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Chair

Mr. Joe Preston

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• (1105)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): Committee, we will get started. We're still waiting for some of our members to come, but they can certainly join us in progress.

We have two witnesses today.

We have Diane Bergeron, the national director, government relations and advocacy, at the Canadian National Institute for the Blind.

Welcome, and thank you for coming today.

We have Kory Earle, former president, former executive director, and lifetime member of People First of Lanark County.

We welcome opening statements from either of you.

Kory, do you want to go first?

Mr. Kory Earle (Former President, Former Executive Director and Lifetime Member, People First of Lanark County): Just as I was getting some water.

The Chair: I work in the restaurant business usually, and so I'm always interrupting people just after they have—

Mr. Kory Earle: That's why you became a politician, right?

The Chair: Yes.

Voices: Oh, oh!

Mr. Kory Earle: Good morning, Chair, and members of the Standing Committee on Procedure and House Affairs. Let me take this opportunity to thank you for allowing us to have the opportunity to address the fair elections act.

My name is Kory Earle. As mentioned, I am the past-president of People First of Lanark County, past executive director for People First of Lanark County, and also an honorary lifetime member. I must say not only do I hold those titles, but I am privileged to represent People First of Ontario as the president, and also as first vice-president for People First of Canada right across Canada.

People First is a self-advocacy organization for people with intellectual disabilities. Our goal and mandate has always been to support our members on issues they face and to fulfill any questions to help governments change policies that change the lives of people with disabilities.

I'll just mention that although I hesitate to take questions, I will do that.

In the meantime I want to take a moment to really thank the minister, Pierre Poilievre, and MP Scott Reid for allowing me and People First of Lanark County to meet prior to this year to talk about this proposed act and provide our input. Certainly our concerns are addressed, I will say with gratitude, in this act today.

We do support some of the fair elections act without any question. However, I do want to say that I do have concerns moving forward with this act, and there are a couple of amendments we would like to see.

I would like to add more thoughts to help make this act stronger for people with disabilities. When this act is passed into law, there should be more added to deal with people who have literacy problems. Of the Canadians with disabilities, 42% face literacy problems to this very day.

This act also needs to be strengthened as we are forgetting that people who have invisible disabilities are being ignored.

There are a couple of friendly amendments I really think this committee should strongly look at. We have heard from members coast to coast across Canada. In fact Quebec brought it to our national board as an amendment, and we're continuing to fight for this amendment to this day.

We're proposing that at the advance polls and on election day, you have the picture, logo, and party on the ballots, or even at the voting station. That, believe it or not, will help many people with literacy problems and people with disabilities. That's a friendly amendment we're pushing for. Our national organization has adopted the resolution to push for that.

We propose another amendment to this act. We understand just this past year that people can get special ballots. This act should talk more clearly about how people can get the special ballots, whether it be during the campaigns, whether it be by holding information sessions to talk about that a lot more. Each MP should inform the people about it as many don't know about the special ballots. We did not learn about the special ballots until this past year, although we encourage people to still come out on advance polls and on election day.

We have a caution for the committee. We applaud the extra advance polling day. People far too often are segregated when it comes to elections. They have anxiety attacks. That's a huge concern among people who cannot be around huge crowds. From working at municipal, provincial, and national elections, I can honestly say there have been improvements, but there's still 90% of work that can be achieved.

Again, together we can work to achieve the best interests of people with disabilities from coast to coast.

This is the quickest speech I have ever done in history, but with all due respect, Chair, I'll be happy to leave it to your questions. I'll pass to Diane.

Thank you so much.

• (1110)

The Chair: Thank you, Mr. Earle. It was a short speech but a good speech, and politicians know that.

Madam Bergeron, would you make your opening comments, please.

Ms. Diane Bergeron (National Director, Government Relations and Advocacy, Canadian National Institute for the Blind): Mr. Chair, I'd just like to let folks know how I'm doing this presentation so you understand the technology. I'm using a talking computer so I'm having it speak in my ear and then I'm going to repeat it. If the computer stutters, then I also may stutter, so my deepest apologies in advance for that.

Thank you, Mr. Chair, and thank you as well to the other committee members for this opportunity to offer testimony today on behalf of CNIB.

CNIB, otherwise known as the Canadian National Institute for the Blind, is a registered charity that has been offering vital services to individuals with vision loss for nearly 100 years. We are proud to provide community-based support, knowledge, and a national voice to ensure that Canadians who are blind or partially sighted can have the confidence, skills, and opportunities to fully participate in life. Whether a person is living with a disability like blindness or not, voting is a fundamental aspect of participation in a democracy. However, the ability for Canadians who are blind or partially sighted to exercise this right to vote depends heavily on the way that elections are designed and conducted.

CNIB is pleased to see that accessibility is being raised as an issue for consideration in Bill C-23, and we appreciate the opportunity to offer feedback on how this bill may affect voters with vision loss.

Canadians not only have a right to vote, but a right to vote in secret. The right to a secret ballot includes the right to mark one's ballot in private with no one else knowing for whom one voted. Voters in Canada also have the right to verify their choice to be sure that their ballots were marked in accordance with their wishes and were not spoiled.

Unfortunately, the right to a secret ballot is regularly denied to voters with vision loss in Canada. There are two primary means used to accommodate voters who are blind or partially sighted. First, election acts at all levels provide for registered voters to appoint a designate or election official to assist in the marking of a ballot based on the voter's instruction. However, this approach does not respect the right to a secret ballot. Voters who are blind or partially sighted must tell someone else, potentially a total stranger, for whom they wish to vote. The voter must trust that that person will mark the ballot in accordance with the voter's wishes, will not intentionally or accidentally spoil the ballot, and will keep that choice forever secret.

Alternatively, many election acts, including the Canada Elections Act, require that a template be provided to electors who are blind or partially sighted to assist them to mark their ballots. Unfortunately, this template also does not provide a full and effective accommodation of the right to a secret ballot. Unless they were to show the ballot to another person, voters with vision loss cannot check to be sure that their choice was correctly recorded on the ballot or that they did not accidentally spoil their votes.

The inability of voters with vision loss to exercise their right to a secret ballot is of significant concern to CNIB. Although we are extremely pleased to see that this issue is being brought forward through Bill C-23, this bill as it's currently written does not adequately address this issue.

The appropriate solution to this problem is to make available alternate voting processes such as voting by phone, by Internet, or other accessible electronic means. The ability for the Chief Electoral Officer to test alternative voting processes has been in place since the Canada Elections Act was amended in 2000. To the best of our knowledge, this type of testing has been extremely limited and has not yet opened new opportunities for voters with vision loss to exercise their rights. Bill C-23 would amend the Canada Elections Act to require that the Chief Electoral Officer obtain the prior approval of the Senate and House of Commons before testing an alternative electronic voting process in an official vote.

Considering that the CEO has not exercised the power to test alternative voting processes in the 14 years the option has been available, we fear that this approval process will put more burden on any chief electoral officer who wishes to do so.

• (1115)

We believe it is unlikely that making the process more onerous will result in voters with vision loss finally realizing their right to a secret ballot.

As an alternative to what is proposed in Bill C-23, CNIB recommends that the CEO be required to test an alternative electronic process in the future general election or in a byelection, not merely permitted to do so. Without directing the Chief Electoral Officer to test alternative electronic voting processes, we fear that further decades may pass where voters who are blind or partially sighted are denied their right to a secret ballot in a federal election.

Thank you so much for listening to my comments today. I look forward to answering any questions you may have.

The Chair: Thank you for your opening comments. We'll go to questions from members. We'll have a seven-minute round in the first round.

Mr. MacKenzie, you're leading us off today.

Mr. Dave MacKenzie (Oxford, CPC): Chair, I will share my time with Mr. O'Toole.

I'd like to compliment the panel on doing a great job here today.

Mr. Earle, your fears about being able to speak to this group are unfounded. You did a great job and we look forward to hearing more from you.

First, your opening address was interesting in that you mentioned that you did have an opportunity to speak with the minister and MP Scott Reid, so you've had some opportunities on behalf of your organization to have some input. Can you directly see some fruits of that conversation or the advantage to having been there?

Mr. Kory Earle: Absolutely. Thank you so much for that question.

Again, the minister's availability to make the call and approach us said something about the minister and our MP Scott Reid, for making that approach to move forward.

Our members who came to the meeting were very vocal on issues and they want to see more in the proposed act that deals with disabilities. It's not just an accessibility issue. It needs to be focused on a broad range of disabilities.

We've seen acts come out. We had no problem issuing another statement commending the minister and commending Scott Reid for taking our concerns forward, and they did. We talked about extra advance poll days. Our executive director Diane talked about the anxiety among people. We had someone in a wheelchair who said, "Look, you talk about all these campaigns, but yet I don't see enough in campaigns to get me to want to vote. I'm not excited about elections."

It is a democracy. I think to deny someone with a disability shows a lack on the part of any government to ensure that they vote. There has to be some outcome. Absolutely. We are proud of that. Are they addressing concerns? Absolutely. I think these concerns can be addressed by amendments to this bill. You would get our full support if some of these amendments were really taken seriously.

I represent people right across the country who have these concerns. So yes, we're proud of some of these changes as I mentioned and we're proud that the minister, again, has taken that approach. I want to remind people that we didn't approach the minister; the minister's office did approach us.

Mr. Dave MacKenzie: Good. Thank you very much.

Ms. Bergeron, I'm impressed with your presentation today. I think many of us who do not have the same challenges find it somewhat difficult to project forward. It's great to hear it from someone like you who can address those issues in the sense that it makes it real and we get there.

It was interesting, your take that Elections Canada have had 14 years to develop alternative voting systems, and it hasn't happened. I wonder if you have any view as to why that may not have happened. My understanding is it hasn't been by roadblocks from any government, but it just hasn't occurred. Do you have a view? Do you know if anyone has been in touch with Elections Canada?

• (1120)

Ms. Diane Bergeron: I think part of the problem from the perspective of people with vision loss is that providing accommodations for people who are partially sighted or who are blind requires technology a lot of the time. Technology in voting becomes quite difficult, especially when we're talking about the Internet. There is some reluctance to go in those directions, because of hackers and all sorts of other issues around making sure that people's votes are

private and are accurate. Going into some of the technology does pose other problems. Unfortunately, not having those technologies eliminates our right to that secret ballot.

The issue of the way the bill is currently worded—we actually like the way most of it's worded—it's more permissive; it gives permission for the Chief Electoral Officer to do the testing, but it doesn't direct the Chief Electoral Officer to do it or provide some requirement. It just allows it to happen. Sometimes if it's just allowed, it doesn't become a focus.

Mr. Dave MacKenzie: Thank you.

Mr. O'Toole.

The Chair: You have two minutes, Mr. O'Toole.

Mr. Erin O'Toole (Durham, CPC): Thank you very much, Mr. Chair.

Thank you, both, for appearing. We appreciate your perspective.

Ms. Bergeron, I'm going to focus on something beyond what you described as the secret ballot and how that can be lost for some people who need to be accommodated. Some of the reports we've had before this committee, namely, the Neufeld report, talk a lot about mistakes being made by Elections Canada in the registration of voters prior to going into that ballot area to cast a ballot.

Have you found that people, whether they are blind or they have other disabilities, have actually struggled at that registration stage? Before they even go to cast a secret ballot, have they found the process difficult if they present themselves at the polling station to register and ensure they have the right to vote before casting that secret ballot?

Ms. Diane Bergeron: Yes, there are various things. Some of the stuff that's happening in Bill C-23 addresses some of those issues, in that it ensures that information provided about getting to polling stations, which poll to vote at, and what that process is, those tool kits about how someone with a disability could vote, is going to be made accessible. That's good news for us.

There is also good information for us in the bill. People with vision loss who have a CNIB identification card can use it as identification at the polling station.

One of the issues, though, for people who are blind or partially sighted is that it's not law that they have to be a registered client of CNIB if they are blind. Many people who are blind or partially sighted are not registered with CNIB, and they do not hold that identification card. Those of us who are blind don't drive, so despite the fact that many people ask me for my driver's licence even with my guide dog at my feet, I inform them that we are not given those. For us to get identification, we need to get it from the registry. The registry often asks us for ID that we don't have.

It becomes a big process for us. Part of it also is around identifying one's location through bills. I have a stack of papers on my table and I don't know what most of them are because most of my bills don't come in Braille. If they did come in Braille, it wouldn't do a lick of good if I took the Braille copy of my phone bill to the polling station, since I doubt anybody there reads Braille. It becomes an issue in that sense.

Mr. Erin O'Toole: Would the CNIB be willing to partner with Elections Canada to find better ways to accommodate?

Ms. Diane Bergeron: Yes.

The Chair: Thank you. Perfect.

We'll move to Madame Latendresse, for seven minutes, please.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you very much, Mr. Chair.

I would also like to thank both witnesses for being here today.

Your input today is really helping us to understand the problems we're studying and the various amendments that could be brought forward to improve the bill.

Under the bill, one of the biggest changes to the Elections Canada Act has to do with the role of Elections Canada as described in section 18. Right now, the Chief Electoral Officer can communicate with the public in a way that will change once Bill C-23 is passed. The changes under the bill...

Can you hear me, Mr. MacKenzie?

• (1125)

[*English*]

The Chair: Are you hearing it now?

[*Translation*]

Ms. Alexandrine Latendresse: Is the simultaneous interpretation working now?

[*English*]

The Chair: We're testing it now.

I'll not dock you much of this time.

Do we have it now?

Ms. Diane Bergeron: Yes. Sorry.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): May I suggest that you reset Madame Latendresse's time.

The Chair: I'm clearly watching that, and we'll make sure that we honour her time well.

[*Translation*]

Ms. Alexandrine Latendresse: Thank you. That's very kind.

I want to thank the both of you for your remarks today. They were very informative. We're quite glad we were able to hear from you.

Today, I'd like to discuss one of the biggest changes being made to the Elections Canada Act. It concerns the role of Elections Canada as described in section 18.

Bill C-23 would amend the Elections Canada Act in such a way as to prevent the Chief Electoral Officer from giving the public much information as regards people with disabilities. That information concerns "the measures for assisting electors with a disability to access a polling station . . . or to mark a ballot." Those are the changes being sought.

Section 18(1) of the Elections Canada Act currently reads as follows:

The Chief Electoral Officer may implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

Would you say that the groups you represent are among those who have greater difficulty than the general public when it comes to exercising their democratic rights?

[*English*]

Mr. Kory Earle: Thank you for that.

To answer your question, the problem with campaigns is simply that when you look at better educating people, whether under section 18 as it currently is until the bill is passed or under the revised version thereafter, often politicians make decisions, and I believe you need to leave it up to the electorate to have that campaign move forward.

I can tell you right now that the question then lies ahead, whom do people contact? How do people know about something? You're looking at all kinds of broader disability, whether it be linked with CNIB or whether it be intellectual disability, or literacy. You're not going to reach the broader groups in the way you can now.

I can say that I am part of an organization that is notified, but there are a hundred that are not that deal with a broader disability than we do. It goes back and forth. I believe that the Chief Electoral Officer should have the power to really ensure that information is followed.

Why is it being changed? When changes happen, that concerns me more, because with some of the changes that are implanted, we don't know until the act comes into force whether they're going to have a damaging impact or whether they're going to have a changing impact. We don't know. That can be a matter of great concern.

So I just caution the committee that when you're looking at this, talk to people with disabilities from coast to coast, just as you are doing today. Talk to people about what their experience has been previously and what it could potentially be if this section were passed into law.

That would be my comment. But you're looking at what disabilities there are. Again, homelessness and invisible disabilities are being ignored. We must carry those forward as well.

[*Translation*]

Ms. Alexandrine Latendresse: Ms. Bergeron, would you care to comment on the subject?

• (1130)

[*English*]

Ms. Diane Bergeron: My key comment would be that the people with disabilities out there are so numerous that the groups of people with disabilities don't know them all.

When it comes to people who are blind or partially sighted, CNIB is a service organization that provides assistance to people with vision loss. But there are many groups in Canada that are made up of people with disabilities who would welcome the opportunity to sit down with anybody from Elections Canada to talk about their experiences.

Reaching those communities is very important. But I think the key piece for us is again that not everybody who is blind or partially sighted or has other disabilities is a member of groups or organizations or is registered with a particular group. The information about how to vote, where to vote, whom to contact, and about training for people so that they understand different things should be out in the broader population, ensuring that all the information is accessible to them, because not everybody is going to go to an organization such as CNIB.

[Translation]

Ms. Alexandrine Latendresse: You talked about a problem that blind or partially sighted people, in particular, have with respect to providing proof of their address. Usually, it's fairly easy to show a piece of identification, but providing proof of address appears to be problematic.

In your view, does eliminating the possibility of using a voucher to prove one's identity or address impede people when it comes to voting?

[English]

Ms. Diane Bergeron: I think it will impede some of the people who are blind or partially sighted in Canada to not have a vouching system. We have had some discussions with the minister, and for those individuals who do have a CNIB card, you can put your address on the card. There are some discussions around getting that as a proof of residence as well as being an identification.

There are issues with the vouching as well. If vouching isn't available, there will be some blind and partially sighted people in this country who will have a difficult time obtaining the identification they will need.

[Translation]

Ms. Alexandrine Latendresse: Thank you very much.

[English]

The Chair: Mr. Lamoureux.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): I do appreciate the presentations that both of you have made.

A couple of things come to my mind. First and foremost is that there is an ongoing need to look at ways in which we can improve our elections so that we have full participation.

Last night in some of the presentations they talked about the dignity of the vote. I can catch a little bit of that in your presentation in particular, Ms. Bergeron, in that you want to be able to go and vote. You don't want to have to tell someone to place your X beside a particular candidate or a particular party. Being able to mark your own ballot if you are visually impaired is something that is really important.

In listening to the presentations, what crossed my mind is proposed section 18. It does put in serious limitations for Elections Canada. We had a motion that passed a number of years ago, which received all-party support, in essence mandating Elections Canada to reach out and participate in more youth activities, in the production of materials and so forth. This is something that it would not have the ability to do if this legislation were to pass. Proposed section 18 seems to be a problem area for a wide variety of reasons.

If proposed section 18 is not amended, how would both of you, as heads of organizations, feel about that? To what degree do you think it needs to be amended?

Ms. Diane Bergeron: From the perspective of CNIB, the amendments that we would like to see are specifically around strengthening and being more directive with the Chief Electoral Officer to do the testing and to create a more accessible voting process. That's our key issue that we would like to put forward.

If that's not amended, we would then be reliant on the Chief Electoral Officer to decide that he wants to do that, or reliant on government to say, "You need to go do that and give them a pilot." If it's in the bill and in the legislation, they would be required to, and they would be more focused on it.

What I can say is that in the last federal election, I went to the polling station by myself, but with my dog. As good as these dogs are, they don't read. I went to the polling station, and they gave me someone who took me through the process. They took me into the little cubicle and I told them who to mark the ballot for. They marked it, and my dog and I left.

After I left, I wondered who I voted for, because I didn't know that person from anybody. I didn't know their name. I didn't know who they were. All I knew was that they promised somebody that they would mark it honestly and that they would keep my ballot secret. But I didn't know that person. I didn't have any clue. I could have voted for somebody completely different; I had no idea.

● (1135)

Mr. Kevin Lamoureux: Mrs. Bergeron, you gave an excellent presentation and you made reference to a talking computer that assisted you in giving that presentation. Given technology that we have today, do you believe that you would be able to have that franchise to vote without the assistance of someone else?

Ms. Diane Bergeron: I have voted completely independently and in secret in municipal elections.

Mr. Kevin Lamoureux: Are you afforded the opportunity to meet with Elections Canada? CNIB is a recognized institution here in Canada. Surely to goodness if as an organization you wanted to meet with Elections Canada they are going to listen, are they not?

Ms. Diane Bergeron: Yes. We have opportunities to meet with Elections Canada. I also sit on the Elections Canada advisory committee, as does Kory. So we are in discussions with Elections Canada at this point.

Mr. Kevin Lamoureux: Obviously you've shared this concern with Elections Canada. Have they taken any action whatsoever in terms of being able to deal with it?

Ms. Diane Bergeron: I personally have only started with the process of the advisory committee and we've only had one meeting last month. So that process has just started. But in the past CNIB has been in contact with Elections Canada but I wasn't a part of those processes.

Mr. Kevin Lamoureux: Now you realize that if this bill were to pass unamended, particularly with proposed section 18, even if Elections Canada wanted to do a further study and wanted to come up with promotional materials, it would be hampered because of this legislation. Are you aware of that?

Ms. Diane Bergeron: I think the process that is in place becomes more onerous for getting permission to do that. If it was amended to make the process more directive the Chief Electoral Officer would have to go through that process. If the amendments aren't made and it stays more permissive, then I don't believe it would encourage Elections Canada to go through a more onerous process than they already do, given that there hasn't been a whole lot done to date.

Mr. Kevin Lamoureux: Mr. Earle, I'll go to you just to reinforce that aspect.

There are many things that I believe. This legislation is terrible from my personal perspective, the whole process and the whole nine yards. I want to focus on how we try to meet the future needs of the electorate by enfranchising more to participate in elections. It would seem there is a lot of validity to a lot of the things we are hearing here this morning.

What are your thoughts in regard to tying the hands of Elections Canada, if we do not amend it in terms of being able to do future studies with the idea of taking action on this issue? Do you have some thoughts on that you'd like to share?

Ms. Diane Bergeron: I don't necessarily think that this bill would tie their hands. It's not my viewpoint that it would tie them and hamper them from doing it but I think it would make that process more onerous, which means it would be less likely that Elections Canada would want to go through a more onerous process in order to do something.

This act does give them permission but we had that already. So I'm not sure and at this point I think the wording needs to be changed into making it more directive and that would really push this forward. I think that would be a great deal of benefit to people with disabilities.

• (1140)

Mr. Kevin Lamoureux: Mr. Earle, could you provide a comment?

Mr. Kory Earle: Absolutely. Let's make very clear that a lot of this material that is established is not clear language to people with disabilities. When we are talking about campaigns, whether it be proposed section 18, we talk about democracy in Canada and we talk about all kinds of other things. There's no question from our membership it's a huge concern in terms of eligibility, because people used to be able to go to the polling stations...and not everybody has an ID in Canada. When you talk about ID let's be very clear on what kind of ID is being asked for.

The perspective that we're saying is to have an open mind. Elections Canada should....

I attend a new committee and I don't hear a whole lot of campaigns that go on that involve people with disabilities. The only time I hear about it is sometimes on the news, but I don't actually hear a whole lot of initiatives taking place. I think that's a huge concern. We want to involve all kinds of disabilities, yet you don't hear about these campaigns and you don't hear about how people with disabilities can get involved. If they can get involved, it's not in plain language. It's not material that people can turn to. If you turn around and you give someone this and they look at it, they throw it away because they don't know.... There is not a clear understanding of what it is and what the definitions are. That's where you're going to run into problems.

That's why we're saying even on election day at an advanced poll there are all kinds of people running, yet voters don't know who they are because there is no picture at the polling station or advance poll; there is no logo, no party. That would have an impact on Canadians with disabilities from coast to coast. It will give them hope that this government and all parties support their initiative.

The Chair: Thank you, Mr. Lamoureux. That was way over.

We're going to Mr. Reid, please, for four minutes.

Mr. Scott Reid: Thank you, Mr. Chair. I hope you show the same generous interpretation of the words "four minutes" that you showed for "seven minutes" just a moment ago, actually many moments ago.

I'm going to start by taking direct issue with something Mr. Lamoureux said, because it is factually wrong. He asserts that proposed section 18 of the fair elections act would prohibit Elections Canada from making contact with people to encourage them to get out and vote if they have disabilities. It's clever wording, but the fact is that proposed section 18 does quite the opposite.

It says, "The Chief Electoral Officer may provide the public, both inside and outside Canada, with information on the following topics only" and lists (a), (b), (c), (d), and then (e), which is relevant, "the measures for assisting electors with a disability to access a polling station or advance polling station or to mark a ballot". It also says, "The Chief Electoral Officer shall ensure that any information provided under subsection (1)"—which is what I just read—"is accessible to electors with disabilities."

It tells you how to become an elector and how to make sure your name is on the list of electors, which is a matter that can be very difficult for someone with disabilities.

These are matters, Mr. Lamoureux, which Elections Canada has to a great degree been neglecting. I made a point of working very hard to convince the minister to put language like this into the legislation. It seems to me now, in listening to the testimony, that the problem is that this is not directive enough. It doesn't actually say that he must do this; it only says that these are things he should do. I'm trying to focus him on doing these things, which he has been neglecting for years and years and years, despite the ongoing need.

Having said all of that, I have a question for Ms. Bergeron. I wanted to ask about the voter information card, which is of course the piece of mail that arrives telling you that they think the person living at this house is you. In my case, I get a card saying that they think the person at the address is Scott Reid and where to go to vote. It gives some other information as well. All of that is available as it arrives in my mailbox, in English and French, but obviously it doesn't come in Braille.

I don't know, is a Braille version put out for houses where the person living there is visually impaired? Are some efforts being made to provide people with this kind of information in a form that is accessible and usable for them if they have a visual impairment?

• (1145)

Ms. Diane Bergeron: No, there is no Braille version that comes out. In fact, the voter card feels very much like a coupon that you get for pizza, so it often gets missed by people who are blind or partially sighted, because it feels the same as every other piece of mail that comes through. It's no different from any coupon that comes to the door. When we get those, we don't often notice them right away.

Typically, someone who is blind or partially sighted will call the electoral office to find out where they have to go to vote or they will ask a neighbour. That's usually how we find out where we're supposed to go.

Mr. Scott Reid: Would it be helpful... I'm not sure it would be. I'm actually just throwing this out. You'd know better than I would. Would it be helpful if Elections Canada were to make an effort to keep track of people who were visually impaired? If they got, I don't know, an update to their database from the CNIB and then tried to send out information in Braille to those people, or would that not be useful?

Ms. Diane Bergeron: Again, not everybody who is blind or partially sighted is registered with CNIB, so our database wouldn't necessarily help you reach everybody in Canada who is blind or partially sighted. As for putting out Braille, many people who are blind or partially sighted don't read Braille, so I think that—

Mr. Scott Reid: Do you know what percentage of blind and partially sighted people read Braille versus those who don't? Have you any idea?

Ms. Diane Bergeron: Do you remember?

A voice: No.

Ms. Diane Bergeron: In the last stats I remember, it's something very low. For someone who's proficient at Braille, it's about 3%.

Mr. Scott Reid: Oh wow. Okay.

Ms. Diane Bergeron: In saying that, there are a lot of people I know who read what I call "elevator Braille". They learn the basic numbers and so on, so that they can tell what the elevator floors are, or they learn just the basics for phone numbers and so on, or the uncontracted Braille. But the people who do use Braille are very reliant on Braille. I carry a slate and stylus like you carry a pen and paper. I use my Braille quite often, and I wouldn't consider myself very proficient.

If that card were sent in Braille, the first thing we would notice is that it's a Braille card. Even if we don't read it, we would certainly

pay attention to it, but it wouldn't necessarily give the information you're looking for.

The other thing is that Braille is large. It's really big. On a business card, you only have four lines. There would not be room on that card to put in Braille all the information that's in print.

Mr. Scott Reid: Right.

Thank you.

The Chair: We'll stop there and go to Mr. Christopherson for four minutes, or thereabouts, apparently.

Mr. David Christopherson (Hamilton Centre, NDP): I'm not going there, Chair. I don't have a lot of credibility when it comes to the clock. I'll just leave things.

Thank you all very, very much for your presentations.

Let me just lament how disappointed I am that we aren't having this kind of input at the beginning of the process rather than effectively trying to ram it in after the process.

I thought it was very interesting, Diane and Kory, that both of you talked about vouching and the importance of ID. You need to know that your position, from a practical everyday living life point of view, is supported by virtually hundreds of academics in Canada and internationally who agree.

Now, the government did manage to scare up one person—one person. They scoured the planet and found one person who agrees with them that vouching is fine to eliminate, and, at the risk of wrongly paraphrasing their comments, they were basically arguing that in this digital age it's almost impossible—he had trouble understanding how—any Canadian could not have the ID required to go and vote.

As I say, all the other experts and you point to a different reality. I'd like to give you an opportunity just to expand a little, to make it very clear in a real way both how vouching is helpful, and conversely, how damaging it would be to the rights of many Canadians to vote if it were eliminated.

Go ahead, please.

Mr. Kory Earle: Absolutely.

I think vouching is as critical today as it was last week. We've come a long way for Canadians to vote, and yet we're turning around and saying that they must come with ID. There's no question that some people have ID, but I can tell you right now that when someone vouches, it gives someone hope, whether that person is vouching or not. If you're talking about secret ballots, that person can also be the neutral person helping them as well.

This act should not just be about ID. It shouldn't be about saying, "You know what? You're entitled, as a Canadian citizen, to vote in a democracy, but we are going to make some barriers to that happening". That's not what we want to see. That's not what Canadians want to see. Canadians want to see a commitment from all parties and governments to turn around and say, "We're not taking democracy away because you have to come up with this ID."

I can tell you right now that not everybody has a CNIB card; not everybody has a membership card to their organization; not everybody has a photo ID. I have photo ID, but I can tell you right now that a lot of our members don't have that ID.

The question is whether this act is about turning people away from voting in a democracy or about encouraging people. Having barriers does affect people's lives each and every day. People with disabilities face enough challenges in Canada. They don't need a government or a party to create barriers, or to turn around and say, "Guess what? You're now not going to vote, but you already have challenges, so it's okay." There needs to be more leeway.

The experts involved in this should be people with disabilities, because they're the ones who can talk with experience. I can talk about the experiences I've gone through growing up and the challenges. Many can. I think it's shameful about the vouching, and I think it needs to be looked at more seriously moving forward.

• (1150)

Mr. David Christopherson: Thank you.

Diane.

Ms. Diane Bergeron: I don't have any specific statistics on what percentage of people with vision loss in Canada do or do not have identification. We are very pleased that the CNIB card can be used as identification. I can tell you that quite regularly I get calls from folks saying that they don't understand why they can't get on a plane with their CNIB card because it has a picture ID. They ask me why we're not making our CNIB cards government-issued ID. Of course, the answer that CNIB is not government doesn't always get a good response.

The reality is that the CNIB card may be their only source of ID, and that might not even be enough to get a provincial identification card. They need other things.

I can't give you the percentage, and I can't tell you exactly how many people it will affect, but I can tell you that there are going to be some people affected.

Mr. David Christopherson: Thank you very much.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Christopherson.

Mr. Reid, you have four minutes to finish this off, please.

Mr. Scott Reid: Thank you.

You've been very kind in your comments, Kory, but just so people know, what happened was that, in the process of designing the bill, the minister approached me and asked if I could think of groups that have any insight into the disabled community.

Mr. David Christopherson: He didn't ask me.

Mr. Kevin Lamoureux: He didn't ask me either.

Mr. Scott Reid: You know, I wouldn't have asked you either, David. You're just so grumpy.

Anyway, as it turned out, he asked me, so I thought of People First. I kind of used this as a way to advertise some of the great work People First does. This is an organization that's all about taking people with disabilities and helping them to maintain and develop

their independence and their decision-making abilities. They are a really inspirational group.

Both of you guys, I'm always amazed at the great work you and the folks with you do.

We met at my constituency office and I got a lot of input that I thought was really helpful, for which I'm grateful.

I wanted to ask you about something that came up which I had not thought of until you mentioned it just now. You mentioned anxiety disorder, right? Frankly it's just one of those things that hadn't crossed my mind. I think of the things that are obvious: mobility disorders, visual impairments, and so on. Can you just tell me a bit about that?

Mr. Kory Earle: Absolutely. Thank you, Scott Reid. We're proud of the work we've been able to do right across Lanark County and indeed across the country. We applaud you and the minister for selecting us to meet, because who better else to know than the members who face the challenges each and every day.

Anxiety attack: Diane actually brought that up at the meeting. She brought that up, but also a lot of the challenges that she's heard from her members.

With respect to anxiety attacks, a huge crowd affects people. It actually turns them away. When they go into the voting station there are too many people. Then they start having an anxiety attack, and then they turn around and walk out the door because they think, "Well, I'm not going to vote when there are 40 people there." It could be a lower number, but they turn around and walk away. They don't want to have a big showdown for everybody out there, because they're already being labelled as it is. That's a huge thing. That's why I say that having an extra advance polling day hopefully will get people to take that opportunity and use that.

It creates stigma, and they're going through more than a lot of us know. I have a twin who is diagnosed with schizophrenia and developmental disability. He can't be around a huge crowd. How do I get him to vote? I used to say, "Okay, let's go to the voting station and vote." As soon as he walks in there and sees 20, 30 people, he walks away. Then he actually hides in the washroom because he's afraid. As his twin brother—and there are many who don't have that support—my role is to really guide him and say, "It's okay. Nobody's looking at you. It's okay." That's fine and dandy for me to say, but I don't know what he's going through. Then he walks away. On an advance polling day, he could walk in and there would be maybe just a few people. Then he can slowly go over there and vote, but he still has the anxiety of whether 10 more people are going to walk in the door.

That's a huge concern. How do you deal with that? I think you deal with it on an individual basis as they come in. You make sure that when people are working, they have accessible staff who are there to guide people.

Not many people have families. Not many people have someone who they can lean on for support. My twin Kyle is lucky. He has a huge family in Carleton Place, but I can tell you that 95% of our members don't have loved ones and families who they can rely on for support to guide them.

I think that's really critical when you're looking at this to ensure that the individual's interests should be ahead of everything else and make sure that they feel comfortable. It could be a side room. They could be told, "It's okay. There are many people who have anxiety, so here's a room where you can vote."

I hope that answers your question in terms of the anxiety.

•(1155)

The Chair: Thank you very much.

Thank you, Mr. Reid, for your questions.

Thank you, witnesses, for coming and sharing with us today. I think we got a lot of input from you today, and it really helps.

I'm going to suspend for a couple of minutes to excuse you, and we'll have another panel come in. Thank you so much for your help today.

We'll suspend for two minutes.

•(1155)

_____ (Pause) _____

•(1200)

The Chair: Committee, we'll come back together for our next hour.

We have the Canadian Radio-television and Telecommunications Commission with us today, Ms. Laizner and Ms. Bombardier.

Go ahead and give us your opening statement and then we'll go to rounds of questioning.

Ms. Christianne Laizner (Senior General Counsel, Canadian Radio-television and Telecommunications Commission): Thank you, Mr. Chairman, and good afternoon. My name is Christianne Laizner and I'm the senior general counsel at the Canadian Radio-television and Telecommunications Commission. With me today is Manon Bombardier who is the CRTC chief compliance and enforcement officer.

We are pleased to appear before you as you study Bill C-23, which proposes a number of amendments to the Canada Elections Act. I would like to start by reminding the committee of the new responsibilities that would be given to CRTC if Bill C-23 were proclaimed.

My colleague, Madam Bombardier, will then speak about how the CRTC would be prepared to fulfill its mandate under the proposed legislation.

If the bill is adopted in its current form, the CRTC would be tasked with establishing and maintaining registration information for voter contact services. This means that any person, group, or company engaged in voter contact, including those using automatic dialing announcing devices, which we also refer to as robocalls or ADADs, for voter contact purposes, would be required to register with the CRTC. Registrations would be made available to the CRTC within 48 hours after a call is made.

•(1205)

[*Translation*]

The ability to verify the identity of the calling party is another important aspect of the bill. Any person or group using a calling service provider or making robocalls for voter contact purposes would have to provide identification to both the CRTC and the calling service provider.

Additionally, the bill would require recordings of messages and scripts to be retained for one year after the date of an election.

Breaches of these roles could cost violators penalties of up to \$1,500 for individuals and \$15,000 in the case of groups, such as political parties or companies. It is important to note that these penalties can be assigned per violation and that each day constitutes a separate violation.

Let me now open the floor to Ms. Bombardier.

[*English*]

Ms. Manon Bombardier (Chief Compliance and Enforcement Officer, Canadian Radio-television and Telecommunications Commission): Good afternoon, Mr. Chairman.

As you already likely know, the CRTC administers and maintains the national do-not-call list as a tool to protect the privacy of Canadians, but also to reduce the number of unsolicited calls that they receive from telemarketers.

To date, the national do-not-call list includes over 12 million telephone numbers that are registered to the list. There are also over 10,000 telemarketers who have registered. In the nearly six years that the do-not-call list has been in effect, the CRTC has helped those telemarketers both understand what the requirements of the regulations and rules are and comply with those rules and register with the list.

We have received to date over 800,000 complaints and conducted over 1,300 investigations under the unsolicited telecommunications rules, and we have levied over \$4 million in administrative monetary penalties in relation to those violations.

I mention all of those accomplishments not only because the CRTC takes great pride in these accomplishments but also because new responsibilities that would be given to us under the new bill, if it were proclaimed into law, would follow a similar model as we have under the unsolicited telecommunications rules.

Under such a scenario, we would be able to leverage our experience and expertise in the administration and enforcement of those rules and apply them to the new provisions of the bill.

For instance, the CRTC has significant experience in building and overseeing lists of registered telephone numbers and telemarketers. We could draw on that experience if it was required to build a similar record to meet the requirements of Bill C-23.

[Translation]

We also maintain rigorous processes for investigating possible violations of the Unsolicited Telecommunications Rules. Under the process, complaints submitted by Canadians are assessed and used to prioritize investigations and determine whether or not the rules were complied with.

Finally, our methods for ensuring compliance with the rules—such as issuing citations and notices of violations, imposing administrative monetary penalties, and working with violators to correct improper practices—can be adjusted to suit new purposes.

Mr. Chair, it would be imprudent of us to suggest that we could simply and quickly adapt our National DNCL systems and processes to suit the requirements of Bill C-23. No new law can be administered with that degree of simplicity.

New tools would need to be purchased and processes likely created to handle complaints. We would also need to ensure candidates and telephone service providers were aware of their new responsibilities, and provide timely information to the public.

Yet we, at the CRTC, are confident that we have the expertise to meet any new responsibilities given to us under the bill.

Thank you, and we would now be pleased to answer your questions.

• (1210)

[English]

The Chair: Thank you very much.

We'll go to Mr. Lukiwski for seven minutes in the first round.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Madam Laizner and Madam Bombardier, for being here today.

Obviously, the provisions contained in Bill C-23 were to address the situation commonly known as the Pierre Poutine scandal, in which some still unknown culprit apparently attempted to use voter suppression tactics by sending out phone messages to voters, primarily in Guelph, I suspect, but perhaps on a far wider range than that. Since we haven't had the ability yet, or at least the Elections Canada investigation has not produced any evidence as to who this culprit may be, provisions were put in Bill C-23 to try to prevent that sort of situation from occurring again.

We've had the former Chief Electoral officer, Jean-Pierre Kingsley, appear before the committee. When I asked him directly whether he thought the provisions put into Bill C-23 would prevent the situation from occurring again, he just simply said yes.

I would like to ask both of you a twofold question. Number one, in your opinion, do you believe the provisions in Bill C-23 would prevent the type of Pierre Poutine situation from occurring again? Two, and perhaps even more important, perhaps you could expand upon your thoughts as to the ability of the CRTC to administer and maintain such a registry, and whether or not you have the full level of confidence within your own organization that this could be accomplished. Perhaps, finally, you could add a bit of a timeline for us, since you mentioned this could not be done overnight.

Madam Laizner, perhaps I could start with you.

Ms. Christianne Laizner: Mr. Chairman, the proposed legislation creates new obligations that did not exist before. The important obligations that are new and would serve to address some of the problems that occurred with Pierre Poutine would be the requirement that the group or party or person seeking the services of a calling service provider would have to provide them with identification. The identification would have to be identification that's authorized by the CRTC. That would be one of our new responsibilities to determine what is adequate identification.

At the same time, the obligation is reciprocal on the calling service provider to obtain that information. The bill also has provisions in it which require that any agreement entered into has to be entered into with a calling service provider by an authorized representative, an official agent, a chief financial officer. Those are very important provisions that we think will assist us in ensuring that these types of calls don't occur again.

The extent of the responsibilities for the CRTC is to ensure that the identification is authorized. Then the obligation falls on the calling service provider and the person who's seeking those voter contact services to file registration notices with the CRTC within 48 hours of a call being made. Those notices would contain the names of the person entering into an agreement, the name of the calling service provider, and also the type of call that will be made.

Ms. Manon Bombardier: If I may add to that, one of the first steps in securing compliance is to make the regulated parties and persons who are subject to the rules aware of their responsibilities. The CRTC would likely consider conducting an outreach campaign to inform both the candidates and the service providers of their new responsibilities under the bill, which would facilitate compliance.

On the second question regarding our ability to maintain and to administer a registry, I think the CRTC has demonstrated that it has significant experience in establishing and overseeing a list of registered telephone numbers and telemarketers that could be applied to meet the requirements of the new bill.

We are working with Elections Canada so that if the bill becomes law, we will make sure we are ready to implement that new registry.

• (1215)

Mr. Tom Lukiwski: How long do you think that implementation process would take?

Ms. Christianne Laizner: The bill provides that the obligations fall on the CRTC as of the 2015 election, and we're confident, based on our experience under the unsolicited telecommunications rules with telemarketers, that we will be able to assume our obligations should the bill be passed.

Mr. Tom Lukiwski: Just to be clear, I know the current Chief Electoral Officer said that he wanted to see whatever changes were to be made implemented before, I think he said, summer. He referred to roughly June or July.

If the bill did come into effect over the course of the summer, are you saying categorically that you believe the CRTC would be in a position come October 2015 to have such a register in place?

Ms. Christianne Laizner: That's our goal.

The Chair: You have a minute left.

Mr. Tom Lukiwski: This is my last question, Chair, and probably the most important.

Going back to my comments about the testimony given by former Chief Electoral Officer Kingsley who stated he felt the provisions would be sufficient to prevent the Pierre Poutine incident from reoccurring, do you share that level of confidence, or are there loopholes we haven't seen yet that might allow someone who wanted to perpetrate a voter suppression scheme in the future to be able to do that? Is this tight enough in your opinion?

Ms. Christianne Laizner: If the rules are followed as the provisions are set out in the bill, yes.

Ms. Manon Bombardier: I would add that the demonstrated record of the CRTC in enforcing the current rules that are in place and that affect the activities of political parties under the automatic dialing and announcing device rules demonstrate that we take our role very seriously and we don't hesitate to take enforcement actions when required.

Mr. Tom Lukiwski: Thank you very much.

The Chair: Thank you.

Mr. Scott, for seven minutes.

Mr. Craig Scott (Toronto—Danforth, NDP): Thank you to the witnesses for coming.

I'm going to do something a tiny bit unusual. I have a whole series of questions I'd like to read first. That will also put them in the record in both official languages and then we'll start to get to some of them, the most important ones probably in the second round. I'd appreciate it if you could consider providing written answers to some of them if we don't get to them, but that's something we can discuss later.

I'm going to refer to them by numbers.

One, assuming that the CRTC was consulted or otherwise worked with the minister or his officials on the new division in the act that you've described, is the present text of Bill C-23 what the CRTC understood would be legislated, or are there differences, and if so, what are they?

Two, is it the case that current technology would permit technologically sophisticated persons to use their own call delivery systems consisting of their own server, intermediary proxy servers, and so on to conduct a calling operation without needing to use any calling service provider as defined by these new sections, and if so, does that mean such persons would not be registered in the new system, let alone caught by it, if they were engaging in voter suppression calls?

Three, if there is the just described coverage gap, does it stand to reason that other preventive measures and/or effective investigative tools, notably on the part of the Commissioner of Canada Elections, such as the power to seek a judicial order compelling testimony, and such as access to all receipts for national party campaign expenses, will be needed to deal with such voter suppression calling that takes place outside the system overseen by CRTC?

A lot of these will now be technical.

Four, regarding proposed section 348.01, are text messages or similar communications like BBMs covered by the definition of calls?

Five, again regarding proposed section 348.01, under the voter contact calling services definition, one purpose covered is indeed the raising of funds. There are two questions. Could you confirm that calls made within the new fundraising exemption for campaign expenses found in proposed subsection 376(3) of the act are covered by this voter caller contact services definition? Within question five, to what extent will the CRTC oversee the compliance of parties with the new fundraising exemption, as the minister has claimed it will in the House?

Six, proposed sections 348.03 and 348.07 use the language "a person enters into an agreement" and the question is, should this not read "a person or a group enters into an agreement"? In the definition, political parties and other collective entities are defined as being within the category of groups. If they're not put there, will this end up meaning they're not covered by these duties in those two sections?

Seven, there are two pairings of provisions and I'm wondering if there's a gap. There may not be. Proposed sections 348.08 and 348.09 go together. Proposed sections 348.18 and 348.19 go together. Is there a gap here that means that groups, including political parties, do not have to account for live calls if those live calls are made using their own internal services? If so, is an amendment needed?

Eight, regarding proposed section 348.11, could you confirm that the voter contact registry will not contain phone numbers called through voter contact calling services or through the internal services of groups like political parties, and will also not contain scripts and recordings? There is no duty to provide either of them to the CRTC. For maximum effectiveness, should both of these be required to be retained by the calling services providers, as we know for a designated period, but also conveyed to the CRTC to be part of the voter contact registry?

Nine, there is nothing explicit in the voter contact registry provisions on either a CRTC duty to retain information or a period of retention. The question is whether this duty is implicit, and if so, for how long. Does the CRTC already have policies that would apply? Should the duty to retain be made explicit? If so, for what length of time? Is the 10 years suggested by former Chief Electoral Officer Kingsley a good period?

Ten, there are no tag line requirements in the bill. Should all calls have to have specified caller information that must be included in scripts and recordings, and also conveyed for inclusion in the voter contact registry?

Eleven, calling service providers must retain data for only one year. Should this be longer? If so, for how long?

● (1220)

Twelve, should there be an express power, as recommended by the Chief Electoral Officer, for the commissioner to apply for a judicial order for any person or group or calling service provider to retain data beyond the specified period should the commissioner believe he may need access to that data as part of an investigation?

Thirteen, is the voter contact registry public, or is it only the registration notice as referenced in proposed section 348.12 that is public?

Fourteen, is the voter contact registry accessible at will to either the Chief Electoral Officer or the Commissioner of Canada Elections, or is access limited by proposed section 348.15, which requires a request only from the commissioner, and using a necessity test?

Fifteen, according to proposed section 348.15, the commissioner must ask for documents or information. Must the commissioner know exactly what document or information he or she needs? Within the same question, there's no explicit, proactive duty on the part of the CRTC to inform the commissioner of any suspicions so as to trigger a request from the commissioner. May the CRTC do so? Should the duty be made explicit? In any case, will the CRTC be likely to discern any problems that would give rise to suspicion, given the nature of the oversight regime? Is the threshold too high for the commissioner? It's a "considers necessary" threshold. Should it be "considers helpful"? Should the bill be amended to give the commissioner unfettered access to the voter contact registry?

I'm going to skip two questions, but I'll come back to them.

There's no express clause dealing with extraterritorial service providers. Should there be?

We'll come back to these questions in the second round. Thank you.

The Chair: Thank you, Mr. Scott.

Mr. Lamoureux.

Mr. Kevin Lamoureux: That was an interesting line of questioning and answering. I think what I would very much like, though, is that if you're going to be making a recording of those or responding to those questions in written format, you provide me and possibly the committee chair with the written response so that we all have the detailed answers to those questions.

It would be very much appreciated if I could get that assurance from the members from the....

The Chair: Mr. Scott asked a lot of questions and there was no time for answering. So if you could respond to the committee with the answers to Mr. Scott's questions within a week, while we're still studying this, that would be fantastic.

• (1225)

Ms. Christianne Laizner: Yes, Mr. Chairman, we will do so, to the best of our ability.

Mr. Kevin Lamoureux: It has been an interesting process that has brought us here today.

There's no doubt the whole robocall scam upset a good number of Canadians. It's estimated that it was well into the tens of thousands of Canadians who were actually quite upset, and contrary to what Mr. Lukiwski was saying, Guelph was a very small percentage of it. Some of the concerns that were raised.... I don't know to what degree CRTC has made itself aware of some of the complaints, such as calls made at two o'clock in the morning into certain areas or

constituencies, such as people being contacted and told, "You don't vote here, you vote over there."

There were literally, I understand, over a hundred constituencies that were actually involved, where some form of mass calling was made, and it took on that label of voter suppression to discourage people from going out to vote. I think the reaction has been, well, what can we do? What should we be doing in order to prevent this in the future?

When I think of the automatic dialers, Pierre Poutine is often referenced. Pierre Poutine is a mischievous individual who we haven't been able to track.

Is there anything that prevents a future Pierre Poutine from setting up a computer in some basement and having an automatic dialer and sending out information or making a vast number of calls? What would the CRTC do if they heard of calls being made, but they're in the same situation where the caller is not registered with CRTC?

Ms. Christianne Laizner: Mr. Chairman, we have unsolicited telecommunication rules that exist currently. They cover automatic dialing announcing devices. For calls that are made using automatic dialing announcing devices there are rules regarding the times of day during which those calls may be made. I believe that during the week they may be made from 9 in the morning until 9:30 at night, and on weekends from 10 a.m. to 6 p.m., unless in particular provinces there are more restrictive calling hours.

The rules also provide that there has to be information provided about who the ADAD is being made on behalf of. There has to be a telephone number provided for the person called to contact the originator of the call.

Those rules exist currently for ADAD calls. My colleague can speak to complaints that have been received by the CRTC and investigations that we do.

Mr. Kevin Lamoureux: What happens if we have, let's say, that future Pierre Poutine who just has something set up in a basement and there is no registry with CRTC? Are you in a better position to be able deal with that than Elections Canada is, for example?

Ms. Manon Bombardier: The bill would provide additional safeguards to what currently exists under the unsolicited telecommunications rules, as my colleague explained earlier, with regard to the requirement to register, to provide identification, and to maintain copies of scripts and recordings.

If the CRTC was to receive complaints about robocalls, we would, as we currently do under the unsolicited telecommunications rules, look at the complaint, validate the complaint in light of the rules that exist, and if there are alleged violations, we would open an investigation. Up until now, as I said earlier, we have levied nearly \$4 million in penalties, and \$1.6 million of that \$4 million is actually related to automatic dialing, calls that were made—

Mr. Kevin Lamoureux: Let me go to a specific case.

Let's say next federal election in Winnipeg North I find out that at least 3,000 calls, or it appears a large number of calls, were made in Winnipeg North and I'm upset with the content of that. Do I contact CRTC to complain, or do I contact Elections Canada to complain?

Ms. Manon Bombardier: You would contact the CRTC.

Mr. Kevin Lamoureux: I contact CRTC and then CRTC says that they will look into the matter.

What happens if this is Poutine 2015 who had some sort of a dial that had nothing to do with registering with CRTC. What would you do? Three days later, a week later, what would happen?

• (1230)

Ms. Manon Bombardier: We would assess the complaint. If it's not related to our responsibilities under the bill, we would contact Elections Canada and make sure they're aware of those alleged violations so they can look at their own responsibilities and take their own enforcement actions.

Mr. Kevin Lamoureux: Right. So the manner in which you can actually help is with those that are actually official companies, making sure that the scripts are correct. Those that are prepared to follow the letter of the law, those are the ones that you're actually able to track.

What is the substantial difference, in terms of cost, of keeping them for one year versus three years? To me you have a computer data bank of information, and whether it's one year or three years in terms of retaining that information, is there any real cost to keeping it longer than one year?

Ms. Christianne Laizner: Mr. Chairman, I'm not quite sure I understand what the reference is to what is being retained. Is it the registration notice, or the script of a call, or a transcript of a recording?

Mr. Kevin Lamoureux: Both.

Ms. Christianne Laizner: The registration notices are required to be filed with the CRTC and then the obligation under the legislation is that where scripts have to be maintained or recordings of messages sent through robocalls, they have to be retained by the calling service provider or by the group that made them for a period of one year after the election.

That would enable the CRTC, if a complaint is filed, to request those scripts or transcripts of messages. Then they come to us and we can conduct our investigation.

The Chair: Thank you, Mr. Lamoureux.

Thank you to our witnesses on that round.

We'll now go to Mr. Richards for four minutes.

Mr. Blake Richards (Wild Rose, CPC): I appreciate your being here today. I'm going to follow some similar questions to Mr. Lamoureux's.

I'd like to actually ask you to take a step back. In terms of your current role in administering investigations and penalties that surround the automatic dialing announcing devices, or ADADs, when you get a complaint, perhaps you could walk us through the process that you follow to investigate that complaint. We're talking obviously about outside of an election period, but I would assume there's going to be a similar type of process set up for complaints during an election.

Perhaps you could walk us through it. When you get a complaint, what happens in terms of investigation and proceedings from there? Could you do it in a fairly short form, please.

Ms. Manon Bombardier: Yes, okay. No problem.

The complaints under the do-not-call list or the unsolicited telecommunications rules are made to the CRTC, the current operator of the DNCL. We look at the complaint and make sure that all of the information has been provided, what we call validation of the complaint. Once the complaint has been validated, we look at that from an enforcement perspective. We look at the rules and whether there are possible alleged violations to those rules. If there are alleged violations, then we look at other priorities we have on the day and where it fits in terms of our priorities. If it is a very egregious situation, we will look at it right away. If it's less egregious, we would look at the most egregious files in a more timely manner.

Once we open an investigation, we start collecting the evidence. There are tools in our legislation that allow us to do that. Depending on the seriousness of the violation, the compliance history, and a number of factors, we determine the best enforcement measure. It could be a citation; it could be a notice of violation that could or could not include an administrative monetary penalty.

Mr. Blake Richards: Currently, outside of the election period and outside of the provisions of this bill that we are being asked to pass, there is no requirement for people who are making these types of calls to provide a script ahead of time to the CRTC or to provide identification to the CRTC. What is in the bill is obviously stronger than what you have currently for the other calls, outside of an election period, yet you've still been able to lay charges or notices of violation when you found instances after investigation.

Ms. Christianne Laizner: These are new obligations that don't exist under the current regime of the national do-not-call list.

• (1235)

Mr. Blake Richards: Yet, outside of an election period, without those kinds of obligations for people, you've still been able to track them down.

Ms. Christianne Laizner: Yes.

Mr. Blake Richards: What I'm indicating is that it will probably make your job easier to have that information.

Also, I want to ask whether you feel, with the scripts being provided ahead of time and identification provided ahead of time, that there is a good chance that in many cases people who are violating the rules may not be doing so intentionally or even knowingly, and that providing the script to the CRTC ahead of time might actually enable an opportunity for some of these kinds of calls that voters might find reasons to complain about... Maybe we could eliminate some of those things from happening in the first place by virtue of the script's having been provided, so that you would be able to deal with the person and try to alleviate any potential problem.

Second, if there are complaints—

The Chair: You have about half a second, but I'm sure there was a good "second" in there.

May we have a quick response to Mr. Richards.

Ms. Christianne Laizner: Yes. Just to clarify, the obligations under Bill C-23 are for the calling service provider or the group in question to retain the script or the transcript of the messages. When the CRTC conducts investigations, we can request those as part of our investigation, but they don't actually provide the script to us in advance.

They do have obligations to make sure that when they enter into these agreements, both parties are aware of the identities and name and address and all that important information that was not a requirement before.

The Chair: Thank you.

Mr. Scott, we go back to you for four minutes, please.

Mr. Craig Scott: Thanks so much for indulging me in the last exercise of robo-questioning, as we could call it.

I want to return to what I indicated is my fifth question, which is the whole question of calls to raise funds. Clearly these are covered as voter contact calling, but we also have a new provision in the bill, proposed subsection 376(3) of the Canada Elections Act. This is the exclusion. It says:

The commercial value of services provided to a registered party for the purpose of soliciting — by mail, telephone or other electronic means — monetary contributions is not an election expense... as long as the soliciting is directed only towards individuals who have made at least one monetary contribution of \$20 or more—

—and it goes on.

First of all, very quickly could you confirm that this kind of calling would indeed be caught, as long as it's done during the campaign period? They would have to be registered, would they not?

Ms. Christianne Laizner: Yes, it's covered by the definition of voter contact services. There are five different kinds of situations covered by those voter contact calls. One of the situations is fundraising calls.

Mr. Craig Scott: Good. That's my understanding.

My concern is that the minister has said in the House when concerns have been raised, don't worry; the CRTC will deal with this. My concern is that while the CRTC will deal with it within the framework of the new division that you're in charge of, does that mean you're going to be determining whether or not people had given \$20 or more in the past and that the purpose of the call is only for fundraising? Will you be doing that?

Ms. Christianne Laizner: The requirement under the legislation is for registration notices to be filed with us when voter contact services take place, and those services would cover fundraising. But the question, under the legislation, of exemptions of certain fundraising services, as contained in proposed section 376, is the purview of the commissioner.

Mr. Craig Scott: Exactly, so thank you. There is not much you can do about the actual substance of those calls.

The next thing requires just a yes or no answer, because I don't want to go into the details of the provisions. Is there a gap where there is no specific provision for political parties as groups to have to account for live calls done through internal services? For automated dialing, yes, and third parties are covered for live calls, but there is

no specific provision that talks about internal services of parties or groups for live calls. I don't find an expressed section and I'm wondering if I've missed it.

• (1240)

Ms. Christianne Laizner: If a political party or a candidate uses their own internal volunteers or their own employees to conduct live calls, they are not required to file a registration notice with the CRTC.

Mr. Craig Scott: That's a rather large exception that has not yet come to the attention of Canadians. Thank you.

The last thing is just to follow up on Mr. Lamoureux's question. I think it's just clear, and I wonder if you agree with me, that if somebody does not register by definition and if a party is not involved officially and somebody sits in the basement and creates their own calling apparatus, as can be done right now, you won't be any the wiser. They won't be part of the registry system. Is that correct?

Ms. Christianne Laizner: The proposed legislation requires the CRTC to publish the registration notices within 30 days after the polling date. The registration notices that have been filed with us would be publicly available, and presumably if somebody received calls and doesn't see the registration notice, they would be able to contact us with a complaint.

The Chair: Thank you very much.

Mr. Lukiwski, you have four minutes, please.

Mr. Tom Lukiwski: My understanding is that under the amendments of part IV of the Telecommunications Act, there is a distinction between what's considered to be a violation and an offence. There are monetary penalties attached to both.

On a violation, which is the lighter of the two, my understanding is that the penalties could range anywhere from \$1,500 to \$15,000. If it's considered to be an offence, however, which I assume is something like the Pierre Poutine situation would be, monetary penalties are in the range of \$10,000 to \$250,000.

Could you give me some illustrations or examples of the difference between what would be considered to be an offence as opposed to a violation? Is there precision in the language in the Telecommunications Act that would clearly define the difference between the two, or is this a bit of a judgment call? If so, who makes that judgment call to determine if it is only an administrative violation or a more serious offence?

I'm a little confused about how one will actually determine the severity of the transgression.

Ms. Christianne Laizner: We could undertake to provide that information to the chairman within that same timeline if that's acceptable.

Mr. Tom Lukiwski: Could you give me just a quick example, top of mind, that might be considered to be a violation or has been proven to be a violation in the past, as opposed to what might be considered to be an offence?

Ms. Christianne Laizner: Well, making ADAD calls, robocalls, outside the timeframes that are specified in the unsolicited telecommunication rules would be a violation on which we would levy an administrative monetary penalty. In the case of individuals, the penalty can be up to a maximum of \$1,500 per day per violation. In the case of corporations, \$15,000 is the maximum per day per violation.

Another example would be failing to identify on whose behalf the call is being made. Another example would be failing to provide a phone number or displaying the number where the call has originated from. Those are all the kinds of violations for ADADs that we administer under the regime of the do-not-call and our unsolicited telecommunication rules, and those would attract the penalties that I've just mentioned.

Mr. Tom Lukiwski: The reason I'm asking is that I'm trying to get clarification.

Correct me if I'm wrong, but to my knowledge the only transgression that has been noted by the CRTC and fined accordingly was our colleague in Parliament, Mr. Valeriote, in Guelph. His campaign, during the last election, had made a number of calls in which the caller did not identify herself, and did not identify the fact that the call was coming from the Liberal campaign. He was found to be in violation and was fined \$5,000. Who made the decision that it was only a violation and not an offence?

To me—and I'm sorry, and obviously I'll be accused of being a little partisan here—it's quite apparent that the call was made deliberately to mislead the recipients of the call in an attempt to influence voter outcome. That's pretty serious stuff, in my opinion, so I would just like to know exactly who made the decision that this should be a reduced monetary penalty as opposed to a more serious offence?

• (1245)

Ms. Christianne Laizner: Under the Telecommunications Act, under the regime, it is the commission that makes decisions as to the amount of penalty. My colleague, the chief compliance and enforcement officer, would be conducting the investigation into the complaints as she has indicated.

The Chair: Mr. Lukiwski, good shot, but we're going to try a third round at about two minutes each, so Mr. Lukiwski, if you'd like to go on, you have two minutes.

Mr. Tom Lukiwski: Thanks very much. I'd like to follow up on that latest round of questioning.

Are the decisions that you make in relation to how much a fine might be, or the transgression itself, the severity of the fine, made public?

Ms. Manon Bombardier: Once a notice of violation has been issued, and it includes an AMP, whether it includes it or not, it becomes public. There's a period of time where the regulated party can make written representation to the commission if they want to bring to our attention facts that could change some facts around the case. There's a 30-day period for representation, and then the decision becomes public if it stands.

Mr. Tom Lukiwski: I'm more curious about the decision-making process and how the commission determined that in Mr. Valeriote's

case it was a minor violation worthy of a \$5,000 fine, as opposed to a more serious offence for voter suppression, which we obviously all agree that the Pierre Poutine incident was. As I asked earlier, is this a judgment call or is there precision in the language in the act that gives you guidance?

Ms. Manon Bombardier: There's a telecommunications decision that was issued by the CRTC in 2007 that lists the factors that are considered in the making of that decision. But there is discretion in the officer's judgment with regard to what constitutes a significant violation, for instance. But the factors are listed in the decision without removing the flexibility and the judgment of the officer, given the circumstances of the case.

Mr. Tom Lukiwski: If I'm hearing correctly, the final determinant is a judgment call by whoever the official was who was conducting the investigation, guided by a lot of the factors as you've already articulated. But at the end of the day, someone has to make a call whether or not it is a minor or a serious transgression.

The Chair: Thank you.

Do you have a quick answer to that?

Ms. Christianne Laizner: The factors that are taken into consideration by the commission in making decisions are listed in their policy 2007-48, and every case is considered under its own facts. The parties that have been brought before under notice of violation can make representations within 30 days, and those are considered by the commission. Then the commission makes the decision.

The Chair: Thank you very much.

Madame Latendresse, for two minutes, please.

[Translation]

Ms. Alexandrine Latendresse: Thank you, Mr. Chair.

I am going to ask questions that my colleague asked during the first round.

Ms. Laizner, could you please confirm for us that the new registry for voter contact services will not contain the telephone numbers called, scripts of messages or recordings? Also, is there a time limit on how long the information in the registry must be kept?

[English]

Ms. Christianne Laizner: The registry will contain the information that's required in Bill C-23. That information would be the name of the calling service provider, the name of the group or person on whose behalf the services are made. It will not contain the phone numbers, but at the time that the registration notice is filed, there's an obligation on both the calling service provider and the person or group who entered into an agreement with the calling service provider to provide the CRTC with their name, their address, and their telephone number, and a copy of the identification that the CRTC has authorized them to use. You get the registration notice to the CRTC, and that information that I just explained to you. The script and recordings are required to be kept for a period of one year. The purpose of that is if there's an investigation, the CRTC may request those, but they don't form part of the registration notice.

[Translation]

Ms. Alexandrine Latendresse: In the case of companies, it's one year. And from what we've seen, there's no limit on how long the CRTC is required to keep that information.

• (1250)

Ms. Christianne Laizner: As a government agency, we keep our records for the prescribed period of time, at least seven years.

Ms. Alexandrine Latendresse: Did you say seven years?

Ms. Christianne Laizner: Yes.

Ms. Alexandrine Latendresse: Very good. Thank you.

[English]

It's okay.

The Chair: You have two more minutes, and then we're finished.

Mr. Tom Lukiwski: If I may, I'll just continue on and hopefully finalize the last thoughts on the line of questioning I've been pursuing.

There have been from time to time many candidates from different political parties who have been fined by the CRTC for various transgressions, going back again to the judgment call. Do you think it would be helpful to have a tighter set of determinants for the CRTC when examining cases in which there have been violations, or are you satisfied that the definitions provided to you in their current state are sufficient? In other words, would you like to see a little bit

more guidance, or are you satisfied that what you have now ultimately will lead to proper decision-making?

Ms. Christianne Laizner: We think the provisions of the proposed legislation are very good provisions that will certainly give us an ability to investigate the violations under this piece of legislation, which would be the failure to register notices.

Other than that, our role is to implement the policy that the government puts into place through its legislation. We're very happy to do so.

Mr. Tom Lukiwski: So you have no other suggestions for improvements from your perspective that you could offer this committee.

Ms. Manon Bombardier: The current regime that it is under, the unsolicited telecommunications rules with regard to the penalties, would apply. So far it's been working very fine for us.

Ms. Christianne Laizner: I think we could work with the legislation, if it's passed, and then we'll see how it works.

Mr. Tom Lukiwski: Certainly. Thank you.

The Chair: Great. I'd like to thank our witnesses for coming today and sharing with us views from the CRTC. We thank you for doing that.

Members, we will be back in this room tonight at seven o'clock.

The meeting is adjourned.

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