in B.C., and it is a prime example of where, in their second referendum, they did in fact provide for an equitable funding to the yes and no campaigns. From my perspective, I would certainly make a recommendation that you give this some serious consideration.

**Mr. David Christopherson:** Thank you.

Anybody else?

**Mr. Lowell Croken:** Perhaps I'll answer.

In our plebiscite in 2005 we really did have an umbrella organization, and I probably should have mentioned that.

The electoral future commission had been set up for about eight months prior to the plebiscite. They had an office with staff. They held several public meetings. They had newspaper ads, print ads, TV ads. Householders went out explaining it. And what they did all the way through the process was explain what we have now, the first-past-the-post, and what they were proposing. So this was done by that commission. The role of Elections P.E.I. was really just to administer the plebiscite the same way we would a provincial election. That was very helpful.

**Mr. David Christopherson:** I see.

Monsieur Blanchet, we already know, because you have them. If they work, would you stay with them?

[Translation]

**Mr. Marcel Blanchet:** In Quebec, we have umbrella committees that work well. They allow for a very proper line to be drawn between the options and for the position of each of the advocates of those options to be stated. For us, that is how it is, and that is how it is going to stay.

[English]

**Mr. David Christopherson:** Good.

I'll try to squeeze in one more quick question.

With regard to the changing of the election system itself, the political parties agreed to stay out. The politicians stayed out. In any other issue that is very emotional, is it practical to think that politicians and political parties can stay out? How practical do you think that is, particularly if you held a referendum during an election period, but even outside? Should we build those walls to keep them out, and could it work even if we did?

• (1250)

**Mr. Greg Essensa:** I would suggest, given the experience in Ontario, that one of things that was very noticeable in some of the survey results was that the electorate was looking for the politicians. There's a great deal of trust in their politicians. They were looking for the opinions and viewpoints—

**A voice:** What?

**Mr. Greg Essensa:** There's a great deal of trust in the politicians, on what their view on the proposition being put before them was. And the silence actually, we believe, based on the survey results, had somewhat of a detrimental effect to the populace really becoming engaged in the actual question.

So I do believe there is a significant role for the politicians and the infrastructure that the political parties bring in play in actually expressing their views on these various issues, because they do on so many other platforms leading up to the election within our Canadian democratic process. I think there's an expectation from the electorate that they are looking for those views, as well.

**The Chair:** Thank you.

Mr. Cuzner, for five.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** I just have two points.

Thank you very much, gentlemen, for being here today to help us with this study.

First, with P.E.I., do you go from the national voter registry, or is there an enumeration or a provincial enumeration?

**Mr. Lowell Croken:** What we've had in P.E.I. for the last two provincial elections is a register of electors. We print that off and we go door to door doing a confirmation of what's on that register. And then there's a voter registration period that updates it. Then following the election, anyone who voted but who wasn't on the list will also be added.

**Mr. Rodger Cuzner:** Okay. And there was a provision to add additional names, even after the confirmation of the list.

**Mr. Lowell Croken:** Yes.

**Mr. Rodger Cuzner:** Okay. Good.

Were you pleased with the list? Was it fairly accurate?

**Mr. Lowell Croken:** Yes.

**Mr. Rodger Cuzner:** Because a voters list... If you talk to anybody around this table, there's always a concern about how we can improve the voters lists. It's something that continues to run through.

**Mr. Lowell Croken:** I think that being from a small jurisdiction also makes a difference. People will take it personally if they're not on the register of electors. They feel as though they have been left off for some unknown reason, so we make every effort we can to get everyone on, as do all the people involved.

**Mr. Rodger Cuzner:** Mr. Essensa, you made the comment about external powers wanting to exert some influence and telling you that you should be more pro or more con, or whatever the situation was. Could I get a comment from the three of you?

It's a tight situation. You want to encourage people to come out and get involved in the process. You want to share information with them as well as as you can, but when you're sharing that information, I would imagine one side would be very cautious about what you're saying about the other side. Is there a process? Do you have the sides sign off on how you're going to market the event? Could you tell us a little bit that goes into how you promote it so that it doesn't become contentious for you? Each of you might want to comment on that.

**Mr. Greg Essensa:** The challenge I see in the 2007 referendum in Ontario was the role Elections Ontario was charged with playing, which was to be the primary vehicle for public education of the electorate in the province on the referendum question. Balancing that with the neutrality role that my office and my predecessor had to play was, as I mentioned in my speaking comments, challenging, because both sides at various times in the process indicated their displeasure that we weren't promoting the issue as appropriately as possible.

Perhaps the greater issue is, as my colleague from Quebec mentioned, that the umbrella groups or committees seemed to work

very well in B.C. in their most recent referendum this past May. They provided more of a vehicle to actually provide the information to the electorate, and they could be either for or against the various issues, as opposed to having your neutrality body, your chief electoral officer, as the primary source of public education.

• (1255)

[Translation]

**Mr. Marcel Blanchet:** Of course the role of the Chief Electoral Officer is to make sure that the referendum is carried out properly and there is access to the polling process in the referendum. However, there is a line between that and having them promote the referendum campaign, as was done in Ontario. I would be very uncomfortable in that role.

The system where the yes committee and the no committee promote each of the ideas is much preferable, rather than leaving it to the administrator of the election, who can obviously be accused, at one time or another, of taking a position in favour of one option or the other. That is a system I would not like to administer in Quebec.

[English]

**Mr. Lowell Croken:** I'll very quickly respond. I would agree with that also. I wouldn't want to have unanimous consent from all our parties on an issue.

A filter we built into the plebiscite was that when they wanted to reduce the number of polling stations, we asked for that to be in regulations, so when it came to us, those were the rules we had to follow.

**The Chair:** Thank you, Mr. Cuzner.

I have Mr. Albrecht for a couple of minutes.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

I'll try to be brief. I have two short questions for Mr. Essensa.

You commented briefly in your opening statement about a Taxpayer Protection Act. In our notes for the last number of weeks there has been a statement about the Taxpayer Protection Act in Ontario prohibiting in some circumstances the raising of taxes, or the establishment of a new tax, unless they have been previously approved in a referendum.

Either there's a very narrow definition of "some circumstances" or there is a way around this, because I'm convinced that taxes in Ontario have been increased without a referendum a number of times. Can you help me understand what that's about?

This was from 1999 on.

**Mr. Greg Essensa:** To be perfectly honest, on that particular question your interpretation is correct. I'm not in a position to actually go into it in depth and comment on whether that has been abided by.

**Mr. Harold Albrecht:** I have one other quick question.

You mentioned that your department is also in charge of the wording on municipal referenda. In a situation such as fluoridation of water, there could be six or eight or ten communities all dealing with the same question in an upcoming municipal election. Would it fall on you to have the identical question in all six or eight of those communities, or could you approve different questions or different formats of the question, even though the issue was identical?

**Mr. Greg Essensa:** The legislation does allow that I could, in fact, approve a different question based on the information that was provided from the local council or the local jurisdiction.

**The Chair:** Thank you very much.

Those were all the names I had on the list.

I thank all of our witnesses today for all they have been able to share with us. It's helping us with our study of the Referendum Act. Thank you for coming.

Is there anything else from the committee members for committee business today?

**Mr. David Christopherson:** I got the impression that Monsieur Blanchet was about to answer the question about political parties. If there are 30 seconds, could I hear from him, because Quebec is a big, important province.

**The Chair:** Go ahead.

[*Translation*]

**Mr. Marcel Blanchet:** In Quebec, we have had three referendums: one in 1980, one in 1992 and one in 1995. And the political parties were very involved.

**An hon. member:** Oh yes!

**Some hon. members:** Oh, oh!

**Mr. David Christopherson:** Thank you.

[*English*]

**The Chair:** All right, thank you.

The meeting is adjourned.

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