



Legislative Assembly of Alberta

The 28th Legislature
Second Session

Standing Committee
on
Legislative Offices

Thursday, September 4, 2014
9:01 a.m.

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Standing Committee on Legislative Offices

Jeneroux, Matt, Edmonton-South West (PC), Chair
McDonald, Everett, Grande Prairie-Smoky (PC), Deputy Chair

Bikman, Gary, Cardston-Taber-Warner (W)
Blakeman, Laurie, Edmonton-Centre (AL)
Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)
DeLong, Alana, Calgary-Bow (PC)
Eggen, David, Edmonton-Calder (ND)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Olesen, Cathy, Sherwood Park (PC)*
Quadri, Sohail, Edmonton-Mill Woods (PC)
Wilson, Jeff, Calgary-Shaw (W)
Young, Steve, Edmonton-Riverview (PC)

* substitution for Everett McDonald

Legislative Officers

Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Peter Hourihan	Ombudsman, Public Interest Commissioner
Glen Resler	Chief Electoral Officer
Merwan Saher	Auditor General
Marguerite Trussler, QC	Ethics Commissioner

Office of the Chief Electoral Officer Participants

Keila Johnston	Director, Information Technology and Geomatics
Michael Opara	Acting Director, Election Finances
Drew Westwater	Director, Election Operations and Communications

Support Staff

W.J. David McNeil	Clerk
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Philip Massolin	Manager of Research Services
Stephanie LeBlanc	Legal Research Officer
Sarah Leonard	Legal Research Officer
Michael Kulicki	Research Officer
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Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Christopher Tyrell	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

9:01 a.m. Thursday, September 4, 2014

[Mr. Jeneroux in the chair]

The Chair: Okay. We'll get started, everyone. Good morning and welcome to the Legislative Offices Committee.

I'd ask that members joining us at the committee table introduce themselves for the record, and if you're substituting, please let us know. We also will go afterwards to the members on the phone.

Ms Olesen: Good morning. Cathy Olesen, MLA for Sherwood Park, substituting for the deputy chair, Mr. Everett McDonald.

Mrs. Leskiw: Genia Leskiw, MLA, Bonnyville-Cold Lake.

Mr. Eggen: Good morning. I'm David Eggen, the MLA for Edmonton-Calder.

Mr. Young: Good morning. Steve Young, MLA for Edmonton-Riverview.

Ms Blakeman: Good morning, and from way down the table . . . [interjection] Oh. I'm sorry about that because the rest of us are in the fabulous constituency of Edmonton-Centre, of which I'm honoured to be the MLA. My name is Laurie Blakeman.

Mrs. Scarlett: Cheryl Scarlett, director of human resources, information technology services and broadcast services.

Ms Dean: Good morning. Shannon Dean, Senior Parliamentary Counsel and director of House services.

Dr. Brown: Neil Brown, MLA, Calgary-Mackay-Nose Hill.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: And those on the phone?

Mr. Bikman: Gary Bikman, Cardston-Taber-Warner.

Ms DeLong: Alana DeLong, Calgary-Bow.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

The Chair: Sohail, are you there? No? Okay.

I'm Matt Jeneroux, MLA, Edmonton-South West, and the chair of the committee.

Meeting materials were posted to the committee's internal website last week. If anybody requires copies of these documents, please let Karen, our committee clerk, know.

A few housekeeping items before we begin. Microphone consoles are operated by *Hansard*. Please keep your phones – iPhones, BlackBerrys – off the table as these may interfere with the audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Hansard*.

Great. Can I get a motion to move the agenda?

Mrs. Leskiw: I so move.

The Chair: Genia Leskiw has moved that the September 4, 2014, meeting agenda of the Standing Committee on Legislative Offices be adopted as circulated. All in favour? Any objections? The motion is carried.

It was noted that we did not pass the motion to adopt the November 29, 2013, minutes during our July 3 meeting, so these have been included in our package as well. I'd call for a motion

for each set of the minutes so that we can take care of that. For November 29.

Mr. Young: I so move.

The Chair: Steve Young has moved that the minutes of the November 29, 2013, meeting of the Standing Committee on Leg. Offices be approved as circulated. All in favour? Any objections? Carried.

Now we need one for the July 3 minutes.

Mr. Young: I so move.

The Chair: Steve Young, again, moves that the minutes of the July 3, 2014, meeting of the Standing Committee on Leg. Offices be approved as circulated. All in favour? Any objections? The motion is carried.

Okay. Now the business at hand. This will be item 4 on your agenda. Members should have a copy of the current primary motions document, which was posted to the committee's internal website. This document highlights the motions made by this committee, starting in 2008 with a compensation strategy for the officers as set by the committee utilizing the classification schedule for senior officials within the public service of Alberta.

We will be discussing the individual salaries and classifications of the officers of the Legislature, so I would suggest that we move in camera. Of course, any decisions of the committee in this respect will be made by motion once we return to the record.

Would a member like to make that motion? David Eggen has moved that the committee move in camera. All in favour? Any objections? It's noted that Laurie Blakeman objected, but the motion has been carried.

[The committee met in camera from 9:06 a.m. to 9:33 a.m.]

The Chair: Okay. We're back on the record.

Just so that everybody knows, for those on the phone, I'll let you know that we don't have the Electoral Officer and his group of three folks yet in the room. They came in, and we asked them to move, just so that we can put the motion for their annual compensation, the discussion that we just had, on the record. So I'd ask somebody to please move the motion with respect to the 2014-2015 annual compensation review for the officers of the Legislature. Laurie.

Ms Blakeman: Thank you. I'm happy to move that in accordance with the requirement to review annually the salaries of the officers of the Legislature, the Standing Committee on Legislative Offices affirm and apply the compensation strategy for the officers adopted by the committee at the June 11, 2008, committee meeting and that each officer be advised of his or her salary entitlement for the 2014-15 fiscal year and be compensated effective April 1, 2014.

The Chair: Great. Discussion?

Dr. Brown: Yeah. As a matter of principle I believe that these things ought to be explicit. The way that this motion is worded doesn't give the numbers, and I'd like to see that number in there, in the motion.

The Chair: Sorry, Neil. Are you talking about the first motion? The second motion has the numbers in it.

Dr. Brown: Yes, the one that Laurie just moved. It doesn't say anything about the percentage, and that I find a little bit fuzzy.

Ms Blakeman: The percentage is already in that grid, which you can locate in other places.

Dr. Brown: No, no. I'm talking about the cost of living. The grid itself, I believe, is enshrined.

Ms Blakeman: Yeah.

Dr. Brown: That's not a difficulty. But there's no mention of the lump sum, and there's no . . .

Ms Blakeman: The lump sum is the second one.

Dr. Brown: Yeah. There's no mention of the percentage of the cost-of-living increase there.

Ms Blakeman: You want the 2 per cent included?

Dr. Brown: Yes.

Ms Blakeman: Okay.

The Chair: Okay. Well, would you like to amend your motion? What if we keep it consistent with what we did in 2008? We put the percentage in there.

Dr. Brown: Laurie, can you rephrase your motion?

Ms Blakeman: Let me have a look at the 2008 one. Maybe I can do it that way. Salary modifier is the same, is it? Five per cent. I think I can do this.

Dr. Brown: I just think it should be obvious to anyone who's listening or reading the transcript exactly what percentage we are approving here.

Ms Blakeman: Okay.

Dr. Brown: This is way too nebulous. It passes it on to another authority to interpret what that entitlement is.

Ms Blakeman: All right. Let me make it not cloudlike. I will move, then, that

the Standing Committee on Legislative Offices adopt a compensation strategy for the officers of the Legislature effective April 1, 2014, providing for an annual cost-of-living adjustment of 2 per cent parallel with that provided to the public service management employees as well as a salary modifier of 5 per cent, not to exceed the maximum of the position salary range, and a long-service lump-sum payment of 3 per cent to any officer who has served a minimum of five full years in that position as of April 1 of that year.

The Chair: Okay. Everybody follow along with that? Any other discussion? All in favour? Any objections? The motion is carried.

Now we have the second motion, which refers to the lump sum. I'll get somebody to move that. Sohail Quadri.

Mr. Quadri: Okay. I move that

the Standing Committee on Legislative Offices authorize a lump-sum payment of \$1,850 effective April 1, 2014, to those officers of the Legislature holding positions on the effective date consistent with the compensation adjustments for deputy ministers, senior officials, management, opted-out and excluded employees of the public service of Alberta announced in June 2014.

The Chair: Okay. Any discussion? David.

Mr. Eggen: Yes. I certainly recognize the position that we've created in regard to the salary grid and then the lump-sum payments, but I think that at a certain point it would be incumbent upon this committee to review the utility of having a lump-sum payment. It just is out of keeping with the regular compensation that public service employees receive.

9:40

The Chair: Okay. Any other discussion? No. All in favour of the motion by Sohail Quadri? Any objections? Carried. Great.

Okay. Let's bring Glen and the crew back in.

All right. Thank you, Mr. Resler, for coming back in. I'd like to welcome you and your staff to this meeting.

We'll just quickly go around the table for a round of introductions. We'll start with Cathy.

Ms Olesen: Good morning. Cathy Olesen, MLA for Sherwood Park, sitting in for Everett McDonald, the deputy chair.

Mrs. Leskiw: Genia Leskiw, MLA for Bonnyville-Cold Lake.

Mr. Eggen: Good morning. I'm David Eggen, MLA for Edmonton-Calder.

Mr. Young: Good morning. Steve Young, MLA for Edmonton-Riverview.

Ms Blakeman: Good morning. I'd like to welcome each and every one of you to my fabulous constituency of Edmonton-Centre. I'm Laurie Blakeman.

Mr. Opara: My name is Michael Opara. I work with the Chief Electoral Officer. I'm the assistant director, election finances.

Mr. Westwater: Good morning, everyone. My name is Drew Westwater. I'm the director of election operations and communications with Elections Alberta.

Mr. Resler: Good morning. Glen Resler, Chief Electoral Officer.

Ms Johnston: Keila Johnston, director of IT and geomatics at Elections Alberta.

Mr. Quadri: Sohail Quadri, Edmonton-Mill Woods.

Ms Dean: Good morning. Shannon Dean, Senior Parliamentary Counsel and director of House services.

Dr. Brown: Neil Brown, Calgary-Mackay-Nose Hill.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Those on the phone?

Mr. Bikman: Gary Bikman, Cardston-Taber-Warner.

Ms DeLong: Alana DeLong, Calgary-Bow.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

The Chair: I'm Matt Jeneroux, MLA for Edmonton-South West and chair of the committee.

Before we get started here – we'll turn it over to Mr. Resler in a minute – I'd just like to reiterate that the officers may bring forward proposed statute amendments for the committee's consideration. However, our committee does not have the mandate to approve amendments but may forward its recommendations to, in this case, the Minister of Justice and Solicitor General.

Members should have a copy of the Chief Electoral Officer's document setting out the proposed legislative amendments.

Now I'll turn it over to Mr. Resler to lead us through this document and explain the proposed amendments before us.

Mr. Resler: Good morning and thank you, Mr. Chair and committee members, for inviting us back to discuss the proposed legislative amendments to the Election Act and the Election Finances and Contributions Disclosure Act. The staff have introduced themselves, so I'll just continue.

I provided the committee with two documents. The first document related to the third-party advertising comparative, and I just wanted to touch base on that quickly. The comparative was provided for information purposes at the request of Mr. Wilson at our July meeting. It highlights significant differences in income and expenses by the third parties between Ontario and Alberta, showing that Alberta is significantly lower. The primary difference in our legislation is that we have contribution limits, and I believe that our legislation finds the right balance by placing the restrictions on the contribution side in order to enhance the integrity of the election process. Part of the legislative review will touch base on third parties, so we'll have further discussion at that time.

The next item deals with the proposed legislative amendments. Our request for legislative change is broken down into two parts, a comprehensive review of the electoral legislation and, secondly, minor changes to be implemented prior to the 2016 provincial general election.

The first item. We're requesting a comprehensive review of electoral legislation in order to modernize electoral processes and to introduce efficiencies and best practices in electoral administration in Alberta. Because of the cyclical nature of elections timely amendments to the acts are required to enable our office to implement operational and system changes prior to the subsequent general election. The timeline for our office to incorporate significant system changes could take up to 18 months. For other operational changes to processes, forms, and training we're requesting a 12-month lead time.

If we look at the calendar, we'd be looking at passing legislation by fall 2018. For this reason I'm requesting a comprehensive legislative review to commence as soon as reasonably possible after the 2016 general election, specifically the need to commence within one year postelection in order to accommodate legislative drafting and implementation time by our office.

Are there any questions or comments on this item?

The Chair: Are you done?

Mr. Resler: Do you wish me to go through the whole thing and then open it up?

The Chair: If that's okay with you, yeah, and if that's okay with everybody else, we'll do that.

Mr. Resler: Sure. Absolutely.

The Chair: Okay. Great. Thanks.

Oh, sorry. Laurie, point of clarification.

Ms Blakeman: Yeah. Sorry. My brain just wasn't working quite fast enough.

So what you're going to give us is the comprehensive ones you'd look for review of following the next election, and separate

from that you're going to give us the minor ones that you're hoping will be dealt with prior to the next election.

Mr. Resler: The comprehensive review is strictly a request for the review to take place, not specifically going through every section item. The ones that we will be looking at specifically prior to 2016 will be specifically discussed.

Ms Blakeman: Thank you.

Mr. Resler: For the current amendments. The following items are recommended amendments we wish to have in place prior to the 2016 provincial general election, which would need to be passed by the spring 2015 session. The first item refers to section 4.1(1), (4) under the Election Act and deals with the ability to introduce new equipment and procedures for electoral events. Currently I am restricted to introducing change during a by-election, as we discussed earlier. By-elections do not occur on a regular basis in Alberta. The last one was five years ago, in 2009, and I'm requesting the ability to introduce changes at any election. The same process would continue, where I would come before this committee under section 4.1 with a procedure document for discussion and approval.

This change would allow me to introduce the vote-anywhere process for the advance polls during the 2016 provincial general election. As stated earlier, vote anywhere would allow for the polls to be set up in postsecondary institutions, work camps, and in high-traffic areas such as malls and recreation centres, where electors are able to vote no matter where they reside. It'll provide convenience to electors, the ability to vote near work, school, or home. It would also eliminate barriers to participating.

9:50

Parties and candidates are able to receive real-time access to a list of electors who have voted for each day of the advance poll. Scrutineers could receive hourly printouts of those who have voted at the advance poll. It would also cut down on the use of special ballots. I'm requesting the ability to introduce new election procedures and equipment at any by-election or general election.

The next item, item 2, refers to section . . .

Mr. Wilson: Sorry to interrupt, Mr. Resler.

Mr. Chairman, would it be possible for the committee to consider or discuss each of these as we go through, as it is a lengthy document and it may be more prudent just to have questions on each of these separate items as Mr. Resler goes through them?

The Chair: Sure. There are a number of items here. Is there appetite for the committee to do that?

Mr. Bikman: I support that. I would rather do it that way. That's the way I reviewed it.

The Chair: Okay. Anybody else?

Ms DeLong: Yeah. I'd like an item at a time, yes.

The Chair: Neil.

Dr. Brown: Yeah. I think there's merit in Mr. Wilson's suggestion because of the fact that we may not get through the entire document. If we get halfway through them, at least we will have dealt with those items comprehensively.

The Chair: Okay. Sure. We're seeing support around the room, so thanks for that, Jeff. Do we want to go back, or are we okay – I guess you have a specific question here, Jeff?

Mr. Wilson: Actually, I did, Matt. Thank you very much.

Mr. Resler, I support this in principle. I am just wondering what this opens up pre the next general election in terms of your ability to move to an electronic voting system as we're hearing stories of some of the problems that are happening with the obviously internal PC leadership election. Does this open the door for you to go down that path before the next general election?

Mr. Resler: If you're discussing the Internet voting in that sense, we wouldn't be entertaining that at the next election. What we would be looking at – and it would be a procedure document that would be before the committee for discussion and approval to begin with, any change to procedures under the act – is the electronic poll book for advance polls, the ability for any elector to go to any advance polling place only and vote. It would result in automatic strike offs on the list of electors.

The time that the returning officer has in order to update the list of electors for polling day, as a result of four days of advance polls, is one day. They have Sunday. So Wednesday, Thursday, Friday, Saturday are advance polls; Sunday typically is the day to perform the work if the election day is on Monday. So that provides one day to strike off all the information. In other provinces we've seen up to 25 to 35 per cent of electors voting during the advance polls. There's a significant volume of work there, so automating the process would make that easier. It would be a seamless process, and the ability to prepare for polling day will be improved.

Mr. Wilson: Thank you. I appreciate the clarification.

The Chair: Okay. Thanks, Jeff.

Mr. Eggen: Thanks so much for the suggestion. Certainly, I support it in principle. I'm just concerned about the ability for us to confirm election results in a timely sort of way. I only watched it anecdotally happening in British Columbia. I don't know if you've done a review of other places that have tried this advance poll system and then any delay in, you know, forming a new government in a close election, let's say.

Mr. Resler: There would be no delay. Actually, the results for the advance poll process would be the same day. If we see a successful test of the tabulators that we have approved already for use in a by-election, those would be implemented in those advance polls, so that significant number of ballots would be tabulated electronically. It's just a matter of, really, printing off the results.

Mr. Eggen: Okay. Just to follow on that, in a way this is perhaps a precursor to some form of electronic voting in the general election or the other form. I don't know if there's a paper ballot that might be with this advance poll electronic file as well.

Mr. Resler: Yes. It is a paper ballot that is tabulated through the machine.

Mr. Eggen: And kept?

Mr. Resler: Yes, it is kept. It's a similar process and the machines are similar to what the city of Edmonton has been doing since 1996.

Mr. Eggen: Okay. Thank you.

The Chair: Okay. Laurie, then Genia.

Ms Blakeman: It was my understanding that this wasn't about Internet or electronic voting. It was about electronic counting.

Mr. Resler: Exactly.

Ms Blakeman: What you're asking us for in this first one is the ability to get a cleaner list and update it faster. It would actually give us results faster, too – wouldn't it? – because the counting is electronic. But people are still going in and voting with an X on a piece of paper.

Mr. Resler: Absolutely.

Ms Blakeman: Okay. So no Internet voting, just electronic counting.

Mr. Resler: No electronic voting.

Ms Blakeman: Okay. All right. I am good with this. And it is helping to clean up the list, right? Yes? Sort of?

Mr. Resler: Well, yes. It simplifies it. When an elector votes, that is immediately known in all polling places, all advance polls. The ability for someone else to come vote and – you know, the potential for duplicate voting is eliminated.

Ms Blakeman: Is this section including the expansion of advance poll voting, or is that in other sections?

Mr. Resler: Say that again. Sorry.

Ms Blakeman: Does this section that we're talking about, which allows you to test new programs and equipment at any point in any election, not just limited to a by-election, include the expansion of the advance poll voting; that is, more days to vote at an advance poll and the ability to vote at any advance poll, not just the one that's in your riding?

Mr. Resler: Correct.

Ms Blakeman: That's all covered under this 4.1(1), (4)?

Mr. Resler: Yes. If it's allowed for any election, yes.

Ms Blakeman: Okay. That's what I needed to know.

The Chair: Okay. Great.

Mrs. Leskiw: I think this is a great idea, especially in areas like Fort McMurray and Bonnyville and the Cold Lake area, where we have such huge, huge camps and a lot of these people can't get in. This sort of reminds me of machine-scoring exams at school. It was so nice to be able to five minutes later have everybody's results back.

Mr. Young: Long answer. Don't you mean long answer?

Mrs. Leskiw: That was the second portion of it.

Anyway, I think this is a great idea for advance polls, and it will definitely make it easier for Albertans to vote. Kudos.

The Chair: Perfect.

Mr. Young: Well, when I wrote exams, they did long answer, so it wasn't easy.

My question is about these advance polls, just the process, and maybe this is more of the data stuff. In terms of the reporting and the automatic strike off, are those strike offs and who voted in the advance poll going to be collected in the concluding data by poll rather than be an aggregate of advance poll?

Mr. Resler: That suggestion was made at the July meeting by yourself and Ms Blakeman. Yes, that is something we're taking into consideration, and we would be looking at reporting it by breakdown.

Mr. Young: All right.

The Chair: Great. Okay.
Ready to move on?

Mr. Resler: The second item . . .

Ms DeLong: I'd like to just weigh in on this a little bit. We are definitely going to be having a by-election, right?

Mr. Resler: Yes.

Ms DeLong: Can we test this out in the coming by-election? I would much rather that we test this out in a by-election than in a general election.

Mr. Resler: In the by-election which I've received the warrant for right now, for Calgary-Elbow, we will be testing the use of tabulators. That has been approved by this committee already, so that process will go forward. In the example that was provided, the vote anywhere, there is significant system development that has to occur before that takes place, so we're at least a year and some away from that.

Ms DeLong: Okay. Thank you very much.

10:00

Mr. Resler: Okay. The second item on the spreadsheet refers to section 4.2(2). There have been some challenges, when I'm carrying out investigations, on whether I have the authority to request electronic records such as e-mails and other records in electronic format. The legislation specifically states that I may examine and make copies of books and records. We require the authority to access records in whatever format they are stored or maintained, whether it's paper or electronic, in order to fulfill our legislative mandate. This point would apply under both pieces of legislation. We are requesting electronic records to be specifically included in this section.

The Chair: Okay. Questions?

Ms Blakeman: So you're hoping that this will cover us not only for what's changed between when the act was last revised, when we were for the most part dealing with paper documents. Now we're dealing with digital records. Does it also move us forward into the future? In other words, would it cover – let me invent something – you know, a SIM card you pull out of your brain and looking at those? I mean, are you opening yourself up to be able to continue to look into new records, whatever kind they are? Sorry. That was really mumbled, but you get it.

Mr. Resler: Yes. In the actual drafting of this legislation they'll use what is the current practice as far as the documentation, so all records that are held by the body which we're investigating is what we're looking at, in whatever format they may be.

Ms Blakeman: Okay. Thanks.

The Chair: Okay. Any other questions?

Mr. Wilson: Mr. Chair, if I may?

The Chair: Go ahead, Jeff.

Mr. Wilson: Thank you.

Mr. Resler, I think that on one hand this is, you know, very reasonable. A CA shouldn't be able to withhold records in an investigation simply because they're held electronically, but I do just have a few questions around your definition, I guess, of e-mails. Does that mean that you could then see all correspondence by a CA? Can you clarify, I guess, the language around "relevant to the subject-matter"? Does it give you any limits on what it is that you can demand in your investigation?

Mr. Resler: We would be limited to the matter under investigation, so it wouldn't be a blanket request for all e-mails, all electronic documents. We wouldn't be interested in that; specifically, only the documents which are under review or documents that relate to the matter that's under review.

Mr. Wilson: Thank you.

The Chair: Okay. If no other questions, move on to item 3.

Mr. Resler: Items 3 and 4 both deal with the register of electors. With regard to item 3, section 13(2) of the act, in order to ensure the integrity and accuracy of the register and ultimately the list of electors that is used on polling day and by political parties and candidates, we need to look at date of birth, gender, and citizenship to be mandatory data for electors to be added to the register.

We have moved away from the province-wide, door-to-door enumerations and update the register by matching electors through regular updates from several different data sources. We cannot match electors effectively or with accuracy without this data. Currently we have approximately 90,000 elector records without date of birth, and we're unable to match them. Most are likely duplicate records and will continue to show up on your list of electors.

The critical field is date of birth. To be an eligible elector on polling day, you must be 18 years of age. The only means to validate a person's age is through their date of birth. This is information that is currently not mandatory. I want to make it clear that should an elector not wish to provide this information, they would still be able to vote on polling day but would not be added to the permanent register after polling day.

Are there any questions or comments on this matter?

Dr. Brown: Well, Glen, I guess the thing that springs to mind when you're putting birthdates on there is the primacy of keeping confidentiality and beefing up security, you know, if somebody should ever hack into your list. Can you comment on what additional security measures you might want to have?

Mr. Resler: The information is currently held by our office in the register because it is provided voluntarily.

Keila, if you want to comment as far as the security that's in place and on what measures.

Ms Johnston: Okay. I can't say that we would take any further measures than we currently do because, as he said, it's something that we already manage regularly. It's a web-based system, and

everything has an SSL cert on it. It's a constantly monitored system, so it's not easy to get into. Nobody has ever infiltrated the system. Beyond that, I guess I can't say much more.

Mr. Resler: The information is encrypted. The data itself or the system undergoes a review, as far as the security standards that are in place, on an annual basis. We gather information from other data sources, and we're required to ensure that the data is stored in a safe and secure manner. We are subject to privacy impact assessments on the information, too.

The Chair: Okay. We have Steve, Cathy, and Laurie.

Mr. Young: Thank you. My question is about that you want this more information for two outcomes. So let's work backwards, not from the data you want but what you're trying to achieve, and it's about determining the identity of the person and their date of birth. Is this enough? In entity analytics there's an integration of all these different data sources, and the ones that you described are just individual characteristics hoping to achieve the identity. Like, the driver's licence has a whole list of stuff like height, weight, address, where you were. It's easy to fraudulently present yourself as a name and a date of birth, but it's hard to present yourself as being five two if you're actually six three. So there are a whole host of characteristics. Is this too narrow?

Mr. Resler: It's one piece of the information that we collect, and we do have the data matching and alignment with the driver's licence, Alberta Health, Elections Canada, which has data sources through Canada Revenue Agency, and vital statistics. The information is matched, the unique identifiers from each of the different data sources. We have all the information on the string as far as each elector and confirmations. It could be corrections in spelling. It could be corrections in the date of birth itself from the different data sources. So it's just one piece, a critical piece, especially the date of birth, in ensuring that the person is over 18 years of age and that we have the right person.

When we look at someone coming with a driver's licence update and there's a change of address, do we have the right James Smith? On one data set we have Jim Smith. We have no date of birth. Is it the same person? Is it not? What ends up is that both records stay on the list, where it could be the exact same person, but we can't confirm that it's the same person that's moved. So they're at the old address and the new address.

Mr. Young: That's my second question. We have primary names – I don't know if you do that type of thing – but people could have two different primary names on a birth certificate, an Alberta driver's licence, and a SIN card, and they're all the same person. I'm sure that you guys are managing that, but it's a challenge.

Sorry; I forget my last question.

Mr. Resler: When we look at the data matching, I think we have about 137 different data manipulations as far as the matching capacity, whether it's last name, first name, second name, different variations – William, Bill, you know, that type of thing – whether there's the date of birth and the day. The year may be transposed incorrectly as far as how the information was collected. So there are a lot of different situations in which we match the data.

Mr. Young: Okay. My last question, quickly, is that the other criteria to vote is that you have to be a Canadian citizen. How do you bring in that data as opposed to being a permanent resident,

who has all those same data sources? Where do you get the Canadian citizenship card? Is that part of your verification?

10:10

Mr. Resler: Well, we have it. Provincially we request the information. At the enumeration or the collection of the elector information we ask whether they are a Canadian citizen, and they have to sign off on that. We also get confirmation through the federal data. They have access to immigration and – I can't remember the department – the federal department as far as Canadian citizenship, and it's on the tax data.

Mr. Young: I mean, we all realize that if we ask people enough questions, they nod yes to every question. I'm wondering if there's actually an official data set of Canadian citizenship versus who is not on there, if that is integrated.

Mr. Resler: We don't have access to it directly. We obtain the information through Elections Canada.

Mr. Young: Okay. Thank you.

Those are all my questions.

The Chair: Okay. Cathy, then Laurie, then Neil.

Ms Olesen: Yeah. Thank you. You mentioned that if you didn't want to give your date of birth, you could still vote, but you wouldn't be put on the list. What's the reasoning behind that?

Mr. Resler: The reason for not placing them on the list is because we're unable to authenticate the person in the data-matching process. Rather than have list creep, in the sense that we're continually adding electors in different locations and multiple places, it ensures that if you're on the list, we're able to identify you and move you where appropriate. On average, there's probably about a 20 per cent change in the register on an annual basis, so there's a significant amount of movement in Alberta.

Ms Olesen: Okay. Thanks.

The Chair: Laurie.

Ms Blakeman: Thanks. I really appreciate the efforts that you're making to try and move us towards a constantly updated and verified list. Everybody in Canada has been working on this for a long time, but because everyone collected different data, they couldn't start putting it together. Now we're seeing where they can, so that's a big improvement.

Let me go back to the security question. I would like to know – you said that the information was on the web. Do you mean it's in the cloud?

Mr. Resler: No.

Ms Blakeman: Thank you.

Where is the server located?

Mr. Resler: We have two locations as far as servers for our information. One location is within our office. The register data is located there on that. We also have a server hosted through Service Alberta.

Ms Blakeman: So both servers are located geographically in Alberta?

Mr. Resler: Yes.

Ms Blakeman: Okay. Is any of the work done in the cloud or left there?

Mr. Resler: No.

Ms Blakeman: Okay. That's better security. Thank you.

The Chair: Okay. Dr. Brown.

Dr. Brown: Yeah. I was just wondering. We were talking about the security and, you know, having gender and birthdate and all those unique attributes. I've got a smart phone that uses a thumbprint as a password, so whenever I want to get access to my smart phone, I just put my thumb on it. I wonder: could you not make a giant leap in technology by going to some personal thing like that? I know they have eyeball scans and things like that. Things like fingerprints should be very easy. When you walk into the polling booth, just put your thumb on a piece of glass, and all of a sudden you're qualified to vote. You just pop up on the screen.

Mr. Resler: We haven't looked at that, and I'm not aware of any other Canadian jurisdiction that has undertaken biometrics as far as identification. Is that something in the future? I could very well see that happening, absolutely.

Dr. Brown: I just think it would save a lot of data collection and a lot of machinations.

Mr. Young: If I may on that point?

The Chair: Sure. On that point, Steve.

Mr. Young: I think that what we're doing is taking a big leap forward. Okay? We're capturing characteristics in terms of date of birth and name and all that kind of stuff. A fingerprint is just simply another characteristic of biometrics. I think that once we've developed the process for the management of that with this new leap forward, it's really not that much of a leap to do those eyeball scans as just another data field of Neil Brown. But I think we'd be jumping too far at this point.

Dr. Brown: I think we can jump over all those other things. That's what I'm saying.

The Chair: All right. Before we go on . . .

Ms DeLong: Hello. I'd like to ask a question.

The Chair: I was just about to say: anybody on the phone? Go ahead, Alana.

Ms DeLong: Thank you very much. I do have a concern with this, and that is: are we actually moving in the right direction here? It seems to me that when someone moves, the reason they don't get their name taken off the other list is that the records don't match exactly. It seems to me that by adding more data, another data field, this is another field which might not have been entered correctly, so it, again, would add more people who would not be moved. Essentially, their records would be doubled up. They would have them in their old address plus their new address. So I'm worried that what this might do is actually move us in the wrong direction because it's adding another field that can be wrong. Could you please comment on that?

Mr. Resler: I would disagree that it would increase the errors on the list. There are several jurisdictions across the country that

already have these fields mandatory. The accuracy of their register is far higher than ours. You have Quebec, that's in the high 90-some per cent because they have access to the data that's required in order to do the data matching. So I think it has been proven as successful in the other jurisdictions.

Ms DeLong: Thanks.

The Chair: Anybody else on the phone for questions?

We'll move to David Eggen next.

Mr. Eggen: Thank you, Mr. Chair. I appreciate having this conversation about updating lists. I'm always very concerned about the accuracy of lists. I think we're seeing already with the current PC leadership race that discrepancies between the lists can cause problems.

I think it's important to know, though, as well that individuals can be, perhaps irrationally, driven away from voting by our being too intrusive about their information – right? – like this discussion about biometrics, for example. You know, there are lots of citizens out there that don't feel entirely comfortable with a certain degree of their personal information or fields of information being released or used. Certainly, it's important for us to have as many people vote as possible. We just have to be very careful about not just using logic to determine the accuracy of information about people but also how people emotively react to their information being taken and used in different ways. I just want to put that as a caution. I've seen that anecdotally a lot. You know, people think it's like Big Brother coming to get them, and then they don't vote. That's something we have to be conscious of.

As well, when we talk about the accuracy of voter lists and voter fraud, I think it's always very important for us to just take a step back again and note that cases of inaccuracy or of voter fraud are very, very rare. I think that we've somehow seen people fanning the flames that there are people cheating out there on a big scale when it's just, really, I think, not the case at all. I know that we go through our lists. After the election we can look back and see who voted, so we do a cross-reference check on that, and if we find three or four maybe slightly confusing ones, that would be extraordinary. Really, you know, the people that put their name on the list and then actually did vote: at least on that level it's pretty clean.

It's important for us just to remind ourselves not to be somehow implying that there's a lot of fraud going on when I really don't think there is at all.

10:20

The Chair: Okay. If there are no other questions, let's move on. Let's remember, too, that we're on item 3 of it looks like about 10 or 15 or 20. Let's keep that in mind. Thanks.

Mr. Resler: Item 4 deals with the six-month residency clause. Again, when we receive data updates from data suppliers such as Elections Canada, which includes Revenue Canada updates, we have to ensure that the information is six months old before we can load it into our system, because we do not know if the person has resided in Alberta for six months. If this data is received prior to an election, the list of electors we provide to you as candidates would not be updated from this data source. As an example, if a federal election takes place in the fall of 2015 and we're able to receive their election period updates by December 2015, we would not be able to update the provincial list for a spring 2016 general election, because of the six-month residency clause.

I would also like to emphasize section 95(1)(a) of the act, which would continue to be in force, and it states that any potential

elector who wishes to vote has to prove that they're an ordinary resident in Alberta. They have to prove their identity and their current residence. Identification has to show an Alberta address. Although we are requesting the removal of the six-month clause, a current address in Alberta must be provided in order to vote. So we're requesting the six-month clause to be deleted.

Are there any questions or comments?

Mrs. Leskiw: Just like I like the idea of the advance polls because of my area, I'm concerned with the six-month residency clause. With the transient people that we have in northeastern Alberta, this scares me. The removal of the six months really scares me. Unless there's a way to safeguard our voters, not having voters that are here temporarily and then leave, I don't know what else. I need some reassurance that this isn't going to skew the election count because of the temporary residents that we have working in the oil patch.

Mr. Resler: Currently there are several jurisdictions that do not have a residency requirement: Elections Canada, Elections Ontario, and also Newfoundland and Labrador. You know, changing this clause would allow those persons to vote, absolutely, if they have a permanent residence in Alberta. If they're working temporarily through a work camp type of situation in which they don't have a residence, do they have identification that proves that they are residing in Alberta? If they're not changing their driver's licence, if they're not doing that type of revision, then the question is whether they are a resident in Alberta.

The Chair: Okay. We have Neil and Laurie next, but we'll just do a quick check on the phone.

Mr. Wilson: Thanks, Matt. I'll want to jump in here, too.

The Chair: Okay. I'll put you after Laurie, Jeff.
Go ahead, Neil.

Dr. Brown: Yeah. I share some of Genia's concerns. I think that there are a lot of workers here who work on, well, maybe a semipermanent basis; they may get four weeks on and four weeks off. They certainly could have a telephone or utility bill here in Alberta, but their residence might be in Nova Scotia or Newfoundland. I would hate to see the baby thrown out with the bathwater and have no residency requirements. Perhaps a requirement that you be here for three months would be more reasonable. I think that to take away, you know, the time limitation altogether in Alberta's situation, where we have so many immigrant workers and transient workers, as Mrs. Leskiw has pointed out, is probably a step too far. That would be my impression.

Ms Blakeman: Well, I have no problem with removing the requirement that you've been here for six months, but I think that part of what I need to be clear on – and I didn't bring the legislation with me. There are some exceptions about what is acceptable for permanent residency. Could you just remind me where those are? I think hotels, work camps, and a couple of other ones. This might be answering some of the questions that people have about when they wouldn't be considered resident in Alberta if they were residing in these particular types of places at election.

I mean, we're all immigrants here. We all share in the luck of having dinosaurs lay down and die here. I don't see what the problem is. As long as they're Canadians and they're going to abide by our laws, I don't have any problem with people. We

guarantee mobility, particularly mobility for work, in the Canadian Constitution. People are allowed to cross those borders to work. So what's the problem? I mean, if they're going to work here, they're going to be subject to Alberta laws. Why don't they get a chance to vote for the person that may be instrumental in changing those laws as they apply to the workforce? I don't have a problem with this, but I can see that others do.

Mr. Resler: When someone comes to a poll, if we're providing a mail-out enumeration, a targeted door-to-door enumeration, the elector is the person that determines their residence. We ask them. Under the legislation ordinary residence is determined by the following rules:

- (a) a person can have only one place of ordinary residence;
- (b) a person's ordinary residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;
- (c) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, the person's ordinary residence in Alberta ceases.

There's more as far as studying outside of Alberta. They have some clarification on that.

- (2.3) If a person leaves his or her residence in a province or territory other than Alberta to study at an educational institution in Alberta, the person is, while pursuing his or her studies . . . considered to be ordinarily resident in the place where the person is residing in Alberta.

Ms Blakeman: Okay. So it's not restricting by the kind of domicile they're in. So in a work camp you're good.

Mr. Resler: Uh-huh.

Ms Blakeman: You could be voting from there. You could be voting from a hotel as long as you can show that you're a Canadian citizen.

Mr. Resler: And over 18.

Ms Blakeman: And over 18. Okay. Thanks.

The Chair: Sorry. Mr. Resler, what are you quoting from?

Mr. Resler: This is the Election Act. It's in the definitions, section 1(2).

The Chair: Okay. Perfect. Just so that we have it on record.
Jeff, you're up.

Mr. Wilson: Okay. Thank you, Mr. Chairman. I'll be honest. This makes me quite nervous. I share the concerns of others that have raised them in the committee. I recognize the potential value for the ability of Elections Alberta to update their register of electors and not having to wait six months to do so, but it just makes me nervous around the ability for potential voter fraud, for the abuse of not having this residency requirement. You know, if the request from Mr. Resler is to reduce that amount so that he can ensure accuracy of the register of electors, I would support Dr. Brown in suggesting perhaps a three-month residency requirement, but I certainly don't believe I could support getting rid of it altogether.

Thank you.

Mr. Bikman: Mr. Chairman, I would like to speak as well if I may.

The Chair: Sure.

Glen, did you want to respond?

Mr. Resler: No.

The Chair: Okay. Gary, you're up.

Mr. Bikman: Okay. I'm opposed to this as well. I'm regularly in contact with people who perhaps live in the town of Taber, for example, but own a farm and farm in the county or the MD, and they're not allowed to vote at both places. What this proposal will do is allow people to vote in Alberta and in their home province if they're just temporary workers here. So I think that establishing a six-month residency is reasonable. There's a reason for it, and I think that the reason remains. I don't feel comfortable with this proposal at all.

The Chair: Okay.

Mr. Resler: If a person is residing in two different provinces, one residence is their primary or ordinary residence, and that determination would have to be made. Is there the potential that they may deem Alberta as being their primary residence? Yes. But that determination has to be made by the person that potentially would be voting.

The Chair: Okay.

10:30

Mr. Bikman: How do you verify that they haven't made that same determination in the other riding where they live as well?

Mr. Resler: If it's outside of the province, we would not make a determination on that.

Mr. Bikman: That's my point. I don't think people should have the right to vote in two different jurisdictions just because they happen to have two homes.

Mr. Wilson: Mr. Resler, could you clarify what penalties would be in place for, you know, false declaration of residency?

Mr. Resler: False declaration probably falls under a general offence. Right now that is limited to a \$500 penalty. You know, I didn't raise the general offence provision. That may be something that the committee may also wish to raise. I thought I'd leave that to the general review, the comprehensive review. You may want to raise that to \$5,000, \$10,000; \$10,000 is the number under election finances legislation.

Mr. Wilson: Gary, would you be willing to add that as an amendment to your recommendation now, that we could consider this prior to submitting this to the Minister of Justice?

Mr. Resler: To increase the general offence provisions?

Mr. Wilson: Yes.

Mr. Resler: I have no objection to that at all.

Mr. Bikman: I also wonder how likely you would be to make any attempt to verify if the person has in fact fraudulently declared his residency. I mean, that's a big job.

Mr. Resler: I probably disagree as far as a big job. If a complaint was received about someone specifically, saying that they voted in two locations, we could verify the information through the electoral office in the other province, and we'd have the information in our records on the poll books. So I think that's something that's easily determined. Then the investigation would

follow as far as what was the person's determination of ordinary residence.

Mr. Bikman: It would take an objection, right? How many people are going to even be aware of it to object? I just think it's too loosey-goosey.

The Chair: You need a definition for loosey-goosey, Gary, at some point.

But right now, just so that we're clear, Mr. Resler, you plan on submitting this exact document as it looks right now to the Minister of Justice after this committee meeting?

Mr. Resler: Yeah. The next step would be to forward it, whether it's through this committee or myself.

The Chair: Okay. But this is the document right here that we're doing?

Mr. Resler: Yes.

The Chair: Okay. So if we were to make any suggestions to that, you could note them here in the committee and possibly forward those things on.

Mr. Resler: Yes.

The Chair: Okay.

Mr. Bikman: Just another comment, please.

The Chair: Okay. Just a minute, Gary.

We have Cathy and Laurie. Laurie, are you looking for clarification on that?

Ms Blakeman: Yes. I was wondering if I could put a motion on the floor to amend one of these suggestions, or perhaps Parliamentary Counsel can advise us as to whether it would have to come from the Chief Electoral Officer on the floor or if I could amend the recommendation on the floor so it would then be officially changed and could go forward as part of the package.

The Chair: Just to clarify, too, I was just told that our committee actually submits it from this point on, so that's a good point.

Shannon, if you want to clarify, go ahead.

Ms Dean: I don't think it's the role of this committee at this point in time to dissect and specifically amend the proposals that have been presented, but if the committee has got particular recommendations with some of these proposals, I would suggest that the committee discuss and pass resolutions to that effect. For example, the residency issue seems to be one that the committee has some disagreement about.

What I would suggest is that this package, if the committee is in agreement, be transmitted but that any discussion and decisions that the committee has made with respect to the content of this be conveyed to the minister through the transcript of this meeting.

Ms Blakeman: Which could include the motions.

Ms Dean: Yes.

The Chair: Also remember that the mandate of this committee isn't to approve or anything like that. It's to provide this information to the Justice minister.

We have Cathy and then Gary as well.

Ms Olesen: Thank you. I just wanted to be on the record that I didn't support the removal of the six-month residency clause, because I don't see the individuals invested in their community.

The other question I had: I always understood that voter fraud was a criminal offence. Is that true?

Mr. Resler: Fraud itself?

Ms Olesen: I was always told in my municipal world that it was a federal offence to commit voter fraud.

Mr. Resler: Yeah. Fraud would be considered a corrupt practice, yes.

Ms Olesen: Okay. Thank you.

The Chair: Okay. Gary.

Mr. Bikman: Okay. Thanks. I noticed that on the last rationale for this point you say: a "resident of Alberta who contributes to the economy and the local community from the day they become a resident" and so forth. Could we assume that "contributes to the economy" means that they're a taxpayer, that they're actually employed and working and paying taxes, or just that they're buying stuff?

Mr. Resler: If you're earning income in Alberta, payroll deductions and such are taking place for that income earned in Alberta.

Mr. Bikman: Well, that's my point. If we're going to waive this residency requirement, should it just be for people who actually have jobs here and haven't just moved here because they like our weather and our welfare?

Mr. Resler: If that person would be residing in Alberta at that point in time.

Mr. Bikman: I mean, I understand the "contributes to the economy." I like that idea. I can see that as a rationale. They're contributing to their local community. That means that they're obviously volunteering and involved in helping make a better Alberta. I'd like to see that – if they're going to waive that, I think they need to have a job, that they actually are working.

Ms Blakeman: Working yesterday? Working today? Working tomorrow? I'm on hiatus? I'm on sick leave? I'm on mat leave?

The Chair: Okay. All right.
Any more comments? Gary?

Mr. Bikman: I just couldn't hear all the things that Laurie was muttering. I don't know that I want to, though.

The Chair: Take yours offline. Maybe you should do that.

Ms Blakeman: My diction is pretty good.

The Chair: Yes. Okay.

Because we have so many others, let's move on.

Jeff, I don't want to lose sight of your suggestion there. We'll be making a motion at the end of all of these. Perhaps at that point, if we need to make a separate motion or whatnot, would that work for you?

Mr. Wilson: Yes.

The Chair: Okay. Thank you.

Moving on to 4(a).

Mr. Resler: Item 4(a) is a new recommendation that we found while preparing for a pending by-election. There was a Supreme Court challenge following the last federal election that dealt with the accuracy, or inaccuracy, of polling day documentation. As a result of this decision, we have decided that all election officers are required to have training in Alberta. This specifically targets the poll clerks, and therefore the training requirement for returning officers has doubled, and we're required to hire a trainer to assist in the workload. The trainers will be training the election officers, and as part of the training session there is a need to perform an oath of office for these election officers. The legislation currently allows the returning officer and the election clerk to perform this task. We're now requesting that the trainer have the same capacity.

Are there any questions or comments on this item?

The Chair: No comments? Anybody on the phone? Okay. All right. That was quicker.

Move on to number 5.

10:40

Mr. Resler: Item 5 deals with several sections of the act using the words "physical incapacity." We have been asked by several organizations representing the community to revise the phrase to "physical disability." Are there any questions or comments on this item?

The Chair: Any comments? No. Phone? Alana, go ahead.

Ms DeLong: I just wanted to make sure that we're not essentially cutting out people who are just simply temporarily incapacitated. I'm just wondering whether changing that name actually means that you have to be disabled as in permanently disabled. Essentially, what we were trying to capture with this was that it was people who were unable to make it to the polls in some way. The incapacity could be just that they're sick this week, that sort of thing.

Mr. Westwater: To respond to that – thank you for the question – we're just changing the terminology. The terminology, the word, "incapacity" is offensive to the disabled community. They're very concerned about that. That's why they prefer the word "disability." It's not an ideal solution to the word. It does not in any way change the voting rights of anyone who's incapacitated or disabled in any way. It's just changing the terminology from "incapacity" to "disability" to satisfy the requirements of the various disabled community groups that we've been working with over the last several years.

The Chair: Okay. Great.

If there are no other questions, we'll move on to number 6.

Mr. Resler: Item 6 is a housekeeping item that, I believe, was previously overlooked. Currently the legislation states that seals placed on the advance poll ballot box shall not be removed except on the Friday and Saturday of advance poll voting. With Wednesday added as an additional day for advance polls, we need to include Thursday on the list of advance poll days where a ballot box seal is also to be opened. Are there any questions or comments on this item?

The Chair: Anybody? No. Phone? No.
Okay. Number 7.

Mr. Resler: Items 7 and 8 deal with the special ballot process. In item 7 we are requesting the ability to extend the timeline to request a special ballot to the beginning of the campaign period starting on February 1. This will allow for additional days for the delivery of a mailed special ballot package and the timely return of the same package.

We also request the ability to reduce the timeline for requesting a special ballot by mail to close on the Wednesday when advance polls open. This change recognizes that during the last five days a package may be received by an elector prior to the election, but inadequate time exists for the same package to be returned to the returning officer in time. There would not be a time restriction for an elector requesting a special ballot in person, and this is consistent with other jurisdictions. Are there any questions or comments on this item?

The Chair: Anybody? No. Phone? No. Okay.

Mr. Resler: Item 8. Currently if an elector requests a special ballot in person at the returning officer's office, identification is requested, documented, and photocopied. If the same elector registered at their polling place, their ID would be requested and documented. No photocopies would be kept. We are requesting the same process of not requiring the need to take photocopies of identification to be applied to the special ballot process when requests are received in person. Are there any questions or comments on this item?

The Chair: No. Nobody. Okay.

Mr. Resler: Item 9. Returning officers are restricted until after nomination day from meeting with officials in treatment centres and supportive living facilities to determine if mobile polls are required. We wish to eliminate the restriction of having to wait 10 days before we can contact. Are there any questions or comments on this item?

The Chair: It's sounding like none.
Number 10.

Mr. Resler: Item 10. One of the biggest complaints we receive is regarding the use of election advertising at the polling place. Currently the legislation restricts the display to the inside or outside of the building used for the polling place. We are requesting to expand the restriction to include the land immediately surrounding the building used as a polling place. So for a school it would include the school grounds and the parking areas. It would not affect private residences across the street. Are there any questions or comments on this item?

The Chair: Okay. We've got a few here: Neil, Cathy, David.

Dr. Brown: Yeah. I guess my concern with this one would be the difficulty of, you know, determining: what is the land adjoining? Quite often you get a school in a corner of a whole block that entails parkland, a playground, all kinds of other things. I'd prefer to see a certain number of metres, if it's a hundred metres, 200 metres, whatever it is, something where people can say, "From the entrance to the polling station," so that it's clearer. People could get caught in a lot of situations where it's not clear what land is adjoining the polling station.

Mr. Resler: It would have to be drafted appropriately. I would suggest that if it was, say, 200 metres from the building, you want to ensure that it doesn't include private property that's across the street.

Dr. Brown: Yeah. You'd definitely have to exempt that.

Mr. Resler: Yes.

The Chair: All right. Cathy.

Ms Olesen: Yeah. Mine was just kind of along the same line as the boulevards being municipal property rights-of-way. You would have to be careful with the language. That's all.

The Chair: Okay. David.

Mr. Eggen: Yeah. I think that pretty much covers what I had in mind. I mean, a school can be sharing a block with private property, too – right? – or a polling station. I had one in a church. I would get the private property immediately next to it to put a sign in. I wouldn't want to have that compromised, because it's the right of that individual to put my sign up there, right?

The Chair: Okay. Anybody on the phone? Comments?

Mr. Wilson: Matt, if I may?

The Chair: You bet, Jeff. Go ahead.

Mr. Wilson: Thank you. Sorry, Mr. Resler. I think I asked this the last time we had this meeting, but could you remind me what the penalties are for violating this?

Mr. Resler: The violation for this one is a general offence, up to \$500.

Mr. Wilson: Would this be something that you would be, again, willing to increase or make a recommendation to increase so that it actually acts as a deterrent?

Mr. Resler: That's the events provision that we spoke of earlier. We're willing and interested in having that revised.

Mr. Wilson: Okay. Thank you very much.

The Chair: Great. Cathy.

Ms Olesen: Yeah. Having been through a few elections – people play games. Sometimes your opponents will put up your signs at the polling stations so that you get fined. I've seen everything you can probably think of out there. Maybe it's just where I come from. I think we have to be careful with implementing the fines. There's also proof of who posted the signs. That's always questionable.

Ms Blakeman: And how long they're given to take them down.

The Chair: Yeah.

Mr. Wilson: I just would like to respond to that. I would assume, Ms Olesen, that you would have scrutineers at each of your polling places that are working on your campaign. It would be reasonable, I would suggest, that those scrutineers should also be able to check whether or not your opponents have put your signs in illegal spots at those polling places.

You know, I think that the point I'm trying to make is that the \$500 fine isn't a strong enough deterrent for candidates or

campaign teams to actually abide by that legislation. I would like to see that deterrent increased because I think that enough campaigns will break that rule simply because if they get caught, no big deal. It's only a \$500 fine.

Ms Olesen: If I could respond. That's actually a really valid comment. I forgot about the scrutineers for a moment. I just have history where for six months after an election a sign would pop up on a road every week, and I would get a lot of calls. Anyway, that's just my story.

The Chair: All right. Life in Sherwood Park. There you go.

Okay. We'll move on to the Election Finances and Contributions Disclosure Act amendments.

Mr. Resler: The first item under the Election Finances and Contributions Disclosure Act. There are several groups or corporations that are prohibited from making political contributions. We are requesting the establishment of a regulation that identifies these publicly funded corporations, which would enhance clarity, understanding, and compliance by contributors, recipients, and the public.

Are there any questions or comments on this item?

10:50

The Chair: Anybody? No? Okay.

Moving on to number 2.

Mr. Resler: Items 2 and 3 deal with the confidentiality restrictions under the legislation. For item 2, if I undertake an investigation of a constituency association or a candidate, I am unable to disclose this to their political party. I request the ability to disclose these matters to the respective parties.

For item 3, if I find there is an overcontribution and make an order stating that monies are to be returned to the contributor and that the official tax receipts are to be cancelled or replaced with lower dollar amounts, I am unable to inform Alberta Treasury Board and Finance, the body responsible for ensuring that tax credits are claimed appropriately. I request the ability to disclose any changes to official tax receipts to the department.

Are there any questions or comments on these two items?

The Chair: Anybody? On the phones? No? Okay.

Numbers 4 and 5.

Mr. Resler: Items 4 and 5 deal with independent candidates of provincial general elections and senatorial selections. We request to harmonize the commencement date for independent candidates and party candidates. Currently no candidate is able to accept contributions or use any funds unless they are registered under the act. Independent candidates have to wait until the writ is dropped whereas candidates affiliated with a political party are able to register at the commencement of the campaign period. This change would allow all candidates to accept contributions and use any funds during the campaign period and eliminate a potential Charter challenge.

Are there any questions or comments on this item?

The Chair: Comments? No? Okay.

Number 6.

Mr. Resler: Items 6 through 8 deal with third-party advertising. For item 6 I would like to extend third-party advertising provisions to apply to by-elections. Currently it is restricted to only the general election.

Are there any questions or comments on this item?

The Chair: Anybody? No?

Go ahead.

Mr. Resler: For item 7, under section 49.1 there are two parts we're looking to address. The first is to add failure to register as a third party as a prosecutable offence. Failure to register as a third party is a breach of section 9.1 but is not a prosecutable offence under part 6.1. The current legislation only allows me to penalize a registered third party. Without this change there is no other way to remedy a third party who fails to register.

The second part is to specifically add the word "group" as a liable third party for advertising offences. "Group" is currently missing from the listing of third parties that may be prosecuted under this section. We're requesting them to be included.

Are there any questions or comments on item 7?

The Chair: Comments? No? Okay.

Mr. Resler: Item 7a is a new request that mirrors our last item, where I'm requesting to specifically add the word "group" as a third party so that in this instance it can be assessed an administrative fine. "Group" is missing from the listing of third parties that may be addressed under this section. We're requesting for it to be included.

Are there any questions or comments on this item?

The Chair: Nobody? Okay.

The last one.

Mr. Resler: Finally, item 8 can be now deleted as a result of the new recommendations that we just discussed in 7 and 7a. With the inclusion of "group" in these sections, we address the shortcomings of prosecutions and fines.

Those are all the items I have, Mr. Chair. I'd like to thank the committee for your consideration.

The Chair: Yeah. Perfect. There we go. We helped you. You got rid of one recommendation.

Are there any other comments before we move to make a motion on all of this? No? Okay.

We've had a detailed discussion on the proposed amendments to the Election Act and the election finances and contributions act, and it appears that we have mostly a general consensus on the amendments. There is a draft motion being passed out right now as prepared by the Legislative Assembly Office. For those on the phone, we're just e-mailing it now.

Okay. It's gone. You guys should all have it now.

With that in mind, if there's now any discussion that kind of comes out of that or if somebody would like to make the motion, we can have that now.

Mrs. Leskiw: Mr. Chair, is there any way of including – I know you're going to give the meeting transcript – somewhere in there that the majority of the people participating are very strongly against removing the six-month residency clause?

The Chair: Okay. Yeah. That's a good point.

We have you on the list, Laurie, but before you do, just again a reminder of our committee's mandate. It is not necessarily to go and decide any of this. This is what goes forward to the minister. We've already had the recommendation from Parliamentary Counsel as well that the entire transcript from *Hansard* goes forward, too. If you'd like to do that as well, we can certainly do

that. We'll continue the discussion and then at the end, I guess, decide that.

Ms Blakeman: I'm just commenting on the specificity of language here because I don't know that it was the majority of people. We didn't have a vote on it. I would not want to see that go forward as part of the record, that there is a particular support for or against that, unless we're going to have a vote on it.

The Chair: Okay. Fair enough.

All right. Anybody on the phone? Go ahead, Jeff.

Mr. Wilson: Thank you. Given the time is there a willingness within the committee to extend the ending of our meeting half an hour so that we can get through this?

The Chair: We have until 11:30. At least, it's on the agenda for 11:30.

Mr. Wilson: Oh. Perfect. Sorry. I thought it was 11. So we're good. Thank you.

The Chair: Did you have any other thoughts, Jeff?

Mr. Wilson: Well, in regard to that, I would tend to agree with Ms Blakeman that we should have a vote on specifically item 4. Perhaps you know a way to do that. I think that was the only really contentious issue within this document. Perhaps we could pull that item out separately from the remainder of the recommendations and have a separate vote on that.

The Chair: Okay. Shannon wants to weigh in.

Go ahead, Shannon.

Ms Dean: If it's the will of the committee to have a decision with respect to that proposal, may I offer some proposed wording for that motion? Be it resolved that the Standing Committee on Legislative Offices recommend to the minister that the proposal regarding the removal of the six-month residency requirement not change.

The Chair: We would still require, then, a vote to have the will of the committee. Correct?

There's somebody else on the phone trying to get in. Is that you, Alana?

Ms DeLong: Yeah, it's me. Actually, I would like to move that motion.

The Chair: Okay. Do you mind pausing? We have a few more people on the list. Do you mind holding that thought for a minute, Alana?

Ms DeLong: Sure. Yeah.

The Chair: Okay. Laurie.

Ms Blakeman: I was willing to propose it, but I would have changed it from six months to three months because I heard some willingness to accommodate what the Chief Electoral Officer is requesting in being able to keep the list up to date and current. He gave us the example of a federal election in the fall. If we stick with the six months, he will not be able to use the information from that election in order to update the list that we would likely be using if we have an election during our electoral season in the spring. I'm trying to get an accommodation here. Alana has now

got the other one on the floor, but I think that we should look at the three months rather than all or nothing.

The Chair: Okay. Are you making a motion to that effect as well? Do we have to deal with Alana's?

Ms Blakeman: I'll make an amendment to change the wording from staying the same to: be amended to three months.

The Chair: Okay.

11:00

Ms DeLong: I'll take that as a friendly amendment.

Ms Blakeman: Thank you.

The Chair: Wonderful. We're friends.

Okay. We have the motion on the floor. We also have two more speakers here. Do you guys want to comment? Sohail, go ahead.

Mr. Quadri: Yeah. Some clarification with Shannon. The clarification is that, you know, we're just passing the motion; we are not changing the recommendation. This still has to go to the minister, you know. That only states that the motion will be our feedback.

The Chair: Yeah. Absolutely.

Mr. Quadri: Okay. That's good.

Mrs. Leskiw: The reason I want this motion either way that it goes is that the minister is one elected official, and we have 10 elected officials that are giving their input. I think it's important for the minister to know what his colleagues feel on this particular motion.

The Chair: Absolutely. As part of the initial motion we said we'd provide the transcript, so that definitely will be available to him.

So we have the motion on the floor for the three months, then. Can somebody read that back?

Ms Dean: It was:

Be it resolved that the Standing Committee on Legislative Offices recommend to the minister that the proposal regarding the removal of the six-month residency requirement be changed to a three-month residency requirement.

The Chair: Okay. Alana's motion, amended by Laurie. Is there any other discussion, or are we ready to vote? Okay. We're ready to vote. All in favour? Opposed? Great. The motion is carried.

Wonderful. Look at us. We still have half an hour thanks to Jeff's motion.

I'd like to thank the Chief Electoral Officer and his – oh, sorry, Glen; definitely, feel free.

Mr. Resler: Just before we conclude, Mr. Chair, I wish to provide the committee with an update to the procedure document approved by you in July for the use of vote tabulators and voter assist terminals in the advance polls at the next by-election. The document has been updated, and it's being distributed right now.

Following your approval in July, we have selected a vendor, and the procedure document has been updated to reflect their hardware and software as it applies to the processes pre-election, during advance polls, and postelection. We have also updated the sample of the ballot layout, which you can find on the last page of the document. This updated document, Mr. Chair, has been provided for your reference. I would also like to highlight that

when a by-election is called, we will be inviting all political parties to participate in the programming and accuracy testing of the tabulators in our Edmonton office prior to the equipment being delivered to the advance polls.

Thank you, Mr. Chair.

The Chair: Great. So this is the information right here?

Mr. Resler: Yes.

The Chair: Okay.

Ms DeLong: Point of order.

The Chair: Yes, Alana. Point of order.

Ms DeLong: Sorry. My understanding, though, is that the motion that we have passed so far only applies to that one line that we're amending. Did we actually put forward a motion that essentially moves forward the other recommendations?

The Chair: I have that right here in front of me to do right now.

Ms DeLong: Oh, okay.

The Chair: You have a copy of the motion here. Would somebody move that we provide the transcript and everything to the Minister of Justice?

Neil, do you want to read the motion?

Dr. Brown: Yes. I'm prepared to move that the Standing Committee on Legislative Offices transmit the amendments to the Election Act and to the Election Finances and Contributions Disclosure Act proposed by the Chief Electoral Officer to the Minister of Justice and Solicitor General together with the transcript of the meeting today, which identifies the committee's recommendation that there be no change to the six-month residency requirement, that instead we would have a three-month residency requirement.

The Chair: Shannon, do you want to weigh in? Can we just say in this motion we're good because we've already covered all the three-month stuff in the first motion?

Ms Dean: The committee has identified its opinion with respect to that issue, and the motion that Dr. Brown just read into the record basically provides for the committee to transmit the package of amendments presented by the CEO together with a transcript of today's meeting, which identifies the committee's view with respect to the residency issue.

The Chair: Right. Okay.

Are you okay if we just have this?

Dr. Brown: Sure. That's fine.

The Chair: Do we need to read it back, or are we good?

Dr. Brown: I'll read it again if you give it to me.

The Chair: Sure.

Dr. Brown: Okay. I'd like to withdraw the previous motion.

The Chair: Consider it done. Unanimous consent for withdrawal.

Dr. Brown: I'm prepared to move that

the Standing Committee on Legislative Offices transmit the amendments to the Election Act and to the Election Finances and Contributions Disclosure Act proposed by the Chief Electoral Officer together with the transcript of the September 4, 2014, meeting to the Minister of Justice and Solicitor General for the preparation of amendments for introduction in the Assembly.

The Chair: Okay. Any discussion on the motion?

Mr. Wilson: Yes, please, Matt.

The Chair: Okay. Go ahead.

Mr. Wilson: Is Mr. Resler still in the room?

The Chair: Yeah.

Mr. Wilson: I'm just looking for clarification as to how the proposed change or amendment regarding the fines will be added to this document, or is that just via the transcript?

The Chair: Glen, did you want to comment? I guess it is in the transcript. You're correct there, Jeff.

Mr. Resler: It is in the transcript. I guess that specifically it would address section 154 of the Election Act, general offence. The request would be to increase from the \$500 amount to not more than \$10,000.

The Chair: Shannon, can he make the changes to his document to reflect that?

Ms Dean: Mr. Chair, it's in the transcript, and I think the CEO has undertaken to convey his proposal in the process of the preparation of amendments.

The Chair: Jeff, is that okay with you?

Mr. Wilson: That's great. Thank you for the clarification.

The Chair: Okay. We haven't voted yet, right? Any other discussion? No? All right. All in favour? Any opposed? The motion is carried. Wonderful.

Well, thank you, Mr. Resler, for all your time and your staff's time today and for the previous meeting as well. We will of course be following up our discussions today in writing to the Minister of Justice and Solicitor General, copied to you for your records. You're free to go.

All right. Moving on, now we have item 6 on our agenda, other business. Does anybody have any other business they want to discuss?

If not, we'll move on to the date of our next meeting, which, I guess, will be at the call of the chair. So we have no date, right?

Okay. If there's nothing else for the committee's consideration, I'll call for a motion to adjourn.

Ms Olesen: I'll move that.

The Chair: Our acting deputy chair, Cathy Olesen, with a motion to adjourn. All in favour? Opposed? All right. We're adjourned.

[The committee adjourned at 11:09 a.m.]

