

## Standing Committee on Legislative Offices

9:05 a.m..

[Chairman: Mr. Hierath]

THE CHAIRMAN: I would like to open the meeting by welcoming our guests this morning. We have Derm Whelan, the Chief Electoral Officer, Brian Fjeldheim and Bill Sage from the electoral office, and Peter Pagano, Legislative Counsel. Of course, gentlemen, we're here this morning to discuss the draft amendments to the Election Act. I think we'll start off this morning with a five-minute or so presentation with a few overheads from Derm Whelan, and then I'll ask Peter Pagano to go through the draft legislation clause by clause if that's okay with the members this morning.

Okay, Derm. I'll turn it over to you.

MR. WHELAN: Okay. Well, the thrust of the legislation is the creation of a register of electors, and I thought what I might do is just very briefly and quickly review the progress of this particular project. You will find that when you look at the legislation, the new part 2 that is recommended and which comprises the amendment is made up of three divisions: one dealing with the register, the second with the list of electors, and the third was the enumeration process.

All right. Now, let's just turn to the overview showing how this thing developed. Well, for the last year and a half we've been working on the concept of developing a register of electors, so it is simply a title page so to speak.

This has a little more meat. What is a register of electors? Well, basically it's an automated file or a computer data bank that has in it all eligible voters, those at the federal, provincial, and municipal levels hopefully. The register will be capable of being continuously updated from existing sources. It would be used to produce the preliminary list. We mean the list that would be immediately available when a writ of election was issued. It has the potential for use by other jurisdictions, meaning that it could be used for local government elections or municipal elections, and it might also be used for federal elections. So the concept of a register is an ongoing computer-based data bank that is kept up to date from existing sources and that is very quickly available for any electoral event.

There has been a fair amount of research ongoing over the last 18 to 20 months, and the conclusions are here to see. First, the register is feasible, and it should be pursued because of the economics. The funding implications are significant. The federal people expect that they can save \$40 million in every election, because they have to do a complete enumeration of the whole of Canada. We estimate that we can save \$2 million if we were talking about an ongoing enumeration every three or four years. For each enumeration we would save \$2 million, and over the long haul, meaning a decade to 15 years, the savings would be significant. Our estimate is between \$10 million and \$15 million.

There is support right across the country for the concept. There are – this is our purpose for being here today – significant legislative changes, but I might say that most of them, with respect at least to the enumeration process, have already been through this committee in the meeting on October 18 of last year.

Okay. How do we do this? Well, I want to say first of all that most of this research has been conducted with Elections Canada, and we have kept the privacy commissioners, both at the federal level and at the provincial level, informed of our progress. The figures under the events are the national figures. About one-tenth of these would represent Alberta.

To measure mobility, in other words when people move from one province to another or even change addresses, the best databases

we've been able to identify – one already in the public sector is the provincial drivers' licences. Elections Canada think that they can effect changes to the Income Tax Act so that tombstone data only would be available: the name and the address of persons that moved. So this is one of the sources of the data that we've been talking about. Vital statistics would provide information on people who have died; provincial drivers' licences and Revenue Canada on people that reach the age of 18, and with respect to citizenship, because one must be a Canadian citizen under Alberta law and under Canadian law to vote, the citizenship files will provide that data.

Again, at the provincial level we would be thinking about provincial drivers' licences only. If the federal people are able to effect the changes with respect to tax data, tombstone information only, well, then we would look at that, but we're clearly convinced that we can keep the register in Alberta up to date from provincial drivers' licences, vital statistics, and some input from Citizenship and Immigration. We would also use voluntary activities like work at universities or schools to keep the register up to date.

The dotted line shows what happens to an enumeration or a register, because it is a kind of a register. If it is not maintained, it drops from roughly a hundred percent – it's never a hundred percent. Let's say that it's 95 percent accurate within three weeks after it's been produced. If it is not maintained, that accuracy will drop within five years to 40 percent. If it's maintained using the databases that I've been talking about, we feel that we'll keep it within 80 percent of that hundred it started with, and I think it'll be higher. It'll probably be in the order of 90 percent. At any rate, during the electoral event itself there will be time for people to correct their registration, et cetera. Further, from municipal elections and federal elections we would keep on getting updated information. So that's the result of the research.

So how it works, very quickly, is we build it through another enumeration. The cylinder is maybe thought of as the mainframe or the memory in a computer where the database is kept. So through electoral events – federal, provincial, and municipal – we would use the register and feed that information through our administrative sources back into the register on an ongoing basis. The cycle of use would help us to maintain it also. So this is how it would work. We build the database to start with through one more enumeration, and then we maintain it through its use and through the administrative sources described.

I can put any of these back up if you would like to see them again for questions.

Time frames. Well, our time line is very tight on this. You'll remember that our report, which, by the way, has received some very laudatory praise from many different quarters, from IFES, the International Foundation for Electoral Systems, from an election administrative report where it has been written up, is seen as a model for other jurisdictions to follow around the world. You see that we completed our report, drafted our legislation, got into the administrative arrangements. We're talking about partnerships with Canada. We're sort of getting towards having in view being ready to go on to put the procedures in place for the next enumeration. That overlaps with the building of the register going into the future.

So that's our time line. It's a pretty tight time line in terms of the legislative change, because if possible and if the Legislature agrees, we need it to sort of coincide with the federal changes. So the window, the opportunity is there for, I say, the 1997 election. I mean, the election could be earlier of course. I would guess – it would be an educated guess; I think I have a pretty good political nose – that the next federal election will be in 1997, as will be the next provincial election, and we know that the municipal elections will be in 1998. So it's the opportune time.

Mr. Chairman, that's really all I want to say unless people have questions.

9:15

THE CHAIRMAN: Okay. I think what we'll do here is use Derm and his staff to answer any questions from the committee as we go through the proposed amendments, if that's okay with committee members. We can get bogged down here with some general things, but the purpose of this meeting is to deal with the proposed draft legislation.

MR. BRASSARD: Just very briefly I'd ask Derm if he would like to introduce his guest from Kiev first of all.

MR. WHELAN: Yes. Of course. Irina Khromenko is the lady standing. She's with the Christian Democratic Party in Kiev. She is in charge of, as I understand it, committees responsible for women's affairs and international relations with that party. So her trip here in Canada, her study session, is funded by the Canadian Association of Universities and Colleges and also by the Ukrainian institute of Canada.

MR. BRASSARD: Secondly, I think a copy of those slides would be beneficial to the members of the committee. Very briefly, can you tell me how your 80 percent figure at the end compares with the current practice? You said that the 80 to 90 percent can be brought up to speed for an election. How does that compare with routine practice? How much do you have to correct after . . .

MR. WHELAN: Well, our estimate is that the enumeration process never gets a list of electors much more accurate than 80 to 85 percent. There's very little change.

MR. BRASSARD: Okay. Good. That's all I need.

MR. WHELAN: The people get added during the electoral process itself.

MR. BRASSARD: Yeah.

MR. WHELAN: They would swear in on polling day, or they come for revision during the election.

MR. BRASSARD: Good. That's it, Mr. Chairman.

THE CHAIRMAN: Okay.

MR. DICKSON: Just a timing issue, Mr. Chairman. I'm wondering about how long this is going to take, the presentation. Having gone through the package that was distributed and past minutes, there are some things that aren't in there that I wanted to raise and that I think are going to warrant some significant discussion. So if I can get a sense of how long it's going to take to do the section-by-section review. Since we've got a short meeting this morning, I just don't want to be in a situation where, when we get to the things that are maybe more contentious or problematic, we find we're short of time.

THE CHAIRMAN: Well, we're here to go over the draft legislation, so the time will, you know, certainly be up to the members. As we're going through it, Gary, we'll have discussion, and if there is a spot where your points would be added to the draft legislation, I think it would be appropriate for you to bring it up at that time; don't you?

MR. DICKSON: Okay.

THE CHAIRMAN: Okay.

I will turn it over to Peter Pagano then.

MR. PAGANO: Thank you very much, Mr. Chairman. I'll take you through section by section. The first change is that they added a new definition of "elected local authority," and that ties in with provisions later on where this arrangement of exchange of election information can be made between the province and the local authorities.

In clause (b) we're amending clause (f.1). This is in the definition of elector. In that definition it references an October 1 date, and that's tied to when generally there were enumerations. Since enumerations under the new amendments can be flexible and not as of specific dates, I've just made the consequential change, if you want to call it that.

Clause (g). I've just redefined it. As far as I'm concerned, there's no change in effect. Clause (g.1). Previously it was a definition of "enumeration year," and we don't use that term any longer. So I've defined "enumeration" as being "an enumeration of electors under Part 2, Division 3" of this Act.

The definition of "enumerator." [Not recorded] revised list of electors, and actually I don't even think that happens now and certainly under the new process they wouldn't be going to that extent.

The repeal of clause (i). This was a reference to the term "general enumeration." Again that term isn't used.

Clause (j.1) is a redefinition of "list of electors." Again I don't see any change in substance there.

The definition of a "polling subdivision." Currently it has a reference in there, "so designated by the returning officer." The process we've built into here is that the polling divisions and subdivisions are really going to be worked on between the Chief Electoral Officer in consultation with the returning officers. I just took out that term. It really wasn't necessary.

The definition of "registered" is a new term. "Registered constituency association" was formerly in section 16(1), and I moved it into the definition section because it's used in a couple of other provisions.

The repeal in clause (u) is a definition of "special enumeration," and again that's a term that is not going to be used any longer.

"Subdivision" has been redefined in the same manner as polling subdivision by deleting "so designated by the returning officer."

In part 2 the determination of residency was formerly in section 24, and I just moved it to the definition section. Again it's used in provisions other than in section 24.

That takes us to that set of amendments on the definitions.

The next amendment amends section 4, and I've just added references to the other legislation that requires the Chief Electoral Officer or at least lists of electors. Actually, this probably isn't really necessary in terms of what we're doing here.

The amendment to section 4(3) is just striking out the reference to "general enumeration" and substituting "enumeration." Then we're adding a reference to "referendum" after "by-election," again just to tie in the fact that we have a couple of pieces of referendum legislation that this Act could apply to.

The amendment to section 7. The first amendments actually refer again to the referendum legislation.

The amendment to (3)(a). This is a provision that says "on the direction of the Chief Electoral Officer." We're adding that the review of polling divisions and returning officers shall be "on the direction of the Chief Electoral Officer."

MR. DICKSON: Mr. Chairman, with respect to section 4, the provision that outlines the responsibilities of the Chief Electoral Officer, we've talked before about the prospect of returning officers

being appointed on a standing basis rather than on an ad hoc basis. The question was: who would do that? I thought the argument that had been made – and we discussed it before – was a compelling one that we completely depoliticize the appointment of returning officers and in fact have that responsibility done by discharge by the Chief Electoral Officer and to get out of the LG in Council. This I guess would be the appropriate place to raise that, because we're talking about what the Chief Electoral Officer does. I thought that at a time when we're embarking on what's a pretty exciting, bold new initiative in terms of enumeration, we have a chance to remedy this other area and I think improve it by changing the process and having the Chief Electoral Office responsible for recruitment of the people that he or she is then going to supervise in the field, train, and so on. I'd like to see that added as an additional responsibility under section 4, the Chief Electoral Officer.

I think it's section 7(1) in the existing Act that provides that "the Lieutenant Governor in Council may appoint a returning officer for each electoral division." My proposal would be that either we do it in section 4 or in section 7, but the point, I think, is clearly that we depoliticize that key appointment. If we're going to hold the Chief Electoral Officer's feet to the fire in terms of whether the elections machinery works the way it should work, then I think we also have to be prepared to give the Chief Electoral Officer the power to install the people that he or she is going to supervise.

THE CHAIRMAN: Gary Severtson.

9:25

MR. SEVERTSON: Thank you, Mr. Chairman. In reference to Mr. Dickson's comments I thought we dealt with that earlier, that this committee decided to leave it the way it is and that's why we came forward with the draft the way it is now. I thought we'd previously had that discussion, and this committee decided not to go that way, Gary.

MR. DICKSON: I was looking through the minutes, and my understanding is that we had had a discussion about it, but the thing had not been resolved in terms of a decision and a vote. Now, I stand to be corrected if in fact that happened, but my recollection is that we had the discussion. It was one of a number of things that was deferred because our main focus seemed to be on the list itself and the idea of the joint project. Now, if in fact we had the vote, I don't recall that, so I'm inviting anybody to point that out to me. I remember the discussion but no resolution of it.

THE CHAIRMAN: You're right. We didn't have a vote, Gary; we had a discussion. If we want to have a further debate here about that issue and then have a vote, if that's what your wish is.

MR. WHELAN: Mr. Chairman, when we were drafting this amendment, we deliberately left that issue aside. It was deliberately left aside because I did not feel that the matter had been fully discussed in the committee or that the caucuses of the respective parties had been involved. So because there's such a tight window with this, Gary, I thought we'd just come forward with the register and the things connected with the register and leave the other issue on the table until it can be fully dealt with. That was my thinking. I'm sure there was no vote on the matter, not to my recollection. I agree with you that there wasn't. I think it's such a possibly contentious issue that it perhaps ought to be left to stand on its own, Gary, rather than sort of maybe thwart this opportunity.

I don't know if that's helpful, Mr. Chairman.

MR. FRIEDEL: That probably says very much what my feeling was.

We did discuss this issue of a continuing term of office for a returning officer. I was fairly – very, I guess, would be a better term – opposed to the idea of having a returning officer appointed on an ongoing basis because I think there's always the danger that whether they're paid or unpaid, you tend to fill the void of available time with things to do, and these things just add to the complexities of both the office and the legislation here.

I think Derm's comment about leaving it aside for the time being was very valid, because if we are going to move to this new concept of a perpetual enumeration, if we start adding some of these contentious issues, it would possibly be very difficult to push through. I'm not sure that it adds or detracts from the proposed legislation, but the importance of changing the legislation I think is paramount here. I can certainly see where we could be getting into some disagreement, to say the least, on that issue.

MR. BRASSARD: My comments almost mirror Gary's. I think that given the time line we're on and the focus of this being on enumeration, perhaps we could make a note of some of the issues, such as the one Mr. Dickson brought up, and bring them back at a future date for a minor amendment to the Election Act.

MR. DICKSON: I guess two comments, and the one would be that actually Gary Friedel raises a somewhat different issue. I remember Roy Brassard making a pretty compelling argument, when we discussed this before, about the value of a standing position, about a permanent or semipermanent returning officer, and that made good sense. Gary raises really sort of the collateral question, whether that should happen at all. I thought the one thing we hadn't agreed on last time was who would do the appointment, Mr. Chairman.

I guess the other thing: I respect the concern that it may be somewhat more contentious, but in my short experience in the Legislature we don't get around to reopening these Bills very often. Once you get in and do a major revision to an existing statute, there's little interest in going back to then make some other adjustments the following year or the next session. As I say, in my short experience, if you're going to open up a Bill to make as major a change as what we're talking about here, then you darn well want to make sure that you come out of it with the best Bill you can and address all of the changes, because the other ones simply aren't going to get dealt with.

Then I guess the final thing would just be this. It seems to me that if we're embracing such a major change that's going to be so fundamentally different from what we've done in the past, I'd come back and say again: how can we hold the Chief Electoral Officer fully accountable? How can we measure whether this thing is working or not and determine whether it's the system and give it a fair shake if the man running the show really doesn't have that kind of control over the people implementing it?

So to focus the thing, I'd propose a motion, Mr. Chairman, and I can do it either now or when we get to section 7. It would basically be a recommendation to the Legislative Assembly that it be the Chief Electoral Officer that appoints the returning officers rather than the Lieutenant Governor in Council. My understanding is that the provision we're going to look at in a while would contemplate standing returning officers, so I thought the key issue was really one of who makes the appointments. So I'd make that motion now, Mr. Chairman.

THE CHAIRMAN: Okay. Any further people speaking on the motion? Gary Friedel.

MR. FRIEDEL: Yeah. My comments could be speaking to the motion as well as earlier, and it's just going to be a comment. My understanding is that we were proposing to get much of the issues cleaned up here today because we were attempting to deliver this

through the Miscellaneous Statutes Amendment Act. Now, I'm not sure what's transpired in the last couple of weeks, whether this is going to go through by itself. In the interest of time and hopefully because we're going to actually be debating it line by line, the reason that Peter Pagano is here today is that we were going to come to some consensus. The fact that we had agreed to take the document back to our respective caucuses and come here with some kind of a consensus to expedite this process – obviously, now we're going to change it, and I see great difficulty. If we start making changes like this, I doubt we're even going to be able to introduce it in the spring Legislature.

THE CHAIRMAN: If I might make a comment. From my understanding, Gary, we took it forward to our caucus – was that two weeks ago? – after leg. review. The Liberals haven't done that yet.

MR. DICKSON: We have.

THE CHAIRMAN: Oh, did you? Okay.

MR. DICKSON: Oh, yes. I'm sorry. When I've spoken, I'm representing a caucus view. We did take it back. We have had a full discussion on it.

9:35

MR. BRUSEKER: The proposed amendments that were brought forward by the Chief Electoral Officer, both in terms of the issue before us now as well as the issue of returning officers, have been discussed in our caucus and supported.

THE CHAIRMAN: The draft legislation that I gave to you at the end of the session before the Easter break, have you discussed that with your caucus?

MR. BRUSEKER: Not the draft legislation in detail. It was more the draft version 1 – I'm not sure exactly – that was produced by the Chief Electoral Officer six months ago now, I would hazard a guess, or so. So we dealt more with the concepts, Mr. Chairman, rather than the specific line-by-line amendments.

THE CHAIRMAN: Right.

MR. BRASSARD: With no reflection on the validity of Mr. Dickson's motion, Mr. Chairman, I think we're here to review the legislation that's before us. As I said earlier, given the time lines we have, I think we should focus on that, and I'd speak against the motion.

THE CHAIRMAN: Is there any further discussion on Gary Dickson's motion?

I'll call for the question. All those in favour of the motion as presented? Opposed? Defeated.

If I might just say a little bit further – or maybe Peter would like to make a comment with regards to the miscellaneous statutes amendments. Do you want to just inform the committee as to your feelings and probably the route that these amendments may go through the Legislature?

MR. PAGANO: It's my recommendation not to embody these in the Miscellaneous Statutes Amendment Act itself. If it's agreed to put it in as a separate Bill but following the same process as miscellaneous, I think it would just get buried in that Act. I don't think something like this should be put in there. There's no reason why the same process as we've done with miscellaneous – that's certainly a possibility. We've done that with other legislation. The

Arbitration Act, the opposition agreed on that one in advance, and the Bill went in. So we have some precedents for doing it that way. As I say, my view is that it's important enough, but it should be a stand-alone. Certainly there's no reason – if both parties agree, it could follow the same process as miscellaneous.

MR. FRIEDEL: What Peter says makes eminent sense, that it's a significant issue and it could carry on its own. The concept of the process of miscellaneous statutes amendment, which is something that is agreed on in advance, whether it's by negotiations between the two caucuses or in this case the committee – the idea is to go through a fairly extensive review process so that doesn't have to have protracted and duplicate debate in the Legislature, is what we were doing here.

Now, I'm sensing that this may end up getting derailed very quickly if there is some contention to the issues. Then I guess I would be somewhat disappointed because we spent a lot of hours both as this committee and as a subcommittee of this committee with the hope of getting some consensus. If we are going to run into issues and then make the same arguments, which are obviously in *Hansard* now, I see that we just spun our wheels and wasted a lot of time.

MR. DICKSON: I just want to make a general observation. It seems to me the opposition members had supported and in fact had pressed for the idea of this kind of a universal standing voting list right from the time the thing was first raised, but I think it's also important to state that this isn't the question of raising issues that are new to this committee. If all members will remember, there was a package of proposals that had come forward. We had talked and some we'd agreed to defer and take back to our caucuses. To me this is the appropriate place to come back now and raise those issues. I'm not sure whether my friend from Peace River – the implication I get from his comments is that somehow we've made some conscious decision that of the three or four major proposals that have come forward and have been discussed in this committee suddenly we've shed all but one and have decided that we're going to fast track one of these reforms and ignore the others. We'd never made that decision as a caucus.

MR. BRUSEKER: Or as a committee.

MR. DICKSON: Or as a committee. My hope would be that as long as we're still focused on the reform package members feel free to raise those issues, discuss them in this committee so that we can hopefully achieve a unanimous recommendation to the Assembly. That's what I thought we've been about since the start. But I just want to reiterate: there are no new issues being raised here. It's simply wishing to not dodge or procrastinate on some of the other reforms that have come forward.

THE CHAIRMAN: Well, there's been a vote on this motion, so what are the wishes of the committee? Do we carry on with Peter Pagano through the draft legislation?

MR. BRASSARD: Carry on. Move on.

THE CHAIRMAN: Proceed, Peter, please.

MR. PAGANO: That takes us to part 2.

MR. BRUSEKER: Are we finished with section 7 then?

MR. PAGANO: I thought I went through it before, but I'll take you through it again.

MR. BRUSEKER: Well, I'm just wondering, Mr. Chairman. My colleague Gary Dickson raised one issue with respect to who makes the appointment, but the other issue, though, raised earlier on by the Chief Electoral Officer was the issue of the potential tenure of some kind of the returning officers. I look at the current section 7(3). The responsibilities that are there – “keep himself informed and knowledgeable of the requirements of all relevant legislation,” “advance plans and preparations,” “review polling subdivision boundaries,” and so on – imply an ongoing task. I'm wondering if we shouldn't see some amendment to include tenure of some type of the returning officer, regardless of who does the appointing. There is an ongoing task, and I think the issue of tenure is something that should be discussed at this point as well. So I guess maybe I'd like to make a motion that we would have some amendments with respect to tenure of the returning officers included at this point along the lines of the amendments proposed by Chief Electoral Officer in the fall of 1995.

MR. BRASSARD: I have a difficulty, Mr. Chairman. Once again we're getting into issues that are not relevant to this perpetual enumeration list. I think what we need to do, without any reflection, as I say, on the validity of the concerns, is make a note of those that are not dealing with this perpetual enumeration and bring them back to a future meeting. But if we go through this entire document raising peripheral issues, we're going to be here all day and part of tomorrow. So I would request that you keep us confined to the task at hand and we go through this process of evaluation of this enumeration list.

MR. DICKSON: Well, maybe we should cut to the chase, Mr. Chairman, and ask for an indication of the position that the Conservative caucus has taken on the issues of tenure for returning officers. That was what each of us had undertaken to do, and I haven't heard any indication. It's been indicated that the opposition caucus considered, debated, and accepted those other key recommendations.

I don't understand how it is that this single recommendation has suddenly been elevated to the most important one. I'd say with respect to my friend from Olds-Didsbury that the other amendments seem equally valid, equally important. When did we as a committee decide that suddenly the other two had sort of fallen off the table and off the agenda and the only focus is this? If you look at the agenda, what it says is “Proposals for an Election Amendment Act.” It doesn't say that we're dealing uniquely, specifically, and exclusively with this idea of a standing voters list.

9:45

MR. FRIEDEL: I was going to comment first, but I'm going to answer, I think, the question that you raised on this, Gary. The proposal that was taken to the caucuses was the original report and then the draft that came out of this. I don't think issues outside of the proposal were specifically to be taken for either consent or position by the caucuses. If you chose to do that, so be it, but this was not something that we even brought back to our caucus because it was not voted on or intended to be part of the process. I know we discussed it, and at the time I expressed some serious concern about it. I have not changed my mind about it. I am not going to repeat what I just said a couple of minutes ago, because it's already in *Hansard*. I'm opposed to the concept, and if we're going to turn this into another protracted debate, I'm starting to see that either we've wasted a lot of time over the last eight to 10 months or we're going to waste a bunch in the future by repeating it. I'm opposed to the concept now, and I will remain opposed to it.

MR. SEVERTSON: Mr. Chairman, I feel that what's brought

forward in the draft legislation, which was basically brought forward by the Chief Electoral Officer, is what this committee generally agreed to in principle and other issues that we were discussing earlier are areas where we had some discussion. I guess I was wrong. We didn't have a vote on it, and we didn't have an agreement on it. So the Chief Electoral Officer in my mind has brought forward what was agreed to by this committee, and that is so we could move forward with legislation generally for a permanent voters list. The other issues that we haven't agreed to aren't in the draft legislation, and I agree with the Member for Peace River that if we're going to continue on, we're not going to get through this. We've got 22 pages of legislation, and we're only on the definition. We're not going to get through; we're not going to get a permanent list done this year.

Earlier comments from the Member for Calgary-Buffalo – I've had two terms here and this is the second time this Act has come before the Legislature. It has come forward every time I've been here. So I think there'll be opportunity to review this further and debate it in the Legislature.

MR. WHELAN: I concluded some time ago, if I can paraphrase without misquoting, with respect to the issue of returning officers, that I should lie down and rest a while. The issue is not dead, but I should leave it and bring it forward at a later time. This issue is much more important, in terms of the funding implications. The recommendations I made with respect to returning officers are on the table and can be revisited at any time, but in my discretion I decided that the issue of the register was important enough to bring forward on its own, which is what we did. Earlier in October of 1995, I think, it was the concept of the register that we were reviewing, and we reviewed that line by line. So I stuck with that particular issue. In the long term, of course, I would look forward to other amendments to the Election Act, but I would hate to see this particular issue fall overboard at this time, and it is this specific matter that I brought forward, Gary. It's not that I disagree with what you've said, but the practicality of it is that maybe we ought to try and do one part of this at a time and revisit the I say contentious issue – because I believe it is a contentious issue – later.

I might say that we have made a fair amount of progress with respect to returning officers. Every person who is now being considered is interviewed by my office, and unless we agree that the person is competent, the name doesn't move forward. That has occurred twice now with respect to the by-elections, and we're preparing to do the same thing for returning officers generally. So through a policy we're making some progress. But I would hate to see this getting shunted to the side now because of the other issue. I would regard it as part and parcel of an important change in the Election Act. The register need not fail to be considered simply by the splitting of that particular hair.

So I would urge you, members of the committee, to consider the financial implications of this, the short time frame in the Legislature that's available, and to consider what I've brought forward. This is the immediate issue, the register, and we will have to leave the other issue to a later time, Mr. Chairman. I don't know if that's helpful, but that's where we're coming from as professionals.

THE CHAIRMAN: Thanks, Derm. My recollection of this issue was that the whole debate started with enumerations and the cost of enumerations. We amended the Act so that enumerations didn't have to take place two years after a general election. The whole debate started over the efficient delivery of government services and developing a subcommittee of Gary Friedel, Frank, and Roy on developing a permanent list or a registry of electors. The returning officers was one of those issues that was part of it, but it wasn't the thing that started this by any stroke of the imagination, in my mind. So I agree with Derm. Our caucus has the feeling that the returning

officers should be left as they are at this point. If the Liberal caucus is not of that mind, I guess that by wanting to include it in the Election Act, then we probably would end up debating it in the Legislature for a period of time and would lose the opportunity to save money with the registries in piggybacking the federal government. It would be a shame, in my mind, if we did that.

I've got Gary Friedel, and then Gary Dickson.

MR. FRIEDEL: I just wanted to emphasize what I thought was the understanding. We discussed an assortment of issues which Derm and members of his staff brought to us I guess about a year or so ago. The concept was that we would take forward what we could agree on, and I assumed that those things that were going to be contentious, we would lay aside in the interest of moving this perpetual registry, or whatever the formal name of it is, in a consensus agreement process.

My first comments at this morning's meeting sensed that we were going to get bogged down on a considerable amount of repeated debate. I'm becoming more and more convinced that that's what's going to happen now. Unfortunately, I agreed to come to the meeting by rearranging my schedule and sandwiching it between two other meetings, and I have to leave here probably in less than 10 minutes. As Gary Severtson said, we've just barely got past the definitions. So I think my original vision of what was going to happen is turning into a reality, and we're probably going to end up piddling away enough time that we're not even going to get this into the legislation agenda this year.

MR. DICKSON: Before you spoke a moment ago, Mr. Chairman, I had understood from Gary Friedel that the Conservative caucus hadn't considered the two elements with respect to returning officers: one, permanent returning officers and then, secondly, appointment by Lieutenant Governor in Council or by Chief Electoral Officer. I understood you a moment ago, Mr. Chairman, to say in fact that the government caucus had considered this issue. Could you just clarify for me?

9:55

THE CHAIRMAN: Gary, what our members are doing is representing our caucus. I'm telling you that we are not that interested in dealing with returning officers at this point.

MR. DICKSON: Okay. Well, the simple question is: are you indicating that your caucus – I'm not talking about the representatives but the undertaking to go back and consult with caucuses – has taken a position with respect to the two elements of a permanent returning officer in each constituency?

THE CHAIRMAN: I have just told you that our representatives from the PC Party on this committee are not interested in talking about returning officers at this point. So if you haven't changed your opinion, then I think probably this meeting is finished. Do you concur with that? Should we vote on Frank's motion first? I mean, we're not going anywhere here. We may as well shut her down.

MR. DICKSON: Well, Mr. Chairman, I think we have to vote on Frank's motion. It seems to me that the reason the amendments have been handed out in advance is so that we'd have a chance to read them, consider them, and vote on them. I don't require a clause-by-clause review of each of the sections. I think we move to the things we have an issue on. We vote on the package of amendments that are here. I don't see any reason why we're not going to be able to do that before 10:30.

THE CHAIRMAN: Okay. Well, that's fine. I'm going to lose some

members here, and if we're bogged down on debating for a length of time on returning officers, we'll never get through this thing. If the committee members have read it and don't care whether we go through it page by page or clause by clause with Peter, that's fine with me. If there's no further debate on Frank's motion, I'll have Diane read it, and we'll vote on Frank's motion.

MRS. SHUMYLA:

Moved by Mr. Bruseker that we have amendments that reflect the tenure of returning officers along with the amendments proposed by the Chief Electoral Officer in the fall of 1995.

THE CHAIRMAN: All those in favour? Opposed? Defeated.

So do you want to, Gary, just bring forth other changes that you would like to add to this draft legislation?

MR. DICKSON: Well, I've got a couple of specific concerns. Others may also have specific issues or questions or concerns. In terms of the ones I wanted to specifically ask about, the one provision has to do with phone numbers and the provision for what's going to be in the list. The proposal – let's see where the section is.

MR. PAGANO: Section 11(5), page 6, and then section 15 are the two provisions dealing with phone numbers.

MR. DICKSON: Okay. I've done some querying and some canvassing of not only people inside the caucus but outside the caucus, and the question comes up in terms of telephone numbers. I'm wondering whether we're able to have some input from Mr. Bob Clark, the Privacy Commissioner. My understanding, when we deal with this, is that the voters list is of benefit not to all Albertans; it's of benefit uniquely to people running for elected office and for political parties. Yet we're also in that same unique position that we pass the law; we decide what information is going to be disclosed. I mean, the other information in terms of address and surname and so on, I understand the purpose for securing those things. From discussions with the Privacy Commissioner here in Alberta and privacy commissioners in some other jurisdictions this has been a concern in other places. I'm wondering, Mr. Chairman, whether we've had some input from the Privacy Commissioner on this specific issue about telephone numbers in the two places that Mr. Pagano indicates that it comes up. I don't know whether there's been that kind of consultation, but I have that concern.

THE CHAIRMAN: Do you want to answer that, Peter?

MR. PAGANO: We did send a copy of this Act over to the Privacy Commissioner, and he did raise concern with the telephone number provision mainly in section 15, which requires it to be on the list of electors.

As far as the amendments to section 11(5) we could in subsection (6) just keep that information. Let's say section 15 didn't go ahead and we took out telephone numbers, then we could keep the provision in here on what's gathered as information, but it would only be able to be used for assisting in identifying purposes only, in the same way as birth date. So it wouldn't be made public at all. It's just information that would be kept. Since information's going to be gathered electronically, it's just another way of trying to ensure that you've identified the right person. But he did raise concerns with the telephone number.

MR. DICKSON: I guess my follow-up question, Mr. Chairman, then would be: did the Privacy Commissioner offer any what I might describe as compromising solutions, or is it simply an issue of either it's in the list or it's not? He thinks it should not be. Is that a fair

assessment?

THE CHAIRMAN: Well, if I may interrupt a little bit, I had a conversation with the Privacy Commissioner, too, with regards to this, and he thought that it was his job to raise the issue. He has some comfort level with it not being an option for people to have their phone number on the list that's available to electors and so on at election time. We are talking about smart cards in health and a lot of other things that are kind of necessary. The truth is that we get a phone book now and a list of electors or people running for office – here's one list and here's a telephone book – and we put them together. Bob Clark, certainly being a past politician, knows that that goes on, and he is raising it from the standpoint of raising it.

I've got Gary Friedel, and then back to Gary Dickson.

MR. FRIEDEL: I'm actually a little curious that you're raising it, Gary, because when it was discussed earlier, it was actually a member of your caucus that suggested it be included in the list. I don't think we had strong feelings about it one way or another. I think everybody recognized, just as the chairman has said, that simple logistics make it not that difficult to match up two side-by-side lists; i.e., an electors' list with a telephone book. I think there was some protection built in that it was at the option of the individual to have their name kept out of it, but, as I say, I am a little bit surprised because it was one of your members that suggested they include it.

MR. DICKSON: Mr. Chairman, the short answer to that is that since this thing has come out, I've been doing what I expect every committee member has been, and that's talking to people and getting input and getting a variety of views. You know, it doesn't matter who raised the thing. We're here to deal with it and to make decisions today, and we're now getting down to the point where we want to make sure any concerns are raised and discussed.

The difference with smart cards is that with the smart cards there's actually been a commitment from the Minister of Health that there be a privacy impact assessment. Why? Because, you know, privacy and efficiency often are competing interests, competing values, and to be able to do things absolutely the most efficient way would mean that you'd run roughshod over personal privacy every time. So it's a question of trying to balance the two competing interests.

There is a significant number of people who don't wish to have their telephone numbers appear on a voters list and don't wish to be asked to produce their telephone numbers. So my suggestion would be and I'll make the motion

that in section 15 on page 8 of the package that telephone numbers be deleted in terms of the other items that are included.

THE CHAIRMAN: Any discussion on the motion?

10:05

MR. WHELAN: Mr. Chairman, I'm just going to make a very brief comment. The genesis of the telephone number: it refers to voluntary. A person will not have to give their telephone number. Those that do will certainly be asked: "Is your telephone number publicly available? Are you in the telephone book?" If people say yes, and they don't have an objection, that it's already in the public domain – all this is doing is improving the list for use by candidates and parties and for the administration of the election.

If it offends very generally the principles of privacy, it's in the most accidental way, because the information is already public. Anybody who has an unlisted phone number is unlikely to give it for this purpose. So that's where he's coming from. Even if it isn't going to be available to parties or to electors, we would still want to have it to help us maintain the registry. So I just wanted to say that, because I know that in the three jurisdictions telephone numbers are

now being collected. For the by-elections federally, one of which I looked at recently, they were getting phone numbers, but they were not publishing them. In British Columbia they do get phone numbers, and they do publish them. The suggestion, which really came from this committee, was that for the purposes of campaigning, to properly inform candidates and to equip them, if this information could be made available by electors voluntarily, it would be of great help to all candidates, not just the Liberal candidates or the Conservative candidates but the COR Party and so on. So we left it there. I have said to Mr. Clark in our discussions that I do not really see this as a serious privacy issue.

THE CHAIRMAN: Okay. I've got Gary Friedel, then Peter Pagano, then Gary Severtson.

MR. FRIEDEL: As I said before, we spent a lot of time splitting this thing up. If the issue of whether or not the telephone number appears on the public list is going to make it or break it, I would even concede that we leave off the reference to telephone number. I have no big problem with that. I just find it a little bit amusing as to how it was raised, and now you're trying to suggest we take it off. If it's as simple as that, to get the damn thing going ahead, I would agree that you take it off.

MR. PAGANO: There are two issues: what goes into the register and what actually ends up public on the list of electors. I think those should be looked at separately. In addition, when the enumerator is asking for the information, they don't have to provide any information at all. No one's lost their right to vote by not providing the information as long as they meet the criteria of being 18, having lived in the province for six months, and a Canadian citizen. We could put in a clearer provision that any information provided is provided on a voluntary basis, that you're not required to provide.

THE CHAIRMAN: Okay. I think I'll call the question on this, if it's okay. All those in favour of Gary Dickson's motion? Opposed? Two to 2. Does that mean I vote?

MR. BRASSARD: That means you vote, Mr. Chairman.

THE CHAIRMAN: I'll vote against the motion.

MR. BRASSARD: Mr. Chairman, in that we've been here an hour and 10 minutes and this is the first issue that we've discussed relevant to the information in front of us, I'd like to make a motion. I'd like to move

that the Standing Committee on Leg. Offices recommend to the Legislative Assembly that the province of Alberta adopt the relevant laws, regulations, and procedures as outlined in this document entitled Proposals for Elections Amendment Act, 1996.

THE CHAIRMAN: Any discussion on Roy's motion? Gary.

MR. DICKSON: The other question I had had to do with the business of inmate voting. If someone can explain to me – I don't have the Corrections Act section 41(d) with me, and I see that in section 113(1)(c) there's the provision in terms of special ballots. My understanding had been that the voting now is only relative to people on remand, people who haven't been convicted. As I say, I don't have the Corrections Act. I'm assuming that everyone who's actually serving a custodial sentence in a provincial institution is disentitled under this Act from voting. Is that correct?

MR. PAGANO: That's my understanding, but I'd have to double-check that. It certainly hasn't changed. There's nothing in here that changes what the previous law was, but my understanding is that it's

just those in remand that are entitled.

MR. DICKSON: Yeah; okay. That's fine.

THE CHAIRMAN: Brian had a clarification on that.

MR. FJELDHEIM: Yeah. You're quite right: inmates are not allowed to vote in Alberta. However, those that are in halfway houses and on parole and so on are eligible.

MR. DICKSON: Mr. Chairman, I've raised this before, and I'd hoped that this would have been put to bed by now, but I still have a concern. I've watched at least three elections where people have taken out applications at the last minute for interlocutory injunctions to require a province or a government to enfranchise, and I've watched what I might describe as almost a circus going on. I don't want to see this happen in Alberta. I guess I'm looking for some assurance that we have a legal opinion and we have the advice of the Department of Justice that says that we're not vulnerable to a Charter challenge because of the current provisions in our Elections Act. Can I get that assurance from the Department of Justice?

MR. PAGANO: I can inquire of the Department of Justice. I don't have the legal opinion here.

MR. WHELAN: Mr. Chairman, very quickly on that point. The recent federal court decision I believe is now going to the Supreme Court of Canada, and it raises this issue. So we may get a very clear opinion, a Charter decision, with respect to that issue, Gary, from the Supreme Court of Canada.

The problem has been, as you well know, that the Supreme Court and various lower courts across the nation have disagreed with respect to the principle: should it be a two-year sentence or less, then you can vote; if it's longer, you can't. There's a certain type of sentence and so on. So we're waiting for the Supreme Court of Canada decision.

MR. BRASSARD: With due respect, Mr. Chairman, we're once again discussing something that is not in the document before us. So I would again call for the question on the motion.

THE CHAIRMAN: I'll indulge Gary Dickson again.

MR. DICKSON: Well, I'd point out that there's actually a provision in here, Mr. Brassard, page 14, that specifically addresses this. I'm asking for some clarification, and I'm going to indicate, Mr. Chairman, that I'm voting against the motion. I'm disappointed that I feel compelled to do that. I've always supported the idea of a universal voters' list, but I very much take offence at what I feel has been an attempt, at least on the part of some members of the committee, to ensure that we deal with only the issue that is of interest to those members instead of dealing with widespread reform. I think that the business of permanent returning officers was significant. Whether that was what started the whole process is, to me, beside the point.

I find that what we've seen this morning with the caucuses not being consulted, with people coming forward and saying that the agenda has been considerably narrowed, gives me concern. I don't think that's the spirit in which we started this process, and on that basis, Mr. Chairman, I'm with regret going to have to vote against the motion.

THE CHAIRMAN: Gary Friedel.

MR. FRIEDEL: I'm going to take exception to the words that you used, Gary, that we're only debating things that are "of interest" to

the members here. I don't think that's the case at all. We had originally started out attempting to bring a consensus agreement report to the Legislature. These issues that you've raised certainly are of interest but, I might add, are extremely contentious and, as such, do nothing more than bog down the process.

That was my concern at the beginning, and it's becoming more and more reinforced. We had hoped originally that those things that were going to be utterly contentious would be set aside for future debate with the hope of getting the prime intent carried forward hopefully into legislation this spring. I'm not sure if this is a deliberate stall tactic. I suspect that you have these concerns legitimately being advanced, but nonetheless it does have the lateral effect of stalling this legislation, and I can see that this is going to happen.

10:15

MR. BRASSARD: Question.

THE CHAIRMAN: All those in favour of Roy's motion? Opposed? It's 3 to 1.

I think maybe we will close the meeting. We'll try to maybe have some discussion after and see where we sit with this legislation and what our options are. So if it's acceptable to committee members, I'll ask for a motion to adjourn. Gary Friedel. All those in favour? Carried.

Thank you, gentlemen.

[The committee adjourned at 10:16 a.m.] Monday, April 15, 1996

[Chairman: Mr. Hierath]

THE CHAIRMAN: I would like to open the meeting by welcoming our guests this morning. We have Derm Whelan, the Chief Electoral Officer, Brian Fjeldheim and Bill Sage from the electoral office, and Peter Pagano, Legislative Counsel. Of course, gentlemen, we're here this morning to discuss the draft amendments to the Election Act. I think we'll start off this morning with a five-minute or so presentation with a few overheads from Derm Whelan, and then I'll ask Peter Pagano to go through the draft legislation clause by clause if that's okay with the members this morning.

Okay, Derm. I'll turn it over to you.

MR. WHELAN: Okay. Well, the thrust of the legislation is the creation of a register of electors, and I thought what I might do is just very briefly and quickly review the progress of this particular project. You will find that when you look at the legislation, the new part 2 that is recommended and which comprises the amendment is made up of three divisions: one dealing with the register, the second with the list of electors, and the third was the enumeration process.

All right. Now, let's just turn to the overview showing how this thing developed. Well, for the last year and a half we've been working on the concept of developing a register of electors, so it is simply a title page so to speak.

This has a little more meat. What is a register of electors? Well, basically it's an automated file or a computer data bank that has in it all eligible voters, those at the federal, provincial, and municipal levels hopefully. The register will be capable of being continuously updated from existing sources. It would be used to produce the preliminary list. We mean the list that would be immediately available when a writ of election was issued. It has the potential for use by other jurisdictions, meaning that it could be used for local government elections or municipal elections, and it might also be used for federal elections. So the concept of a register is an ongoing computer-based data bank that is kept up to date from existing sources and that is very quickly available for any electoral event.

There has been a fair amount of research ongoing over the last 18



to 20 months, and the conclusions are here to see. First, the register is feasible, and it should be pursued because of the economics. The funding implications are significant. The federal people expect that they can save \$40 million in every election, because they have to do a complete enumeration of the whole of Canada. We estimate that we can save \$2 million if we were talking about an ongoing enumeration every three or four years. For each enumeration we would save \$2 million, and over the long haul, meaning a decade to 15 years, the savings would be significant. Our estimate is between \$10 million and \$15 million.

There is support right across the country for the concept. There are – this is our purpose for being here today – significant legislative changes, but I might say that most of them, with respect at least to the enumeration process, have already been through this committee in the meeting on October 18 of last year.

Okay. How do we do this? Well, I want to say first of all that most of this research has been conducted with Elections Canada, and we have kept the privacy commissioners, both at the federal level and at the provincial level, informed of our progress. The figures under the events are the national figures. About one-tenth of these would represent Alberta.

To measure mobility, in other words when people move from one province to another or even change addresses, the best databases we've been able to identify – one already in the public sector is the provincial drivers' licences. Elections Canada think that they can effect changes to the Income Tax Act so that tombstone data only would be available: the name and the address of persons that moved. So this is one of the sources of the data that we've been talking about. Vital statistics would provide information on people who have died; provincial drivers' licences and Revenue Canada on people that reach the age of 18, and with respect to citizenship, because one must be a Canadian citizen under Alberta law and under Canadian law to vote, the citizenship files will provide that data.

Again, at the provincial level we would be thinking about provincial drivers' licences only. If the federal people are able to effect the changes with respect to tax data, tombstone information only, well, then we would look at that, but we're clearly convinced that we can keep the register in Alberta up to date from provincial drivers' licences, vital statistics, and some input from Citizenship and Immigration. We would also use voluntary activities like work at universities or schools to keep the register up to date.

The dotted line shows what happens to an enumeration or a register, because it is a kind of a register. If it is not maintained, it drops from roughly a hundred percent – it's never a hundred percent. Let's say that it's 95 percent accurate within three weeks after it's been produced. If it is not maintained, that accuracy will drop within five years to 40 percent. If it's maintained using the databases that I've been talking about, we feel that we'll keep it within 80 percent of that hundred it started with, and I think it'll be higher. It'll probably be in the order of 90 percent. At any rate, during the electoral event itself there will be time for people to correct their registration, et cetera. Further, from municipal elections and federal elections we would keep on getting updated information. So that's the result of the research.

So how it works, very quickly, is we build it through another enumeration. The cylinder is maybe thought of as the mainframe or the memory in a computer where the database is kept. So through electoral events – federal, provincial, and municipal – we would use the register and feed that information through our administrative sources back into the register on an ongoing basis. The cycle of use would help us to maintain it also. So this is how it would work. We build the database to start with through one more enumeration, and then we maintain it through its use and through the administrative sources described.

I can put any of these back up if you would like to see them again for questions.

Time frames. Well, our time line is very tight on this. You'll remember that our report, which, by the way, has received some very laudatory praise from many different quarters, from IFES, the International Foundation for Electoral Systems, from an election administrative report where it has been written up, is seen as a model for other jurisdictions to follow around the world. You see that we completed our report, drafted our legislation, got into the administrative arrangements. We're talking about partnerships with Canada. We're sort of getting towards having in view being ready to go on to put the procedures in place for the next enumeration. That overlaps with the building of the register going into the future.

So that's our time line. It's a pretty tight time line in terms of the legislative change, because if possible and if the Legislature agrees, we need it to sort of coincide with the federal changes. So the window, the opportunity is there for, I say, the 1997 election. I mean, the election could be earlier of course. I would guess – it would be an educated guess; I think I have a pretty good political nose – that the next federal election will be in 1997, as will be the next provincial election, and we know that the municipal elections will be in 1998. So it's the opportune time.

Mr. Chairman, that's really all I want to say unless people have questions.

9:15

THE CHAIRMAN: Okay. I think what we'll do here is use Derm and his staff to answer any questions from the committee as we go through the proposed amendments, if that's okay with committee members. We can get bogged down here with some general things, but the purpose of this meeting is to deal with the proposed draft legislation.

MR. BRASSARD: Just very briefly I'd ask Derm if he would like to introduce his guest from Kiev first of all.

MR. WHELAN: Yes. Of course. Irina Khromenko is the lady standing. She's with the Christian Democratic Party in Kiev. She is in charge of, as I understand it, committees responsible for women's affairs and international relations with that party. So her trip here in Canada, her study session, is funded by the Canadian Association of Universities and Colleges and also by the Ukrainian institute of Canada.

MR. BRASSARD: Secondly, I think a copy of those slides would be beneficial to the members of the committee. Very briefly, can you tell me how your 80 percent figure at the end compares with the current practice? You said that the 80 to 90 percent can be brought up to speed for an election. How does that compare with routine practice? How much do you have to correct after . . .

MR. WHELAN: Well, our estimate is that the enumeration process never gets a list of electors much more accurate than 80 to 85 percent. There's very little change.

MR. BRASSARD: Okay. Good. That's all I need.

MR. WHELAN: The people get added during the electoral process itself.

MR. BRASSARD: Yeah.

MR. WHELAN: They would swear in on polling day, or they come for revision during the election.

MR. BRASSARD: Good. That's it, Mr. Chairman.

THE CHAIRMAN: Okay.

MR. DICKSON: Just a timing issue, Mr. Chairman. I'm wondering about how long this is going to take, the presentation. Having gone through the package that was distributed and past minutes, there are some things that aren't in there that I wanted to raise and that I think are going to warrant some significant discussion. So if I can get a sense of how long it's going to take to do the section-by-section review. Since we've got a short meeting this morning, I just don't want to be in a situation where, when we get to the things that are maybe more contentious or problematic, we find we're short of time.

THE CHAIRMAN: Well, we're here to go over the draft legislation, so the time will, you know, certainly be up to the members. As we're going through it, Gary, we'll have discussion, and if there is a spot where your points would be added to the draft legislation, I think it would be appropriate for you to bring it up at that time; don't you?

MR. DICKSON: Okay.

THE CHAIRMAN: Okay.

I will turn it over to Peter Pagano then.

MR. PAGANO: Thank you very much, Mr. Chairman. I'll take you through section by section. The first change is that they added a new definition of "elected local authority," and that ties in with provisions later on where this arrangement of exchange of election information can be made between the province and the local authorities.

In clause (b) we're amending clause (f.1). This is in the definition of elector. In that definition it references an October 1 date, and that's tied to when generally there were enumerations. Since enumerations under the new amendments can be flexible and not as of specific dates, I've just made the consequential change, if you want to call it that.

Clause (g). I've just redefined it. As far as I'm concerned, there's no change in effect. Clause (g.1). Previously it was a definition of "enumeration year," and we don't use that term any longer. So I've defined "enumeration" as being "an enumeration of electors under Part 2, Division 3" of this Act.

The definition of "enumerator." [Not recorded] revised list of electors, and actually I don't even think that happens now and certainly under the new process they wouldn't be going to that extent.

The repeal of clause (i). This was a reference to the term "general enumeration." Again that term isn't used.

Clause (j.1) is a redefinition of "list of electors." Again I don't see any change in substance there.

The definition of a "polling subdivision." Currently it has a reference in there, "so designated by the returning officer." The process we've built into here is that the polling divisions and subdivisions are really going to be worked on between the Chief Electoral Officer in consultation with the returning officers. I just took out that term. It really wasn't necessary.

The definition of "registered" is a new term. "Registered constituency association" was formerly in section 16(1), and I moved it into the definition section because it's used in a couple of other provisions.

The repeal in clause (u) is a definition of "special enumeration," and again that's a term that is not going to be used any longer.

"Subdivision" has been redefined in the same manner as polling subdivision by deleting "so designated by the returning officer."

In part 2 the determination of residency was formerly in section

24, and I just moved it to the definition section. Again it's used in provisions other than in section 24.

That takes us to that set of amendments on the definitions.

The next amendment amends section 4, and I've just added references to the other legislation that requires the Chief Electoral Officer or at least lists of electors. Actually, this probably isn't really necessary in terms of what we're doing here.

The amendment to section 4(3) is just striking out the reference to "general enumeration" and substituting "enumeration." Then we're adding a reference to "referendum" after "by-election," again just to tie in the fact that we have a couple of pieces of referendum legislation that this Act could apply to.

The amendment to section 7. The first amendments actually refer again to the referendum legislation.

The amendment to (3)(a). This is a provision that says "on the direction of the Chief Electoral Officer." We're adding that the review of polling divisions and returning officers shall be "on the direction of the Chief Electoral Officer."

MR. DICKSON: Mr. Chairman, with respect to section 4, the provision that outlines the responsibilities of the Chief Electoral Officer, we've talked before about the prospect of returning officers being appointed on a standing basis rather than on an ad hoc basis. The question was: who would do that? I thought the argument that had been made – and we discussed it before – was a compelling one that we completely depoliticize the appointment of returning officers and in fact have that responsibility done by discharge by the Chief Electoral Officer and to get out of the LG in Council. This I guess would be the appropriate place to raise that, because we're talking about what the Chief Electoral Officer does. I thought that at a time when we're embarking on what's a pretty exciting, bold new initiative in terms of enumeration, we have a chance to remedy this other area and I think improve it by changing the process and having the Chief Electoral Office responsible for recruitment of the people that he or she is then going to supervise in the field, train, and so on. I'd like to see that added as an additional responsibility under section 4, the Chief Electoral Officer.

I think it's section 7(1) in the existing Act that provides that "the Lieutenant Governor in Council may appoint a returning officer for each electoral division." My proposal would be that either we do it in section 4 or in section 7, but the point, I think, is clearly that we depoliticize that key appointment. If we're going to hold the Chief Electoral Officer's feet to the fire in terms of whether the elections machinery works the way it should work, then I think we also have to be prepared to give the Chief Electoral Officer the power to install the people that he or she is going to supervise.

THE CHAIRMAN: Gary Severtson.

9:25

MR. SEVERTSON: Thank you, Mr. Chairman. In reference to Mr. Dickson's comments I thought we dealt with that earlier, that this committee decided to leave it the way it is and that's why we came forward with the draft the way it is now. I thought we'd previously had that discussion, and this committee decided not to go that way, Gary.

MR. DICKSON: I was looking through the minutes, and my understanding is that we had had a discussion about it, but the thing had not been resolved in terms of a decision and a vote. Now, I stand to be corrected if in fact that happened, but my recollection is that we had the discussion. It was one of a number of things that was deferred because our main focus seemed to be on the list itself and the idea of the joint project. Now, if in fact we had the vote, I

don't recall that, so I'm inviting anybody to point that out to me. I remember the discussion but no resolution of it.

THE CHAIRMAN: You're right. We didn't have a vote, Gary; we had a discussion. If we want to have a further debate here about that issue and then have a vote, if that's what your wish is.

MR. WHELAN: Mr. Chairman, when we were drafting this amendment, we deliberately left that issue aside. It was deliberately left aside because I did not feel that the matter had been fully discussed in the committee or that the caucuses of the respective parties had been involved. So because there's such a tight window with this, Gary, I thought we'd just come forward with the register and the things connected with the register and leave the other issue on the table until it can be fully dealt with. That was my thinking. I'm sure there was no vote on the matter, not to my recollection. I agree with you that there wasn't. I think it's such a possibly contentious issue that it perhaps ought to be left to stand on its own, Gary, rather than sort of maybe thwart this opportunity.

I don't know if that's helpful, Mr. Chairman.

MR. FRIEDEL: That probably says very much what my feeling was. We did discuss this issue of a continuing term of office for a returning officer. I was fairly – very, I guess, would be a better term – opposed to the idea of having a returning officer appointed on an ongoing basis because I think there's always the danger that whether they're paid or unpaid, you tend to fill the void of available time with things to do, and these things just add to the complexities of both the office and the legislation here.

I think Derm's comment about leaving it aside for the time being was very valid, because if we are going to move to this new concept of a perpetual enumeration, if we start adding some of these contentious issues, it would possibly be very difficult to push through. I'm not sure that it adds or detracts from the proposed legislation, but the importance of changing the legislation I think is paramount here. I can certainly see where we could be getting into some disagreement, to say the least, on that issue.

MR. BRASSARD: My comments almost mirror Gary's. I think that given the time line we're on and the focus of this being on enumeration, perhaps we could make a note of some of the issues, such as the one Mr. Dickson brought up, and bring them back at a future date for a minor amendment to the Election Act.

MR. DICKSON: I guess two comments, and the one would be that actually Gary Friedel raises a somewhat different issue. I remember Roy Brassard making a pretty compelling argument, when we discussed this before, about the value of a standing position, about a permanent or semipermanent returning officer, and that made good sense. Gary raises really sort of the collateral question, whether that should happen at all. I thought the one thing we hadn't agreed on last time was who would do the appointment, Mr. Chairman.

I guess the other thing: I respect the concern that it may be somewhat more contentious, but in my short experience in the Legislature we don't get around to reopening these Bills very often. Once you get in and do a major revision to an existing statute, there's little interest in going back to then make some other adjustments the following year or the next session. As I say, in my short experience, if you're going to open up a Bill to make as major a change as what we're talking about here, then you darn well want to make sure that you come out of it with the best Bill you can and address all of the changes, because the other ones simply aren't going to get dealt with.

Then I guess the final thing would just be this. It seems to me that if we're embracing such a major change that's going to be so fundamentally different from what we've done in the past, I'd come

back and say again: how can we hold the Chief Electoral Officer fully accountable? How can we measure whether this thing is working or not and determine whether it's the system and give it a fair shake if the man running the show really doesn't have that kind of control over the people implementing it?

So to focus the thing, I'd propose a motion, Mr. Chairman, and I can do it either now or when we get to section 7. It would basically be a recommendation to the Legislative Assembly that it be the Chief Electoral Officer that appoints the returning officers rather than the Lieutenant Governor in Council. My understanding is that the provision we're going to look at in a while would contemplate standing returning officers, so I thought the key issue was really one of who makes the appointments. So I'd make that motion now, Mr. Chairman.

THE CHAIRMAN: Okay. Any further people speaking on the motion? Gary Friedel.

MR. FRIEDEL: Yeah. My comments could be speaking to the motion as well as earlier, and it's just going to be a comment. My understanding is that we were proposing to get much of the issues cleaned up here today because we were attempting to deliver this through the Miscellaneous Statutes Amendment Act. Now, I'm not sure what's transpired in the last couple of weeks, whether this is going to go through by itself. In the interest of time and hopefully because we're going to actually be debating it line by line, the reason that Peter Pagano is here today is that we were going to come to some consensus. The fact that we had agreed to take the document back to our respective caucuses and come here with some kind of a consensus to expedite this process – obviously, now we're going to change it, and I see great difficulty. If we start making changes like this, I doubt we're even going to be able to introduce it in the spring Legislature.

THE CHAIRMAN: If I might make a comment. From my understanding, Gary, we took it forward to our caucus – was that two weeks ago? – after leg. review. The Liberals haven't done that yet.

MR. DICKSON: We have.

THE CHAIRMAN: Oh, did you? Okay.

MR. DICKSON: Oh, yes. I'm sorry. When I've spoken, I'm representing a caucus view. We did take it back. We have had a full discussion on it.

9:35

MR. BRUSEKER: The proposed amendments that were brought forward by the Chief Electoral Officer, both in terms of the issue before us now as well as the issue of returning officers, have been discussed in our caucus and supported.

THE CHAIRMAN: The draft legislation that I gave to you at the end of the session before the Easter break, have you discussed that with your caucus?

MR. BRUSEKER: Not the draft legislation in detail. It was more the draft version 1 – I'm not sure exactly – that was produced by the Chief Electoral Officer six months ago now, I would hazard a guess, or so. So we dealt more with the concepts, Mr. Chairman, rather than the specific line-by-line amendments.

THE CHAIRMAN: Right.

MR. BRASSARD: With no reflection on the validity of Mr. Dickson's motion, Mr. Chairman, I think we're here to review the legislation that's before us. As I said earlier, given the time lines we have, I think we should focus on that, and I'd speak against the motion.

THE CHAIRMAN: Is there any further discussion on Gary Dickson's motion?

I'll call for the question. All those in favour of the motion as presented? Opposed? Defeated.

If I might just say a little bit further – or maybe Peter would like to make a comment with regards to the miscellaneous statutes amendments. Do you want to just inform the committee as to your feelings and probably the route that these amendments may go through the Legislature?

MR. PAGANO: It's my recommendation not to embody these in the Miscellaneous Statutes Amendment Act itself. If it's agreed to put it in as a separate Bill but following the same process as miscellaneous, I think it would just get buried in that Act. I don't think something like this should be put in there. There's no reason why the same process as we've done with miscellaneous – that's certainly a possibility. We've done that with other legislation. The Arbitration Act, the opposition agreed on that one in advance, and the Bill went in. So we have some precedents for doing it that way. As I say, my view is that it's important enough, but it should be a stand-alone. Certainly there's no reason – if both parties agree, it could follow the same process as miscellaneous.

MR. FRIEDEL: What Peter says makes eminent sense, that it's a significant issue and it could carry on its own. The concept of the process of miscellaneous statutes amendment, which is something that is agreed on in advance, whether it's by negotiations between the two caucuses or in this case the committee – the idea is to go through a fairly extensive review process so that doesn't have to have protracted and duplicate debate in the Legislature, is what we were doing here.

Now, I'm sensing that this may end up getting derailed very quickly if there is some contention to the issues. Then I guess I would be somewhat disappointed because we spent a lot of hours both as this committee and as a subcommittee of this committee with the hope of getting some consensus. If we are going to run into issues and then make the same arguments, which are obviously in *Hansard* now, I see that we just spun our wheels and wasted a lot of time.

MR. DICKSON: I just want to make a general observation. It seems to me the opposition members had supported and in fact had pressed for the idea of this kind of a universal standing voting list right from the time the thing was first raised, but I think it's also important to state that this isn't the question of raising issues that are new to this committee. If all members will remember, there was a package of proposals that had come forward. We had talked and some we'd agreed to defer and take back to our caucuses. To me this is the appropriate place to come back now and raise those issues. I'm not sure whether my friend from Peace River – the implication I get from his comments is that somehow we've made some conscious decision that of the three or four major proposals that have come forward and have been discussed in this committee suddenly we've shed all but one and have decided that we're going to fast track one of these reforms and ignore the others. We'd never made that decision as a caucus.

MR. BRUSEKER: Or as a committee.

MR. DICKSON: Or as a committee. My hope would be that as long as we're still focused on the reform package members feel free to raise those issues, discuss them in this committee so that we can hopefully achieve a unanimous recommendation to the Assembly. That's what I thought we've been about since the start. But I just want to reiterate: there are no new issues being raised here. It's simply wishing to not dodge or procrastinate on some of the other reforms that have come forward.

THE CHAIRMAN: Well, there's been a vote on this motion, so what are the wishes of the committee? Do we carry on with Peter Pagano through the draft legislation?

MR. BRASSARD: Carry on. Move on.

THE CHAIRMAN: Proceed, Peter, please.

MR. PAGANO: That takes us to part 2.

MR. BRUSEKER: Are we finished with section 7 then?

MR. PAGANO: I thought I went through it before, but I'll take you through it again.

MR. BRUSEKER: Well, I'm just wondering, Mr. Chairman. My colleague Gary Dickson raised one issue with respect to who makes the appointment, but the other issue, though, raised earlier on by the Chief Electoral Officer was the issue of the potential tenure of some kind of the returning officers. I look at the current section 7(3). The responsibilities that are there – “keep himself informed and knowledgeable of the requirements of all relevant legislation,” “advance plans and preparations,” “review polling subdivision boundaries,” and so on – imply an ongoing task. I'm wondering if we shouldn't see some amendment to include tenure of some type of the returning officer, regardless of who does the appointing. There is an ongoing task, and I think the issue of tenure is something that should be discussed at this point as well. So I guess maybe I'd like to make a motion that we would have some amendments with respect to tenure of the returning officers included at this point along the lines of the amendments proposed by Chief Electoral Officer in the fall of 1995.

MR. BRASSARD: I have a difficulty, Mr. Chairman. Once again we're getting into issues that are not relevant to this perpetual enumeration list. I think what we need to do, without any reflection, as I say, on the validity of the concerns, is make a note of those that are not dealing with this perpetual enumeration and bring them back to a future meeting. But if we go through this entire document raising peripheral issues, we're going to be here all day and part of tomorrow. So I would request that you keep us confined to the task at hand and we go through this process of evaluation of this enumeration list.

MR. DICKSON: Well, maybe we should cut to the chase, Mr. Chairman, and ask for an indication of the position that the Conservative caucus has taken on the issues of tenure for returning officers. That was what each of us had undertaken to do, and I haven't heard any indication. It's been indicated that the opposition caucus considered, debated, and accepted those other key recommendations.

I don't understand how it is that this single recommendation has suddenly been elevated to the most important one. I'd say with respect to my friend from Olds-Didsbury that the other amendments seem equally valid, equally important. When did we as a committee

decide that suddenly the other two had sort of fallen off the table and off the agenda and the only focus is this? If you look at the agenda, what it says is "Proposals for an Election Amendment Act." It doesn't say that we're dealing uniquely, specifically, and exclusively with this idea of a standing voters list.

9:45

MR. FRIEDEL: I was going to comment first, but I'm going to answer, I think, the question that you raised on this, Gary. The proposal that was taken to the caucuses was the original report and then the draft that came out of this. I don't think issues outside of the proposal were specifically to be taken for either consent or position by the caucuses. If you chose to do that, so be it, but this was not something that we even brought back to our caucus because it was not voted on or intended to be part of the process. I know we discussed it, and at the time I expressed some serious concern about it. I have not changed my mind about it. I am not going to repeat what I just said a couple of minutes ago, because it's already in *Hansard*. I'm opposed to the concept, and if we're going to turn this into another protracted debate, I'm starting to see that either we've wasted a lot of time over the last eight to 10 months or we're going to waste a bunch in the future by repeating it. I'm opposed to the concept now, and I will remain opposed to it.

MR. SEVERTSON: Mr. Chairman, I feel that what's brought forward in the draft legislation, which was basically brought forward by the Chief Electoral Officer, is what this committee generally agreed to in principle and other issues that we were discussing earlier are areas where we had some discussion. I guess I was wrong. We didn't have a vote on it, and we didn't have an agreement on it. So the Chief Electoral Officer in my mind has brought forward what was agreed to by this committee, and that is so we could move forward with legislation generally for a permanent voters list. The other issues that we haven't agreed to aren't in the draft legislation, and I agree with the Member for Peace River that if we're going to continue on, we're not going to get through this. We've got 22 pages of legislation, and we're only on the definition. We're not going to get through; we're not going to get a permanent list done this year.

Earlier comments from the Member for Calgary-Buffalo—I've had two terms here and this is the second time this Act has come before the Legislature. It has come forward every time I've been here. So I think there'll be opportunity to review this further and debate it in the Legislature.

MR. WHELAN: I concluded some time ago, if I can paraphrase without misquoting, with respect to the issue of returning officers, that I should lie down and rest a while. The issue is not dead, but I should leave it and bring it forward at a later time. This issue is much more important, in terms of the funding implications. The recommendations I made with respect to returning officers are on the table and can be revisited at any time, but in my discretion I decided that the issue of the register was important enough to bring forward on its own, which is what we did. Earlier in October of 1995, I think, it was the concept of the register that we were reviewing, and we reviewed that line by line. So I stuck with that particular issue. In the long term, of course, I would look forward to other amendments to the Election Act, but I would hate to see this particular issue fall overboard at this time, and it is this specific matter that I brought forward, Gary. It's not that I disagree with what you've said, but the practicality of it is that maybe we ought to try and do one part of this at a time and revisit the I say contentious issue—because I believe it is a contentious issue—later.

I might say that we have made a fair amount of progress with respect to returning officers. Every person who is now being

considered is interviewed by my office, and unless we agree that the person is competent, the name doesn't move forward. That has occurred twice now with respect to the by-elections, and we're preparing to do the same thing for returning officers generally. So through a policy we're making some progress. But I would hate to see this getting shunted to the side now because of the other issue. I would regard it as part and parcel of an important change in the Election Act. The register need not fail to be considered simply by the splitting of that particular hair.

So I would urge you, members of the committee, to consider the financial implications of this, the short time frame in the Legislature that's available, and to consider what I've brought forward. This is the immediate issue, the register, and we will have to leave the other issue to a later time, Mr. Chairman. I don't know if that's helpful, but that's where we're coming from as professionals.

THE CHAIRMAN: Thanks, Derm. My recollection of this issue was that the whole debate started with enumerations and the cost of enumerations. We amended the Act so that enumerations didn't have to take place two years after a general election. The whole debate started over the efficient delivery of government services and developing a subcommittee of Gary Friedel, Frank, and Roy on developing a permanent list or a registry of electors. The returning officers was one of those issues that was part of it, but it wasn't the thing that started this by any stroke of the imagination, in my mind. So I agree with Derm. Our caucus has the feeling that the returning officers should be left as they are at this point. If the Liberal caucus is not of that mind, I guess that by wanting to include it in the Election Act, then we probably would end up debating it in the Legislature for a period of time and would lose the opportunity to save money with the registries in piggybacking the federal government. It would be a shame, in my mind, if we did that.

I've got Gary Friedel, and then Gary Dickson.

MR. FRIEDEL: I just wanted to emphasize what I thought was the understanding. We discussed an assortment of issues which Derm and members of his staff brought to us I guess about a year or so ago. The concept was that we would take forward what we could agree on, and I assumed that those things that were going to be contentious, we would lay aside in the interest of moving this perpetual registry, or whatever the formal name of it is, in a consensus agreement process.

My first comments at this morning's meeting sensed that we were going to get bogged down on a considerable amount of repeated debate. I'm becoming more and more convinced that that's what's going to happen now. Unfortunately, I agreed to come to the meeting by rearranging my schedule and sandwiching it between two other meetings, and I have to leave here probably in less than 10 minutes. As Gary Severtson said, we've just barely got past the definitions. So I think my original vision of what was going to happen is turning into a reality, and we're probably going to end up piddling away enough time that we're not even going to get this into the legislation agenda this year.

MR. DICKSON: Before you spoke a moment ago, Mr. Chairman, I had understood from Gary Friedel that the Conservative caucus hadn't considered the two elements with respect to returning officers: one, permanent returning officers and then, secondly, appointment by Lieutenant Governor in Council or by Chief Electoral Officer. I understood you a moment ago, Mr. Chairman, to say in fact that the government caucus had considered this issue. Could you just clarify for me?

9:55

THE CHAIRMAN: Gary, what our members are doing is representing our caucus. I'm telling you that we are not that

interested in dealing with returning officers at this point.

MR. DICKSON: Okay. Well, the simple question is: are you indicating that your caucus – I'm not talking about the representatives but the undertaking to go back and consult with caucuses – has taken a position with respect to the two elements of a permanent returning officer in each constituency?

THE CHAIRMAN: I have just told you that our representatives from the PC Party on this committee are not interested in talking about returning officers at this point. So if you haven't changed your opinion, then I think probably this meeting is finished. Do you concur with that? Should we vote on Frank's motion first? I mean, we're not going anywhere here. We may as well shut her down.

MR. DICKSON: Well, Mr. Chairman, I think we have to vote on Frank's motion. It seems to me that the reason the amendments have been handed out in advance is so that we'd have a chance to read them, consider them, and vote on them. I don't require a clause-by-clause review of each of the sections. I think we move to the things we have an issue on. We vote on the package of amendments that are here. I don't see any reason why we're not going to be able to do that before 10:30.

THE CHAIRMAN: Okay. Well, that's fine. I'm going to lose some members here, and if we're bogged down on debating for a length of time on returning officers, we'll never get through this thing. If the committee members have read it and don't care whether we go through it page by page or clause by clause with Peter, that's fine with me. If there's no further debate on Frank's motion, I'll have Diane read it, and we'll vote on Frank's motion.

MRS. SHUMYLA:

Moved by Mr. Bruseker that we have amendments that reflect the tenure of returning officers along with the amendments proposed by the Chief Electoral Officer in the fall of 1995.

THE CHAIRMAN: All those in favour? Opposed? Defeated.

So do you want to, Gary, just bring forth other changes that you would like to add to this draft legislation?

MR. DICKSON: Well, I've got a couple of specific concerns. Others may also have specific issues or questions or concerns. In terms of the ones I wanted to specifically ask about, the one provision has to do with phone numbers and the provision for what's going to be in the list. The proposal – let's see where the section is.

MR. PAGANO: Section 11(5), page 6, and then section 15 are the two provisions dealing with phone numbers.

MR. DICKSON: Okay. I've done some querying and some canvassing of not only people inside the caucus but outside the caucus, and the question comes up in terms of telephone numbers. I'm wondering whether we're able to have some input from Mr. Bob Clark, the Privacy Commissioner. My understanding, when we deal with this, is that the voters list is of benefit not to all Albertans; it's of benefit uniquely to people running for elected office and for political parties. Yet we're also in that same unique position that we pass the law; we decide what information is going to be disclosed. I mean, the other information in terms of address and surname and so on, I understand the purpose for securing those things. From discussions with the Privacy Commissioner here in Alberta and privacy commissioners in some other jurisdictions this has been a concern in other places. I'm wondering, Mr. Chairman, whether we've had some input from the Privacy Commissioner on this

specific issue about telephone numbers in the two places that Mr. Pagano indicates that it comes up. I don't know whether there's been that kind of consultation, but I have that concern.

THE CHAIRMAN: Do you want to answer that, Peter?

MR. PAGANO: We did send a copy of this Act over to the Privacy Commissioner, and he did raise concern with the telephone number provision mainly in section 15, which requires it to be on the list of electors.

As far as the amendments to section 11(5) we could in subsection (6) just keep that information. Let's say section 15 didn't go ahead and we took out telephone numbers, then we could keep the provision in here on what's gathered as information, but it would only be able to be used for assisting in identifying purposes only, in the same way as birth date. So it wouldn't be made public at all. It's just information that would be kept. Since information's going to be gathered electronically, it's just another way of trying to ensure that you've identified the right person. But he did raise concerns with the telephone number.

MR. DICKSON: I guess my follow-up question, Mr. Chairman, then would be: did the Privacy Commissioner offer any what I might describe as compromising solutions, or is it simply an issue of either it's in the list or it's not? He thinks it should not be. Is that a fair assessment?

THE CHAIRMAN: Well, if I may interrupt a little bit, I had a conversation with the Privacy Commissioner, too, with regards to this, and he thought that it was his job to raise the issue. He has some comfort level with it not being an option for people to have their phone number on the list that's available to electors and so on at election time. We are talking about smart cards in health and a lot of other things that are kind of necessary. The truth is that we get a phone book now and a list of electors or people running for office – here's one list and here's a telephone book – and we put them together. Bob Clark, certainly being a past politician, knows that that goes on, and he is raising it from the standpoint of raising it.

I've got Gary Friedel, and then back to Gary Dickson.

MR. FRIEDEL: I'm actually a little curious that you're raising it, Gary, because when it was discussed earlier, it was actually a member of your caucus that suggested it be included in the list. I don't think we had strong feelings about it one way or another. I think everybody recognized, just as the chairman has said, that simple logistics make it not that difficult to match up two side-by-side lists; i.e., an electors' list with a telephone book. I think there was some protection built in that it was at the option of the individual to have their name kept out of it, but, as I say, I am a little bit surprised because it was one of your members that suggested they include it.

MR. DICKSON: Mr. Chairman, the short answer to that is that since this thing has come out, I've been doing what I expect every committee member has been, and that's talking to people and getting input and getting a variety of views. You know, it doesn't matter who raised the thing. We're here to deal with it and to make decisions today, and we're now getting down to the point where we want to make sure any concerns are raised and discussed.

The difference with smart cards is that with the smart cards there's actually been a commitment from the Minister of Health that there be a privacy impact assessment. Why? Because, you know, privacy and efficiency often are competing interests, competing values, and to be able to do things absolutely the most efficient way would mean that you'd run roughshod over personal privacy every time. So it's a question of trying to balance the two competing interests.

There is a significant number of people who don't wish to have their telephone numbers appear on a voters list and don't wish to be asked to produce their telephone numbers. So my suggestion would be and I'll make the motion

that in section 15 on page 8 of the package that telephone numbers be deleted in terms of the other items that are included.

THE CHAIRMAN: Any discussion on the motion?

10:05

MR. WHELAN: Mr. Chairman, I'm just going to make a very brief comment. The genesis of the telephone number: it refers to voluntary. A person will not have to give their telephone number. Those that do will certainly be asked: "Is your telephone number publicly available? Are you in the telephone book?" If people say yes, and they don't have an objection, that it's already in the public domain – all this is doing is improving the list for use by candidates and parties and for the administration of the election.

If it offends very generally the principles of privacy, it's in the most accidental way, because the information is already public. Anybody who has an unlisted phone number is unlikely to give it for this purpose. So that's where he's coming from. Even if it isn't going to be available to parties or to electors, we would still want to have it to help us maintain the registry. So I just wanted to say that, because I know that in the three jurisdictions telephone numbers are now being collected. For the by-elections federally, one of which I looked at recently, they were getting phone numbers, but they were not publishing them. In British Columbia they do get phone numbers, and they do publish them. The suggestion, which really came from this committee, was that for the purposes of campaigning, to properly inform candidates and to equip them, if this information could be made available by electors voluntarily, it would be of great help to all candidates, not just the Liberal candidates or the Conservative candidates but the COR Party and so on. So we left it there. I have said to Mr. Clark in our discussions that I do not really see this as a serious privacy issue.

THE CHAIRMAN: Okay. I've got Gary Friedel, then Peter Pagano, then Gary Severtson.

MR. FRIEDEL: As I said before, we spent a lot of time splitting this thing up. If the issue of whether or not the telephone number appears on the public list is going to make it or break it, I would even concede that we leave off the reference to telephone number. I have no big problem with that. I just find it a little bit amusing as to how it was raised, and now you're trying to suggest we take it off. If it's as simple as that, to get the damn thing going ahead, I would agree that you take it off.

MR. PAGANO: There are two issues: what goes into the register and what actually ends up public on the list of electors. I think those should be looked at separately. In addition, when the enumerator is asking for the information, they don't have to provide any information at all. No one's lost their right to vote by not providing the information as long as they meet the criteria of being 18, having lived in the province for six months, and a Canadian citizen. We could put in a clearer provision that any information provided is provided on a voluntary basis, that you're not required to provide.

THE CHAIRMAN: Okay. I think I'll call the question on this, if it's okay. All those in favour of Gary Dickson's motion? Opposed? Two to 2. Does that mean I vote?

MR. BRASSARD: That means you vote, Mr. Chairman.

THE CHAIRMAN: I'll vote against the motion.

MR. BRASSARD: Mr. Chairman, in that we've been here an hour and 10 minutes and this is the first issue that we've discussed relevant to the information in front of us, I'd like to make a motion. I'd like to move

that the Standing Committee on Leg. Offices recommend to the Legislative Assembly that the province of Alberta adopt the relevant laws, regulations, and procedures as outlined in this document entitled *Proposals for Elections Amendment Act, 1996*.

THE CHAIRMAN: Any discussion on Roy's motion? Gary.

MR. DICKSON: The other question I had had to do with the business of inmate voting. If someone can explain to me – I don't have the Corrections Act section 41(d) with me, and I see that in section 113(1)(c) there's the provision in terms of special ballots. My understanding had been that the voting now is only relative to people on remand, people who haven't been convicted. As I say, I don't have the Corrections Act. I'm assuming that everyone who's actually serving a custodial sentence in a provincial institution is disentitled under this Act from voting. Is that correct?

MR. PAGANO: That's my understanding, but I'd have to double-check that. It certainly hasn't changed. There's nothing in here that changes what the previous law was, but my understanding is that it's just those in remand that are entitled.

MR. DICKSON: Yeah; okay. That's fine.

THE CHAIRMAN: Brian had a clarification on that.

MR. FJELDHEIM: Yeah. You're quite right: inmates are not allowed to vote in Alberta. However, those that are in halfway houses and on parole and so on are eligible.

MR. DICKSON: Mr. Chairman, I've raised this before, and I'd hoped that this would have been put to bed by now, but I still have a concern. I've watched at least three elections where people have taken out applications at the last minute for interlocutory injunctions to require a province or a government to enfranchise, and I've watched what I might describe as almost a circus going on. I don't want to see this happen in Alberta. I guess I'm looking for some assurance that we have a legal opinion and we have the advice of the Department of Justice that says that we're not vulnerable to a Charter challenge because of the current provisions in our Elections Act. Can I get that assurance from the Department of Justice?

MR. PAGANO: I can inquire of the Department of Justice. I don't have the legal opinion here.

MR. WHELAN: Mr. Chairman, very quickly on that point. The recent federal court decision I believe is now going to the Supreme Court of Canada, and it raises this issue. So we may get a very clear opinion, a Charter decision, with respect to that issue, Gary, from the Supreme Court of Canada.

The problem has been, as you well know, that the Supreme Court and various lower courts across the nation have disagreed with respect to the principle: should it be a two-year sentence or less, then you can vote; if it's longer, you can't. There's a certain type of sentence and so on. So we're waiting for the Supreme Court of Canada decision.

MR. BRASSARD: With due respect, Mr. Chairman, we're once again discussing something that is not in the document before us. So I would again call for the question on the motion.

THE CHAIRMAN: I'll indulge Gary Dickson again.

MR. DICKSON: Well, I'd point out that there's actually a provision in here, Mr. Brassard, page 14, that specifically addresses this. I'm asking for some clarification, and I'm going to indicate, Mr. Chairman, that I'm voting against the motion. I'm disappointed that I feel compelled to do that. I've always supported the idea of a universal voters' list, but I very much take offence at what I feel has been an attempt, at least on the part of some members of the committee, to ensure that we deal with only the issue that is of interest to those members instead of dealing with widespread reform. I think that the business of permanent returning officers was significant. Whether that was what started the whole process is, to me, beside the point.

I find that what we've seen this morning with the caucuses not being consulted, with people coming forward and saying that the agenda has been considerably narrowed, gives me concern. I don't think that's the spirit in which we started this process, and on that basis, Mr. Chairman, I'm with regret going to have to vote against the motion.

THE CHAIRMAN: Gary Friedel.

MR. FRIEDEL: I'm going to take exception to the words that you used, Gary, that we're only debating things that are "of interest" to the members here. I don't think that's the case at all. We had originally started out attempting to bring a consensus agreement report to the Legislature. These issues that you've raised certainly are of interest but, I might add, are extremely contentious and, as such, do nothing more than bog down the process.

That was my concern at the beginning, and it's becoming more and more reinforced. We had hoped originally that those things that were going to be utterly contentious would be set aside for future debate with the hope of getting the prime intent carried forward hopefully into legislation this spring. I'm not sure if this is a deliberate stall tactic. I suspect that you have these concerns legitimately being advanced, but nonetheless it does have the lateral effect of stalling this legislation, and I can see that this is going to happen.

**10:15**

MR. BRASSARD: Question.

THE CHAIRMAN: All those in favour of Roy's motion? Opposed? It's 3 to 1.

I think maybe we will close the meeting. We'll try to maybe have some discussion after and see where we sit with this legislation and what our options are. So if it's acceptable to committee members, I'll ask for a motion to adjourn. Gary Friedel. All those in favour? Carried.

Thank you, gentlemen.

[The committee adjourned at 10:16 a.m.]