

Standing Committee on Legislative Offices

Monday, April 11, 1983

Chairman: Dr. Elliott

10:08 a.m.

Parts of this meeting were not recorded

MR. CHAIRMAN: This is our first meeting, so we don't have a great deal of business other than, number one, establishing some of our ground rules. The other item this morning is that we will be meeting with the Chief Electoral Officer. He is just outside the door and is prepared to come in and table officially before us his two reports. One is the report on the enumeration, and the other is the report on the election. Having done that and we accept them, I'll be prepared to table them in the House through the normal channels. Are we ready to bring Kenneth Wark in to talk to us?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you.

If there is anybody around this table you don't know, point them out.

MR. BLAIN: Mr. Wark, this is Mrs. Louise Empson, who is the executive secretary of committees and serves all committees. You probably remember Donna, who has translated herself to another department.

MR. WARK: My pleasure.

MR. CHAIRMAN: We have only one item of business this morning, Ken -- that is, after we established a few minutes of ground rules -- and you are our item of business. We are going to be out of here before [eleven] o'clock. So that is 35 minutes. I should check if there are other items of business that anybody has, other than what has already been indicated. We should regulate our time accordingly. Okay, you've all heard my suggestion. So we'll turn the room back to you before eleven o'clock.

MR. BLAIN: We're good until 11:30.

MR. CHAIRMAN: No, we aren't. We have to be someplace else at eleven o'clock.

MR. BLAIN: Well, we have the room until 11:30.

MR. CHAIRMAN: Thank you.

MR. CLEGG: Mr. Chairman, I would just like to mention for the record that I'm here in two capacities: of course, as counsel to your committee, but, as most members will know -- some may not -- I'm also solicitor to the Chief Electoral Officer. I don't think there will be any conflict situations.

MR. CHAIRMAN: If he's got a problem, do we blame you or consult you?

MR. WARK: I often get a second opinion, Mr. Chairman.

MR. CHAIRMAN: One of the first things I must say is that we are, for purposes of our own expediency and assistance, recording our discussion. You don't seem to have a mike; I don't know whether or not that creates a problem.

MR. WARK: I'm a bit of a haranguer, so I can talk pretty well.

MR. CHAIRMAN: Okay. Let's turn this over to you. You are here to do something, and we're going to listen and find out what it is.

MR. WARK: Thanks, Mr. Chairman. Two reports that you have on the agenda, gentlemen; I'll deal with the enumeration first. Eighty-two was the third year we put out a report. Seventy-eight was the first year under the Act that enumeration had to be held outside an election. Previous to that, all election reports contained the information on enumerations because they were done simultaneously.

It's not an annual report, of course; obviously it's just a record of facts. I did a little write-up at the start to indicate those things I thought might be of interest to anybody years down the road or any of the members now. I keep an ear to the researchers and the questions we get, and try to record them in the report so that, 10, 12, or 50 years down the road, when somebody wants to go through and find out what we did at a certain time, it's here. In effect, the report really contains three things: it contains the number of electors in total that we registered, a breakdown by electoral division, and the cost of doing it. In it, we made some subjective comparisons on numbers, i.e. how many people total in Calgary and Edmonton. But we don't comment on it; we just publish the totals.

In essence, that is what that beast contains. The next enumeration occurs in 1984. There isn't one during the year there is a general election. The Act says there shan't be one in the year following an election. So we'll gear up this fall and train the new ROs; apparently there are going to be quite a few. There is usually about a one-third turnover in returning officers. We'll start training the new ROs this October by bringing them in by themselves and then bringing them in with the old ROs next March. In effect, they get launched in April '84.

Did you want to entertain any questions on that while we're at it?

MR. THOMPSON: Mr. Chairman, I was pleased to hear that when you do something, you put down the reason you do it. I've been in government for several years. Whether it's an Act we're amending or not amending or whatever, many times you sit and look at something and wonder why it was done. So I honestly believe you're going down the right road. Whenever there is a change or amendment in your procedure, no matter even if it is a small or unofficial change, it's nice to have on record that we did this because . . . That doesn't mean that that is going to sit there forevermore, but when it's changed the next time, at least people will understand why the procedure was in place, the way it was working, and why you had it that way.

So I am very pleased to hear that this is the procedure you use.

MR. WARK: It's always best to leave a trail. These go to all the libraries. The University of Alberta has a host of researchers. Maybe they did their PhD in Political Science, and they keep an eye on elections and enumerations across the country. They use them steadily. I've kind of listened to what they're looking for, because really it's an historical document; it's something that somebody is perhaps going to pull something from down the road.

MR. HIEBERT: Given that people are very sensitive to cost, what kind of feedback did you get about a permanent type voters' list, given that we had an enumeration in '81 and '82? Was there any feedback to you from enumerators through their various returning officers?

MR. WARK: I expected it too. I thought the press would probably do it, because of course since '78 we've been publishing the cost of an enumeration. I didn't have one query formally. The returning officers wondered what they

should say if someone called them and said: we just did this thing last year; you're going it again; I'm getting fed up to the teeth with people coming by the door taking all my particulars. We didn't have a formal . . . I think what probably blunts it -- the press is aware, because I've mentioned it at a few briefings. Almost 80 per cent of the funds that are spent -- and this one cost better than \$3 million -- is people money. It's going to what we call the little old lady in tennis shoes who is doing the enumerating. Either the returning officer or the enumerators -- and there are about 8,000 of them -- get about 80 per cent of the cost. The rest is just advertising, what it costs from my office in the way of forms, and some travel. That perhaps blunts it.

But to get back to your question, we haven't had any.

MR. CHAIRMAN: Is it normal for a committee like ours to probe into future plans and make recommendations with respect to any of these offices that we are normally associated with?

MR. BLAIN: There's nothing the matter with that. However, this meeting is called to deal with these reports at this time. So I think you'd have to have any inquiries of that nature on a separate agenda.

MR. CHAIRMAN: Thank you. I was just trying to anticipate questions.

DR. CARTER: Might I say that I really appreciate the results that are printed in your two documents.

MR. MILLER: Mr. Chairman, I'd like to congratulate Mr. Wark on the job he's done since he has been with us in co-ordinating the activities, the enumerations, and the elections. I personally have had nothing but good reports in my areas on the way things have been conducted. I know that any organization, such as Mr. Wark is head of, is only as good as the person at the head of it. He seems to have the ability to get returning officers in, get them schooled and back out so they can talk to the people they are going to be employing.

I congratulate Mr. Wark and hope he will be able to keep doing this job for many more years. It has just worked perfectly in my area.

MR. CHAIRMAN: Aren't you lucky that's going on tape?

MR. WARK: I appreciate that.

MR. CHAIRMAN: And just think, he has said all that without seeing your estimates.

MR. HIEBERT: I too would like to echo the commendation that Bud Miller has made. My feedback has been very, very positive. I have a general question on both this report and the general election report. For the benefit of committee members, are there any items or areas in the report that we ought to know about that may be sensitive or that could lead to misinterpretation or misrepresentation?

MR. WARK: I don't think so, Mr. Hiebert. I defend saying that in that they are statements of fact. I trust there isn't anything in either of these reports that isn't a fact. Again, I should underline that we don't try to draw any conclusions. We don't make any comparisons, which perhaps could be construed as being dangerous, between political parties or candidates. The election report, for instance, is based on a certified report that comes in

from each of the 79 returning officers. So I'm not really relying too much on my own initiative, although almost without exception they were all wrong in some cases. At any rate, we have a signed report from the returning officer. It's what is called in the Act, the return to the election. That's why they're called returning officers; they have to submit this return. That's the basis of the report.

I don't think there is anything that could be at all embarrassing or that anybody could challenge. There were a couple of figures that were wrong, that we had to correct, after the printer -- who, unfortunately, didn't do the job himself. This is a quarrel I have continued with Public Affairs. We go through Public Affairs; I don't need to go through Public Affairs. We go through Public Affairs and of course do it by contract. The printer in this case did not do it himself. After we'd done three proofs and signed off what is called the blue line, which should be absolutely exact, this fellow came out -- and we couldn't of course distribute it that way, even though we'd spent the \$24,000, and it was bound and all. Mr. Notley should be here, because it was in his riding that the mistake was made. There was a 511 figure shown for a poll instead of 51. It would have meant that Mr. Notley lost the election if we had published it the way it was. Those sorts of things. But we corrected that. There were two of those, but short of my telling you about it, you wouldn't have been aware of that.

MR. HIEBERT: What do you mean that he didn't do it himself? He subcontracted the job?

MR. WARK: Yes. Instead of being done by the printer, it was done by Atlas Binding. He subcontracted it in two cases, which is a bit unusual. We usually get from Public Affairs to co-ordinator -- B & B Graphics did this one, a good firm. We're rather careful; we like to get them out as quickly as we can after they're handed across to a printer. We find some jurisdictions -- for instance, Saskatchewan's election was better than 20 months ago, and the report just came out. The federal election report is usually at least two years after the date. I consider those to be ancient history. We like to get it out within at least a couple of months.

MR. HIEBERT: Mr. Chairman, I'd like to make a supplement to it. I recollect last election that there were some things outstanding in regard to the filing of papers according to the Election Act. I don't know if it's the purview of this committee, but sometimes you have situations where people are involved, donating their time, and they do not comply by getting things in that are required by the Act. Would you like to make an assessment between the last election and this election in terms of meeting those requirements?

MR. WARK: This would be reports not by returning officers but by candidates?

MR. HIEBERT: Chief financial officers, et cetera.

MR. WARK: It's a different Act. This is not a report that deals in any way with the Election Finances and Contributions Disclosure Act. It's a different fellow; I brought a copy. Under what we call the election finances Act -- this one goes to the Speaker. He decided not to table it until about the 25th of the month for a little reason he has: that one candidate had not reported. The Act makes that candidate not eligible to run in a future election if he still hasn't sent me the financial report on the date the Speaker tables the list of candidates that haven't filed. That's digressing a bit. But that's the one that requires all the reporting of financial statements with all the penalties that you may be speaking of, Mr. Hiebert.

For instance, we just deregistered 47 constituency associations that did not submit a financial statement for 1982 by March 31 this year. We had every candidate's report in when the Speaker tabled this. But the Act requires that I do a report to the Speaker the day after the date the reports were due, which was February 2. So I did his report on February 3, and there were 18 candidates who still hadn't delivered their statement. But they were little reasons, and I didn't go to law with it. They were mostly reports that were in the mail, or the chief financial officer had been down in Palm Springs and brought it in two days late.

The only fellow who we took out after, if you like, was an Independent candidate from Wetaskiwin-Leduc, who hadn't sent anything in, hadn't replied to seven letters that I sent both he and his chief financial officer. But he brought it in last Thursday. However, he's suffering the maximum penalty now. The Act says that if I haven't received the report on the date the Speaker tabled the report that I had sent him, then that candidate is not allowed to run in any election in the future unless he applies to the Supreme Court for relief. I sent him a letter indicating that's the case. That's the one that has all the failures in it. This one is really just the reporting of facts on totals.

MR. THOMPSON: Mr. Chairman, I would like to echo what Bud said. In my area, the system has been working as smooth as silk. Obviously, Ken, you can't be in charge of every constituency, so a lot of the responsibility evolves on down to your returning officers. People being people, undoubtedly some are conscientious, some are more conscientious than others. The point I'm trying to make is: do you have a mechanism if you feel someone is not doing the job the way it should be done that you can appoint someone else? That Act is a long Act, and I'm not aware of all the ins and outs of it. But you do have the ability if you feel it's necessary?

MR. WARK: I don't hire, and I can't fire a returning officer. Actually, I guess I should be blunt. It's an amazing piece of legislation, because it does not say anywhere in it that the returning officer is responsible to the Chief Electoral Officer. I wish it did. But having said that, not once have I ever had a returning officer say to me, no, I won't do it, or no, I've always done it this way. The system works, and I think the proof of the pudding is every legislation in Canada has the same system. The returning officers are appointed, by order in council, by the government of the day. So it works very well.

There is a relief valve in the Election Act. In an emergency, I could relieve a returning officer who had failed to discharge his responsibilities. It works quite well. I have often called a member -- and I had occasion to do it in two ridings in the last election -- and said we're getting pretty close to the brink on this returning officer. And of course, Mike was aware of this; we kept in touch. I had the member's approval at the time that he'd fire the returning officer right there and we'd appoint another. We didn't. We bit the bullet on that one and said no, it would be worse to do it. We'll carry that returning officer as long as you would keep in mind when we're doing the reappointments, please don't reappoint Mrs. Smith.

MR. THOMPSON: I was just wondering, because it has worked well.

MR. WARK: Would you like me to just run through this one? It's really in essence the same sort of thing enlarged a little. Again, this is not an annual report, a report required under the Act for each general election. We put out one on the two by-elections: Olds-Didsbury and Barrhead. I put some comments in the front indicating how we did it, who was involved, and some

things from my experience with the press, the researcher, or an MLA that we would like to know as additional information, as to how it was done. We compared in general terms to the elections back to 1955, and then reported the numbers, by polls, with maps, for each poll in each electoral division, and a cost summary at the back, by electoral division. From experience, that is what I think any member has asked us to make sure is in there and is what the researchers are looking for. Again, I look at it in some ways as an historical document. Someone perhaps will want to look at it to compare something down the road.

MR. CHAIRMAN: Very good.

DR. CARTER: Mr. Chairman, bearing in mind that all of us around the table have expressed our thanks to the Chief Electoral Officer for the work of he and his fellow workers, I'd like to move that we accept both reports for forwarding to the Assembly.

MR. CHAIRMAN: Thank you very much. Any discussion on that motion? Those in favor? That motion is carried.

I think the important thing that has happened here this morning, Ken, is the unanimous expression of support for the job you're doing. We say thank you.

MR. WARK: I appreciate it. Thanks a lot. It's very interesting.

MR. CHAIRMAN: Are there any questions or comments left unasked or unsaid at this stage? Thank you very much. That's your part of the agenda, and we've looked after it. If you wish to stay and watch us adjourn this meeting, you're welcome. We're not kicking you out; we leave it up to you.

MR. WARK: I'll go earn my pay. Thanks again.

MR. CHAIRMAN: I was mostly serious when I said that about the only thing that remains is to adjourn the meeting. Let's make sure we got everything done that we have to do at this particular time. Anybody any comments for guidance, please?

MR. BLAIN: I might suggest to you, as far as this particular meeting goes, I don't have anything. But the estimates of the CEO, the Auditor General, and the Ombudsman remain to be dealt with. Times are fleeting: 25 days are allotted to the discussion of estimates in Committee of Supply. The clock has already started ticking. As you know, the Legislature estimates, including these, will be published in a separate book. The Treasury people are getting a bit anxious. Support to the Assembly estimates are presently under discussion in the Members' Services, so hopefully we'll be able to go to Treasury in the near future with the approved estimates.

What I'm saying in effect is would the committee give some thought to a meeting to deal with the estimates?

MR. CHAIRMAN: I'm quite sure we're prepared to act on your recommendations and have you make sure we do our job properly. Your guidance will truly be appreciated.

MR. BLAIN: I'm reasonably certain these estimates are ready, but I'll verify with the three officers that they are and advise you. Then you might perhaps consider a date and give me the word.

MR. CHAIRMAN: While we have the advantage of those of us here, let's take a look at dates right now. Is this an extremely inopportune time of the week or the day to meet? Maybe with a little more warning, we can get more members out. This happened in a hurry. Can we meet again about a week from now and clean up some of these things? Is that too soon or too late?

MR. BLAIN: No, not by any means.

MR. CHAIRMAN: We'll just pick that one out for starters anyway, and then take it from there. If it doesn't fit, we can alter it. John, how do you feel about it?

MR. THOMPSON: This is a beautiful time for me, it really is. It's probably the best time in the week, if you can believe this, Bob.

MR. CHAIRMAN: It is for me too, because I only do that 4:30 thing once. I do it on Monday morning, and we're here and ready to go. That is one of the few mornings that is open.

MR. HIEBERT: So how early could one start? What time does your plane get you down here from Grande Prairie?

MR. CHAIRMAN: I can be in this building at 7:30. But Louise can't; that's a little too early.

MR. BLAIN: Oh, no. We often have Louise here at quarter to seven, half past six. We have no mercy on her.

MR. CHAIRMAN: Dave, do you have a recommendation?

DR. CARTER: Probably nine o'clock on a Monday morning, or 9:30, if we have three batches of estimates that we have to get through. The only other time I could see would be on Friday afternoon, and that's pretty difficult too. So I would think that next Monday morning, we should get at least one of them, if not two.

MR. CHAIRMAN: How does that fit, Al?

MR. HIEBERT: No problem.

MR. CHAIRMAN: Bud, John?

MR. MILLER: No problem.

MR. CHAIRMAN: There we are; we're getting some guidance now.

MR. THOMPSON: That's Monday, the 18th?

MR. CHAIRMAN: Right. Are we talking nine o'clock now? Are we ready to go at it at nine o'clock.

MR. HIEBERT: It doesn't matter to me.

MR. BLAIN: I'll see what I can do about a room. We've only the two conference rooms, so the space is always at a premium. In the last resort, we can always meet in the Chamber.

MR. CHAIRMAN: Okay. Nine o'clock is fine, and we'd be prepared to go to work for about two hours. We'll look after whatever there is to look after.

MR. CLEGG: Mr. Chairman, as far as timing is concerned, in view of the fact the Committee of Supply should only be called on a limited number of days and that there are three sets of estimates to be considered, if you were to deal with all of them at one meeting it would be very good; but if you were only able to deal with them once a week, you would run into a situation where the Committee of Supply was waiting for your reports. After you have made your report, the estimate book has to be printed and tabled. It would be much easier for the Committee of Supply if you were able to do more than one a week, or if possible do them all in one week.

MR. CHAIRMAN: If they're all ready for us to work with next Monday, we might get them all done.

MR. MILLER: Are we going to get some material ahead of time, Mr. Chairman?

MR. BLAIN: Yes, I'll attend to that. I'm reasonably certain that all these people are ready. As you know, the estimates were initially drawn prior to the election. We received the CEO's estimates, but they were subsequently withdrawn because the election altered his picture entirely. He had budgeted on the basis of an upcoming election, which has been looked after. But I'll get in touch with the Auditor General and the Ombudsman today, and I'll ask for advance copies to be circulated to the members.

MR. THOMPSON: Mr. Chairman, I suggest that we will have not that much trouble with our Chief Electoral Officer. We may have some discussion on the Ombudsman.

DR. CARTER: Mr. Chairman, for purposes of next week, I suggest we have the Chief Electoral Officer back as our number one guest -- I mean first in the morning -- followed by the Auditor General, followed by the Ombudsman. We might work on such a schedule that the Chief Electoral Officer be here at 9; we could have the Auditor General here for 9:30, and hope we get to him between 9:30 and 10. Then if we do start performing miracles, we could have the Ombudsman on standby to come on over if we suddenly decided that our time frame had altered.

MR. CHAIRMAN: We've got some good suggestions. Any feedback?

MR. HIEBERT: Do you think we can do all three in the one morning? Would we not be better off bringing in, as you suggested, David, the Chief Electoral Officer, then the Auditor General, and hold the Ombudsman separately for one morning?

DR. CARTER: Then we need to set up our next meeting -- the third one -- to deal with the Ombudsman. If we're going to do just Mondays, that'll take us to April 25. How does that fit timewise?

MR. BLAIN: It wouldn't be very good. As I said, the clock has already started ticking on Committee of Supply. We should be as expeditious as possible with this. They have yet to go to the budget bureau, then to the printer for proofs, and to have the book in final form. So I would strongly recommend that if it's necessary to hold over, we not wait as long as another week.

MR. CHAIRMAN: I see Wednesday morning this week on my calendar open. David is shaking his head "no". I see Friday afternoon of this week open. Is there some way we can double up?

MR. THOMPSON: Private Bills and Public Accounts.

MR. CLEGG: Private Bills isn't meeting this week, but next week.

MR. CHAIRMAN: We can start before nine o'clock on the morning of the 18th; we can start at eight o'clock, or 8:30. We can give ourselves that much advantage, or can we?

DR. CARTER: How is Tuesday?

MR. MILLER: It's no good for me.

MR. CHAIRMAN: A week tomorrow is no good for me. But tomorrow . . .

MR. HIEBERT: If there's a sense of urgency, why don't we start earlier and let's get at it? We have an objective in hand . . .

MR. CLEGG: What time is the first Calgary airbus?

MR. ANDERSON: I come in the night before.

MR. MILLER: Could we go till noon on the 18th? Does that cause a problem? We're scheduled 9 to 11. Could we go from 9 to 12?

MR. CHAIRMAN: I can. John can. Louise can. Does that fit better for you, Bud? Nine to 12 on Monday?

MR. MILLER: I sometimes come in on Sundays; other times it's Mondays. Getting here much before 9 is quite an effort, but I could do it if you felt it's needed.

MR. CHAIRMAN: Nine to 12 then, on Monday, the 18th.

MR. HIEBERT: And we'll be dealing strictly with estimates?

MR. BLAIN: I suggest you devote that meeting purely to estimates.

DR. CARTER: Motion to adjourn, Mr. Chairman.

MR. CHAIRMAN: Thank you very much. We have a motion, and the Chair accepts it.

The meeting adjourned at 10:58 a.m.