

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

Chairperson
Ms. Bonnie Korzeniowski
Constituency of St. James

Vol. LVI No. 3 - 1 p.m., Wednesday, December 22, 2004

ISSN 1708-668X

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, December 22, 2004

TIME – 1 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Bonnie Korzeniowski (St. James)

VICE-CHAIRPERSON – Ms. Kerri Irvin-Ross (Fort Garry)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Ashton, Chomiak, Doer

Messrs. Cummings, Dewar, Mses. Irvin-Ross, Korzeniowski, Messrs. Loewen, Murray, Penner

Substitutions:

Hon. Mr. Mackintosh for Mr. Schellenberg

APPEARING:

Mr. Richard D. Balasko, Chief Electoral Officer, Elections Manitoba

Mr. Kevin Lamoureux, MLA for Inkster

MATTERS UNDER CONSIDERATION:

Annual Report on the administration of The Elections Act and The Elections Finances Act for the year ending December 31, 2001

Annual Report of Elections Manitoba for the year ending December 31, 2002, including the conduct of the Lac du Bonnet by-election dated March 12, 2002

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

Madam Chairperson: Committee, come to order. I have before me the resignation from this committee of Mr. Schellenberg effective immediately.

Are there any nominations to replace Mr. Schellenberg?

Mr. Gregory Dewar (Selkirk): With the unanimous consent of the committee, I would like to make the following membership substitutions effective immediately for the Standing Committee on Legislative Affairs, St. Johns for Rossmere.

Madam Chairperson: Is that agreed? *[Agreed]*

This meeting has been called to consider the following reports: Annual Report on the administration of The Elections Act and The Elections Finances Act for the year ending December 31, 2001; Annual Report of Elections Manitoba for the year ending December 31, 2002, including the conduct of the Lac du Bonnet by-election dated March 12, 2002; the Annual Report of Elections Manitoba for the year ending December 31, 2003, including the conduct of the 38th Provincial General Election dated June 3, 2003.

Are there any suggestions from the committee as to how long we should sit this afternoon?

Mr. Dewar: I suggest we will sit till three and reevaluate the progress of the committee at that time.

Madam Chairperson: Agreed? *[Agreed]*

Are there any suggestions from the committee regarding the order in which we should consider these reports?

Mr. Dewar: I suggest, Madam Chair, we deal with the matters as they are listed on the order paper.

Madam Chairperson: Is that agreed? Committee agree? *[Agreed]*

We will now proceed with the consideration of the reports. Did the honourable First Minister wish to make an opening statement, and would he please introduce the officials in attendance?

Hon. Gary Doer (Premier): Yes, I would suggest that the Chief Electoral Officer, Mr. Richard Balasko, make an opening statement, and I would follow. Then the parties would follow. Is that normal? I am just trying to go by memory.

We also have with him Mr. Lorne Gibson, the Deputy Chief Electoral Officer; Mr. Scott Gordon, Manager of Elections Finances; and Ms. Mary Skanderbeg, Manager of Elections Operations and Communications. I am guessing that I start and then the critic go. So my first comment—thank you, Mr. Balasko—I will have to hold till after.

We are certainly dealing with three reports that are before the committee: the 2001 annual, the 2002 annual report and the 2003 annual report. The first two reports have been before the committee before. The 2003 report summarizes a number of recommendations from the previous two. I will focus my attention on those reports and the actions that will flow from them. I want to focus on actions our government is prepared to undertake in the following months following the recommendations of our CEO and in consultation with the other parties represented in this Legislature.

* (13:10)

I would suggest that the CEO's recommendations fall into a number of categories: recommendations to increase participation by improving access to electoral process in practical ways, making it easier for many people to cast their vote; recommendations to safeguard the electoral process by improving enforcement and penalties for improper activity; recommendations to modernize our procedures, making it easier to administer elections and preserve the spirit of our elections and election finances laws.

It is our intention as government to proceed with legislation in 2005 that is consistent with the changes recommended by the Chief Electoral Officer. These recommendations are contained and start on page 79 of the report, and I will deal with those in a moment. We also plan to deal with the recommendations and legislation that has not been proclaimed in third-party advertising during election campaigns. I will

share with this committee our plan for proclaiming the sections of the 2000 in legislation, and I also will share with the committee the legal opinion that we have received in a formal way to this committee.

On the subject of increasing participation, I know that this has been widely discussed across all democracies looking at the declining rates of participation. There are a number of recommendations that deal with the issue of young people, and there are a number of recommendations that deal with inclusion and participation in the election report. Specifically, on page 79, the report makes the following recommendations, "That the six-month residency requirement be extended to a period of several years for the following people who are otherwise eligible to vote." It goes on specifically to mention public employees or persons employed and involved in international service organizations, students, the immediate family, the members of a family of such people.

I would say that we support this change. This issue has come before the committee before in previous reports, and I believe there is all-party consensus on those recommendations. We have previously made in an all-party way recommendations to deal with peacekeepers to maintain their rights to vote. This would extend the same principle to other Manitobans who leave the province for extended periods of time but maintain their residency here.

Beginning on page 82, the recommendations state that there be improvements to people that are homebound due to disability as well as caregivers to vote during election time: Article 2, recommendation 2 on page 82, "That The Elections Act be amended to enable the qualified caregivers of homebound voters, who are otherwise unable to attend advance or regular polls, to use the homebound voting method"; recommendation 3, "That Section 101(1) of The Elections Act be amended to include persons with mental disabilities that prevent them from leaving their home unaccompanied"; recommendation 4, page 83, "That sections 101 and 102 be amended to extend the homebound voting provisions to voters with 'special circumstances'; and recommendation 5 from the Chief Electoral Officer, on page, 84, "That a provision be provided for a person with no fixed address to determine their ordinary residence by using a shelter, hostel, or similar institution which

provides food, lodging or social services to him or her."

In commenting on these recommendations, we would support these recommendations. The member from Emerson also spoke about the challenges of some residents of his constituency who have physical disabilities. As I recall, at the committee meeting, he spoke of the need for more polling stations also in his riding, and I know that has been discussed outside of these recommendations, but inside of the advisory committee from the parties. The government is willing to look at, and we recognize it is a cost item, but would be willing to look at increasing the number of polling stations consistent with the comments made by members of all political parties in these committee meetings and look at ways in which we can give practical life to the challenges of caregivers as well as homebound voters. We think both the polling station issue, which we recognize will cost the taxpayers more money, and the issues of the other recommendations provided by the Chief Electoral Officer will be helpful to including more people in the democratic process and should be incorporated in legislation before the next election. We would propose the spring of 2005.

There are a number of recommendations that normalize the advance poll to make it more likely to vote on election day, and having those open with the ability to vote in advance polls.

Recommendation 6a recommends removing the wording now in the act, which limits the use of advance polls to a person who "expects for any reason to be unable to vote at his or her polling subdivision on polling day" and extends advance polling to any voter. It also recommends waiving the requirement of a signed oath at the advance polls.

Recommendation 6b recommends allowing for more mobile advance polls and more flexible hours at polls.

Recommendation 6c recommends that advance polls "be held from the second Sunday before polling day to the Saturday before polling day", and that the hours for Sunday voting be noon to eight, notwithstanding the issue of different hours than retail opening, between six and eight.

The principle of those recommendations we certainly support. On advance polling, we support

the recommendations and the ideas of shopping malls and other issues that have been raised; that is why I raise retail closing hours. We do not want to pre-empt some of the advocacy on retail closing hours on Sundays, which is also another lobby effort going on in another portfolio of government.

But, certainly, all the recommendations that we think allow the convenience of more citizens to vote and take down some of the barriers and obstacles of voting on advance polls we think are very positive. We know of lots of families in 2003 that had not unusual circumstances, but sporting events with their kids that found it difficult to accommodate both work and children and families. So we think the recommendations are very consistent.

We, again, would like to have the polling-station issue looked at, and we will be welcoming the advice of the polling stations, in residences of a certain size to allow more facility for voting. Again, we recognize that this will create resource issues for us; but, if we have an election once every minimum of four years, that, certainly, is a price, I think, we should pay for more inclusion.

On page 86 of the report, the recent Court of Queen's Bench ruling, which struck down section 31 of The Elections Act for inmates, was dealt with, and we believe that that law, the court decision, stands unless overturned by the Supreme Court, and the Supreme Court has already ruled on that matter.

Section 2, a set of recommendations deals with the enforcement issues in modernizing the conduct of the administration of elections. Getting on to page 87, there are several recommendations around the use of voters lists that deal with the ability to extend the revision period for the voters list to six days, allow for returning officers to sign the list, and gives the CEO authority to safeguard the list by controlling entries; and recommendation 11 gives the CEO some further direction over how the voters list may be used in order to protect privacy and clarify the fundamental purpose of maintaining such a list is to facilitate the conduct of elections.

Certainly, we support the recommendations on the protection of the voters list, and we support in principle the protection of privacy on the voters list. We would want to work with other political parties on the issue of how we use the voters list as MLAs, and how political parties who have MLAs use the

voters list to deal with the balance of privacy and representation. We think those recommendations on privacy are consistent with the federal rules, and we certainly will look at those as well and work with our colleagues from other parties.

Recommendation 12, on page 90, deals with the recommendations to deal with the intent of our election rules are upheld, ensuring that people cannot prevent candidates from campaigning to communities. This recommendation deals with enumerators and election officers. We support this change. It is certainly consistent with the changes we made prior to the 2003 election.

Recommendation 13 recommends that a number of signatures on nomination papers be reduced from 100 to a lower number. We have received that recommendation. At this point, we have no recommendation to proceed on that recommendation, but we certainly have received it with an open mind and we look forward to advice from other parties.

* (13:20)

Recommendation 14 recommends that the section on publishing candidates' residential addresses be clarified. Again, we have a principle of allowing the public to know where you reside, and the issue that the CEO notes, this issue of security issues for individuals with specific addresses, we certainly will continue to discuss that at the advisory council with our colleagues. Again, there is no issue of privacy that is different from one political party to another, and there may be a way of dealing with that issue of privacy with the advisory committee.

Section 3, there are a number of recommendations dealing with the third part of the recommendations starting on page 92. There are a number of recommendations to strengthen the enforcement of existing rules or principles and safeguard our electoral procedures: recommendation 15, interfering with a candidate; recommendation 16, false entries or statements; recommendation 17, influencing votes; recommendation 18, obstruction of election officers; recommendation 19, political activities on election day within 50 metres of a polling place; recommendation 20, clarification on election day, campaigning in multiple residences such as senior homes. We certainly support these changes on enforcement, and we will work with the other parties

to seek clarity on the recommendations that the CEO has recommended to the people of Manitoba.

There are a number of changes on the administrative side which we support in principle and we generally support. Some of these issues are being discussed with the advisory committee with the CEO. We will work with again, the other political parties, the CEO and the Elections Manitoba staff on which areas we should look at more carefully and how we can implement those changes.

Other acts that have been recommended by the CEO: On page 100, the CEO has recommended we introduce some legislative procedures for referenda in Manitoba. When he spoke to our committee last April, Mr. Balasko cited requirements for referendum to allow for the sale of Manitoba Hydro or Manitoba Public Insurance Corporation. We, of course, know that there are also sections of referenda required under The Balanced Budget Act, and we certainly support the idea of providing a more definitive referenda legislation to deal with these three pieces of legislation that have requirements of a referenda and have some requirements of that referenda, the rules be established by Order-in-Council in the case of the balanced budget legislation. That seems to us to be inconsistent with a more independent process. Cabinet, obviously, should not establish the rules of referenda dealing with funding limits, and we think that that makes sense.

In discussing The Controverted Elections Act on pages 103 to 104, the CEO raises the issue of representation on the elections boundary commission. He has previously recommended that there be rural and northern representation on the Electoral Boundary Commission. We support the addition of two members on an institutional basis for the Electoral Boundaries Commission. Right now it is not individuals that are named but rather positions: the Chief Justice, the University of Manitoba president and the CEO. We also recognize that all three individuals are Winnipeg based.

I think it was Mr. Downey, years ago, that moved an amendment to have a rural representative. I think it was Mr. Ashton that moved a motion to have a northern representative. I think it is appropriate to have an institutional position, not one chosen by the whims of a political party to establish this Electoral Boundaries Commission. We think this

is the last great reform of the Liberal Party of Manitoba with D. L. Campbell's recommendation of the Electoral Boundary Commission in Manitoba. I have given credit to the Liberal Party.

An Honourable Member: That does not happen very often.

Mr. Doer: Yes, that is right. We will modernize that, as we have to with everything else for the Liberal Party, but we will make that. D. L. Campbell is looking on, and I want to pay tribute to the great contribution to Manitoba's election laws and the idea to update it, consistent with the CEO's recommendation.

The CEO also recommends that on page 105, that the Legislative Assembly consider some elements of the electoral commission dealing with proportionality and participation. He recommends it go to the LAMC. We are certainly willing to participate in that debate. It feels awkward for this committee to dictate to another committee, but all parties have received that recommendation, and it will be certainly appropriate to continue discussing that item.

On working with the CEO on an all-party advisory group, we think there is a lot of good work going on in terms of the advisory committee, and there is more work to do on preparing for the next election and practical introductions that will have to be made. As you know, in the year 2000, we passed legislation dealing with third-party partisan advertising to deal with recommendations the Chief Electoral Officer had made in the past dealing with the registration of third-party groups in election campaigns.

We had limits to deal with the consistency of union and corporate participation on partisan political ads only during the election period in the legislation. We did not proclaim that legislation, and it was not in effect in 2003 because of the fact that there were court cases going on. I think the National Citizens' Coalition was challenging, and I will not mention who the leader of that was at the time, but the National Citizens' Coalition was challenging third-party limitations in the national legislation. We did not want to spend taxpayers' money fighting a court battle in Manitoba when we knew that the Supreme Court would rule on this matter and would have as its ruling a position that would be relevant to the Manitoba act.

The Supreme Court has ruled since our last hearing on the Harper case, upholding the federal law. I will provide a legal opinion in a moment, because I asked for a legal opinion to be in writing for this committee as opposed to just verbally. We believe that the Pallisser challenge to the Manitoba law has been withdrawn. We are now in a position to proclaim relevant sections of the 2000 legislation. We believe that we should proclaim it. We have a critical path prepared by Elections Manitoba where we will not proclaim all of the sections of the act right away, but we will proclaim the sections of the act that allow the Chief Electoral Officer to consult with the broadcasters, the newspaper organizations and other interested parties on what constitutes political communications.

So we would recommend, and the Chief Electoral Officer in terms of a critical path has recommended, only section 55(1) and 55(3) of The Elections Finances Act be proclaimed at this time to facilitate the consultations. Then the committee will report to us generally and to the government on proclamation. As I have indicated before, we have not proclaimed it before we came back to this committee, so if members have views on that, this will be the opportunity to talk about that. We do not believe, reading the Supreme Court decision and looking at the evidence of the 2003 election, that except for third parties having to register with the Chief Electoral Officer, there will not be any material difference between what the public would see and what the political parties would see on advocacy ads. I think in the last election there were advocacy ads; for example, the Manitoba Association of School Trustees had advocacy ads in the election which were not partisan ads. They did not say to vote for X or Y, but they were advocacy ads.

The only difference would be that they would have to register with the Chief Electoral Officer. This was a recommendation made by the Chief Electoral Officer in the 1990s and it is a recommendation we proceeded with in the year 2000. But, as I said, we did not proceed with the recommendation to implement that, given the fact that the court case was proceeding. We have received a legal opinion which I will hand out to members of the committee. We have asked for it in writing. We had verbal advice, but I think it is appropriate with something like this to read into the record the legal opinion from Constitutional Law Branch. We can make those

available, and it is dated to be in time for this committee. I will just hold for a second until everybody has a copy of it and I will read it into the record.

"I was asked to provide a brief commentary," this is from Mr. Eugene Szach to the Minister of Justice (Mr. Mackintosh), and because it deals with issues dealing with political parties and all parties in the Legislature, we think that matters dealing with the election should be shared with other political parties. "I was asked to provide a brief commentary on the constitutional implications of proclaiming in force the amendments to The Elections Finances Act regarding third party spending in election campaigns.

*(13:30)

"The third party spending provisions were enacted as part of The Elections Finances Amendment Act, S.M. 2000, c. 9. They have two major components: (1) a \$5,000 limit on third party spending in an election campaign; and (2) a system for administrative control of third party spending through mechanisms such as compulsory registration and disclosure of the contributors to third party organizations (the "attribution, registration and disclosure requirements").

"Manitoba's third party spending provisions were modeled on the third party spending provisions enacted earlier in 2000 in the Canada Elections Act. In fact, the attribution, registration and disclosure requirements in Manitoba virtually duplicate the federal legislation. The two statutes do, however, differ in terms of allowable spending limits. In contrast to Manitoba's single \$5,000 maximum, the Canada Elections Act imposes a two-tiered limit on each third party in an election campaign: a country-wide limit of \$150,000, and a separate limit of \$3,000 for any individual riding.

"Regulation of third party spending in election campaigns raises obvious issues in relation to the guarantee of freedom of expression in s. 2(b) of the *Canadian Charter of Rights and Freedoms*. The expressed rationale for the legislation in both jurisdictions is the same: to promote fair elections by ensuring that more affluent persons do not exert a disproportionate influence on the electoral process. The question is whether this rationale, as embodied in the actual controls imposed upon each respective statute, is a "reasonable limit" on the

freedom of expression and therefore valid under s. 1 of the Charter.

"While Manitoba's third party spending provisions remain unproclaimed, a case that would answer this question for purposes of the Canada Elections Act was working its way through the courts. The case known as *Harper v. Canada (Attorney General)*, ultimately reached the Supreme Court of Canada. On March 18, 2004, the Court rendered its decision, holding that the third party spending provisions in the Canada Elections Act were constitutionally valid.

"The majority of the Court endorsed the principle of electoral fairness in the following terms: 'The current third party election advertising regime is Parliament's response to this court's decision in *Libman* (a previous decision dealing with the freedom of expression under Quebec's referendum law). The regime is clearly structured on the egalitarian model of elections. The overarching objective of the regime is to promote electoral fairness by creating equality in the political discourse. The regime promotes the equal dissemination of points of view by limiting the election advertising of third parties who, as this Court has recognized, are important and influential participants in the election process. The advancement of equality and fairness in elections ultimately encourages public confidence in the electoral system. Thus, broadly speaking, the third party election advertising regime is consistent with the egalitarian conception of elections and the principles endorsed by this Court in *Libman*.'

"These statements unequivocally (albeit indirectly) endorse the principle of fairness underlying the legislation in Manitoba as well. The *Harper* decision, by inference, strongly supports the constitutionality of Manitoba's third party spending provisions. Indeed, a court challenge filed in Manitoba shortly after the enactment of the 2000 amendments was formally discontinued after the Supreme Court rendered its decision in *Harper*.

"I trust that the above comments are sufficient. Please contact me if you require any further information."

He copies me, and I certainly would want it be known that this copy has been provided to members opposite.

Members of this committee will recall that we quoted *Libman* when we cited our legislation. There was some disagreement about that and its interpretation when we brought in the third-party advertising. We feel that this legal opinion and the first step of consulting the broadcasters and newspapers and, potentially, the third-party issues of direct mailing organizations can proceed, and that we should report back to this committee on their progress.

I would like to thank members of this committee for their ideas that we have incorporated into our legislative intention list. Most of the ideas for proceeding with legislation are contained within the Chief Electoral Officer's report. Other ideas dealing with polling stations have been raised by members on this committee and we certainly believe that they are worthy of consideration and worthy of support.

That is a long statement, but I wanted to give the committee our view on the numerous recommendations contained within the Chief Electoral Officer's report.

That concludes my comments.

Madam Chairperson: We thank the honourable First Minister.

Before proceeding, for the benefit of Hansard, I would just like to clarify that this is the Standing Committee on Legislative Affairs that has been called to order. I do believe I neglected to do so earlier.

Did the Leader of the Official Opposition have an opening statement?

Mr. Stuart Murray (Leader of the Official Opposition): Yes, thank you.

Madam Chair, I also would like to welcome and acknowledge the hard work of the Chief Electoral Officer, Mr. Balasko, as well as Mr. Gordon, Mr. Gibson and Madam Skanderbeg for the hard work that they do. On behalf of the committee I would like to thank them.

This is a first opportunity that we have to raise a very serious issue with the Premier of Manitoba. Many Manitobans, some 35 000, found out on December 10 that there may be serious problems at

the valuation of the Crocus Fund. This potentially could be an unhappy Christmas. It might be for many of those 35 000 Manitobans. I wanted to ask the Premier, because they want me to ask him, and I want to be able to answer them: What actions is your government taking to ensure that the losses they have been told that they may suffer are going to be minimized?

We believe that the very best way to preserve the value of these investments is to have a dispassionate, non-conflicted investment professional at the head of this organization. Are you confident, Mr. Premier, that a dispassionate, non-conflicted investment professional is heading up the Crocus Fund today?

Madam Chairperson: Mr. Mackintosh, on a point of order?

An Honourable Member: Well, the committee Chair said that they will have statements from the Premier, the Leader of the Opposition and Mr. Balasko on the election report.

Madam Chairperson: Sorry, I have not recognized you.

Mr. Doer: Well, I think if the Leader of the Opposition has finished his opening statement on the elections report, then I think it is appropriate that the Chief Electoral Officer make his statement, and then we can proceed accordingly.

Madam Chairperson: Is the member finished his statement?

Mr. Murray: The question was put to the Premier.

Madam Chairperson: The floor has not been opened for questions yet. If you would allow the process, we will hear from Mr. Balasko next, and then the floor will be open for questions.

Mr. Richard D. Balasko (Chief Electoral Officer, Elections Manitoba): I am a little out of my depth at this point in terms of some of the procedural aspects, so I will take my directions, Madam Chair, from you.

Madam Chairperson: Yes, please.

Mr. Balasko: I am really pleased to have the opportunity to appear before you today and to

consider the recommendations of the reports from 2001, '02 and '03. In addition to the new recommendations for 2003, we have included the prior recommendations which had not at that point been acted upon, so what you have before you in 2003 is the entire consolidation of all the reports and all the recommendations. We also indicate the year in which the item was first raised, the attention through a statutory report.

I will be able to cut short my comments a little bit because of the strong support for some of the recommendations. There were several I wanted to highlight today, and I think that most of them have been touched on, but I certainly want to remain open for any questions that may come from any members as well as suggestions that you may have.

I want to tell you that the recommendations for legislative amendment were made with the benefit of consultation of a wide group of people: returning officers, assistant returning officers, field elections staff, various campaign officials including official agents, auditors, campaign managers. We surveyed voters. We surveyed non-voters. We carefully examined legislation in other jurisdictions, and, as well, we worked through the recommendations with the political party advisory committees.

* (13:40)

As you are well aware, the political party advisory committees are a very important sounding board for us in arriving at the recommendations of the CEO, and the appointments are by the leaders of the registered parties in the province of Manitoba. So all registered parties are entitled to have representation at those meetings. We have met with the committees in February and October, a couple of times with each committee, and I want to take this opportunity to thank the members of the advisory committee and the appointments of the leaders for the very frank and constructive comments that they brought forward.

In terms of The Elections Act, there are a total of 28 recommendations before you. Some of the ones that I would have highlighted have been dealt with. I would be interested in, of course, hearing comments from others on those recommendations, but I will just leave The Elections Act at this point and say if there are further questions or suggestions, I would be happy to hear from you.

Before proceeding to specific recommendations on The Elections Finances Act, I just wanted to say a couple of words, if I may, about voter turnout in the last election. The first thing is, of course, to recognize the decline of almost 14 percent in voter turnout from the previous two general elections. The first thing that we have to recognize, I think, about voter turnout is that this is an experience of most Canadian jurisdictions, most provinces, it is the case federally and it is the case in many western countries, but that is not to say there is nothing that can be done in terms of encouraging participation in elections, although from all we have read and heard there is no silver bullet to encouraging voters to turn out in greater numbers.

I do not think at the same time that there is entirely reason to despair because even a majority of both voters and, interestingly, non-voters believe that voting is a very important act and it is a responsibility. In fact, almost two thirds of non-voters do vote in various elections. They did not vote in the last Manitoba election, but two thirds of non-voters in the last provincial election did vote in various elections. So it is very apparent the decision to vote is very complex and the reasons for voting and non-voting are difficult to unravel from time to time, but we as election officials have a role to play in this together with many others, the politicians, the media and, I believe, the schools as well.

We have provided to all members of the public in our annual report the results of the survey. We would be pleased also to provide the survey itself, the responses to the survey itself, publicly. Perhaps the best way to do it would be to put it on our Web site and make it available to everyone, and, as well, if there are specific requests, we would be happy to do that. That may take a few days to do, but we are certainly committed to doing it.

I would like also to update you on a related matter that was raised the last time I appeared before the committee, and that is the location of polls and, particularly in large geographical electoral divisions, the size of polling divisions. I want to tell you I have had a very similar discussion with the ad hoc advisory committee under The Elections Act. I am really pleased the discussion has taken place because, obviously, we want to know anywhere that improvements can be made. I want to stress this, that whatever the number of polls involved, whatever the

process in the past, our concern is for every voter. It is for every poll being appropriate, for every location being appropriate. We think that is overwhelmingly the case, but there are cases where there are very legitimate concerns. I want to reassure you that those concerns are being addressed in an appropriate manner and to give you a bit of information about that appropriate manner from our perspective, and you may have things to add as well.

But, in consultation with the ad hoc committee, we have agreed upon a process by which to seek party input concerning the review and revision of polling subdivisions prior to the next election. Such input has always been important to us and I think now we have come upon a clear and agreed upon way to achieve it for the next election. Through the ad hoc committee, each party is designated a contact person. Each map is being reviewed and the polls reconfigured, starting in our office in consultation with the returning officers and in consideration of the issues that have been raised so far. A new draft map, poll descriptions and a summary of whatever changes we have in mind and the basis for the changes will be provided to the political party contacts so they may in turn canvass whomever they wish in their political organization.

We work through the advisory committee because, of course, it has representation, and may have representation, of all registered parties in the province and whether they are candidates or potential incumbents or candidates challenging at the next election, we want to be able to provide this information equally across the board to all involved in the political process. The contacts then review the map and will feedback to us any information that they may have.

I want to tell you that we just tried this recently. Although there have been forms of consultation, this specific one we were able to employ in Turtle Mountain. Although the majority of the polls stayed the same, there were some very important changes that took place, poll locations and advance poll voting opportunities. I think that, at least from the feedback we have gotten, everyone seemed to have been pleased with the map. Of course, we are only concerned with one thing, and that is making sure that the polls serve the voters of Manitoba and that the polls are constructed in accordance with the Elections Act.

We would expect that we would complete this process sometime probably in mid-2005. Our plan would be to leave the areas of largest growth and change to the end to make sure that we visit those as near to the election as possible, whenever that might be. We already have an additional five maps that are out with political party contacts for review, and I believe they will start in the northern electoral divisions.

With regard to The Elections Finances Act, we made a number of recommendations. There are 28 as well for legislative amendment. Most of those are with the concurrence of the political party advisory committee. Where there is not concurrence, we have set that out in our report, where there has been disagreement.

There are a couple of matters I would like to draw your attention to. One is the notion of bundling of contributions. We had a discussion of that last committee meeting here. We made what we think is a very practical recommendation for dealing with contributions being bundled. I can tell you that the most secure way to ensure that prohibited contributions do not find their way in is to prohibit cash contributions, require all contributions to be made by cheque and directly to the political party or the candidate. In discussions with the political party advisory committees, and that is why they are there, they have, of course, reinforced the importance of cash in political party campaigns and also some of the real logistics about moving cash contributions, for example, from a constituency association not wanting to put that in an envelope and put it in the mail, but to have that deposited to one account and then that cheque mailed in to the party in Winnipeg, for example.

So we are recommending that, where there are individual bona fide contributions that are collected, the address, name, amount, date of each contribution, along with some form of consent or acknowledgment by the contributor, "Yes, that I am aware of this contribution being made in my name," accompany the deposit.

Further, we recommend that only individuals resident in Manitoba should be permitted to act as agents of political entities. We may want to also go a little further than the recommendation and permit campaigns, constituency associations and political parties to collect money and move them among

themselves without necessarily having to designate an individual, for example, in the case of a rural constituency depositing collected cash contributions for their account writing one cheque for the party in Winnipeg. We hope this deals with some of the concerns that were raised. We think it is a practical recommendation, but we certainly want to hear from you on that.

The only other recommendation I would like to refer to is our recommendation in the Finances Act that, at the time of filing a return, the basic expenditure records are filed with the return. This is something that we asked campaigns to do on a voluntary compliance basis in the last election. When you file your return, give us the records. Then we do not have to come back and ask and exchange 30-day letters, and it draws out and out. We got over 80% compliance on a voluntary basis, so it tells us that the records are available. As a matter of fact, they have just been collected to be provided to the auditor, so the records are there. We were able to process the returns much more quickly, more accurately the first time around, and issue reimbursement cheques earlier in the process. This is also a requirement federally and it just, I think, streamlines things. We are trying to look for ways, as best we can, to continue to streamline things.

So I would like to thank you very much for the opportunity to be here today, to discuss with you any recommendations you may wish, and similarly, to hearing suggestions that you may have. Thank you.

Madam Chairperson: We thank the Chief Electoral Officer.

The floor is now open for questions.

Mr. Murray: Madam Chair, I would like to thank the Chief Electoral Officer for his comments. I would like to, however, go back to the question that I posed to the Premier (Mr. Doer), knowing full well that there are some 35 000 Manitobans who found out December 10 that there may be serious problems with the valuation of Crocus Fund.

My question is this: What is your government doing to ensure that the losses they have been told they may suffer are going to be minimized?

We believe, as I said earlier, that the very best way to preserve the value of these investments

is a dispassionate, non-conflicted investment professional at the head of the organization. My question to the Premier of the province is: Are you—

* (13:50)

Madam Chairperson: Order, please. I would like to advise that we are discussing the reports for 2001, 2002 and 2003, and would ask that all questions remain relevant to the business at hand. Your question is not relevant to the business at hand.

An Honourable Member: If I could finish with my question, Madam Chair.

Madam Chairperson: Your question is not relevant. Please finish your question, Mr. Murray.

Mr. Murray: Thank you very much, Madam Chair. My question was to the Premier of the Province of Manitoba: Are you confident that a dispassionate, non-conflicted investment professional is heading up the Crocus Fund today?

Madam Chairperson: This question has nothing to do with what has been referred to this committee today. We are here to discuss The Elections Act and The Elections Finances Act for the years ending December 31, 2001, 2002 and 2003. I would remind all members to keep their comments relevant to this business.

A point of order?

Hon. Dave Chomiak (Minister of Energy, Science and Technology): No, I believe I was on your order paper for a question. I have a question on the three matters that are before the committee.

An Honourable Member: Point of order.

Madam Chairperson: The critic does maintain the floor until he has finished with relevant questions.

Mr. Murray, do you have a question that is relevant?

Mr. Murray: I posed the question. I have another question if the Premier is prepared to answer it.

Madam Chairperson: If it is relevant, please proceed.

Mr. Murray: The relevancy of the question, Madam Chairman, is that it is clearly our job, our responsibility, to ask questions on behalf of Manitobans in a timely fashion. This is our responsibility clearly as we have been elected to ask those questions, and we think that this is the first opportunity to ask questions of the Premier. My question—

Madam Chairperson: Order, please. I would suggest that this is a question that would be asked during Question Period in the Chamber. This standing committee is here to address The Elections Act.

Mr. Chomiak: Madam Chairperson, I have a question on the three reports that are before us. Of course, the officials that are before us with respect to 2001—[interjection]

Madam Chairperson: Order, please.

Mr. Chomiak: Yes, I have questions on the reports that are before us concerning the annual reports of the Chief Electoral Officer for 2001, 2002 and 2003.

Madam Chairperson: Order, please.

Point of Order

Madam Chairperson: Mr. Lamoureux, on a point of order?

Mr. Kevin Lamoureux (Inkster): Yes, on a point of order, Madam Chair. At the beginning of the meeting, it was decided that we would do the one annual report for 2002, and then go on to the other annual reports. Given the Premier's comments in terms of dealing with the 2003 Annual Report and Mr. Balasko's comments in regard to 2003, I do think that it is important as a point of order that we maybe deal with all three reports as opposed to one report. I think that, given the very nature of what the Leader of the Opposition is trying to get across, I think it would be appropriate to allow for leave so that he would be able to get those questions on the record and a proper response from the Premier understanding why it is so critical to get them on the record. Thank you.

Madam Chairperson: One moment, please. Mr. Lamoureux, this is not a point of order, but it is a

good suggestion I would put to the committee if it was originally decided that we would do it in order.

* * *

Madam Chairperson: I would just like to check with the committee if you would like to do a global discussion. Agreed? [Agreed]

Mr. Chomiak: Yes, Madam Chairperson, as I was indicating, I think it is very important for the system that we have an opportunity as legislators to be in this forum and have a chance to talk about the extensive work that has been done by the Chief Electoral Officer with respect to the annual reports of 2001, 2002 and 2003, which we are now collectively dealing with. I wanted to ask the Chief Electoral Officer several questions with respect to this particular matter.

Point of Order

Madam Chairperson: Mr. Penner, on a point of order.

Mr. Jack Penner (Emerson): This is highly unusual. Are we still on the point of order, because we have not dealt with the point of order that was on the table?

Madam Chairperson: Order, please. I did give a ruling. I said this is not a point of order. However, it was a good suggestion that I ask the committee if they would like to reconsider the original agreement. It was agreed to continue the discussion globally.

Mr. Penner, on another point of order.

Mr. Penner: Then I would suggest that we go back to the original point that was raised by the Leader of the Official Opposition (Mr. Murray) in regard to a question to the Premier (Mr. Doer), and I think it would only be courteous of the Chair to recognize the Leader of the Official Opposition to continue the point that he was making.

Madam Chairperson: It was not a point of order that the Leader of the Opposition was making. It was a question that had been deemed irrelevant to the issue at hand, which is to deal with The Elections Act. I would be happy to entertain any question that the Leader of the Opposition has that is relevant to what the business is at hand today.

* * *

Mr. Murray: Thank you for clarifying that. This committee clearly talks about elections and democracy and fairness and openness, and I think that is one of the benefits of this committee frankly. I do appreciate the ruling of the Chair and I appreciate the committee, but I think that, again, under a democracy it is very clear that the position of the opposition is to hold government to account, to ask questions on behalf of Manitobans. That is what our responsibility is; that is what our job is and to do it in a timely fashion.

My question was that there is an issue that impacts some 35 000, 38 000 Manitobans. It is a serious, serious issue, and I believe that this being the first opportunity that we have to question the Premier of the province of Manitoba, I think the relevance to this committee is important.

So my question to the Premier, and I hope that he would answer it, Madam Chair, because it is a very, very serious question. We believe that when some 35 000 Manitobans have what effect has been on them with respect to what has happened with the Crocus Fund, I think it is important that the Premier give direction. Again, I have been asked.

Point of Order

Madam Chairperson: Mr. Ashton, on a point of order.

Hon. Steve Ashton (Minister of Water Stewardship): I believe you have raised what is the important prerogative of the Chair, to ensure that we properly follow our rules. I have been to numerous legislative committees in my time as a member of the Legislature and the questions are always required to be relevant to the report. I would ask you to call the member to order again. I mean, the member can raise issues that he wishes. There are many opportunities as the Leader of the Opposition to do that. I just remind committee members, we are dealing with three annual reports from Elections Manitoba. We are dealing with some very significant recommendations in terms of our election processes in Manitoba.

* (14:00)

I, for one, am part of this committee because I think it is really critical to deal with some issues of electoral reform in terms of making sure that people have the opportunity to vote. Many of the

recommendations are outlined in this report. I have issues regarding representation of northern concerns on the electoral boundaries issue. I have numerous issues that could be raised, all of which are relevant, and I think it is totally inappropriate for the Leader of the Opposition to come into this committee when we have in this particular case an independent office, Elections Manitoba, an independent officer who is sitting here with the staff who are here. There are many other opportunities for the Leader of the Opposition to attempt to raise issues of concern, Madam Chairperson.

This is our only opportunity as members of the Legislature in this committee and this report process to raise issues of concerns in terms of elections. I, for one, want to be asking those questions. I find it absolutely appalling that the Leader of the Opposition (Mr. Murray) is so desperate in this particular case. Politically, perhaps he is reading certain columns in the editorial pages, but this is not in any way shape or form a reflection on any issue the Leader of the Opposition may wish to raise at any other point in time, but when we are talking about Elections Manitoba and the independent office of Elections Manitoba and the reports that are before this and the one opportunity for members of the Legislature to ask those questions, the Leader of the Opposition's conduct in this committee, I think, is nothing short of offensive because, quite frankly, nothing takes priority in our democratic system over the integrity of our election process.

We have numerous requests in here, Madam Chairperson, recommendations from Elections Manitoba; and, if the Leader of the Opposition does not have concerns about elections, then I would suggest he cede the floor to other members of this Chamber that do. He has many opportunities to raise the political issues that he expresses concerns about, but this is a committee to deal with elections and that is the most important part of our democratic system. I find the Leader of the Opposition's refusal to follow our rules and refusal to take the advice of the Chair to be nothing less than offensive.

Madam Chairperson: On this point of order, I must agree that it is a point of order. I have twice stated now that this committee has been called to address the issues of Elections Manitoba, and if the questions are not relevant then I am afraid I cannot have the speaker continue.

Point of Order

Madam Chairperson: Mr. Murray, on a new point of order.

Mr. Murray: I hear that the member from Thompson mentioned things that talk about significant concerns. I believe that there are some 35 000 Manitobans that have some very, very, very serious concerns. I think that this was an opportunity, as I said it is the first opportunity as the opposition, to question on behalf of Manitobans the Premier (Mr. Doer).

Perhaps, Madam Chair, if the Premier is unwilling to answer questions here, perhaps he would be prepared to recall the Legislature immediately after Christmas so that Manitobans can get answers to the many questions on the very, very serious issues surrounding the Crocus Funds manager.

Madam Chairperson: Mr. Chomiak, on the same point of order.

Mr. Chomiak: On the same point of order, we have agreed as a committee to bring forward to this committee three reports; 2001, 2002, 2003 annual reports, on behalf of the Chief Electoral Officer about affecting the lives of every single Manitoban, the right to vote, the fundamental basics of democracy, recommendations concerning how we apply those rules, improvements and opportunities for more Manitobans to engage in the democratic process to make this province a more equitable and a fairer place.

That is why we are here, Madam Chairperson. I am very surprised. The Leader of the Opposition (Mr. Murray) had days agreed to, sittings of the House, signed off on sittings of the House regularly, but is trying to hijack this committee and this forum to make political points. I recognize the Leader of the Opposition wants to make political points. There are valid issues out there. There are valid issues out there every single day that can be discussed in the Legislature. There are valid issues out there. I wish members opposite would have raised more agricultural issues during this session. I wish they would have raised more issues concerning some of the changes that have been made in health care, but nary a word was said.

Now we have an opportunity to sit. We have expertise in this committee. I have questions about third-party advertising in terms of a court ruling that applies to this particular committee that applies to legislation that can be put before the Chamber that directly applies to legislation that could be put forward. We could face by-elections or general elections in this province, as the Chief Electoral Office said, at any time. We have an opportunity here to discuss those and related issues.

I know the Leader of the Opposition wants to make political points. He has ample opportunity to do so on any occasion. He can call press conferences. He can make points, but we came to this committee to review three reports dating back three years, Madam Chairperson, dealing with issues of electoral reform in the province.

I know members opposite may not want to touch some of those issues. I do not want to go down that road. I know there might be reluctance to deal with some of those issues. Having said that, I think we should do our duty as legislators here. The member can fully go out and have a media scrum, and he could make any comments that he wants with respect to any related issue that he failed to raise during the recent session. But we are here to do important work in this Chamber, to talk about elections, to talk about election reforms—

Madam Chairperson: Order, please.

On the same point of order, Mr. Loewen.

Mr. John Loewen (Fort Whyte): Madam Chair, I want to assure you, and I want to assure all members of this committee that we do respect the rules of this committee, and that we do respect your rulings. We appreciate that you sometimes get in difficult positions.

I just want to remind the committee that the issues surrounding the Crocus Fund and the possible devaluation are very, very serious issues to all Manitobans but, in particular, to those some 35 000 that have been reported that are going to suffer what they are told is some type of loss over the Christmas season. They were advised that on December 10, the day after the House stopped sitting.

I would remind the member that the Premier (Mr. Doer) has at his beck and call all members of

this Legislature to call back at any time that he sees fit. It is unfortunate that given that this is the very first opportunity that any member of this Legislature has had an opportunity to pose questions to the Premier, very serious questions, not about what is going on at Crocus right now, but in order to assure—

Madam Chairperson: Order, please.

Mr. Loewen: Well, I am speaking to the point of order, Madam Chair.

Madam Chairperson: Yes, and I was suggesting that Mr. Chomiak was bordering on debate, as you are. I would appreciate if you would make your point so that I could rule on it and we can proceed.

Mr. Loewen: Thank you, Madam Chair, and I do respect your ruling. The point is that we will get to discussions with the Chief Electoral Officer, and we do appreciate his staff and him being here. We have access to them virtually any day of the week that the House Leader or the Premier was willing to call this committee. We will get to questioning of them.

In the meantime, the Leader of the Opposition simply had some very straightforward questions that the Premier I feel should be prepared to answer, and I must say I am disappointed that it seems that his members of this committee have risen to his defence to give him the opportunity to avoid answering the question. So I think that is very unfortunate for the operations of this Legislature. Thank you, Madam Chair.

Madam Chairperson: On the point of order raised, there is no point of order.

* * *

Madam Chairperson: I am wondering if perhaps the Leader of the Opposition, appreciating that I do not hear anybody disagreeing with the importance of what you have to say, however, I will reiterate this is not the forum to be raising any issue other than those addressing the electoral process. Perhaps you could meet with the Premier after this committee and make some kind of arrangement to address the issues at hand. I am sure this is not the only issue that you do have, but not in this forum, please. Keep your questions relevant to the issue at hand.

Mr. Murray: Thank you, Madam Chair. I would ask again because this is a very serious issue that affects a large number of Manitobans. I would ask if the committee would allow leave for the Premier to answer the questions that I have raised.

Madam Chairperson: May I ask, is there leave?

An Honourable Member: No.

Madam Chairperson: Leave is denied.

Point of Order

Mr. Mackintosh: On a point of order, the committee cannot give leave to deal with that issue. There was a matter referred to the committee, and therefore it is not up to the committee to set the terms of its own mandate.

* (14:10)

Madam Chairperson: On your point of order, Mr. Mackintosh is absolutely right. This committee does not have the mandate to call its own issues. Leave has been denied.

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please.

Point of Order

Madam Chairperson: Mr. Lamoureux, on a point of order.

Mr. Lamoureux: Madam Chair, I do believe that a committee has the authority from within to be able to request leave. If we wanted to request leave to revisit a decision that was made, whether it was, as opposed to looking at one report, to look at all three reports, nothing prevents any member of the committee from requesting leave to ask to make a change.

I believe that is, in fact, the case. If it is not the case, Madam Chairperson, from your perspective, if I was a member of the committee, I would challenge the ruling. I do not believe that you can put limitations on a committee for asking for leave. All it takes is one person to say no, and if one person says no, then leave is denied.

Madam Chairperson: Mr. Ashton, on the same point of order.

Mr. Ashton: On the point of order, let us be up front with what has happened here. The opposition came in knowing that this is totally against the rules. It has got nothing to do with the reports that are before us. They are grandstanding. When they are unable to do that within the rules, they then sought to, and I just want to put this in context, essentially ask leave to break the rules. This is a committee of the Legislature. The committees of the Legislature, under our parliamentary system, are very much creatures of the Legislature. If members have disagreements in terms of the way they are structured, they can do so. We have had a rules committee meeting very recently; it has been an ongoing discussion of rules for reform.

You cannot just come into a committee, decide that your political interests of the day should take precedence over, and particularly in a situation where you have an independent office of the Legislature bring forward three reports to do with elections in this province, which make dozens of recommendations, where there is very substantive issues. So to turn around, and very much on the point of order here, and suggest that committees can do whatever they want, I would suggest to the member, the confines in which leave is given in committee is within the jurisdiction of those committees. This is not the Legislature.

I would remind members of the opposition, by the way, they agreed to the legislative calendar. It is a bit of a disingenuous element here to sign on one day on the legislative calendar, and then the next day saying, "We did not really like that." It is their ability, as opposition on any forum that is available to them, to raise whatever political issue of the day, but to come in here, when we are talking about elections in this province and then turn around and try and in this case spend an hour grandstanding in terms of political, that does not do any good for even the people the Leader of the Opposition is purporting to speak for.

On the point of order, I want to make it very clear that committees of the Legislature have rules. All parties are part of developing those rules. We are, in this case, on this point of order, indicating I think very clearly, certainly I do, that we believe the Chair has a very difficult position here. Let us not make it any more difficult by, you know, members of the opposition have been able to grandstand, that is their prerogative, but in this case, we have Elections

Manitoba, three reports, we should get back to dealing with the business at hand.

By the way, in addition to the Member for Kildonan (Mr. Chomiak), I also have a number of questions, all of which are relevant. By the way, if any of them are irrelevant, I will abide by the ruling of the Chair. I would suggest that members opposite and the Leader of the Opposition (Mr. Murray), in particular, who, I think, in his position owes it to the system, that the Leader of the Opposition is in a particularly important position. We are talking about here Her Majesty's Loyal Opposition is the parliamentary term—

Madam Chairperson: Order, please. Just a reminder for all members to please speak through the Chair when they are making a point.

On your point of order, Mr. Lamoureux, it has been on a very rare incident that, perhaps, a report has been introduced or not introduced, but if the House Leader brings the issue to the committee, it is a rare time that even that happens. This is not correct procedural legislative process. It is referred by the Government House Leader.

* * *

Mr. Murray: Again, I want to appreciate the ability to rule in some of these issues. I do want to make a comment that I think, on the record, I would like to be very clear that I am disappointed that the Premier (Mr. Doer) will not answer the questions that I raised. I would also like to say to other members of the committee that, as we move on to talk to the Chief Electoral Officer, over this very, very serious issue for 35 000 Manitobans that we have spent less time than the Premier did on his opening statement.

So, Madam Chair, I would like to ask the Chief Electoral Officer, the study that was done, which I am delighted that you are prepared to share with all political parties, I found very fascinating when I read just sort of the overview. I just wondered, as somebody who is non-partisan as you operate, was there anything that you saw that surprised you that you feel is not encompassed in any of the recommendations that you have been able to bring forward to this meeting?

Mr. Balasko: Thank you very much for the question. There is a lot of information to interpret, so

I am sure this debate will go on for some time, but we had the results of the survey prior to of course making our recommendations and so we tried to—

Madam Chairperson: Order, please. Could we please have the full attention of the person who is speaking.

Mr. Balasko: So we tried to direct our recommendations to address particularly the two groups of voters, the displaced voters, the smallest group of non-voters, I should say, those who identified barriers in the system, and the distracted voters, that second-largest category, 42 percent of non-voters whose life just caught up with them and life is busy and they had the best plans that morning but did not get around to voting. The third group, the disassociated voters, is something which is largely beyond our ability to influence, or certainly we have much less ability to influence. So I would not say there is anything that we have not taken our best shot at addressing, recognizing there may be other thoughts around the table.

Mr. Murray: I just want to again acknowledge the work that has been done by the committee. I really think that, for those of us who are in public office, we always wonder how we can increase more people or how you can get more people active in the process. I mean, you look south of the border, they bring out rock and roll stars, movie stars, to somehow entice people to sort of get a message out to those people, and I think that the public are much more sophisticated than that. I think they are looking for practicalities, and the fact that there are people, single parents perhaps, who are trying to get children to school in the morning and then they have activities that evening and they are working during the day that it is very, very challenging.

So I would, again, just like to commend your office, yourself, under your guidance and leadership for recognizing that there are challenges out there, that our goal clearly as a democracy is to give people the best opportunity to exercise that right and acknowledge that in the world today Ukraine is struggling but they are going to be successful. We know that because ultimately the power of people is far more powerful, and we need to be reminded of that. I would just like to commend you, and I look forward to going through that survey in some depth and hopefully having a chance if there are outstanding questions to come through your office to

maybe get clarification if needed, but thank you very much.

Mr. Penner: Madam Chairperson, I, too, want to commend the Chief Electoral Officer for the report that has been brought before this committee, and addressing a number of the issues, especially the ones that deal with the polling subdivisions and how they are established. We truly appreciate that. I believe when I raised that question, you left me with the understanding that you would address that, and certainly you have here. We commend you for that.

What I find interesting in the Premier's (Mr. Doer) comments was that he virtually totally missed The Elections Finances Act and the portion of dealing with the finance act. I think when I go back to the committee hearing of April 5 and the questions that were put at that time dealing with the contributions and/or collection of contributions during election campaign and how that might be contemplated under the new rules as established previously under The Elections Act, I would have liked to have seen a greater clarification of how the question that I had addressed at that time would be dealt with under this matter. The only section I see under this act that would come close to trying to address that is contribution Section 41 and the recommendations there of the bundled contributions. I would ask whether it is your view, Mr. Balasko, that this is one way of ensuring that the ability of an organization such as a union would be held accountable for all the collections they made in respect of contributions to a given party in the manner that you describe here.

Mr. Balasko: Thank you for the question. We certainly were trying to address some of the issues that were raised. If it is not clear enough, I am happy to get behind our intent a little bit on that.

The principle in the law is that contributions only come from individuals. So the further you move from that, and for very practical reasons there is a collection of contributions and movement elsewhere. Our effort was to try to make that as transparent as possible, and also to remove the involvement of organizations in the collection of contributions and the movement of contributions. That is why we are suggesting that only individuals, or perhaps the identified political entities, just constituencies, candidate campaigns and political parties, be the only organizations that would collect and move

money around from individuals. Other than that, other organizations would not be involved in that, and that only individuals identified by the party would be involved in that. So it is pretty clear that the political party has identified someone in a rural constituency to collect contributions for them. They collect contributions in cash and in cheque. For practical purposes, they put it into a bank account. They write one cheque, they send it in, disclosed consent of the contributor saying, yes, I gave \$150 or \$200. That was one of the questions raised at the committee. How are we ever sure that people actually gave that money? Well, this is the way.

There are several elements in this recommendation. It restricts it to individuals, it requires consent, and those are the two principal ones.

Madam Chairperson: On a point of order?

An Honourable Member: No, I will wait.

Madam Chairperson: Can I just clarify here that we have questions that I think would be beneficial to all members of the committee that are wanting to be raised on this side. If it is all right, I would like to alternate questions, and Mr. Ashton had his hand up. I do believe his questions might be very helpful to both sides.

Sorry, Mr. Penner, I thought you were done.

Mr. Penner: Madam Chairperson, I was of the opinion that normal procedure in committee was to follow the line of a given questioner and allow those questions to be dealt with.

I would like to ask the reason of the Premier why this section was virtually deleted in his comments. Was it because of the issues that were raised previously in committee dealing with the financing and/or the collection of funds for an election campaign and the ability to raise those kinds of funds? I think in order to maintain a level of fairness for the aspect of financing election campaigns and to ensure that we abide by the letter of the law that that fairness be allowed on all sides of contributions to an election campaign. I believe that Mr. Balasko and the Elections Manitoba people have tried to come to some determination as to how that could be done by the recommendation made on page 111 of this article.

However, it would appear to me that when the Premier skips over this that he has reservations about the changes being recommended here and if he does not then would the Premier indicate his views on how we could deal with matters to ensure that employees and/or employers and other small operators in rural Manitoba that have incorporated, that are not allowed to participate in election campaign funding now under the law would be allowed to participate in the financing of an election campaign irrelevant of which party is soliciting the funds. I believe that inadvertently we have written a law that excludes a large number of our smaller operators in this province. I believe that they should have a right as individuals to be allowed to contribute in a manner that would be consistent. I believe the law, as it is written today, is not consistent. It is weighted in favour of an organization that has an authoritative body in place, such as a union, that can wield some significance over a member working at a given job. I believe that needs to be resolved.

I believe it is important that the same rules apply to an employer or a representative representing an employee at a given job site in all aspects, in all respects. I would ask the Premier whether it was intentional for him to just sort of skip over this section recognizing the difficulty in what is being said here.

Mr. Doer: Yes, I think I mentioned that there are some administrative changes dealing with these sections of the act, The Elections Finances Act, that we are looking at but are before the advisory committee. As I understand it, the issue of bundling has been an issue raised at the advisory committee with the political parties. Some of the concerns raised by the advisory committee from political parties about how this will work to implement the recommendation as I am informed is not just a concern of a political party, but there are other concerns as well.

* (14:30)

So I will take a look. I am not, quote, "skipping over it." I mentioned that the advisory committee is looking at these issues. I have to say they are more experienced in dealing with this issue of bundling than I am. Just so that you know that I am aware, at least I am not 100 percent sure because I do not attend the advisory committee meetings, but this

item has been discussed with the Chief Electoral Officer and the advisory committees. It continues to be an item on their agenda, as I understand it, but I have no difficulty with clarifying the intent of the act. I want to make sure that I do it in such a way that, then, another political party says it is unfair to them versus somebody else. So I am not skipping over it. I have not got the how-to, but the what that the Chief Electoral Officer recommends, as I understand it, has been discussed at the advisory committee.

I am, certainly, willing to proceed, but I think I mentioned that this is before the advisory committee. I will double-check Hansard. Any advice members opposite have on this implementation of bundling, we want to make sure that there is not an ambiguity of bundling in terms of the election laws and we agree with clarification.

Madam Chairperson: Mr. Penner, I would just like to apologize. You were correct about the line of questioning, and I had misinterpreted your passing over to Mr. Cummings.

Mr. Penner: I just want to raise another question. I want to say to the Premier the issue of bundling is not of great concern to me and how it is being addressed here. I think at the end of the day it resolves very little and we will find that. However, I think what needs to be addressed is the measure of fairness in how we are able to raise funds for given political parties.

I think it is absolutely imperative that the exact same rules apply to all aspects of society and that we do not single out, intentionally or otherwise, do not single out, in other words, a corporate body, they can be very small corporate bodies, that involve a mom-and-pop operation that has decided to incorporate, and it basically excludes them from participating in funding an election process. I think that is unfortunate.

We in a democratic society, I think, should ensure that there be the same rules applied. If it is legal and if it is appropriate for anybody working in a union setting to go to the employees and ask for \$10 or \$20 a week or a month, whatever, and keep that to the end of the year, and the name of that person, and contribute that to a political party, so be it. But the same rules should apply then to everybody, that when I as a small corporation owner go to my employees and say, "Would you like to

contribute so and so much a month? Can I keep that for you till the end of the year?" it should be no question asked that the same rules apply. That is all I am saying here. Whether the term "bundling" is used or not is immaterial to me, but that there be a clear record of who contributed what on what day and when and that there be proper receipting for tax purposes done on each and every one of those contributions.

I do not care how small or how large those contributions are. If that has to be an accumulated amount at the end of the year, so be it. But I would ask that there be sincere consideration given to this, that all political parties can get involved in a proper funding process that will be legal under the act. I hate gray areas, I think we all do.

I respect the work that you have done on this. I say this to the members of staff here that have written this report. I respect what you have brought forward. I would suggest that there be considerably more discussion held around that issue with others that, maybe, are more informed on how this process can work than I. The issue that I have heard time and time again during the last election campaign was the unfairness in which this whole matter of funding electoral campaigns was being dealt with under the current laws. I would ask that we give adequate consideration to this, to rewrite them in such a manner that they are fair.

Madam Chairperson: Just a reminder, please, for members to speak through the Chair.

Mr. Lamoureux: I just have a few relatively quick questions in regard to The Elections Finances Act. First, Mr. Balasko, I just commend you and your office in terms of the efforts. I really do appreciate the fact that you have the advisory committees, I think they serve a very important role in the democratic process.

Having said that, getting right to the questions, The Elections Finances Act, there were changes that were made that were quite significant in terms of how contributions were being made, and at the time were somewhat controversial when they came in. Was that issue raised prior to its introduction by The Elections Finances Act advisory committee?

Mr. Balasko: Thank you for the question. I want to make sure that I answer your question properly. The matter of contributions by individuals only is a

public policy matter that was initiated by the government of the day, and our jobs at Elections Manitoba is to deal with public policy as set out in the legislation, so that is what we have gone about doing. There are other cases where we try to make recommendations as we have here, more of an administrative nature, but certainly there are other policy decisions that are taken. I hope that answers your question.

Madam Chairperson: If you do not mind, Mr. Lamoureux, I am very sorry, I was supposed to recognize Mr. Ashton first. Do you mind if we—

An Honourable Member: Why do we not go with Kevin?

Madam Chairperson: Okay, Mr. Lamoureux.

Mr. Lamoureux: My question is to the Premier (Mr. Doer), and I can appreciate there was a commitment from the government. It was a policy issue; it is an issue in terms of how the contributions were, and the limits and so forth, was a government initiative. It was not something that was driven by Elections Manitoba and the advisory committee. I just think that that is an important point to clarify. The question I have for the Premier is this: Can the Premier indicate to the very best of his knowledge that there are no payroll deductions or collections being done for the New Democrats on behalf of or being organized in any way from unions?

Mr. Doer: Well, I can only say that everyone in Manitoba is expected to operate consistent with The Elections Act, and all political parties are expected to do so. By reading the 2003 report, it looks like there was a fair degree of compliance on The Elections Act. There were some recommendations on bundling and a number of other issues that we have to deal with, but my assumption is that the law that was passed is passed and that is as it should be. Dealing with the general question being posed, to the Chief Electoral Officer prior to this, Manitoba, I did commit ourselves in the 1999 election to bringing in changes to the act, and we subsequently received a mandate from the people, we brought it in 2000. It was not recommended by the Chief Electoral Officer, although elements of third-party registration were recommended by the Chief Electoral Officer. I would point out that other jurisdictions, including the federal Liberals, have brought in different legislation but similar. There are limitations in Ottawa. They did

talk about the Québec law and the Manitoba law and there are actually other provinces looking at it as well.

Mr. Lamoureux: In 2002, there would have been approximately \$325,000 of contributions to the New Democratic Party made up of donations of less than \$250, so we do not have access to the names and so forth of those individuals. Elections Manitoba, of course, would. The question that I have is this: Was any of that money, in any fashion, put together or organized by any union in the province through payroll deduction or any sort of organized collection on behalf of a union?

Mr. Doer: I am assuming everybody is following the law.

* (14:40)

Mr. Lamoureux: I would ask Mr. Balasko, within the law, does it allow for payroll deductions, contributions, to be made so that, for example, if a union wants to encourage its members to make payroll contributions, that it can do that. Would that be within the law?

Mr. Balasko: I think you were part of some of the discussions of this whole matter of bundling at the advisory committee, and we certainly appreciated your comments then as I do now.

You have to keep in mind that if, for example, the matter of, let us say, union dues, something like that which came up before, although I do not normally use these words, if an individual turns the money over to an organization, whatever organization it is, or the corporation for their use, then that corporation or organization would not be allowed to move it back into the political system. Right now there is nothing that prevents persons or organizations from sort of receiving and moving, for example, your individual contribution. There is nothing in the law that identifies who may or who may not receive your individual contribution if they are only acting as a way to move it to the political entity.

If I may also refer to Mr. Penner's comment, what we are searching for here is clarity. We think that the recommendations on bundling say very clearly, as they are set out here, no organizations to be involved in this other than constituencies,

campaigns and political parties, no organizations to be involved in this or corporations or otherwise. Only individuals can move money, collect money, from A to B, only individuals identified by the political party or the campaign that is raising the funds, or the constituency raising the fund.

We think that would all be very consistent with the public policy and the law, and we think it would make it very clear that these kinds of things, then, would not happen. That is precisely why we are making that kind of recommendation.

Mr. Lamoureux: I wonder, Mr. Balasko, if we look at the year 2002, we see—and I want to focus on the New Democratic donations of \$250 or less—if we look at those donations, would any of those donations, for example, have been payroll contributions?

Mr. Balasko: We would not have that information. We have got only the information about the name of the contributor and the amount contributed and the date that it was contributed. That is what the law collects, and that is what we have access to. So probably the question is not best directed to us. I cannot answer it beyond that.

Mr. Lamoureux: Just to be clear, then, for example, as a union, is it within the law for me to request that the membership make payroll deductions to a political party?

Mr. Balasko: In responding to this, I think we have to keep in mind the first thing, there is a vacuum in the act. The act does not deal with it and so that is the problem that we are trying to rectify with the recommendation we have.

I am a little hesitant in any kind of specific set of facts, because we do not have all the fact and we do not know all the circumstances, to give sort of blanket answers with regard to a union or a corporation or otherwise. What I am trying to set out is the principle being that there is nothing preventing an organization which would include a union or a business or otherwise from being this collection point and moving it along. That is the principle and that is what we know now.

I would encourage everyone, I think we are all seized with this issue; it is a very important issue, that hopefully we can deal with it. We have had very

good discussions at the advisory committee. I think there was sort of a general consensus at the advisory committee, but for the notion perhaps restricting it to individuals only acting in that capacity. That is more our recommendation, that only individuals be allowed to move the money from A to B, party agents or constituency or candidate agents, if you like.

Mr. Lamoureux: The final question on this issue is to ask the Premier (Mr. Doer): Is the Premier aware of unions that would be acting, completely legally, by arranging for these payments to be made that we are referring to? If he is not aware of it, would he support that sort of action?

Mr. Doer: I support people acting in accordance with the law.

Madam Chairperson: That was your final question, Mr. Lamoureux?

Mr. Lamoureux: I would ask the Premier, was it the intent of the law that he passed that unions and corporations do not have the ability to be able to raise money for political parties.

Mr. Doer: The intent of the law is to ban union and corporate donations. *[interjection]* Well, I am just giving you the law, so, hopefully, everybody is complying. I think most people are, and most Manitobans are, complying with the law. The bundling issue, as I say, is at the advisory committee, and we are part of that advisory committee. As I understand it, we are not the only party concerned about what we have to do on the bundling issue, but I will get briefed again on it before we come back. I do not know what you have heard at McDonalds in your constituency meetings, it might be inconsistent.

The other issue is, I do not want to get into it, but there are other organizations outside of unions and corporations that also are institutions that have political objectives and where do they fall on fundraising, lots of it going on just beyond the two in the act.

An Honourable Member: Would you name a few?

Mr. Doer: No, I am not getting into trouble with—

Madam Chairperson: As I stated earlier, I am going to take questions alternately between the

parties. Mr. Ashton has been very patient, and I will take Mr. Cummings next.

Mr. Ashton: I did spend some time going through the 2003 report in particular, and I think Elections Manitoba is to be commended, not only in terms of the basic report, but also the information that is included on the independent survey that was done in the fall of 2003 following the election. I know our Premier has certainly flagged the issue of voter participation as a high priority for us as a government, and I find it very interesting reading, given the particular focus on not so much disaffected voters.

I have been in enough elections, I think everybody here has, to the point of recognizing that not every Manitoban feels that there is an option that appeals to them in the electoral process, I think it is unfortunate because I consider voting to be a fundamental element of citizenship, but quite apart from that there is a fair amount of work that has been done on the distracted voters—I think that was the term that was used—and what struck me about it was the degree to which, actually, there are a fair number of people who cite access to polls, unable to get a ride to the poll, being out of town, various other issues, being busy, to my mind that reflects the fact we are not in a 1950s world where maybe working times were more predictable, where there were two-parent families, where both parents worked until a certain period of time, maybe one parent worked and one did not.

I have seen an increase in the last number of elections where a lot of people were unable to get to the polls for many good reasons. There are a number of them in northern Manitoba that are of real concern to me. One of the problems you have in my area is that we have in Thompson four communities that I represent that do not have an all-weather road system, so if you are out of the community you cannot just drive back. So, if you have to go in for a medical appointment from, say, Thicket Portage to Thompson, you are out of your area. There is usually only one opportunity for an advance poll. You will often see, I saw, for example, in the last federal election there were 14 people, I believe, maybe 15, that voted in Ilford because the vote took place on Monday. Monday is train day, and if you have business in town you are not in the community. Now, our elections traditionally do not take place on a train day, so you have a much higher turnout.

So I am wondering if there was any consideration that has been given to looking at some of those unique factors. I could give you other examples. I think Mr. Penner pointed to some of the issues in terms of poll sizes, but I represent a number of First Nations communities where there is one poll because of the size of population, but from one end of the community to another is a huge distance and many people do not have vehicles, there is no public transit system. Even if people do have some way of getting access, you know political parties are usually pretty obliging in volunteering to drive them to the polls, you end up with a lot of voters, I have seen, if they have got kids to take care of, other commitments, they just simply cannot get there. You are often talking about a several kilometre drive, and, of course, in rural Manitoba when you deal with some of the rural polls, it is even a greater distance.

* (14:50)

Now I am not suggesting that you can necessarily deal with all of that, but I am wondering if there has been any consideration given to what I think should be probably increasing the vision here, which is actually bringing the balloting to the voter wherever possible, mobile ballots, including on election day. I realize that there is a fair amount of work that has been done on opening up advance ballots. Many of the people whom you have listed here, you know, I run into people every election who do not vote at advance polls because they do not expect to be out of town, but they are. You know, they cannot predict when they have a medical appointment or something of that nature. So I am wondering if there is any further consideration that will, particularly, look at that. I recognize, by the way, many of the same facts apply in the urban areas, so I am not just focussing on my area. I see some real challenges, because as voter turnouts have declined across the province—as a trend, they were higher in 1999 than 2003—it is particularly noticeable that certain areas of the province, rural and northern areas in particular. The more remote the area, the lower the turnout. I am wondering if there is any further work that is being done to identify ways to bring the elections to people rather than the other way around.

Mr. Balasko: Is there any further work that is being done beyond what is in here? I want to address that, and firstly just underline that the intent of a lot of the advance poll provisions is really to—I think six days

of advance polls, just open voting, is probably the single most powerful thing you can do to communicate to people to make a difference.

One of the other recommendations here deals with mobile advance polls and having certain hours, so not having to put people in a poll from eight to eight and the cost associated with that. If we can identify communities, if we have this recommendation, we can go into an advance poll at a predetermined time. Maybe it takes an hour for those 14 people to vote or whatever it is, and we can go in with this predetermined process and have a mobile advance poll. So those are a couple of recommendations here that we can deal with it.

You have asked us to look beyond that and what are we doing beyond this. A couple of things. One of the things is that returning officers now are being appointed well in advance of elections. We are encouraging our returning officers to become just more present or visible, more experienced with the communities that they are serving, and we are able to do that because they are in place well in advance of elections and so they have the opportunity to identify some of these issues. There are other provisions in the act. There are absentee mail ballots that may be used in remote areas, even inside your own electoral division, so I think that as regards the presence of the returning officers, and we are just seeing the beginning of that process by the way, as the presence of the returning officer grows on a between-election basis, I think we will connect better with people, and that will be helpful.

Your notion of bringing the vote to the people is something we certainly subscribe to. That is a notion that we are working on in our office; we have had some discussion with the political party advisory committee under The Elections Act on this. By the way, that is not a statutory committee; there is one under the finance act, and I think it is a really good idea. For a long time, we have just invited people to talk about elections issues, the notion of, if you will, sort of super advance poll voting is something we are kicking around. Before we made a recommendation, we wanted to make sure we had considered all the implications of this. The basic notion here is, go where the people are, so if you have large shopping malls, if you have large communities in rural Manitoba, northern Manitoba, where people are passing through but not necessarily resident in that division, what can be done? As you know now,

advance poll voting for people in that division, but often through commerce and mail and other purposes you are in a different community on a different day. That might be most helpful for you.

So the notion we are exploring now is what will be the practicalities of having certain advance polls in really high-traffic areas where whoever ends up at that mall or at that rural or northern community, for whatever purpose, can go to that advance poll and cast their ballot. If it is in Thompson, they might be able to cast their ballot in The Pas if that is where they are resident. Now that means equipping these advance polls with a manner in which people can vote in other divisions. It could be the introduction of automation; it could be a low-tech solution like special blank ballots. We have to make sure that we get the person crossed off almost instantly from the other voters lists so that they do not go and appear at an advance poll there or appear there on election day. There would be a certain amount of confusion if people come to these polls and are able to vote in any division but not so at the regular polls. So the caution that we got on this from the advisory committee, I think, was a good one. Essentially, I read it to be a good idea, like it, go where the people are, but sort of proceed cautiously and maybe in a limited number of instances first of all and see if it works. So this is where we are going. I hope that addresses some of the concerns.

Madam Chairperson: We will take one more question and we will move to Mr. Cummings, please.

Mr. Ashton: I appreciate that, and I actually would go even further and suggest we look at taking the vote where the people are on election day, quite frankly. I think some of the recommendations here do that; personal care homes, some of the larger apartments, et cetera. We construct our elections on this neighbourhood sense and there are a lot of people who are pretty mobile and do not identify where the poll is. In other cases you get polling changes, and I have seen that happen in my area where it creates mass confusion, where people go into one poll and it is no longer there. It has been there for the last 30 years.

The other question I wanted to ask, I have many other suggestions and ideas, but I realize that a lot of other committee members want to ask questions as well. In addition to the voting process, there is the issue of electoral boundaries. I note in the report, I

believe on page 103, if I remember correctly, that there is reference to The Electoral Divisions Act, which, as the Premier (Mr. Doer) pointed out, was, I think, a significant reform in this province. There are still many jurisdictions, dare I say, I look to the south where electoral boundaries are very much the subject of partisan debate and decision. What struck me here is the reference to rural representation, and, by the way, I support that. I remember the last process, and I was quite active at that time.

At one point in time, the previous Boundaries Commission, you remember, was going to turn Thompson, with many communities that lack road access, into the largest constituency by population in Manitoba—largest or second largest, I could stand to be corrected. The problem was at the time, I think, that there were people on the committee that were very, very capable, very fair, but that I think had not looked at not only the legislative framework, which allowed up to 25% variance, but at the reality that it is much more difficult to represent and have access for people in rural and northern areas.

While I, certainly, think it is a major step forward to include the rural, I am wondering why consideration would not also be given to representation from northern Manitoba. I know I have raised this in the past. In my reading of the report, my understanding is that traditionally there are three or five members on electoral commissions in other provinces, so would it not make more sense, I think, to represent not only rural Manitoba as, say, a fourth position, but northern Manitoba as part of an expanded five-position Electoral Boundaries Commission?

Mr. Balasko: Thanks for the question. Firstly, I do not represent the Electoral Divisions Boundaries Commission. It does not exist at the moment, but I am happy to share with you my thoughts, having been a member and as Chief Electoral Officer.

It is very important that the commission have a solid understanding and representation across the province. Just to be clear, none of the members on the commission represents any particular constituency, whether it is Winnipeg or south Winnipeg or the north or rural or anywhere else. They are all there to represent the interests of all Manitobans. The fact is that their own experiences come from where they happen to live and where they happen to work.

We have had discussion at this committee and in the past on expansion of the commission to include northern, as you are suggesting, as well as rural. So that is precisely what has been on the table and has been discussed here previously.

There is the importance of having an institutional position identified. I think, in keeping with the model that we have had in Manitoba, the first jurisdiction in Canada to have this, that it is very, very important in terms of finding who it would exactly be in that role. If, at any point, there was consideration to amend the legislation, and each year I come and say, you know, tick-tock. The Boundaries Commission is every 10 years, before we know it. But, if there was an interest in proceeding on this, and I believe that there is a genuine interest in proceeding, I would certainly be happy to canvass the other two members of the commission from last time round and get their thoughts. Specifically, northern representation has been discussed here, and an odd number is good, although there have always been consensus reports in Manitoba.

Madam Chairperson: We are getting close to three o'clock, and I am just wondering whether we are still in agreement that we are going to review, or does the committee have a particular—

Mr. Glen Cummings (Ste. Rose): I would recommend that we, by leave, agree to sit at least up to another half-hour and review at that point. I believe my colleague from the Liberal Party has some questions, and I am sure I will not be finished by three.

Madam Chairperson: It has been suggested that we consider sitting until 3:30. Is that agreed? Am I correct in hearing agreement at reassessing at 3:30?

An Honourable Member: Up to 3:30. Let us agree to 3:30.

* (15:00)

Madam Chairperson: Am I correct in hearing agreement at reassessing at 3:30?

An Honourable Member: Up to 3:30. I have other—

An Honourable Member: Yes, I agree, 3:30.

An Honourable Member: Let us agree to 3:30.

Madam Chairperson: Rising, unless we have passed before.

Mr. Cummings: Madam Chair, I hope I do not disappoint you after waiting this long.

I do want to pursue just a little bit the discussion around the recommendation of bundling. I understand the Premier (Mr. Doer) made other commitments, and I would like to seek some comment from him.

He has said that he will be waiting for a report from the other committee that is reviewing these recommendations. I am assuming that committee's recommendations are non-binding and, in the end, the government of the day proceeds or does not proceed with the recommendations of the Chief Electoral Officer.

There is a recommendation here that he has said he is waiting for advice on, but one of the questions that flows from that is, first of all, does it have to be a consensus of that committee? Can one group hold the day because they do not happen to like this particular recommendation?

Mr. Doer: It is better to get an operational agreement. I do not think, as I understand it, that there is a problem in clarifying the act on the issue of bundling. It is the how-to that I have been told that, at the end of the day, the government is accountable for implementing or not implementing the recommendations of the Chief Electoral Officer.

For example, registration of third-party organizations, the previous government chose not to go down that path, and, ultimately, they were responsible for that decision.

Ultimately, I am responsible, or I and the government are responsible. I think you can find, generally speaking, on some of the administrative changes, there was one dealing with fundraising dinners and other issues that, after I got to a certain point, from the advisory committee and the Chief Electoral Officer, I actually met with the other leaders of parties on about three or four amendments to the act that the Chief Electoral Officer had made, the principles had been made, and the operations of how those worked, I went and met with the Member for Kirkfield Park (Mr. Murray) and the Member for River Heights (Mr. Gerrard). I think that was the

2002 legislation. It was basically trying to make sure that we did not pass something that our own parties on the administrative side had difficulty with.

So the answer to your question is I am accountable, I guess, and even if I am not accountable you will hold me accountable if you do not agree with me. I accept that. Every day I am accountable for everything. Some things I have responsibility for and some things I do not. That just goes with the territory.

The Chief Electoral Officer and his staff have made a recommendation to us. I want to be sure of how that works for all of us, and then, at the end of the day, the answer to your question is no party has a veto, but it is better to have the parties in agreement, not only on the principle but also on the operations of this.

I cannot betray the discussions that have gone on in the advisory council. As I understand it, they have had a couple of goes at it, or at least one go at it. I am not sure where it is, and I will find out from our representative whether he or she is the only hold-up or whether it is others, but I understood there was a little concern about it.

I am responsible, the government is responsible. I should not say "I." "I" does not exist in the Legislature.

Mr. Cummings: Well, one question flows from the questions of my colleague and Mr. Lamoureux, and perhaps that is something that I do not understand, so I will ask Mr. Balasko: How many times could a representative accept a \$5, \$7 cash donation from someone and not have to record it?

Mr. Balasko: Just to be clear that I have it, we are moving now into more the area of anonymous contributions. Yes, anonymous contributions, whether or not they are received by a representative or directly by a political party or candidate does not really make any difference. Anonymous contributions of \$10 or less do not have to be recorded, do not have to be receipted. There is nothing preventing the issue of receipts for contributions that are less.

We had discussion around this issue last committee meeting, and I was asked to what extent does it happen. We reviewed our records at Elections

Manitoba because, of course, we have records of all the contributions. Based on what people have reported to us in terms of anonymous contributions, there are very, very, very few anonymous contributions. I do not think they exceed, well, I will not guess at the number, there are very, very few anonymous contributions.

We had had some discussion with the advisory committee about the notion of simply prohibiting, just say all contributions have to be receipted. I would certainly be very comfortable with that, but again, we are formed by the practicalities, sometimes at a breakfast meeting or a lunch meeting and people buy coffee and everybody throws in \$2 for the coffee. That was the hesitation, I think, among some people in terms of prohibiting them outright, but the scale is not very large. So either way, either monitoring at the low level it is now or moving forward, I do not think would have too much of an impact.

Mr. Cummings: One of the things that I see in the recommendation that is before us is that it requires that there be some acknowledgement and some record of contribution. I understand the administrative difficulties and I want it clearly on the record saying that the political parties as they function in fundraising situations, I am not suggesting that they get five bucks thrown in for a draw or something like that, but that becomes mandatory for a receipt. I guess that may be not even an example, it may not be necessary, but that sort of complication I am not looking for.

What I am curious about is that there is a principle that no one relative to funding and/or, obviously, relative to voting should be in the position of being coerced directly or indirectly. To my mind, if an organization can ask for contributions and then bundle it on behalf of the person who is part of their organization without having to account for the individuality of that, that opens up to a position, potentially, a position of authority, and someone being able to exercise that directly or indirectly and, possibly, causing a situation that I do not think any of us would support. That is why I look at these recommendations, and I hope that the Premier will consider carefully proceeding with legislative amendments that would take that into consideration. It seems to me it is addressed here.

Mr. Doer: We have got a number of recommendations before us. I tried to go over as many as I could

of what we would like to do. This is an issue that, if it is creating difficulty or an uneven playing field, we want, to, the principle we have no difficulty with in terms of clarity, how it would work, the other part we would get with political parties, is there are so many changes to the law lately that volunteers, that 99.9 percent of people that operate completely as volunteers and attempt to work within the law, have great difficulty. They did not get involved in trying to support the member from Ste. Rose because they could fill out 45 forms. They got involved in supporting the member from Fort Rose, or Ste. Rose rather, Fort Rose, a rose by any other name, they got involved with the members from Ste. Rose because, I cannot explain this, but they think he is the best person for the job in their riding. What we have got to do as we work with the Chief Electoral Officer, we not nitpick our volunteers to death with the requirements that actually work against the goal of including more people in the political process.

* (15:10)

A lot of what we did, there was the Monnin inquiry, we rushed through recommendations and we got volunteers that are being weighted down with forms. We made changes, and everything else. We really have to be careful that, in our desire to deal with the very rare exception of, and I believe most volunteers from all political parties, really take their civic duty to heart. They are donating their own time, their own effort. Often they donate their own emotions. Our own volunteers' emotions rise when their own candidate and their own party wins. They go through a state of being down when their own candidates or party loses.

So I want to make sure that when the advisory committee that is made up of people that work with our volunteers raises a few cautions to us or to me, at least, as I have heard it, and I do not want to misrepresent them and Mr. Balasko probably knows this better than I, and I probably should sit down and get debriefed from him. I will sit down before I prepare all this stuff, but we want, on the other hand, we have actually asked our advisory committees, how do you get more people to turn out. How do you build upon the recommendations of the Chief Electoral Officer for more advance polls?

I think that more advance polls is a great idea with no restriction that you have got to be going to the army to vote four days earlier. You know, it

could be just as simple as taking your kid to a baseball game. I actually think these are really dramatic recommendations, and how do we also take those and go further, dealing with the polling stations? The Chief Electoral Officer has recommended some changes that will cost money, some of the other changes that we have talked about will cost even more money. How do we do that, and how do we proceed?

So I do want to be careful, because I have no difficulty with the principle. I want to make sure that our own volunteers, and we do rely on volunteers, are not nitpicked with administrivia to such a degree that their ability to work for any of us as part of their perceived civic duty is not curtailed or dampened. That is a tough road because what we are doing is, most of the laws we design are for the 0.1 percent, .01 percent of people, I guess, people that may or may not try to get an advantage. Most of the people we work with make mistakes. People make mistakes, and people make mistakes on behalf of every political party. But most of the people I know, including your volunteers and the member from Inkster's volunteers, most of the people I bump into taking your materials door to door are absolutely the best of citizens in the sense of being involved in democracy.

So I say to the member, yes, we will look at this, but the balance I am trying to achieve is not one of lack of clarity but is one of allowing volunteers to be volunteers. If anybody can help us do that, I do not want them to be filling out forms all day long. I want them to be campaigning for each of us.

Mr. Balasko: I would just like to add to the invitation that if there is any way we can help the volunteers deal with the legislation, elections and elections finances, we have put a huge emphasis on that. Last election, there was a great take-up, and we are very pleased with that. I think that more than 60 percent of campaigns attended our seminars. Some campaigns attended our seminars multiple times. We had seminars in Brandon, Dauphin, Thompson, The Pas. We ran teleconference seminars. We put up all our guidelines and materials and interactive opportunities on the Web site.

We, following the election, had an accounting firm do an arm's-length interview exit process with auditors, official agents, campaign managers. Part of the question was what kind of assistance are you

getting from Elections Manitoba. Is it satisfactory, where can we do better? We are really conscious of the volunteer base and we want to do whatever we can, and we are making great efforts in that regard.

Every new idea is welcome. The feedback we got, by the way, was what we are doing is good. There is a big take-up, but we want more, and particularly the official agents. So that is our task. That has been looking beyond this next time, we are going to do more.

Mr. Cummings: I certainly do not want my comments to be misunderstood, and I want to be very clear about the fact that I actually agree with what the Premier said about nitpicking our volunteers to death. I want to close my remarks by expressing appreciation to the Chief Electoral Officer and to the work that has occurred. I have been through the same number of elections as the Premier (Mr. Doer) has, and I would say that the training of the people who are handling the responsibility of the hourly management of the election has been very much appreciated by myself and is, I think, a good step forward, but I want to be very blunt about why we are focussing on this one section. It appears to leave it open, and, Mr. Premier, frankly, sometimes as politicians we create our own windstorm.

Maybe I will just leave my comment there. But the fact is there was a lot of excitement around banning corporate and labour union donations, and there appears to be a small window here that, accidentally or intentionally, is sitting there. That is why I was seeking the commitment from the Premier that he intends to deal with this recommendation.

But, in terms of the training and the support that we have got from Elections Manitoba, we being not the candidates but everyone involved, they have been very much appreciated.

Mr. Doer: Well, I want to thank the member for his comments. Our only intent to deal with windstorms is to harness them now with our new wind farm, so if we can—

An Honourable Member: Wait a minute.

An Honourable Member: Relevance.

Mr. Doer: I am out of order. I am out of order on that. I take that back. I am going to get ruled out of order.

There is no question in our mind that we do not want the perception that any part of this law in any way, shape or form favours or could be interpreted to favour one party over the other. So I accept the challenge from the member. I would argue that this issue of bundling and perception of problems is actually broader than just the one issue, but if the perception is there then I think that is a problem. We have to address it, and we will address it.

Mr. Chomiak: I have several questions, but I will defer to the Member for Inkster.

Mr. Lamoureux: I appreciate the gesture from the Member for Kildonan.

I like what I heard from the Premier in terms of his comments toward the end there. A level playing field is important.

I want to just raise two issues with Elections Manitoba, one in regard to The Elections Finances Act. I think there is a need for that advisory committee, or at least Elections Manitoba, to look at what has happened over the last few years. If we look at other jurisdictions as an example, whether it is Ottawa, the province of Québec, I understand that there is some sort of a public financing component. Ensuring that any sort of a public financing component, is there in fact a merit for that?

I, as an individual, and I know we should not necessarily talk as individuals inside the committee, but I will do that right now and state that I think there is some sort of a need, and that need needs to be established in terms of a threshold. If you organize as a political party, there should be a threshold amount of money, not just strictly based on a percentage of the vote, that that is how much of the percentage of the fund that would be allocated out.

So I think that this is something which the elections finance committee, if not Elections Manitoba, should be addressing, and bringing back to the Legislature.

*(15:20)

Another issue is there is always talk about trying to get more people engaged in the voting process. My colleague from Emerson had indicated an issue of Internet voting as an example. I believe I have raised this even in the advisory committee. Again, I,

as a person, feel that it would be absolutely wrong to move into Internet voting. I would adamantly oppose and lobby heavily against it, and for one reason. That is that you take away the ability for a person to have their own vote, the private ballot, if you like. People will be intimidated to give up their security code, so, as opposed to one person having one vote, there will be two votes for one person, and the significant other will be disenfranchised. I would hope that Internet voting is not something that we will be seeing, at least in the next decade or so, unless it is an individual who walks behind a computer screen in a school situation where they can place a vote on a computer. That is a possible alternative, or when you talk about malls. So there might be some exceptions to it but definitely not in the comforts of their home. It would be a mistake. I have heard Elections Canada also talk about the possibility of Internet voting. Those are the two comments that I had in regard to Elections Manitoba.

I wanted to go on to the Premier's opening remarks. What concerned me is on page 105 of the 2003 Annual Report, where we are talking about, in essence, election reform and fixed dates. Again, speaking in terms of the fix, this level playing field, we all have vested interests. The provincial New Democrats have done reasonably well under the first-past-the-post system over the years. Some political parties have not, and if I look to his national leader and other leaders of other political parties depending on the position in which they seem to hold will determine whether or not they are in favour of seeing electoral reform. I believe Canadians as a whole do want to see electoral reform. We have seen it, whether it is in British Columbia, the province of Québec; I believe it is one of the Atlantic provinces, you know, we now have an elected speaker. I think that there is room for us to be able to have genuine electoral reform, and what I see is that it does not even appear on the radar screen in the province of Manitoba.

In your comments, what you had said is, you had indicated, well, this is something in which LAMC could deal with. There is a serious problem with LAMC dealing with this. Unlike the ad hoc advisory committees that Elections Manitoba has, there is very strong limitation from participation of all political parties that have a vested interest in this process. I am not suggesting that we do what British Columbia has done. I think that we can look at what is happening around us and at least let us put it on

the radar screen. Let us acknowledge what Canadians feel is appropriate. I would like to think that I would be consistent whether I was a federal politician or a provincial politician, where the federal Liberal has benefited tremendously under the first-past-the-post system. Maybe the type of things that I am saying now would be things that Jack Layton would be saying. Well, the bottom line is, take the politicians to the side. I believe Manitobans, in particular, as a whole, Canadians as a whole would like to see something of that nature.

The last point, and again, Madam Chairperson, it is in regard to fixed dates. I believe, Ontario has a fixed date, British Columbia has a fixed date, and I think it is Newfoundland that also, if they do not have one, they are moving toward one. I would suggest to the Premier (Mr. Doer) that let us have our fixed date. I will even suggest an appropriate time to have the very first fixed date, and that would be the fall of 2007. The only reason why I say the fall of 2007 is because I believe the municipal one is in the fall of 2006, so that is the reason why, if the Premier wants to have a fall election, I know often he is inside the Chamber, he says, well, it is going to be at least four years, so I am trying to fit into his comments inside the Chamber.

Whether it is the fall of 2007 or the spring of 2007, I think that Manitoba, again, moving towards a fixed election date would be a positive thing. When the Premier made reference on page 105 in his opening remarks, the concern that I have is that it is falling off the radar screen, and I think that Manitobans as a whole deserve better and we should give that area more attention. It also, then, provides guidance for Elections Manitoba or the Electoral Reform Commission, or, I should say, the Boundaries Commission. I know the Premier (Mr. Doer) wants to be able to say a few things, and there are so many other things I would like to comment on, but I will leave it at that, unless there is more time after.

An Honourable Member: Perhaps I could sum up later at 3:30 or 3:29, and then the member from—

Madam Chairperson: Mr. Premier, I am sorry, I did not recognize you.

Mr. Doer: Sorry, I thought you did. Sorry, I am out of order again.

Mr. Chomiak: I will hesitate to comment on some of the other comments made by members around this table, because there are a variety of view points, and I think they have been and can continue to be canvassed.

My concern is one issue that has not come up directly, and that is third-party financing and the process that is in place in Manitoba vis-à-vis, the Premier made mention of a court ruling and the enactment of legislation and the process being undertaken by Elections Manitoba with respect to determining some of the issues in relation to, as referred to by my colleague earlier, defining clarity in a grey area. So I wonder if you might comment on that.

Mr. Doer: The issue of third party, the proposal is to proclaim the sections of the act in stages on third party. The first thing we had to do is receive a legal opinion. We have now received a legal opinion that indicates that the principles of the act that we passed are consistent with the Supreme Court decision *Libman v. Québec*, and then the decision dealing with Harper from the citizens' coalition and the federal government.

A couple of issues that are interesting on that decision on Harper are not only the third-party limitations but the issue of registering who donates your money. One of the issues with the citizens' coalition, I recall they will not disclose who contributes to them. So, on the one hand, everybody talks about the rights of freedom and democracy; on the other hand, you have these secret societies with undisclosed contributions not disclosing who makes the contributions.

So that issue then, we had a legal opinion. At the time we brought the act in, that legal opinion was disagreed to by members opposite. I actually have the Hansard, just for convenience, but in the spirit of the moment I will just keep going. So we did not proclaim the act. After we passed the act, we did not proclaim the sections dealing with disclosure. Again, we got advice about what sections the Chief Electoral Officer felt did not require passing, because I did not want to waste any taxpayers' money or any effort in the Manitoba Court of Appeal, or ultimately a Manitoba court, when it was going to go to the Supreme Court.

I think even groups that did not agree with what we did thanked us for not proclaiming it because

they did not want to waste money either. It leaves them more money for third-party advertising to advertise against the government, perhaps, or perhaps not. So we did not want to drain their legal resources on a court case that would be decided at a higher level.

We got a verbal opinion last spring when the case came out. I thought we should have a written legal opinion for members on the committee, and that is why we have distributed it to members, from the Constitutional Law Branch, an eminent lawyer who has worked for all of the political parties.

Now after this committee I am planning on, as a courtesy, notifying the broadcasters and the community newspapers, but then the real active meeting with them takes place with the Chief Electoral Officer. Then I will await his advice about what the consensus is on the definitions that are still outstanding. They feel they do not want to be put in an awkward position on interpreting, and that is why we agreed to amend the legislation to have a consultative body to deal with this matter. We then will have rules in place.

* (15:30)

But what will this mean? When you look at the last election, even the '99 election, who was advertising? Who were the third parties that were advertising? I know the teachers' trustees, I guess they did not have to disclose where they got their money; they got it from taxpayers. They had a set of ads out there. I do not recall many other people. Now, most of us when we are campaigning do not get a lot of time to look at advertisement. There was some advocacy advertising here, there. You know, there is advocacy advertising on C-68 sometimes in federal elections and other things like that. A lot of that is just citizen-driven, you know, just a great big sign and a line through it. So I think that we have a procedure now to proclaim certain sections of the act. Let that consultation take place.

Dealing with the member from Inkster's question about the timing of the election in the fall of 2007, thank you for that advice.

An Honourable Member: A fixed date. That was what it was about.

Mr. Doer: Okay, well, you suggested it.

An Honourable Member: What do you think of a fixed date?

Mr. Doer: That is one fixed date. You have given us that. Thank you very much. I want to thank the member for his advice.

The other part of what is going on is how many other elections are going to take place. We already had a major by-election in the city of Winnipeg. We have a minority situation in Parliament; we do not know how long that is going to go or not go. So, certainly, that will affect us.

Having said that, the real change will be disclosure, that somebody that has a third-party ad will have to disclose. The third parties can advertise for us or against us any time they want.

I just want to thank the Chief Electoral Officer and all his staff for all the great work. They are wonderful to work with and gave us a very excellent report.

Madam Chairperson: The hour being 3:30, we had agreed to review.

Mr. Cummings: Mr. Chair, I believe that we would be prepared to deal with '01 and '02 reports and hold '03 in abeyance.

Madam Chairperson: Annual Report on the Administration of The Elections Act and The Elections Finances Act for the year ending December 31, 2001—pass.

Annual Report of Elections Manitoba for the year ending December 31, 2002, including the conduct of the Lac du Bonnet by-election, dated March 12, 2002—pass.

If members are agreeable, in the interests of reducing waste, I would ask you to leave behind any copies of reports we have not yet passed. This will reduce the number of copies required.

The hour being 3:30, what is the will of the committee?

An Honourable Member: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 3:32 p.m.