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Official Report of Debates (Hansard)

Wednesday 21 April 2010

Journal des débats (Hansard)

Mercredi 21 avril 2010

**Standing Committee on
the Legislative Assembly**

Election Statute Law
Amendment Act, 2010

**Comité permanent de
l'Assemblée législative**

Loi de 2010 modifiant des lois
en ce qui concerne les élections

Chair: Bas Balkissoon
Clerk: Tonia Grannum

Président : Bas Balkissoon
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 21 April 2010

Mercredi 21 avril 2010

The committee met at 1215 in room 151.

**ELECTION STATUTE LAW
AMENDMENT ACT, 2010**

**LOI DE 2010 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS**

Consideration of Bill 231, An Act to amend the Election Act and the Election Finances Act / Projet de loi 231, Loi modifiant la Loi électorale et la Loi sur le financement des élections.

The Chair (Mr. Bas Balkissoon): We'll call the meeting of the Standing Committee on the Legislative Assembly to order today, Wednesday, April 21. We're here to deal with Bill 231, An Act to amend the Election Act and the Election Finances Act, the continuation of clause-by-clause consideration.

Committee, we will deal with motion 7.1. It's an NDP motion. Mr. Prue.

Mr. Michael Prue: If I could, now that legislative counsel has arrived, I do know that my caucus was preparing a number of amendments to motions that we were given from the government yesterday and that legislative counsel was working on. Are those now available? I know you've just arrived. Are they available?

Ms. Cornelia Schuh: I came rushing over. I'm looking for them, and I'm not sure that I've got them.

Mr. Michael Prue: Because if there are amendments—and I'm not sure exactly which motions they impact—the amendments may have to go before the motion. So I would like to at least see the numbers of them and where they fit before proceeding.

Ms. Cornelia Schuh: I really must beg the committee's indulgence. I only got word of this request about an hour ago. I do believe I have come away without the key document, which was your new motion.

Mr. Greg Sorbara: Do you have a copy of it?

Mr. Michael Prue: No, I do not.

Ms. Cornelia Schuh: I have emailed it to your assistant, but I don't seem to have the hard copy myself.

Mr. Michael Prue: They would be my amendments to your motion.

The Chair (Mr. Bas Balkissoon): To 7.1.1?

Mr. Michael Prue: I'm not sure of the numbers.

Mr. Greg Sorbara: That's probably the case because 7.1.1 and 7.2.1 are the substantive additions from the week.

Mr. Michael Prue: I think we have no alternative but to wait till they arrive, because I think they may have to be dealt with if they're amendments to the motion. I would make them at the time that you read the motion in, and then they would be dealt with first.

The Chair (Mr. Bas Balkissoon): Should we continue to hold everything down, carry on and we'll come back?

Mr. Michael Prue: Carry on with what?

Mr. Greg Sorbara: We've lost both the clerk and legislative counsel, so I think we are going to wait for your amendment. I don't think we have any problem if it's just a few minutes. They should be—

The Chair (Mr. Bas Balkissoon): I mean that we could carry on with motion number 8, which is unrelated.

Mr. David Zimmer: So we're just holding it down, waiting until Mr. Prue has his stuff?

The Chair (Mr. Bas Balkissoon): That's my suggestion.

Mr. David Zimmer: I'm going to leave my papers here. I'm taking my BlackBerry, and I'm going out in the hall.

The Chair (Mr. Bas Balkissoon): Okay.

Mr. David Zimmer: I'll be out there or in the wash-room, but don't anybody breathe on my desk or all these papers will get reshuffled.

The Chair (Mr. Bas Balkissoon): According to my clock—

Interjection.

The Chair (Mr. Bas Balkissoon): Do we need 15 minutes or five?

Mr. Ted Chudleigh: Five.

The Chair (Mr. Bas Balkissoon): Five?

Mr. Ted Chudleigh: We're ready to go. We don't need to have a recess—

The Chair (Mr. Bas Balkissoon): Michael does.

Mr. Ted Chudleigh: We're organized and efficient.

Interjection.

The Chair (Mr. Bas Balkissoon): We'll take a five-minute recess.

The committee recessed from 1219 to 1229.

The Chair (Mr. Bas Balkissoon): I call the meeting to order.

So we'll go to section 24, which has no amendments. Shall section 24 carry? Carried.

The next motion is motion 8, a government motion. Mr. Zimmer?

Mr. David Zimmer: I move that section 25 of the bill be amended by adding the following as section 45.2.1 of the Election Act:

“List of special ballot electors

“Applications in electoral district

“45.2.1(1) Each day during the period that begins on the 28th day before polling day and ends at 6 p.m. on the last day before polling day, the special ballot officer in the returning office shall notify the returning officer of the names, addresses and polling division numbers of all electors whose applications to vote by special ballot are approved on that day.

“Applications to Chief Electoral Officer

“(2) On receiving notice under subparagraph 4 i of subsection 45.2(6) that an elector is voting by special ballot, the returning officer shall record the elector’s name, address and polling division number.

“Candidates

“(3) On request, the returning officer shall provide to every candidate who has been nominated a list of electors with respect to whom the returning officer has received notice under subsection (1) or (2) up to the time the request is made.”

Thank you, Chair.

The Chair (Mr. Bas Balkissoon): Any further comments?

Mr. Michael Prue: Yes. I have some considerable difficulty with the third part of this, that on request, the returning officer shall provide a list to every candidate. Now, I’m not upset—I mean, currently what happens is that with someone who votes in the advance poll, that list is made available to the candidates. But what you are doing here, or what you’re purporting to do here, is to give the candidates a list of people who have self-identified or have come to the electoral officer to say that they have a disability that requires them to have a special ballot. Now, some people may not want that information to be known.

I’m just wondering why this section is in here. Why can’t they just be included in people who have voted in the advance poll? Surely that would be enough. I don’t understand why you are identifying people with a disability. What difference does it make to the candidates whether or not the person has a disability or voted in the advance poll? That’s why I don’t understand what you’re doing.

Mr. David Zimmer: I’ll call in the Chair of the select committee which covered these matters.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara?

Mr. Greg Sorbara: Well, Mr. Chair, this is simply to ensure that accurate information about special ballot electors is provided to candidates. I don’t think my friend should be as troubled as he is about it. It indeed arose from submissions by Jack Siegel to our committee some weeks ago.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh?

Mr. Ted Chudleigh: I don’t know to what end—the candidates have received a list of electors, as they should. But to segregate the list of electors, I think, is a slippery

slope. I don’t think that is where Ontario should be going. I mean, what’s next to identify? We could identify any number of different subsections of people who are going to vote. I think you’re headed down the wrong road here. As long as the candidates have a list of electors, I don’t think we need any electors with asterisks attached to them.

Mr. Greg Sorbara: Well, again, let’s be very clear that special ballots are available to all people. We expect that people with disabilities will be the primary users. But that is not the case. This is a voting method available to all voters and it simply provides information to candidates as to who receives those, so that in the normal course of campaigning a different approach can be taken.

Mr. Ted Chudleigh: I sense some hesitancy on this. I’d ask you to think about this. I think you’re going down a very difficult road here. I think Sylvia has a comment or two.

Ms. Sylvia Jones: I just wanted to talk more about why we would separate the special ballots from people who have voted, for example, in an advance poll. It comes back, for me, to: Why would you need to have that information designated in a separate way? I cannot imagine why a candidate would need to know anything more than whether the person has voted or hasn’t voted. So, I agree with the NDP member and Mr. Chudleigh. I don’t see the purpose of that section.

Mr. Ted Chudleigh: We’d be pleased to make it unanimous if you remove that section.

Mr. Greg Sorbara: I understand your concerns. I think we’ve dealt with those concerns as a practical matter. This will not give rise to problems. In fact, it will allow expeditious undertaking of the campaign. I am reminded by my colleague that the AODAA is fully accepting of this provision. In an advance poll, a voter votes and that person’s name is checked off. That’s one way of identifying whether someone has voted. On voting day, voters’ names are checked off, and that’s another way of getting a list of voters. So, you’re able to know who has voted. You can go and try to urge out those who haven’t voted. With special ballots, there is not that indication. All you know is that a person has applied for a special ballot. So that’s other information—I think, good, fair information—available to all candidates. So we’re going to stick with our amendment.

Mr. Ted Chudleigh: A recorded vote.

Mr. Michael Prue: Yes, absolutely

The Chair (Mr. Bas Balkissoon): We’ll take the vote on motion number 8.

Ayes

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

Nays

Chudleigh, Jones, Prue.

The Chair (Mr. Bas Balkissoon): That motion carries. We’ll move to motion 8.0.1, NDP: Mr. Prue.

Mr. Michael Prue: I move that clauses 45.3(1)(a) and (b) of the Election Act, as set out in section 25 of the bill, be struck out and the following substituted:

“(a) it may be impossible or unreasonably difficult for the elector to attend at a returning office and the elector needs assistance with making an application to vote by special ballot, because of a disability or because of inability to read or write; or

“(b) the elector is a person with a disability that affects his or her mobility or vision.”

I think that this is self-explanatory. We think that this will enhance the rights of those with disabilities.

The Chair (Mr. Bas Balkissoon): Questions or comments?

Mr. Ted Chudleigh: We support the motion, and then we have a similar motion.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 8.0.1. All in favour? Against? That motion is lost.

We'll move to motion 8.1, PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that the bill be amended by adding the following section:

“23.1 The act is amended by adding the following section:

“Alternative voting technologies

“44.2(1) The Chief Electoral Officer shall conduct a review of two or more alternative voting technologies”—

Mr. Michael Prue: I think you're reading my amendment.

Mr. Ted Chudleigh: Apparently we didn't turn the page.

Moving on from there, I move that subsections 45.3(1) and (2) of the Election Act, as set out in section 25 of the bill, be struck out and the following substituted:

“Home visit

“(1) At an election, an elector may make a request for a home visit to the returning officer in the electoral district where the elector resides if,

“(a) it would be impossible or unreasonably difficult for the elector to attend at a returning office; and

1240

“(b) the elector,

“(i) needs assistance with making an application to vote by special ballot, because of a disability or because of inability to read or write, or

“(ii) has a disability, and a home visit would improve accessibility for him or her.

“Same

“(2) The returning officer shall verify that the elector,

“(a) satisfies the condition set out in clause (1)(a) and one of the conditions set out in subclauses (1)(b)(i) and (ii); and

“(b) resides in the electoral district.”

The Chair (Mr. Bas Balkissoon): Any further comments?

Mr. Ted Chudleigh: This motion just expands the eligibility for home visits, recognizing that some voters

with disabilities should be entitled to a home visit to ensure their opportunity to vote in an election.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Michael Prue: Yes. This is, as was said earlier, very similar to the one that I just moved and that was defeated by the government, but I think really all it does is, it expands the rights of people who are probably in the most difficult of circumstances being unable to vote. It allows for a home visit. It allows for the vote to be recorded and assistance to be given. This would be extremely limited, in my view. It would involve most probably people within the disability community but those who are the most severely disabled, without which help they would never be able to cast a ballot. I think it's a reasonable thing to do, and I would ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. I'll take the vote on motion 8.1.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll now move to 8.1.1, NDP motion: Mr. Prue.

Mr. Michael Prue: I move that subsection 45.3(2) of the Election Act, as set out in section 25 of the bill, be struck out and the following substituted:

“Same

“(2) The returning officer shall verify that the elector resides in the electoral district.”

I think it's self-explanatory. I think it needs to be done.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I'll take the vote on 8.1.1. All in favour? Against? That motion is lost.

Motion 8.2, PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 45.3 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Refusal, appeal

“(3.1) On determining that an elector does not qualify for a home visit, the returning officer shall immediately give the elector notice of the determination, with reasons; the elector is entitled to appeal the determination to the Chief Electoral Officer, and the following rules govern the appeal:

“1. The elector must give the Chief Electoral Officer a notice of the appeal at least five business days before polling day.

“2. The Chief Electoral Officer shall deal with the appeal and shall, within three business days after receiv-

ing the notice of appeal, give notice of the decision, with reasons, to the elector and to the returning officer.”

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I’ll take the vote on 8.2. All in favour? Against? That motion is lost.

Motion 8.3: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 45.3 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsections:

“Special ballot officers

“(3.2) The Chief Electoral Officer shall ensure that every special ballot officer who is assigned to home visits undergoes a police background check with satisfactory results before conducting his or her first home visit.

“Same

“(3.3) Every special ballot officer who conducts a home visit shall carry identification confirming that he or she is a special ballot officer and that subsection (3.2) has been complied with.”

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I’ll take the vote on 8.3. All in favour? Against? That motion is lost.

We’ll move to 8.4, PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 45.3(6) of the Election Act, as set out in section 25 of the bill, be struck out and the following substituted:

“Declaration on outer envelope

“(6) If the elector is unable to sign the declaration on the sealed outer envelope as mentioned in clause 45.7(d), one of the special ballot officers shall make a note on the envelope indicating that the elector voted at a home visit.

“Elector to whom s. 15(1.3) applies

“(7) An elector to whom subsection 15(1.3) applies may make a request for a home visit to the returning officer in the electoral district where the elector is temporarily living, whether the elector wishes to vote in that electoral district or in the electoral district where his or her residence is located, and subsections (1) to (6) apply with necessary modifications.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Ted Chudleigh: Currently, as the bill is worded, an elector who is unable to sign the declaration on the outer envelope during a home visit could have his or her ballot set aside, despite subsection (2) of section 47.1, because there is no authority for the special ballot officer to indicate that the elector marked his or her ballot during a home visit—just a verification that the ballot was taken.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara.

Mr. Greg Sorbara: This is just yet another one of the many instances where the PC caucus has done very high-quality research on the provisions of this bill. We confirm the wisdom of the research and we have every intention of supporting this amendment.

Ms. Sylvia Jones: Hallelujah.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on motion 8.4.

Interjection.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested.

Ayes

Chudleigh, Dickson, Jones, Mangat, Naqvi, Prue, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): The motion carries.

We move to motion 8.5: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that section 45.3 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Appeal rights

“(7) If a returning officer refuses a request for a home visit, he or she shall promptly provide the elector with reasons for the refusal and the elector who made the request may appeal the refusal in the manner prescribed by the regulations.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Michael Prue: It’s self-evident.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara.

Mr. Greg Sorbara: Not to be critical of the great research by the NDP folk, we feel that this motion is not necessary and, indeed, that an appeal process during an election period would be difficult to administer. We do not believe that this situation will arise and require an appeal, so we won’t be supporting it.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on motion 8.5.

Mr. Michael Prue: Recorded vote.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We’ll move to 8.6: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that section 45.5 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Same

“(2) A special ballot kit and the voting procedures for special ballots must enable electors with disabilities to independently mark their ballot in privacy and verify their choice.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Michael Prue: I think, again, this is self-explanatory. A great deal was said by all of the people who came from the disabled community talking about privacy of the ballot and that it’s not good enough to simply have

someone else mark your ballot, somebody else know what your ballot said, but in fact that they have to be able to have the ability, like every other elector, to mark their ballot in privacy and verify their own choice to make sure that it was correct before it goes in the ballot box.

The Chair (Mr. Bas Balkissoon): Further comments?

Mr. Greg Sorbara: Again, although we support the overall policy and intention of the amendment, there are implementation aspects of this which would make it irresponsible to support, so we'll not be supporting it.

The Chair (Mr. Bas Balkissoon): We'll take the vote on it—

Mr. Michael Prue: No, no. If I could question the previous speaker: What examples could you possibly give of this?

Mr. Greg Sorbara: I don't want to get into a long debate about this, but we think that—

Mr. Michael Prue: Just give me one.

Mr. Greg Sorbara: What you're saying here is that, notwithstanding whatever the disability is, the elector shall have the right to independently mark the ballot in privacy and verify the choice. It just goes beyond that which is practically implementable, given the wide variety of disabilities.

1250

While we understand the principle and agree with you on the principle, we think the provisions for special ballots will meet the needs of the part of the electing community that will require special ballots, and we're not going to support the amendment.

The Chair (Mr. Bas Balkissoon): We'll take the vote on 8.6.

Mr. Michael Prue: A recorded vote, please.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll now move to motion number 9, a government motion. Mr. Zimmer.

Mr. David Zimmer: I move that section 45.5 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Same

“(2) In the case of a general election, the special ballot kit shall contain only the part of the list that shows the candidates for the elector's electoral district.”

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Prue.

Mr. Michael Prue: I understand that you don't want to separate out other electoral districts, but what if there is a concurrent plebiscite, as there was in the last election? This would seem to me not to allow that, because

the only thing that could be contained would be this. Is that not what this says?

Mr. Greg Sorbara: No, I don't think that's the case. The fact is that in the event of a concurrent plebiscite, it may well be that the plebiscite has special rules applying to it, in any event, as to who can vote and how the vote can take place. I think we've looked at that.

We simply want to confirm, with this amendment, that electors should not have lists of candidates from other electoral districts, and that's why we're proceeding with the amendment.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: Could I get one clarification: The candidates' names would be included, but would party affiliation be included?

Mr. Greg Sorbara: No.

Ms. Sylvia Jones: So even though it's on the ballot—

Mr. Greg Sorbara: Do we have party affiliation—

Ms. Sylvia Jones: We do on the ballot.

Mr. Greg Sorbara: Then that would be the case.

Ms. Sylvia Jones: So does this have to clarify that? This could be construed as only candidates' names, not candidates' names and party affiliations.

Mr. Greg Sorbara: No. This would reflect what is on the ballot for all other electors.

Mr. Michael Prue: With the greatest respect, I don't think that is what this says. This should be precise. I'll vote for it, in spite of the fact that I'm not sure of the reasoning behind the plebiscite part, but this shows the candidates and their respective parties for the elector's electoral district. It seems logical to me that if that is on an ordinary ballot, by law the same information should be on a ballot for a person with a disability.

Mr. Greg Sorbara: The answer is that that is the case. This does not change the case.

Just as a practical problem, Michael, as you know, there is often a fairly long list of candidates who have no party affiliation whatsoever. The way that the act deals with that is just to state “candidates,” and in other places where candidates are affiliated with political parties, the political parties shall be there. This does not prohibit inclusion of political party affiliation where there is one.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: I hate to disagree, but I believe that independents are actually listed with their name and the word “independent,” so by extension, if there is no party affiliation, they are noted as independent.

Mr. Greg Sorbara: I just want to assure my friend that this provision does not mean that a special ballot would not have party affiliation or “independent” on it when referring to candidates.

The Chair (Mr. Bas Balkissoon): No further questions or comments?

I'll take the vote on motion number 9. All in favour? Against? That motion carries.

I'll move to 9.1, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 45.10 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsections:

“Report

“(6) After the election, the Chief Electoral Officer shall make a report about any envelopes that are set aside unopened under subsection (1) or (3) and shall,

“(a) give notice of the report to the leader of each registered party; and

“(b) publish the report on a website on the Internet.

“Same

“(7) The report described in subsection (6) shall be included,

“(a) in any report that the Chief Electoral Officer makes with respect to the election; or

“(b) in the next annual report made under section 114.3.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Ted Chudleigh: This report is an accountability and transparency measure.

The Chair (Mr. Bas Balkissoon): I’ll take the vote on motion 9.1. All in favour? That motion carries.

We’ll move to 9.2, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 45.12 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Notice re restriction

“(1.1) When an elector’s name is added to the register of absentee electors, the elector shall be given notice of subsection (7).”

By way of explanation, this subsection provides notice to absentee electors of the rule under subsection (7). It does so because we recognize that electors living outside of Ontario may not be located in one location for long periods of time, and we want to help ensure that those electors who do move are advised ahead of time that in the case of an election, they should have their mail forwarded if they wish to receive their ballot and vote, and also to help avoid the chance that non-eligible electors are provided with a ballot.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, I’ll take the vote on 9.2. All in favour? Against? The motion is lost.

We’ll move to 9.3, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 45.12 of the Election Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Updating register

“(1.2) When a writ for an election is issued, the Chief Electoral Officer shall update the register of absentee electors.”

This motion simply ensures that the most accurate registry is available. We don’t see it anywhere else in the act.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, I’ll take the vote on 9.3. All in favour? Against? The motion is lost.

Motion 9.4, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: We would withdraw this motion.

The Chair (Mr. Bas Balkissoon): Motion 9.4 has been requested to be withdrawn. All in agreement? Okay, it’s withdrawn.

We’ll move to 9.5, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 45.12(6) of the Election Act, as set out in section 25 of the bill, be amended by striking out “within the time specified” and substituting “within the reasonable time specified”.

Adding “reasonable” accounts for the varied locations and circumstances electors may find themselves living in outside of Ontario.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, I’ll take the vote on 9.5. All in favour? Against? The motion is lost.

Shall section 25, as amended, carry? Carried.

We’ll move to section 25.1, motion 9.6, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that the bill be amended by adding the following section:

“25.1 The act is amended by adding the following section:

“Training re needs of electors with disabilities

“55.0.1 Before the first advance poll in every election, every returning officer shall ensure that all electoral officers in the electoral district receive training in understanding the needs of electors with disabilities.”

By way of explanation, during committee, we heard a number of stories about how electors were mistreated. Knowledge of the needs of electors with disabilities can help to avoid these situations and provide a basis for creating workable solutions to problems if and when they may arise.

1300

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Prue.

Mr. Michael Prue: I think this is very reasonable. We did hear a couple of horror stories of electoral personnel saying—I think the one that stands out best in my mind is, “Why should I hold the door open and have my people cold just so you can vote?” I think that attitude needs to be driven out of people before election day.

Mr. Ted Chudleigh: Just a little sensitivity training I think would be a good thing as part of the process.

Mr. Michael Prue: Yes.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on motion 9.6. All in favour? The motion carries.

We’ll move to 9.7, NDP motion: Mr. Prue.

Mr. Greg Sorbara: I was particularly moved by Michael’s comment.

Mr. Michael Prue: Yeah. You remember that statement?

Mr. Greg Sorbara: I do, yes. I do.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

“25.1 The act is amended by adding the following section:

“Report on website

“55.2 Every report mentioned in section 55.1 shall be published on a website on the Internet.”

By way of explanation, that’s to give it the broadest possible public understanding.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I’ll take the vote on 9.7. All in favour? Against? The motion is lost.

We’ll move to motion 10, government motion: Mr. Zimmer.

Mr. David Zimmer: I move that the bill be amended by adding the following section:

“25.1 The act is amended by adding the following before the heading ‘Effect of Irregularities’:

“Report

“67.2(1) After every election, the Chief Electoral Officer shall prepare a report that includes,

“(a) a summary of,

“(i) feedback received on the manner in which services are provided under this act to persons with disabilities in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 and the regulations made under that act; and

“(ii) the response to the feedback, including any steps taken to respond to negative feedback;

“(b) a summary of every report made under subsection 55.1(1);

“(c) in the case of a general election, the findings of the survey conducted under subsection 67.1(1);

“(d) a summary of measures taken at the election to address barriers to accessibility and other accessibility issues; and

“(e) any recommendations with respect to barriers to accessibility and other accessibility issues that the Chief Electoral Officer considers appropriate.

“Same

“(2) The Chief Electoral Officer shall include the report described in subsection (1),

“(a) in any report that the Chief Electoral Officer makes with respect to the election; or

“(b) in the next annual report made under section 114.3.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Greg Sorbara: Just some general comments because this is, in our view, an important addition to the bill dealing with transparency and accountability with respect to election accessibility.

I just want to put on the record that in my time around this place, I’ve seen legislation go through fairly substantial transformation, going from, in the case of this bill, a select committee process which I had the honour of chairing through introduction of the bill and second reading, then public hearings and now final consideration. But I think that this bill is very significant in the extent to which issues relating to accessibility have come to be the major headline when it comes to the rewriting of our Election Act and the Election Finances Act. I think we’re all very happy about that.

I’m going to take a moment to congratulate, through my dear friend and former student colleague David Lepofsky, the work of the AODAA in bringing, over and over again, these issues to our attention, to make the bill a better bill. We’ve got a very limited amount of time now to wrap this up. I could go through section by section where we have made advances. When it’s all done, I think the disability community might say, “It’s not everything we wanted, but the process worked. This is a very different bill, given the fact that opposition and government members, and the government minister responsible, did us the courtesy of listening to our concerns.” That process has been ongoing, really, ever since we announced the select committee and right up until when I walked into this room just about an hour ago.

This particular section: It’s clear on its face what it does. Its purpose is to enhance transparency and accountability. I think all members are going to support it. I hope they will. But even if they don’t, I want to say to all members that I personally, as someone who has been involved in this process from day one, am very appreciative of the work on all sides of the House in listening and making sure that we get this thing right.

We probably revisit our Election Act with every Parliament. This is a substantial exercise, and I think we can be proud of the progress that we’ve made in all the other areas where this bill addresses amendments, but in particular with the way in which elections will be deployed in the future, with special attention to making sure that the needs of the disabled community are met in poll place after poll place, in riding after riding and across the province.

The Chair (Mr. Bas Balkissoon): Questions, comments? Mr. Chudleigh.

Mr. Ted Chudleigh: I agree with what the member says. I’d also hope that you would support our motion, which calls for a post-election review as well. I think that’s—

Mr. Greg Sorbara: Now you’re going too far.

Mr. Ted Chudleigh: You talked about the amending process and how this bill is a much better bill than it was when it first came to the House, and I would agree with you, although I would have to point out that there are seven amendments that particularly made a huge difference to this bill, and those are the seven PC motions that you’ve seen fit to support.

The only other comment I would make is that the things that are not in this bill still concern us.

Mr. Michael Prue: If I could, because I can’t let this opportunity go by, I have to say, to this point, I cannot concur with my learned colleague on the other side, because I think every single step that has been taken by the government in every government motion is a grudging motion. It is only partially going towards meeting what the disability community wants.

The motions that we have made—and you voted against every one to date, and I think by the time we’re finished, you’re going to vote against every single one of them in total—all came from the disability community:

every single one of them, what they wanted. All you are willing to give them is partial answers, a hope for the years to come, saying that, "We're listening to you," but in reality, the next election is not going to be disability-free, as they want and as you should want as well.

The Chair (Mr. Bas Balkissoon): I'll take the vote on motion 10. All in favour? Against? The motion carries.

We'll move to motion 10.1, PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: Go ahead.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: I move that the bill be amended by adding the following section:

"25.2 The act is amended by adding the following section:

"Elections Ontario website

"55.0.2 Any website on the Internet where the Chief Electoral Officer publishes information for the purposes of this act shall meet the accessibility standard of W3C WCAG 2.0 level AA format or higher."

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I'll take the vote on 10.1 All in favour? Against? The motion is lost.

NDP motion 10.1.1: Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

"25.2 The act is amended by adding the following section:

"Report by Chief Electoral Officer after general election

"55.3 No later than four months after a general election is held, the Chief Electoral Officer shall make public a report by publishing it on a website on the Internet and by such other means as he or she considers advisable, regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities, including the following:

"1. The steps that the Chief Electoral Officer took to ensure that the election was accessible for electors and candidates with disabilities.

1310

"2. The results of an independent survey of electors and candidates with disabilities on any barriers or difficulties experienced when taking part in the election.

"3. A summary of any complaints or feedback received from electors or candidates with disabilities during the election regarding the accessibility of the election and a summary of steps taken to address any complaints.

"4. Recommendations of any steps that need to be taken to ensure that the next election will be accessible to electors and candidates with disabilities."

If I may, by way of discussion: This again came directly from the disabled community. This will be the ultimate insurance that any difficulties that are met at the election in question will not be repeated in the following one because it will give an opportunity for each and every person, be they an elector or a candidate, to come forward and say what kind of barriers there were to them

having full participation, and will require the Chief Electoral Officer to answer that within a four-month period, and will require the Chief Electoral Officer to say what steps, if any, are being taken to remove them.

In a nub, this is the whole thing that the disability committee has gotten together for this time: to enunciate and to articulate what has gone wrong in the past. This would ensure that following every election, there would be an opportunity, and I'm sure, over time, a diminished set of things that have gone wrong to articulate so that people with disabilities have full electoral rights with those who do not have a disability.

I would ask for a recorded vote on this.

The Chair (Mr. Bas Balkissoon): Further questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: Very quickly, those very principles have just been adopted in the approval of motion number 10 that was presented by the government, and therefore we won't be supporting this one.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. I'll take—

Mr. Michael Prue: If I can, I don't think the same principles are there. This is a much stronger resolution than the one you put forward. This mandates and makes it, "He shall do all of the following," and, "It shall be on the Internet and such other means as possible." Yours doesn't contain this. This is much stronger and much better than the one that you put forward.

The Chair (Mr. Bas Balkissoon): I'll take the vote on 10.1.1. A recorded vote has been requested.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): The motion is lost. We'll move to motion 10.2, PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that the bill be amended by adding the following section:

"25.3 The act is amended by adding the following section:

"Post-election review

"55.0.3(1) After every general election, the Attorney General shall appoint a person to conduct an independent review of this act in order to,

"(a) review complaints and other feedback from electors and candidates with respect to accessibility at the election;

"(b) review the reports made under section 55.1 with respect to the election;

"(c) review the findings of the Chief Electoral Officer's survey conducted under section 67.1; and

"(d) identify existing barriers to electors and candidates with disabilities and make recommendations for the removal of those barriers.

“Report

“(2) The person appointed to conduct the independent review shall, within one year after polling day in the general election, complete the review and submit a report to the Attorney General.

“Publication

“(3) The Chief Electoral Officer shall publish the report on a website on the Internet.

“Chief Electoral Officer’s pre-election plan

“(4) The Chief Electoral Officer shall review the report, consult with electors and with the leader of each registered party, and prepare a plan explaining how the barriers identified in the report will be addressed in future elections.

“Publication

“(5) The Chief Electoral Officer shall publish the plan on a website on the Internet, at least one year before polling day in the next general election held under subsection 9(2).”

I think a lot of the stimulant for a review of this particular act was due to various newspaper stories, anecdotal evidence and information that came in from a lot of different areas which stimulated the government to do a comprehensive review. I think if this amendment were in place, it would take it out of the hands of anecdotal evidence and formalize it in the form of a report by the Chief Electoral Officer to the Attorney General, whereby a logical and consistent process would be put in place to ensure that future elections continue to improve the process.

The Chair (Mr. Bas Balkissoon): Further questions or comments? There being none, I’ll take the vote on 10.2. All in favour? Against? That motion is lost.

Motion 10.3: NDP motion, Mr. Prue.

Mr. Michael Prue: This is much the same, so I expect the same results.

I move that the bill be amended by adding the following section:

“The act is amended by adding the following section:

“Independent review

“55.4(1) No later than four months after each of the 2011 general election and the 2015 general election, the Attorney General shall appoint a person to perform an independent review of the effectiveness of legislation in Ontario and any actions taken under that legislation to ensure that elections are accessible to voters and candidates with disabilities.

“Same

“(2) The person performing the independent review under subsection (1) shall consult with the public and in particular with persons with disabilities and shall make public a report on the results of the review within 9 months after his or her appointment.”

Just by way of argument, we are setting this out for simply the next two general elections. There will not be time, of course, with the government’s motion and what they have put forward and have voted on today, for much to take place in time for the 2011 election.

But this allows for a person to be appointed by the Attorney General to report on what has happened during that election and to make recommendations to the House. We think that nine months is sufficient time for the person performing the independent review to report.

A recorded vote, please.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, a recorded vote has been requested.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We’ll move to motion number 11: government motion, Mr. Zimmer.

Mr. David Zimmer: I move that section 74.1 of the Election Act, as set out in section 26 of the bill, be struck out and the following substituted:

“Recount conducted manually

“74.1 A recount that is made from the actual ballots shall be conducted manually, even if the original count was done by vote counting equipment.”

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I’ll take the vote on motion number 11. All in favour? Against? That motion carries.

Shall section 26, as amended, carry? Carried.

Shall section—

Mr. Greg Sorbara: Did you need do that for section 25.3?

The Chair (Mr. Bas Balkissoon): No, because it’s a stand-alone.

Mr. Greg Sorbara: Oh, it’s a stand-alone. I’m sorry. Okay.

The Chair (Mr. Bas Balkissoon): Shall section 27 carry? Carried.

The next motion is 11.1: PC motion, Mr. Chudleigh.

Mr. Ted Chudleigh: I move that paragraph 4 of section 91 of the Election Act, as set out in section 28 of the bill, be struck out and the following substituted:

“4. Having obtained a special ballot, knowingly attempting to vote at the election otherwise than by means of the special ballot.”

This motion inserts the word “knowingly” into the paragraph. As the paragraph is currently written, a person who accidentally attempts to vote otherwise than by special ballot may be imprisoned, which seems a little strong for someone who may be making an honest mistake.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I’ll take the vote on 11.1. All in favour? The motion carries unanimously.

Shall section 28, as amended, carry? Carried.

Shall section 29 carry? Carried.

Shall section 30 carry? Carried.

Shall section 31 carry? Carried.

We now move to motion number 12: government motion, Mr. Zimmer.

1320

Mr. David Zimmer: I move that the bill be amended by adding the following section:

“31.1 The act is amended by adding the following section:

““Accessible format

“114.3.1 Every report, direction or notice that this act requires the Chief Electoral Officer to publish shall be made available to persons with disabilities in a manner that takes their disabilities into account, in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 and the regulations made under that act.””

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Chudleigh.

Mr. Ted Chudleigh: We’ll support this. We still think this motion is a little vague and open to some interpretation, but we’ll support it. We liked our motion better, but the government defeated it.

The Chair (Mr. Bas Balkissoon): Further comments? Questions?

There being none, we’ll take the vote on government motion 12. All in favour? Against? Carried.

We’ll now move to section 32, motion 12.0.1. Mr. Prue.

Mr. Michael Prue: I move that subsection 114.4(1) of the act, as set out in section 32 of the bill, be struck out and the following substituted:

“Studies by C.E.O.

“(1) The Chief Electoral Officer shall conduct one or more studies on methods of improving the voting process and facilitating voting by persons with disabilities.”

I think this is self-explanatory and self-evident. It instructs that the Chief Electoral Officer shall conduct the studies—one or more.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, we’ll take the vote on motion 12.0.1. All in favour? Against? That motion is lost.

Motion 12.0.2, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that section 114.4 of the Election Act, as set out in Section 32 of the bill, be amended by adding the following subsection:

“Same

“(1.1) For the purposes of conducting a study mentioned in subsection (1), the Chief Electoral Officer shall investigate options for facilitating voting by persons with disabilities that have been undertaken in other jurisdictions, including the United States of America.”

If I may, by way of explanation, we know that when the Americans instituted the reform of their election process following the debacle of the hanging chads in Florida, they made sure that the disability community was widely consulted and used a lot of technology. Much of what is being requested by the AODAA is coming

from and has already been used in the United States, to some considerable effect. We are simply asking that the Chief Electoral Officer, when investigating options, look at other examples around the world, most notably from our neighbour to the south, which, over the last 10 years and a couple of elections, has had some considerable success. A recorded vote.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, a recorded vote has been requested.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We’ll move to motion 12.0.3.

Mr. Michael Prue: I move that section 114.4 of the Election Act, as set out in section 32 of the bill, be amended by adding the following subsection:

“Studies to be made public

“(2.1) The results of a study mentioned in subsection (1) shall be made public.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, we’ll take the vote on 12.0.3. All in favour? That motion carries.

We’ll move to motion 12.0.4. Mr. Prue.

Mr. Michael Prue: I move that section 114.4 of the Election Act, as set out in section 32 of the bill, be amended by adding the following subsection:

“Funding for studies

“(2.2) The costs of funding a study mentioned in subsection (1) shall be paid out of funds appropriated for such purpose by the Legislature.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Michael Prue: If I may, somebody has to pay for it. It seems logical that the money come from the Legislature by way of budget rather than being taken out of the budgets of government departments or others. We very clearly have to say that this is a legislative initiative.

The Chair (Mr. Bas Balkissoon): Any further questions or comments?

There being none, we’ll take the vote on motion 12.0.4. All in favour? Against? That motion is lost.

Motion 12.1, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 114.4(3) of the Election Act, as set out in section 32 of the bill, be struck out and the following substituted:

“Consultation

“(3) The Chief Electoral Officer shall ensure that every study conducted under this section includes consultation with electors.

“Publication

“(4) When a study has been conducted under this section, the Chief Electoral Officer shall publish a report about the study on a website on the Internet.”

The reasons for this motion are:

It removes the repeal of this section in 2015. Currently, this section does not require the Chief Electoral Officer to conduct a study, but this motion leaves the option open for him or her to do so. It responds to our rapidly changing environment and the possibilities of what may be required in the future. It replaces the existing subsection (3) with new subsections (3) and (4), which, like previous PC motions, require public consultation and improved accessibility by requiring that the study is published on Election Ontario’s website.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

There being none, we’ll take the vote on motion 12.1. All in favour? Against? That motion is lost.

Shall section 32, as amended, carry? Carried.

Shall section 33 carry? Carried.

Shall section 34 carry? Carried.

The next motion, 12.2—it’s been withdrawn?

Mr. Ted Chudleigh: It’s been withdrawn.

The Chair (Mr. Bas Balkissoon): We’ll move to motion 13, a government motion. Mr. Zimmer.

Mr. David Zimmer: Just a second. Let me get caught up.

Okay, here we go, folks. Are you ready?

I move that section 25.1 of the Election Finances Act, as set out in section 35 of the bill, be struck out and the following substituted:

“Electronic database for recording contributions and issuing receipts

“25.1(1) Each registered party shall maintain an electronic database that,

“(a) allows the chief financial officers of the party and of its registered constituency associations and registered candidates to record all contributions received; and

“(b) allows the chief financial officer of the party to issue receipts generated from the electronic database.

“Recording of contributions

“(2) The chief financial officer of a registered party is responsible for ensuring that all contributions received by the party are recorded in the party’s electronic database.

“Same

“(3) The chief financial officer of a registered constituency association is responsible for ensuring that all contributions received by the association are recorded in the party’s electronic database.

“Same

“(4) The chief financial officer of a registered candidate who is not an independent candidate is responsible for ensuring that all contributions received by the candidate are recorded in the party’s electronic database.

“Issuing of receipts

“(5) The chief financial officer of a registered party is responsible for ensuring that receipts generated from the electronic database, whether in paper form or electronic

form, are issued for all contributions received by the party and by its registered constituency associations and registered candidates.

“Same

“(6) The chief financial officers of registered constituency associations and registered candidates shall not issue receipts for contributions, and subsection 25(1) and clause 33(4)(c) do not apply to them.

“Cancellation of receipts

“(7) The chief financial officer of a registered party shall, immediately on receiving the Chief Electoral Officer’s request to do so, cease issuing receipts for contributions.

“Application rules

“(8) The following rules apply to a registered party on and after June 1, 2012:

“1. The party must comply with subsection (1).

1330

“2. The chief financial officer of the party must comply with subsection (2).

“3. The chief financial officers of the party’s registered constituency associations must comply with subsection (3).

“4. The chief financial officers of the party’s registered candidates must comply with subsection (4).

“5. The chief financial officer of the party must comply with subsection (5) in relation to contributions received on or after June 1, 2012.

“6. Subsection (6) applies to the chief financial officers of the party’s registered constituency associations.

“7. Subsection (6) applies to the chief financial officers of the party’s registered candidates.

“8. Subsection (7) applies to the chief financial officer of the party.

“Role of Chief Electoral Officer

“Guidelines

“25.2(1) The Chief Electoral Officer shall provide such guidelines as he or she considers necessary for electronic databases that are maintained for the purposes of section 25.1.

“Same

“(2) Without limiting the generality of subsection (1), the guidelines shall deal with ensuring that,

“(a) the information in the electronic database is accurate;

“(b) the chief financial officer of the registered party has the ability to verify the information in the electronic database; and

“(c) the information in the electronic database is capable of being audited.

“Publication

“(3) The Chief Electoral Officer shall publish the guidelines in the Ontario Gazette and on a website on the Internet.

“Timing

“(4) The Chief Electoral Officer shall publish the first guidelines under (3) on or before January 1, 2011.

“Assessment

“(5) The Chief Electoral Officer shall assess each electronic database that is maintained for the purposes of section 25.1 and, if satisfied that the electronic database complies with the guidelines and with this act, shall approve it.

“Approval

“(6) The chief financial officer of a registered party shall ensure that,

“(a) the party’s electronic database receives the Chief Electoral Officer’s approval before being launched; and

“(b) any material changes to the party’s electronic database receive the Chief Electoral Officer’s approval before being launched.

“Compliance

“(7) The Chief Electoral Officer shall advise and work with the chief financial officers of registered parties to promote compliance with section 25.1 and with subsection (6) of this section.

“Opting in before June 1, 2012

“25.3 If a political party is registered under this act on June 1, 2011 or becomes registered under this act on or before May 31, 2012, the chief financial officer of the party may opt for early compliance at any time during the period that begins on June 1, 2011 and ends on May 31, 2012, in accordance with the following rules:

“1. The chief financial officer may give the Chief Electoral Officer written notice of one of the following:

“i. the party, its registered constituency associations and its registered candidates will comply with section 25.1,

“ii. the party and its registered constituency associations, but not its registered candidates, will comply with section 25.1,

“iii. the party and its registered candidates, but not its registered constituency associations, will comply with section 25.1, or

“iv. the party, but not its registered candidates and registered constituency associations, will comply with section 25.1.

“2. If the chief financial officer gives a notice described in paragraph 1,

“i. the chief financial officer shall ensure that the party’s electronic database receives the Chief Electoral Officer’s approval before being launched, and

“ii. on and after the effective date set out in the notice, the chief financial officer shall ensure that any material changes to the party’s electronic database receive the Chief Electoral Officer’s approval before being launched.

“3. If the chief financial officer gives the notice described in subparagraph 1 i,

“i. paragraphs 1, 2, 3, 4, 6, 7 and 8 of subsection 25.1(8) apply on and after the effective date set out in the notice, and

“ii. the chief financial officer must comply with subsection 25.1(5) in relation to contributions received on or after the effective date.

“4. If the chief financial officer gives the notice described in subparagraph 1 ii,

“i. paragraph 1 of subsection 25.1(8) applies on and after the effective date set out in the notice, except that

the party’s electronic database need not allow the chief financial officers of registered candidates to record contributions,

“ii. paragraphs 2, 3, 6 and 8 of subsection 25.1(8) apply on and after the effective date set out in the notice, and

“iii. the chief financial officer must comply with subsection 25.1(5) in relation to contributions received by the party and by its registered constituency associations on or after the effective date.

“5. If the chief financial officer gives the notice described in subparagraph 1 iii,

“i. paragraph 1 of subsection 25.1(8) applies on and after the effective date set out in the notice, except that the party’s electronic database need not allow the chief financial officers of registered constituency associations to record contributions,

“ii. paragraphs 2, 4, 7 and 8 of subsection 25.1(8) apply on and after the effective date set out in the notice, and

“iii. the chief financial officer must comply with subsection 25.1(5) in relation to contributions received by the party and by its registered candidates on or after the effective date.

“6. If the chief financial officer gives the notice described in subparagraph 1 iv,

“i. paragraph 1 of subsection 25.1(8) applies on and after the effective date set out in the notice, except that the party’s electronic database need not allow the chief financial officers of registered constituency associations and registered candidates to record contributions,

“ii. paragraphs 2 and 8 of subsection 25.1(8) apply on and after the effective date set out in the notice, and

“iii. the chief financial officer must comply with subsection 25.1(5) in relation to contributions received by the party on or after the effective date.

“Exemption, 50 per cent threshold

“25.4(1) Subsections (2) and (3) apply to a registered political party that has not, in the 2007 general election or in any subsequent general election, had official candidates in 50 per cent or more of Ontario’s electoral districts.

“Same

“(2) Section 25.1 does not apply in respect of the party unless the party’s chief financial officer opts for compliance under section 25.3 or under subsection (3) of this section.

“Opting in on and after June 1, 2012

“(3) The chief financial officer of the party may, at any time from June 1, 2012 onwards, opt for compliance by giving the Chief Electoral Officer written notice that the party will comply with section 25.1.

“Loss of exemption

“25.5 On and after the first anniversary of polling day in any general election in which a registered political party has official candidates in 50 per cent or more of Ontario’s electoral districts for the first time,

“(a) section 25.4 no longer applies to the party; and

“(b) section 25.1 applies to the party.”

The Chair (Mr. Bas Balkissoon): Further comments? Mr. Sorbara.

Mr. Greg Sorbara: This is perhaps an historic amendment that we are considering here today and hope to pass and approve and make part of our election financing system. Simply stated, we are moving out of the 19th century of receipting in the way in which we have for decades and decades in our political parties, with those official forms that come out of Elections Ontario and need to be numbered and catalogued and sent out before income tax time, to a modern system of centralized electronic receipting.

1340

In the select committee's work and in discussions, the view has been that it's high time that we catch up to most charitable organizations, who are able to receive donations online and provide virtually instantly a receipt for the donation made. That's where we're moving, finally, in Ontario amongst our political parties.

While the amendment itself is complicated and contains lengthy provisions, the framework is being put into place so that each political party can move in that direction, beginning on June 1, 2011, and there is an expectation that all political parties of size will comply by 2012. This has been not without a little bit of controversy, but as someone who has been involved in political parties for perhaps too long, I think this is a wonderful advancement. Those of us who are concerned about the machinery of our parties will have much better machinery once this provision is implemented and political parties begin to comply with it.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Chudleigh.

Mr. Ted Chudleigh: This may move the member's title out of the "archaic" label that we had on last week.

I think other than that, dare I say the amendment speaks for itself—and it speaks at some length.

Mr. Michael Prue: Yes, he has made it all the way to antediluvian.

The Chair (Mr. Bas Balkissoon): Okay, we'll take the vote on motion 13. All in favour? The motion carries.

Shall section 35, as amended, carry? Carried.

Shall section 36 carry? Carried.

Shall section 37 carry? Carried.

Shall section 38 carry? Carried.

The next motion is 13.1, an NDP motion.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

"Regulations, accessibility

"118. The Lieutenant Governor in Council shall make regulations on or before January 1, 2013 in respect of anything referred to in this act that is in respect of accessibility for persons with disabilities and that is referred to as being prescribed or as otherwise dealt with in the regulations."

By way of explanation, the important date is January 1, 2013, to ensure that the subsequent election—not this one coming up, but the subsequent one—is well understood and that the regulations are in place well in advance so that people have an opportunity to understand them and to ensure that they are going to help, in the greatest possible way, the disability community.

The Chair (Mr. Bas Balkissoon): Questions, comments? There being none, just a small correction in the voting procedure. My sheets here had a slight error. I need to take a vote on section 39. Shall section 39 carry? Carried.

Now we'll take the vote on motion 13.1. All in favour? Against? The motion is lost.

We'll move to section 40, government motion 14: Mr. Zimmer.

Mr. David Zimmer: Just bear with me one moment, Chair.

Clerk, if I may, on my sheet I have government motion 14, but I also have a government motion 14R, or revised.

The Clerk of the Committee (Ms. Tonia Grannum): You should move, if you wish, 14RR. That's the replacement to the replacement. Then you can withdraw, if you wish, 14R and page 14.

The Chair (Mr. Bas Balkissoon): So move RR first—

Mr. David Zimmer: Just a second.

Mr. Michael Prue: I don't believe I've been given a copy. Did I have it in this mess somewhere?

The Chair (Mr. Bas Balkissoon): It's in your package.

Mr. Greg Sorbara: Now, don't blame the clerk for your mess.

Mr. Michael Prue: No, no. I didn't blame her.

Mr. Greg Sorbara: Your mess is your own responsibility.

Mr. Michael Prue: I would never blame the clerk.

Mr. David Zimmer: Madam Clerk, do I read in the revised one?

The Clerk of the Committee (Ms. Tonia Grannum): The 14RR.

Mr. David Zimmer: Thank you.

I move that section 40 of the bill be struck out and the following substituted:

"Commencement

"40.(1) Subject to subsections (2) and (3), this act comes into force on the day it receives royal assent.

"Same

"(2) Subsections 3(2) and 23(2) and sections 25 and 28 come into force on July 1, 2011.

"Same

"(3) Section 23.1 comes into force on January 1, 2012."

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I'll take the vote on—Mr. Prue?

Mr. Michael Prue: This may be a little open-ended in terms of when a bill comes into force, on the day it receives royal assent. Royal assent, as we all know, is signed by the Lieutenant Governor, but it's done on the advice of the government, and many bills pass and wait sometimes years before they actually get royal assent. Is there some kind of commitment for the government that this will happen on or before the other two dates that are mentioned in the bill, January 1, 2012, and/or July 1, 2011? Just when can we expect this? I'm just nervous

that we pass it and the government never brings it forward for royal assent.

Mr. Greg Sorbara: Mr. Chair, I think my friend raises a technically valid issue. The fact is that we do not anticipate any undue delay in the proclamation of royal assent for this bill. So although I cannot give you a specific time frame, suffice it to say that the government, this party, our caucus, your party and the Conservative Party have all worked very hard on this bill and we would expect royal assent within a very reasonable time.

Mr. Michael Prue: Thank you very much.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 14RR. All in favour? The motion carries.

Motion 14R: Mr. Zimmer, you're withdrawing that?

Mr. David Zimmer: Withdraw.

The Chair (Mr. Bas Balkissoon): Motion 14: Are you also withdrawing that?

Mr. David Zimmer: Withdraw.

The Chair (Mr. Bas Balkissoon): PC motion 15.

Mr. Ted Chudleigh: Given the passing of the last amendment, this one is redundant, so we would withdraw it, other than to pass on a thank you for all those who attended and made deputations to the committee.

Interjections.

Mr. Michael Prue: We're not even finished.

The Chair (Mr. Bas Balkissoon): We've got to go back.

Mr. Ted Chudleigh: Oh, that's right. We've got all this other stuff to clear up. I may not be here long.

The Chair (Mr. Bas Balkissoon): We'll take the vote on section 40, as amended. Shall it carry? Carried.

Shall section 41 carry? Carried.

We'll now go back to 7.1.

Interjection.

The Chair (Mr. Bas Balkissoon): Mr. Prue wanted 7.1 first.

Mr. Michael Prue: No.

The Chair (Mr. Bas Balkissoon): You're okay?

Mr. Michael Prue: I'm happy to go back to—

The Chair (Mr. Bas Balkissoon): Do you want to go right to the first one that we put on hold?

Okay: motion 6.7.

It's a PC amendment. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that paragraph 2 of subsection 44.1(7) of the act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

"2. The equipment may be part of or connected to an electronic network and may use telephone or other technologies."

1350

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I'll take the vote on motion 6.7. All in favour? Against? The motion does not carry.

We'll move to 6.7.1: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that paragraph 2 of subsection 44.1(7) of the Election Act, as set out in subsection 23(1) of the bill, be struck out.

The rationale for this motion is that it would allow for a stronger motion to be substituted.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Ted Chudleigh: It's similar to ours.

The Chair (Mr. Bas Balkissoon): There being none, we'll take the vote. All in favour? Against? The motion is lost.

We'll now move to 6.11.1: NDP motion, Mr. Prue.

Mr. Michael Prue: That's 6.11.1?

The Chair (Mr. Bas Balkissoon): Yes.

Mr. Michael Prue: I move that paragraph 7 of subsection 44.1(7) of the Election Act, as set out in subsection 23(1) of the bill, be struck out.

By way of discussion, if I may, this is similarly to strike out this section so that a stronger motion can be substituted—more in line with what the disability community has requested.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, we'll take the vote on 6.11.1. All in favour? Against? The motion does not carry.

We'll now move to 6.14.1: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that section 44.1 of the Election Act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

"Consultation after use of equipment

"(9.1) When accessible voting equipment and related vote counting equipment are used in an election under this section, the Chief Electoral Officer shall consult with persons with disabilities after the election and make public the nature of the comments received and any proposed changes to be made with respect to the equipment as a result of the consultation."

If I may, by way of discussion, this, I think, is self-explanatory. But also, this mandates that the Chief Electoral Officer shall—it's not promissory; it is mandatory—consult with persons with disabilities about the nature of the machines and how the machines worked, and shall make the proposed changes to the equipment—not necessarily to the laws but to the equipment—so that it can be better utilized in the future.

We think that this is something that the disabilities committee has recommended, and certainly, all persons who came forward who have had any difficulties with machines asked that we revisit the issue of those machines and how they might be made to work better, or better, cheaper, or more effective machines might be utilized. That's what this is intending to do.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Michael Prue: On a recorded vote, please.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. I'll take the vote on 6.14.1.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): The motion does not carry.

Shall section 23, as amended, carry? Carried.

We'll now go to motion 7.1: NDP motion, Mr. Prue.

Mr. Michael Prue: This is 7.1R?

The Chair (Mr. Bas Balkissoon): Just one second.

Interjection.

The Chair (Mr. Bas Balkissoon): Motion 7.1R: Everybody has a copy? Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

"23.1 The act is amended by adding the following section:

""Alternative voting technologies

""44.2(1) The Chief Electoral Officer shall conduct a review of two or more alternative voting technologies, prepare a report of the review and, on or before June 30, 2012, submit the report to the Speaker of the assembly.

""Recommendations

""(2) The report shall include the Chief Electoral Officer's detailed recommendations with respect to the use of each alternative voting technology that is reviewed.

""Role of the standing committee

""(3) The Standing Committee on the Legislative Assembly shall hold public hearings into the report and shall, on or before December 31, 2012, determine whether any of the alternative voting technologies are appropriate for use in Ontario elections.

""Use of technology in elections, 2013 and 2014

""(4) If the committee determines that an alternative voting technology is appropriate for use in Ontario elections, the Chief Electoral Officer shall ensure that it is made available at all elections during 2013 and 2014.

""Application of s. 44.1

""(5) Section 44.1 applies, with necessary modifications, with respect to the alternative voting technology and the elections in which it is to be used.""

If I could, by way of explanation: The motion is put forward after consultation with the AODAA. We are mindful of the government's motion which will follow, which is 7.1.1, but feel that it is very much restrictive.

A couple of major things that we think make this better than the government motion: It involves the review. It sets out the review date, by June 30, 2012, which the government motion does not do; and it empowers the Standing Committee on the Legislative Assembly to hold public hearings and the standing committee, not the Chief Electoral Officer, to determine whether any of the alternative voting technologies are appropriate. You will see, in the government motion that follows, the standing committee can only adopt the Chief Electoral Officer's report without modification, so we would be virtually a rubber stamp. This would ensure that the standing committee would do the work we have been doing over these last few weeks, and that we are, after all, answerable to the public, to the people and to the electors, whereas the Chief Electoral Officer, with all respect to him, is not.

The third thing I think that it does is that it allows the committee to determine whether or not an alternative voting technology is appropriate, which the government prefers to leave to one person; we think that this should be an all-party recommendation.

We are moving the motion upon the advice of many of the people here in this room that this is a better solution in the long term to their past grievances. Certainly, their accessibility into this committee is leagues ahead of what their accessibility has been through the bureaucracy of Elections Ontario.

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. Greg Sorbara: We're coming to an end, and we have one last major provision to deal with that will be contained in the government amendment.

I know that my friend has worked very hard on this, and he has come a long way in preparation for this, in preparation for these considerations. I'm advised about his comments in the springtime, back in 2007, about the foolhardiness of Internet voting. I've had some concerns as well. This act, right from the beginning of the select committee, has seen its mission as modernization and a little bit of housecleaning as well.

The fact is that, as I said earlier, we've made terrific progress together in accommodating a community that we all acknowledge has not been served all that well in the past, so we're making these advances.

My friend is going to ask for a brief recess. I want to consult with my friends on the other side about one final little friendly amendment. While we will not be supporting Mr. Prue's amendment, I want to say that I understand his firm dedication to the constituency on whose behalf he's arguing.

The Chair (Mr. Bas Balkissoon): Further comments or questions? None? We'll take the vote on 7.1R.

Mr. Michael Prue: On a recorded vote.

Ayes

Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): Mr. Prue, 7.1 is withdrawn?

Mr. Michael Prue: It is withdrawn.

Interjection.

The Chair (Mr. Bas Balkissoon): Oh, sorry; I didn't announce the vote? That motion does not carry.

We'll withdraw 7.1. We'll go to government motion 7.1.1. Mr. Zimmer.

Mr. David Zimmer: Chair, I'd like to ask for a five-minute recess.

The Chair (Mr. Bas Balkissoon): We'll take a five-minute recess; we'll be back here at five after 2.

The committee recessed from 1400 to 1407.

The Chair (Mr. Bas Balkissoon): We'll reconvene. We're at 7.1.1, a government motion. Mr. Zimmer.

Mr. David Zimmer: Yes, back to the script here. Could I just get some guidance from the Chair? Chair, I just want to do an editorial amendment to a word in the—

The Chair (Mr. Bas Balkissoon): You want to revise it?

Mr. David Zimmer: Yes. How do I do that, Madam?

The Clerk of the Committee (Ms. Tonia Grannum): Are you amending the amendment?

Mr. Greg Sorbara: Well, we have agreement with the other two parties. It's a friendly amendment to change a couple of words. Shall we give you the new wording up there—pass it up to you?

The Clerk of the Committee (Ms. Tonia Grannum): No, if you read it and identify where—

The Chair (Mr. Bas Balkissoon): Just read it in.

Mr. Greg Sorbara: Right. Okay, good.

Mr. David Zimmer: Okay. Thank you. So we're on 7.1.1.

I move that the bill be amended by adding the following section:

“23.1 The act is amended by adding the following section:

“Use of alternative voting method

“44.2(1) At an election, if the following conditions are satisfied, the Chief Electoral Officer may direct that an alternative voting method, which may be an electronic voting method, be used:

“1. The alternative voting method has been tested by being used at a by-election under section 4.1 and a report has been made to the Speaker of the assembly under that section.

“2. The Chief Electoral Officer is satisfied that the alternative voting method protects the security and integrity of the section to a standard that is”—

The Chair (Mr. Bas Balkissoon): Of the section or the election?

Mr. David Zimmer: —“the security and integrity of the election to a standard that is equivalent to the protection afforded by section 44.1.”

That's the change to—

The Clerk of the Committee (Ms. Tonia Grannum): You're changing it—

Mr. David Zimmer: Following “to a standard that is,” strike out “equal,” replace with the word “equivalent,” and then it continues to read “to,” and strike out “or better than,” and it picks up at “the protection afforded by section 44.1.”

Can you just read that back and make sure we've all—

The Clerk of the Committee (Ms. Tonia Grannum): Sure. “The Chief Electoral Officer is satisfied that the alternative voting method protects the security and integrity of the election to a standard that is equivalent to the protection afforded by section 44.1.”

Mr. David Zimmer: Yes. Moving on:

“3. The Chief Electoral Officer has consulted, with registered parties, with electors and with experts on the

subject of voting methods, about the alternative voting method, the test under section 4.1 and its results.

“4. The Chief Electoral Officer has recommended the use of the alternative voting method at the election.

“5. The Standing Committee on the Legislative Assembly or another standing or select committee of the assembly has held public hearings into the Chief Electoral Officer's recommendation and approved it without modification.

“Direction

“(2) The Chief Electoral Officer's direction shall,

“(a) describe the alternative voting method in detail;

“(b) refer to the provisions of this act that will not be complied with, and specify the nature and extent of non-compliance in each case; and

“(c) identify the day or days on which the alternative voting method will be available in the election.

“Notice

“(3) The Chief Electoral Officer shall

“(b) provide copies of the direction to the leader of each registered party and to every candidate who has been nominated; and

“(c) publish the direction on a website on the Internet.

“General election

“(4) At a general election, the alternative voting method shall be made available in every electoral district.

“Report

“(5) When an alternative voting method is used at an election in accordance with this section, the Chief Electoral Officer shall include a report on the matter,

“(a) in any report that the Chief Electoral Officer makes with respect to that election; or

“(b) in the next annual report made under section 114.3.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Ms. Sylvia Jones: Just one comment: Because there is no reference in this amendment to accessibility, it is possible that these alternative voting methods would do nothing in terms of making the alternative voting method more accessible. I'm just wondering why the word “accessible” was left out.

Mr. Greg Sorbara: I think the place of the amendment and the way in which it comes into operation under the act makes it perfectly clear that this is all about dealing with allowing the Chief Electoral Officer to explore other means of accessible voting and to do so in a way that does not at this point commit, to be frank, the government to a form of Internet voting but allows that to be investigated and then come before a committee of the Legislature for approval or rejection. While I understand my colleague's concern, the whole thrust of this is about capacity to develop technologies that enhance the accessibility of voting for the disabled community.

Ms. Sylvia Jones: One other question: On page 2, when you make reference to “Notice”—it's 3(b) and (c)—is that accurate or should it be (a) and (b)?

Ms. Cornelia Schuh: It should be (a) and (b). That's a clerical error that will be corrected.

Mr. Greg Sorbara: Very good.

Ms. Sylvia Jones: That's what we're here for.

Mr. Greg Sorbara: No matter how much work you do, there are always clerical errors.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: Just to speak on this, I cannot help but respond to what my friend said, that I have come such a long way in terms of Internet voting. The fact of the matter is that I have not come a long way, but the technology has. That's the fundamental difference.

When I spoke in 2007, that was very soon after I was the victim of identity fraud. I will tell you, the people who can hack into a computer can find out a lot about you and can take some considerable advantage with it. You don't have to be the victim of such fraud to understand how much a person who knows how to use a computer effectively for illegal purposes can hack in, find out, substitute themselves for you and do things that the whole world thinks you are doing.

I am satisfied, over the last three or four years since I was a victim, that the technology has come such a long way that I no longer am afraid to go on the computer and to have personal details put on there, because I am satisfied that banks, government institutions and the like, with whom I trust that kind of information, are now much more careful with it and have the ways to safeguard against its abuse.

If you want to know what I said in 2007 and try to hold this up that I have moved my position—not really. I am still very mindful that people, improperly motivated, can do this kind of thing. But I am also much more mindful and support the fact that those who are involved in the making of technology and keeping it honest have come even further so that I am willing to take that kind of step.

Just for the record, that's what motivated 2007 and that's what motivates me today—that it's somewhat different.

Mr. Greg Sorbara: Well, I think my friend's comments ironically argue for the wisdom of the provisions that we've put forward here today, and let me tell you why: You're right about—and I remember you talking about the humiliating, awful experience of identity theft.

Mr. Michael Prue: You remember that speech, do you?

Mr. Greg Sorbara: I didn't memorize it. I tried to, but it was very complicated, and it just didn't work.

The fact is that with each advance in security and technology and communications link-ups, there is that small, crazy crowd out there that is always trying to break the code, no matter what you do. I mean, we just recently heard about the supposedly most secure systems in a number of sovereign nations being hacked and the information that was stolen being marketed around the world. As our security measures advance, the sophistication and the intelligence of the hacker advances as well. What we're doing here is saying that we need to allow the Chief Electoral Officer to do the investigation.

But because this is voting and because we have a very strong tradition of secure voting in Ontario, we need to be satisfied, in a world where hackers will hack, that the security systems are—not any more equal to or better than, but equivalent, and that really means that you, sir, and the rest of us in this Legislature responsible for this legislation are satisfied that if the CEO is proposing that we move in that direction, he is telling us at the same time that he is satisfied that the security of the system will not be compromised. That's what this debate has been from the beginning.

1420

I think that we've come to a reasonable landing. I actually believe that in the future, we will see systems develop that will be welcomed by and satisfactory to the communities that have been asking for this for quite some time. I think probably we'll see that by 2015. That may lead to a very different world in how we elect people over the course of the next general elections four, eight, 12 and 16 years from now. But our responsibility in government is—not to usurp the position of my friends opposite—to be conservative, to make sure in this area not only that we allow for the development of the new technologies but also that that principle of security of the vote is not compromised in any way.

We've been working on this section for the past several weeks, coming right up to today's clause-by-clause analysis, where my friend David Lepofsky said, "Could we just change this a little bit?" The concern was "equal or better than" and maybe that's too high a threshold. On the government side, we said, "Maybe you have a point." So I'm happy that my friends on the other side agree to the friendly amendment.

Just to cut this speech short, I think that the work that has been done with the other parties, with the AODAA and all of their representatives has been just an absolute model for the consideration of legislation in this parliament and in this province.

Mr. Michael Prue: If I could continue, because I was in the middle of my speech—but I thank you for the intervention.

What I still find problematic with these two pages are the words in section 5. "The Standing Committee on the Legislative Assembly or other standing or select committee of the assembly has held public hearings into the Chief Electoral Officer's recommendation and approved it without modification."

There are two problems with this. Number one is that people who come to make deputations generally do not have the same kind of access to the Chief Electoral Officer or, indeed, anyone in the bureaucracy as they do to parliamentary, standing or select committees. Every single standing committee to which I have been a party in the last eight years goes on at least the Internet; the television, on the parliamentary channel; usually to the newspapers; and sometimes in other forms of advertisement to key stakeholder groups and tells them to come out and make comment. This does not happen and probably will not happen to the Chief Electoral Officer. He is

under no such obligation to do that. Therefore, the people who have come here in great numbers have come here by a process which the standing committee allows. We hear much greater input than any bureaucrat will ever hear.

I mean no umbrage to Chief Electoral Officer, Mr. Essensa. I was on the board that hired him. I'm proud I hired him. He's doing a good job. I hired him at Toronto before here. The same guy, I hired him twice. He's doing a good job. No umbrage on him, but it's not the same as coming before a parliamentary legislative committee.

The second thing is that the committee itself will be rendered nearly powerless. We can either say "yea" or "nay," but we cannot make a modification. I think that that is an affront to the parliamentary process. We are elected as parliamentarians to reflect the views of the people of Ontario and particularly our own constituents. We are supposed to have free rein to make the laws, to make the recommendations and to have those recommendations go back before the Legislature. That ought not to be given to a single individual that we merely agree with or don't.

We sat here today, and a number of amendments, albeit it only one terribly minor one of mine, were accepted by the government. Some seven or eight of the Conservative ones were accepted. That is the role of the opposition: to point out to you, to the government, why these amendments are necessary and how they're going to improve the bill. It is not up to Mr. Essensa, any other bureaucrat or any other person to say what ought to happen and what ought to go before the Legislature.

For you and the government to truncate a committee, to truncate the future responsibilities of a committee of duly elected people, I think is terribly inappropriate and wrong. We then give up the responsibility we have to make the laws to someone else, and all we become are mere rubber stamps to say yes or not.

I don't understand why the government is doing this. I honestly do not understand. We are doing a disservice to the disabled community and to all electors, and we are doing a disservice to this Legislature and to ourselves. I don't understand. I can't be party to that.

I just want to close, because my friend did as well, to say how very proud I am of Mr. Lepofsky and all the others who have come forward from the AODA Alliance and all the other organizations. It seems to me that when we started out, there was very little in here about disability issues. When we finished, the whole thing, almost, was about disability issues. Inasmuch as you've been heard, I guess, things are good. Inasmuch as you got your wishes, I'm not sure they're as good as my friend is pretending. I think we had an obligation to go further than where it appears the government is willing to go.

I, for one, believe that in the 21st century, people with disabilities ought to be treated the same as everyone else. The time has come and gone, and is long past, thankfully, when a person with disability doesn't have the same rights. We could have, and should have, extended every single right that a sighted, a non-hearing-impaired, a mobile person who doesn't use a scooter, or any other

disability you can think of—we should have come to the point in acknowledging that whatever assistive device is necessary has to be given. That should have been in this legislation. I would tell you I'd be much prouder if I was going into the 2011 election having that in place than waiting for another four years.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: No long speech, I promise, but I do support fully what my NDP colleague is saying about the fact that we're going through the public process of putting it to a Legislative Assembly committee or a select committee, and public hearings, yet not allowing them to make recommendations based on the input they receive. It seems to me a very unusual section to be put into legislation. I've never seen it done in other circumstances. I don't see the value in going through a public process where you ask for input and then you don't have the ability to actually input it.

Many presenters and people around the table have talked about how different Bill 231 is now than when it was introduced initially. To me, that is as a result of the public input and consultation that occurred. And yet, by point 5 in this amendment, we would not be allowed to have that same access for input, and improvement, quite frankly.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara.

Mr. Greg Sorbara: I wasn't going to answer. I was at the beginning of my speech as well, but I thought I'd better cut it off there. Both of my friends have—

Laughter.

Mr. Greg Sorbara: Oh.

I was also going to tell the story about running into John Rae outside Massey Hall. We were both on our way in to the Canadian Songbook. I see him here today. He has been such a strong advocate. We had a great laugh then. I don't think either of us realized that a year later we would still be working on this bill. He has made a real contribution to its amendments.

I need to speak to section 5. This in no way constrains the ability of Parliament and the ability of government to make laws and regulations. This is a simple, neat, effective process that has the CEO, the Chief Electoral Officer, investigate, test, and develop electronic systems and then bring them before a committee for consideration.

I think that is actually great wisdom, rather than turning it into a kind of a political battle, just to have a committee say, "Yes, we like it," or, "No, we don't like it." It may well be that at that time, the government says, "Well, we want to have that, and we want to have it in an amended form." That would give rise to a bill introduced in Parliament, and it would go through the process. But rather than elongating this committee process just on this one section, I think the wisdom here is for all of the work to be done.

1430

Frankly, sir, you know how this happens. There's a great deal of consultation before those public hearings as to whether or not this is the right process, an effective

process. And rather than giving it over to a long and protracted political debate, we have an opportunity to look at it in this Standing Committee on the Legislative Assembly and say, “Yes, we want to go forward with that,” or, “No, frankly, we don’t want to go forward with that.”

I reject the notion that somehow Parliament, in its ability to make laws and rules, is constrained. I think there is great wisdom in this section, and I hope my friends would reconsider their opposition to it.

The Chair (Mr. Bas Balkissoon): Okay, I will take the vote on the amended portion to section 2.

Mr. Michael Prue: Recorded vote, please.

Mr. David Zimmer: So we’re voting on the amendment? That’s the change of the words?

The Chair (Mr. Bas Balkissoon): On the strikeout and the replacement.

The Clerk of the Committee (Ms. Tonia Grannum): It’s on the amendment to the motion.

The Chair (Mr. Bas Balkissoon): I’ll take the vote on the amendment to the motion.

Ayes

Dickson, Jones, Mangat, Naqvi, Prue, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That carries.

Now I’ll take the vote on motion 7.1.1, as amended.

All in favour? Against? That motion carries.

Mr. Michael Prue: I did ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): You want it recorded? Okay, once again.

Ayes

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

Nays

Jones, Prue.

The Chair (Mr. Bas Balkissoon): That motion carries, as amended.

We’ll now move to motion 7.2. Mr. Prue.

Mr. Michael Prue: I found 7.2.1.

The Clerk of the Committee (Ms. Tonia Grannum): It’s in the original package.

Mr. Michael Prue: Oh, let’s go back.

Mr. Greg Sorbara: You may just want to drop it—I’m just kidding.

Mr. Michael Prue: Just let me read it and I’ll tell you.

Mr. Greg Sorbara: Go ahead.

Mr. Michael Prue: No, I don’t want to withdraw this; this is a good one.

I move that the bill be amended by adding the following section:

“23.2 The act is amended by adding the following section:

““Accessibility report, polling places

“44.3(1) The Chief Electoral Officer shall,

“(a) make public, by publishing on a website on the Internet and by other means, not less than six months before the date fixed for an election, the proposed locations for polling places and specific steps taken to ensure accessibility;

“(b) invite the public to comment on whether the proposed locations are sufficiently accessible;

“(c) establish and widely publicize an elections accessibility telephone hotline during the six month period before and during voting day for electors and candidates with disabilities to comment on the proposed locations and to comment on any accessibility problems;

“(d) review the proposed locations in light of comments received and make a final determination of the location of polling places, not later than 60 days before the election; and

“(e) publish the determination made under clause (d) on a website on the Internet and by other means.

“Same

“(2) If the Chief Electoral Officer decides not to change the location of a proposed polling place despite objections to it having been received on grounds of accessibility, he or she shall forthwith make public the reasons for refusing to alter the location by publishing the reasons on a website on the Internet and by other means.

“Appeal

“(3) A person who objects to the location of a proposed polling place on the grounds of accessibility concerns and who lodges a timely complaint with the Chief Electoral Officer about the proposed location may appeal the refusal to alter the location in the manner prescribed by the regulations.”

By way of argument, I think that it’s mostly self-explanatory. This is an opportunity for those who particularly are constrained in mobility—who are required to attend in a wheelchair, a scooter or by some other means where it is difficult to go down flights of stairs or the like—to have a look and to see whether or not the polling place is accessible. A casual walk by it—many times, to the trained eye, one who is wheelchair- or otherwise dependent can often see things that many people who are not mobility-dependent would simply miss: a lip, a step, the inaccessibility of an elevator during certain periods, all kinds of things. I think this was amply illustrated by some of the people who were here before us, including the gentleman who had to be carried down stairs to vote in the by-election in Toronto Centre, and others who talked about being unable to vote and unable to access unless they did so with great duress, a lot of waiting outside in the cold and everything else.

This would allow for those persons to have comment into places that have been chosen that are not right. It will not cost the government a great deal of money or, I’m sure, the Chief Electoral Officer a great deal of time to hear people out when the list is established. I know it is established six months before, because politicians and political parties in ridings are often given lists of the proposed polling places well in advance of the election date.

So I ask the government to support this.

The Chair (Mr. Bas Balkissoon): Questions and comments? There being none, I'll take the vote—

Mr. Michael Prue: On a recorded vote, please.

Ayes

Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll move to 7.2.1, a government motion. Mr. Zimmer.

Mr. David Zimmer: I move that the bill be amended by adding the following section:

“23.2 The Act is amended by adding the following section:

“Review and report re alternative voting technologies

“44.3 The Chief Electoral Officer shall conduct a review of alternative voting technologies, prepare a report of the review and, on or before June 30, 2013, submit the report to the Speaker of the assembly.”

The Chair (Mr. Bas Balkissoon): Questions? Comments? Ms. Jones.

Ms. Sylvia Jones: My only comment is: Why is it so late after the 2011 election? By the time he does the review and issues the report, I'm thinking we might lose an electoral cycle.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara?

Mr. Greg Sorbara: I think the answer is that the report must be submitted, at the latest, on the date in the motion. We believe that the full intention here—you have to have a cut-off date: “We want it no later than.” One expects that what will happen, in practice, is—you know, we have an election to conduct at the end of 2011. In the six months after that, for Elections Ontario, there is a great deal of work ensuring the analysis, not just on accessibility, but so many other things in the election are reviewed and then a report is made to Parliament. Now you're into the beginning of 2012. So basically, there's a year there in which to do the analysis, the review, the testing and the experimentation with alternative voting methods. We put a “you must report to Parliament or the Speaker” before the date that's in the motion.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: I'm also worried about the date. I understand what my friend has just said, and I understand the work that everyone has, but surely we can move that up a bit. We have had a long history—and certainly the Canadian federal government has had an even longer history—of minority parliaments. We don't always have a four-year cycle. As a matter of fact, the last couple have been rather amazing, to have so many four-year cycles—

Mr. Greg Sorbara: I think it's probably because of the government that's in power.

I'm sorry; you invited me to do that, Michael.

1440

Mr. Michael Prue: No, I didn't. I invite you to use your historical wisdom of the fact that we went through a whole string of time, and are likely to go through it again in short order, of minority Parliaments. I'm just worried that the election that follows this one, because of the long date—if there is an election in 2013 or 2014 rather than the next cycle in 2015, then there will be no amelioration for the disabled.

Mr. Greg Sorbara: That's a good comment. Who knows when we will have another minority Parliament and if that minority Parliament might last a full four years? Those are the vagaries of our electoral system. What we're saying here is, “Chief Electoral Officer, you've got to do this work, and no matter what the situation is in Parliament, your essay has to be in by this date. Get the work done.”

Now, if it turns out that within two months of that, Parliament falls and there is a general election, well, there's going to be a little bit of chaos. And I agree with you: The changes contemplated won't be in place for what comes out of that kind of review. But as a practical matter, one would expect that the Chief Electoral Officer will be reporting to Parliament much before the date set out here, which is the final date, and one would expect that the voters of Ontario would have the wisdom to once again elect a majority government in Ontario—at least, that's what I'm praying for, sir.

Ms. Sylvia Jones: So am I, just of a different colour.

The Chair (Mr. Bas Balkissoon): I'll take the vote on 7.2.1. All in favour? Against? The motion carries.

We'll move to motion 7.3: NDP motion, Mr. Prue.

Mr. Michael Prue: If my calculations are correct, this would be the last one. Therefore, I have the distinction of having the last motion to come before—

Mr. Greg Sorbara: The last word.

Mr. Michael Prue: The last word.

I move that the bill be amended by adding the following section:

“23.3 The act is amended by adding the following section:

“Accessibility of returning office

“44.4 Every returning office shall be accessible to persons with disabilities and shall provide TTY services for callers with hearing loss.”

By way of explanation, I think it's self-evident, but we will have approximately 107 such offices across this province, one in each electoral district. All this motion is asking is that when those offices are set up, they be accessible and that a telephone be put in so that persons with hearing loss can be able to talk to the Chief Electoral Officer. I am asking for support on this absolutely minor matter.

Mr. Greg Sorbara: Well, the good news, sir, is that those standards are already part of Elections Ontario and will continue to be so. Therefore, we don't need it in this amendment.

Mr. Michael Prue: That's the good news; I don't know what the bad news is.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: I don't believe they are in the legislation. I think they are standards that the Chief Electoral Officer of the day has chosen to implement. They are not in the statutes. I think it's a great amendment and I think we should support it.

Mr. Michael Prue: Recorded vote, please.

The Chair (Mr. Bas Balkissoon): I'll take the vote on 7.3.

Ayes

Jones, Prue.

Nays

Dickson, Mangat, Naqvi, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

Just some administrative things: Shall the title of the bill carry? Carried.

Shall Bill 231, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

The Chair (Mr. Bas Balkissoon): Mr. Zimmer.

Mr. David Zimmer: If I may just have the committee's indulgence for a second. We've been here now for two days. There has been a lot of fast conversation and, in some cases, very, very long technical amendments. I want to say, on behalf of the committee and, indeed, everybody here, our special thanks to our sign interpreters, Pamela Burchell and Lesley Kennedy McMillan from the Southern Ontario Sign Language Interpreters. I've watched you for two days, as my colleagues have, and it is surely a most remarkable piece of work.

I would ask my colleagues to join me in that congratulations and ask the clerk of the committee, when you get a copy of Hansard, if you'd send a copy of these remarks to the two sign interpreters. Thank you.

Applause.

The Chair (Mr. Bas Balkissoon): I agree with you.

Just one correction: They were here four days.

Mr. David Zimmer: I'm sorry.

The Chair (Mr. Bas Balkissoon): Two days of hearings—

Mr. David Zimmer: Four days, yes. Even more impressive. I don't know how you've handled those technical amendments.

The Chair (Mr. Bas Balkissoon): Before we adjourn, committee, I have a little bit of committee business to do. I know some of you are not on this committee, but the clerk has received the invitation to the National Conference of State Legislatures, and I need your concurrence that the clerk prepare the letter that goes to the House leader to allow the members of the committee to travel to this conference and also to give the subcommittee of the committee the authority to prepare a budget for the committee and submit it back to the committee.

Mr. David Zimmer: Where's the trip?

The Chair (Mr. Bas Balkissoon): This year, the conference is in Louisville, Kentucky, on July 25, 26, 27 and 28.

Mr. David Zimmer: I'm not on the committee, but could I be on the committee for the purposes of the trip?

Mr. Yasir Naqvi: No.

Mr. Michael Prue: Could I ask what has been done in past years? It was my understanding that one person from each party went, rather than—

The Chair (Mr. Bas Balkissoon): The last two years that I've been Chair, it was agreed that all members of the committee have an opportunity to go, but they must submit their requests to the clerk.

Ms. Jones has been on the committee, I think—am I correct?

Ms. Sylvia Jones: Yes, I have.

Mr. Michael Prue: I have not been on the committee before the last few weeks.

The Chair (Mr. Bas Balkissoon): But that has been the agreement in the past, so I'm asking for your concurrence on proceeding in the same direction as previously. Agreed? Agreed.

The committee is adjourned.

The committee adjourned at 1446.

CONTENTS

Wednesday 21 April 2010

Election Statute Law Amendment Act, 2010, Bill 231, Mr. Bentley / Loi de 2010
modifiant des lois en ce qui concerne les élections, projet de loi 231, M. Bentley..... M-75

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