

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

Chairperson
Mr. Tom Nevakshonoff
Consituency of Interlake

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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ALLAN, Nancy, Hon.	St. Vital	NDP
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, June 13, 2012

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

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

**VICE-CHAIRPERSON – Mr. Dave Gaudreau
(St. Norbert)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Howard, Hon. Messrs. Selinger, Swan

*Messrs. Dewar, Ewasko, Gaudreau, Goertzen,
Marcelino, McFadyen, Nevakshonoff, Schuler*

APPEARING:

*Ms. Shipra Verma, Deputy Chief Electoral
Officer*

MATTERS UNDER CONSIDERATION:

*Annual Report of Elections Manitoba for the
year ending December 31, 2003 including the
conduct of the 38th Provincial General Election,
June 3, 2003*

*Annual Report of Elections Manitoba for the
year ending December 31, 2007 including the
conduct of the 39th Provincial General Election,
May 22, 2007*

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

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

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

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Clerk Assistant (Mr. Andrea Signorelli): Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Chairperson. Are there any nominations for this position?

Mr. Gregory Dewar (Selkirk): It's my honour to nominate Mr. Nevakshonoff.

Clerk Assistant: Mr. Nevakshonoff has been nominated.

Are there any other nominations? Hearing no other nominations, Mr. Nevakshonoff, will you please take the Chair.

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

Mr. Dewar: It's also my honour to nominate Mr. Gaudreau.

Mr. Chairperson: Hearing no further nominations, Mr. Gaudreau is elected Vice-Chairperson.

This meeting has been called to consider the following reports: the Annual Report of Elections Manitoba for the year ending December 31st, 2003, including the conduct of the 38th Provincial General Election, June 3rd, 2003; Annual Report of Elections Manitoba for the year ending December 31st, 2007, including the conduct of the 39th Provincial General Election, May 22nd, 2007; Annual Report of Elections Manitoba for the year ending December 31st, 2008; Annual Report of Elections Manitoba for the year ending December 31st, 2009; Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election, March 2nd, 2010.

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

Hon. Andrew Swan (Minister of Justice and Attorney General): I recommend we sit until 8 p.m. tonight.

Mr. Chairperson: Pardon me?

Mr. Swan: I'd recommend we sit until 8 p.m. tonight.

Mr. Chairperson: Until 8 p.m.

Mr. Kelvin Goertzen (Steinbach): I suggest we sit to 8 p.m. and then review.

Mr. Chairperson: Okay. Until 8 p.m. and then review? Is that agreeable? *[Agreed]*

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

Mr. Goertzen: We've traditionally, I think, in this committee—and it's served us well—had a global discussion on the reports and issues pertaining to Elections Manitoba. I'd suggest we proceed the same way.

Mr. Chairperson: Mr. Goertzen has proposed a global discussion.

Mr. Swan: I think we're agreeable to that. Some of the older reports seem to have grown whiskers, so I'm hoping we'll be passing a few at the end of the evening.

Mr. Chairperson: All right, it is agreed we'll have a global discussion.

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

Hon. Greg Selinger (Premier): Yes. I'm going to start with a statement. It's not too long.

Thanks for the opportunity to speak to the committee this evening. I want to begin with some general remarks on the election that we held eight months ago, and then I will introduce the folks here.

Most of us have not gone through an election that hasn't been free and fair in Manitoba, in spite of some of the issues that we are addressing here tonight. However intense the contest for the votes, the opponent was never the enemy. Positions were staked out, campaigns were waged, and we all accepted the results.

However, with every election in our province, tens of thousands of new Canadians will, for the first time in their lives, have a voice on who—in who will govern the public's affairs. The obvious pride and reverence that our new neighbours display when they first put an X on the paper reminds us all of how democracy is so powerful and yet so fragile.

It is entirely fitting, here in Manitoba, our parties, indeed, our entire electoral process depend on so heavily and so successfully on volunteers. Last September, dedicated citizens of all ages did what

they could for the party they spoke to them. They made phone calls, they stuffed envelopes, they chatted with neighbours and they knocked on doors of perfect strangers. They gave the like-minded a reason to vote for their cause and they listened thoughtfully to those who disagreed with them.

And even though all candidates are deeply grateful to these volunteers, they didn't particularly want thanks. Most of them considered it an honour, even a privilege, to participate in our democratic process. So tonight I want to salute their energy and their efforts.

Finally, I want to acknowledge the candidates from every party. It is not easy to submit yourself to the kind of scrutiny that all candidates can and should go through. There were many fine people who were successful and many fine people who did not get elected, who came up short on election night. I want to express my respect for them all for giving their best whatever the outcome.

Tonight, we have from Elections Manitoba, we have Ms. Shipra Verma with us, who everyone here knows; Lisa Kingham, acting manager of Corporate Operations; and Alison Mitchell, the manager of Communications and Public Information. Thank you very much to Elections Manitoba officials for being here tonight, and today, we are dealing with the contents of Elections Manitoba annual reports which have been read into the record.

Over the past number of years, significant and steady progress has been made towards implementing the recommendations of the chief electoral officer, all with the goal of making the electoral process more accessible to all Manitobans. Some of the changes that have included: the establishment of a fixed election date; changes to advance polling that extended the duration of advance polls and allowed voters to cast ballots at any voting location that was convenient for them; providing the Commissioner of Elections with additional tools to assist the important undertaking of ensuring that all political parties comply with the act; expanding the membership of the Manitoba electoral boundaries commission to include the presidents of Brandon University and the University College of the North; and giving the commission the last word on redistribution.

Also, we've improved access to advance polls for rural and northern residents by ensuring that nobody in a community of more than 50 voters needs to travel more than 30 kilometres to cast an advance

ballot. We've reduced the average number of voters in rural polls from 350 to 250. We've expanded the number of voting places located in apartment blocks, and we've expanded Elections Manitoba's mandate to undertake an aggressive and comprehensive public information and education campaign.

A major initiative of the current reforms was to fulfill our commitment to rewrite The Elections Finances Act in plain language, no small feat. The intent of plain-language drafting is to use simpler and more conversational language so that the statutory law is more accessible to the reader or, in this case, the voter. The act is now divided into parts with each part having its own table of contents in dealing with just one primary topic. This innovation makes it easier for readers to find the provisions of the act that are most important to them. Each part begins with an overview that summarizes the main items in that part and orients the reader to the contents of that part.

We have just concluded our first fixed election date. In 2011 election, 433,346 voters or 55.77 per cent of eligible voters cast ballots. The task of organizing an election is a huge undertaking and must be executed to the highest possible standards in order to protect the integrity of voting, which is the cornerstone of our democratic tradition.

I would like to extend thanks to Ms. Verma and all the staff from Elections Manitoba for all the hard work they put into preparing and for—and conducting the 2011 election. On behalf of everybody at this table and all members of the Legislature, we'd like to thank you for the work that you've done.

The 2010 annual report contains a number of recommendations. Through the Standing Committee on Legislative Affairs, we have an opportunity to share our ideas and perspectives on these recommendations. Our democratic process will be strengthened by these frank and thoughtful discussions, and I want to thank you for this opportunity to speak this evening.

And, with that, I conclude my remarks.

Mr. Chairperson: We thank the honourable First Minister.

Does the Leader of the Official Opposition have an opening statement?

Mr. Hugh McFadyen (Leader of the Official Opposition): Yes, I do.

And I would like to echo many of the comments made by the Premier, particularly those that pertain to the thousands of Manitobans who participated in the recent general election, and in particular, pay tribute to those thousands of party volunteers who gave their time and energy to candidates from various parties, to those candidates who put their names forward, 57 of whom were successful and many others of whom were not successful in being elected. Many of those people have made tremendous contributions to the province, and I—and will continue to make significant contributions as they go forward.

*(18:10)

I also want to acknowledge and thank the officials who conducted the elections, including those present here tonight and those many others who participated in enumeration and acted as officers responsible for the conduct of the election through advance polls up to and including election day.

We would acknowledge that there have been areas of quite encouraging progress made in terms of the conduct of elections in this province over the years. We look forward to discussion tonight and as we go forward on some of the ideas that are coming forward to further improve the process, and we continue to have concerns and unresolved issues that we would like dealt with, all with a view towards strengthening democracy in Manitoba.

So we look forward to a good discussion on all of those points tonight, and I want to again thank the Premier (Mr. Selinger) for his comments and thank the staff from Elections Manitoba for being with us tonight.

Mr. Chairperson: Thank you, Mr. McFadyen.

Does the deputy chief electoral officer wish to make an opening statement?

Ms. Shipra Verma (Deputy Chief Electoral Officer): I do.

Just checking the time, so I don't—good evening, Mr. Chairperson, and thank you for your—the comments on our work. We have a very committed team, and we really appreciate the positive feedback.

Today, I have with me Lisa Kingham, acting manager of Operations, and Alison Mitchell, manager of Communications and Public Information.

I would like to make some comments about the 2011 general election as related to the operational

conduct, new outreach activities undertaken by our office, as well as some results of series of post-election surveys we carried out with the stakeholders. Finally, I'll address the recommendations in our 2009 and 2010 annual reports.

As you know, this election was conducted on a 75-day calendar and the new boundaries with the new version beginning on July 21st and election day on October 4th. In total, 710,000 names were added to the voters' list through enumeration while the final list stood at 770–707,000 names.

Nomination for this election closed on Tuesday, September 13th, with 209 official candidates nominated in 57 electoral divisions. One candidate withdrew prior to election day for a final total of 208.

Advanced voting was conducted in 291 locations throughout the province, an increase of 50 per cent over 2007, including more high traffic locations in such as universities and shopping centres and The Forks.

In 2011, eight days of advance polling were held, one more day than in the previous general election. Of these, 433,000 ballots were cast this election out of which 78,000 or 18 per cent voted in advance voting. This represents an increase in advance turnout of 83 per cent over the previous election.

On election day, close to 9,500 field staff opened 2,681 voting stations in 899 locations throughout the province. An additional 115 institutional voting stations were established in health-care and correctional facilities. As a result of recent changes to legislation, voting places opened one hour earlier on election day, beginning at 7 a.m.

The total cost to administer this election was 11.9, which fell within the budgeted amount. The total amount budgeted for reimbursement was \$4.2 million with actuals would be approximately \$3 million. In comparison, the cost to administer the previous election was \$8 million plus \$2.8 million for reimbursement.

The increased cost to administer this election reflects the difference in the length of the election calendar: 33 days in 2007 and 75 days in 2011, as well as increase in the tariff.

A post-election survey of approximately 6,000 randomly selected voters was conducted to assess the accuracy, currency and completeness of the voters' list. For 2011, the survey showed an

accuracy level of 94 per cent, completeness of 87 per cent, and currency of 95 per cent.

A survey of the population was also done to find out the satisfaction level. It was revealed that 95 per cent of the voters were satisfied or very satisfied with their voting experience.

While voter turnout was down to 55.77 per cent from 56.76 per cent in 2007, the total number of voters increased by almost 13,000. There were many reasons which were given for the decision not to vote. These reasons can be grouped into three broad categories: voters who were distracted—they were away; they didn't have time and that accounted for 34 per cent; voters who were displaced and didn't know where to vote, felt the voting place was too far was 11 per cent. The big category was the voters who were disassociated. They didn't know who to vote for, felt the outcome did not matter or was already predetermined. This percentage was 51 per cent, and this increased from the previous election from 45 per cent to 51.

Of the three categories given, the reasons given by Manitobans for not voting have remained fairly consistent over the time and the exception was the disassociated. Among those who did vote, two broad reasons were given. The most common is the importance of the act of voting, and the other is the voters are interested in the outcome of the vote.

While the vast majority of Manitobans are predisposed to vote, for many it's simply not a priority. However, only one in 10 say that nothing would encourage them to vote, suggesting that with sufficient motivation and opportunity more would vote.

In this election, we continued a proactive approach to assist political participants to comply with election legislation. In addition to ongoing compliance support from our office, a total of 20 campaign information sessions were held in Winnipeg, Selkirk and Brandon during the period and election period. The campaign sessions were attended by 251 people, including candidates, official agents, campaign managers.

Auditor information sessions were also provided by Elections Manitoba to prepare auditors for their role. The auditor sessions were attended by auditors representing 86 per cent of the campaigns.

For the 2011 election, we developed an electronic recordkeeping tool that was made available to political entities wishing to record

income and expenses electronically and then conveniently transferring that information into the filing disk already provided.

Our office will continue to work with political entities to extend assistance in campaign finance areas.

With the expanded mandate for engagement and outreach, Elections Manitoba conducted a number of engagement outreach activities leading to the 40th election. Some built on existing programs, while others were conceived and developed specifically for the selection.

As you know, spring flooding in 2011 resulted in the displacement of numerous Interlake voters during enumeration, revision and election day itself. To respond to this contingency, our office consulted with the chiefs of all elected-of all affected First Nations and with their collaboration, we developed a plan to ensure voting opportunities for all members. We conducted enumeration at Manitoba hotels where evacuees were staying and also set up advance and election day voting stations specifically for these voters.

A series of community engagement initiatives were also targeted to specific groups which were introduced or enhanced for this election. These groups included women in shelters or persons with personal security concerns, new Canadians, persons with disabilities, persons in homeless shelters, university and college students. For all the five target groups, consultations were held with key stakeholders. Communication materials were developed specific to the target group and with appropriate information sessions or other informational activities were held.

Some specific initiatives introduced in this election included new tools to assist voters with visual impairments, including Braille ballot templates and Braille candidate list, as well as large-print candidate list and magnifying rulers. To promote awareness and provide information to post-secondary students, information booths were placed on campus at six of the large universities and colleges in the province. Advance voting was held on six campuses, while election day voting was available at five.

This was the first time in several years that outreach to post-secondary students was feasible, given that the previous two elections were held outside the regular university session.

Enumeration was also conducted at three homeless shelters and mobile voting places were set up at the same locations on election day.

In support of our education and public information mandate, we developed and launched a new family engagement program for 2011 election. Citizen Next was conceived to promote democratic participation as an activity and a concept to be shared and discussed among families.

Promotional materials were distributed to 726 schools, kindergarten to grade 6, in all the 57 electoral divisions.

To welcome children to voting places, voting officers gave out official future voters stickers and certificates to our young people while voters themselves received I voted stickers. Almost 90 persons said the reaction of children to receiving these stickers and material was favourable.

* (18:20)

This election, we also initiated a new program called the student information officers. Elections Manitoba recruited 299 grade 11 and 12 students throughout the province to work as student information officers on election day. These were paid positions with the primary function to direct voters to the voting station and distribute the Citizen Next material. The objective of this program was to promote participation, build awareness of the electoral process among first-time and future voters, while providing a paid employment opportunity. Returning officers, voting officials, and the students themselves rated this experience very highly.

We also continued with our education program, Your Power to Choose. It saw a high level of activity in the election year with an emphasis on the facilitated in-class workshops delivered to students across the province. In 2011, seven facilitators across Manitoba conducted 283 workshops for close to 6,500 students and learners in Manitoba. In 2010, an adult version of the program was developed and launched with 16 workshops conducted at adult learning centres and literacy centres in the year leading up to the election.

I would like to bring your attention now to the six recommendations made in our annual report: one is related to The Elections Finances Act, three to The Elections Act, and the other two are consequential changes arising from Bill 37 amendments in 2008 which have now been addressed in Bill 33.

The first is to extend the tax registration period from the end of the candidacy period to four months after election day. This will allow official agents to have an additional two months to register for tax receipts.

The second relates to access for campaigning in an apartment, condominium complex or other multiple residence or community. Our recommendation is that candidates' representatives be required to carry a prescribed form, signed by the candidate or official agent, as well as identification that conforms to the section 2 of The Elections Act. To further clarify, we are also recommending that the identification and documentation need only be presented upon request.

The third recommendation relates to a set election period. While we currently have a set election date, we do not have a set election period. Rather, the campaign can vary from 28 to 35 days. If we have a set election period, this would confirm the day of the writ, which would also allow political campaigns to better manage their resources.

Finally, we are again recommending that the revision period be shortened by three days. Ending it on the third Monday before election day will allow us to deliver the revised voter list to remote locations in time for the first Saturday of advance voting. We are confident that, even with a shortened period, we will still have adequate time to compile a complete voters list.

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

Mr. Chairperson: Thank you, Ms. Verma.

The floor is now open for questions.

Mr. McFadyen: And I want to thank you, Ms. Verma, for the report and just acknowledge the constructive recommendations that are being brought forward. I think there are some good ideas here—ones that are worth taking a hard look at and, in fact, acting upon, so I want to thank you for that.

I also want to compliment you and your staff for the outreach and engagement work that was done. I know, just from speaking to different people throughout the school system who were participants in some of the efforts to get kids interested in politics and elections, the feedback was very good. In fact, I think, my kids may have come home with I voted stickers. Now, they didn't vote—just for the record. *[interjection]* Yes, that's right, and I didn't press

them on who they voted for, but I'd like to think they voted the right way. But it was a good process. I'm just—encourage you to carry on with that effort. And I think that's something that's good for democracy in the province and a really constructive way for the office to focus its attention in between elections.

Ms. Shipra, you joined Elections Manitoba in 2004, and—as I understand it—and there are issues, as you well know, that arose concerning activities that took place prior to that time. And there have been some disclosures since our last committee meeting which took place in the May of—in May of 2010, that are significantly bothersome to us with respect to the conduct of the NDP and Elections Manitoba subsequent to 1999. We're raising them today, because it's the first committee meeting we've had since some of the new disclosures that came to light which have been shared with you, and we think it's important, if we're going to resolve those issues, to have an opportunity to discuss them tonight and attempt to get some explanation.

And so I just—I'm going to just table for the committee a piece of correspondence. It's a letter dated February 16th, 2011, addressed to yourself at Elections Manitoba. It's the correspondence; it's signed by Jonathan Scarth, who is our party CEO. And that letter covers some of the issues and concerns that we had about two of the NDP schemes that were uncovered well after the 1999 election.

One was related to falsified returns and cheque swapping, and the other was in relation to two-for-one tax credits. And those issues came to light thanks to disclosures from both members of the NDP and those who either were or are currently in the employment of Elections Manitoba. And the allegations that were contained in correspondence that had been prepared by Mr. Asselstine were obviously very significant. And, as we know, there was pressure put on Elections Manitoba to dismiss Mr. Asselstine and his firm. That pressure ultimately resulted in the dismissal of Mr. Asselstine on July 27th, 2003, shortly following the 2003 general election. Again, this predates your time at Elections Manitoba, but the latest disclosures are obviously ones that require some explanation.

Now Mr. Asselstine was dismissed via a phone call from Richard Beamish, who was counsel to Elections Manitoba at the time on July 27, 2003. The information that was brought to our attention just over a year ago was that there had been a cheque issued to the firm of Hamilton and Asselstine, dated

July 27th, 2005. So more than two years after that firm was dismissed by Elections Manitoba, they received a payment via a cheque in the amount of \$32,500. We had not been aware of the existence of this cheque until early 2011, and it was leaked, apparently, by somebody within your office, because the cheque is uncashed and both vouchers are still attached to it. Normally, the second voucher would be retained by the payer and kept for the purposes of an audit trail. So it came from within—it appears to have come from within your office.

The cheque is signed by Scott Gordon and yourself. The payment is for \$32,500 to a firm that had been dismissed by Elections Manitoba more than two years earlier. Can you just provide an explanation for that payment of \$32,500?

Ms. Verma: You are correct in stating that I started with Elections Manitoba in 2004. I started in March 2004 as a financial compliance analyst. At that point, investigation and prosecution was with Elections Manitoba, but there was a separation. I was in the compliance department, which was separate from the investigation and prosecution team.

A couple of points: To my knowledge there was no pressure placed on Elections Manitoba to dismiss any staffperson. The dismissal of Mr. Asselstine as, you have stated, to my knowledge, Mr. Asselstine was not dismissed by Elections Manitoba. It—he decided he did not want to do the compliance work for us following the 2003 election.

I also understand that Mr. Asselstine continued on the investigative team. He completed the investigation in 2003, and it was on the compliance side that the discontinuation happened. Richard Beamish, I don't believe—I don't have knowledge that he was the counsel to Elections Manitoba. And again, we have no knowledge of a leak within the office—at our—at Elections Manitoba.

* (18:30)

In the previous committee meeting which was attended in March 2010 by Mr. Balasko, he had mentioned that the work with Mr. Asselstine had come to an end in April 2005, I suppose, and which coincided with the final invoice payment provided by Mr. Asselstine in April 2005. Mr. Asselstine—again, I was not involved first-hand in this review—what I understand was continued work beyond 2003 on the note which was placed from a compliance perspective on the amended NDP returns, the party return and the candidate returns. And this invoice

related to that work which he had performed and that was the payment \$32,500. My signature on the cheque is in my capacity as a financial compliance analyst person. The internal controls within our office require such cheque payments need two signatories, I was the second signatory. My work involved verifying that this and the payment is based on an invoice and it is duly authorized and that's what my signature represents.

Mr. McFadyen: In referencing the fact that your signature is on the cheque I—there's no suggestion that you were part of something improper. The issue is that much of what you have just said is actually absolutely contradicted by testimony already given at this committee and by the correspondence between Elections Manitoba and Mr. Asselstine over the past number of years.

There were—there was correspondence, which is already in the public domain, which makes reference to Mr. Asselstine's dismissal in July of 2003. The letter that came from the NDP addressed to Mr. Balasko prior to that time complaining about Mr. Asselstine is already in the public domain and the correspondence involving the dispute that emerged between Mr. Asselstine and Elections Manitoba following the 1999 election is quite well established. So I am surprised to hear you say that he was never under any pressure to discontinue his work for Elections Manitoba when all of the evidence to date is that there was a dispute which arose over the notation that was contained in the subsequent annual report. Mr. Asselstine's specific concern was that the annual report that was prepared didn't properly reflect what he had actually uncovered in the course of his audits that he had repeatedly made recommendations that prosecutions should be considered and he was extremely unhappy with the notation contained within the annual report, and that, as a result of those disagreements between Mr. Asselstine and Elections Manitoba and primarily Mr. Balasko, they parted company in July of 2003, and subsequently went back and forth in a dispute over his fees for a period of time afterward.

Can you just indicate whether that's closer to your understanding of what actually happened?

Ms. Verma: To my knowledge, Mr. Asselstine was not dismissed from investigative team. His work was completed and considered by the two independent legal counsel before they provided their opinion. To my knowledge also that Mr. Balasko reviewed—based

his decision on the opinion provided by the two independent legal counsel.

Mr. McFadyen: I'll just table a second letter dated February 15, 2011, and this is the response from Elections Manitoba to Mr. Scarth's correspondence, and I just wanted to table it. There isn't anything in this correspondence that's inconsistent with what you are saying right now but the correspondence signed by you says that the payment dated July 27th, 2005, that's the reference to the cheque that was attached to the previous document, was payable to Hamilton and Asselstine in settlement of an invoice submitted by that firm for professional services up to April 4th, 2005.

Can you just outline the nature of the professional services that is claimed to have taken place between July of 2003 and April of 2005? Mr. Asselstine's correspondence and his comments are at odds with what is now being said.

Ms. Verma: To my knowledge, his work from 2003 and to 2005 was with regard to his professional services on the note which was attached to the amended returns, the NDP amended return and the 13 NDP candidates' amended return for the '99 election.

Mr. McFadyen: So you're saying that the services provided between 2003 and 2005 was in relation to the issues that arose from the 1999 election campaign. Is that correct?

Ms. Verma: That is my understanding, that the invoice was in relation to the note which was attached to the amended returns with regard to the 1999 election.

Mr. McFadyen: Why would Mr. Asselstine have been continuing to do work in relation to the 1999 election between 2003 and 2005?

Ms. Verma: As I have stated earlier, I joined the office in 2004 and I was not privy to the investigation at that time.

Mr. McFadyen: I just want to table a third document, Mr. Chairman. It's a letter dated February the 10th, 2011—sorry, February the 16th, 2011, and it's in response to your letter dated February 15th, 2011, and, again, it's signed by Jonathan Scarth on behalf of our party, and addressed to you at Elections Manitoba. And attached to that letter is another document that was leaked, apparently, by somebody from within your office. And that document is described as a payment voucher. The payment

voucher makes reference to—seems to be tied to the cheque that was disclosed in the earlier correspondence. And I wonder if you can just confirm that this payment voucher is a copy of an authentic Elections Manitoba payment voucher.

Ms. Verma: The payment voucher does look like Elections Manitoba payment voucher. However, there is—there are some—there's one place where it appears to be a whiteout or the handwriting does not match with the other information on that page.

Mr. McFadyen: And can you just indicate where on the document that whiteout appears to be?

Ms. Verma: Under the payment section where it says, authorized signature SV.

Mr. McFadyen: And so—and that's interesting, because the implication of SV is that it was you that provided the authorized signature for that payment. So you're saying that where it says SV, somebody had whited it out, whited out whatever had been there originally and replaced it with your initials.

Ms. Verma: I don't have concrete information to support that statement. As a financial compliance analyst, my signing authorization was \$3,000. I could not have authorized a payment of \$32,500 in my position as a financial compliance analyst.

Mr. McFadyen: There's a notation at the bottom of that voucher, and the notation, as I read it, and it's hand written, under where it says additional information, it says, per SG, do not put, quote, investigation settlement, unquote, on actual cheque, only put invoice number.

Do you know who would have been the author of that note?

* (18:40)

Ms. Verma: The author most likely would have been the person who had prepared the payment voucher. The payment voucher—this document is usually prepared as an internal controlled procedure within Elections Manitoba to show all the required procedures had been complied with prior to authorization and preparation of a cheque.

Mr. McFadyen: Under the verification section, the initials S.M.H. are contained and they appear to correspond to S—and—forgive my pronunciation, is it Marquez-Hicks, the surname?

Ms. Verma: Yes, it's Sarah Marquez-Hicks.

Mr. McFadyen: And is it likely that the notation at the bottom was—it appears to be the same handwriting. So I'm just asking if it would likely have been the individual who initialled this section under the verification area.

Ms. Verma: It's likely so.

Mr. McFadyen: And have you had opportunity to take a look at the original of this document?

Ms. Verma: No, I haven't.

Mr. McFadyen: Given that it—your view is that it's authentic other than the authorized signature, can you give an undertaking to produce the original of this document?

Ms. Verma: I can try. There has been—there had been quite a few people in this position in the finance department, and we will try to look for the original document.

Mr. McFadyen: Just—can you comment on why somebody would have written on the bottom: Do not put investigation settlement on the actual cheque; only put the invoice number.

And then underneath that, it says for internal purposes only. We can indicate investigation settlement, but for whatever reason they didn't want those words put on the cheque itself.

Ms. Verma: The law at that time required investigation to be conducted in private, and since I was—the reason which I can assume that was written was since the cheque goes out and it could be a public document. We didn't want the investigation to be made public, but, internally, in order to classify an account for this expenditure in the proper category, investigation or settlement was noted.

Mr. McFadyen: And attached to the voucher is the invoice which came in that resulted in the voucher being created, and it's dated April 4th, 2005. And it's an invoice from Hamilton and Asselstine Chartered Accountants, invoice No. 9036, and it makes reference to professional services rendered in connection with the notations attached, Manitoba NDP returns, discussions and correspondence relating to various contributions of the Manitoba NDP and other matters up to April 4th, 2005.

The amount that's invoiced for those services is \$46,260. And then there is a further amount for legal fees of \$11,199.26.

Can you just outline why the chartered accountant firm would be billing Elections Manitoba for legal fees that it had incurred?

Ms. Verma: I'm not aware for the reason why the chartered accountant firm billed for the legal fees, nor if the legal fees were accepted by Elections Manitoba for payment. The invoice was for \$57,000; we paid \$32,500.

Mr. McFadyen: And can you just explain why the difference between what was invoiced and what was ultimately paid?

Ms. Verma: My understanding is that there was a dispute for this invoice payment and that this was a settlement and hence the payment was \$32,500.

Mr. McFadyen: And is it common for there to be disputes over invoices of this nature with Elections Manitoba?

Ms. Verma: In my experience with Elections Manitoba, I haven't seen any other dispute.

Mr. McFadyen: Did Elections Manitoba receive a confidentiality agreement from Mr. Asselstine or his firm?

Ms. Verma: All the service of the consultants who work with Elections Manitoba have to have a confidentiality agreement. And the law was also that investigations have to be conducted in private so I am assuming there would have been one.

Mr. McFadyen: Can you just confirm the confidentiality agreement was provided by Hamilton and Asselstine in connection with the payment on this account as part of that settlement?

Ms. Verma: I don't have an answer for you on that one. I'll have to look into it.

Mr. McFadyen: If you could and get back to us, that would be helpful.

Ms. Verma, the only other question I have at the moment relates to the fact that Mr. Scarth wrote to you with these concerns on February the 16th, 2011, and as of today, June of 2012, no reply has been received. Can you just explain why Elections Manitoba has been reluctant to reply in writing to the questions that have been asked?

Ms. Verma: I'm just taking a minute to review the letter.

Mr. Scarth's letter concluded to state that the public inquiry is necessary to get to the bottom of

this payment to cover up an—the—cover the—cover up an NDP violations of elections legislation.

The issue of public inquiry does not rest with Elections Manitoba. It's not within our mandate. And, hence, a reply was not provided.

Mr. McFadyen: The reference on the payment voucher is to investigation and settlement. Can you just explain what that means, investigation and settlement?

Ms. Verma: Are you referring to the last line on the payment voucher for internal purpose, say only if we can indicate investigation or settlement?

Mr. McFadyen: That's correct.

Ms. Verma: Since this matter related to the '99 NDP returns which were investigated, this—my understanding it goes under investigation. It has been slash settlement because this invoice was a settlement payment. The invoice was billed for \$57,000; the payment was for \$32,500.

Mr. McFadyen: And was a settlement arrived at following discussions between lawyers for the respective parties?

Ms. Verma: I was not privy of those discussions.

Mr. McFadyen: And so in using the word "settlement," the implication is that it's a settlement of a dispute then, between Hamilton and Asselstine and Elections Manitoba. Is that correct?

Ms. Verma: That would be my understanding.

Mr. McFadyen: With respect, and again just another question on the payment voucher, under the—in the verification section of the voucher, the first line it says: supplier invoice attached.

And there's an explanation that's typed in. It says: use fax from legal counsel as original invoice. Can you just explain what that refers to? What is the fax that's being referred to in that line?

Ms. Verma: My understanding is since this matter was under dispute and the legal counsel was involved, it could have been a reference to some correspondence received from the legal counsel.

Mr. McFadyen: What is your comment on the fact that documents of this nature are being leaked by people from within your office?

Ms. Verma: We have no evidence that this document was leaked from our office. I have a very committed, dedicated staff. I have full confidence in

the staff currently employed with our office, and have seen no indication or proof that the document was leaked from our office.

* (18:50)

Mr. McFadyen: Who outside your office, then, would have access to payment vouchers, uncashed cheques, and invoices?

Ms. Verma: I don't know.

Mr. McFadyen: That's all I've got, thanks.

Mr. Goertzen: Turning to matters of a different nature, has the chief electoral officer had any discussions with the government regarding the movement of the fixed election date from the previous date in the fall of 2015 to the new proposed date of the spring of 2016?

Ms. Verma: As the deputy chief electoral officer, and not the chief electoral officer—

An Honourable Member: Take it as a compliment.

Ms. Verma: Thank you. We were—I think the process, which has been there in, oh, for—in the past years, that if there are amendments we may be provided a copy of it. And the only comment which I did provide was that if the election was to be held in April, then enumeration under the 75-day calendar would have to commence in February, and Manitoba weather in February could be harsh for enumerators to go door-to-door enumeration.

Mr. Goertzen: When was that opinion sought by the government of Elections Manitoba?

Ms. Verma: A draft was shared, I think, in May. I don't have an exact date.

Mr. Goertzen: So there was no discussion then about a preference from the perspective of your office, then, for a date in the spring of 2015 as opposed to the spring of 2016?

Ms. Verma: None whatsoever.

Mr. Goertzen: Was there any request for comment or information on the possibility of a new compliance fund for political parties?

Ms. Verma: No.

Mr. Goertzen: Does the chief electoral—or, the deputy chief electoral officer have any comment on that proposal?

Ms. Verma: No.

Mr. Goertzen: In terms of voter identification, what's the current process? If you can outline the type of identification that is needed for somebody who comes to the polling station on election day, or before election day if they're doing advanced voting, what kind of identification do they need to produce?

Ms. Verma: Currently, The Elections Act states that if you are voting in advanced voting, either as a resident or non-resident voter, you need to produce ID.

The ID requirements are specified under section 2 of The Elections Act, which requires a voter to present an official document issued by a federal, provincial, or municipal government that contains the person's name and photograph, or at least two documents that provide evidence of the person's identity. If none of the documents provided contain a current address, the person must make a signed declaration as to his or her current address.

Advanced voting requires ID; election day does not require ID.

Since the requirement is not often addressed, our provisions are quite broad in accepting ID. A passport, health card, driver's licence with mailing address only, treaty card, telephone bill, passport, MLCC card, health card, treaty card, credit card statements, health card, SIN number, hydro bill, Blue Cross cards, these are some of the common examples.

Mr. Goertzen: Sorry, so you indicated that on election day there was not a requirement for ID?

Ms. Verma: On election day, it's not required to have an ID if you're on the voters list. If you're not on the voters list, then you have to show ID and sign an oath statement.

Mr. Goertzen: Is that similar in terms of the requirements federally or in a civic campaign in terms of identification on election day?

Ms. Verma: Federally and in the City of Winnipeg, I'm not sure about the other municipalities in Manitoba, ID is required on election day. Across Canada, we have to see there are half jurisdictions require ID on election day, the other half don't.

Mr. Goertzen: Can you comment on the current Manitoba practice of not allowing identification?

Certainly, I have some concerns with that and I've expressed those concerns by way of a private member's bill, but I've heard from others who are concerned about the lack of identification

requirement on election day. We sort of live in a world where ID is required for many, many things that are almost considered routine in terms of our activities, and I understand that the—we're all trying to find ways to encourage people to vote, but we want to encourage people to vote in way that doesn't cause any questions about the integrity of the vote. And you had some interesting stats before about why people didn't vote, and still the vast majority of people aren't voting for reasons other than inconvenience. It's more of a disconnect with politics or politicians and that, perhaps, falls more to us to address.

But can you comment about the advantages of not having IDs as opposed to the advantages of having ID on election day?

Ms. Verma: To—I would like to give a little bit of a background on ID requirements for advance. To vote anywhere in advance was an Elections Manitoba recommendation in 2004, and the possibility that any Manitoban, any Manitoban citizen can vote anywhere within Manitoba was made to enhance the accessibility and voting opportunities to Manitobans. But it also recognized that since the non-resident voters who would not be on the voters' list while voting and also the opportunity to—which may arise that you may vote at multiple stations, having an ID would increase the credibility of the process. In the history of Manitoba, I don't think ID has ever been required in a provincial election.

The benefits of not having ID could be it's convenient for voters, the possibility for disenfranchisement of voter is less because, in advance, if you go without an ID you still have an opportunity to vote. You can come the next day or you can come—go on election day to vote. But on election day if you reach the voting place, say, for example, in a rural area which is far from your door, is there's a significant distance involved in your travel. If you don't have ID, then you lose your opportunity to vote. It also makes the process go faster. Showing ID may add some time. The provinces which have required ID, yes, it adds a level of—it may add a level of credibility to the process and more security, but it's a balance between, or a trade-off between a convenience, accessibility, avoiding disenfranchisement if the voter does not come with an ID versus more stringent provisions on election day.

Mr. Goertzen: Thank you for those comments. I suspect there's always a risk of voter

disenfranchisement for a lot of different reasons. And if people don't feel that the process is secure and if there's—if they hear about things that maybe they feel that their vote wasn't as secure as it should have been, that can also cause people, I suppose, to be disenfranchised as well after a voting process.

It was noted to me that I think the federal election turnout was actually higher than the provincial one even though they have stricter requirements for identification.

Has Elections Manitoba done any sort of empirical analysis in terms of whether or not requiring ID would reduce voter turnout?

Ms. Verma: We have not done any formal study with regard to voter turnout and ID requirement. Voter turnout based on the research available is a complex issue. There are many factors which have an impact on voter turnout, and the reasons which are surveyable also indicated the reasons for not voting are administrative, or the disconnect of accessibilities issues, voting opportunities, civic education, just civic engagement.

* (19:00)

A federal—there are also reasons which say that when the election is more competitive there's a higher voter turnout. Federal election increased by, I think, 3 per cent in 2011 as compared to 2008, which was 56 per cent and probably similar to the provincial election.

Mr. Goertzen: You mentioned about voter identification, whether or not it would—or possibly slow down the process. Clearly, you would believe, though, that your office could find a ways to ensure that the voting process would proceed a fairly orderly manner, even with the producing of IDs.

My experience is that many people, probably because of their federal experience voting, they are already producing IDs. They sort of come forward to vote. There's an expectation, I think, from them that they might be asked for ID. That wouldn't be a significant deterrent if the law would change, would it?

Ms. Verma: We've not made any study relating to that. I was just mentioning, as one of the—going for the pros and cons, it could be one of the con.

Mr. Goertzen: Mr. Chairperson, somewhat of an unusual request for this committee, although not one that's unfounded. I understand that there's one of the leaders of the other registered political parties, the

Green Party is in attendance and has made a request to make a presentation to this committee.

I'm not sure of—I think we may have done something like this in the past. Certainly—*[interjection]*

Mr. Chairperson: Order.

Mr. Goertzen: Yes, well, I'll just continue on with—I think that—

An Honourable Member: He's not making your case.

Mr. Goertzen: I'm not making his case, either. I'm just putting forward a fact, actually, and I think he's indicating he'd like to make a presentation. I don't have an objection to that, if there's a time restraint on that. I notice we still have another, at least another hour in this committee.

I guess I'm asking, Mr. Chairperson, if there's leave to allow the presentation from the leader of another registered political party of Manitoba to make a presentation concerning issues on elections?

Mr. Chairperson: Normally, when we're dealing with the submission of reports, we don't take presentations from the audience. But, with leave, anything is possible.

So does the—is there leave of the committee?

Some Honourable Members: Yes.

Some Honourable Members: No.

Hon. Jennifer Howard (Minister of Family Services and Labour): Yes, I appreciate the request, and I appreciate the member from Steinbach bringing it forward. But we haven't traditionally entertained submissions from the audience. I can think of at least one other committee meeting where a similar request was made, and leave wasn't granted. And there's reasons for that; it's outside of the rules that we traditionally follow. We do have very open rules for public participation at committees that look at bills and look at legislation. And I would note that the leader of the Green Party made a presentation at the committee that was considering The Elections Act and a very good presentation.

But I just think it would be unfair to allow this when really no other member of the public would know that we are allowing presentations, would have had an opportunity to come and register, as they do for bills. So we can have this discussion when House leaders come together to talk about the rules for

committee. But it's not a practice that we're going to allow tonight.

Mr. Chairperson: I take it from those remarks that leave has been denied—*[interjection]*

Order. Order, sir. You're being disruptive.

Okay, order, please.

As I said a few moments ago, when we're dealing with reports it's long-standing practice that presentations from the public are not accepted. When you're dealing with legislation, bills and so forth, then the public are welcome to participate, but as I said, dealing with reports, that's not in order. There was a request for leave, which was denied. So we will continue with questions and, just for the information of the audience, there is to be no participation in the activities of the committee. So I would ask that members of the audience respect the rule and the decorum of the committee. And I might add that there have been rulings from previous chairpersons in regard to this issue, so I'm going to continue on that basis.

While I have the attention of the committee, it has come to my attention that other members of the committee would also like to put questions. So I would just read into the record what our practice here is, long-standing Manitoba practice for the opposition critic to hold the floor in committee until they have concluded their line of questioning. It has also been Manitoba practice for other members wishing to ask questions of the minister, or in this case, the deputy chief electoral officer—both opposition and government to come to some agreement with the opposition critic before seeking the floor.

On that note, would—does the honourable First Minister want to have some dialogue with the critic in this regard?

Mr. Selinger: Are you concluding your questions? So you're fine with us asking some?

Mr. Chairperson: Okay, I see there's agreement between the opposition critic and the First Minister.

An Honourable Member: Point of order.

Point of Order

Mr. Speaker: Mr. Schuler, on a point of order.

Mr. Ron Schuler (St. Paul): Yes, thank you very much, Mr. Chair. And we respect your ruling, but want to make it very clear that was the tyranny of the

majority on the committee that voted against a member of the public, one of the other leaders of the one of the other parties, that was the NDP that actually voted against allowing another leader of another party to address the committee. I just wanted that to be very clear.

* (19:10)

Mr. Chairperson: The honourable opposition House—or the honourable House leader, Ms. Howard, sorry, on the same point of order.

Ms. Howard: On the same point of order.

My understanding of the rule of order is that when leave is requested, it must be unanimous, and so any member of the committee, on any side, can deny leave. It isn't a matter of a vote; you do not require a majority of the committee to deny leave. Any member can deny leave. If leave is granted to stray from the rules, it must be unanimous.

Mr. Chairperson: Thank you. The honourable member, Mr. Schuler, does not have a point of order. It's a dispute over the facts.

* * *

Mr. Chairperson: So back to the original point, the honourable First Minister would like to put some questions. Still, the critic has the floor until such time that they would like to yield to the First Minister.

Mr. Goertzen: I think that we came to a gentlemen's agreement that the Premier would have about 15 minutes of questions and then we would resume questioning, and we'll review the committee's sitting time at 8 o'clock as previously agreed to.

Mr. Chairperson: I thank Mr. Goertzen. On that note, I recognize the honourable First Minister.

Mr. Selinger: Thanks for the opportunity to ask some questions to Elections Manitoba and the deputy chief returning officer—or elections officer.

I'd like to ask the question—we had about 55.77 per cent, and you indicated in your remarks that that was slightly down from the last election, but, in fact, 13,000 more people voted due to population growth. And we did make quite a bit of a—we see quite a large turnout in the advance polls. I wondered if you had any other suggestions to us on how we might make it more convenient, or to have people come out and vote, either in the advanced polls or during the election time. Do you have any ideas or thoughts on that?

Ms. Verma: The experience from advanced voting has brought to our attention, that to take a voting opportunity where the voters usually go, that has worked really well. And if you look at the advanced voting places, the places with high voting turnout, was in malls, in airports and at the airport. The Forks, which was a new place, Winnipeg Square, Polo Park, St. Vital Centre, these were very popular.

And it was—the voters usually carried ID. We had very, very few instances where the voter was turned down for—not to vote because of a lack of an ID. So I think it's just making voting places more convenient, accessible for voting. That would be—that is an area of which we will be focusing on. We are also in the process of reviewing the previous election from performance aspect, and if there are any recommendations, we would be bringing forward to the advisory committee.

One matter is schools, voting in schools, which I would like to bring some attention on. Voting in schools is—has two views. There is one that it provides an opportunity for students to be part of the democratic process, to view it. There are sometimes teachers organize tours to the voting place, and depending on the returning officer and the timing, those tours are permitted. And it's a wonderful opportunity for students to see how voting actually occurs.

But, on the other hand, there's also an issue of security in schools. So we do have a provision that the schools may declare the election day as an in-service day. So that is something that we would be reviewing in our recommendations, that if it can become more as a mandatory requirement, because in urban areas the security issues are concerns—are increasing, although, there were no security issues. But there are—there is some resistance from the schools to allow those schools as voting places.

Mr. Selinger: Okay, the other area that's been discussed, and I know there's some experiments, not only in Canada but elsewhere, is with e-voting. And I wondered if you had any comments about—have you had a chance in your office, to think about e-voting and whether that is something we should consider pursuing going forward.

Ms. Verma: There has been a lot of discussion, nationally, on electronic voting. And electronic voting is a term which may have different meanings to the readers or the listeners. And there is a national committee which has been set up by the electoral management board—like, basically, the election

offices across Canada—to review e-voting, to be abreast of the technological developments happening across the world and issues or concerns which have—with regard to e-voting, the developments and any legislation. Electronic voting, the definition which has come across is, it's a term to describe voting and counting methods using information and communication technologies by which an elector can vote.

Federally, Elections Canada was looking at piloting a e-voting system in 2013, which they have moved to 2015. Similarly, Elections Ontario was also looking at alternative voting methods, but they have moved the pilot, considering that they are in a minority situation in Ontario.

But the principles, it's looking at a balance between accessibility, convenience, while also safeguarding the basic electoral principles of security, verifiability, and to maintain the electoral confidence.

So at Elections Manitoba currently, we are keeping ourselves current with the research which is going on and any discussion which is happening nationally.

Mr. Selinger: And are you aware of any jurisdiction, either subnational, like a province or a state, or another country, that has conducted e-voting in a general election successfully?

Ms. Verma: Within Canada, there is the municipality of Markham, which has conducted e-voting successfully. There is—in Europe, also, there are one or two countries; I'll have to get back to you on that.

There is one country which has used electronic voting as an alternative. It doesn't substitute. It doesn't take away the option of voting in person, but providing an option to vote.

Corporations—countries like USA, UK, Ireland, Switzerland and Estonia. Estonia is the only country where e-voting has been done nationally.

Mr. Selinger: Just on—continuing on the theme of accessibility, we've seen more polling stations and a guideline to keep polling stations within 30 kilometres of where people live.

Do you have any other ideas on how we can increase voter accessibility? For example, would it be advisable, in your view, or do you have any thoughts about actually even reducing the size of a polling station for a smaller number of voters? So,

for example, people living—homebound people or people living in apartment blocks would have a polling station right in their apartment block or personal care home or assisted living facility or some sort of special-needs residence. Do you think there might be some merit to considering that in the future?

Ms. Verma: Currently the legislation requires for a 100-person apartment block to have a voting place, and we do that.

We are looking at the institutional—or the health care facilities. There are some partially assisted personal care homes which do not fall into the definition of a health care facility. One of the recommendations that we are looking at, and we'll be bringing it to the advisory committee, if partially assisted personal care homes could be placed in that category to allow us to have a voting place specifically for those personal care homes.

Mr. Selinger: Just to refresh the committee, can you tell us who sits on your advisory committee?

Ms. Verma: The advisory committee—there are two advisory committees, one under The Elections Act and one under The Elections Finances Act. The leader of each registered party appoints one representative to sit on the advisory committee. For the advisory committee under The Elections Finances Act, traditionally we have also invited the chief financial officers of each of the parties to attend, so there are basically two attendees for—from each registered party under The Elections Finances Act advisory committee and one from under The Elections Act advisory committee.

Mr. Chairperson: That concludes the questions of the First Minister.

* (19:20)

Mr. Goertzen: You indicated that there was a—maybe a national study happening on electronic voting. Did they examine the experience of the federal NDP leadership race in terms of electronic voting? Do you know?

Ms. Verma: In the recently concluded workshop in May, I don't think that was brought up.

Mr. Goertzen: Just refreshing my memory looking—there was an individual by the name of Brad Lavigne, I believe, principal secretary to the Leader of the Official Opposition in Ottawa for the NDP. He indicated that there was a 12-hour delay in getting

results on electronic voting for the federal NDP. He said, the only thing that we know is that the delays that were being caused were caused by those outside the system who were attempting to mess with our system. Then he goes on to suggest that there was a—some hacking of the system.

So, I'm presuming that that's one of the concerns with electronic voting, is the security of the online vote.

Ms. Verma: One of the principles which are being considered, is to ensure the security of the ballots and to have transparency in the process and, also, integrity and verifiability of the process.

Mr. Goertzen: Questions regarding enumeration in Manitoba, the—is it correct that enumerators were paid on a per-person enumerated basis in the most recent election?

Ms. Verma: We had a 33-day enumeration period in the 75-day calendar. So there were two categories with enumerators: We did active enumeration for the first 15 days in which the enumerator is paid a flat fee of \$120 plus a per-name fee, and the idea in—is that within that 15 days, get the full coverage of all the houses in the voting area; and the second phase was called targeted enumeration, considering that this was—enumeration was done in the summer months where people are away on holidays—there's cottage country residents. There's also—summer months have been known for the maximum moves within the country. So the targeted—or the substitute enumeration, they were paid on an hourly basis and that was to—the area of the houses which were identified as vacant, they would go specifically there to get the person on the voters list.

Mr. Goertzen: And how was the view of your office in terms of how the enumeration process went this time around?

Ms. Verma: Actually, the enumeration was quite successful. We got 710,000 people on the voters list as compared to 687,000. But between the election period, then—sorry—the enumeration period, we also saw that the enumeration started before the long weekend in August. So we are looking at the possibility of starting the enumeration after the long weekend, because for that long weekend, many people were away.

Mr. Goertzen: In terms of the enumeration process itself, were there any complaints to your office from individuals who were—came into contact with enumerators about their conduct at the door?

Ms. Verma: There were a couple of complaints of accessibility to apartment blocks. Also, although we advertised a lot on—enumeration is starting, see the vest which they'll be carrying, the ID which they will be having—but still there was some concerns that they didn't know who was at the doorstep and accessibility was an issue.

Mr. Goertzen: Did any complaints come either from—up from the returning officers or more directly to your office about the conduct of individuals doing enumeration making political statements or political comments at the doors where they were supposed to be enumerating people?

Ms. Verma: Not to my knowledge, from any returning officers.

Mr. Goertzen: Is it correct that enumeration can take place over the phone without—I'm going to say without identification, I'm not sure what a kind of identification you could provide over the phone, but you can get on the voters list strictly over the phone?

Ms. Verma: There is—the provision under The Election Act states that we have to make one—at least one personal visit to a—to the homes. And there is a provision for rural places, where due to the distance or any other hardship, that if you're not able to do a door-to-door enumeration alternative sources may be used to obtain—to have a voter be on the voters list.

Mr. Goertzen: I'm going off of memory, which can sometimes lead me to places I don't want to go, and I'm getting cautions from all around me, but it would seem to me that we missed in my own house the door-to-door enumeration, that we were given the option of phoning—there was a number on a card. We don't live in a remote area. I mean, I know some members of the committee might think Steinbach's remote, but it's relatively accessible. But would that have been incorrect? Would—is my memory correct, I could've phoned in to get on the list?

Ms. Verma: If after a couple of visits the enumerator does not find the resident at home, they can leave a card, called I-missed-you card, and there is a phone number. There is an option that you can schedule a visit that the enumerator, or if it's during the revision time, the revising agent, can come back to your house to obtain your information, or you can provide that information over the phone.

Mr. Goertzen: So, just following this to a different conclusion, then, so an individual could actually phone from their home or wherever, get on the voters list, and then come on election day and not have to

provide identification. They'd be on the list, and so throughout that entire process there's never any sort of verification they are who they say they are?

Ms. Verma: Enumeration is a system based on trust. When the enumerator goes door to door, and even if they see that individual face to face, they do not ask for any ID. They ask three questions: Are you a Canadian citizen; are you over 18 years of age; have you lived in Manitoba for more than six months? If the same process is done over the telephone, the same three questions are also asked. So the risks of enumerating over the phone versus enumerating at the doorstep are the same. When they do it on the phone, the enumeration slip is sent to your house, too, which is the same deliverable that you receive when you are getting enumerated at your doorstep.

Mr. Goertzen: I appreciate what you're saying about it's a process of trust. I'd like to live in a world of trust. Maybe I've been scarred too often to realize that that's not how everybody conducts themselves. But the reality is that the process is you can enumerate on the phone without any sort of identification, because how would you provide identification, and then you can vote on election day without identification. So you can really go through the whole voting process with essentially being anonymous in some ways. You're providing some sort of a name, but you never really have to provide identification. That is, in—that does work in Manitoba.

Ms. Verma: The way the current legislation is this is the requirement. But in the city, enumeration over the phone doesn't happen. In the city, there is—we do tell the enumerators they have to go multiple times as needed to obtain the name and the address and the details to get the person on the voters list.

Mr. Goertzen: So the deputy electoral officer is indicating you can't enumerate over the phone without ID in Winnipeg.

Ms. Verma: I'm saying, in Winnipeg, we do not take enumeration records over the phone. In Winnipeg, the enumerator has to go several times if needed to the doorstep. Even if the I-missed-you card is left at the doorstep, the voter can make an appointment. The enumerator can—will come to your doorstep at a time convenient for the voter to be placed on the voters list. In the rural areas, due to the distance or any other hardship which may be faced, we do allow the opportunity to be enumerated over the telephone and then the enumeration slip is sent to your household.

Mr. Goertzen: So, if somebody was enumerated who lived in Fort Rouge and they were able to do it over the phone, that either shouldn't happen or it was a mistake?

Ms. Verma: That's correct. The information, the training, which we provide to our staff is, city: do not do enumeration over the phone; you go to the house as many times as it's needed to get the person on the voting list.

* (19:30)

Mr. Goertzen: And I've been advised from individuals nearby that, in fact, that did happen. Somebody who lived in Fort Rouge was enumerated over the phone, and maybe we'll pass that information on to your office, because, clearly, there are problems in terms of how that system isn't working as opposed to where it is. But I—on the broader sense, I certainly have concerns that in our province you can get on the list over the phone and then vote without any sort of identification.

I don't see any concerns in terms of voter turnout. I think you well articulated the reasons for voter turnout being lower are quite different than the issue of identification, but I also understand that those issues are more left for the Legislature than for your office, and so I appreciate that.

In terms of cash contributions to a political party, can you clarify for me—my understanding is that, federally, cash contributions are not allowed in an anonymous fashion over \$20, is it correct that they can be allowed in Manitoba up to a hundred dollars?

Ms. Verma: Cash contributions can be permitted up to \$3,000 which is the contribution limit in Manitoba. However, if there's a cash contribution of more than hundred dollars, then a signed statement is required from the contributor declaring these are his or her own funds.

Mr. Goertzen: Can an individual donate in an anonymous way by cash less than a hundred dollars?

Ms. Verma: No, there's a limit for anonymous contribution which is below hundred dollars. It's \$10.

Mr. Schuler: After each and every election, official agents file our election documents and we get a letter from Elections Manitoba, usually from someone in your office. And I don't know about other members of this committee, but those letters in some cases are three or four pages. In other cases, it's nine, 10, even

more than that, in questions being asked by Elections Manitoba.

I guess my question to the deputy returning officer is, you know, for all the outreach and training and all the rest of it, why is Elections Manitoba still having to send out these letters with reams and reams of questions? And I'll say it, it's discouraging for official agents. I think I've told you on numerous occasions, there's two ways to clean out a building: one is cry fire and the other one is cry Elections Manitoba, and both have the same effect.

I've had a lot of volunteers are hesitant to take on a position of official agent because of the kind of onerous work by Elections Manitoba. And could you reflect on why it is that pages and pages and pages of questions are sent to candidates and their official agents.

Ms. Verma: The Elections Finances Act requires for a—let's take an example, for the candidate's election return, two forms to be filed, a form 922 which is the election expense and income statement and the detailed list of contributors. It also is very prescriptive on what that—those forms should include. It also has to be audited. There's also a section under The Elections Finances Act which requires that supporting documentations for all the expenses and income have to be provided along with the return.

As a—under the EFA, we have two mandates of compliance and assistance. Under compliance, we have to verify and ensure that the information filed meets the requirement of the act. If the information filed does not provide us with the information that the supporting documentation provided supports each and every expense item listed on the election return, the questions will have to be asked in order for us to do our job as legislated.

We also provide a lot of assistance. When those pages are numerous, sometimes we have schedules attached to the information request to help official agents understand the rationale, the reason behind the questions which are being asked. So we do reconciliations for them. We would provide the listing which they have provided. Alongside, we will provide the documents, the evidence which they have provided and also identify for them where the discrepancy is.

When the letters are provided, we also follow up with phone calls to the official agent to offer assistance to understand if there are any issues with

the letter. We also offer one-on-one person meetings that they can come and discuss the things. We work on flexible hours; we are available on the weekend; we are also available after regular office hours to meet with the campaigns, to assist them to resolve these issues.

As part of our assistance mandate, we also assist in preparing the returns. The information sessions which we provide to the official agents—this time, we went additional—to do it pre-writ, writ and even post-writ to assist them in preparing the returns. They were taken by some campaigns but not by many, for the post-election information sessions.

We also provide auditor information sessions for them to understand what the requirement of the returns are.

We're—we also developed a recordkeeping tool, which is electronic and in the paper format, that they could have, which assists them in understanding what the reporting and filing requirements are. If there was assistance needed with these tools we were providing, that IT—information technology—staff-person has worked with several campaigns in case they have had any issues with this filing disk. The other filing disk also has an option from the Excel spreadsheet to import that information into the filing disk and to prepare the returns.

However, if there are still ways that we can enhance our assistance, we'll be very pleased to listen to those suggestions and, if possible, incorporate them.

The recordkeeping tool is one of the prime examples. It came forward as a need-assessment survey from our 2000—post-2007 election, where the official agents had asked us to prepare a recordkeeping tool which is simple to understand, easy to install on the computers, they don't require any other sophisticated technology to be installed, and based on that feedback, we developed that tool.

We also provided them with an expandable binder so that they can store their records in the requirement—as required in the legislation, and the forms.

Mr. Schuler: Well, by the length of that answer and everything that seems to be done, I'm surprised that any letters go out afterwards.

And, I guess, I want to give you a case in point, and I'm glad you talked about requirement of the act. One of the questions that was sent to me was: Can

you tell us if all the signs that were printed were used in the election?

To Elections Manitoba—I see the member for Tyndall Park (Mr. Marcelino), member for Selkirk (Mr. Dewar), Minto, myself and other members here—I can't imagine a candidate or a campaign paying good money to print an election sign and to use a bundle of it for a coffee table or for anything other than for an election use. And, I'm sorry, I don't know where the requirement of the act is, is that Elections Manitoba would ask a question: Were these signs used during the election? I mean, the answer back should've been, where else would we have used them?

And you know, it's frustrating, because we have professionals who come on and help us on each and every one of our campaigns, and we get a question, like, did you—where else would we have used them? For what other reason would we have printed them? And I speak for, you know, the candidates who aren't allowed to be here, because they didn't get elected; for those, perhaps, that are here. Like, for everything—and your answer was substantial, it was one of the longest answers you've given at committee tonight—you know, for everything that's been done, why is it that candidates get reams and reams of questions which, at times, border on the frivolous.

I—yes, we used the signs. I mean, I was surprised and, unfortunately, I don't have my letter in front of me, or I'd have gone through more of them.

I mean, it's frustrating for official agents; it's frustrating for auditors. And then what happens is, then it's got to go back to the auditor, and the auditor says, well, I guess everything after this is free, because you've sent this letter. And they already got paid their audit fee and it's over and above that, and now the auditors and the—it's got to go back to you, and then you have to know—you, know, did you face the signs into the sun or did you face them—I mean, the questions at times are frustrating for these individuals who are doing this basically on a volunteer basis.

* (19:40)

And I guess my question is is, you know, and I'm choosing my words carefully because we want to be respectful at this committee, but, you know, we're the ones that get the brunt of the volunteers coming to us and saying, you must be kidding, on some of the questions. And I guess, you know, if we're ever going to exhibit a little bit of frustration, perhaps this

is the place to do it. You know what? Could you cut us some slack on some of the questions?

And I understand, requirement of the act, absolutely, you know, the donors should be listed, and the, you know, expenses should be properly listed. But, did you use the signs that you had printed during the election period? And you know what? That's one of those jaw-droppers. And there were others, and I can send you a copy of my letter and highlight a few more of them.

You know what? Could we have a little bit more reason when we send these out? Because they are, by and large, volunteers, and they put—and they take it serious. I mean, the—no offence, but somebody said they'd rather take on the—no, I won't go there. They just—nobody wants to have their reputation smeared by Elections Manitoba. So they want to be very careful in the way they file everything. These are individuals with professional designations, and they want to be very, very clear that everything they do is proper. And to get stuff like that to Elections Manitoba is sometimes, you know, it's frustrating for them, and it's discouraging, I would say. And I—from the auditor's point of view, and after—and next, go to the auditor, and then it goes back to you, and if there's something else that still has to be done, it has to go through the official agent back to the auditor. And at some point in time they're all working for free because it's their own time now.

And, anyway, that would be a comment. It came up from official agents, and I'm not the only campaign. There were many, many campaigns that, you know, it—it's just a comment, and it's a grassroots comment that comes up, and perhaps Elections Manitoba could reflect on that a little bit, and perhaps I should send my letter and circle a few of them.

Like, we understand. We want our democracy to run fair and by the law. We're not disputing that, but the lawn signs, and did you use your lawn signs during the election, I thought was just—and there were a few other questions.

Anyway, thank you very much, and I appreciate the committee's indulging my question, and Elections Manitoba, if they wanted to comment on this.

Ms. Howard: I'm the next question.

Mr. Chairperson: Pardon me?

Ms. Howard: I have a question, but allow her to answer.

Mr. Chairperson: Okay, well, just before she answers, just a reminder to all committee members that questions are to be put through the Chair.

Ms. Verma, do you have a response to that?

Ms. Verma: Yes, I do.

I hear your concerns, Mr. Schuler, and I appreciate your feedback. I want to assure you all the campaigns do not receive lengthy letters. It really depends on the filing, which they're made. It depends upon the supporting documentation which has been provided, and based on that, on the review, the information request letters go out.

With your point with regard to sign, that's an important point which you have raised, and there was the amendments which came in 2008, created a annual advertising limit for candidates, which was \$6,000, with the inflation adjustment, \$6,200. The definition of advertising for the annual advertising limit was expanded to include signs and posters and pamphlets. And although we addressed that a lot in our information sessions for—there's a different disclosure which is required for the annual advertising limit; there's a separate schedule in the form 922.

We found, during our review, there were many campaigns—and I'm not sure if it was your campaign or not—but as a general comment, there were many campaigns which did not complete the schedule 9 completely, accurately. And one of the questions was, where were the signs used; if they were used within the election period or outside the election period? If they were used outside the election period, it has to be reflected as your—within your annual advertising limit, and that was the reason for that question, not questioning of the signs were used and which direction, but generally to understand against which limit the expense has to be applied against.

Ms. Howard: I wanted to ask a question, provide some reflection on some of the work that Elections Manitoba has been doing in regards to accessibility and making—and helping candidates who have disabilities be able to participate in the electoral process, and I'll just reflect on my own experience.

So this past election I finally gave in and realized that it was not worth the pain and overuse of ibuprofen for me to walk around every block of my constituency, which is difficult for me, and—*[interjection]*—I knocked on your door three times—

An Honourable Member: You should have called and got enumerated.

Ms. Howard: Right.

So I used a—so this time around I used a scooter and I also required some extra staff to help me so that they could go and knock on the door on my behalf, and then someone would come out and I would be able to talk to them. It's actually a tip I picked up from Steven Fletcher, actually, when we had a discussion about this, and I just want to tell you my appreciation for the fact that we were able to account for those expenses in a way that was a hundred per cent rebatable because they were expenses related to accessibility needs. And I hadn't—was never aware that that was a possibility within The Elections Act before, but it certainly made it—I mean, it's a small thing, but it made it much easier for me to participate in the electoral process. I was able to get to three times as many doors as I ever had before. I have a little more work to do, clearly, to get to all the doors.

But I just wanted to share my appreciation for those accommodations, and I wonder if you wanted to highlight any of the other things that Elections Manitoba has been doing to make the electoral process more accessible, not only for voters with disabilities, but also for candidates with disabilities.

Ms. Verma: Thank you for your positive feedback. Elections Finances Act does have that provision that child care and disability expenses are a hundred per cent reimbursable. They do not account against the spending limit provided they are over and above the expense normally incurred by the candidate.

Our legislation also has many accessibility features. One of the ones is for home-bound voting. In the—I think few years ago an amendment broadened the home-bound voting for any disability, not just physical, so that's another option available for people with disabilities.

I also want to share my recent experience in the recent election. We worked with Disabilities Issues Office and we are very thankful for the feedback which we received from the Disabilities Issues Office on the various accessibility measures that we were planning to incorporate in this election. They were the ones who were also helpful in providing us with a contact who could develop Braille ballots and the Braille list of candidates. And with a very brief turnaround time that the Braille list was even available for advance voting for the close of

nominations, the start of advance, and the distribution of these Braille lists, doesn't give us a lot of room for error, and we had an excellent person who did our Braille templates.

In this election we, in consultation with the Disabilities Issues Office, we wanted to understand the expectations, the needs of the stakeholders and how best we can address those needs, given our mandate. Voting places is one such example. Voting places—we want all the voting places to be accessible, and I'm very pleased to say that of all the places, just two were not accessible. They were in one rural electoral division, and the reason they were not—we couldn't find an alternate voting place, hence, just two were not accessible. We worked with the disabilities office—issues office, to understand the ramp requirements and we also provide an option to the returning offices. If there is a central voting place which is—doesn't have a ramp we build a ramp at the cost—at no charge to the facility and provide these accessibility features.

So we were looking at—there was home-bound voting which was available, Braille ballots, Braille templates. Voters—the legislation also provides different opportunities for accessibility, and that's—voters can take a companion or a person who can assist them to vote. It was also taken up a few times. In our consultation with the Disabilities Issues Office we developed a brochure called an Access Menu, which the Disabilities Issues Office was kind enough to circulate to all their stakeholders.

* (19:50)

So I think with all the outreach activities which we could do, our legislation is quite accommodating to promote accessibility options.

Mr. Selinger: Just on the question we had some discussion earlier about getting people to be returning officers and assistant returning officers, are you finding that increasingly difficult to attract people to do that work, and is there anything we should think about there to make those roles more attractive to citizens?

Ms. Verma: On a side note, since the election calendar was 75 days, and we had one of the best summers in Manitoba's history, with no mosquitos and no rainfall, we did see a high turnover at returning officers and assistant returning officers after the start of the election period.

But putting that aside, in the recent election we tried a lot to advertise to catch returning officers

more of a younger generation, because, traditionally, there have been many returning officers who have done the job in the past and they continue to come. So—but with the change in the demographics, that pool is becoming slim. This time, only one-third of the returning officers and assistant returning officers could come back and join our team. So, providing, I think, more advertisements outreach with groups, bilingual, especially, that was a challenge to find bilingual returning officers and assistant returning officers. If we can continue with our work on those levels, I think that would be helpful.

Mr. Selinger: Would there be any value, and I don't know if this happens anywhere else, maybe you could comment if you're aware of it, of engaging or retaining people to play these roles earlier, say, several months or even a year ahead of time, and then using that period to train them and bring them fully up to speed on the legislation and the act that they're administering? Would that be something that would allow you to develop a roster of people to avoid the turnover problem?

Ms. Verma: Actually, that is what we do at Elections. We start our recruitment process two years ahead of time, and the—one of the requirements of the returning officer is—and assistant—that they preferably should be a resident of the electoral division. However, plans change, people move; that's another factor which contributes to the turnover. But, yes, we do start two years ahead of time. We start the training a year ahead of time, but it's the process of—there's some genuine reasons that there is an increase in turnover.

Mr. Selinger: Given that there may be an increasing turnover for reasons of warm weather or other employment opportunities, would it make sense to have, kind of, a reserve group of returning officers and deputy returning officers so that you had a group of trained people to draw upon if the front-line group diminished for whatever reason?

Ms. Verma: Absolutely, that's a—that, I'm sure, would be helpful.

Mr. Selinger: And do you have the resources to do that now, or would you need additional resources for that?

Ms. Verma: We do have the resources to do that now, and when we do our budget in the pre-writ year, we make a budget pool to—for these—this pool. And we did try the same for this election, too, and

that's the reason how we could staff the returning officers in spite of the turnover.

Mr. Selinger: Do you find you have requests for people to be able to communicate in other than French and English, that they would like to communicate in another language in order to clarify what their rights and responsibilities are, and is that part of your recruitment for returning officers and deputy returning officers?

Ms. Verma: Oh, at present we do not keep a—we do not have that as a list of eligibility—or, as a requirement for eligibility. In a bilingually designated electoral division, it is a requirement. But on election day and—we do provide, we do have, a facility of interpreters that we arrange. Any voter who needs interpretation provisions, they can set up an appointment with the returning officer. And we are a multicultural society, and at some times if an interpreter is not available there is staff within Elections Manitoba who have been able to come up and meet with the requirement.

Mr. Wayne Ewasko (Lac du Bonnet): Ms. Verma, you mentioned earlier that you did have a number of people who were possibly turned away at advanced polls for—I'm assuming, for identification issues. Can you state how many people were actually turned away at advanced polls?

Ms. Verma: I think—I'm sorry if I said that. There were not a lot of people who were turned away. There were very—a handful of people. We did not keep a count, so I cannot provide you with a specific number, but they were very, very limited.

Mr. Ewasko: And forgive me if I misspoke, but I didn't necessarily mean that you said that there were quite a few people, but there were people. And you're saying about a handful of people.

Do you think that that would be possibly something that we should track in the next election, so that we can see how many people are coming up for advanced polls, since on election day there's no requirement for identification? So the chances of somebody being turned down on election day or turned away are pretty slim.

So if you can just make a comment on that.

Ms. Verma: In 2007, when we first started with vote anywhere advance, we did keep a track how many people were turned away. Since the number was so small, we didn't continue with it in 2011. Also in 2011, with the civic—other civic engagement

initiatives which were done for—with regard to—like the I voted stickers or the future—Citizen Next material which was being provided, we thought it would be an additional burden of—for the voting officers and assistant voting officers to keep a separate track of it. But, if it's something of value, then we can certainly incorporate it in the next election.

Mr. Ewasko: Thanks, Ms. Verma, for that answer.

The Premier (Mr. Selinger) took a couple of my questions. But on election day, how many field staff did you have for this past 2011 election, or do you possibly—do you have those stats?

Ms. Verma: Yes, I do. We had 9,500 field staff approximately on election day.

Mr. Ewasko: Thank you, Ms. Verma, for that answer.

So you said that the amount of voters for 2011 election increased. Can you just state again how many voters there were?

Ms. Verma: There 433,000 ballots which were cast and the voter turnout—the number of voters increased by almost 13,000.

Mr. Ewasko: The Premier started mentioning in regards to returning officers and assistant returning officers. What are the qualifications? I know that you stated the fact that you'd like for them to be, you know, you were aiming towards, you know, possibly a younger group of returning officers. And I do understand, you know, having them to return later on in future elections and already being trained.

You did mention that it would be nice for them to be a resident of the area, but not a necessity. What are some of the other qualifications of those volunteers and returning officers and assistant returning officers?

Ms. Verma: My comment that we would be—participation in any form works for democracy. And the participation could be in the form of an election worker, returning officer, a voter, a volunteer in campaigns.

My earlier comment to have a younger generation with the returning officer—assistant returning officers, is also an extension to—that we have a big pool of youth, young people who are disengaged. And this is in—one of the opportunities in which they could be engaged. But it's—we also

recognize the fact that it's an activity which happens once in four years.

There is a commitment involved leading up to the election, which is sporadic. There are no fixed timings, and maybe the younger pool would be more into regular employment, versus—this is something like a post-retirement or a seasonal job.

So that was the background to the reason why there—my comment of having a younger generation, not to have—not to make any other adverse—any other comment with regard to the current returning officer, assistant returning officers. They were great, committed, worked extremely hard and delivered a sound election.

But if you could please repeat the remaining question.

* (20:00)

Mr. Chairperson: Okay. It's 8 o'clock, and, as previously agreed, we would revisit at this point in time whether we move forward or not. Do I have any advice?

Mr. Goertzen: I'm pleased to give you advice, Mr. Chairperson. I think we have a few more questions, although not a lot, so I would think that if we extended it till 9 o'clock, that would be generous. I don't think we'd use that whole time, but err on the side of caution; there may be other members who have questions as well.

Mr. Chairperson: Mr. Goertzen has proposed 9 o'clock. Is—what's the will of the committee? *[Agreed]*

Mr. Ewasko: And, yes, I'd be happy to repeat the—part of my question.

The one main part was: What are the qualifications to become either a volunteer, a returning officer, or assistant returning officer?

Ms. Verma: The qualifications to look for are: eligible voter; prefer have management experience, because when we are conducting an election, we have 57 decentralized offices running to deliver a consistent election, but these are—they operate as independent office although we do co-ordinate them; to have project management experience—we consider election, that 75-day calendar, like a project. It has a start—fixed start time, a fixed start—end date, specified deliverables under the legislation; they should be non-partisan, which is an eligibility for employment for all staff of Elections Manitoba; and

they'll preferably have computer skills, because technology is playing an important role in the administration of elections, and all the reporting which goes to the head office, which is our main office, is done through computer programs.

Mr. Chairperson: Mr. Selinger.

Mr. Selinger: I'll take a pass.

Mr. Goertzen: All right. A question regarding—and it's sort of a bit of a follow-up to the member for St. Paul's (Mr. Schuler) questions. My official agent would be upset if I didn't ask this question, and he did a wonderful job and so he was an excellent official agent and we did not get a long list of things coming back to us, but there was a couple of things.

And one was we needed to change—I think MTS had either overbilled or underbilled by \$22, and I guess this is a common thing because of the timing of the phone systems, and so we had to refile as a result of that. Elections Manitoba deemed that as a material issue. We had checked with our auditor, he didn't believe that—it was more than 20, less than 30 dollars—he didn't believe it was material and that we wouldn't need to refile. Elections Manitoba viewed it differently.

Is there a definition of what material is when it comes to these sorts of matters and the need to refile? Because that was—it was a fair bit of paperwork for him to refile for. What he—and he comes—he's an accountant in the private business; he indicated, in the private world, this would be far from material, and that was sort of confirmed by the auditor. But what would be the definition of material?

Ms. Verma: In a compliance audit, there is no materiality level, because in the compliance audit, you do—either does it meet or it doesn't meet the requirement, which is different from a financial statement audit. A financial statement audit, the audit opinion which is provided reasonably—that's the word which is used—and the concept of materiality is used depending on the financial statement, the amount which is in the financial statement. But in a compliance audit, since a compliance audit is specific that, does it meet the legislative requirement or not, we don't have a materiality level.

When it comes to election reimbursement, that is there are public funds involved in the reimbursement amount, if that has—if those allocations have an impact on the reimbursement, we usually ask for the change.

Mr. Goertzen: It might be something to look at just in terms—I think it was a fair bit of paperwork for him and maybe, you know, maybe the 22 bucks or whatever would still hit the bar of materiality if there's a recommendation, but maybe a lower bar, but it seems to me that there should be a level of discretion there.

Returning to more broad-based matters, the Commissioner of Elections—I think that's the title for the individual who reviews complaints—how many complaints were filed regarding the possible indiscretions regarding the election and how many are outstanding?

Ms. Verma: The complaints go directly to the commissioner, and Elections Manitoba does not keep a—we don't have that information available with us.

Mr. Goertzen: Is he independent of this committee? Would he normally not come to this committee or is this the kind of forum that he could come to, to answer questions?

Ms. Verma: I don't see any provision in the current legislation which requires him to attend any committee meeting.

Mr. Goertzen: Is there any provision that prevents him from coming to this type of a committee?

Ms. Verma: Not to my knowledge.

Mr. Goertzen: From your perspective from your office, what's—what would an appropriate time be for a resolution of a complaint in terms of the—you know, you've spoken a lot tonight about the need for transparency, fair elections, a good process, confidence in the system; all sorts of, I think, concepts we all agree on, but how long should it take for investigations to be returned after a complaint is filed?

Ms. Verma: The Commissioner of Elections handles the complaints as—due to the amendments which came in 2006 when their—this office was set up. And I don't want to speak for the commissioner, but—this is an assumption; I think the review process will depend upon the complaint, what kind of work is involved, what is the scope of the complaint, how many people have to be interviewed, what are the—what information is required, when that information would be made available. My comments are very generic in nature and I don't want to speak on behalf of the commissioner.

Mr. Goertzen: Do you think as a general matter, that the longer complaints are outstanding, the less

value they might hold or the more it impinges upon the integrity of the election system, the longer it takes for a complaint to be resolved? As a general principle, would you agree with that?

Ms. Verma: I really can't comment on it because it depends on the case to case, what the case involves. But our commissioner is a competent individual, has a lot of integrity, is absolutely independent, non-partisan, and is really—works really hard to deal with the complaints in a timely manner.

Mr. Goertzen: And just to be clear, it wasn't—and I don't think I said anything on the record that would reflect on the commissioner. It might have more to do with resources that he has on—at his disposal. I don't know what—I mean, certainly, I know there are some outstanding complaints. I believe one involves the member for St. Boniface (Mr. Selinger). There may be others, I don't know, but that one comes quickly to mind. So, you know, there might be issues around—there might be more involving the member for St. Boniface, I don't know; I just know of the one. But maybe that's more of a resource issue.

Mr. Chairperson: Ms. Verma, any reply to that?

Ms. Verma: Is there a question? If—I'm sorry if I missed a question there.

Mr. Goertzen: Sometimes in our work—line of work, questions become more like statements, and I think that was more of a statement than a question. So, I believe, Mr. Chairperson, we are ready to consider reports.

Mr. Dewar: I have a question to the deputy returning officer include—regarding local returning officers and their role. You mentioned that they should be a voter in the polling station or district that they are the returning officer—acting as a returning officer. But I thought that one of their roles was to cast the deciding ballot in case of a tie. Is that not the case?

Ms. Verma: I believe the legislation was changed. They no longer cast the deciding ballot. The only individual who's not permitted to vote under The Elections Act is the chief electoral officer or, as in the recent election, it was the deputy chief electoral officer who was acting in the capacity of the chief electoral officer.

Mr. Dewar: What is the process, then, in case there is a tie in a provincial constituency?

Ms. Verma: I just need a minute to look into that one. Sorry. Can I get back to this question after looking into it?

* (20:10)

Mr. Chairperson: Certainly.

Mr. Dewar: Why, sure, I was quite interested in that because I know that you'll have to ask Mr. Maloway. He himself was a returning officer when there was a tie, and this was in the '70s and he cast the deciding ballot. So there's a precedent for this. But I'm interested in seeing what happened in case there would be a tie in the future.

Ms. Verma: I have the answer. The answer is under section 170 of The Elections Act: If no candidate can be declared elected after a recount or because of a tie vote, a new election must be held. When a new election is required, the returning officer must immediately give the CEO, the chief electoral officer, the certificate of the judge who conducted the recount along with the writ of election, indicating that no member was elected. And, then, the new CEO must—then the chief electoral officer must then prepare a new writ of election that is dated and issued to the returning officer on the first Tuesday after the judge's certificate is received, and states that the election day is on the Tuesday that is 35 days after the date the writ is issued.

Mr. Chairperson: Are there no further questions?

Seeing none, we will move on to the reports.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2003, including the conduct of the 38th Provincial General Election, June 3rd, 2003 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

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

Annual Report of Elections Manitoba for the year ending December 31st, 2007, including the conduct of the 39th Provincial General Election, May 22nd, 2007—pass.

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2008 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

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

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2009 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

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

Shall the Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election, March 2nd, 2010 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

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

If there are some reports that do not pass, please, I request that members leave their copies on the table.

The hour being 8:13, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee Rise.

COMMITTEE ROSE AT: 8:13 p.m.

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