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# Standing Committee on Procedure and House Affairs

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Chair: Ms. Ruby Sahota





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• (1105)

[English]

**The Chair (Ms. Ruby Sahota (Brampton North, Lib.)):** I call this meeting to order.

Welcome to meeting number 29 of the House of Commons Standing Committee on Procedure and House Affairs.

The first hour will be in public, with Minister LeBlanc appearing on Bill C-19. For the second hour, the committee will be moving in camera to continue its consideration of the draft report on the prorogation study.

This portion of the meeting will be webcast [*Technical difficulty—Editor*] Only the speaker will show on the screen, not the entirety of the committee.

Pursuant to the House order of January 25, 2021, members can attend in person or virtually. I believe all members are attending virtually at this point.

Just as a reminder, mute and unmute yourselves and check your interpretation language. Make sure that it's selected and you're ready to go.

I don't have any other real issues to bring up at this time. However, I will, if I can, take five or 10 minutes at the end of the second portion of the meeting to take care of some committee business. That is expected.

Before us today we have Minister Dominic LeBlanc, president of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs. With him are Allen Sutherland, assistant secretary to the cabinet, and Manon Paquet, director of special projects at the democratic institutions secretariat.

You can proceed with your opening statement, Minister. Thank you for being here today.

**Hon. Dominic LeBlanc (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs):** Madam Chair, thank you for inviting me. Good afternoon. It's the afternoon in Fredericton, New Brunswick, where I am today.

Good afternoon, colleagues. I'm pleased to appear before your committee, before PROC. I was a member of PROC for a number of years, so I am familiar with the good work your committee does. It's a privilege for me to be here to discuss Bill C-19, an act to amend the Canada Elections Act with regard to the COVID-19 response.

[Translation]

Bill C-19 is our government's response to one of the priorities that the Prime Minister entrusted to me, namely to work with all Parliamentarians to ensure the passage of any amendments necessary to strengthen Elections Canada's ability to conduct an election during the pandemic and to allow Canadians to vote safely. Obviously, the time during which we work with you and hear your views on this issue is important to our government.

[English]

As the chair indicated, I am joined by two senior officials of the Privy Council Office, Al Sutherland and Manon Paquet. They will be available to answer technical questions or to offer a perspective that perhaps I'm not able to contribute.

We are fortunate to have a robust legislative regime in the Canada Elections Act and a world-class electoral management body in Elections Canada, which celebrated its 100th anniversary just last year.

The COVID-19 pandemic has been among the most challenging issues in generations, leading to far too many deaths and severely affecting vulnerable people around the world. Governments have, in turn, been forced to take unprecedented steps to stem the virus's spread.

While Canadians have demonstrated incredible resolve, they need to know that in spite of the pandemic, an election can be administered in a way that is safe, secure and accessible to all. Indeed, this topic has seized the attention of all elected officials and election bodies, as evidenced by the Chief Electoral Officer's call for temporary changes to the act and by your timely study, which put forward several recommendations in support of a safe election in these challenging times. We followed them closely and reflected them in many ways in Bill C-19.

Bill C-19 proposes changes that protect the health and safety of Canadians while allowing them to exercise their democratic rights. A three-day polling period will spread electors out and support physical distancing and other public health measures at polling stations. The three-day polling period specifically recognizes Monday as a voting day. We believe this to be important. Maintaining the Monday voting day recognizes that in some circumstances people might not be able to vote because of a religious obligation over the weekend and that public transit, together with child care options, may be more limited over the weekend. Thus, we thought keeping Monday as a voting day was important. Simply put, we're providing electors with as many opportunities as possible to vote should there be an election during the pandemic.

Bill C-19 would also support a safe vote in long-term care facilities and in facilities for persons living with disabilities. Sadly, as one of the most at-risk populations, the residents of these facilities have been gravely impacted by the pandemic. I think all of us were touched by some of the very difficult stories of COVID-19 in the context of long-term care homes. Bill C-19 would provide enhanced flexibility to election workers through a 13-day period during which they can work with long-term care facility staff to determine the most opportune dates and times to deliver the vote in those facilities.

To be clear, this does not mean that voting in long-term care facilities would take place over 13 days; it merely means that facilities would be able to determine for themselves the appropriate window for their residents to safely cast their ballots. This will support a vote that is safe for the residents, the election workers and the staff in these homes.

• (1110)

[*Translation*]

Holding a general election at any time requires an organizational tour de force. Canada is a large and diverse country, with 338 electoral districts of varying sizes and composition. In times of pandemic, the task is all the more daunting.

[*English*]

Public health circumstances across the country continue to evolve, pointing to a clear need for increased legislative authority for Elections Canada to react to any specific circumstance that may arise across the country in a particular electoral district. Accordingly, Bill C-19 would provide the Chief Electoral Officer with enhanced adaptation powers to adapt provisions of the act in support of the health and safety of electors and those working or volunteering at the polls themselves.

We have seen that jurisdictions across the country and around the globe have had elections during the pandemic and have seen a steep increase in mail-in voting. Research conducted by Elections Canada indicates that potentially up to five million electors may choose to vote by mail if there were an election during a pandemic.

At the federal level, Elections Canada has delivered this system safely and securely for decades, and there are important safeguards designed to maintain the secrecy and the integrity of the vote. Nothing in Bill C-19 would change that. In fact, we're proposing targeted mail-in voting measures to strengthen a system that we expect

will see a surge in usage. Among its proposals, Bill C-19 will allow electors to apply online for a mail-in ballot and will establish secure mail receipt boxes across all polling stations for voters to drop off their ballots. To maintain the integrity of the vote, Bill C-19 includes strict prohibitions on installing or tampering with secure mail reception boxes.

Lastly, I would like to stress that the mail-in ballots cast within electoral districts will continue to be counted locally. As honourable members know, there was a drafting discrepancy between the English and French versions of a provision in Bill C-19 that made its meaning unclear. As a result, we will bring forward an amendment correcting this unfortunate error during the committee's clause-by-clause study of this bill. As you are aware, the Speaker ruled that this error can be corrected by the committee in studying the legislation.

Madam Chair, in conclusion, I would like to highlight three points.

First, these measures would be temporary, only applying in the event of an election held during an ongoing pandemic. These measures would cease to be in effect six months, or at an earlier date determined by the Chief Electoral Officer, after a notice that the Chief Electoral Officer publishes in the *Canada Gazette* that indicates the measures are no longer necessary in the context of COVID-19. This notice would obviously only be issued following consultations with the chief public health officer.

Second, the long-term care measures and adaptation powers would come into force immediately upon royal assent. The remaining measures, including the three-day polling period, would come into force 90 days following royal assent, or earlier, should the Chief Electoral Officer be satisfied that all the necessary preparations are in place.

Finally, Madam Chair, I would like to reiterate that our government is committed to working with all of you on the committee and with all members of the House of Commons to ensure that this legislation can be amended if it can be improved, but to ensure its passage as quickly as possible.

Madam Chair, thank you. I hope I haven't run over the time. I'm really looking forward to seeing some old friends who serve on your committee and to answering questions.

• (1115)

[*Translation*]

Thank you very much.

[*English*]

**The Chair:** Thank you, Minister.

I think there's a real desire among many of us to see this committee get through the process as quickly as possible and send the bill back to the House, so we're going to work hard on that.

We will start with questions from Mr. Nater.

You have six minutes.

**Mr. John Nater (Perth—Wellington, CPC):** Thank you, Madam Chair.

Thank you, Minister, for joining us this morning, or this afternoon, depending on time zones. It's always nice to have our ministerial counterparts before committee.

I want to start by going back a bit into the past, to Bill C-76.

When this bill was introduced in the House of Commons in the previous Parliament, there was an unfortunate decision to amend subsection 91(1), despite objections from the Conservative Party and the motion that I myself brought forward, which would have corrected it. Unfortunately, it went ahead and was ruled unconstitutional.

My concern is that Justice Davies was quite scathing in her criticism of your own department at PCO. She wrote in her decision, "More importantly, the advice given to the Standing Committee by Mr. Morin"—a senior adviser at PCO—"that the inclusion of the word 'knowingly' in subsection 91(1) was unnecessary, redundant and confusing was, for several reasons, incorrect and potentially misleading."

She goes on to write, in paragraph 58, "To the extent Mr. Morin testified about the import of removing 'knowingly' from subsection 91(1), his comments were inaccurate and cannot be taken as reflecting Parliament's true intention."

Minister, this was a senior adviser to your own department, the Privy Council Office. I'd like to know what measures you have taken to ensure accountability exists within your department and that unconstitutional advice to this committee will not happen again.

**Hon. Dominic LeBlanc:** We have obviously taken note of and read carefully the court's decision. We accept the court's decision. You will note that we did not seek to appeal the court's decision, because we accept those findings.

I don't disagree with your characterization that it may have been an unfortunate circumstance. I've been a minister for five years. We receive advice from different government departments, including the Department of Justice, obviously, on highly technical legal matters. We're accountable for those decisions; it's not the public servants who offer the advice or whom we encourage to appear before committees to speak freely about their work and answer technical questions from colleague parliamentarians. We expect that to be a healthy, normal and good part of the parliamentary process, but we certainly accept responsibility for that legislative change, as you said, in Bill C-76. We thought Bill C-76 had a lot of positive improvements in terms of the Canada Elections Act, but we're happy to work with other parties to add the word "knowingly" into that particular section, which the court struck down. We accept the

court's decision and we would welcome advice from colleagues as to the best way to remedy that in a legislative process.

We don't think that dragging it before the courts is the best way, but I'm not insensitive to your comment, Mr. Nater. Obviously I don't disagree with the substance of your conclusion. I regret that this was the way that this particular clause was treated by the courts, but I fully accept the decision of the justice.

● (1120)

**Mr. John Nater:** Thank you, Minister.

I would note that it is being remedied in a section of Bill C-30, which I know some people are referring to as the John Nater vindication act, but I won't go there.

**Hon. Dominic LeBlanc:** I'm just glad you didn't say "omnibus", sir.

**Mr. John Nater:** Well, I'm using my words judiciously, Minister.

As you are well aware, the Prime Minister's hand-picked Governor General resigned on, I believe, January 22 of this year, leaving us without a Governor General and in the hands of a capable administrator, the Right Honourable Richard Wagner, Chief Justice of Canada.

As you are well aware, it would be unfortunate to bring the chief justice into political games, so we would like to see if there's assurance from you that the Prime Minister will not seek dissolution from the chief justice, as the administrator of Canada, unless, of course, there is a vote of non-confidence.

Can you provide this committee with that assurance that the Prime Minister won't seek dissolution from the administrator?

**Hon. Dominic LeBlanc:** Mr. Nater, we do recognize, as you said, that the circumstance of the Chief Justice of Canada—Chief Justice Wagner—serving as the administrator is not an ideal circumstance in the long term. At the time Madame Payette resigned, I think that I, in my enthusiasm, got ahead of myself in hoping that the process that I was a part of—the advisory committee that the Prime Minister established to look at recommending a short list of outstanding Canadians to replace Madame Payette—would have concluded earlier.

The good news, from our perspective, is that we have finished our work. The Prime Minister will have our recommendations in the next few days, and I'm hoping, like you, that all Canadians can see who Her Majesty will summon to the office of Governor General in the next few weeks. We're at the end of a process.

I found it a fascinating process. Our group had, I think, 12 meetings. We had four volunteers. The Clerk of the Privy Council and I co-chaired the group, but we had four very busy volunteers who gave us their time to consider dozens and [*Technical difficulty—Editor*] It was interesting and it was very valuable, and I think we've arrived at an interesting list. The Prime Minister has not made a decision yet, but I think that should be coming in the not too distant future.

I do share your concern that having the Chief Justice.... I can't imagine that we would ever put the Chief Justice or even the Governor General.... I think you talked about political games, Mr. Nater. I can't imagine that any of us would be responsible for something so shocking as political games. However, I do recognize that it's an unusual moment to have the Chief Justice serving as the administrator, so hopefully his volunteer effort to help the country in that capacity will come to a conclusion soon.

**The Chair:** That's all the time we have for that round.

If I can remind the committee, the minister is here on Bill C-19. We don't have a lot of time to get the valuable information we need in order to make the recommendations needed. There was an opportunity to invite the minister on estimates, where there would have been a broader scope, and I know that Mr. Nater is genuinely interested in these matters, so I did allow that leeway, but I would hope that we can refrain from that and really home in on Bill C-19 going forward.

Next we have Mr. Lauzon.

[*Translation*]

**Mr. Stéphane Lauzon (Argenteuil—La Petite-Nation, Lib.):** Thank you, Minister, for being here today for this important meeting on Bill C-19.

I'm a bit stunned to hear Mr. Nater asking questions that are outside the context of Bill C-19, while we're all, in good faith, working out solutions for the election, and while Mr. Lukiwski is concerned that you're here for the full hour of the meeting. This committee will be cut short, and your very important presence will be cut short, by the Conservatives who are playing a political game in the House right now that will interrupt this meeting. I find that deplorable.

Let us get straight to the point. You talked about the broad strokes, but you know that I am particularly concerned about seniors. We know that seniors are the people who have been most affected in terms of long-term care during this pandemic.

What would be the consequences for seniors if Bill C-19 were not passed before the next election?

• (1125)

**Hon. Dominic LeBlanc:** Madam Chair, I thank my friend and colleague Mr. Lauzon for his question.

I fully share his sentiment. As parliamentarians, we have the opportunity to propose temporary improvements to the Canada Elections Act at the request of the Chief Electoral Officer. It was his report to Parliament last fall that prompted the government to prepare a draft of the bill that is before you today.

I know that, as a Quebecker, he has certain concerns. In the CHSLDs, just like everywhere else in the country, we have seen some extremely difficult times in the context of the pandemic. My mother was in a nursing home in Ottawa and she died there a year and a half ago, before the pandemic. That home was one of the ones that suffered extremely painful consequences.

Like everyone else, I think, we're all concerned and we're trying to find a way for these people, who have built our country and contributed to its prosperity, to participate in the election. They should not be prevented or discouraged from voting and exercising their democratic right. They must be able to participate in the election safely.

My riding is a rural Acadian area of New Brunswick. On election day, there was a tradition. Mobile polling stations would go to a number of nursing homes—in your area they would be called CHSLDs or private homes. This allowed these folk to vote on election day. The polling station was there for an hour or two in a common room, where people went to vote. It was an enjoyable time for everyone.

In the context of COVID-19, you don't want to move around to different long-term care homes because of the risk of infection and transmission. You can't put residents and staff in a situation that is not up to the desired health standards. The idea was to have 13 possible voting days. The chief electoral officer in each riding will contact the administrators of the CHSLDs to see how the vote can be conducted safely and with all the necessary precautions.

There's an idea I thought was great. Let's say there's an outbreak on one floor. You could have it so that only residents on that floor can vote at one polling station, and residents on other floors can vote at another. This gives a lot of flexibility. This will be done with the advice of health professionals. So we can organize the vote and not put people's lives at risk.

**Mr. Stéphane Lauzon:** That shows just how important voting by mail is, Minister. As we have regularly heard, expanding access to voting by mail is essential in a global pandemic, as it would be in the case you just described.

Can you tell us why the measures to facilitate voting by mail in the situations you just described are necessary?

• (1130)

**Hon. Dominic LeBlanc:** Thank you for your question.

Mr. Lauzon, I agree wholeheartedly that allowing greater access to voting—

[*English*]

**The Chair:** That's all the time we have.

[*Translation*]

**Hon. Dominic LeBlanc:** It was a fascinating answer.

[English]

What's going to happen? Mr. Nater wanted to hear my detailed explanation of mail-in voting. Perhaps I'll have the chance, Madam Chair, with another colleague who will want to hear that answer.

**The Chair:** Absolutely. Unfortunately, we are really short on time because of the vote that may be coming as well.

Next we have Madame Normandin—

[Translation]

**Mr. Alain Therrien (La Prairie, BQ):** It's actually Mr. Therrien's turn.

[English]

**The Chair:** No, it's Mr. Therrien. I'm sorry.

[Translation]

**Mr. Alain Therrien:** Good morning, Madam Chair. It's nice to see you.

Good morning, Minister.

Back in the fall, the Standing Committee on Procedure and House Affairs studied situations related to a possible pandemic election. We met 11 times and heard from 20 witnesses on the issue. Among them were experts, the Chief Electoral Officer, a Canada Post official, provincial chief electoral officers, representatives of various associations, academics, citizens' advocates and public health authorities.

My question is simple. Were you aware that we were studying the issue? It seems that you introduced your bill before we finished our report.

**Hon. Dominic LeBlanc:** Thank you for your question, Mr. Therrien. It's a pleasure to see you again, even if it is virtually.

Quite the contrary, we were very much aware. Privy Council staff, people in my office and I, myself, followed the committee's proceedings. We spoke with our fellow members on the committee, so we were very much abreast of what was going on. We paid close attention to what the witnesses you mentioned had to say.

We decided to bring forward a draft bill just a few days before Christmas. I say "draft" because, as we all know, in a minority Parliament, the final product is the result of consensus among members. In order to start the conversation, we thought it was appropriate to introduce a draft bill that largely took into account the recommendations that followed and the input of the witnesses, which we took note of throughout the process.

We know that the members of the committee and other members will likely propose amendments and changes. As a government, we are more than willing to listen to suggestions aimed at making the bill better or perhaps addressing certain aspects that are not sufficiently dealt with in Bill C-19.

**Mr. Alain Therrien:** You are saying you introduced a bill that was essentially in draft form. Without question, we will have amendments, as will even the government. I understand that, but what I have trouble understanding is why you did not wait for the committee to table its report to see what it said.

You alluded to time being a consideration. I can appreciate that the government has a minority and that we are in the midst of a pandemic. Nevertheless, you introduced the bill on December 10, if I recall correctly, and the House didn't discuss it again until March. Why did you not wait until the committee had tabled its report to ensure the bill took into account the committee's findings? That would have shown respect for the work of parliamentarians on the committee and the value you place on that work. Simply out of respect for what the committee was working on, you should have waited until we had tabled our report and you had familiarized yourself with the findings and, then, introduced the bill.

I'm pleased to see you again as well, Mr. LeBlanc. Truly, you are a very nice man, and that is the type of respect I would have expected from you. You are a warm and friendly person. Why, then, did you not show us that respect, so to speak?

**Hon. Dominic LeBlanc:** Madam Chair, I want to thank Mr. Therrien for his question.

I hope it was not seen as a sign of disrespect. On the contrary, as a cabinet, we made a decision to bring forward a bill.

You're right that it was introduced a few days before the Christmas break. We were hoping it would spark discussion with members of the various parties. We were expecting that, come the new year, members would have discussed the legislation we had brought forward.

As I said, we followed the committee's work closely, including the comments of the witnesses who came before the committee. For instance, we did not agree with the Chief Electoral Officer's recommendation to do away with Monday as a polling day and to limit the polling period to the weekend. We thought it was important to keep Monday. That said, we are quite open to changes that may be proposed and we are obviously eager to see how the Standing Committee on Procedure and House Affairs can improve the bill.

We are not purporting that this is the perfect bill, akin to some invisible web that cannot be changed or improved. We will obviously abide by the will of the committee and the members of the House of Commons. That is for sure.

• (1135)

**Mr. Alain Therrien:** I hear what you're saying, but it would not have taken much to render this conversation unnecessary, out of courtesy.

I admit that I am more familiar with the workings of another legislative assembly, so I don't have a ton of experience in these matters. When I told some of my colleagues about the situation, they said that this was how things worked, that sometimes, the government did not respect the role of committees. I'm not saying that's what you did, but that is the message it sends, the wrong message. I really wanted to tell you that. I understand what you're saying, but the fact remains, this could have been avoided.

I don't know how much time I have left, but I do want to discuss the weekend element.

[English]

**The Chair:** You have about a minute.

[Translation]

**Mr. Alain Therrien:** In that case, I'll ask you a simple question, and we can come back to this later, if you don't mind.

Right now, the number of COVID-19 cases is dropping significantly and the vaccine rollout is going well. If that continues and an election is called in the fall, are you still going to move forward with Bill C-19?

I am genuinely curious, because we are really moving in the right direction. Is it possible that you might withdraw Bill C-19?

**Hon. Dominic LeBlanc:** Thank you for your question, Mr. Therrien.

Like you, I saw the evening news yesterday, and the number of cases in Quebec is way down; the situation around the country is really looking up.

Clearly, we all hope that the number of cases continues to drop, but that can change unexpectedly. Consider our friends in Manitoba, for instance. We hope that doesn't happen, of course.

We will let Elections Canada decide. We realize that the summer is fast approaching, but we hope that we can move this bill forward and that the Senate passes it before Parliament rises.

It will give the Chief Electoral Officer and Elections Canada the discretionary authority to implement the necessary measures, together with local and provincial public health authorities. We will trust Election Canada's judgment as far as implementing the measures is concerned.

We, of course, hope that the bill will pass.

Thank you, Madam Chair.

[English]

**The Chair:** Thank you, Minister.

We've run out of time, but I felt it was a very important answer to get on the record.

Also, bells have started ringing. They are 30-minute bells, I believe. I was wondering if I could get consent from the committee to continue through the bells so that we can hear from Minister LeBlanc today.

Does that sound good? It does.

All right. We'll keep going and hopefully be able to give you enough minutes to log on to the vote if you need to do so.

How many minutes do you think you guys need before the actual vote to switch over? Is it five minutes, 10 minutes? Okay.

You really don't have to be on camera. You can just vote from your phone. Five minutes, I think, is what most people are saying. Five minutes should be good.

Next we have Mr. Blaikie. You have six minutes, please.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** Thank you very much.

Good morning, Mr. Minister, or I guess good afternoon, depending on the time difference.

Earlier in your introductory remarks and since then, in some of the answers to questions that committee members have put, we've heard of the importance of some of the modifications that Bill C-19 would allow in the context of a pandemic election. I wondered if in light of that and in light of the importance of the content of the bill, your government is prepared to commit to not calling an election unilaterally prior to the provisions of Bill C-19 being in place.

**Hon. Dominic LeBlanc:** Mr. Blaikie, it's a privilege to see you in Winnipeg. You're two hours ahead of me. It is the afternoon here in Fredericton, but good morning to you, sir, in Winnipeg.

The Prime Minister has said clearly that we're not seeking an election and we're not looking for an election. We're focused, as all parliamentarians are—and as I know you, Mr. Blaikie, and your NDP caucus are—on what we can collectively do to protect Canadians during the course of the pandemic.

We think it's prudent—and I think you and I may have this in common, among [*Technical difficulty—Editor*—not to be voting no confidence recklessly and often every time a confidence motion comes up. At least you have the virtue of being consistent in saying that you don't want a pandemic election and you want to focus on Canadians. That's what we've been saying. We have some colleagues who consistently and regularly vote no confidence. I've said that it's sort of like playing chicken, hoping the other person swerves.

We think it's responsible to have this legislation in place. However, as I said, we'll continue to focus on the economic recovery and the public health measures necessary for Canadians.

We have some colleagues in the House of Commons, although not in your party, Mr. Blaikie, and not in mine, who seem to want an election, who have publicly called for elections, early elections, and who regularly vote in a way that would trigger an immediate election. It's in that context that I think it's prudent to have this in place. That would be my—

• (1140)

**Mr. Daniel Blaikie:** I am very well aware of the voting record, but I'm not hearing a commitment on your government's part not to call an election unilaterally.

I want to ask about the bill itself. In response to Monsieur Therrien's questions, you noted that the government is quite open to amendments. I'm wondering if you might give a bit more commentary as to the scope of the bill. I think sometimes the scope of a bill can be narrowly interpreted for procedural purposes to only pertain to things that are explicitly mentioned in it. However, of course, these are very exceptional circumstances and it's an exceptional bill.

There are things that the committee looked at in its study on preparing for a pandemic election that aren't reflected in the government's initial proposal, although I take your point that it was tabled as an initial proposal. I think of things such as ensuring that people aren't completely reliant on a broadband connection or Internet access, or on a photocopier or scanner, to apply for a special ballot. They should be able to do that in person. The suggestion has been made that Canada Post outlets might be used for that purpose. Because there will be so many more Canadians using special ballots, we've heard about widening a bit the ways they can indicate who they want to vote for. Currently they have to know the spelling of the full name of the local candidate. We've also heard about the challenges in the signature requirements and about the campus vote program possibly being discontinued. These are all things that might be subject to amendment but that aren't necessarily represented in the current text of the bill.

Could you give a little context in terms of the government's understanding of what the scope of this bill is and ought to be, to encourage multi-party collaboration and the opportunity to exploit the expertise of the committee in crafting this bill?

**Hon. Dominic LeBlanc:** Thank you, Mr. Blaikie, for the question.

Our view, I hope, is a common sense one. The idea here is to put in place the right mix of temporary measures to allow Canadians to safely vote in the context of a potential pandemic election, and obviously to provide safety for the 250,000 people who would work at the polls across the country in an election and those who volunteer.

We've taken note of public comments you've made around the campus voting program. I believe, and the government believes, that Elections Canada should reinstate a campus voting program on campuses. It will reduce pressure in other polling stations and obviously encourage younger people to vote.

I love the idea from a conversation that you and I had. In my rural riding in New Brunswick, there is a Canada Post office in every small community, some of which aren't even incorporated municipalities. I think the postmaster or the postmistress who runs that post office is in a perfect position to be able to help people—often senior citizens, as you said—without Internet access, without photocopiers or scanners at home, to properly have pieces of ID. The idea is that Elections Canada might train these people to assist people applying for special ballots, and the same thing theoretically could be true at Service Canada locations in different communities.

I am hoping that the committee in its wisdom will take a broad view. We certainly will not object to something being beyond the scope of the legislation if it's designed to further our collective best efforts to come up with right mix of measures.

I have taken note of comments you made publicly and in your speech in the House of Commons, and you have identified a number of areas where I think we should quickly work collaboratively to improve the legislation and to adopt amendments. We will continue to work with you and all colleagues on the committee to look at those very issues that you raised, particularly to see how we can make mail-in ballots accessible. I have great faith in Canadians. I don't believe there are widespread examples of electoral fraud or of people trying to cheat on mail-in ballots. I think the opposite is the case. I think they are very secure.

I would really lean on the side of accessibility, including, as you say, in filling out the name of the candidate on a ballot. I voted for myself in a hospital in Montreal in the last election. I knew how to spell my own name, but I'm not sure that some people who wanted to vote for me might have got it exactly right. I think we have to think of flexible common sense ways to ensure that we can do that properly.

Thanks. I just wanted to get that corny line in, Madam Chair.

Did you feel sorry for me because I was—

• (1145)

**The Chair:** —the only voter for you? No, probably not.

**Hon. Dominic LeBlanc:** My wife voted in the hospital room with me, so I knew I had two votes.

**The Chair:** Actually, I have had that same experience, and I feel that could be made easier.

Mrs. Vecchio, you have five minutes.

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Thanks very much. I know our time is coming to an end soon.

Minister, I want to start off with some things.

Under the original “Adaptation to subsection 214(1), sections 229, 239 and 261, etc.”, it says,

The following paragraphs apply if the last day of the polling period is a holiday:

This has a lot to do with the mail-in ballots and things of that sort. I know there has been a lot of talk about that, and a lot of mis-understanding. I was wondering if the government has ever thought of proposing that there should be no elections on a statutory holiday. Has that ever been considered?

**Hon. Dominic LeBlanc:** I have seen a number of elections, as I am sure many colleagues have. You're right that if it's the Thanksgiving Monday.... I think we voted on a Tuesday in an election when I was a candidate precisely because Thanksgiving Day was a holiday on a Monday. However, we didn't have the circumstances you described. Our legislation prescribes a three-day polling period finishing on a Monday, but I would think it would be far from ideal, as you say, to run over a statutory holiday in that three-day period. We don't have that many long weekends in a year.

However, I'd be happy to get a technical answer from Al Sutherland, if you want, who is listening now—

**Mrs. Karen Vecchio:** It's okay.

**Hon. Dominic LeBlanc:** Otherwise, not to cost you your time, we can get back to you in writing with a specific answer to that technical question, if it's helpful for the committee.

**Mrs. Karen Vecchio:** It would be very helpful, and thank you very much, Minister LeBlanc.

I just think that is another way of.... We know that communications are going to be a really important part of this election. That is one thing we already know people are questioning, so why don't we make it simple? The simple answer is not to have a holiday Monday set up as the final day of the election period.

Thanks very much, and I appreciate your listening to that point.

I have another question for you.

Specifically when we're looking at the length of the writ, we know there will be the opportunity to have up to a 52-day writ. It could be from 35 days to 52 days. We have heard from different people that they want it longer because of the mail-in ballots and they want it shorter because [*Technical difficulty—Editor*] health care. All of these are really critical pieces to look at.

I want to understand who the person is who actually has that decision, the person who says this is the date we're going to vote. Is it the Prime Minister, the Governor General, the Chief Electoral Officer? Who would that be?

**Hon. Dominic LeBlanc:** I'm going to ask Al Sutherland, assistant secretary to the cabinet, who is joining us, to confirm this. He can correct me.

It is the Prime Minister, I think, who has, within the legislation.... When he asks the Governor General for the writ, the Prime Minister I think has the discretion to suggest the length of the writ within the parameters of the legislation. I remember that in 2015 Mr. Harper called a 79-day election—

• (1150)

**Mrs. Karen Vecchio:** Minister LeBlanc, I was part of that. I really appreciate it, but I would really love to hear from Mr. Sutherland—

**Hon. Dominic LeBlanc:** Sure. Of course.

**Mrs. Karen Vecchio:** —so I could have that technical answer. Thank you.

**Hon. Dominic LeBlanc:** Al, can you clarify that to make sure I haven't screwed it up?

**Mr. Allen Sutherland (Assistant Secretary to the Cabinet, Office of the Deputy Secretary to Cabinet (Governance), Privy Council Office):** No, you didn't screw it up, sir, but it's on advice of the Prime Minister. It's the Governor General's decision, ultimately.

**Mrs. Karen Vecchio:** Thank you very much.

The Governor General, of course.... People did bring forward the fact we don't have a Governor General at this time, so we have to be very cautious with that. Ultimately, the advice of the Prime Minister is what will decide this writ period. Without a Governor General, we will be hopeful that it doesn't devolve to an administrative person to make that decision. I think that would be not wise for anyone.

Looking at some of the things that have happened, we know that in Newfoundland there was an extremely and extraordinarily long election that has become extremely controversial as well. I believe the NDP may be putting forward some orders in the courts. I'm very concerned with how that played out.

I would like to know from you as the minister what outreach you have done to ensure we have the most stable.... For people to believe in our elections, what have you done personally to ensure we have that in our next federal election?

**Hon. Dominic LeBlanc:** Again, Ms. Vecchio, thank you for the question.

I certainly share your concern in terms of what we can all do, both as elected parliamentarians and as citizens in general, to increase public confidence in the electoral process. The Premier of Newfoundland and Labrador has been a long-time friend of mine. During that unprecedented circumstance, as you noted, 11 hours before the voting was to begin, the chief electoral officer in that province, because of a sharp increase in COVID cases driven by variants, kept pushing out the election day, and it went to literally all mail-in ballots. The turnout was historically low, I think, in that election, which is not something that any of us would want to see.

That's why we believe this piece of legislation is part of the answer. It's by no means the only answer or perfect answer, but things like making mail-in ballots more accessible, things like allowing nursing homes to vote—

**Ms Karen Vecchio:** Mr. LeBlanc—

**Hon. Dominic LeBlanc:** —we think are part of the answer.

**Mrs. Karen Vecchio:** Minister LeBlanc, we're at the end of our time, but would you be able to table that just so I can look at what you guys have done? That would be really useful. Table some of those conversations with the government of Newfoundland so we know what we're going to be attacking—

**Hon. Dominic LeBlanc:** I don't want to pretend that I can table a conversation I had—

**Ms. Karen Vecchio:** That's okay—

**Hon. Dominic LeBlanc:** —on a text or on the telephone with the premier, but—

**Mrs. Karen Vecchio:** Fair enough.

**Hon. Dominic LeBlanc:** —what we can do....

Much of it may just have been foolish exchanges, because he's been a long-time buddy of mine, but what I'll be happy to do is ask Al Sutherland and Manon to ensure that any of the documents that we prepared in the context of working on this legislation, background documents or stuff that we may have received from Elections Canada, or anything that's appropriate, will be sent to the committee.

**The Chair:** Thank you, Minister. We'll follow up with that.

Mr. Turnbull, you have five minutes.

For our other committee members, as we go further along—I know there's not a lot of time—if anybody wants to give some time to Ms. May later, she is joining us here today. We don't really have extra time, so it would have to be a member's time.

Mr. Turnbull, go ahead. You have five minutes.

**Mr. Ryan Turnbull (Whitby, Lib.):** Thank you, Madam Chair.

Minister, it's great to see you. Thanks for being here.

I know that this is an important piece of legislation, and it's great to have some of your time for you to answer our questions. One of the things that I feel is a little unfortunate and that I've heard mentioned in the House quite a few times by some of the honourable members from the opposition parties would be called, in my most charitable interpretation, hyperbole, but I think would be more correctly called misinformation. It's the implication that somehow these changes may be more permanent than I think is intended.

I think you mentioned in your opening remarks that there's a sunset clause built into the legislation. Could you give us a little more reassurance and maybe some specifics on how that works?

**The Chair:** Mr. Turnbull, your headset is not plugged in or selected. Can you make sure, please?

**Mr. Ryan Turnbull:** My apologies. I don't know how that happened.

**Hon. Dominic LeBlanc:** Madam Chair, I heard the question clearly. In the interest of time, if you're okay, I'm prepared to answer.

**The Chair:** Did we receive translation of that question?

• (1155)

**The Clerk of the Committee (Mr. Justin Vaive):** Yes, Madam Chair, we did.

[Translation]

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Therrien is saying yes.

[English]

**The Chair:** Thank you. Go ahead, Mr. LeBlanc.

**Hon. Dominic LeBlanc:** Thank you. It was nice to see Ms. May on the screen for a minute.

Mr. Turnbull, thank you for the question.

You're right. I think there has been some confusion—that might be the generous word for it—around the intention or the legal reality of these measures being temporary one-off measures for a potential election during a pandemic.

The Chief Electoral Officer was very clear. The suggestions he made in his report to Parliament last fall spoke of temporary changes that would sunset after the next election, should there be one in the context of a pandemic, or at a time where he concludes, based on the advice of the chief public health officer for Canada, that these measures are no longer required.

It is a technical question. I want Mr. Sutherland to ensure he can give the committee the very technical answer on why these provisions are not permanent. Mr. Turnbull, you raised an issue that's of legitimate concern.

Al, can you perhaps help Mr. Turnbull?

**Mr. Allen Sutherland:** Yes. I will have to do it without reference to the document, because of the challenges.

As Minister LeBlanc set out in his opening remarks, the legislation is temporary. The CEO can bring it to conclusion by simply providing notice in the *Canada Gazette* that the pandemic conditions no longer apply. If he does that without reference to a date, it's six months later, or he can do it with reference to a date, which could conceivably bring immediate termination to the application of the legislation.

Now, as Minister LeBlanc set out in his opening remarks, the CEO is required to consult with the chief public health officer—with Dr. Tam—and needs to be able to reach a conclusion that the pandemic conditions no longer apply. The legislation would then be null and void.

**Mr. Ryan Turnbull:** Thank you for that clarification. It's very helpful.

I also wanted to go back to a previous remark and question. I don't think the minister had the full amount of time to truly respond to it effectively.

We have heard over and over again about the importance of mail-in voting and mail-in ballots and just how important that will be in the context of a pandemic election if one should actually happen.

Can you speak a little bit more about how the legislation includes measures for ensuring that mail-in options are more accessible?

**Hon. Dominic LeBlanc:** Mr. Turnbull, thank you for that question.

I said this in my opening remarks, and I think Mr. Therrien alluded to it as well. We saw in British Columbia a sharp increase in the number of mail-in ballots in that provincial general election. British Columbia is a big province with large urban centres and disparate rural communities. There was a sharp increase in mail-in ballots. The same thing, of course, was true in the United States in the presidential elections held last fall.

We thought that one of the challenges—and I noticed it when I was doing my own mail-in ballot in 2019—was that I had to literally photocopy pieces of a driver's licence and a medicare card to show residency, and then follow the rules and mail it to the chief returning officer in my constituency. At that point he returned the voting kit to me by mail. I completed it and put the different sealed envelopes together. I properly voted for myself and then I returned the ballot to him.

It struck me that if you were a senior citizen.... I was lucky that I had people who could help me get the paperwork done. I think we can collectively think of ways to make it more accessible while still keeping it secure.

**The Chair:** That's all the time we have.

**Hon. Dominic LeBlanc:** Thank you, Madam Chair.

**The Chair:** Thank you, Minister.

We have very tight time, and I want to get to both Monsieur Therrien and Mr. Blaikie.

Monsieur Therrien, you have two and a half minutes.

[*Translation*]

**Mr. Alain Therrien:** Thank you, Madam Chair.

Since I have a number of questions, I would kindly ask the minister to keep his answers as short as possible, in the spirit of co-operation.

Bill C-19 contains a slew of measures that would authorize the Chief Electoral Officer to take certain measures and disregard others. That would give returning officers greater power, would it not?

• (1200)

**Hon. Dominic LeBlanc:** That's a very good technical question.

What we are proposing is broadening the discretionary authority of the Chief Electoral Officer so he can amend or adapt the provisions of the existing act to protect the health and safety of voters and polling staff. As I understand it, if the Chief Electoral Officer determines that a measure is not needed in a given region or for a particular reason, we will trust his judgment. I can follow up with a more detailed answer, if you like.

**Mr. Alain Therrien:** Yes, I would appreciate a more detailed answer.

**Hon. Dominic LeBlanc:** I don't want to mislead you. I see that Mr. Sutherland is taking notes right now. As far as I know, the answer is yes. I am not sure whether it is on an à-la-carte basis, so to speak, but for voting by mail, we expect that Elections Canada will put certain measures in place. I will follow up shortly with a more detailed answer.

Thank you for your question.

**Mr. Alain Therrien:** Thank you for your answer.

I have another question for you. The Bloc Québécois is in favour of holding the election over a period of two days, so Saturday and Sunday, rather than three days. That way, school classrooms could be used as polling places; obviously, schools are available only on the weekend, not during the week. I realize that you have opted to have Saturday, Sunday and Monday as polling days. Frankly, I've often wondered why it was necessary to spread the polling out over three days when the Chief Electoral Officer said that it could be done in two days.

I gather from what you said that the third day, the Monday, was chosen for religious reasons. Is that right?

**Hon. Dominic LeBlanc:** No. I hope I didn't give that impression. That said, I can see how some voters might have religious obligations on the weekend, but not on Monday.

In my riding, voters who come to mind are those whose employers allow them to take a certain amount of time off in order to vote on election day. By law, employers have to give employees time off so they can vote. In addition, day care centres are open on Monday and not on the weekend. Monday was included as one of the three polling days for other reasons as well. In some regions, public transit runs more often on Monday with reduced service on the weekend.

That is why we are keeping Monday as one of the three polling days.

[*English*]

**The Chair:** Thank you, Minister.

We have four minutes and 23 seconds left until the 10-minute period to vote. Is it okay if we allow Mr. Blaikie to have his two and a half minutes? It is, yes.

Okay, go ahead, Mr. Blaikie.

**Mr. Daniel Blaikie:** Thank you very much, Madam Chair, and thank you to the committee.

I think we all know that we're on quite a timeline from here to the end of June. Of course, that timeline wouldn't be as urgent if we had reassurances from the Prime Minister that he would not call an election during the summer, but we don't have that reassurance. I'd like to hear that from the minister today, but he declined to give it again earlier in this meeting.

I'm wondering how the government envisions the progress of this bill, not only through the House of Commons but also through the Senate, in time for the end of the session on June 23 or 24. Forgive me; I don't have the exact day, but it's coming soon either way.

I'm wondering if you have some sense of that, particularly in light of the administrative challenges that we have with limited broadband capability and staffing of virtual committees, particularly now in light of late sittings. The challenge is less about getting it through the House, although that's an aspect; it's also about finding time to make sure that committees can do their work, whether here in the House or at the Senate.

**Hon. Dominic LeBlanc:** Thank you, Mr. Blaikie, for the question.

I have had in my other responsibilities ongoing conversations with the government representative in the Senate, Senator Gold. At the end of a session there are typically a number of important pieces of government legislation. These include the budget implementation act and the net-zero accountability act, which is obviously important, I know, to your party and certainly to our government. We very much want the Senate to be in a position to study and adopt those bills. We want to see those bills, just as an example, get royal assent.

We feel the same way about this piece of legislation. I've expressed that to Senator Gold. I would hope that our colleagues in the Senate, who provide a very useful and in many cases a thorough study of legislation, may understand that these are time-limited measures designed specifically to protect Canadians in the context of a potential pandemic election and will find a way to do their work on an expedited basis and adopt this bill. We won't know, obviously, until that happens.

However, the minute this clears the House of Commons, Mr. Blaikie, I will be doing what I can with colleagues in the Senate, including experienced senators who have offered to sponsor this bill in the Senate. I would hope they'd recognize that this is an unusual circumstance and that the bill speaks to the electoral system, which is obviously of great interest to parliamentarians in the House of Commons, and that they could accommodate us, particularly if we arrive at a broad consensus in our House.

● (1205)

**The Chair:** Thank you, Minister.

That's all the time we have. We appreciate your time with us. We know that we're cutting it short even for you to go and vote.

Everyone, please feel free to log off. When you log back in, remember to log in to the in camera meeting and bring with you report version two, which was sent out on Wednesday.

We will suspend for the vote.

**Hon. Dominic LeBlanc:** Madam Chair, thank you.

Thank you to colleagues for this opportunity, and thank you to Al and Manon for joining us. I hope to see you again soon.

**The Chair:** Thank you.

*[Proceedings continue in camera]*

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