

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

Chairperson
Mr. Tom Nevakshonoff
Constituency of Interlake

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, January 14, 2015

TIME – 2 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Tom Nevakshonoff
(Interlake)**

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

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Ms. Braun, Hon. Messrs. Caldwell,
Chomiak, Selinger*

*Messrs. Cullen, Ewasko, Goertzen, Maloway,
Nevakshonoff, Saran, Mrs. Stefanson*

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

Ms. Shipra Verma, Chief Electoral Officer

MATTERS UNDER CONSIDERATION:

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

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

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

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

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

*Permanent Voters List Study–Report dated
June 2013*

*Annual Report of Elections Manitoba for the
year ending December 31, 2013*

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Mr. Chairperson: Good afternoon. Will the Standing Committee on Legislative Affairs please come to order.

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

Our first item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Jim Maloway (Elmwood): I–Mr. Chairman, I nominate Mohinder Saran.

Mr. Chairperson: Mr. Saran.

Are there any other nominations?

Mr. Kelvin Goertzen (Steinbach): I was going to nominate Mr. Saran as well. I think we're prepared to make that unanimous.

Mr. Chairperson: Okay, Mr. Saran has been nominated.

Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

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

Mr. Cliff Cullen (Spruce Woods): We propose to sit 'til 4 o'clock.

Mr. Chairperson: Mr. Cullen proposes 4 o'clock. Is that agreeable to the committee? *[Agreed]*

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

Mr. Goertzen: I think, and according to tradition, we'll have a global discussion.

Mr. Chairperson: Mr. Goertzen proposes a global discussion. Is that agreeable? *[Agreed]*

Does the honourable First Minister wish to make an opening statement, and would he please introduce the officials in attendance?

Hon. Greg Selinger (Premier): Okay. I'm—first of all, pleased to be back with you in this new year, 2015. I will—I do have an opening statement, and I'd like to start by introducing the Chief Electoral Officer, Shipra Verma, and ask Shipra to introduce the rest of her staff.

Ms. Shipra Verma (Chief Electoral Officer): I'm joined by Deputy Chief Electoral Officer, David Manahan, and Tracy Nysten, Manager of Elections Finances.

Mr. Chairperson: Thank you, Ms. Verma.

Honourable First Minister, to make his opening statement.

Mr. Selinger: Yes, I am—first of all, I am pleased to be provided this opportunity to speak to the committee this afternoon. I would like to start by thanking the Chief Electoral Officer and other election officials who join us here today.

These committee meetings provide elected officials with an opportunity to share their ideas on Elections Manitoba's operations and their ideas on how to strengthen our electoral process. Open and fair elections are the foundation of our democratic system. It is our hope that this helps strengthen not only this Assembly and its institutions such as Elections Manitoba, but also our democratic process as a whole.

In particular, I am also looking forward to hearing from Elections Manitoba and from other members of this committee with regard to the Permanent Voters List Study. We know that many other jurisdictions have moved to a permanent voters list, and we know that this study raises some of the potential benefits as well as challenges associated with such a list.

Over the past decade we have made significant and steady progress with regards to implementing recommendations made by the Chief Electoral Officer aimed at making Manitoba's electoral process

more accessible. These changes include moving towards a set election date; strengthening the powers of the Commissioner of Elections to give that office more tools to ensure compliance with the act; expanding the membership of the Manitoba electoral boundaries commission to include the presidents of the Brandon—of Brandon University and the University College of the North, and giving the commission the last word on redistribution; improving advanced voting, including by ensuring that nobody in a community of more than 50 voters needs to travel more than 30 kilometres to cast an advance ballot; and expanding Elections Manitoba's mandate to undertake an aggressive and comprehensive public information and education campaign; rewriting The Election Finances Act in plain language to ensure that it is more accessible and understandable for voters and for volunteers.

In addition to the presentation on the permanent voters list, today we are dealing with the contents of Elections Manitoba annual reports.

The 2013 annual report contains a number of recommendations. Through this committee, elected officials have an opportunity to discuss and to weigh those recommendations.

Thank you for the opportunity to speak this afternoon. I conclude my remarks.

Mr. Chairperson: We thank the honourable First Minister.

Does the official opposition wish to make an opening statement?

An Honourable Member: No.

Mr. Chairperson: We thank the member for that.

I understand the Chief Electoral Officer wishes to include a PowerPoint presentation as a part of her statement to this committee.

Is there leave from the committee to allow the PowerPoint presentation? *[Agreed]*

Ms. Verma, you may proceed.

Ms. Verma: Good afternoon, Mr. Chairperson, and thank you for inviting me to discuss our tabled reports.

Today, in addition to a brief overview of the 2013 annual report, I'll bring members up to date on the activities carried out by my office in 2014 and also speak to the recommendations in our annual

report and those presented in the Permanent Voters List Study.

The 2013 report speaks to our annual activities for the year as well as election preparation both for the general election and the by-elections in Morris and Arthur-Virden.

Another focus in 2013 was the preparation of the permanent voters list report tabled in June of that year. I'll speak in more detail about the report later in my remarks.

Coming to 2014, in January by-elections were held in the electoral divisions of Morris and Arthur-Virden. On December 27th, 2013, following the order from the Lieutenant Governor-in-Council, writs were issued to hold both the by-elections on January 28th. Turnout for the by-election was 27.07 per cent in Morris and 33.31 per cent in Arthur-Virden. PC candidates Mr. Shannon Martin was declared elected in Morris and Mr. Doyle Piwniuk was declared elected in Arthur-Virden. The result of the by-election did not change the standing of the parties in the Legislative Assembly. A complete account of the conduct of the by-elections can be found in the statement of votes which was published on June 2nd.

On May 16th, Mr. Frank Whitehead, member for The Pas, resigned his seat. Our office is currently in the state of readiness to conduct a by-election in that electoral division.

Now, moving on to other activities out of office during 2014, recruitment of returning officers and assistant returning officers for the upcoming provincial election began in March. We're also developing a series of videos to enhance our training program and to ensure consistency in delivery and content across electoral divisions. The videos will be providing instructions for voting officers on how to process election day, and advance day voters and also for enumerators. And these videos will be made available on our website once they are complete.

To assist political entities with compliance and to complement our existing references and guides, we have developed an all officials agents handbook. This quick reference guide is a small booklet that provides an overview of the official agent's duties and explains the legislation terms and concepts in plain language. We have consulted with the advisory committee in developing this handbook, and copies were distributed to the parties and will be included in the official agents' kit for the next election.

Looking forward, in—the next general election will be held in 2016. I'd like to speak briefly about the election calendar. With the date now set for April 2016 we can provide dates for the key election phases. As in 2011, the election will be conducted over a 75-day period. Enumeration will be held from February 4th to March 9th; division, March 10th to April 7th; nominations will close on March 29th at 1 p.m.; advanced voting will be held April 9th to 16th; and election day will fall on April 19th. A copy of the calendar will be provided to you.

* (14:10)

Now, I would like to speak on the recommendations made in the 2013 annual report. All the recommendations in this report were carried forward from 2012.

There are eight recommendations under The Elections Act: firstly, to expand the use of institutional voting stations to include more types of assisted or supportive living facilities for seniors, also, extend an institutional voting station in a health-care facility to a co-located facility; second, to expand the timeline for the delivery and return of ballot kits for absentee voters to allow voters a longer period to return their ballots; thirdly, to reduce the number of names required for a completed nomination form and require the name of the individual collecting the signatures to be identified on the nomination form; extend the leave of absence period of returning officers by one week to allow for any applications for judicial recount and for final reporting and clean up; remove the requirement to post the notice of election in each rural voting area as this can be better accomplished through technology and alternate methods of communication; establish a set election period for a set-date election rather than the current variable period of 28 to 35 days—this would allow better management of expenses by campaigns; shorten the revision period from 29 days to 26 days, and this will allow more time to deliver the revised voter lists to all advance voting locations in time for the first weekend of advance voting; finally, allow for the preliminary voters list to be provided to candidates nominated under both the EFA and the EA. This would be consistent with the provision that permits the use of the candidate—of the list by candidates elsewhere in The Elections Act.

Next, there are two recommendations under The Election Financing Act. The first seeks to clarify and strengthen the provisions on government advertising. Section 92 of the EFA restricts government

advertising 90 days before a set-date election and during the election period in other elections. We are recommending that the provision includes an explicit reference to use of government finances or resources. This could help address some of the challenges in interpretation of this section. The second recommendation in the EFA would allow for a more effective application of the late filing fee provision, specifically, a 30-day deadline for remitting the fee once the notice is received from our office.

Our final recommendation falls under other acts relevant to the conduct of elections. We are recommending that a referendum act be developed to deal with the administrative conduct of referendums as well as campaign finance provisions.

Finally, I would like to speak to the permanent voters list report. As we progress in our exploration of the permanent register for Manitoba, I'd like to share the framework of document which we have developed for the creation and maintenance of the Manitoba voter register. To create the register, two databases or information streams are required: one, complete—a complete list of addresses in the province; and the second, the voter database. EM, Elections Manitoba, currently maintains an address database as per section 64 of The Elections Act. Data for this comes from a variety of sources including municipal government, municipalities of Winnipeg, Brandon and some others, and from a voter enumeration system for each election. Each record in the address database is assigned a unique ID, a civic address and geo co-ordinates wherever available.

There are several challenges in ensuring that each address in the database is unique and no address is missed. One is the lack of address standardization, especially in rural areas; another is the need for a provincial road network with address information; and the third is the absence of unique addresses in some First Nations communities.

In order to create the voter database, we will draw upon several third-party sources, including Elections Canada's national register of electors, Manitoba's public insurance driver's licence data, Vital Statistics, Manitoba Health and voters themselves. The record in the voters' database will contain a unique ID, the full name of the voter, gender, date of birth, telephone number wherever available, consent to be included in the register and the status. A connection would be made between these two databases through the unique IDs. Once the Manitoba voter register is established, there will

be a variety of service channels to add or update information, including enumeration and revision, swearing on during the electoral event, online third-party data sources and the voters themselves in person, mail, on telephone. This will be an ongoing process.

Maintenance process will include data validation and exception handling. During an election, we'll generate an event-specific voters list which will include the name, address, phone number if available. This list will be available for use by stakeholders like the political entities, the voters, Elections Manitoba, and the list may also be provided to other electoral authorities as permitted under section 95 of The Elections Act. In all stages of creation and maintenance, the Manitoba voter register will adhere to the guiding principles of a voters list, which was set out in the permanent voters list report: of integrity, accessibility, upholding the voter's right, quality, privacy and security and reliability.

Several items are critical for our continued work on the Manitoba voter register. First is an all-party consensus to proceed with the register. Next is a final enumeration which will serve as the foundation of the register, and for this we will require voters to provide gender and date of birth information. A series of legislative amendments as outlined in our report will also be required. Finally, providing a province-wide address standardization will assist in ensuring the quality and completeness of the address database. Four elements will support and guide the development of Manitoba's voter register, and together they constitute the framework for its operation. They are legislation, fairness, participation and service.

That concludes my remarks for today. Thank you for your time, and I'll be pleased to answer any questions which you may have.

Mr. Chairperson: Thank you for your presentation, Ms. Verma.

The floor is now open for questions.

Mrs. Heather Stefanson (Tuxedo): Thank you very much, Mr. Chair, and to Ms. Verma for her opening remarks. I think it gives us some background information, some relevant background information that's very useful for our questioning for today, so I thank her for that.

Ms. Verma, you started off your presentation today talking about the fixed-date election calendar

for 2016, and I'm wondering if you could indicate at what—how prepared are we if the election and—what steps will Elections Manitoba take to—in this whole process if the election were to be called prior to that time.

Ms. Verma: If the election is called—if it's an election other than the set-date election, first of all, we will not have a 75-day calendar. The calendar will be the same as a by-election, which is 32 to 39 days. Our office mandate is required for us to be election ready at all times, and depending on how much lead time we'll have, it will also be an indication of the new programs and policies which we are planning, how ready we are and how—which kind of phase we will be ready to deliver the election.

So, unless I have a time period, like, I can say we have a state of readiness as of now. All our returning—99 per cent of our returning officers and assistant returning officers have been appointed. We have to do training to them, which is done in three sessions. Session 1 has been completed, so they are one-third ready. Our field materials have not been procured yet, because now what we know the election date has been moved to another year, we have the list of the material which needs to be procured but we haven't purchased it. That impacts the cost for inventory, storage, handling and also getting outdated.

So we will need a couple of months to be election ready.

Mrs. Stefanson: Just in the event that an election is called prior to that, what steps will your office take to ensure that—I know phase 1 is done, or stage 1, you said. But to get the other two stages of the enumeration process election ready, what—you're saying that's going to take a couple of months, but how, if an election is called prior to that, how do you condense that?

*(14:20)

Ms. Verma: We have contingency planning for different levels of when the election can be called. If the election is called prior to that we have resources to condense the training and still train the returning officers and assistant returning officers, but we have to take into consideration there are 120 returning officers and assistant returning officers. The logistic of bringing them all together and imparting the training, and the focus is that the training should be consistent. The bottom line is, if the election has to

be called, our mandate is to conduct the election and we'll deliver it.

Mrs. Stefanson: And just further to the recommendations on the variable period, you're looking for—your recommendation is to have a set election period rather than a variable between 28 and 35 days. This is a recommendation that goes back a number of years, back to 2008. And, of course, we're dealing with those reports still today. Is it any indication that we're further along when it comes to that? Are we closer to maybe moving in that direction or do you see this as being something that is probably going to continue for the next while in terms of a recommendation from your office?

Ms. Verma: Since the recommendation is being carried forward in the 2013 annual report, we don't have any indication of when the recommendation will be moving to a bill stage. And, of course, the legislation is at the hands of the Legislative Assembly, so I'll have no indication when this recommendation—if there is any consensus to adopt it or not.

Mrs. Stefanson: Is there any discussions that you've had, like, with the government, in moving toward, like, moving in this direction or, like, what sort of discussions have taken place? You know, this goes back to 2008 and probably before that even; I think back to 2001 maybe even. But what sort of discussions or presentations have you had with the government on trying to move in this direction, in this area?

Ms. Verma: Our usual form of discussion is through the committee, which is like today. Other than that, our discussion with the—each political party or with the government and the opposition is confidential in nature, so I won't be able to discuss that in this forum.

Mrs. Stefanson: Okay, fair enough.

Just going to the Manitoba voter register framework that you have tabled here for us today and that you have—that was part of your presentation. Can you just indicate for us—you've indicated sort of what the process is, but how quickly can the initial stages get going on this?

Ms. Verma: In our permanent voters list report we have provided a timeline on the implementation of a Manitoba voter register. We're anticipating one election cycle because the foundation elements which we are looking at is, of course, to get an all-party consensus. It also requires significant

legislative amendment. The Elections Act is very prescriptive in the way the voters list has to be created, so that will require significant amendments right from the preparation of the voters list to the maintenance of the voters list.

We also are looking for the infrastructure and the development of the register at our office, which will require significant resource commitments, financial and human resources. We're also looking at the security aspect because a database of such nature where the records will be maintained for all the eligible voters in Manitoba requires high standards of security. You're also, then—the next step would also be to have data agreement negotiations with all the data sources, like Elections Canada, Manitoba Public Insurance, Vital Stats, Manitoba Health, if possible.

Developing the architecture, creation of the database in itself, we are anticipating a year's time, and then the maintenance cycle and the testing of the database will be another one to two years. So that is the reason why we're looking for one election cycle. It's important for us, if there is an agreement to move towards a Manitoba permanent register, that for the next enumeration we take that opportunity to collect the date of birth and gender information. The reason it's important is that the date of birth and gender information provides the uniqueness to each data element, and for continuous operations and data maintenance we need the unique feature for each data source.

Mrs. Stefanson: And just further to this line of questioning, Ms. Verma, can you indicate for the committee—I believe this is—the federal government has already moved in this direction. They—and can you indicate what other provinces are currently—have a Manitoba voter register?

Ms. Verma: All the jurisdictions in Canada have a permanent register except Yukon, Saskatchewan and Manitoba. Saskatchewan has recently passed a bill proclaiming to have a permanent register, but for the next election they are planning to use Elections Canada's voters list and then build on the permanent voters list.

Mrs. Stefanson: And so how does the framework that you have described here—how does that compare with some of the other provinces and what they've implemented there?

Ms. Verma: The framework which we have developed was after consulting with different jurisdictions and also looking at the success and the

challenges which the other jurisdictions are facing. So having those two separate databases, of address database and the voter database, is quite consistent with many jurisdictions, especially Elections Canada. The reason why we need two separate databases is the maintenance and update is more efficient when the information is streamlined into two separate categories. Addresses usually—they don't move; it's the voters who move. So, when you have static information that's being kept separate and the mobile information of the voters is kept separate, so the data matching and data validation and continuous maintenance of the register would be more efficient.

Hon. Dave Chomiak (Minister of Mineral Resources): Yes, Mr. Chairperson, and just following on the questions from the member—I do appreciate that—and to expedite matters, I just thought, Ms. Verma, insofar as you've provided a checklist, and insofar as there is a report recommending the adoption of a permanent voters list based on a general election and the fact the member's indicated the federal government has a permanent voters list and there is a federal election scheduled next year, and insofar as we've just gone through a municipal election wherein there's been some lists maintained, I think it probably would be in all our interests to indicate whether you agree with—what I think we're going to propose is that we move towards a permanent voters list as soon as possible, subject to, of course, a committee meeting of the all-party committee—that we could do in anticipation of enumeration for the 2016 election, and I think your report indicates we need to have birthdates and gender information that can be done in legislation this session, and insofar if we could have a committee meeting agreeing—all parties—that we should do that, and we have a session coming up and we're going—we've just come out of an election phase and going to two different election phases, whether you think it's likely or probable that we could, therefore, following the four-year time frame that you've outlined, go towards a permanent voters list so that we will be up to date and won't be behind every province except Saskatchewan and Yukon.

So, in a long way, I'm trying to say this may be a breakthrough for all of us to move towards a voters—do you concur with that, that if we could achieve those goals, which I think are pretty reasonable given the questioning we hear, that we could do that?

Ms. Verma: If there are legislative amendments which come in in the next session to provide us with the ability to collect date of birth and gender

information, yes, we can be ready to do an enumeration which will include that information for the next election. Once we have that—there are other steps also which are indicated, especially the legislative amendments and providing the resources necessary to create and maintain the register—we will be ready for—in the next four years to have a Manitoba voter register for the 2020 election.

Mr. Goertzen: You know, as the House leader for the—our party, I'm certainly willing to have those discussions with the Government House Leader. In fact, I did start those discussions with Ms. Howard when she was the House leader, and then she was removed. And then I started those discussions with Mr. Swan as the House leader, and we know what happened to his tenure. I began those discussions with Mr. Ashton, and he's otherwise preoccupied these days. So I'm okay to start those discussions with Mr. Chomiak, but I don't know what's going to happen in two months—if he's going to be there. So let's be clear here: We have tried to start those discussions, not only that—and it's outside the scope of the committee—but also on the hiring of the Ombudsman and the Auditor General. And, you know, I kind of feel like the bride who's been left at the altar four times now, because I continue to start these discussions, and it doesn't happen.

* (14:30)

So, if Mr. Chomiak is indicating that he has some 'longevity' in this job and we can start those discussions, I'm willing to carve out another few hours and reboot this thing for the fifth time. But let's be clear here: this isn't because there's been an absence of willingness of members of this side.

Now, I'd like to move on to another question if I still have the floor, Mr. Chairperson.

Mr. Chairperson: You still have the floor. I haven't heard a question.

Mr. Goertzen: I do have a question, actually. I have a question regarding leadership rules and the leadership campaigns. So we are in the midst of one right now, and I just want some clarity in terms of what particular role Elections Manitoba plays in administering the leadership contest that is currently happening within the NDP.

Ms. Verma: Leadership provisions are included in The Election Financing Act. One of the guiding principles for The Election Financing Act is to create a level playing field, which is also done through disclosure. A leadership contest does not have the

same provisions as a general election because the contestants are not subject to spending limits, but to create the level playing field there are contribution limits and their disclosure. So currently under The Election Financing Act, the leadership provision states that once a leadership contest has to be declared, a financial officer of the party has to advise our office on the date of the leadership contest. The financial officer also has to advise us of the leadership contestants who declare to be potential leadership contestants. Once that is completed, the leadership contestants have to file—appoint official agents for their campaigns.

The leadership contest period runs from the date notified to be the start of the leadership contest by the official—for the financial officer of the party up to two months after the leadership contest date. The current contest ends on March 8th, so the leadership contest period will end two months after March 8th, which will be May 8th. The returns have to be filed by each leadership contestant, which will indicate the contributions raised and the expenses, and that is done 30 days after the leadership contest period ends. The reporting requirement is on the official agent of the leadership contestant.

Mr. Chomiak: Yes, I just want to—I don't want to interrupt the flow of questioning, but I'm very pleased to hear that the leader of the—that the House leader for the Conservatives is prepared to look at—what we'd like to do is move quickly. I know he's had more experience on leadership reviews than I have insofar as there's been at least four leaders of his party since I've been in the Legislature, and so we could put that experience to work.

And, in fact, in this, in the—your more recent report there is a review of the expenses of a leadership campaign that took place in the third party in the Legislature. But would you there—just on this point, then, I suspect the next step would be for the House leaders to get together and put together a recommendation perhaps for the committee to meet and talk about how to put in place the steps necessary to have a permanent voters list.

Ms. Verma: I'm not too familiar with the House business, but I would suspect that would be the case.

Mr. Goertzen: And, again, for the four previous House leaders, your four previous predecessors, that process was begun, and I wish you a long tenure that doesn't exceed 'til the next election as House leader, but if, in fact, you make it that long, I'd be happy to sit down and speak with you. But, again, we've gone

through this many times through probably about 10 per cent of your caucus who have held the House leader position in the last couple of years.

I do want to return to the question. Thank you, Ms. Verma, for your response. So there is a role for Elections Manitoba, then, to play in terms of making sure that the playing field is level in terms of leadership elections. Now, it's limited to contributions, but Elections Manitoba does see at least part of their role is to ensure that a leadership campaign has a level playing field. Is that correct?

Ms. Verma: I believe the contribution limits were established to create that level playing field. However, all the rules of The Election Financing Act which are applicable during an election are not there for the leadership contest. So I understand there is a recognition that the leadership contest is an internal party matter. However, since the funds are involved, and that's raising funds from the public, they are subject to contribution limits, and to provide that same level playing field that the contribution rules are not circumvented, contribution limits were established for leadership contest and reporting requirements to ensure disclosure is available within the legislation.

Mr. Chairperson: Okay, before we continue, it's the opinion of the Chair that we are 'derivating' or in danger of 'derivating' somewhat from our mandate for the committee before us. So I am going to read into the record, relevance in debate. I would like to remind all honourable members that their remarks should be kept relevant to the matter before the committee. Our rule 40 states that speeches shall be directed to the question under consideration. Further, as noted on page 620 of O'Brien and Bosc, the requirement that speeches remain relevant to the question before the House flows from the latter's right to reach decisions without due obstruction and to exclude from debate any discussion not conducive to that end. With this in mind, I would ask all members to focus their comments on the matter currently before this committee.

Mr. Goertzen: For clarification, Mr. Chairperson, I was asking a question about The Elections Act and elections finance act. Are we not allowed to ask questions about The Elections Act and the elections finances act at the Elections Manitoba committee?

Mr. Chairperson: Okay, as to Mr. Goertzen's point of clarification, whether The Elections Act—and I forget the other point he made—but that in particular is relevant to this committee as long as it pertains in

some manner to the reports before us. Questions as to the current leadership under way within the NDP party is not subject to these reports.

Mr. Goertzen: Further to the question that I had asked, would donations in kind, would that be covered as part of the donations in a leadership race as well?

Ms. Verma: Yes, contributions include both monetary and non-monetary contributions. Leadership contests have a separate contribution limit of \$3,000. But contributions are still limited to be from individuals and will include donation in kind, which is also known as non-monetary contribution.

Mr. Goertzen: Has Elections Manitoba experienced a situation in the past, hypothetically, where you'd have an individual within government running for the leadership position at the same time as, you know, they have government announcements going on and government advertising happening and that individual speaking on behalf of the government? I mean, is there anything that's been contemplated by Elections Manitoba in terms of how that can be a conflict within rules, whether it's contributions in kind, or whether or not it's just perceived as a conflict? Has that ever been contemplated?

Ms. Verma: As I mentioned earlier, there is an understanding that leadership contest is partially covered under The Election Financing Act since it's also recognized to be an internal party matter. If the person is a leadership contestant, also holding an MLA position and maybe also holding a Cabinet position, they might be wearing different hats at different time periods. You are having—you are a leadership contestant, you're a MLA, you're a minister or a premier, you have your own responsibilities. Each role has their own access to resources and covered under different jurisdiction. So, as a leadership contestant, when the leadership contest is happening, there are no restrictions on government advertising because it's considered to be government business as usual.

Mr. Chomiak: Is there not a provision in The Elections Act and the election finances act that deals with the issue of funding with respect to leadership campaigns?

* (14:40)

Ms. Verma: There is no funding which is provided by Elections Manitoba for a leadership contest. Leadership contestants can raise contributions

through—from individuals who are normally residents of Manitoba. Their returns, which are filed by the leadership contestant, have to be audited, and an audit subsidy of up to \$1,500 is provided to the auditor similar to candidates when they provide their audited financial statement.

Mr. Chomiak: So, okay, thank you. So there are provisions in terms of how funding is made and how that is looked at by your office, but your office wouldn't look at a situation where an MP, for example, was running for leadership and was undertaking to review and test their leadership, as has been done, and used their administrative assistant in Ottawa to assist them in looking at leadership funding and came back to the province and went to a jurisdiction to decide whether to run for leadership and then declined to run for leadership and ran as an MP again in Ottawa, which was the case where—for the now-member for—the Leader of the Opposition. You wouldn't have a—be able to deal with those kinds of issues, would you?

Ms. Verma: The financial statement of a leadership contestant has to report all expenses and all the contributions. So if there are any expenses which the contestant has incurred, that we are expecting to be reported in the contestant's return, the return is audited and the official agent is responsible for ensuring a full and complete disclosure under the—in the financial return.

Hon. Jon Gerrard (River Heights): What I'd like you to do is to help us understand what needs to be put in legislation in order to have a permanent voters list. Now, for example, you need to have date of birth and gender, but even though you collect that, that doesn't mean that that information would necessarily be distributed to political parties. In fact, it might be that for privacy concerns it would be potentially wise for that to be held by Elections Manitoba, but not to be distributed to political parties or to MLAs or candidates.

A second question deals with who the list or parts of the list can be provided to, and I believe the political parties, the candidates, the MLAs—under what time frame can those lists be provided, under what circumstances, oh, for example, an MLA who, as we had an example not long ago, is thrown out of caucus. Does that candidate still have access to the voters list because that—or that person is still an MLA or not? What's the circumstance? Those sort of issues seem to me that would be examples of things that need to be clearer in any legislation.

Ms. Verma: Okay. The legislative amendments which will be required firstly will be to provide the Chief Electoral Officer with the authority to establish and maintain a permanent voters list, a Manitoba voter register. We also will require explicit authority to enter into data sharing agreements from the potential sources and also to collect any information which will be necessary to maintain and update the register.

We'll also require the authority to collect date of birth and gender information, and you were right that this information we are not recommending to be shared with the parties due to privacy concerns. The purpose for collecting date of birth and gender information is for data validation and data maintenance. It's to ensure that the data which we have in the voters list is accurate, complete and current. For the voters list purposes, date of birth and gender information, we are not recommending that they should be provided to the parties.

We'll also require amendments to substitute enumeration with the permanent maintenance of a permanent voter register. We are recommending that substitute enumeration or targeted enumeration or targeted revision, whichever term you may call it, will be still be available under The Elections Act to address those areas where there is high mobility or where we don't have the full confidence that the data we have is complete and accurate.

The process on how to identify these areas can be discussed. It could be through an all-party committee or it could be at the discretion of the Chief Electoral Officer. It could be through the advisory committee.

We are also recommending that security provisions are maintained—are included in the legislation, how—what kind of security would be available for this kind of a framework and how we can communicate and offer the service channels to update the information. In the presentation, two areas—telephone and online—we have indicated as partial, because we do want to authenticate the data which we are receiving, and both online and telephone may not provide us the complete opportunity to authenticate that data. So the information which will be updated through telephone and online will be on a progressive basis, but will start on a lower term; right now, maybe just a telephone change or the address change, but the name change requires more authentication.

The second question was, to whom can this information be provided? The current legislation does identify to whom the voters list can be shared with and for what purpose. We don't have any existing recommendation to change those provisions, because irrespective of how a voters list is created, the use of the voters list doesn't change.

So these are two methodologies on how to create a voters list: enumeration door to door from scratch or electronically, a permanent framework. How the voters list going—is going to be used is not impacted on how the list is created.

Mr. Gerrard: Just one follow-up on that: I think in one or more of the documents here that there was a mention that the definition of candidate differs between The Election Financing Act and The Elections Act, and so, I mean, I presume that there should be a single definition here that when you're providing the lists of what have you, so that, I mean, there is something at least that needs to be clarified, I would say.

Ms. Verma: Yes, that's a provision under The Elections Act. There are two separate provisions: One talks to whom we can provide the voters list, the preliminary voters list, and the second talks about who can use the preliminary voters list. In a 75-day calendar, the candidates are not formally nominated before the preliminary voters list is completed, because enumeration is completed before the writ is issued. In order to make these two provisions consistent, we are recommending that section 75 be amended to clarify that candidates under both The Elections Act and The Election Financing Act who have been nominated also have access to the preliminary voters list.

Mr. Chomiak: Just—thank you for that—just a clarification: There was reference to both telephone and email correspondence, and that reference was to the, I assume, the qualifying or the determination of the validity of that information. Do I understand that correctly?

Ms. Verma: The telephone and online data maintenance is more for updates and once the register has been completed. So, if I'm on the register and I move, I can call and say, okay, I have moved, this is my new address. But so there is a level of authentication which will happen when they are on the—online. You might require to be—provide your driver's licence, so we can validate, yes, it is Shipra Verma who is applying online to get her address verified, and that backup will be matched with

driver's licence information so we can validate that it's an authentic request and then process it.

Mr. Chomiak: The—we'll also have to allow for the cross-reference of legislation—of the MPI information as well as Vital Statistics in our legislation. Am I correct on that?

Ms. Verma: I believe there would be some changes required with all the agencies, either its legislation or it's within their mandate.

Mr. Chomiak: One thing that I'm very curious about and just in general is, given where we're going in terms of the Internet and communication, why wouldn't we ask for email addresses with respect to the information that's provided?

Ms. Verma: We can ask for email addresses, but in this age of technology, email addresses also change quite rapidly, and if we see the data and if you don't use your email regularly, it can become obsolete. So maintaining email addresses may not be that convenient or, from a cost-benefit analysis, that efficient to have that as part of our database.

* (14:50)

Mr. Chomiak: I'll leave it at that and let other questions go. This is quite—I don't want to—I have a lot of questions in this area, but I know that other members may have questions on this.

Mr. Goertzen: Ms. Verma, have you in your time as the Chief Electoral Officer, have you ever sat on an elections committee like this where one of the people on the committee was actively engaged in a campaign? I mean, we wouldn't call it a—we wouldn't call a elections committee to be held in—during an election, obviously, because, you know, you'd be busy and we'd all be in something of a conflict. But I mean, have you ever been at elections committee where one of the people sitting on the committee, let alone in a chairman's position, was actively engaged in a campaign that you have some oversight in?

Ms. Verma: My understanding of the legislation is once our annual report is tabled and if it has recommendations, then a committee has to be convened within 60 days of the tabling of the annual report to discuss the recommendation. My understanding is that this committee's timeline matches that legislative requirement.

With regard to campaigning, I haven't kept track of if there are any of the members sitting here have been involved in either a leadership campaign or an

election campaign or any other campaign which might be happening.

Mr. Goertzen: And you're right. I understand that it falls in terms of the committee being called within the legislative framework, but have you had experience of being involved in elections committee where one of the individuals who's on the committee is actually engaged in a—in an election that you have oversight over. You acknowledge in your first answers very well, very articulately that, you know, you have oversight to some extent on the leadership campaign as to ensure that there's a level playing field and you acknowledge that that extends to donations and receiving and filing. And so it's not as broad as a general election, I understand that.

But have you had the experience of being on an elections committee answering questions when one of the people on the committee is actually currently in an election that you have supervisory capacity over?

An Honourable Member: It's a hypothetical.

Mr. Goertzen: It's not hypothetical. He's standing right there.

Mr. Chairperson: Order, please. Order, please. Has Mr. Goertzen finished his question?

Mr. Goertzen: Oh, yes, I have. Thank you, Mr. Chairperson.

Ms. Verma: I'll have to check the 2010 committee dates when the committee was held because—and they could be members who might be declared candidates for the next election campaign, but I don't have that information right now.

Mr. Goertzen: But the election hadn't been called. I mean, it wasn't in the midst of an election. You wouldn't have a committee hearing when an election was happening. I mean, clearly, the point I'm making isn't a secret one. I mean, it just seems really, really odd that we have somebody who is currently engaged in a leadership contest sitting at this committee giving reports and presumably ready to ask questions when they are currently under some sort of supervision in terms of your office with the election rules. I just think that's odd and perhaps something that needs to be looked at.

I want to ask a bit about The Pas by-election. What's the last date that the government can issue the writ—if that's the right terminology—for the by-election in The Pas?

Ms. Verma: Again, with an election there are different possibilities: in case there is a recount; if there is a recount, if there is an appeal; and if there is an appeal process.

So, if you go with the assumption that there will be no recount in The Pas by-election, then 3rd of April is the last date when the writ should be issued; if you go with the possibility that there is a recount but no appeal, then 15th of March; and a recount with appeal, 5th of March.

Mr. Goertzen: What impact would having a by-election during a leadership contest have? Because of—there's obviously blackout provisions that impact the government, what impact would having a by-election now, for example, in The Pas, would that have any kind of an impact on the leadership contest?

Ms. Verma: Leadership contest provisions are not related to the general election or a by-election provision. So there is no impact in calling a by-election while a leadership contest is still going on. With a by-election and a general election, government advertising restrictions do come into effect.

Mr. Goertzen: So one could have the by-election at this point, and there'd be nothing within the rules that you know of that would interfere with the operation of the—of a leadership—hypothetical leadership contest. *[interjection]* Do you have a problem with—

Mr. Chairperson: Order, please.

Ms. Verma: A leadership contest provision, as I've indicated earlier, is partially covered under The Elections Financing Act. It is considered to be an internal party matter with certain disclosure and contribution limit requirements. It has no overlap with a by-election or a general election.

Mr. Goertzen: It would just simply prevent the government from having advertising during the by-election.

Ms. Verma: Yes, government advertising restrictions are—do come into effect during a by-election also.

Mr. Goertzen: So, in fact, if somebody really wanted to ensure that there was no perception of a conflict by using government resources it might be the ideal time to have a by-election because you wouldn't be able, then, to have advertising during that contest—hypothetically, of course, if that was

going to—[interjection]—well, then call the by-election.

And can you tell me how long was the time between the calling of the Morris by-election?

Ms. Verma: The vacancy in Morris occurred on February 12th, 2013, and on December 27th the writ was issued, so the election was held on January 28th, 2014.

Mr. Goertzen: I remember at the last committee or maybe it was one before the last one, Elections Manitoba was commenting that the Morris by-election had some difficulties, right, because of—maybe both because it was in the winter and because there was a long delay—and are those some of the things that continue to be a concern for Elections Manitoba?

Ms. Verma: Every season in the year presents a different challenge when it comes to enumeration. In the wintertime when the Morris and Arthur-Virden by-elections were called, there were two winter storms which happened, and there was also a fire in the hydro station in Morris which occurred at—close to the election day, so we had to change the voting location for a couple of voting places. When it comes to the—even the next 2016 election, the calendar tells us that it's February to March enumeration. So having snowbirds, accessibility from roads for rural areas, winter conditions will be a challenge and we are looking at strategies to address these challenges.

Mr. Goertzen: The issue of potentially having a by-election when the House is sitting, that's come up as an issue of discussion. Am I correct in suggesting that the only impact of having an election during the sitting of the Legislature would again be that government advertising would be restricted?

Ms. Verma: Government advertising restrictions are linked to the call and the timing of a by-election or a general election. House sitting is outside the provisions of The Elections Act.

Mr. Chomiak: Yes, Mr. Chairperson, I think this helps make the point. I'm glad my—the member brought up the point of by-elections and winter by-elections. Do you think it would be helpful if we had the permanent voters list now? It would be certainly helpful in terms of the enumeration process going forward if we were to have a permanent voters list now to have a by-election. It would certainly save a lot of time and energy and work out on the field with respect to enumeration as it relates to less

accessible places that might cause difficulty because of storms and related matters in a by-election.

Ms. Verma: Having a permanent register will certainly address some of the challenges of enumeration. But as I've mentioned earlier, moving towards a permanent register, we would still want to keep the option for targeted enumeration and revision wherever we find our list is not as complete, accurate and current as we desire it to be.

* (15:00)

Mr. Chomiak: Insofar as using the federal list or municipal list, our previous list, the Vital Statistics, the motor vehicle registration, et cetera, how would—what would be the best means of going—of continuing to update the voters list to keep it current as it relates to a permanent voters list?

Ms. Verma: I think getting regular updates, especially from driver's licence, Vital Statistics and Manitoba Health and Elections Canada would be fundamental in maintaining the list. The reason why we've identified these partners: driver's licence, because that's one of the most—the first places which—where people update their addresses whenever they are changed as they require that information to be correct; Vital Statistics, to get the information for name changes, gender changes and for deceased; Elections Canada, because they already have a robust system in place for many years, so it will be beneficial to take advantage of the information which they have; Manitoba Health is another place like driver's licence where people change their information on a more current basis.

Sometimes people ask why, if Elections Canada is maintaining a list, why should you maintain a list too. There is a reason for that. The currency and accuracy of Elections Canada list currently is way lower than our list which we prepare through enumeration, plus our data matching, our data validation rules will be a little different. We are closer to the ground; if there are discrepancies, we have a better opportunity to explore those data-matching validation issues and get them rectified. That is the reason it's beneficial to have that ability within the province.

Mr. Chomiak: Yes, thank you, that's very helpful as well as the fact that you've mentioned that, of course, the qualification on the federal list versus the Manitoba list are of two different—there's a six-month residency for Manitoba voters and—as opposed to the federal.

Is there any advantage if Saskatchewan goes towards a permanent voters list, and is there any advantage with tying up with Saskatchewan on an IT provision or something in that regard insofar as we could be in the same time cycle as Saskatchewan?

Ms. Verma: We are in close contact with Saskatchewan's IT development, and we are keeping abreast with the policies and the changes which they are planning to do. If there is a possibility for collaboration, we'll certainly explore. When we are looking at a permanent register, we also have to review the current resources which are available. The IT platform that Saskatchewan operates on is currently quite different from the Manitoba's IT platform. So, in looking at the collaboration, we'll also need to weigh in the benefits and the challenges in bringing the existing systems in alignment with the proposed systems.

Mr. Chomiak: I know that I've had experience in one of the departments with respect to 'bluying' a platform from another province. It wasn't bilingual, for example, and finding out that Manitoba, because its bilingual nature, had to have significant changes to the software. So would that be one of the issues with respect to Saskatchewan as well, do you think?

Ms. Verma: Saskatchewan currently hasn't identified the software they are going to go with. They're still in the exploration stage, so I will not be able to comment on the challenge 'til the time we have more understanding from Saskatchewan which direction they're moving on.

Mr. Cullen: Obviously, it's going to be some time before we have a permanent voters list here in Manitoba, subject to legislation as it may come to light. But saying that we do have a permanent voters list down the road, two elections away, will that provide you the ability to have ongoing discussions with Elections Manitoba and the municipalities as well so that you kind of keep your list updated? Is that really the—really what we're driving at here?

Ms. Verma: Absolutely. What we are driving towards is synergy and efficiency in maintaining all these lists by different municipalities, province, the cities and federally. Standardization of address, one of our recommendations, extends from the municipalities. AMM has a recommendation that addresses should be standardized. However, the municipalities still can choose to adopt the addressing standards; they would like to do it. There is section, township, range; there is lot, block, plan; there's the free-flowing address; there's also the

911 addresses, some which municipalities are adopting and some which 911 is creating in order to identify access to the different residences.

So, having a ground, a framework where addresses can be standardized, we can have an integrated road network system with addresses information will certainly help, both provincially and municipally.

Mr. Cullen: So there's certainly the opportunity there for some synergies in terms of sharing your information with the local municipalities. So, when they have elections, that information or that database could be shared. Is that correct or do you see that happening?

Ms. Verma: Yes, I see that happening. It currently happens too. We can share our voters list with the municipalities whenever they request that information. And in the last election we were providing a list to several municipalities. However, the list is not current, and currency reduces as the time goes on because we're not maintaining a permanent register. But we do have the ability to even right now share that information with the municipalities.

Mr. Cullen: Okay, I'm looking at the next election coming up. Do you have the ability—the authority, I guess would be the right term—to use municipal election lists now? Because, as we said, we mentioned, we're going to have a federal election probably this fall, and we just had a municipal election. So do you have the ability to use their current information to use for your system?

Ms. Verma: Yes and no. The no is because the voters lists have to be created from scratch through enumeration, which is prescribed in the legislation. The partial yes is for address database. We can receive information from the municipalities, and we actually ask them that information, if they have for the addresses, and the x, y co-ordinates, because the address database can be used to assist enumerators to conduct a door-to-door enumeration. So we do seek the information from the municipalities with regard to addresses, but not with regard to borders.

Mr. Cullen: What about the federal list then? Do you have authority to use the federal list at this point in time?

Ms. Verma: The same rule as for the municipalities. We can use the federal information for addresses, but we cannot use the federal list for voters list purposes because the legislation requires us to create a new

voters list for every election, provincial or by-election, through enumeration.

Mr. Cullen: Well, would it—is it easy to change the legislation to make that available? Certainly, that would, I would think, help your enumeration process, and it would be fairly, I would think, a relatively minor change to the legislation. Have you looked at that option?

Ms. Verma: We have not looked at that option in that detail.

A federal list is 78 per cent current. Our enumeration list is 95 per cent current. So there is a significant gap between the currency, which is, is the voter at the right address, at the right—at this particular time period? That impacts to which voting place, which voting area they'll be assigned to, and are they being assigned to the right one? It affects accessibility.

Right now, we don't have the ability to compare and assess the quality of Elections Canada's information and how we'll be able to use it in the next election. That is—simply said, at this point, we need time to explore how we can use Elections Canada's information and incorporate it into the enumeration process.

Mr. Cullen: But, to do that, would you need a change in legislation? What I'm looking at is, you know, we're going to have a federal election this fall. We will have a provincial election in a few months following that. And it just seems logical that we would at least have that base of that database to go by. But we need change in legislation to make that happen.

Ms. Verma: Yes, we need that change in the legislation.

Mr. Cullen: We'll go back to one of your recommendations: section 92 of The Election Financing Act be clarified and strengthened by including a specific restriction for the use of government resources.

So that recommendation is pretty vague. Do you have more specific recommendation on that particular recommendation that you could provide to us, or some information?

Ms. Verma: There have been several complaints on government advertising starting from the 2011 election, and this recommendation has been arrived at after consulting with the commissioner, by understanding how he's interpreting the legislation.

And, without getting into specific of any details, his rationale is the purpose of government advertising is to restrict the use of government resources to promote the government activities during an election period and to create a level playing field among the other political parties.

* (15:10)

However, the vote, the term of use of resources is absent from the provision, so to include the use of resources will clarify the intent and simplify the implementation of the government advertising provision.

Mr. Cullen: Would you have specific wording that would—you would recommend for the change in legislation?

Ms. Verma: The specific wording we have identified is including a specific restriction for the use of government resources. We can work with the legislative drafters to arrive at the right wording, but the intent is to capture that government resources should not be used for government advertising purposes when the restriction is on: the 90 days prior to the election day in the 75-day calendar or during the election period in another election or by-election.

Mr. Cullen: Well, maybe some of the confusion that is arising out of that is a lack of a definition, and maybe that's what we should be looking at is a definition of what government resources are. Would you concur with that?

Ms. Verma: I think the definition could be a good idea to identify what a government resource means. That would provide clarity for all: the commissioner and the political entities too.

Mr. Goertzen: A couple of questions related to memberships in a political party. Not asking you specifically about that, of course, but there's been recent sales of memberships in all political parties, but there's been talk about one in particular. Is it illegal for a candidate or I suppose anybody, I suppose, to purchase a membership for another person in a political party in Manitoba?

Ms. Verma: Membership payment follows the contribution rules, so—and it's—in—as a contribution rule; it's prohibited to pay for a contribution on behalf of somebody else or to pay a contribution in anticipation for a reimbursement.

Mr. Goertzen: So, because memberships are tax deductible and a person can claim it on their income tax, what you're saying is that it would be against the

election law—the finance law or The Elections Act—to pay for another individual's membership.

Ms. Verma: That would be correct.

Mr. Goertzen: And where would the penalties for that flow from? Would they flow from The Elections Act or is—The Income Tax Act or how—what kind of a penalty comes with that sort of thing?

Ms. Verma: The penalties will be covered under The Election Financing Act, since contributions are covered under The Election Financing Act.

Mr. Goertzen: Is that something that's—Elections Manitoba has had any complaints recently about or would—that would probably go through the commissioner, right? The commissioner gets that complaint and you might not hear about it until it's been resolved. Is that right?

Ms. Verma: If anybody has a complaint, yes, the person is directed to the commissioner. The commissioner may seek information from us on the interpretation or guides or references, which we have provided, but the commissioner conducts his or her work independently.

Mr. Goertzen: There was a recommendation from Elections Manitoba about having a referendum act. That's still a current recommendation. Is that correct?

Ms. Verma: Yes, that's still a current recommendation that we have a formal referendum act which will define the requirements of how the referendum has to be conducted, because currently the three legislations state, under which a referendum is covered, that regulations will need to be developed to address issues like preparation of the voters list, use of resources, contribution limits and how The Elections Act can be modified to adapt to the referendum.

However, there's still some questions which are missing such as how and when the question—the referendum question will be developed. Will there be a referendum committee? Who—will those referendum committees need to be registered? Are there any contribution limits or spending limits on those referendum committees? What kind of disclosure requirements will be required? So to answer those questions, it's recommended a referendum legislation be developed.

Mr. Chomiak: Just to move along and help with the questions by the member with respect to the legislation and discussions about changing legislation to have a permanent voters list. It's

relatively easy, I think, to amend the legislation with respect to enumeration because the basis of creating the permanent voters list has been the—has been enumeration. So our legislation says enumeration is the basis of it. To change that is relatively simple. A little bit—I think that—and I'm asking for your—if I'm correct in this. What's more complicated is some of the outstanding aspects of the legislation and regulations as it relates to privacy, as it relates to the sharing of information, as it relates to some of the general provisions, but the essence is relatively simple because you're changing the nature from an enumeration-based legislation to legislation that's—it's permanent plus an updating provision. Am I correct in that?

Ms. Verma: Simply said, yes, that is the change that we are looking in how the voters list will be created. The current legislation, the way it's written builds on enumeration. So it's not one change, there'll be several changes within the legislation that we'll have to review closely and address so that the legislation continues to be internally consistent and flows well.

Mr. Chomiak: I've had some experience, and we had agreement with the opposition when we did, for example, the police act that took outdated legislation from the 1930s which was based on, you know, totally different practices, and we were able to update legislation with the assistance of the opposition and actually moved forward and passed legislation that people thought could not be done in a legislative session.

So I think that with some of the advice I've heard here and some of the momentum we have with respect to the election lists being prepared, a permanent list from the feds, the municipal lists and our going forward, I think we're probably closer to a permanent voters list since the recommendations that started coming for a long time. Would you agree perhaps?

Ms. Verma: Not familiar with the House business so I may not be able to comment on this.

Mr. Goertzen: The problem actually hasn't been the permanence of the voters list. The problem's been the permanence of your House leaders, and so it's been difficulty—terms of trying to get some of this done.

But I want to return—

Mr. Chairperson: Order, please. Order, please. I ask all members to put their questions through the Chair.

Mr. Goertzen: Oh, yes, thank you for maintaining order, Mr. Chairperson.

I want to return to some of the questions around the referendum act. I find it interesting the initial, I think, discussion about the need for a referendum act came at this committee by the former premier. I believe it was Mr. Doer that recommended a referendum act. Am I correct on that?

Ms. Verma: At the May 2nd, 2006, standing committee, the premier proposed bringing a referendum act after the upcoming general election.

Mr. Goertzen: And were there further discussions with you and the government between 2006? I know Mr. Doer departed to do other things on behalf of Canada, but are there—have there been discussions between Elections Manitoba and the government? I know you can't divulge exactly when maybe these meetings are or such things, but have there been ongoing discussions about a referendum act?

Ms. Verma: The recommendation was first introduced to our office in 2000 and in 2001. After May 2nd, 2006, standing committee we dropped the recommendation and now we have brought it back. So I think that would answer the question which you're asking me.

Mr. Goertzen: Which acts in Manitoba require a referendum for certain actions to take place?

Ms. Verma: There are three statutes in Manitoba that require a referendum to be held: The Balanced Budget, Fiscal Management and Taxpayer Accountability Act; The Manitoba Hydro Act; and The Manitoba Public Insurance Corporation Act.

Mr. Goertzen: And my friend from Kildonan is still arguing over the legalities of some of these things, and that's good. I always like to hear his advice—rarely follow it, but I always like to hear it—and the issue, obviously, then, is my friend from Kildonan is suggesting that these acts aren't binding, and we've seen that. We've seen a government ignore a referendum, but, you know, and this is where I find this whole process a little awkward because, you know, there is an individual out there running for leadership who now is all of a sudden a great proponent of referendums. And so I wanted this line of questioning to see, you know, how that would work, and would a referendum act help that individual if he wins the leadership. But, of course, there's another individual running here who's also on committee, and I find the whole thing a little unsettling, but I'll suffer through that because I'm

used to being unsettled sometimes at these committee, Mr. Chairperson.

* (15:20)

But how quickly could Elections Manitoba, if it was asked to organize a referendum—I guess in the absence of an act, an act would make it easier—but how quickly could one—and I hear my friend from Kildonan—is fixated on the permanent voters list—and, if he stays in the position for more than three weeks, I'm happy to speak to him about it. But how quickly could a referendum happen without an act being in place?

Ms. Verma: For a referendum to occur, we will need regulations with the Lieutenant Governor to how to conduct a referendum, as there are many outstanding questions which also will need to be addressed alongside how the voters list would be prepared, the expense and contribution limits, and the degree to which The Elections Act will need to be modified in order to conduct a referendum. So I cannot give you a specific time period, as the time involved in preparing the regulations and getting them drafted and passed would totally depend on that.

Mr. Goertzen: So is there—it's an order-in-council that comes out of Cabinet and they say, this is how we will want to conduct, these are the time frames, these are the question—would Cabinet set a question on this sort of thing too? Is that normally with—I know there hasn't been a lot of experience in Manitoba, but is that what you would foresee to be the expectation, is what you want out of an order-in-council?

Ms. Verma: The regulations will need to prescribe: How the question has to be arrived at? Who will be responsible for developing that question? Can the question—can the vote can be challenged? If there can be a recount, what are the provisions for the recount? What are the bases from which the challenges can occur? Should there be a word limit on the question? So there are several factors which need to be considered while developing the regulations necessary for any referendum.

Mr. Goertzen: I see the Premier (Mr. Selinger) is quite engaged in this topic of discussion. I'd welcome his questions on referendum.

The cost of a referendum—has Elections Manitoba done an estimate on what a referendum would cost? I know at different times and in different debates, the government has said it's been too expensive to hold a referendum. But I'm curious in

terms of what the cost would be from your perspective.

Ms. Verma: The cost of a referendum will depend on the calendar—if it's 33-days calendar or the 75-days calendar. A current budget for a general election is \$12.9 million excluding the campaign finance provisions. So, if a referendum has to be carried in a similar manner as a general election, it will cost the same. If you're looking at a 33-day calendar, we estimate the cost to be around \$9.5 million for a 33 days. Again, the assumption here is it's following the same method as a general election that will be having 57 electoral divisions, 57 offices, the same number of voting places of 250 and 350 for urban—or for rural and urban voting areas, will have door-to-door enumeration to create a voters list, a revision period. Nomination—again, it will depend what nomination period will mean under a referendum, and then advanced voting and election day voting. So, if you're following the same principles, that's the cost estimation at this point.

Mr. Goertzen: Would there be—is there a cost savings—never having run one of these before—but would there be a cost savings to putting, like, a referendum question on an election ballot? Like, is that—I know it's done in the States a lot, and they have a different source of propositions and stuff, but as opposed to, I suppose, having one, you know, very close to an election. But, I mean, would there be a cost savings to attaching it to the election ballot?

Ms. Verma: Absolutely, there will be a cost saving if a referendum occurs alongside a general election, because we'll be using the same infrastructure for the general election as for the referendum, so the incremental cost will be low. The additional cost will be of the ballot for the referendum and the ballot boxes, and extra counting time or staffing on election night to count the results.

Mr. Chomiak: It seems to me and I—you can—it seems to me the referendum question is very complicated, particularly in Manitoba where it took us a long time to amend The Elections Act based on probably the biggest election fraud and scandal in Manitoba history. We—out of the 2005 election, when a particular party tried to fix—the vote-rigging scandal, and it took us a long time to bring in legislation and the various finance and provisions that have been mentioned and referenced by the member with respect to how you finance elections, how corporate and union donations are not allowed. All of that was a very complicated—took a long time,

and I was at this committee, and there was reports of this committee, some going back to 2001, with respect to putting in this legislation, that it would seem to me it would be rational to have to put in commensurate kind of provisions in any kind of a referendum act which would be a very difficult and convoluted process, because I've sat here and watched how difficult it was to get the provisions put in The Elections Act.

In fact, I don't even think we even got concurrence from the members opposite with respect to finding some kind of accommodation on The Elections Act, and particularly on donations. And your recommendation is that we try to go—we try to achieve this through a consensus, rather than through legislation. So I just wonder if—how it's possible that we could achieve any kind of a consensus on this issue when we had such difficulty dealing with the finance and provisions coming out of the vote-rigging scandal in the 1990s.

Ms. Verma: I'm not sure about the question, if he could please repeat it. If you're asking me how to achieve a consensus between the opposition and the government, I don't believe I can provide you with any advice on that.

Mr. Chomiak: I think that was the point of the question, that it took us too long to make amendments to The Elections Act as a result of the financing issues, I don't know how we would achieve consensus of all parties, which is the preferable way to approach a referendum issue, which is as recommended in your provisions that we try to achieve all of these issues by consensus. So it would be very, very difficult to achieve this.

Mr. Chairperson: Okay, I didn't hear a question there, so I'm going to go to Mr. Ewasko.

Mr. Wayne Ewasko (Lac du Bonnet): I'll defer to the member for Steinbach (Mr. Goertzen) for a quick question; then I'll go after that.

An Honourable Member: I'm always a big believer—

Mr. Chairperson: Order, please. So you want to remain on the question list, then, I take it.

Mr. Ewasko: Yes, I would like to. Thank you.

Mr. Goertzen: Just a comment on the member for Kildonan's (Mr. Chomiak) comments. I—he just, I think, 10 minutes ago talked about the great consensus we had around the police act, and then 10 minutes later he doesn't know how we'll come to a

consensus on something. So I'm a little confused by his line of reasoning.

But I'm optimistic, I think if we'd talk about these things, you know, if we could have the same House leader for more than a couple of months, I think we could probably achieve something along these lines. Just a recommendation, I don't think there's been much action on it, but I think it's something that's important.

How many other provinces have referendum acts, Shipra?

Ms. Verma: Yes, some jurisdictions who have a referendum act: Quebec has all pertinent subjects included in its referendum act; Alberta, British Columbia and Saskatchewan have a minimum number of subjects included in their respective legislation and deal with some matters of the regulation.

Mr. Ewasko: Thank you, Ms. Verma, for your time this afternoon.

Question for you in regards to the referendum act.

Before the member from Kildonan added some comments and almost a question onto the record, I just have a question in regards to some of the questions that you had asked earlier about different things that would have to be considered in regards to holding a referendum. Is there other jurisdictions besides Canada, other countries, that hold referendums and do quite a good job at them?

Ms. Verma: I'll have to do some research on the international aspects of referendum, but I do know that other countries who do have a referendum; Scotland recently had one. So there are rules and regulations internationally.

Mr. Ewasko: And thanks, Ms. Verma. I know that, you know, when the present government increased the PST, there were many people that had come into my office in the Lac du Bonnet constituency asking questions around the referendum, and many people had brought forward suggestions, such as the country of Switzerland, where they hold referendums and the cost is quite minimal, especially when they, you know, look at it, you know, not only municipally but, of course, within that country. And so is that—I don't think here in Manitoba we should be recreating the wheel, necessarily, is that a possibility that your department or organization takes a—or Elections

Manitoba takes a look at and—the Swiss government process for their referendums?

* (15:30)

Ms. Verma: The cost estimate, which I had provided earlier, were based on the assumption that a referendum will be conducted in the same way as a general election in Manitoba. So the cost estimate is based on the processes involved to conduct a general election. If the process is changed, the cost will also change. But that will come from the regulations, as the regulations need to be developed to explain how the referendum will be conducted.

Mr. Ewasko: Thanks, Ms. Verma, and it is reassuring to hear that the cost would be considerably lower if you held a referendum at the same time as the general election. And, I mean, that only makes sense that it would be a—you know, some additional staff to count the votes, count—and ballot boxes and reprinting of the question. But as far as coming up with the question and whether it's the Cabinet or whatever else, again, I think there's other jurisdictions that are doing this quite successfully and at a minimal cost that I think we should definitely be looking at. So thank you.

Ms. Verma: I just want to clarify the cost. There will be savings when we conduct a referendum alongside a general election, because we'll be using the same infrastructure with a caveat that it totally depends on the regulations on how a referendum will be conducted because there could be other rules and procedures required. So if the cost saving is considerable or less will also be dependent on the regulation, but there will certainly be a saving for the using of the same infrastructure.

Mr. Cullen: Getting back to the recommendation of a referendum act. So we have three pieces of legislation currently on the books that—where the government could call for a referendum, but it sounds to me like we don't really have the regulatory authority to carry out a referendum. Is that it in a nutshell?

Ms. Verma: My understanding is that The Manitoba Hydro Act and Manitoba Public Insurance Corporation Act require a referendum if there is a move to privatize these organizations. The Balanced Budget, Fiscal Management and Taxpayer Accountability Act had a referendum requirement for a tax increase. But, if there is a legal process or—of a bill, a legislative amendment, which has been passed to prevent having a referendum, then our authority

ceases at that point to conduct a referendum because we have to administer the legislation the way it is.

Mr. Cullen: The legislation doesn't give you the authority to hold a referendum as it's written now.

Ms. Verma: The legislation gives us the authority to hold a referendum in case a certain scenario occurs.

Mr. Cullen: But you don't have the framework, though, to specify what the questions are and how it's going to be carried out.

Ms. Verma: That's correct. The legislation gives us the authority to conduct referendums based on the regulations which will be developed by the Lieutenant Governor.

Mr. Cullen: So an order-in-council could give you the authority and the ability to carry out a referendum.

Ms. Verma: An order-in-council can give us authority to conduct a referendum if it meets the requirements of the legislation and provides us with the necessary support in the form of the regulation in order to conduct the referendum, yes.

Mr. Cullen: So that's the point I'm making. It's a regulation that will provide you the authority to carry out the referendum; there isn't any change to an act that would be required.

Ms. Verma: I think so.

Mr. Cullen: Thanks for the clarification on that. I do appreciate that.

Another recommendation you had was on the absentee voting, and I'm wondering—I know it's probably a relatively small percentage of people in Manitoba that vote this way, but, obviously, you've flagged it as an issue, and I'm wondering if there's a lot of returns that are coming back too late to be counted or what the reason is for your recommendation in terms of the absentee voting.

Ms. Verma: The reason for this absentee provision is to use the absentee provision more effectively to enhance the accessibility and service to the voters. The absentee provisions, when they were developed, were initially developed for the 33-day calendar and they're not that suitably transferred onto the 75-day calendar. As an example, the returning office is open 75 days prior to the election date; however, the writ is issued between 28 to 35 days prior to the election date. So a returning officer—if a voter comes to the returning office to say, I want to fill an absentee application, technically the returning officer cannot

accept that application 'til the time the writ is issued. So here we're providing a disservice to the potential voter. Even if—so the—one of the amendments, the recommendation is that the returning officer should be able to accept the absentee application and provide a kit to the voter if they want to take it away with them.

The second part of the recommendation is that the voter can return the absentee kit after the writ is issued rather than from the nomination time, because that reduces the time period in which the mail-in absentee package can be returned back. Internationally, it sometimes takes two to three weeks to receive a letter. The time from the close of nomination to the election day does not allow that period to successfully deliver the application kit and receive the application kit. We try our best by speed post, express post to provide that ballot to the potential voter. But it's not feasible all the time for them to return it back to us, so this recommendation is to enhance the accessibility and service to the voter.

A consequential impact of it would be if we accept the absentee kit after the writ has been issued but before the nomination has been completed, that the voter has an option of writing either the name of the party or the potential candidate similar to a write-in ballot.

Mr. Cullen: Would you have any idea offhand how many absentee votes there is and then what percentage would have been returned too late to actually count?

Ms. Verma: I don't believe there were too many applications that were not returned. I can get you the specific number, but even the absentee voting was a very low percentage.

Mr. Cullen: I would appreciate, I guess, just a follow-up on that just for a—for-keep that in perspective.

The other issue is the people that come in on election day and actually sign declarations, you know, may not have ID or any other documentation with them. I want to get a sense of, like, how many people would have done that during the last election. I don't know if you have those types of numbers at your fingertips.

Ms. Verma: As I understand, you're referring to the swear-on provisions on election day and advance voting. The process for a swear-on is they have to show us some piece of ID. It could be either one

piece of government-issued photo ID or two other pieces of ID with their name and address. If the ID does not have the address, then they have to sign a declaration for the address, but they still have to show some form of ID which supports their name and identity.

The number of swear-ons in 2011 were 26,279.

Mr. Cullen: So those swear-ins, they actually have to provide you some form of documentation. Is there not an opportunity for someone that has no documentation at all, no identification to also swear in and vote?

Ms. Verma: Not under our legislation. I think you might be referring to vouching, and vouching is not included in The Elections Act in Manitoba. They have to show some form of ID to—in order for swear-on. A vote has to be signed when the addresses are not supported on the ID, and they also sign a declaration that they're eligible voters, they're citizens 18 years of age and more, and fulfill the six months' residency requirement. So all swear-on voters have to sign a declaration that they're eligible candidates, provide some form of ID as required under section 2 of The Elections Act and also provide a declaration in case the ID does not provide any address.

Mr. Cullen: Is there any follow-ups on those people that sign declarations, then, to make sure that they haven't voted in another location?

Ms. Verma: We do poll book audits post-election to assess how much—are there any administrative irregularities in the process. So we do conduct a random sample of voting books post-election.

Mr. Cullen: In regard to that, then, is there a report that you put together on some of these irregularities?

* (15:40)

Ms. Verma: It's an internal review which we do. We do not include a report, and irregularities have been 0.1 per cent. A signature might be missing or the voting official may not have checked off the form properly, but the error rate is very minor.

Mr. Cullen: During the last election, I know Elections Manitoba were—I believe it was Elections Manitoba were carrying on an advertising campaign to encourage people to vote. What kind of a budget do you have for that advertising campaign?

Ms. Verma: Our budget is approved through the LAMC process. If I can just get the budget

information from my colleagues. I'll get you that amount—

Mr. Chairperson: Ms. Verma.

Ms. Verma: Sorry, I'll get you that amount in a minute.

However, the public information and education mandate comes from section 29 of The Elections Act which provides us with the mandate of providing information on the how to vote, when to vote and also for community groups who may face difficulties in exercising their democratic right.

And the advertising budget in the last election was close to \$1 million.

Mr. Cullen: Do you have an internal process, then, to kind of review, you know, that million-dollar budget and how effective it was?

Ms. Verma: We have a process of post-election surveys. It's done every general election, and we do ask questions to the voters and population about the effectiveness of our media campaigns. We also do an internal review of how effective our media campaign was, voter turnout and relation between our media campaign. It's a very difficult alignment, which can be made because voter turnout is a complex issue and is—it's impacted by several factors. However, the voter survey did indicate that nine out of 10 voters and eight out of 10 non-voters supported the promotion of advertising which we did.

Mr. Goertzen: Just a question, sort of, how The Elections Act works when it comes to leadership campaigns. The—you mentioned that donations are also donations in kind, so, for example, if somebody was running for a leadership position in a party and they used a government vehicle to go to an event where they were campaigning or meeting with people for a campaign, would that be considered like a donation in kind that would have to be declared?

Ms. Verma: I think it will depend on in which capacity is that individual going: if the individual is going in the capacity of a leadership contestant or as an elected official. Once that determination has been made, then the resource use and a potential contribution or a donation in kind would be the next analysis which will be required.

Mr. Goertzen: And I guess that's difficult, right, because a person could, hypothetically, if they're a government official and had access to a government vehicle, they could—and a leadership candidate—you know, there's a lot of hats being worn here—they

could go to a—something and I suppose partially fulfill a government function or they could partially—and then partially also, you know, be talking about their leadership campaign and trying to solicit support at an event because there's people around. So that's a difficult determination, I suppose, for Elections Manitoba to have to make, right, or are there clear-cut rules on that?

Ms. Verma: It's a self-declaration when it comes to such scenarios. If there's a complaint that the roles have not been clearly identified, then an individual can make the complaint to the commissioner for further investigation.

Mr. Goertzen: But, otherwise, you're sort of just relying on the goodwill of the individual to—if they took a 'coverment' vehicle to a campaign launch or something, you're relying on the goodwill, I suppose, of that individual.

Ms. Verma: I suppose that is correct. It is business as usual in many cases. Even if either a leadership contest or a general election or a by-election, there are many incumbents who are also becoming candidates for the next election. So now, many people have started already wearing those two hats of a potential candidate for the next general election or a by-election and also fulfilling the roles of an MLA. So it's an ongoing process. We do not monitor the activities of an MLA. It does come under self-declaration and the financial reporting which is made by the candidate or a leadership contestant.

Mr. Goertzen: Can you tell us on the vote tax, sort of give an update on when the last payment was made and how much was paid to each political party?

Ms. Verma: An annual allowance is made—is available once the parties provide the financial return. So the 2014 financial returns have not been filed, so this year no payment for annual allowance has been made.

The last payment was made in 2014: the Communist Party got \$773; the Green Party received \$14,449; the Liberal Party, \$63,255; and NDP, one hundred and ninety five dollars and one sixty seven; and the PC party declined.

Hon. Erna Braun (Minister of Labour and Immigration): I would like to compliment Elections Manitoba on their—the advertising that the member raised in terms of encouraging people to vote. And one of the programs that I'm curious is whether that will continue, and I think it was called something

like, take your parent to vote, that was done in the schools. Is that something that there are plans to continue that, because I encountered that when I was canvassing in the last election?

Ms. Verma: Yes, in 2011 we started a new program under our education and outreach mandate, it was called Citizen Next, and Citizen Next was for potential young voters who would be turning citizens when—eligible voters when they turn 18. We had the program of bring your child to vote. That was started through promotion materials sent out to all kindergarten to grade 6 students in all schools in Manitoba. We also developed a website with games and fun activities for children to be engaged and fostered a dialogue between the parent and children. And the concept was one of the values that we have, noticed through our surveys, is accessibility. Like, when parents have to come to cast their ballot, child-care facilities might be a challenge, and the second is lack of knowledge or understanding. So developing the citizenship skills from a young age to foster a dialogue between the parents, and also to make them see the process in action and real was the concept behind the Citizen Next program. We will be implementing it in the next election and also we're looking at ways to expand the Citizen Next program for the next general election.

Ms. Braun: Did it go into all school divisions or was it a selected number of places where you implemented it?

Ms. Verma: Citizen Next was done province wide in all school divisions for all voting areas and even for advance voting. Children who came to voting places were provided a future citizen certificate which they could use it as a keepsake. They had stickers as future voters. And the voters received an I-Voted sticker, so, to show something between the parents and the children to go hand in hand, for the participation in the electoral process.

Mr. Ewasko: Thanks, Ms. Verma.

Just the question that Mr. Goertzen had asked in regards to the vote tax, could you just re-read those numbers please, because I think there was a number that either I didn't hear correctly, or it just didn't—it just wasn't quite clear. Please and thank you.

Ms. Verma: So the Communist Party received \$773; the Green Party, \$14,449; Liberal, \$63,255; NDP, one ninety five one sixty seven.

Mr. Ewasko: Yes, I think when you said it, it was \$195, I think. But, anyways, you've cleared that up.

So the question that I do have, Mr. Chair, and this is to Ms. Verma, I guess, the question in regards to finances and then donations in kind twigged a question. So, for example—and this is not hypothetical, it's just—this is what's going on—this morning on my way to the city, there was Breakfast with the Premier was on, and there was definitely conversations about upcoming announcements and then there was also conversations about the leadership—contestant leadership race for the NDP party. So, to me, you know, unless he, you know, got a ride there as Premier and then jumped the bus on the way back, to me that would be something that is questionable.

*(15:50)

So I do understand your comment in regard to going with, you know, the good graces of the candidates, but, I guess, who's watching those things? Because I've had this, not necessarily a concern, but question for quite some time, and pretty much every week when Breakfast with the Premier's on. It's just interesting to me that—I'm just sort of wondering who's watching this, and maybe the member from Kildonan is, since he's taking a look at me right now. So just a question.

Ms. Verma: If there's any concern that a campaign finance provision under The Election Financing Act or any provision under The Elections Act has been violated or an offence has occurred, then a complaint can be lodged with the commissioner. So that's available to everyone.

Mr. Chomiak: I appreciate the comments of the—and, by the way, I'm very impressed with the—I'm impressed with the democracy and the voting campaign that Elections Manitoba undertakes, because at the essence of all of this, despite some political differences that we might have, at the end of the day, we—and we've seen that around the world. We've seen people go to Ukraine to try to ensure that proper democratic processes take place.

And so—and I understand that Elections Manitoba has participated in some of these international ventures, and I'm just—so I, in some ways, I'm very proud of members of this Chamber who've gone to Ukraine, including members of the opposition.

And can you just outline for me briefly, is Elections Manitoba participating on a regular basis or has plans to participate in international and Ukrainian elections in particular?

Ms. Verma: Well, I did participate in the Ukraine election in May—and, if an opportunity exists, and given the current mandate of the office, if we can accommodate any of these international missions, it's a matter of both pride to represent Canada and Canada's very well respected and admired as a democracy, established democracy. And, in Ukraine, on a personal note, wherever I went, because they couldn't figure out from which part of the country or world I am, once they knew I'm from Canada, I always received a lot of appreciation and support to represent Canadian jurisdictions in certain international forums.

Mrs. Stefanson: Ms. Verma, you were mentioning earlier that with respect to the referendum act, that really there is no need, necessarily, for a referendum act, that much of the framework can be established by way of order-in-council or by way of regulations as set forward by Cabinet. And I know in—I'm just wondering if you could comment on other jurisdictions, presumably because this is a recommendation you've looked at, what happens in other jurisdictions, and you mentioned earlier that there are referendum acts in other provinces. And I'm wondering if you could just indicate for the committee, when it comes to how a referendum question is established, what is the framework that's taken place in some of the other jurisdictions.

Ms. Verma: Okay, our recommendation still stands that we should have a referendum act. Although the referendum can be conducted through regulation, which is the current scenario, it leaves a lot of 'uncertainty' with regard to the timing and the provisions. A referendum act will provide that framework, and we might need some other regulations but not to the same scope as we currently—as currently they exist. So I still stand by the requirement for referendum legislation.

The second part of your question is how is a referendum question established. Again, it depends from province to province. What is the mechanism which is available? In British Columbia, they had a limitation on the number of words which needed to be kept in mind while developing the referendum question. The committee was developing the question; it was coming to the CEO to confirm if it meets the requirement; and that process had to happen twice before the question was established.

I don't have the specifics of what rules and regulations are in place. If it is the desire of the committee, we can do some sort of an internal report

and present it to the committee later on about what the recommendation—can be more specific on the referendum legislation.

Mrs. Stefanson: Are there other jurisdictions in Canada who allow for propositions to be made alongside—so referendum alongside the—at the same time or simultaneously with an election—a general election campaign?

Ms. Verma: I believe there is an option to have a referendum besides—alongside a general election.

Mrs. Stefanson: I mean, in Manitoba right now, there's that provision in Manitoba?

Ms. Verma: Not in Manitoba. I was talking about in Canada. In Manitoba, a referendum can occur alongside the general election, but for that regulations and provisions need to be established.

Mrs. Stefanson: So, in looking at other jurisdictions and what works in other jurisdictions, what is a typical time frame? You were talking about the expenditures related to referendums where it would be similar in cost to holding a general election campaign if it were the 75 days or—and, as well, with—in a 33-day writ period. Just wondering: What do other provinces do? Do they look more towards a 33-day or is it a 75-day for their time frames?

Ms. Verma: An election calendar is dependent on the legislation for each jurisdiction. Manitoba is unique that we have a 75-day calendar. No other jurisdiction has a 75-day calendar. In BC, there have been a couple of referendums. Some have been done alongside with the general election, and the last one was done by mail—vote by mail—which was the HST referendum. For that, they did have a permanent voters list in place, but they also had a registration drive—a different mechanism to inform and advise the voters, provide the ballots and then receive the ballots. So it was—the referendum was conducted by mail. The votes were done—the referendum—alongside the general election.

Mrs. Stefanson: Yes, and I thank you for that. And there's a number of other questions I'd have on this and I know—just in the interest of time.

But I do want to say that, clearly, this is legislation that was brought in a long time ago when we look at the three statutes that require referendums, and that this kind of a referendum act is—obviously, it's been recommended by your office for quite some time now, and I'm surprised that it hasn't been on the forefront of the government's

agenda, given the fact that, in particular, what happened with the PST increase most recently. And I think it's unfortunate because it was also recommended by a previous premier. We now have a current premier and we're not sure if we'll, in fact, have a third premier of the province before something transpires with respect to this. And I think it's very important when we do have statutes before Manitoba right now that Manitobans are offered to—the understanding of what the rules are around referendums, because they need to know going to—into an election campaign what exactly those rules are.

And so I appreciate all the work that you and your office have done over the years, and I think, with that, I will defer—I don't have a question for you per se, but I know others have commented on some of the things that you have done and you have tried to push forward from your office, and I think that's commendable, so.

Mr. Goertzen: You know, where a candidate, like a leadership candidate, had, you know, concerns and people were questioning whether or not, you know, they were using government resources, maybe a vehicle, in campaigning, would it be the advice of Elections Manitoba—and you've given candidates advice before when we've asked—that it's always better to err on the side of caution and maybe they just shouldn't be using government resources or a government vehicle at all just so there couldn't be any concerns about unscrupulous behaviour? Is that kind of the advice Elections Manitoba would give?

Ms. Verma: If there's a concern by a leadership contestant, they can ask for an advisory opinion from our office, and we would be happy to look at the situation at that point.

Mr. Goertzen: And have you been getting those requests? Don't need to know who, obviously, but have you been fielding requests for advice from leadership candidates of the current leadership going on?

Ms. Verma: Without getting into specifics of any leadership contestant, as a practice, we do provide advisory opinions when they're requested. There is also provision that, if for any reason the CEO cannot provide an advisory opinion, then they'll provide a reason for not providing that opinion.

* (16:00)

Mr. Goertzen: I know the Premier (Mr. Selinger) hasn't asked any questions; historically, the premier

does at these committees. I'm willing to extend this committee if he has some questions he'd like to ask.

Mr. Chairperson: I didn't hear a question there.

Mr. Premier, do you have any questions for the committee?

Mr. Selinger: I think the committee did a good job asking questions, and I thought we were well informed by the questions and the answers that the Chief Electoral Officer provided us.

Mr. Chairperson: Okay. It's—it is now 10 seconds to 4 o'clock.

So Mr. Chomiak did have a—his hand up earlier for a question, but, if he would defer and we could proceed with calling the reports, then I will do so.

Annual Report of Elections Manitoba for the year ending December 31st, 2008—pass; Annual Report of Elections Manitoba for the year ending December 31st, 2009—pass; Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election March 2nd, 2010—pass.

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

Some Honourable Members: No.

Mr. Chairperson: I hear a no. The report is not passed.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2012, including

the conduct of the Fort Whyte by-election September 4th, 2012, pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no. The report is not passed.

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

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no. The report is not passed.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2013, pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no. The report is not passed.

The hour being past 4 p.m., 4:01, in fact, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Before we rise, it would be appreciated if members would leave behind any unused copies of the reports so it may be collected and reused at the next meeting.

On that note, committee rise.

COMMITTEE ROSE AT: 4:02 p.m.

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