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**Official Report
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(Hansard)**

Thursday 26 February 2009

**Journal
des débats
(Hansard)**

Jeudi 26 février 2009

**Select Committee on
Elections**

Review of election legislation

**Comité spécial des
élections**

Révision de la législation électorale

Chair: Greg Sorbara
Clerk: Trevor Day

Président : Greg Sorbara
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

SELECT COMMITTEE ON ELECTIONS

COMITÉ SPÉCIAL DES ÉLECTIONS

Thursday 26 February 2009

Jeudi 26 février 2009

The committee met at 0930 in committee room 1, following a closed session.

SUBCOMMITTEE REPORT

The Chair (Mr. Greg Sorbara): We are now back in open session. The first order of business is to consider the decision of the subcommittee. Kevin?

Mr. Kevin Daniel Flynn: Your subcommittee met on Tuesday, January 27, 2009, to consider the method of proceeding on its order of the House dated Wednesday, June 11, 2008, and recommends the following:

(1) That the committee clerk instruct legislative counsel to begin drafting a bill that will consolidate the Elections Act, the Election Finances Act and the Representation Act into a single piece of legislation.

(2) That the committee clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mr. Greg Sorbara): Is there any discussion? Mr. Kormos.

Mr. Peter Kormos: I suppose, Chair, I have two questions. One—and if need be, I'll move an amendment, if this is the case—to be assured that what legislative counsel is being asked to do is to consolidate the existing three acts: the Elections Act, the Election Finances Act and the Representation Act. I understand that there's some value in having that tentative bill prepared, because, as you explained informally to me earlier, it requires a fair amount of work in advance, obviously.

The second one is, I have no idea what the second recommendation means, or what it contemplates, or what it embraces. Perhaps Mr. Flynn, who has moved the adoption of the subcommittee report, could answer that.

Mr. Kevin Daniel Flynn: Not being present at the meeting, I can tell you what I think of it. I'm not sure; obviously, I wasn't there. Mr. Zimmer, Mr. Sterling and the Chair were there. But I think, as has been stated before, this would allow the process to start moving along, whatever process that is going to be. This would allow the Chair, with the assistance of the clerk—or the other way around, perhaps; the clerk, with the assistance of the Chair—to start the proceedings as to what's going to culminate in the report we were talking about earlier.

The Chair (Mr. Greg Sorbara): I am advised by the clerk that this is a standard provision that allows the work to begin prior to the adoption of the subcommittee's report by the committee.

Mr. Peter Kormos: Referring to the work in recommendation number 1?

The Chair (Mr. Greg Sorbara): Yes, that's right.

Mr. Peter Kormos: Okay, that's where I find the proposal confusing, because “be authorized prior to the adoption of the report of the subcommittee ... to facilitate....” Really what it means is, “authorized prior to the adoption of this report of the subcommittee to commence making any preliminary arrangements necessary to facilitate” the recommendation in paragraph 1. If that's what we're saying, can we please say that in the subcommittee report? I don't think I'm being too obtuse.

The Clerk of the Committee (Mr. Trevor Day): So we would replace “the report” with “this report of the subcommittee to commence making any preliminary arrangements necessary to facilitate recommendation number 1”?

Mr. Peter Kormos: Yes.

The Chair (Mr. Greg Sorbara): Are we agreed on that amendment?

Mr. Norman W. Sterling: I agree on that amendment. Could I just add that in order to make it clear to anyone who's reading this in Hansard, why don't we include the word “present” before the Elections Act, before the Election Finances Act, and the—

The Chair (Mr. Greg Sorbara): Or the word “existing”?

Mr. Norman W. Sterling: Okay, “existing” is fine.

The Chair (Mr. Greg Sorbara): Peter Kormos.

Mr. Peter Kormos: Fair enough. Having said that, I assume that the clerk has complied with paragraph 2. Notwithstanding that there has been no adoption by the committee—which really in fact is the subcommittee—of the subcommittee report, perhaps paragraph 2 is redundant, unless the clerk wants to cover his tracks.

The Clerk of the Committee (Mr. Trevor Day): I would appreciate paragraph 2 staying in.

The Chair (Mr. Greg Sorbara): Okay, that's fine.

Mr. Peter Kormos: The clerk is wiser than any of us. I have no quarrel with that, then.

The Clerk of the Committee (Mr. Trevor Day): So Mr. Sterling's amendment would be that we add

“existing” before “Elections Act” and “Election Finances Act” and “Representation Act”?”

Mr. Norman W. Sterling: Unless you can find some other way to write it, that’s fine.

The Chair (Mr. Greg Sorbara): I think “existing” is fine, from my perspective. Kevin?

Mr. Kevin Daniel Flynn: Yes, I’m absolutely pleased to incorporate that.

The Chair (Mr. Greg Sorbara): And there are amendments to the second part of that subcommittee report as well? The clerk has those?

The Clerk of the Committee (Mr. Trevor Day): We’ve got Mr. Kormos’s changes and Mr. Sterling’s changes. It’s really now just a case of voting on it, as amended, with all those changes.

The Chair (Mr. Greg Sorbara): I think the committee members have the amendments. All those in favour—

Mr. Peter Kormos: May we read those one final time?

The Chair (Mr. Greg Sorbara): Okay, maybe I will do that. I will read the two recommendations.

“(1) That the committee clerk instruct legislative counsel to begin drafting a bill that will consolidate the existing Elections Act, the existing Election Finances Act and the existing Representation Act into a single piece of legislation.

“(2) That the committee clerk, in consultation with the Chair, be authorized prior to the adoption of this report of the subcommittee to commence making any preliminary arrangements necessary to facilitate recommendation number 1.”

Mr. Peter Kormos: Thank you, Chair. I’m prepared to vote on that.

The Chair (Mr. Greg Sorbara): All those in favour? Opposed? Carried.

REVIEW OF ELECTION LEGISLATION

The Chair (Mr. Greg Sorbara): What I am proposing now is that we begin a discussion on three things. The first thing is the set of suggestions put forward by me and my party that has been provided to both of the opposition parties and has been discussed by the government party; that the committee just hear from each of the opposition parties as to their reactions and, more broadly, as to what each of the opposition parties think ought to be included in the policy recommendations that we ultimately bring forward as the body of the report and that would drive the ultimate redrafting of the single bill.

Perhaps we could start off with Mr. Sterling.

Mr. Norman W. Sterling: Can I just say, generally speaking, with regard to these proposals that we’re going to be discussing over the next coming meetings, I think there are maybe 24 different proposals advanced. I think you, Mr. Chair, indicated that this was the government position after advice from the Chief Electoral Officer,

both past and present; it was the view of the government that that would be the case.

From my point of view, I would like to be able to ask what the suggested proposal means in real legislative language when it gets down to the bottom. That’s the approach I’d like to take. I’ve had some preliminary discussions with my party and with my caucus, and there were questions as to why this proposal is there.

For instance, the first one is about advance polls and the idea of giving the Chief Electoral Officer complete discretion, as I read it, to determine the number of days, hours and locations on advice of returning officers to meet local needs. I don’t know what the intent of that is. Is it to limit advance polls or to expand advance polls? My party and my caucus are saying that if this is to expand, fine; if it’s to contract, it’s not fine. I don’t know what this means. How do we ensure that there is a bare minimum of—

The Chair (Mr. Greg Sorbara): Okay, well, I think the answer is that this is not to contract advance polls, but this is to organize advance polls based on the particular realities of a particular riding. For example, the way in which an advance poll might be organized in a very rural northern riding might be very different from an urban setting. The direct answer to your question is that there would be certain bottom-line rules in the legislation with flexibility to establish hours and locations so that not every advance poll had to be open from 8 in the morning until 9 at night in all locations. It’s like what you said earlier on about the use of certain technologies. It’s a very expensive process to keep an advance poll open in a situation where maybe two or three people during the entire period of an advance poll day actually vote. But we would get down to that when we look at the specific language of the draft bill.

0940

Mr. Peter Kormos: I trust we’re going to deal with these one at a time in the order that they’ve been put on the page. I hope that’s the process.

I asked Mr. Sorbara—recognizing that this was not going to be a broad-based discussion of things like subsidized financing of political parties, things like that—so I said, let’s cut to the chase, reduce the government’s wish list, its grocery list, if you will. I appreciate it. So this is what we’re dealing with here.

My caucus and party is very concerned about the language of the proposal, as was Mr. Sterling, because it appears to suggest that this Chief Electoral Officer have absolute discretion around advance polls. They noted that it was a long fight to get the minimum number of advance polls as they are now in the status quo. They recognize that elections are expensive—of course they are. But at what cost do we deny people the opportunity to vote? My caucus is adamant that there be the minimum of the status quo—and I recall addressing this during several of the previous meetings. Surely there has to be uniformity from riding to riding. I think that this is a critical thing. If somebody lives in Willowdale and then moves to Kenora, I believe they should be able to expect

that the same rules apply, and I'm going to address that further when it comes to the proposal that there be experimentation in terms of voting practice in general elections as well as by-elections.

So our position is this: We have no quarrel with the CEO using its discretion to increase the number of advance polls. We believe that the status quo under the Election Act, section 44, as indicated by Mr. Johnston, should be maintained, be the minimum. Furthermore, in terms of uniformity, and appreciating that there may well be instances—see, the problem is we haven't been told in which advance polls, in which communities, only three people showed up. It may well have happened; I don't know. But surely in the interest of uniformity, people in remote areas, where the suggestion is this is more likely to happen, shouldn't be denied the same flexibility about voting as people in Willowdale. So our position is that the CEO can use its discretion to increase the number of advance polls, but the number of advance polls has to be consistent; that the minimum established in section 44 has to be maintained; and there has to be uniformity around the hours.

The Chair (Mr. Greg Sorbara): I guess one of the examples that would be illustrative would be to take, say, the riding of Gilles Bisson. I think what the proposal, which emerges primarily from—this is a Chief Electoral Officer-type proposal—is that perhaps there would be an advance poll on a certain day in Kapuskasing, and given the lifestyle there, that advance poll would only be open from 9 until 6, and then the following day there would be an advance poll of two days in Timmins during similar hours, rather than having advance polls open in both of those locations through the standard time.

But right now I'm just trying to get feedback, and I hear what both of you are saying.

Mr. Peter Kormos: A question—because that's an interesting observation: What does section 44 compel Timmins-James Bay to do currently, in terms of Kapuskasing versus Timmins? I don't know.

The Chair (Mr. Greg Sorbara): I hear your reaction, and I think we should note that as we refine our recommendations.

Mr. Norman W. Sterling: Can I ask Mr. Johnston, our researcher, a question? At the present time, the Chief Electoral Officer can place these advance polls outside of the returning office wherever he wants. Is that correct?

Mr. Larry Johnston: My reading is yes.

Mr. Norman W. Sterling: So he can pick 10 other locations, and that's his restriction?

Mr. Larry Johnston: I believe the act prescribes the days on which advance polls can be held but gives the CEO and the returning officer the discretion to choose the designated locations and also the hours of polling at those locations.

Mr. Norman W. Sterling: So he has that discretion now.

Mr. Larry Johnston: Under the current act, yes, but not the dates.

Mr. Norman W. Sterling: So you can't have it the weekend before, but you can have it a week and a half before. I don't know what the exact—

Mr. Larry Johnston: Whatever the prescribed dates are, advance polls must be held.

Mr. Norman W. Sterling: Did any of the returning officers comment at all about advance polls?

Mr. Larry Johnston: Most of them did.

The Chair (Mr. Greg Sorbara): If you have a look at the report of the Chief Electoral Officer's submissions to this committee, there is reference on page 8 to some examples. At one advance poll, 1,600-plus people voted, and at another advance poll, only 150 people voted.

Mr. Peter Kormos: But 150 ain't three.

The Chair (Mr. Greg Sorbara): No, I understand that. I simply want to get the reaction of this committee to the proposals that we set forth so that we can refine them and make sure that they are—and I think we have that.

Maybe we could go to the next item. I'm just going through the draft proposals.

Mr. Peter Kormos: I don't know what the Liberal Party caucus have had to say about that.

Mr. Kevin Daniel Flynn: I believe, when the report was given, I was present in the room, and there seemed to be general acceptance that this was moving in the right direction. But at that point, we didn't have any feedback from the other caucuses, so I'm as interested in hearing that today. I think there was an underlying theme that the intent is to make it easier for more people to vote.

Mr. Peter Kormos: Again, that's our motive as well. That's why we're adamant about maintaining, at the very least, the status quo and giving the CEO the discretion to increase on that.

The Chair (Mr. Greg Sorbara): Okay. Maybe we'll just go to the second issue that we raised: mobile polls.

Mr. Norman W. Sterling: I think there was general agreement in our group that we should follow the federal model with regard to this matter, providing there is some kind of fallback for someone who might have been missed at the nursing home or whatever and wants to vote late in the day and the mobile poll was there early in the day.

Mr. Peter Kormos: The response to this was very dramatic. It wasn't so much about the phenomenon of mobile polls. There's reference later on to mobile polls dealing with housebound people, amongst other things. But the inference that was drawn was that it would be at the cost of the polls in institutions like hospitals and long-term-care facilities. That further went to the issue of the time frames, because later on there's a suggestion about polls in institutions and restricting the time frame, a suggestion that long-term-care residents are all tied down in their wheelchairs and don't travel out and about and have freedom during the course of a day to go to the supermarket or visit grandkids. Obviously, it isn't the case.

The NDP are adamant that hospitals and long-term-care homes, and in the interest of uniformity, have the

same polling hours and have in-house polls. We accept the proposition of mobile polls to accommodate house-bound people, for instance, in addition to that. We considered as well how this could accommodate a proposal about voting in a polling area other than your own. My spouse is in long-term care: I'm attending to the spouse. She gets to vote, because there's a poll in that long-term-care facility—or extended care, at the Welland hospital—and by gosh and by golly, I can vote there too. So we, again, agree with mobile polls, but not at the expense of the status quo.

0950

The Chair (Mr. Greg Sorbara): This is really a simple proposition. In the main, what is says is, if there are 20 people on the voters' list at a long-term-care facility and all those 20 people have voted, there is not much purpose in keeping the polling station open till 9 o'clock. That mobile poll can close and the ballots be brought to a central counting spot and counted at the end of the voting day.

Mr. Peter Kormos: That's the counter-argument.

The Chair (Mr. Greg Sorbara): Again, everything that we are proposing and everything that we accept from the Chief Electoral Officer, whose view we share, is that we need to facilitate the voting process, and at the same time we need to make sure that we're running an efficient organization. So the mobile poll where everyone has voted—you need not keep poll clerks and DROs there until 9 o'clock. There's no purpose.

Mr. Peter Kormos: You see, that's not what has been articulated here.

Mr. Norman W. Sterling: I don't think that that's what's intended here either. For instance, if someone has severe dementia in a long-term-care home, it's unlikely that they're going to vote. Maybe they're bedridden or whatever. So I don't think it's a case of getting all of the voters out and then closing it down. I don't think that that's practical in terms of that happening. But notwithstanding that, I think we would still be in favour of doing what the federal government does in this regard, which, essentially, supports the resolution.

Another fallback position could be: as long as everyone on the voters' list was approached as to whether they wanted to vote or not. That might be acceptable to my friends, in terms of saying, "The poll's going to be here from 9 to noon, 80% of the people have voted, and we've gone and talked to the other 20% and they've said, 'I don't want to cast a ballot' or can't respond."

Mr. Peter Kormos: Mr. Sorbara, your argument—with respect—is more compelling, because it's the fail-safe. Yes, it may well mean that there are some people who never would vote, but you're going to keep the poll open because their name is still not stroked off on the voters' list.

How many voters who are mobile and youthful say they don't want to vote until we call them half a dozen times—15 minutes before the close of the polls? With respect, people do change their minds. They're grumpy

in the morning, they're less grumpy in the afternoon—any number of things.

Your proposition is one I think that could be far more readily sold, if I could put it that way.

Mr. Norman W. Sterling: Of course it can, but I'm just saying, I don't know whether your proposition is practical.

The Chair (Mr. Greg Sorbara): I think the second point here—and I'm glad to hear that your caucus is supportive—is that we attempt, as much as is possible and practical and wise, to reflect what is done at the national level, at the federal level, so that the voting experience for the voter, whether he or she is voting in a federal election or a provincial election, is similar—similar location, similar standards, similar identification requirements, similar processes.

I hope that we make a few advances that ultimately are adopted by the federal level, but in mobile polls, the idea is that the federal system has developed some mechanisms and we would, as much as possible, try and mirror those mechanisms.

Mr. Peter Kormos: Can we get some advice as to what those are? I'm putting more workload on Mr. Johnston.

The Chair (Mr. Greg Sorbara): I think that's fine. I think there is some information in the Chief Electoral Officer's report, but I think we—

Mr. Peter Kormos: I'm reading it.

The Chair (Mr. Greg Sorbara): Okay. Can we move on to "eliminate proxy voting and replace with special mail-in ballots"?

Mr. Norman W. Sterling: Can I just ask, on number 2, with regard to the returning officers who responded, and there's a summary here: Is there anything with regard to mobile polls on here? This isn't an existing section of any act.

Mr. Larry Johnston: It would be under what they call the section that deals with the institutional polls. Yes, section 14(1). It's on the bottom of page 5, and you have a summarized observation: Use mobile polls to serve these institutions.

As you can see, a great majority of the returning officers who responded to the committee endorsed that recommendation, the very last thing on the bottom of page 5.

Mr. Norman W. Sterling: At the top of page 6 there were two returning officers who said, "Reduce the time spent at polling places in retirement residences and nursing homes so long as a full opportunity has been given for all ... electors to vote."

The Chair (Mr. Greg Sorbara): Can we go on to "eliminate proxy voting and replace with special mail-in ballots"? Once again, this provision would be similar to the federal special mail-in ballot process. Comments?

Mr. Norman W. Sterling: Can I ask Mr. Johnston just to review with me what is the special mail-in ballot process that our federal government has. Do you know what that is, Mr. Johnston?

Mr. Larry Johnston: It involves various classes of voters, for one thing. Each opportunity has a special section in the act, so there is a section that deals with special ballots for the Canadian Armed Forces personnel. There's another section that deals with people permanently stationed, say, in embassies or other places abroad. There's another section that deals with any eligible voter in the country. So it varies from section to section. There's another section that deals with persons with disabilities who can vote by special ballot.

Mr. Norman W. Sterling: But to get the special ballot, as I understand it, you have to apply. Is that correct?

Mr. Larry Johnston: Correct.

Mr. Norman W. Sterling: And you have to apply in writing. Is that correct?

Mr. Larry Johnston: Or you can go in person to a returning office and apply there, as well.

Mr. Norman W. Sterling: There you have to show identification?

Mr. Larry Johnston: Correct.

Mr. Norman W. Sterling: How do they ensure that the person who's mailing in the ballot is the person who has been given, I guess, the right—

Mr. Larry Johnston: At the time of application, a signature is required and then, when one places the ballot in the envelope that's provided—and it probably has some security features as well—one must sign across the seal of the envelope so that the signature on the envelope could be compared with the signature that has been provided.

Mr. Norman W. Sterling: Has there been any evidence of abuse at all at the federal level?

Mr. Larry Johnston: I've not heard of that.

The Chair (Mr. Greg Sorbara): Mr. Kormos.

Mr. Peter Kormos: The integrity is a bit of a problem with mail-in ballots, whether it's having your grandmother living with you sign after you've filled out her ballot—by and large, we are very supportive of the prospect of mail-in ballots in exchange for proxy. That one got a big gold star.

The Chair (Mr. Greg Sorbara): Good.

Mr. Peter Kormos: But even to the point of saying, rather than making people pass some sort of test before they're entitled to one, why not let anybody who wants to use a mail-in ballot do it? That avoids the technicalities of saying, "Well, you come close to meeting the test, but you don't quite make it." Why not let anybody? That's number one. Number two, mail-in: Fine. Obviously it has to reach the returning office X number of days before the de facto election so that the voters' list can be adjusted to indicate that that person has voted. I appreciate the language is "mail-in." Why not give people an opportunity to deliver that mail-in ballot by hand, as if it were a courier service, to the returning office? You've got some parts of the country that might have—you talk about rural Ontario. Remote Ontario might have logistical problems in terms of the timing of mail delivery. I get letters from Toronto to Welland in one day sometimes, other times it

takes far longer, so why not let people deliver to the—because what's the difference if it comes by post or by hand?

1000

Mr. Larry Johnston: I believe that in most jurisdictions which have a mail-in ballot, that also is something that can be delivered to the returning office—and usually the deadline is the end of polling day.

Mr. Peter Kormos: If it's the end of polling day, how does that name get stroked off the voters' list?

The Chair (Mr. Greg Sorbara): I think the answer to that is that when someone has qualified for a special ballot, there is a separate kind of polling list that does not allow someone to come to the poll and vote.

Mr. Norman W. Sterling: You're compelled to use it? It's the only option you have.

The Chair (Mr. Greg Sorbara): I don't think you can be given a mail-in ballot and then say, "You can use that," and you can go and vote, or you can go and—

Mr. Peter Kormos: No; I appreciate the dilemma.

Mr. Norman W. Sterling: As I understand, what Mr. Johnston is saying is that it doesn't prevent you from voting on election day at your polling station if you want. All you have to do is go there and hand the envelope to the RO in the polling station.

Mr. Peter Kormos: That's interesting. That adds a little bit of complexity to it because—

Mr. Larry Johnston: I think it's at the returning office.

Mr. Peter Kormos: I told my NDP colleagues, of course, to perhaps wait until after the weekend of March 6 to see how effective mail-in ballots were.

I'm just trying to flesh this out on my own. I appreciate what Mr. Johnston says about delivery, but you're going to have some awfully frustrated people who say, "Yes, I got my mail-in ballot but I lost it. That's why I'm here today, and I swear I didn't mail it in." I suppose that after the fact, if someone wanted to go through all this horrible mechanical processing in most ridings because of the numbers, you could find people who did it.

I'm looking as well at Essensa here. Mr. Johnston, can you please help us with some fleshing out of the pragmatics of that in places where it's used?

Mr. Norman W. Sterling: You say there are eight provinces and the federal government that use it.

Mr. Larry Johnston: Yes.

Mr. Norman W. Sterling: Okay. Is it the same process in all eight and the feds or is it very, very close, in terms of the—

Mr. Larry Johnston: There are two matters here. One is the legislation and who is eligible. The other is the actual administration of the process, and that's usually not spelled out in the legislation. One would have to consult with the election officials to see what their actual mechanics were for doing this. But I expect that there's a more or less similar process applied because election officials tend to share best practices etc.

Mr. Peter Kormos: In any event, we support the proposition.

The Chair (Mr. Greg Sorbara): Good.

Mr. Norman W. Sterling: We support—

The Chair (Mr. Greg Sorbara): But I just want to clarify: I understand that your caucus thought, “Why don’t we expand that?”

Mr. Peter Kormos: Yes.

The Chair (Mr. Greg Sorbara): At this point, my own view is that that goes well beyond modernization and housekeeping, and starts to create another way of voting, and that is by mail. It may be something some future government wants to consider, but at this point we’re still working on the basis that the normal course is to go to a polling place and mark a ballot with an X as the method of voting.

Mr. Peter Kormos: Okay. We accept the proposal. We urge that universalization of it be considered, because this is also the process you’d use if you knew you were going to be in Europe. Even before the advance polls start we have votes, you know. But then the process of applying for it, if you’re going away for a month, if you’re going golfing in Florida—

The Chair (Mr. Greg Sorbara): That wouldn’t be me. Go ahead.

Mr. Peter Kormos: I don’t go to golf courses, so I wouldn’t know whether I’ve seen you or not, but in any event—

The Chair (Mr. Greg Sorbara): I’ve never been on one and never will be. No offence.

Mr. Peter Kormos: Is there going to be a process whereby the person—here we get into proxy stuff. My folks left for Florida a week before the returning office opened. They’re going to be there through the course of the election. How do I get a mail-in ballot for them sent down to Florida?

The Chair (Mr. Greg Sorbara): I think those are issues that, as Mr. Johnston said, are part of the best practices that are developed and shared amongst many election commissions.

Mr. Peter Kormos: Okay, I’m not going to flog this anymore—for the moment.

Mr. Norman W. Sterling: My view is that we should be fairly careful in terms of going into this area. My caucus is all for it, but on the other hand, I don’t think we should stray too far from models that have been used in other places. We can always open this up as time goes on, but it’s better to be safe as you go into a new way of voting.

The Chair (Mr. Greg Sorbara): Okay.

So, enhancements to the service delivery model: Questions and comments?

Mr. Peter Kormos: General agreement. However, our caucus and some of the party bureaucrats are really concerned about what “modern customer service systems” meant. Is that like Rogers, when you call their 1-800 number because your cable isn’t working—

The Chair (Mr. Greg Sorbara): They tell you to go online.

Mr. Peter Kormos: The problem is you’ve got Rogers Internet.

Or is it like Bell Sympatico, when you’re talking to somebody in New Delhi about your Sympatico network?

So we literally had some problems with that, in terms of wanting it fleshed out. I’m not sure how this would be worded in legislation.

The other issue that accompanied it, though, in supporting the secularization and the universalization, professionalization, of DROs, poll clerks, poll workers—yes. But then making sure—because that’s an effort to streamline, because you’ve got this type of queuing—it talks about that too. The accommodation of scrutineers was very important to our folks, because that’s one of the best tests, especially in smaller-town Ontario, because the scrutineers know who people are in a polling area, in a neighbourhood. That’s one of the best tests of maintaining the integrity. So we wanted to make sure scrutineers were accommodated at all the levels so that they could follow that voter and that ballot as well.

The Chair (Mr. Greg Sorbara): And that was something that was raised by our caucus.

Mr. Kevin Daniel Flynn: A lot of self-interest there from all parties, I think—and everybody wants it to work for the scrutineers, obviously. Certainly, in the past it seemed to me that legislation was written—because everyone was voting, the legislation focused on who shouldn’t be allowed to vote. Now what we’re trying to do is bring forward things that would facilitate more people voting, and this is one, I think—because somehow you walk into the polling place and often you think that the process has become more important than the act. The fact that you have a poll clerk and a returning officer and a DRO at every location seems to be more important than your ability to allow somebody to actually vote and to encourage them.

Mr. Peter Kormos: We agreed with the proposition, but we also wanted to make sure that the proposal accommodates scrutineers.

The Chair (Mr. Greg Sorbara): That’s duly noted.

Mr. Peter Kormos: The scrutineers do two functions: one, they assist that particular candidate in pulling his or her vote—we know that; two, they’re the ones who challenge, who say, “Bull feathers. You’re not Kevin Flynn. I know Kevin Flynn.”

Mr. Norman W. Sterling: I guess in some ways this presupposes the whole notion of things that are going to come later, and that is that you’re going from poll clerks and deputy returning officers to poll workers. Does one happen without the other?

The Chair (Mr. Greg Sorbara): Let’s be frank here. We operate pretty much in the 19th century at our polling places. Political parties have to give you a list of poll clerks, and there’s all that patronage. It’s an embarrassment. We need people there who are well trained to get people in and out of a polling place as quickly as possible—and that’s the essence of this recommendation—and the experience of the voter is, “Oh, this works pretty well. I’ve got my ballot, I’m sent to the right place, I get to vote, I’m out in five minutes.” The most embarrassing situation is where there’s a whole bunch of

election workers sitting around at three polls in a school gymnasium and there's a 20-minute lineup at another poll. It doesn't make sense. It's an embarrassment to modern delivery of service. This is simply, along with paying poll workers properly and allowing that to be fixed based on a Management Board of Cabinet model of remuneration, giving the Chief Electoral Officer enough time to hire and train people so that they know what they're doing there and they're available and ready to work the 14-hour day that is voting day.

Yes, you're right. Sorry to go on about that, Norm, but you're right that it's contingent upon a whole bunch of other things: You've got to have proper salary levels, change the name and allow for modern methods to be used to facilitate the process. Frankly, we will hopefully save some money when we do this because there won't be a lot of redundancies based on statutes that were relevant to 1905 or something.

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Mr. Norman W. Sterling: But once you go to the teller system as such, does this also say that people can vote anywhere in the constituency?

The Chair (Mr. Greg Sorbara): No. I think you know the model. Mostly, when you go into a school gymnasium—

Mr. Norman W. Sterling: No, I know the model and all the rest of it. I'm just asking where this particular recommendation is taking us. I understand that it means, then, that you're not going to have a deputy returning officer and a poll clerk in each poll and you're going to have poll workers and that kind of thing, but that could happen in the present system without any bank-teller system.

The Chair (Mr. Greg Sorbara): There are statutory impediments to that happening in the present system because of the statutes.

Mr. Norman W. Sterling: Oh, I know. That's one thing that you agree to, that you're doing away with DROs and poll clerks. So you're going to have poll workers and no differentiation, probably, in pay between them. But the second part is going to an electronic registration rather than having paper poll lists of people you have identified who can vote there. Once you go to that, then there is no good reason, if someone mistakenly shows up at poll 72 instead of poll 71, why they couldn't vote at 72, because presumably you could interconnect. Is that—

The Chair (Mr. Greg Sorbara): No, that is not being contemplated here, at least from the perspective of our caucus. There was a desire to continue to have people vote in the poll where they are enumerated, and this facilitates the scrutineer process and the so-called bingo sheets and all of that stuff. We are not, at this time, going to a situation where no matter where you live in the riding of Vaughan, you can go into a polling place anywhere in Vaughan and vote at that poll; we're not going there yet.

Mr. Peter Kormos: You were enthusiastic about that proposition.

The Chair (Mr. Greg Sorbara): Personally, I am very enthusiastic about that proposition, but the fact is, our caucus is not—

Mr. Peter Kormos: But what if our two caucuses, Mr. Sterling's and mine, are?

The Chair (Mr. Greg Sorbara): Well, then we'll overturn the view of the government caucus and put it in place right away. How's that? But your caucus would like it the least of all.

Mr. Kevin Daniel Flynn: My understanding, Mr. Chair, was that there was support for voting in the same polling place but not necessarily having to go to a specific table.

The Chair (Mr. Greg Sorbara): That's right.

Mr. Kevin Daniel Flynn: You would vote in the place you would vote at typically, but, as the example was given, if there was a lineup of 20 people at the one table and there was nobody at the other table, you would be allowed to go to the other table.

Mr. Norman W. Sterling: Yes, but basically the problem is, once you've got the electronic machine, nobody can sanely say they're going to deny somebody the vote, particularly if they got the wrong card, saying, "You should be in 72," you go to 72 and in fact you should have had a card to go to 71.

Mr. Peter Kormos: How does that help scrutineers in either of the two obvious functions that scrutineers perform?

Mr. Kevin Daniel Flynn: Mr. Sterling's right, it is an extension of that logic. If you keep it going along that track, you do end up where you're talking about. At this point in time, though, our caucus is only prepared to go the route that the Chair has outlined.

Mr. Peter Kormos: But how do we accommodate scrutineers?

The Chair (Mr. Greg Sorbara): You accommodate scrutineers by—we had a very specific discussion about this with the chief returning officer about being able to provide so-called bingo sheets as quickly as possible and more quickly than currently.

Mr. Peter Kormos: That's the political function of scrutineers. What about the integrity function of scrutineers?

The Chair (Mr. Greg Sorbara): Well, the integrity function of scrutineers is, I think, the same thing. You mean challenging someone coming in to vote?

Mr. Peter Kormos: Yes.

The Chair (Mr. Greg Sorbara): I don't think it would be any different.

Mr. Peter Kormos: Well, no, because you see, you say you can vote at any one of the stations.

Mr. Norman W. Sterling: They're saying that you can't.

The Chair (Mr. Greg Sorbara): You can have your name crossed off at any one of the teller wickets.

Mr. Peter Kormos: Tellers, voting tables in that voting area, but you see, scrutineers at A have the voters list for A. Scrutineers at B have the voters list for B. So if

a person who's on the A voters list goes to the B table to vote, those scrutineers won't have—

Mr. Norman W. Sterling: The scrutineer would have to sit where the electronic machine was.

Mr. Peter Kormos: What electronic machine?

Mr. Norman W. Sterling: Pardon?

Mr. Peter Kormos: What electronic machine?

Mr. Norman W. Sterling: Well, with the list.

Mr. Peter Kormos: Oh, okay. I'm sorry.

Mr. Norman W. Sterling: You have the teller machine—

Mr. Kevin Daniel Flynn: Well, I think it goes without saying that if you change the process, you're going to change the scrutineering process in some way.

Mr. Peter Kormos: All right, but we've got to accommodate the political scrutineers.

The Chair (Mr. Greg Sorbara): Let's go on to item number 5, return to vouching. Mr. Kormos.

Mr. Peter Kormos: Fascinating: The advice the caucus got was mixed. It's a very difficult one. On the one hand, clearly this is about homelessness and the right to vote, restricting the number of voters a person can vouch for. An example was given of social workers who work in a particular community, a particular neighbourhood, associated with a particular church or who literally work on the streets. They may be able to bring six people to a poll and legitimately say, "I can vouch for all six of these people." That was the one argument.

The other argument was far more adamant and supported the photo health card identification, saying, "No, we want voters to have to produce identification." As you know, that becomes contentious, especially around the issue of homeless people or sometimes the very, very poor who live in a room, who don't have telephone bills—literally have no bills, no mailing address. I don't know. I really think that we have to maybe think this one out a little more.

The Chair (Mr. Greg Sorbara): Mr. Sterling.

Mr. Norman W. Sterling: I guess it depends upon what we do with the identification issues as well. We have people on both sides of this one as well. Quite frankly, it does work better in a rural polling division because in a rural polling division the population doesn't change very often. It's not only the guy who's sitting there and the person who's vouching; everybody in the room knows that this is Mrs. Johnson, or whoever it is, and she has lived there all her life.

The Chair (Mr. Greg Sorbara): Well, this is designed to try to go down the middle of the road between the various viewpoints. On the one hand, it's designed to accommodate Mr. and Mrs. Smith, who come to vote and maybe they're not known but Mrs. Smith happens to have her wallet and, doggone it, Mr. Smith forgot his wallet at home. He's not going to drive 20 miles back to the ranch to get his wallet, and Mrs. Smith can say, "I can vouch for him."

It's also to accommodate the people that Mr. Kormos was talking about, who, by sad circumstance, really don't have any other way of identifying themselves than by

having someone say, "Yes, I know this is John Smith, I know he's a Canadian citizen and I know he's over 18."

The third component is just not to create an opportunity of marching people into the polls, and that's why we've limited it to two.

Kevin, did you have a comment?

Mr. Kevin Daniel Flynn: No, I think you've just explained it quite clearly.

Mr. Peter Kormos: In the proposal, and in the status quo, a voucher has to sign documentation?

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The Chair (Mr. Greg Sorbara): I don't think there is vouching currently. I think we eliminated that.

Mr. Peter Kormos: The rural vouching.

The Chair (Mr. Greg Sorbara): There is some documentation to be signed.

Mr. Norman W. Sterling: Hollins just—was it this piece or the proxies he didn't allow?

Mr. Peter Kormos: Proxies.

Mr. Larry Johnston: He didn't want vouching.

Mr. Norman W. Sterling: He didn't want vouching?

Mr. Larry Johnston: No, not originally. He's changed his position.

Mr. Norman W. Sterling: Oh, he's changed his position.

Mr. Peter Kormos: There you go.

The Chair (Mr. Greg Sorbara): We've got flexibility here.

Mr. Peter Kormos: So after the fact, how do you determine whether or not a person has vouched for more than two people?

The Chair (Mr. Greg Sorbara): That would be an administrative responsibility of the deputy returning officer, because you have to be on the voters list to vouch for someone. So it can be noted on the voters list that: Mr. Smith has vouched for his wife and his son.

Mr. Peter Kormos: But you don't have to be in your voting area—I can vouch for somebody in a poll other than the poll that I vote in.

The Chair (Mr. Greg Sorbara): No.

Mr. Peter Kormos: Oh. Well, you see that changes the price of poker substantially then, because then this doesn't address, by and large, the phenomenon of, let's say, homeless people who probably don't know anybody.

The Chair (Mr. Greg Sorbara): Generally they do know people in their own communities—

Mr. Peter Kormos: Who are homeless.

The Chair (Mr. Greg Sorbara): No, in their own neighbourhood and community. Okay, we'll put that as a question as to whether—

Mr. Norman W. Sterling: What I find odd here—sorry to cut in—when we talked to the returning officers: We only have six returning officers, and it was probably, what, 60 or 70 that—

Interjection: Forty.

Mr. Norman W. Sterling: Out of 40, it was only six who talked about this: two saying, "Eliminate vouching," one saying, "Allow vouching," and three saying, "Allow one to do one on it." I would have thought, of all the

people who would have wanted vouching, it would have been them, in order to avoid identification issues at the polls. So I don't know how badly it's needed.

The Chair (Mr. Greg Sorbara): Well, this is something that we thought ought to have a role so that we avoid those rare cases where two people come in—they may be partners, they may be close friends—and one of them inadvertently does not have identification. It's not a big thing. It won't create stampedes of unidentified voters; it will just assist in the process.

Mr. Kevin Daniel Flynn: I think the report is clear on page 7. We're saying that many returning officers reported that contentious situations between election officials and electors could have been avoided. That, to me, is saying that people came in, attempted to vote and the returning officer probably thought they should have been able to vote, but the rules would not allow them to vote. They're saying that if you had clear rules, they would have been allowed to vote. So that, to me, is saying that more people who should be able to vote, would be able to vote, were this adopted.

Mr. Peter Kormos: There's no opposition to vouching—

The Chair (Mr. Greg Sorbara): So your issue: Is it just that you have to be in a poll to vouch or can you just be in the riding? That's a good issue and we'll—

Mr. Peter Kormos: If this isn't intended to address that class of persons who don't have ID, never mind forgetting it at home, then that's a different subject matter that hasn't been addressed yet.

The Chair (Mr. Greg Sorbara): Let's move on to “testing voting and vote-counting equipment, alternative voting methods.”

Mr. Peter Kormos: No, no, no.

The Chair (Mr. Greg Sorbara): Mr. Kormos.

Mr. Peter Kormos: I was going to use several languages to try to show how clever I was in saying, “No, no, no.”

Interjection: Can I read you—

Mr. Peter Kormos: I'll tell you why. The status quo is that by-elections can be used to test new techniques. The interest was, once again, one of uniformity, that in a general election—there was some acknowledgement of how in a by-election you can educate, you can focus, because everybody is focusing on that, assuming that there are only one or two, a maximum two or three at a time. But in a general election there has to be uniformity across the province as to how people vote. That was the rationale.

The Chair (Mr. Greg Sorbara): I want to once again point out to you the phrase in this proposal: “in consultations with political parties.” In other words, the Chief Electoral Officer would bring all of the—I think just the main political parties together and say, “We're thinking of testing a vote-counting system or a vote-marking system. What do you think?”

Mr. Peter Kormos: Ah, but you see, I know so many of the government backbenchers who insist that they've

been consulted by the Premier's office before legislation is introduced. You'll note that—

The Chair (Mr. Greg Sorbara): We probably do a remarkable job of that, better than anyone has ever done it before in the history of the world, let alone the province. What other problem do you have with it?

Mr. Peter Kormos: The meter up on the wall is just bouncing right now. The polygraph needle is dancing.

Look, you've got the CEO—

The Chair (Mr. Greg Sorbara): I hear where you're coming from on this.

Mr. Peter Kormos: The CEO may test if party leaders approve. That's different than consultation. We're worried about the—

The Chair (Mr. Greg Sorbara): So you would like something with the approval of—

Mr. Peter Kormos: But that means you've got to go to any number of registered political parties, right?

The Chair (Mr. Greg Sorbara): With the approval of the presidents of three or more political parties—or do you just not like it at all?

Mr. Peter Kormos: Utilization in general elections, no sir.

The Chair (Mr. Greg Sorbara): I think number 7—I hope—could be really easy.

Mr. Peter Kormos: Commissions and committees?

The Chair (Mr. Greg Sorbara): Yes.

Mr. Peter Kormos: Yes, of course.

The Chair (Mr. Greg Sorbara): Okay.

Mr. Peter Kormos: The CEO probably has that power now.

The Chair (Mr. Greg Sorbara): Exactly.

Mr. Peter Kormos: It can do whatever it wants in terms of doing research.

Mr. Norman W. Sterling: I'm not in favour of this.

Mr. Peter Kormos: However, that's where we would like to see party participation.

Mr. Norman W. Sterling: No.

Mr. Peter Kormos: Oh, okay, sorry.

Mr. Norman W. Sterling: If you want to talk about committees to deal with any of these matters, come back to the Legislature and talk to the politicians.

The Chair (Mr. Greg Sorbara): Well, Mr. Sterling, I hear where you're coming from. On the other hand, Mr. Kormos is right that it probably happens anyway. It gives greater transparency to it because then it's more out in the open, and it has to be more part of the public record. I'm enthusiastic about the idea. We want that kind of investigation done. It won't change anything in the act.

Mr. Peter Kormos: Tell us—

Mr. Norman W. Sterling: He can march off into the sunset with this as far as I can see. He has paid boards, paid committees, paid commissions etc., and this thing starts to grow and grow and grow. He has commissions on how to get more people out to vote, how to better educate people about the elections etc. He's got a job to do: run a fair election with integrity.

He can have informal advisory committees if he wants. Nobody is going to say that. But why do you have

to formalize this in a piece of legislation? Then he's going to start formalizing their roles and all the rest of it, and it will run away from the political part of the process. The politicians here at Queen's Park should make these decisions going forward.

The Chair (Mr. Greg Sorbara): Mr. Kormos.

Mr. Peter Kormos: Can we revisit this?

The Chair (Mr. Greg Sorbara): Sure.

Mr. Peter Kormos: Because I'm prepared to address numbers 8 and 9 quickly. I don't know if Mr. Sterling is.

The Chair (Mr. Greg Sorbara): Okay, let's do 8 and 9 quickly if we can.

Mr. Peter Kormos: Number 8, yes.

The Chair (Mr. Greg Sorbara): Okay. Mr. Sterling, number 8?

Mr. Norman W. Sterling: I can't give it a yes now.

The Chair (Mr. Greg Sorbara): Okay. Number 9?

Mr. Peter Kormos: Of course, yes, assuming it's photo health cards.

The Chair (Mr. Greg Sorbara): Yes.

Mr. Norman W. Sterling: Did we decide what each elector is going to be asked when they come in?

The Chair (Mr. Greg Sorbara): No.

Mr. Norman W. Sterling: Okay.

The Chair (Mr. Greg Sorbara): But we can have a further discussion there. Here it's just a matter of having to get over some privacy hurdles to allow them to look at your picture on your photo card. I hear yours is very attractive.

Mr. Norman W. Sterling: I have no qualms about that.

The Chair (Mr. Greg Sorbara): You've no problem with that? Okay, good. So 8 and 9 we're okay with.

Mr. Peter Kormos: No. On 8, Norm—

Mr. Norman W. Sterling: I've got to talk again to my caucus on that.

The Chair (Mr. Greg Sorbara): Okay, the committee is now adjourned until Tuesday at 4 o'clock.

The committee adjourned at 1030.

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