

Third Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Melanie Wight
Constituency of Burrows

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
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<i>Vacant</i>	Morris	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Thursday, January 9, 2014

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Melanie Wight (Burrows)

VICE-CHAIRPERSON – Mr. Mohinder Saran (The Maples)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Chomiak, Selinger, Swan

Messrs. Cullen, Dewar, Goertzen, Helwer, Pedersen, Saran, Wiebe, Ms. Wight

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

Ms. Shipra Verma, Chief Electoral Officer

MATTERS UNDER CONSIDERATION:

Annual Report of Elections Manitoba for the year ending December 31, 2003, including the conduct of the 38th Provincial General Election, June 3, 2003

Annual Report of Elections Manitoba for the year ending December 31, 2008

Annual Report of Elections Manitoba for the year ending December 31, 2009

Annual Report of Elections Manitoba for the year ending December 31, 2010, including the conduct of the Concordia by-election, March 2, 2010

Annual Report of Elections Manitoba for the year ending December 31, 2011, including the conduct of the 40th Provincial General Election, October 4, 2011

Permanent Voters List Study – Report dated June 2013

Annual Report of Elections Manitoba for the year ending December 31, 2012, including the conduct of the Fort Whyte by-election, September 4, 2012

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Madam Chairperson: All right. Good evening. Will the Standing Committee on Legislative Affairs please come to order.

This meeting has been called to consider the following reports: Annual Report of Elections Manitoba for the year ending December 31st, 2003, including the conduct of the 38th Provincial General Election, June 3rd, 2003; Annual Report of Elections Manitoba for the year ending December 31st, 2008; Annual Report of Elections Manitoba for the year ending December 31st, 2009; Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election, March 2nd, 2010; Annual Report of Elections Manitoba for the year ending December 31st, 2011, including the conduct of the 40th Provincial General Election, October the 4th, 2011; Permanent Voters List Study – Report dated June 2013; Annual Report of Elections Manitoba for the year ending December 31st, 2012, including the conduct of the Fort Whyte by-election, September the 4th, 2012.

Before we get started, are there any suggestions from the committee as to how long we should sit this evening?

Mr. Kelvin Goertzen (Steinbach): Just 8 o'clock and then we can review at that time, Madam Chairperson.

Madam Chairperson: Eight o'clock, is that the will of the committee? *[Agreed]*

Are there any suggestions as to the order in which we should consider the reports perhaps?

Mr. Goertzen: I suppose we could just consider them globally.

Madam Chairperson: Excellent.

Hon. Andrew Swan (Minister of Justice and Attorney General): Yes, I'm certainly agreeing with that, hopefully, we can get a committee to pass at least some of the older reports, some of them are growing more whiskers than some of the MLAs in southeastern Manitoba.

Mr. Goertzen: I take some offence to the whiskers comment, but I–it's–it would be our intention to pass

perhaps at least one report, but we'll see how the evening unfolds. But always start these things with good intentions, Madam Chairperson.

Madam Chairperson: So it's been agreed to consider the reports globally, is that correct?

An Honourable Member: Yes.

Madam Chairperson: All right. Good. Does the honourable First Minister wish to make an opening statement, and would you please introduce the officials in attendance?

Hon. Greg Selinger (Premier): Well, I'll make an opening statement, then I'll then ask the Chief Electoral Officer to introduce her officials. And I'll start by thanking Shipra Verma for her leadership since she was unanimously recommended and appointed by us in the role that she plays as Chief Electoral Officer.

And I will say this, this committee is obviously an important one for the democratic process in Manitoba. And, as we know, during elections we stake out positions, campaigns are waged and Manitobans make choices as to who they wish to represent them in constituencies and then that aggregates into who becomes government.

Tens of thousands of people in every election vote for the first time, and they have a voice in governing the public affairs of this province. And many people take pride and reverence that they have the opportunity to mark a ballot during an election, and that reminds us of how important democracy is and how necessary it is to continue to kindle an interest in democratic engagement.

We rely heavily on volunteers in this province to make the electoral process work, and many of these volunteers do it because they believe in the democratic process. And we're currently seeing two by-elections unfold right now where many people will be involved as volunteers to mobilize behind their candidate and policies of choice.

So it's important that we recognize the role that citizens play in the democratic process as volunteers, as candidates, as people that get involved in the process of identifying who they wish to represent them in this Legislature.

I'd also like to say that we should acknowledge the candidates from every political party that present themselves. We all know, in this room, what it means to be an elected official, the scrutiny that that involves, the accountability that involves, and it

takes a lot of energy and commitment to present yourself as a candidate, and if you are lucky enough to be nominated, to present yourself for elected office.

I'm going to ask our Chief Electoral Officer, Shipra Verma, to introduce her staff, and then I'm going to move on to the—I'll make some additional comments about some of the things we've achieved in this committee over the last several years.

Madam Chairperson: Thank you.

Ms. Shipra Verma (Chief Electoral Officer): Thank you. I'm joined today by Tracy Nylen, who is manager of elections finances, and David Manahan. He's the new Deputy Chief Electoral Officer.

Madam Chairperson: Thank you.

Mr. Selinger: Yes, over the last several years, there's been a variety of things we've done to increase the capacity of Manitobans to engage in our elections and our democratic procedures. We've gone to a fixed election date. We've made changes to advance voting that extended the duration of advance polls and allowed voters to cast ballots at any voting location that was convenient for them. We've provided the Commissioner of Elections with additional tools to assist in the important undertaking of ensuring that all political parties comply with the act. We've expanded the membership of the Manitoba electoral boundaries commission to include the presidents of Brandon University and the University College of the North and giving the commission the last word on redistribution.

We've appointed an independent allowance commissioner. We've improved access to advance polls for both rural and northern residents by ensuring that nobody in a community of more than 50 voters needs to travel more than 30 kilometres to cast an advance ballot. We've reduced the number-average number of voters in rural polls from 350 to 250 and we've expanded the number of voting places located in apartment blocks. We've also expanded Elections Manitoba's mandate to undertake an aggressive and comprehensive public information and education campaign and we've rewritten The Elections Finances Act in plain language.

The task of organizing an election is a huge undertaking and must be executed to the highest possible standards in order to protect the integrity of voting, which is the cornerstone of our democratic tradition. I'd like to thank Ms. Verma and her staff for the work that they do. The 2012 report, which is

fresh in front of us today, contains a number of recommendations. Through this Standing Committee on Legislative Affairs we have an opportunity to share our own ideas as well as consider the recommendations and consider whether we want to advance on them.

Our democratic process, obviously, will be strengthened by these frank and thoughtful discussions, and I look forward to the conversations we're going to have over the next couple of hours this evening. Thank you.

Madam Chairperson: We thank the honourable First Minister.

Does the official opposition wish to make an opening statement?

Mr. Goertzen: Not other than to echo the comments about our support for the Chief Electoral Officer and the work that she and her staff do in her office.

Madam Chairperson: We thank the member.

Does the Chief Electoral Officer wish an opening statement to the committee?

Ms. Verma: Yes, I do.

Madam Chairperson: Ms. Verma.

Ms. Verma: First of all, thank you for inviting me and my staff to discuss our tabled reports.

Before I start I do want to introduce the new Deputy Chief Electoral Officer, Mr. Manahan. He joined our office on December 16th and, most recently, he served as executive director, customer service, with Business Transformation and Technology, which is the central agency responsible for information and communication technology for all departments within the Manitoba government. We are pleased to welcome David to our office and wish him well in his new role.

In my comments today, I'll bring members up to date on the activities carried out by my office since I last appeared before the committee on June 17th. I'll also address the recommendations in the 2012 annual report as well as those carried forward from the previous reports.

I would like to begin my remarks by thanking the committee for expressing their confidence in me through my appointment to the position of the Chief Electoral Officer. It is an honour for me to be entrusted with this role as I hold the principles of democracy and electoral participations in high

regard. I'm proud to serve Manitobans and I look forward to continuing to provide high quality and accessible service to the public.

Coming to the 2013 EM—our office activities—during the second half of 2013 our office was focused on three key areas of activity. The first was implementation of the recent legislative changes, the second was preparation for the current by-elections, and the final was projects related to the 2015 general election.

* (18:10)

With the passage of the new Election Financing Act, there was a need to revise and update all materials required for compliance and assistance. This included all the forms, guides and books provided to political participants. All the forms are now regulated and are available to download from our website.

We also had a requirement under Bill 33 to examine whether a permanent voters list should be adopted for use in provincial elections. As you know, this report was tabled in June 2013. I spoke at some length about this report at the June meeting and I would be happy to answer any further questions about this report following my remarks.

Our office also began by-election preparations in February 2013 following the resignation of the member for Morris and then the resignation in October of the member from Arthur-Virden. The first step we had to do was recruit and train returning and assistant returning officers for both these divisions, followed by review of maps, voting areas, taking into account any new developments. Maps and voting area listings for Morris were sent to the parties in March, and for Arthur-Virden, in November. On December 27th, following the order from Lieutenant Governor-in-Council, writs were issued to hold by-elections in both Morris and Arthur-Virden on January 28th, 2014. Enumeration is currently under way and will continue until Sunday. Nominations will close on Monday at 1 p.m., and revision will begin on Monday, continuing until Thursday, January 16th. Advance polling will begin January 18th and continue until January 25th.

During the by-elections, we'll again offer assistance to people with disabilities, including homebound voting, Braille ballot templates and curbside voting. Absentee voting will also be

available to voters who'll be away during advance voting and election day.

In 2013, we also continued to provide education and information to Manitobans through Your Power to Choose program, presenting 153 workshops to over 3,600 participants last year. We also partnered with Elections Canada in a Democracy Week event at the University of Manitoba in September and provided information on electoral participation to new Canadians at citizenship ceremonies throughout the year. We continue to pursue new outreach activities in fulfillment of our ongoing communication mandate.

During 2013, several major projects for the next general election got under way. One such project was returning officers and assistant returning officers recruitment. Out of 114 positions, we need to recruit approximately 75, with the remaining being refilled by individuals who worked in the previous general election.

With much of the preparation under way, we decided in September to postpone the start of the campaign from October until March of the next year, which is 2014. The primary reason was to avoid a conflict with the federal returning office recruitment.

Another major project that commenced in 2013 was review and enhancement of all our training materials. This includes training programs for the returning, assistant returning officers, field officials, headquarter election staff as well as information sessions for political participants.

Now I would like to speak to recommendations made in the 2012 annual report. I'll outline these recommendations and then briefly review those carried forward from previous reports.

In 2012, we have one new recommendation under The Elections Act and two under The Election Financing Act. The recommendation under The Elections Act relates to nomination papers. There are two parts of this recommendation: first, a reduction in the number of names required for a complete nomination form. Currently, candidates are required to collect names and addresses and signatures of 100 voters in their electoral division in order for the nomination paper to be accepted. There are several factors that would support a reduction to this requirement. While the practice provides a validation of the candidate's support, the requirement can be seen as somewhat onerous for the candidates. Among jurisdictions in Canada, only Manitoba,

Quebec and Canada require 100 names, while most others require 25 or fewer.

The second part of this recommendation is that the name of the individual collecting the signatures be identified on the nomination paper. This would allow returning officers to verify the information when it's considered necessary and contact the necessary personnel.

The second two recommendations are under The Election Financing Act. The first seeks to clarify and strengthen the provision on government advertising. Section 56 of The Elections Finances Act, which is the old act, restricts government advertising 90 days before a set-date election and during the election period and other elections. We are recommending that the provisions include an explicit reference to use of government finances or resources. This could help address some of the challenges that currently arise in interpretation of this section.

The second recommendation under The Elections Finances Act would allow for a more effective application of the late-filing fee provision. Currently, a late-filing fee of \$25 per day is assessed to an individual who fails to file information, statement, report or record by the filing deadline up to the maximum of 30 days. However, the deadline for the payment of late-filing fee recovery is not specified. We are recommending the section be amended to specify a 30-day deadline for remitting the fee once the notice is received from our office.

I would now likely briefly review the recommendations carried forward from the previous reports. We have grouped them together under three categories.

First, enhancing accessibility for voters, to expand the use of institutional mobile voting stations to include more types of assisted or supportive living facilities for seniors. Second, expand the timeline for the delivery and return of ballot kits from absentee voters to allow voters a longer period to return their ballots.

The second category is increasing the operational efficiency, to extend the leave-of-absence period for returning officers by one week to allow for any applications for judicial recount and final reporting. Second, remove the requirement to post the notice of election in each rural voting area, as this can be better accomplished through technology and alternative methods of communication. Also, set up a set election period for a set-date election rather the

current variable period of 28 to 35 days. This would allow better management of expenses by campaigns. Finally, shorten the revision period to end on the third Monday before election day rather than the second Thursday, thereby reducing the number of revision days from 29 to 26. This would allow more time to deliver the revised voters list to all advanced voting locations in time for the first weekend of advanced voting.

The final category is internal consistency within legislation. Allow for the preliminary voters list to be provided to candidates nominated under both the acts. This would be consistent with the provision that permits the use of the list by candidates elsewhere in The Elections Act. Finally, regulate the type of identification and documentation required by individuals campaigning in multiple-residence buildings, as well as when the identification and documentation must be presented. This would be consistent with the requirement for scrutineers.

That concludes my remarks for today. I'll be pleased to answer any questions that you may have.

Madam Chairperson: Thank you, Ms. Verma.

The floor is now open for questions.

Mr. Goertzen: Thank you, Ms. Verma, for your report. I appreciate that.

Were there any referrals to the elections commissioner in 2013 for investigation of breaches of any of the acts that are under your purview?

Ms. Verma: I believe there were some.

Mr. Goertzen: Are you at liberty to describe what those referrals were in regards to?

Ms. Verma: I don't have the exact information about the referrals made to the commissioner.

Mr. Goertzen: Could you provide that to me at a time that's suitable for you?

Ms. Verma: I will have to look at the legislation. I don't think the commissioner can make all the complaints public. He can make the decisions of certain investigations public if they're in the public interest.

Mr. Goertzen: Maybe you can disclose to me what is able to be disclosed, whether that's the number of referrals that you've made or maybe that's the nature of those referrals, but if you could review that and determine what you're at liberty to disclose and then disclose that to me.

Ms. Verma: I think it's the commissioner who has the ability to disclose the decision of any investigation if it is in the public interest. I do not have any liberty to disclose any information about investigations because the way the legislation is currently stated, all investigative matters are left to the commissioner and they are looked into by the commissioner, so there is that separation between our office and the commissioner's office when it comes to handling investigations.

* (18:20)

Mr. Goertzen: So I'm—if I'm to understand correctly, that the commissioner does his investigation then determines what will be disclosed from that, but you make the referral to the commissioner for investigation. Are you able to disclose how many referrals you've made to the commissioner in a given year?

Ms. Verma: The commissioner can get references either from my office or from any member of the public. So if your question is can I make a disclosure of how many references I have made to the commissioner, I don't think I can do that.

Mr. Goertzen: Could you review that and respond back to me?

Ms. Verma: Sure, I'll certainly review that, yes.

Mr. Goertzen: There was some discussion today about the release of the—or potential release of a document from the public inquiry into the death of Phoenix Sinclair, and I don't want you to comment on the nature of that report, but it was indicated by government officials that it wouldn't be released during the Morris by-election as a result of sections in The Elections Finances Act. Did the government ask you for an opinion on the ability to release that report during the by-election?

Madam Chairperson: Could you just put your hand up, Ms. Verma, when you're ready to answer? Thanks.

Ms. Verma: I'm not sure if I'm privy to answer any correspondence which I have with any member of the—any party. I think that would fall into more confidential interaction with my office with that respective party.

Mr. Goertzen: In your opinion, then, quite apart from that specific situation, a report that was coming from a public inquiry, would you think that it would fall under the description in The Elections Finances

Act of a policy or a—get the exact wording here—a policy or activity or program of government?

Ms. Verma: The way the section reads, section 92, part 13 of The Election Financing Act, it says, during—there are some restrictions for publications during general elections and by-elections. It says, a government department or Crown agency must not advertise or publish any information about its program or activities. I'm not familiar with the Phoenix Sinclair report, the one which you're referring to, if it's that—if it is a department publication or not.

Mr. Goertzen: In general, are you able to give any advice on whether a report, quite apart from if it was the Phoenix Sinclair report or any other report from a—stemming from a public inquiry, whether or not a public inquiry report would generally be considered a program or activity of government?

Ms. Verma: I'm not familiar with if the inquiry report falls under a publication.

Mr. Goertzen: In any event, there are exceptions in The Elections Finances Act that provides that if there are issues that are related to public safety or public health, that they can be disclosed during a by-election. Is that correct?

Ms. Verma: Yes, there are exceptions under section 93—I believe it's section 93—which states that if it's required at that time and if it's for the public health and safety, then the exception can be permissible.

Mr. Goertzen: Can you talk to me a little bit about the compliance funding for 2013, and I know it's gone under a variety of different names. It's more than commonly referred to publicly as the vote tax. I don't know exactly the current name of it, but whatever the subsidy is called, did the NDP receive their subsidy in 2013, and can you tell me the amount that they received and when they received it?

Ms. Verma: Yes, NDP did receive the annual allowance for—in 2013 for 2012, as per the annual allowance commissioner's recommendation. The total subsidy they received initially was \$278,810.51, but after there was an amendment made to that provision, they returned a certain amount back. I'll just have to get back to you. I know the net amount—adjusted amount to them is \$195,167.36.

Mr. Goertzen: Could you get back to me, if you don't have the information with you tonight, on when they received the initial payment and when the return of a portion of that fund has happened as well?

Ms. Verma: I can certainly tell you the exact dates later, when they received the initial payment. We did receive a cheque from them right 'til—in April or May. However, we didn't deposit the cheque 'til the time the bill was passed. But I'll get you the exact dates of when the cheque—original cheque was received by NDP, and when we received the money back.

Mr. Goertzen: Thank you for that.

Could you also indicate, either now or in the future by correspondence, the amount that other political parties received from that subsidy as well.

Ms. Verma: The Communist Party received \$772.89. The Green Party received \$8,701.14. The Liberal Party received \$63,255.

Mr. Goertzen: And did any of those parties return any portion of that?

Ms. Verma: No, because the adjustment was the greater of a hundred thousand and the amount that is 30 per cent less than the amount determined under the section 4, subsection 1. So that was applicable just to the NDP party.

Mr. Goertzen: The rationale that's been put forward—and I won't comment on whether I agree on it or not, because I think it's publicly known that I don't, so I guess I just commented on it—is that this subsidy would be for returning of the costs of compliance to help political parties pay for the cost of complying with reporting costs that all of us have to adhere to. With that in mind, has there been any internal review within Elections Manitoba to try to reduce the costs of compliance, to try to streamline the reporting that is required by political parties, now that the rationale from the subsidy—whether it's the true rationale or not—is tied to the cost of compliance? Has there been an effort to reduce the cost of compliance to perhaps reduce the burden on taxpayers?

Ms. Verma: Our—the Elections Manitoba's mandate is to administer The Election Financing Act the way it is. So the reporting requirements are stemming out of the legislation; they are not anything which our office creates. So, if the cost for reporting has to be reduced, or the method of reporting has to be reduced, that would require a legislative change.

However, our office does have a mandate for providing compliance assistance, which we take quite seriously. We have our guides and information packages in plain language. We are looking at

reviewing our training material again to make—provide more web-based access to the training material. We also provide one-on-one information sessions. We are available through phone, email, in person, to answer any questions.

So, if it look—if we look at the assistance part, we are providing what are the services that we think we can. So there's no new initiative which has been taken up by our office.

Mr. Goertzen: And I appreciate that you are mandated to follow the acts as they're provided to you.

Is there value, or do you think there would be value, to look internally within Elections Manitoba to see if there's ways to reduce those compliance costs, whether that's through technology or when things are filed? I mean, is that the kind of review that could happen now that this public subsidy is tied to the cost of complying with the things that are in the act?

Ms. Verma: We certainly review the internal compliance procedures; we do it after every general election. We do a need assessment survey also with all the political parties. So we haven't heard any new suggestion that would eliminate or reduce the compliance, but we certainly can take an effort to look back into our compliance revisions.

Mr. Goertzen: There aren't any compliance allowances paid to other entities that have to report to Elections Manitoba, are there? So, for example, third-party advertisers, prior to or during an election, have to file, I believe, something with Elections Manitoba and comply with certain rules and regulations. They're not provided with any sort of subsidy for the cost of complying for their efforts, are they?

Ms. Verma: Third-party legislation was the most recent legislation passed, and they are required to file a third-party election communication report if they spend more than \$500 in election communication expenses. As of now, they have no subsidy, no reimbursement of expenses, no auditor fee subsidy either.

* (18:30)

Mr. Goertzen: It's more of a small point, but it was just more curiosity for me going through the report. On page 13, this report on constituency associations and their filing of their reports, and I understand they have to report contributions of \$250 or more now;

there were three that were reported, three filings by NDP constituency associations for contributions of \$250 or more. Now, I understood that most contributions go through the main political parties because that's where the receipting takes place. What kind of contributions are these? Are these contributions in kind, or what would spark a report from a constituency association?

Ms. Verma: All constituency associations, irrespective of any financial activity, have to file a year-end statement with our office. Their contributions could be donation in kind or it could be monetary. These returns are posted on our website. As of right now, I don't have the details of what kind of contributions include—is included in the \$2,500 which is reported.

Mr. Goertzen: So could a constituency accept a donation for \$250 and just simply not issue a receipt for that, but then it has to be reported? Is that correct?

Ms. Verma: The contribution rule states that any political entity—it could be a candidate who has been nominated, political party, constituency association or a leadership contestant—can accept contributions. Leadership contestants and constituency associations cannot file—cannot issue tax receipts, only the registered candidates and parties can issue tax receipts. So it all depends on the contributor. If they do not want a tax receipt, they can contribute to a constituency association.

Mr. Goertzen: So, for greater certainty on my part, if somebody wanted to donate to a constituency association \$350, it would count towards their cap of \$3,000, they could do it directly to a constituency association and just simply not receive a receipt; it would have to be publicly disclosed but there's no receipt and it falls under the \$3,000 cap? Is that correct?

Ms. Verma: Yes, that's correct. So the contribution limit of \$3,000 is an aggregate of contributions made to any political entity.

Mr. Goertzen: I have questions regarding the Morris by-election, and not asking you to predict the outcome or anything such as that, but there's enumeration happening obviously with the Morris by-election at this time because we're not under a permanent voters list. Is that correct?

Ms. Verma: Yes, you are correct. Enumeration is currently happening in both Arthur-Virden and Morris.

Mr. Goertzen: There was a point raised at the last committee hearing back in June when the weather was a bit more fair than it is now, or it certainly has been the last few weeks, that it might be difficult to do enumeration in the winter. What kind of experiences have your enumerators had in Arthur-Virden and Morris over the last couple of weeks doing enumerations in what's been a fairly difficult weather environment?

Ms. Verma: It has been challenging to do enumeration in Arthur-Virden and Morris because of the weather conditions. There were two winter storms which came, one was the day after the writ was issued and the last one was the last weekend. So, with the winter conditions, the tough driving roads, enumeration is a bit challenging right now.

Mr. Goertzen: Is that likely to affect the integrity of the list at all, or do you then suspect that there'll be no difficulties in completing the enumeration process?

Ms. Verma: The enumeration is supposed to end on Friday, but given the harsh weather conditions and inaccessibility to certain areas, we have extended enumeration by two days. So enumeration is going on 'til Sunday.

There is a provision under The Elections Act, they divide the voting areas into urban voting areas and rural voting areas. Urban voting areas, the enumerator must visit a home both in the daytime and the evening, so we are following that. However, in the rural one it says the enumerator shall visit if practical to visit the home. So in some areas in both Morris and Arthur-Virden we are doing a combination of phone enumeration and in-person enumeration. We are using the previous 2011 voters list to contact the voters.

Mr. Goertzen: So it's fair to say that, you know, the weather conditions have caused some unique challenges for enumerations for both those by-elections.

Ms. Verma: Yes. Our province is such that we are quite weather dependent with any season; we have in the spring the flooding issue which can come, and in winter there is the deep freeze which we can encounter.

Mr. Goertzen: Your enumerators have been okay health-wise, though? Nobody's encountered frostbite or any of those sort of things?

Ms. Verma: No such incidents. We have indicated to both the returning officers that safety of enumerators is of prime importance to us. That's why we have implemented the combination approach for enumeration. We are not putting our enumerators at any risk. If the places are hard to access, then they can use the phone list to contact the enumerators.

There are also certain voting areas that—which, because the voters in the voters list—providing phone numbers is optional, so we don't have the phone numbers of all the voters on the voters list. So places where we have identified they can do phone enumeration, there are certain VAs where we are recommending that we mail in the enumeration record to them if—and with also a note that if you're not at the same address or if you have moved or you have incorrect information, they can contact our office and we can make the corrections during the revision period.

Mr. Goertzen: It's a fact that the daylight hours have been shorter this time of year. Has that been a challenge for—I know sometimes when I've gone door knocking at different by-elections or campaigns, people don't want to open the door at night. Maybe they just don't open the door for me, but I think it's more general that they don't open the door at night. Has that been an issue as well?

Ms. Verma: There is no specific incident which has been reported. We have tried a lot of advertising, radio ads, print ads. We have also put posters in the communities advising people enumeration is on. So there is a level of awareness that the by-elections are currently under way, which involves door-to-door enumeration.

Mr. Goertzen: Do you know how many provinces allow for a one-year window between when a member or, I suppose, an MP resigns their seat and when that seat has to be filled?

Ms. Verma: I don't believe any province allows a one-year window.

Mr. Goertzen: Any province other than Manitoba, is that what you're saying?

Ms. Verma: That's correct.

Mr. Goertzen: What are most of the other provinces? Are they—I'm assuming they're not longer, so are they six months or three months or nine months, or is there no standard?

Ms. Verma: It's usually six months or 180 days, but the legislation of other jurisdiction states, between

six months or 180 days the writ has to be issued. Our legislation here states, under The Legislative Assembly Act, that within one year the—a vacancy has to be filled.

Mr. Goertzen: So, presumably, in those other provinces, if they went to the full length of time, it could be seven months because the writ can be issued and then it's—it could be a month or two, I suppose, until the seat is filled.

So, just for clarity, and you touched on it in your answer, I think, our legislation says that the seat has to be filled, so the writ has to be returned, one year after the seat was vacated. Is that the right terminology and is that correct?

Ms. Verma: This provision is under The Legislative Assembly Act and we do not administer the act, so I'm not a hundred per cent sure what filling of the vacancy means. What we have taken the interpretation is when the writ is returned, and the writ can be returned if there's no recount, there's no challenges to the recount, so the time period can differ from approximately 45 days to 75 days.

Mr. Goertzen: Do you recall—because I don't, and I apologize for that—the date that Mrs. Taillieu resigned her seat in Morris?

Ms. Verma: I think it was February 13th, 2013.

Mr. Goertzen: So, then, you believe the interpretation of our act, The Legislative Assembly Act, would say that the writ has to be returned by February 13th to comply with the legislation. Is that correct?

Ms. Verma: It was February 12th, 2013, Mrs. Taillieu resigned. So, yes, as per our interpretation of The Legislative Assembly Act, the writ has to be returned in order for the seat to be filled by February 11th or 12th when the one-year term is completed.

Mr. Goertzen: And if all goes well in this by-election, not in terms of outcome, but just in terms of process, when would the writ be returned? When would you—I know there's some variation, but when would you expect the writ to be returned following the by-election date?

*(18:40)

Ms. Verma: The writ will be returned on Friday, 7th February.

Mr. Goertzen: And I've not had the pleasure of going through this, nor do I want to, but there is an opportunity, depending on the result, for an

application for a recount. Is that—that's correct. Is that—I believe that's correct. Is that correct?

Ms. Verma: Okay, the election day is Tuesday, January 28th. There are three days after which the official count is completed and the candidate is declared elected, which will be January 31st. Then there are six days for an application for a recount, which would be February 3rd. If there is no application for recount, then the writ is returned on February 7th.

Mr. Goertzen: And if there is an application for a recount—and none of us can determine whether there will be or there won't be—that—how long is that process?

Ms. Verma: The application for the recount, once it's done, there are two weeks in which the judge has to set a date for the recount. So it's not essential that the recount is completed within two weeks; the process has to commence within two weeks.

Mr. Goertzen: So there's a possibility of 14 days for the recount to be held, and is there an appeal then from the recount?

Ms. Verma: Yes, there's also provision for an appeal for the recount.

Mr. Goertzen: So then after the potential appeal is heard, then the writ or some kind of certificate is issued after that.

Ms. Verma: That's correct.

Mr. Goertzen: So there's the potential—and, again, I'm not looking into an electoral crystal ball, because I don't have one; if I did, you know, I might have looked into it years ago. But there certainly is the potential that this process could go on 'til the end of February if there was an application for a recount and then takes the full 14 days, there's an appeal to that and the certificate's issued. It could go on 'til the end of February, theoretically.

Ms. Verma: If you use—if you look at the full election calendar and assume that there is a recount, we also assume there is an appeal for the recount, then, yes, it can take up to 70 days.

Mr. Goertzen: And in—if that event happened, that would put it beyond the date that you stated earlier of February 7th of a need to comply with the law in terms of the writ—sorry, the 7th is the day that we expect the application to come back. February 12th is the date that it has to come back. So if the appeal—if there is an appeal process and it goes the allowable

amount by law, and it can go 'til the middle or end of February, it would be beyond that date of February 12th.

Ms. Verma: There are lots of ifs and assumptions in this scenario, but if we go with all your assumptions, then there is a possibility that it would—it can go beyond the February 12th deadline.

Mr. Goertzen: And in that scenario that puts it in counter to the law, because the law says that the writ has to be returned by the 12th; there has to be a new member in place by the 12th. What avenues do you have, then, in terms of the fact that the law has been contravened?

Ms. Verma: My office is responsible for administering The Elections Act, which is conducting the election. The law which you are referring to is under The Legislative Assembly Act, so that is not an act which I administer. So, if there are any repercussions, that would be outside my office.

Mr. Goertzen: It's probably too abstract a question to see if there's been other provinces where it's done differently. It just seems strange to me that we are in a potential scenario—and I'm not going to comment on the likelihood of the scenario, but the scenario exists—that we could be in violation of the law by going beyond the February 12th date, and yet Elections Manitoba, who most people would, I think, notionally assume would be responsible for ensuring that the rules around elections are followed, have no ability to enforce that.

Were you asked for advice on when the by-election, sort of the drop date, that should be held by to avoid this kind of scenario? Was your office asked for advice in terms of when that by-election date should be held by?

Ms. Verma: As I've said earlier, the correspondence which I have with the other parties are confidential, and I do want to respect that confidentiality.

Mr. Goertzen: Then I'll go back to the point that I was trying to make. Are there other provinces that would give that authority to elections—to their elections body to ensure that the writ was issued at a time that it wouldn't put us into the situation we're in now where we could very well be in violation of the law?

Ms. Verma: Well, as I said earlier, the legislation in most of the other jurisdictions is six months that the writ has to be issued, so it kind of eliminates that

issue which we are facing about the interpretation of when a vacancy is considered to be filled, because that deadline is linked to when the writ is issued and not when a vacancy is filled.

Mr. Goertzen: I see your point in that. It's not a good situation to be in where there is a possibility that, and, again, one never knows in either—or certainly in the case of the Morris by-election, because that's the one that's up against a time frame, you know, what the results going to be and those sort of things. But I think it's incumbent upon us to plan for all these possibilities, because I don't think we want to be in a situation which we are now where there is certainly a possibility that the law could be broken and, you know, there's been more than a few laws, we think, have already been broken, and to have this one in jeopardy is certainly concerning. I won't ask you to comment on that because it's more of a political point, but certainly a point that's worth making. I appreciate the fact that you've brought forward, you know, a clear understanding of the time frames that should have been adhered to and that perhaps were not adhered to.

Questions regarding referendum legislation, and you had some discussion about this at the last committee hearing I understand. How many acts in Manitoba contemplate the use of a referendum currently?

Ms. Verma: There are three legislations which contemplate referendum.

Mr. Goertzen: And the one that's been most topical is the balanced budget legislation which has been not adhered to, but there are others. The other two being—am I correct that it's Manitoba Hydro and Manitoba Public Insurance Corporation?

Ms. Verma: That's correct.

Mr. Goertzen: I believe that you referenced at the last committee hearing that government had made some sort of indication where there was a promise or a statement at committee that they would be moving towards referendum legislation that outlined specifics about how referendums would be held in Manitoba, and that commitment was given in 2007. Is that correct?

Ms. Verma: It was at the May 2nd, 2006, Standing Committee on Legislative Affairs, the former premier had proposed bringing in a referendum act after the upcoming general election.

Mr. Goertzen: And, of course, the former premier has sort of moved on to other things and is probably not overly concerned about referendums these days.

Has current government made any indication to you that they would like to move forward with a referendum act?

Ms. Verma: The referendum act is an outstanding recommendation which was included in our 2012 annual report.

Mr. Goertzen: Have there been any requests from government in terms of seeking information on what a potential referendum act might look like?

Ms. Verma: Again, it involves, you know, my providing any confidential information about my interaction with the parties and I would respectfully decline.

An Honourable Member: That would be strike three.

Mr. Goertzen: I think it's strike three actually, but I've got a few more innings left.

In your experience in maybe looking at other jurisdictions, how long does it typically take for a referendum to be completed, not in terms of the number of set days that are provided there but from a time that a body determines that they want to have a referendum—how long does it take to get the referendum in place and completed?

* (18:50)

Ms. Verma: I don't have knowledge for many referendums which have been conducted. The last was done in British Columbia. It took six to eight months for the referendum to be completed.

Mr. Goertzen: Have you looked at other jurisdictions in terms of where the referendums to prepare binding or not binding, and do you have, well, maybe not a suggestion on that, because that would be more of a policy issue, but do you have some experience in looking at the kind of referendum legislation that exists in Canada, whether they're binding or not?

Ms. Verma: Referendum legislation does exist in a few jurisdictions. Quebec has one. Alberta, British Columbia, Saskatchewan also have legislation. The most comprehensive legislation on referendums is in Quebec.

Mr. Goertzen: The issue of voter turnout was, again, a topic, and is every time that we have these

meetings. Have you done any examination of whether new Canadians are more likely to vote than those who either been citizens their entire lives or been citizens a long time? Trying to get at is whether or not—I mean, anecdotally, I get a sense when I talk to new Canadians that they're quite, you know, excited about voting. Often they come from countries where that privilege doesn't exist for them. Do we have any data about whether or not they vote at a higher rate than maybe those who've been Canadian citizens for a longer period of time?

Ms. Verma: Now, a current voters list doesn't include any demographic information about the voters because we are only allowed to include the name, address, mailing address, civic address, and the telephone number is optional. So to do surveys through—or to do data analysis from the information which we have, we don't have such data. But we do conduct voter surveys post-election. The question or the factor of new Canadians didn't appear in the voter survey.

Mr. Goertzen: Do you think that that kind of information would be valuable in the sense of determining—you know, we talk about disassociation and disassociated voters. I know that came up at the last committee hearing as well, and I don't know if you've sort of drilled down further to determine what that disassociation means. What is causing people to be disassociated? Is it the fact they don't think their vote's going to make any difference? Is it because they don't like the democratic process that we have? Maybe they view us as being overly partisan. I'm sure that that's part of it; I hear that. I'm not—wouldn't be offended if you said that that was the case.

But I suspect that new Canadians have a different view often when they come in. Maybe that view changes over time, but, I mean, is that something that we could learn from if that kind of information was gathered?

Ms. Verma: I don't have that kind of information about how—what is the percentage of voters among the new Canadians. But what the surveys do indicate that the disassociated-voter category is increasing, which is alarming, because the other two categories are the displaced or distracted, are the reasons for non-voting are usually either administrative or we meant to vote and we didn't get time to vote. So these are not confirmed non-voters, but they are not habitual voters. But the disassociated category is more like a confirmed non-voter. And the reasons which they provide in the survey are they don't think

their vote counts; they are disillusioned by the voting process or by the political system and there's no motivation which will move them from being a non-voter to a voter. It's like a big wall; we do not want to vote.

Mr. Goertzen: And I would be curious, you know, if new Canadians generally found themselves in that disassociated block. I have a tendency to believe that they wouldn't, at least not initially. Maybe that would change over time. And that also is something to look at, because we spend a lot of time, I think, as legislators or people involved in the democratic process, trying to make it easier to vote, you know, having voting stations in malls where people are, which is all good stuff, and trying to have more advanced voting time, which is all good. But it seems that the reason that people don't vote isn't because it's inconvenient, generally. It's more because or growing because they don't like the process itself. And no amount of convenience is going to change that. Is that a fair statement, or is that not a fair statement?

Ms. Verma: Recently, we—in 2013, we were able to provide material to new citizens under the citizenship ceremony. And, when our staff are present at those ceremonies, there is a lot of enthusiasm among the new Canadians to be part of a society which protects their interest, provides a fair opportunity to vote, and where their vote is counted. So that's—those are some of the feedback that we have received through these citizenship ceremonies.

The reason for non-voting and voting, as we have talked about, the displays to disassociate it—but there's also a trend, which is children of voters, who come from a family of voters, tend to vote. People who have less education, have lower income, are more likely not to vote. That—considering these factors, we introduce the programs like bring your child to vote. So we thought, you know, if the child can be made interested in the voting process, they would probably lead the engagement to their parents. And also sometimes the issue with voters having young families is providing daycare or arranging for daycare when they come to vote. So we thought that would eliminate that issue for people with young children, that if they bring their children to vote, they'll have both an opportunity for the children to view the democratic process and also to exercise their democratic right.

Mr. Goertzen: And I appreciate that, and I appreciate that initiative. I think I brought my son to

watch me vote. I won't tell you who I voted for. But I tell you, the right candidate won, so that was good. But it was a unique process for you to bring him to the—into the ballot box, and I think that's important.

I think there's value in perhaps even being able to use new Canadians as ambassadors for the importance of voting. And I sometimes recall an experience I had not too long ago of constituents who had watched question period. And one of the groups of constituents were long-term Canadians, and one were—was a new Filipino family. And the Filipino family was quite encouraged by the process because they saw this democratic discourse that couldn't happen in the country that they came from. And the long-term Canadian family was quite discouraged by it, because they didn't like all the behaviour of question period. And probably somewhere in the middle is, you know, the right place to land on. But I just think that's an interesting issue.

The social—use of social media during elections in terms of awareness—and I probably didn't pay as much attention to as I should have—during campaign, you're often quite busy on these things—but what kind of engagement did Elections Manitoba use in terms of social media in the last campaign?

Ms. Verma: We used Facebook and Twitter during the last campaign. I can tell you we didn't have so many friends as we would have expected to be on Facebook, but it was a start.

We all got—we also got linked through the different websites of medias, like CBC, Winnipeg Free Press, I suppose, who linked a lot of their material to our website. So it's not exactly true social media, but more Internet coverage.

Mr. Goertzen: And did Elections Manitoba find that a valuable exercise, and is it something that they could continue on with maybe at a higher level?

I don't know if there was a specific app that Elections Manitoba had. I know that, I think, in the city of Vancouver election recently, they had an actual app that a person could link on to and find their voting station and all the different information about candidates that were provided. Is that—that may have been provided in the last election. I just maybe wasn't aware of it. But are those sort of things, the kind of things you're looking at in general elections coming up?

Ms. Verma: In the last election we updated our websites to provide map information for both

advance voting location and election day voting location, which was quite successful.

We have updated our website now for the next event to be a responsive website; basically, a website gets customized to any phone or tablet which you're using that would have more—provide more ease of access to the user.

We are also looking at the app which you had mentioned. Elections BC had a where do I vote app. And we are reviewing that, if we can customize it to Manitoba.

Mr. Goertzen: Some questions about ID that's required at voting—and I suppose that, maybe it's time because of the by-elections, but I know that there was some discussion of it as well last time.

* (19:00)

You mentioned at the committee in June, or whenever the committee was—last met, that Manitoba has some of the most liberal standards in terms of requirement for identification. And in some ways that may be considered a virtue, and in other ways that might be considered a concern depending on how that's being utilized.

Can you, as best you can, summarize for me—and maybe you have to do it in writing or at some point in the future—the kind of standards that most other provinces have for providing identification at voting booths?

Ms. Verma: Can I just refer to my colleagues? I have some information there.

In Manitoba, when I had said it's most liberal because it says one piece of government issued ID with your name and photo, or any other two pieces of identity which the returning officer can accept. And those two pieces are non-defined, so it could be either your credit card, your hydro bill, your treaty card, First Nation identification. And if that—those two pieces of ID do not have an address, then you can sign an oath to confirm your address and be on the voters list.

In other places, the government issued ID along with two pieces of ID which could—which should include name and residential addresses, that's in Canada. In Saskatchewan it can be one government issued name, photo and a government issued ID with your name, photo and residential address, or two valid original identifications. Both pieces must have your name and also your address.

So what we can see is when it comes to the other pieces of ID, they require address information to be on that ID, while in Manitoba that's not a requirement.

Mr. Goertzen: And do we know what impact that has on turnout? Are the other provinces which have more stringent requirements for ensuring that there are addresses, or do they have less of a turnout for elections? I know there are a lot of things that can impact turnout in any given campaign, but is that something that's been seen as a barrier for turnout?

Ms. Verma: I'm not aware of any study which other jurisdictions have conducted linking ID to voter turnout.

Mr. Goertzen: So individuals can come to a ballot box on an election day in Manitoba and they can swear on to the list—I think that's the right terminology. And it was answered in the last committee, but refresh my memory, how many in the last general election or how many people used the option to swear on to the voters list?

Ms. Verma: In 2011, we had 26,279 swear-ons.

Mr. Goertzen: Sorry, can you repeat that? I was otherwise disposed.

Ms. Verma: In 2011, we had 26,279 voters who were swear-ons.

Mr. Goertzen: Thanks for that. Were they fairly evenly distributed between the 57 ridings, or did we find it heavier in some ridings than other ridings?

Ms. Verma: I don't have that statistic available readily, but I'll get back to you on that one.

Mr. Goertzen: Yes, I'd appreciate a breakdown for the 57 ridings, how many swear-ons there were in each one, I suppose, to see if those were unique circumstances in some ridings that result in it being happening more often.

So it's not a small amount a number. I suppose that in the context of the number of people who vote in an election, it's not the majority, obviously, who swear on to a list, but it's not an insignificant number.

Is there any sort of follow-up or a sort of verification after the fact, not obviously with 26,000 people, but is there a kind of a random follow-up to ensure that the information that was provided on a swear-on actually is the correct information, sort of a randomized sample?

Ms. Verma: So, when a swear-on happens, the person has to show some form of ID. It could be that either the government-issued ID, which has your photo and your name and address, or other two pieces of ID. So the—and, if the other two pieces of ID do not have an address, then they have to sign an oath. So their identity is established through the information which they provide at the voting place along with the oath.

We do not do any follow-up verifying the identity of all the people or any of the people who are on the enumeration list or swear-ons, but we do a random check—internal check post-election to see how the processes were followed.

Mr. Goertzen: I wonder if there would be a value in doing some sort of a randomized test of those who did the swear-on just to ensure, you know, compliance. If you have a person who's bringing in two pieces of ID and they don't have to have photo ID or even their addresses—so I guess they could be hydro bills or whatever that kind of ID would a person bring—I suspect that the number of people who might, you know, abuse that would be very small, but would it be valuable to do some sort of a post check on a random sample just to ensure that there isn't abuse of that system?

Ms. Verma: I think by—when you come on swear-on, you're providing more assurance rather than when you're enumerated, because when you are enumerated at the door, there is no oath which the person provides. We take their information at their face value. If somebody comes to my doorstep and I provide my name, my spouse's name, my children's names, even if they're not present, the enumerator will take that information down. That's the way the legislation is enacted. So, for a swear-on, they are providing an oath, which they know that if they are lying and if that's caught later on, they can be prosecuted. They also—providing some piece of ID, so I believe the assurance which a swear-on is providing is higher than when we provide—we include the name of the voter through the enumeration process.

Mr. Goertzen: And you might be right. I'm not suggesting you—that you aren't right in that, but I just want to know because of—have the absence of never having tested it. So I think it would be valuable to at least consider that in the future to at least check to see if that's the case or not. It might very well be that the oath is more of an assurance, which I hope that most people consider the oath to be as important as

me and you would, but I don't know that everybody would. So it would be, I think, interesting anyway to have that done just to ensure that.

One of the recommendations you talked about in your report at the beginning of this committee was reducing the number of people that had to be found to sign on to nomination forms. You might find some sympathy among those of us who've run for office before on that. I won't comment on everybody's view on that particular recommendation. But can you, you know, maybe give me a little bit of historical perspective of what the rationale was to have the hundred names—it may have been higher at one point, I don't know—and what the downside, if any, of reducing that? Now I understand Saskatchewan requires four signatures, which I don't understand what the value of that is, but maybe you could. I'm not saying anything negative about my friends in Saskatchewan. I just don't understand then the value of it. But I'm not sure about the value of it generally, so maybe you could explain that to me from your perspective.

Ms. Verma: I lied. I'm not familiar with the history of how the hundred names came up. Since the time I've been working with elections, it has always been a hundred names. And other jurisdictions, as I said, they do range from—one—other than BC, 75, all the other range between 25 to four. Other jurisdictions also have a deposit. Only Manitoba, Ontario and Quebec do not have a candidate deposit. So, in the case of Saskatchewan, they do have four names but a hundred-dollar deposit.

Mr. Goertzen: And what is the deposit for? Is that like a good-faith compliance deposit? Is that something that's returned after the election, once you filed all the required paperwork, or is that—what's the value of the deposit, I suppose?

Ms. Verma: I'll have to get back to you on that one.

* (19:10)

Mr. Goertzen: From your perspective, from the body that runs elections, what value is there in having any amount of names that get signed on in a constituency, whether that's 50 or a hundred or four, in the case of Saskatchewan? What value does that provide to the election process?

Ms. Verma: My understanding is having that—the names and the signatures of people, voters, potential voters endorsing you as a candidate is a testimonial of the kind of support you have, and it's a minimum

support which you must have in order to run as a candidate.

Mr. Goertzen: So the view would be that if you had 50 people sign on, that that would indicate your support. Although, am I not correct in saying that the forms themselves aren't an indication of support, that those people who are signing on will actually vote for you, it's more of an indication that they're essentially okay with the fact that you're running?

Ms. Verma: You are correct. By signing on the form you are not confirming that you will be voting for that candidate. It's just when you're canvassing and you're obtaining that—those signatures, it is providing that endorsement that you—yes, we recognize you as a candidate.

Mr. Goertzen: Are there some jurisdictions that don't have any requirement for signatures?

Ms. Verma: No, all jurisdictions have some sort of a requirement.

Mr. Goertzen: And so is it a fair summary to say that we're not exactly sure what the value of it is, but we've always done it so we don't want to completely eliminate it, but we think that a hundred, maybe, is a bit arduous for everybody so we should come up with a number that's a little bit less than that?

Ms. Verma: Well, the reason our recommendation to reduce it from hundred is simply because in Canada and Quebec the requirement is hundred and those electoral division sizes are way more than what Manitoba has, so it doesn't seem fair to have the same hundred signatures for a larger electoral division as compared to a size in Manitoba.

Mr. Goertzen: I'll cede the floor to others who might have questions, Madam Chairperson.

Mr. Reg Helwer (Brandon West): I want to go back to the voter ID if we can, just a little bit. We had several questions during 2011 election, during the federal election and now during the by-election on what forms of ID are allowable and also lots of different stories that came forward. If a person does not have any form of ID and wishes to swear on, is there any option that someone can testify to their identity or anything of that nature?

Ms. Verma: That sort of provision is, I think, called vouching, and it's not available in Manitoba.

Mr. Helwer: So if an individual comes forward that has no form of ID, then they will not be allowed to vote?

Ms. Verma: If they are not on the voters list through enumeration process, then, yes, they will not be allowed to be sworn on during advance voting and election day without a proper ID.

Hon. Jon Gerrard (River Heights): Yes, just—first of all, there was some comment in discussion about swearing a voter—swearing or being sworn in. And seemed to me that the dialogue back and forth that you were trying to suggest is that the swearing-in process would be a—provide greater certainty than just what you would have when somebody is enumerated. But, certainly, somebody who's enumerated at the door, there's an enumerated list, other parties can look at that list and make sure that, you know, there aren't people being added so that there are some checks and balances that would follow from an enumeration in which names which are put there incorrectly could be picked up. But that would not be the case, you know, at the time of voting, because that would be only one chance that it would be done correctly. Is that right?

Ms. Verma: At voting, both during advance and election day, a scrutineer or another voter or election official or a candidate can raise an objection if they suspect that the person who is being sworn on is not a valid voter. And if such a case arises, then the voter who is being objected to has to take another oath certifying that they are eligible voters. So there is a level—there is some system where the parties or the scrutineers have an option to verify who—or to give the voter an opportunity to prove their identity by—through this objection process.

Also, the voters list for the swear-ons is provided to the parties after advance voting and after the election day also. Until it—we have not received any objections from any person to contest the validity of a voter who has been sworn on, either on election day or advance.

Mr. Gerrard: Yes, there's a little bit of discussion earlier on about the Phoenix Sinclair report, and certainly one can make the point that we are dealing with a life-and-death issue, that is, that there is importance in getting this report out so that no other children die as a result of lacking the information which is in the report.

But it seems to me that one of the things that we are not adequately—is not adequately available to us, and I guess it would be primarily the government in this circumstance which makes the decision about releasing this, is that there is not independent committee or group that could look at this issue and

decide because right now it is the government deciding, in a sense, arbitrarily, perhaps with advice of yourself or others, the elections commissioner perhaps, in terms of whether or not to release such a report.

And it would seem to me that it would be advisable to have some, whether it is an individual or two or three people who could be called to, in a sense, provide an adjudicated opinion or a, if necessary, quasi-judicial opinion that this would, you know, not contravene The Elections Act; or, if it would be, should be released because of the life-and-death circumstance. Rather than a government being caught in a situation where it makes a decision and, you know, then the other parties can, you know, say—object or not after the fact, then at least, if there was some independent, say, three people who could be given the task of making advice on something which is critical as a potentially life-and-death report like this, as to whether and where it would, you know, most appropriately be released. I just would ask you to comment on this.

Ms. Verma: Complaints regarding government advertising go directly to the commissioner. Our office, as a matter of policy, does not provide interpretation or advice on government advertising simply because, as a non-partisan, independent agency for administering elections, if there are any potential election issues, I don't think it's appropriate for our office to step in and cause any influence or make any impact to a decision of which the commissioner has to make. Plus, also it puts us in a compromising position while we're administering the election to deal with the partisan issue while we have to be absolutely non-partisan.

Mr. Gerrard: If this decision was made by the elections commissioner, which could be possible,—right now there's not a normal way of making that decision public—and it would seem to be important if it's going to be an independent decision that it be known and perceived by all to be an independent decision, rather than some behind the, you know, under the table advice or, you know, behind the scene advice or what have you.

* (19:20)

Ms. Verma: Dr. Gerrard, I'm not familiar if the commissioner has been contacted by any party to provide an opinion. And our past practice also, when Elections Manitoba used to handle the investigation, was not to provide an opinion. The Election

Financing Act has a provision for advisory opinion. But, if you see the advisory opinion, it doesn't include providing advisory opinion to the government; it only provides advisory opinion to the political entities. And, again, the intent was not to place an independent office in between a potential election issue, which can cast an influence on the independence of the office. And I believe the commissioner would be following the same principles, but I don't want to speak for the commissioner.

Mr. Gerrard: So, I mean, there would be the possibility of having an independent, public decision in advance, but we don't really have an appropriate structure to do that right now. And would it require changes to the 'lact'—act which governs the actions of the election commissioner?

Ms. Verma: I'm not very clear about your question. Could you please repeat it?

Mr. Gerrard: I mean, if there's not—I mean, if the commissioner ordinarily would not provide a ruling in advance as to whether this was or was not appropriate to release a report like the Phoenix Sinclair inquiry, then, you know, the government, which would be in a position of potentially releasing such a report, is going to be guessing to some extent as to whether this is appropriate or not or making a political judgment as to whether it wants to release it or not before the by-election is completed. And it would seem to me that it would be better to have a—the ability to have an independent decision which would not then be re-looked at afterwards by the elections commissioner because you would already have a decision. And so the government would not find itself caught, right, after the fact, by a ruling that it was not appropriate after having released it.

Ms. Verma: I really do not want to comment on the government business. This is just—my role is to administer The Elections Act and The Election Financing Act, how to conduct elections in a fair and democratic process. The releasing of the report, the timing, election—potential election issue, that's outside my mandate.

Mr. Gerrard: I have one item which relates to the Morris by-election, which, I think, is, in my experience, going back quite a number of years and many elections, is fairly unique issue with this particular election, because the election was called right after Christmas and before New Year's at a time when people were occupied by other things. Because it was called when there's quite a number of people

who have gone south for, you know, not just a week or two, but for a month or two, and, you know, these people are travelling around, maybe in and out of contact with what's happening here, the by-election is not getting a lot of attention. And I'm just wondering whether you would comment on this and whether your office is taking any particular measures to reach out in any way to people who are, you know, travelling because there—I suspect that there's a certain number of people who will be unaware that there's a by-election because they are travelling and find themselves not able to vote.

Ms. Verma: In Manitoba we have the absentee vote provision. So, in anticipation of the upcoming by-election, we did have a posted outreach done in Morris and Arthur-Virden. We placed posters in all the common community centres, public places. Our enumerators are trained currently to go door to door, seek enumeration information and also advise about absentee provisions. So they are asking the question, if there's anybody else in the family who is of age, and they can vote through absentee.

We are promoting absentee through website. Till lately I've only received four absentee applications in both Morris and Arthur-Virden. So, if we receive more applications, we would take all the effort needed to get the absentee packages mailed speed post to the destinations.

Mr. Gerrard: From time to time, the—your office has produced reports like this Permanent Voters List Study. And does the—your office have the power to initiate on its own such investigations and reports, or can this only happen on the direction from, or the recommendation from, a party or an individual?

Ms. Verma: Internally, we do a lot of research for upcoming new election trends and modernization. So we may not necessarily publish a report, but we are doing a lot of research internally to keep ourselves current to the developments happening across jurisdictions.

Mr. Gerrard: I had a couple of MLAs come and talk to me about looking at the numbers for the by-elections, for example. And, in the last eight by-elections, the voting for the first three, was 47 to 69 per cent, and the last five, it's between 29 and 41 per cent. And I've had one Conservative MLA and one NDP MLA come to me and say, there should be a look at mandatory voting because it's being used in a number of other jurisdictions. And so I've just asked you in terms of initiating something

like that, that is something that you could initiate yourself?

Ms. Verma: We have reviewed the mandatory voting. It's—currently like in Australia, there is mandatory voting, and we've had some discussion with that office too, on mandatory voting. What we hear from them is mandatory voting, yes, you will see the number, but you may not necessarily—it may not be translated into more conscience voters, or people who are voting after giving it the rational thought and consideration. It just becomes an action. So is that valuable or is it more valuable when you have engaged citizens?

The other issue with mandatory voting they see is the fine, the penalties which are available are so low, and then you're obligated to collect those fines. So the cost for collection of that penalty outweighs the penalty which is being recovered. And it doesn't impact the voter necessarily by being penalized.

Mr. Gerrard: Was there a written report that you did on this or just a discussion?

Ms. Verma: It was an internal analysis.

Mr. Gerrard: Yes, and lastly, can you give us an update on the progress that you're making with regard to the permanent voters list?

Ms. Verma: We have not taken any additional steps after this report has been completed.

But we are organizing an interjurisdiction conference next year; 2014 is the year our office will also be hosting the Canadian election officials conference in Winnipeg. This happens once in 14 years. So we are having another conference for permanent voters list, adjacent to the Conference of Canadian Election Officials, that we want to do more of a brainstorming session with all the other jurisdictions, capture their best practices, and see if and when it's implemented in Manitoba, what should be the route that we take in implementing a permanent voters list.

Mr. Gerrard: Let me do just one last follow-up to that, if that's all right.

What is your sort of recommendation or view of what would be the next step?

Ms. Verma: If we were to go ahead with the permanent voters list, as I've stated earlier, we should get an all-party consensus on how the permanent voters list should be administered, should—what information should be included. Once we have that

all-party consensus, then we should develop a framework on how the permanent voters list database and the network and the systems should be developed. We would also need data-sharing agreements with reliable data sources.

And one final recommendation, that we should—that you may want to consider, is standardization of addresses within Manitoba. In Manitoba we have many types of addresses: civic address, we have the lot-block plans, section township range, free-flowing addresses. And, if we collect information from different data sources, the issue of aliases and how these addresses can be matched together to avoid duplication—it will be eliminated if we have standard addresses.

* (19:30)

Mr. Swan: Yes, I'm actually going to pick up where Dr. Gerrard left off. Of course, one of the reports we're considering is the Permanent Voters List Study. I understand that Saskatchewan has actually conducted a very similar study, so the question is whether you're familiar with that report's conclusions and whether they're similar to what you've found in Manitoba.

Ms. Verma: Yes, Saskatchewan recently released a report. There, the chief electoral officer is recommending a permanent voters list. The guiding principles which they have identified for a permanent voters list is quite similar to the ones which we have in the report. The cost is similar and even the approach which they are recommending is quite close to ours.

Mr. Swan: Now, when I look at the recommendations in the report, one of the things that it's recommended is that likely for the next election there would be a final enumeration, which would actually ask some questions that haven't been asked before, which would include the date of birth and the gender of voters. They would then create the database before regular enumeration ceases. So the question is whether this is how other provinces have been moved towards setting up a permanent voters list.

Ms. Verma: Yes, this is consistent with how the other jurisdictions have moved. Elections BC started a permanent voters list in 1930, so I'm not familiar with how they started with their process. But, federally, when they moved to a permanent voters list, they did conduct a final enumeration. They do have the gender and the date of birth, because date of

birth provides a unique identifier, and gender and date of birth in combination helps in identifying information from other data sources.

Mr. Swan: Good. Thank you. And The Elections Act in the particular section 95(1)(c) talks about authorized users of voters list, which can include in allowing elected members to use the voters list prepared for the election in order to communicate with our constituents during the term. When you were communicating with other jurisdictions in preparing the report, did you find out or did you ask if they had any kind of protocols in place to allow elected members to get regular updates of that information to allow members to communicate with constituents? And I ask that question as an MLA. I represent the West End of Winnipeg. The inner part of my constituency is quite transient—becomes a challenge even to find out who I'm representing in the course of a four-year term when there's a lot of people moving in and out, especially from apartment blocks. So I'm just wondering if that was something that was said—that was addressed by other jurisdictions and whether you have any comment on whether it would be appropriate for elected members to have access to that information during their terms.

Ms. Verma: I don't know about all the jurisdictions, but I know Elections Canada does provide a regular update to the MPs with regard to the permanent voters list. The gender information and the date of birth is not something which we are recommending to be shared with the political parties. That information will solely be for the internal data-matching purposes and data-verification purposes so that the privacy of the voters is maintained. It also provides some sort of flexibility or convenience for us to collect that information from the voters, if they know this information is not going to be shared with political parties.

Mr. Blaine Pedersen (Midland): Yes, if I can just go back. You mention in enumeration and the challenges of the weather and some of the rural enumeration in the current by-elections, and you're doing enumeration by phoning. Have you had any reports back from your enumerators? We all know of the—no shortage of telemarketers and that—is there any particular reception that you're hearing back or reaction to enumeration by phone?

Ms. Verma: Not a lot. In case—what we are—when we do the enumeration through the phone, we do identify ourselves. We identify why we are doing it, how we have received that information, and we also

give the voter an option to call the returning office directly if they want to be enumerated by phone by the returning office. So the voter has the option to decline; the voter has the option to provide information; and the voter also has the option to call back the returning office and provide their information directly to the returning office if they have any concerns about the telemarketers. But, overall, I would say just around 1 to 2 per cent 'til now that we have found that the voters have refused to provide information.

Mr. Pedersen: So that really wouldn't, if it's only 1 to 2, in this case of the two by-elections, that's probably not any different than in normal enumeration, because enumerators would face this on a person-to-person basis too.

Ms. Verma: That's correct.

Mr. Selinger: Yes, thanks, and I thought actually many of the questions were very interesting and stimulated some thinking.

On the permanent voters list, I think we are probably close to an all-party consensus in wanting to proceed on some kind of permanent voters list from what I've heard in terms of commentary both here and in the media. And one of the questions I wanted to ask related to that was I remember when you originally presented your report you thought that it would allow for a more stable database of voters in the province versus the enumeration, which can become dated quite quickly and then you almost have to start over again every time, so you don't really develop a sort of stable database of voters in the province.

I want to just ask about the quality of the more stable database because you've already indicated there might be some challenges around accuracy of addresses and duplication of addresses. And I'm just wondering, you've also talked about the need for a one final, thorough enumeration with perhaps some additional information such as you've indicated tonight.

Where other governments have a permanent voters list, they seem to have very little additional enumeration procedures, and I'm wondering if we need a more robust approach even going forward with a permanent voters list because of the potential weakness of the permanent database that's being developed for the permanent voters list, because I think the objective in a permanent voters list, or any form of enumeration of citizens to vote, is to have as

high quality of information as possible, and as broad a database of information as possible in order to identify as many voters and inform them of their rights to engage in the political process through voting.

So do you have any thoughts about that, about how robust the enumeration procedure should be, even after we establish a permanent voters list, to ensure the quality of the more permanent database that we would be developing?

Ms. Verma: Actually, the voters list is the foundation in any election because the voters list helps the voters to have a more smoother democratic experience when they come to vote, for the voting officials to administer the voting process, for the parties to communicate and for the parties and the candidates to communicate, and for us to do any post-election research or analysis which we would like to do.

With a permanent voters list, one of the guiding principles is to ensure reliable data sources. And, if we don't have a reliable data source, then the list is no good. That's a main challenge and benefit for the quality of the voters list, and that's how it gets differentiated with enumeration. Enumeration, when you're going to the doorstep, you're getting the information right from the source. When, through a permanent voters list, you are getting the information from a third party, so that definitely has an impact on the quality of the voters list.

So a lot depends how good is the list, or the information being maintained by the data source that we are relying upon. So, once we have an opportunity to assess that information, then that would enable us to give some sort of recommendation on how robust the enumeration process should be.

Mr. Vice-Chairperson in the Chair

However, irrespective of that, there are certain issues that we have to be mindful of, areas which have more transient population, areas which has a lot of development should be enumerated. So the target enumeration or target revision, as we phrase it, that provision must be available in the legislation, even if we go to a permanent voters list. But—

Mr. Vice-Chairperson: Honourable Premier.

* (19:40)

Mr. Selinger: Yes, I would agree with that. I think what we're trying to move towards here with any discussion of a permanent voters list is a more stable and durable and robust base of information of who the potential voters are in a province. And because of just the characteristics of our communities, there's wide variation in the permanency of residency, in the accessibility of residency, in the information available as to where they live and, quite frankly, in some of the previous discussion, in terms of their capacity to identify themselves with official documentation. In my view, that the permanent database would allow us to have even a higher quality enumeration, perhaps on a smaller number of communities. And I would want to ensure that any good research or any good data collection procedure is usually stronger when there's more than one method to collect the information.

So my inclination is towards a legislative regime if we move on the permanent voters list, which I think we will, that will allow you to get that extra information to ensure that there's quality and inclusiveness in the number of people that are identified that have the right to vote in this province.

Ms. Verma: I think that's an excellent plan because we have a common goal here: is to ensure the voters have the opportunity to be on the voters list. It be through the third-party sources or in person through enumeration or even all-time around through web registration, in-person registration through our office. But voter registration is an ongoing process, and we would not—we don't see it as being limited just during election period if we have a permanent voters list.

Mr. Selinger: And that relates to the other set of questions that we had earlier on tonight about the number of people that are sworn in as their method of getting identified for their right to vote. And I'm—I just want to say that I find your comments interesting that you thought that the quality of a swearing-in voter may have even greater rigour than an enumeration because of the oath requirement and the accountability requirement to be accurate and the information you've given. And so, if we're going to do any after-the-fact, post-facto review of either enumerated voters or sworn-in voters, I think we would not want to bias it by just going to one, the sworn-in ones or the enumerated ones; we'd want to have a comparative review of the accuracy of the people that have been signed up to vote to ensure quality, because that's, again, our objective. Do you have comments on that?

Ms. Verma: We do a post-election survey on the accuracy, completeness and currency of the voters list. We do contact voters and confirm voters who are on the voters list. It provided that information back to them, and we had an external agency to get in touch with the voters and get a confirmation about the voter information. So currency, accuracy, completeness; all three are checked. But validity—are they actually eligible to vote?—that is something that we do not assess through the voter survey, and I don't think we have the authority to ask that information because the legislation is very clear. We can only ask about their name, residential address, mailing address, telephone number is optional, and they have to confirm to us if they are eligible to vote, but not provide any supporting documentation to support their confirmation.

Mr. Selinger: Yes, I think the reason some of these questions are coming up is because of some of the reports we've seen out of the United States where they're—ever since the civil rights movement and even before that, there's been a continuous struggle to ensure that all members, all American citizens, have the right to vote, regardless of race or background or socio-economic status or geography or any other barrier that we might identify to them voting. And, in Manitoba, the swearing-in process allows people that don't have photo ID, that may not have a birth certificate, that may not have a resident address that is easily identified or recorded to come forward and make a claim for their right to vote and then to have a procedure put in place that allows for that.

Madam Chairperson in the Chair

And I—my view is is that we want to ensure that every citizen has that ability to get enumerated and therefore has the ability to exercise their franchise in an election. And so I'm wondering if you think there's any other steps we need to take to make it more accessible for citizens of Manitoba to be enumerated and to have that ability to exercise their franchise in an election.

Ms. Verma: Now across other jurisdictions, our ID provisions are one of the most liberal ID provisions that we have seen, and the comments I've received from other officials is they like the provisions which we have because by having a requirement for an address does—can pose some challenges to the voters to prove their identity on election day or advance voting. So, from a legislative perspective, we have a

very good comprehensive legislation as compared to other jurisdictions.

Mr. Selinger: I've noticed we've used the term liberal, small "l", two times in terms of the procedures we have. I would like to actually use the word conservative, because we're conserving their right to exercise their franchise as citizens, and I mean that quite seriously. There's often a connotation in the small "l" use of the word, both liberal and conservative, one is more open-ended and perhaps inclusive, but maybe not as rigorous, and the other one is maybe more exclusive and that rigour may result in people being disenfranchised.

And I think the proper objective of all of us, regardless of our large "L" political identification, is to ensure every citizen of Manitoba has the right to express their franchise, and that we want to have a set of procedures that allows them to enumerate without any artificial barriers, whether they be residency, whether they be race, whether they be geography, whether they be language, we want all of those barriers to be as low as possible so that they have the greatest opportunity to express and take advantage of their rights and their responsibilities and their duties to participate in the democratic process.

And so I think I believe you're right that our procedures are among the most advanced in terms of ensuring those opportunities, and I just want to leave with the question or the opportunity if you think there's any other steps you think we need to take to ensure people get that ability to become enumerated and vote, that you bring them forward to us and further recommendations and we can consider them as a committee.

Ms. Verma: I'll certainly keep that in mind.

Mr. Selinger: And I'm assuming we're going 'til 8 o'clock—[interjection] And after the hour and 10 minutes that you put in and, actually, I found most of the questions quite interesting, quite frankly. If people want to end sooner, I'd be happy to do that, but if not, I'd be happy to proceed with some additional questions unless other members on either side have questions.

One of the things I noted in some of the conferences you attended was you had some information on other jurisdictions about how e-voting or Internet voting is proceeding. Can you give us any idea about how that's working out and whether there's been an approach anywhere else that

could provide some possibilities for e—or Internet voting that would continue to ensure the impartiality of the voting experience?

Ms. Verma: In the last meeting I think I referred—I had mentioned that Elections Canada and Elections Ontario are looking at pilot projects for Internet voting. Both the provinces' jurisdictions have discontinued the effort as of now, both the projects are on hold. There is still a great deal of interest. Elections BC recently completed a report on Internet voting, but the results are similar to what we've heard in the past. There is a lot of interest. They do feel that e-voting could be the next step because the new generation is more engaged or friendly towards electronic gadgets and that may promote voter turnout, but there have been no conclusive study to support that assumption, and still the challenge of how to ensure the secrecy of the ballot and how to ensure the system would not be—waiting for the right word to come—the system would not be compromised which would severely impact the faith of the voters in the democratic process. Nobody has come to a solution which will address these concerns, so there has been no further discussion on Internet voting as of now.

* (19:50)

Mr. Selinger: I do believe one of the challenges in any kind of e-voting or Internet voting is to ensure that when somebody exercises their franchise through the vote that they're doing it in an atmosphere where there is no intimidation, no psychological pressure to vote one way or the other, but they're making an informed choice and in an atmosphere that's as—that's neutral and impartial. And I think one of the challenges of e-voting or Internet voting is it's not clear what context they would be voting in, whether it's somebody on the doorstep with an iPad pressuring them to do it or some atmosphere where they might feel that they're—don't have confidentiality, et cetera. So I think these are some of the challenges.

And yet we know that for a generation coming up that the only way that they get their news or the primary way that they get their news and express themselves is through—from some form of electronic device or some form of social media, so I do think we have to continue to monitor the situation and see where that's going and how it could work more effectively elsewhere. And, if you have any examples of where it's working without any major difficulties, I would ask that you bring them forward

so we could consider them. I know that in Canada that you've indicated they're discontinuing it, but I know in other jurisdictions, they're actually going ahead with some of these voting procedures, and I just wondered if they're going ahead in a way that hasn't generated undue controversy and compromise the integrity of the voting—the electoral process.

Ms. Verma: Elections Canada has put the project on hold. Elections Ontario has put the project on hold, but there are some municipalities within Canada which do use Internet voting. I believe it's Halifax, in Nova Scotia, and Markham, in Ontario, who use Internet voting.

Coming back to an earlier point about electronic voting and Internet voting, electronic voting is considered to be the broader area, and Internet voting is part of the electronic voting. Electronic voting also includes tabulation machines which the City of Winnipeg uses. But, if you simply talk about Internet voting, Internet voting does have the concern about how do you ensure the uniqueness, how do you ensure there is no—the safety of the voter. There is also the issue of—like, in recount, how do you go—identify the audit trail. Those answers—those questions have not yet been answered in the Internet voting research and study, but our office is keeping a close watch on how other jurisdictions are viewing Internet voting and what kind of discussion or new developments are happening across the country.

Madam Chairperson: Thank you.

An Honourable Member: I'd be willing to—if anybody else wants to ask some questions going to 8, other than people that may have asked an hour and 10 minutes' worth of questions in the first place, I'd like to cede my position to anybody that hasn't had a chance to ask a question yet. But, if there is nobody who has not yet asked a question, then I would like to continue with one more theme before I turn it back over to the guy who's had an hour and 10 minutes. Is there anybody else?

Madam Chairperson: Good. Okay, honourable First Minister.

Mr. Selinger: Well, then, I just want to ask one more—I just want to pursue one more theme that I think might be of interest to all of us, and that's the use of advance polls. I know we've increased that. We've reduced the number of the—size of polls in rural Manitoba from 350 to 250. We've tried to make more locations available in convenient places for seniors, et cetera, to vote where they don't have to be

out in the weather. Do you see any other steps we might take with advance polls to increase voter access to the electoral process?

Ms. Verma: In the recent current ongoing by-elections, also we have increased advance voting. We had eight in the general election in Arthur-Virden; we have 16 in the by-election. In Morris, we had six in the general election; we have eight in this by-election. Advance voting in Manitoba is for eight days with the unique concept of vote anywhere, and our ballots are counted on election day, whereas some other jurisdictions who have introduced the concept of continuous voting which starts from the day the writ is issued and ends a couple of days before the election day. Some have—within the continuous voting, it ranges. Some have vote anywhere; some has vote just in your electoral division. Like, in BC, it is vote anywhere, but those votes are counted 13 days after the election day, so there is a significant gap between the counting unlike in Manitoba.

Our advance votes are counted on the election night itself, so that is another venue we can look at. Continuous voting—since the votes are available before the nominations close, the voters have an option of writing either the name of the candidate or the name of the party, which in Manitoba, currently it's not available, and that was part of our absentee recommendation. If we extend the time for the delivery and the mailing of the absentee package, then allow the voter to write the name of the candidate or the party, because after nomination there's not a lot of time period available for the voter, especially if they're overseas, to get the ballot back to us in time.

Mr. Goertzen: Thank you for the opportunity, Madam Chairperson.

I enjoyed the Premier's questions actually. They were the same questions he asked in June, but I wasn't able to attend in June, so it was nice to hear them live again.

I had a question regarding—I know that the position for the Commissioner of Elections is relatively new in Manitoba. Now, the Commissioner of Elections doesn't appear at this committee or any committee like it—I don't believe, and maybe that's just a function of the fact that the position is relatively new. Is there reason why he or she, whoever fills the position at any particular time, couldn't come to a committee like this and answer questions, the way you are doing very capably? I

know some of the questions that were asked by my friend from River Heights dealt directly with the commissioner, and some of the ones I asked would have dealt directly with the commissioner. Would it not be helpful to have that person here answering questions as well?

Ms. Verma: Both the legislations, The Elections Act, The Election Financing Act, does not provide a provision for the commissioner to appear before any committee. I believe that's the reason why the commissioner is not present. If the legislators would like that change, then, a suitable amendment can be made to the two different legislations which we administer.

Mr. Goertzen: Is there any particular rationale, other than the legislative one, which I understand you're bound by—and that falls more to us—but is there any reason why that change shouldn't be made, that the commissioner shouldn't come here and answer questions the way you answer questions?

Ms. Verma: My understanding is that the commissioner reports through Elections Manitoba. So, even if there's a government advertising violation, the commissioner advises the Chief Electoral Officer to publish it in the Elections Manitoba's Annual Report.

Mr. Goertzen: But would you object to the inclusion of the commissioner coming to these committees and answering questions as well?

Ms. Verma: I'll be ready to administer the legislation any way it is.

Mr. Goertzen: And I thank you for that.

A question on the permanent voters list. The issue of sharing information between lists that are collected—so, we're in a situation now where we're going to go into an election cycle: have municipal elections in October of this year; then if all things continue on, and there's no—you know, things happen sometimes in politics—but, you know, we might have a federal election in the fall of 2015; and perhaps, a provincial election in—we might get back into that. Is there no ability to share some of the information between that, that which what is collected municipality, and then federally, so that, you know, the process of enumeration is a little bit easier. And maybe there are a hundred barriers that I don't understand in terms of freedom of information and the ability to share information, but are there ways to take down those barriers if they exist?

Ms. Verma: Currently, we do have the provision to share information with both Elections Canada and various municipalities. So we do enter into voter sharing agreement, federally and municipally. But the way The Elections Act is written, a voters list is created through enumeration from scratch. So the legislation lacks that we can use the federal or the municipal list to create the permanent—or to create a voters list.

Mr. Goertzen: So, am I to understand, you can get the information but you can't use it?

Ms. Verma: Usually it helps the other parties from our information, so they can take our list and help with their—the list which they have. So many municipalities use our voters list when they administer their election, and, federally, Elections Canada takes our list to complement the information which they have on their voters list.

Just the eligibility for—federally, for a voter, there is no residency requirement for six months. While provincially, we have a six months residency requirement. So, federally, if we get—even get that information, we don't have the information to assess how long they have been residents of Manitoba.

Plus, the legislation also states that a voters list will be created by going—doing door-to-door enumeration.

Mr. Goertzen: So there must be some way though, without changing the residency requirement, because that might be too big of a hurdle—can't—to make right now, to be able to have those lists be more valuable to, than they are now though.

* (20:00)

Ms. Verma: In the recent by-election, we did contact the municipalities for their voters list so that we could supplement the information which we have to contact the voters. The municipalities were working on the 2010-2011 election cycle and they didn't have an updated list. So we do try to use that information if we can.

Mr. Goertzen: But, even if their information was completely up-to-date, you still would have to go and enumerate.

Ms. Verma: Well in rural, we do the option that we can—the section says, shall go door-to-door but if practical. So, in this, these circumstances if they did have updated information, it could have helped us to contact the voters if they had the updated information.

Madam Chairperson: The time being 8 o'clock, what is the will of—okay—hearing no further questions, I will now put the questions on each report.

Annual Report of Elections Manitoba for the year ending December 31st, 2003, including the conduct of the 38th Provincial General Election, June 3rd, 2003—pass.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2008, pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

The report is not passed.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2009, pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

The report is not passed.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election, March the 2nd, 2010, pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

The report is not passed.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2011, including

the conduct of the 40th Provincial General Election, October 4th, 2011, pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

The report is not passed.

Shall the Permanent Voters List Study – Report dated June 2013 pass?

An Honourable Member: Pass.

An Honourable Member: No.

Madam Chairperson: I hear a no.

The report is not passed.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2012, including the conduct of the Fort Whyte by-election, September 4th, 2012, pass?

An Honourable Member: Pass.

An Honourable Member: No.

Madam Chairperson: I hear a no.

The report is not passed.

Since some of the reports are not passed, if you could all please leave your copies here so that they can be used again, that would be excellent.

The hour being 8:03, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

Thank you so much.

COMMITTEE ROSE AT: 8:02 p.m.

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