

Fourth Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

Vol. LXXII No. 1 - 6 p.m., Wednesday, November 28, 2018

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	Man.
FONTAINE, Nahanni	St. Johns	NDP
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GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	Ind.
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JOHNSON, Derek	Interlake	PC
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LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
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MARCELINO, Flor	Logan	NDP
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SCHULER, Ron, Hon.	St. Paul	PC
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SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, November 28, 2018

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mrs. Sarah Guillemard
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Greg Nesbitt
(Riding Mountain)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Cullen, Goertzen

*Mr. Allum, Ms. Fontaine, Mrs. Guillemard,
Mr. Helwer, Ms. Lamoureux, Mr. Lindsey,
Messrs. Michaleski, Nesbitt, Wowchuk*

APPEARING:

*Ms. Shipra Verma, Chief Electoral Officer,
Elections Manitoba*

MATTERS UNDER CONSIDERATION:

*Annual Report of Elections Manitoba for the year
ending December 31, 2016 including the conduct
of the 41st Provincial General Election, April 19,
2016*

*Annual Report of Elections Manitoba, including
the conduct of the Point Douglas by-election, and
a proposal to modify the voting process, for the
year ending December 31, 2017*

* * *

Madam Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a new Vice-Chairperson.

Are there any nominations?

Mr. Reg Helwer (Brandon West): Yes, I'd like to nominate Mr. Nesbitt.

Madam Chairperson: Mr. Nesbitt has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Nesbitt is elected Vice-Chairperson.

This meeting has been called to consider the following reports: Annual Report of Elections Manitoba for the year ending December 31, 2016 including the conduct of the 41st Provincial General Election, April 19, 2016; Annual Report of Elections Manitoba, including the conduct of the Point Douglas by-election, and a proposal to modify the voting process, for the year ending December 31, 2017.

For the information of the committee, subsection 28.1(4) of The Elections Act states that before directing a modification to the voting process, the Chief Electoral Officer must submit a written proposal to the Standing Committee on Legislative Affairs describing the proposed modification. Members can find the request to modify voting process at page 41 of the 2017 annual report.

Pursuant to subsection 28.1(5), if the standing committee approves the proposal, with or without changes, the Chief Electoral Officer may direct that the voting process be modified in accordance with the approval. Alternately, the standing committee may reject the proposal or continue consideration at a future meeting.

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

Hon. Kelvin Goertzen (Minister of Education and Training): Madam Chairperson, I would suggest that we sit until 8 p.m. or until the work of the committee is done, whichever is sooner.

Madam Chairperson: Is this agreed by the committee? *[Agreed]*

Does the minister responsible wish to make an opening statement, and would he please introduce the officials in attendance.

Hon. Cliff Cullen (Minister of Justice and Attorney General): Thank you very much, Madam Chair.

Well, good evening, everyone, members of the committee. I'm glad you could join us on this snowy November day in Manitoba.

First of all, I would like to introduce Shipra Verma, who is the Chief Electoral Officer for Elections Manitoba. I know she'll be offering some opening comments briefly.

I appreciate you being here and certainly for your staff in the office for all your hard work ensuring our democratic process is accessible to Manitobans and that voters' rights are upheld through a fair election process.

It is a pleasure to speak to the committee as we consider the Annual Report of Elections Manitoba for the year ending December 31st, 2016, and the year ending December 31st, 2017.

I certainly look forward to hearing from Ms. Verma, and I look forward to today's discussion on how to strengthen the electoral process here in Manitoba.

Protecting and enhancing the electoral process requires the dedicated focus of all political parties and a team of officials represented here today. That is why the work of this committee is particularly important.

The opportunity today to hear from the Chief Electoral Officer enables us all to benefit from her years of service and her expertise.

As mentioned in the annual reports we are discussing here today, our government has moved quickly to strengthen democracy and our democratic institutions. With the passage of bill 27, The Elections Amendment Act, by-elections will now be conducted within six months of a vacancy unless they occur within one year from a general election.

This change was made necessary in part by the events leading up to the by-elections in Morris and The Pas. The people of Morris were denied fair representation in the Legislature for 350 days. Media reported this as the longest period of time a premier has waited to call a by-election for a vacancy in Manitoba history.

Similarly, the people of The Pas were denied fair representation for 341 days. These time periods are far too long to leave Manitobans without representation in the Legislature, and that is why we made these changes.

Our government also established a fixed election period as recommended by Elections Manitoba so that the start date of the election is known while adhering to the current fixed election day act requirement.

Our government's bill 26, which amended The Election Financing Act, are also mentioned in the annual reports before the committee today. Bill 26 changed the rules around contribution limits and the activities of third parties before and during an election, as well our government's decision to repeal the NDP vote tax subsidy for political parties, effectively saving taxpayers \$2.4 million over the next four years.

We know there is much more that we need to do, and as mentioned in our recent Throne Speech, our government will bring forward a new referendum act to restore the rights of Manitobans to vote on major tax increases and provide a framework for calling and conducting a referendum.

This legislation will be introduced in the spring of 2019, acting on a long-standing recommendation of Elections Manitoba and included in the annual reports under consideration today.

The recommendation for a stand-alone referendum law was first introduced in 2000, more than a decade and a half ago. The import of the Chief Electoral Officer has been invaluable as we move forward with our legislative agenda.

To Ms. Verma, the Chief Electoral Officer, I'd like to thank you and your team personally for your input and recommendations. We look forward to additional opportunities to collaborate, and I look forward to the discussion here tonight in the committee.

Thank you very much, Madam Chair.

Madam Chairperson: We thank the minister.

Does the official opposition wish to make an opening statement?

Ms. Nahanni Fontaine (St. Johns): Miigwech. I would like to start this evening by thanking the minister and, of course, our Chief Electoral Officer, Ms. Verma, and other officials who join us here today.

Certainly, I, just on a personal note, want to say that we appreciate all of your hard work. I think that everyone around the table really does value your expertise and your dedication and commitment to elections in Manitoba and the integral part that you play in democracy for citizens. And so I lift you up for your work.

* (18:10)

This committee meeting provides MLAs with an opportunity to share their perspective on elections Manitobans operations—Manitoba operations, to gather information, to share our ideas on how to strengthen

the electoral process and consequently strengthen our democracy.

Certainly, I would suggest we know that free and fair elections are the cornerstone of strong democracy. Manitobans are engaged in their democracy, and we wish to sustain and encourage that vital commitment. As a result, we are eager to hear, this evening, the many important activities of Elections Manitoba to increase voter turnout, to ease the accessibility of voting and to ensure the fairness of the electoral process.

While political parties may disagree from time to time, I believe we can all affirm our commitment to ensuring the electoral process is the best—is best when all voters are able to vote and participate in our democratic life on an equal footing.

We appreciate the efforts of Elections Manitoba in facilitating this important endeavour and your commitment to realizing the highest democratic goals in practice.

Miigwech.

Madam Chairperson: We thank the member.

Does the second opposition wish to make an opening statement?

Ms. Cindy Lamoureux (Burrows): I, too, would like to thank our Chief Electoral Officer, Ms. Verma, and I'll keep my comments short. I just think it's a great opportunity that we can all come around the table this evening and sit for however long it takes to discuss electoral changes, and whether that be boundaries in different ridings and constituencies, it's—it is critical here in the province of Manitoba that we do everything we can to enlighten Manitobans and express the importance of democracy and ensuring that everyone who wants to vote can go out and vote and just continue to remove those barriers here in the province.

Thank you.

Madam Chairperson: We thank the member.

Does the Chief Electoral Officer, Ms. Verma, wish to make an opening statement?

Ms. Shipra Verma (Chief Electoral Officer, Elections Manitoba): Good evening, Madam Chairperson, and I would like to begin by thanking the minister, Ms. Fontaine and Ms. Lamoureux for their positive, favourable, encouraging comments, and also, thank you for inviting me and my staff to discuss our reports.

I'm joined today by Debbie MacKenzie, who is the Deputy Chief Electoral Officer, and Tracy Nysten, Manager of Elections Finances.

This evening, in addition to reviewing the details of our annual report, I will outline the two recommendations for legislative change and also discuss our proposed modifications to the voting process.

To begin with the annual report, in addition to our regular annual activities, the 2017 annual report provides an update on implementation of The Elections Financing Amendment Act and The Elections Amendment Act, both passed last year.

As you know, The Elections Financing Amendment Act changed the provisions for contributions, imposed limits on advertising expenses during the 90-day pre-election period for candidates, registered parties and third parties and made additional changes to third-party requirements. The Elections Amendment Act brought in many changes to the electoral process, most notably introducing a permanent voter register for provincial elections, along with a process for collecting, managing and updating voter information.

With respect to the elections financing amendments, all the prescribed forms have been updated and are available on our website in fillable format. For the Manitoba Voter Register, the following has been completed: formalized information-sharing agreements with Elections Canada, Manitoba Health, Manitoba Public Insurance and Manitoba Vital Statistics Agency have been completed. We have selected a vendor, through a competitive process, to provide a technical solution to manage the register. We have developed policies and processes to ensure information security and privacy. Procedures for staff have been developed to confirm, update and add voter information to the register, and some of these functionalities were tested during the 2018 St. Boniface by-election.

The preliminary voter list for the 2018 St. Boniface by-election was taken from the Manitoba Voter Register. The final voter list for—from the 2016 general election provided the base for this list, and it was supplemented and updated through target registration. We now have all information-sharing agreements in place, and we are on track to provide the first extract from the register in 2019 to registered political parties and MLAs upon request, which is required by the legislation.

In our annual report, we also reported on the conduct of the Point Douglas by-election—the election financial statements of registered parties and candidates. This report also includes financial statements from the two leadership contests held in 2017. The Commissioner of Elections also provided a report on his activities for 2016 and 2017, which was included as information in our annual report distribution.

This report includes two recommendations for legislative changes. The first is a new recommendation to amend The Election Financing Act to provide 100 per cent reimbursement of reasonable disability and child-care expenses to the candidates who apply for it. Currently, The Election Financing Act provides for reimbursement only to those candidates who receive 10 per cent or more valid votes. This amendment will have the effect of increasing participation in the electoral process by assuring potential candidates that any reasonable incremental costs to their income for disability support or child care would be reimbursed regardless of the outcome of the election. The recommendation aligns with Elections Manitoba's commitment to eliminating barriers to participation.

Our second recommendation, which is carried forward from 2016, is that a single-address authority be established for Manitoba. Manitoba does not currently have consistent address conventions, which includes street-name address format. Consistent address conventions would improve the validation and matching process used to assign a voter to a voting place. This would make the process more efficient, enhance the quality of the register, improve the accuracy, currency and completeness of the voter list. A single-address authority would not only improve efficiency for electoral purposes, but also would impact the public services such as fire, ambulance and police services, who will be able to use standardized addresses.

Finally, I would like to speak about our request to modify the voting process, which was provided as a separate document and is also included in section 11 of our annual report. These modifications to the voting process meet all the three objectives which are set out in section 28.1 of The Elections Act, which states to improve the voting process for voters, to achieve administrative efficiency and to maintain the integrity of the voting process. After consultation with Elections Act advisory committee, we tested three new processes during the St. Boniface by-election in parallel with the existing ones. These pilot processes all used

technology to improve the experience of voters and increase efficiency. We believe they not only maintain the integrity of the vote, they also leveraged technology to improve the overall election procedure.

The proposed modifications are: the first, a real-time strike off of the voters list during advance voting. In real-time strike off, the voter's record is found on the electronic voters list, either by scanning the bar code on the voter information card or by entering the voter's data. After the voter receives a ballot, the voting officer strikes the name from the electronic voters list. This has several advantages: it's fast, accurate and immediately updates the list for all users across the system. It reduces errors in tracking who has voted. It assigns voters to the correct electoral division. It reduces the long process each night of advance voting of manually striking off voters' names from every copy of the voters list before advance voting can begin the next day. It will provide an electronic listing of all people who have voted, the candidates and parties.

The second change would be to reformat advance voting books to accommodate a label for each voter. Instead of repeatedly hand-printing the voter's information, a label would be printed directly from the voters list and pasted into the book. In the case of non-resident advance voter, a duplicate label will be printed for the certificate envelope. This will reduce time and—this will save time and reduce errors.

The third change involves combining the election day voting book with the voters list. For election day, a pre-printed book will be provided for each voting station. All voters on the preliminary, revised and advanced swear-on list would be included in this book. In addition, the name of anyone who has already voted in advance or as absentee or as home-bound voter would already be struck from the list. A combined voter book and voters list will save time and reduce errors.

In testing these processes during the St. Boniface by-election, we found technology was easy to use, it sped up the process, eliminated duplication and increased the accuracy.

* (18:20)

I would like to request that a motion be moved to accept or reject our proposal before the committee concludes tonight. We believe these changes will serve the voter well. With your agreement, we look forward to moving to implement these efficient processes.

That concludes my remarks, and I will be happy to answer any questions.

Madam Chairperson: Thank you.

The floor is now open for questions.

Ms. Fontaine: I'm not sure who—miigwech, Chairperson. I'm not sure who I'd ask this question to, and I know that you had mentioned it at the very beginning, that, if we accept this report with the suggested changes, is that something that, then, is automatic, or, for our processes, is that a motion that, then, comes back to us and has to go, ultimately, to the House? How does that work?

Madam Chairperson: So, to clarify, we can pass the report without passing a motion. The motion is a separate entity from the report and a separate action that the committee has to address.

Ms. Fontaine: And so, then, to Ms. Verma's request, then, to pass a motion—I'm going to ask Ms. Verma to qualify exactly what she wants us to do tonight.

Ms. Verma: Okay, there are two annual reports which are under consideration, and there is a motion. The motion, although, is part of the annual report, but it can be considered separately. That's why, when we provided the annual reports, we provided the motion as a separate document, the proposal.

If the motion is passed, it can be passed entirely the way it has been presented, or the committee can make modifications to it, or the committee can refuse the motion. If the motion is passed in the way it's—it has been presented or with modification, then the Chief Electoral Officer may implement it in the next general election or by-election.

Mr. Goertzen: Just for clarity—and I've probably been around this table too long, so I forget how things have sometimes been done many years ago. So the recommendations that exist within the report—so, for example, for many years, there was a recommendation on the referendum act, that there should be a referendum act, because we have bills that talk about a referendum.

That—those reports pass regularly, and—but the Referendum Act didn't come forward, so they clearly weren't binding on government. This is sort of a separate recommendation. Is it because it doesn't require a statutory change, it's more of a policy change that it—that would be a, sort of, a different function or we'd have a motion?

Ms. Verma: So this is a recent amendment, which came through The Elections Amendment Act last year. It is a proposal to modify the electoral process.

Under The Elections Act, section 28 allows the Chief Electoral Officer to make modifications which are necessary during an election, but these were more substantive. So, for the purpose of introducing technology or making changes as a pilot process, the section was included but still having the scrutiny of the committee.

That's why a provision was created that this—these modifications be brought forward as a proposal. A motion will be passed at the committee. If it's cleared, then the Chief Electoral Officer can go back and, considering the timing of it, may implement it or may not implement it.

Mr. Goertzen: So thanks for that clarification. Then a follow-up to that: is there a timeliness factor to this? If the motion is neither passed or—if it's not even considered tonight, but it's considered at a—recognizing that these meetings tend to happen annually, but it could be called much sooner than that, if there's a desire to call it sooner to deal with that motion—is there a timeliness to it not being passed today?

Assuming no by-elections, if we're just talking about the upcoming general election in 2020, if it's dealt with early next year, if it were to pass, would that be sufficient time, or is there some sort of urgency to this?

Ms. Verma: The legislation requires it to be considered within 60 days of it being presented.

Mr. Goertzen: And asking questions that I should know the answer to, I suppose, but what's the remedy if it's not considered within 60 days? What's the upshot of that?

Ms. Verma: I'm—this is more of a legislative process question.

What my understanding is, that because these modifications, if they're brought forward, there is a timeliness requirement for them to be considered. If they're passed, then Elections Manitoba will need the time to implement these changes. Henceforth, a 60-day timeline was placed, similar to considering the annual report.

Mr. Goertzen: But then I assume, though, that also—that if this committee isn't—it feels that it's comfortable in a position to make a decision on that portion, that particular recommendation, it could also, I suppose, bring forward a motion to defer the recommendation for six months or so?

Madam Chairperson: So, as far as the legislation is written, if the committee does not make a decision

tonight on the motion, the motion will remain—on the proposal, the proposal will remain active as many times as the committee does meet until it is dealt with and decided upon.

Mr. Goertzen: Further a follow-up.

There used to be a process, and maybe it's long gone, but—that Elections Manitoba, I think, would meet with representatives of parties to discuss changes. Whether it was their party presidents or CEOs or—I don't remember who the official was but every party was represented. Is—does—has that sort of happened already on this particular recommendation that we might have to make a motion on?

Ms. Verma: Yes. The legislation requires us that we consult the advisory committee prior to tabling this proposal. The advisory committee was presented with the proposal. We had a meeting. They have showed they had no concerns with the required proposals.

All the three proposals were tested in parallel during the St. Boniface by-election. All the three worked well. But just to make a point, we are bringing the proposal relatively ahead of time for the next general election, which is in 2020, because these changes would require significant implementation time. And to consider our calendar, I would request that we have training which is scheduled for next October, November, which means all our policy binders, procedures, all need to be finalized by at least June.

So we would need time to implement these changes. But I respectfully understand that the committee would have questions about these proposals, and I'm prepared to answer on them.

Ms. Fontaine: Thank you for that. It is clear as mud at this point right now, but I'm sure we're going to get back to that. But I have some other questions I'd like to get to.

An Honourable Member: Can I just ask a question quickly, before you get into the other—

Ms. Fontaine: Sure.

Mr. Tom Lindsey (Flin Flon): Just before we leave this whole confusing business, so we can pass the recommendations as a motion and then they go on, or we can say, no, we're not passing them because we have issues that need further discussion before they get passed.

Is that correct? And how does that—just explain that to me again, please.

Ms. Verma: So my understanding of the legislation is that if a proposal is brought to the committee's attention, then the committee has 60 days to consider the proposal. It is similar to the tabling of the annual report. When an annual report is tabled with recommendations, then the standing committee must meet within 60 days to consider the annual report.

* (18:30)

However, the standing committee may choose not to pass the annual report. With regard to the proposal, I'm not clear as to if the standing committee has the option of not passing the proposal. My understanding was that they need to make a decision on the proposal within 60 days. However, I would defer to the clerk for their interpretations—

Madam Chairperson: Minister Goertzen.

Mr. Goertzen: I wonder if I might propose a short recess for five or 10 minutes.

Madam Chairperson: Is it the will of the committee to recess for 10 minutes?

An Honourable Member: Yes, agreed. Can I just ask a question?

Madam Chairperson: Mr. Allum.

Mr. James Allum (Fort Garry-Riverview): Is there legal counsel anywhere available? Is there legal counsel?

Madam Chairperson: Also, just to let the committee know that our clerks have consulted with the legal counsel and they can give us advice on this topic, so is the committee in agreement to recess for 10 minutes? *[Agreed]*

The committee recessed at 6:32 p.m.

The committee resumed at 6:40 p.m.

Madam Chairperson: I'll now call the committee back to order to consider these reports.

Ms. Fontaine: So, in respect of the St. Boniface by-election, I think that—or, no, sorry. Let's move forward.

What preparations has Elections Manitoba made for the introduction of a permanent voters list?

Ms. Verma: We have been very busy in reviewing the provisions and implementing the necessary requirements to bring forward the Manitoba register. First of all, we looked at developing a privacy impact

assessment statement, which looked at all the privacy requirements, starting from creation, using and access of the register. The privacy impact assessment was reviewed by the Ombudsman and it is in effect now.

We have formalized information-sharing agreements with our data partners, which are Elections Canada, Manitoba Health, Manitoba Public Insurance and Manitoba vital statistics. We also conducted a competitive process—an RFP—to secure a solution for the register. So we have a vendor in place now.

We have developed policies and processes to ensure information security. We have developed procedures for staff to confirm, update and add voter information. We are planning to have a website as also a medium for voters to confirm if they're on the voters list or submit changes to the voter information.

The timeline right now is April or May for next year to have a soft launch of the website. We're also on track in preparing the voters list for 2019, which will be provided to the registered parties mid-February, as required by the legislation. All the MLAs, upon request, can also receive a copy of the voters list for their respective electoral divisions.

Ms. Fontaine: Kind of cost implications are there regarding the introduction of a permanent voters list?

Ms. Verma: The cost for creation, maintenance and for the election cycle to the election costs—so I'm looking—telling you the four-year period, is projected to be \$3.5 million. Enumeration would have costed us \$3.8 million. This estimate was provided in 2016. We are still on track for the \$3.5 million. However, we are looking at alternate—a few changes in how we will be proceeding during the election time.

Since the register is a new way of creating voters lists, communicating with Manitobans is considered to be—is extremely important. It's going to be different from going door to door, 100 per cent coverage. So we're also looking at doing a mailout in April or May of 2020 to encourage voters to check on the website if they're on the voters list or not.

But still we are looking at \$3.5 million as the overall cost for this register.

Ms. Fontaine: Does Elections Manitoba foresee any need for additional legislative or regular—regulatory changes in respect of the introduction of permanence voters list for the 2020 election?

Ms. Verma: At this point, we are not looking at any further changes.

I would like to recognize and congratulate the Legislative Counsel. They did an excellent job in drafting this legislation. Manitoba leads the country in plain language legislation and having a very inclusive legislation.

Ms. Fontaine: So I know earlier you spoke about the privacy impact assessment, and that's in effect.

So what are the privacy protections that Elections Manitoba put in place with the introduction of the permanent voters list?

Ms. Verma: There are several factors which are included in the privacy impact assessment.

Let's start with the vendor. The vendor which we have selected regularly conducts internal security audits and external security audits. Their security standards are as per the ISO standards.

Internally, we have identified staff who would need access and for—every user role has an access requirement and protection associated with it.

As a Chief Electoral Officer, I don't get access to the voters list because I don't need the voters list to do my day-to-day function. It's only the people who need to access the register will have access to it.

They'll be dual factor authentication, a password plus another external authentication which will be required.

At the field level we are updating our training processes and the vote forms for people who would get access to the voters list. We have also introduced a criminal record check for our IT people who will be accessing the voters list.

The voters list will not be available on the laptops or the tablets as identified in the proposal for advance voting. It will be all central based. We will be also conducting internal security audits and external security audits at Elections Manitoba. We have developed backup procedures. We'll be doing penetration testing, server updates and security updates.

Ms. Fontaine: I wanted to ask you about some of the provisions that came into force with the passage of bill 27, The Elections Amendment Act, specifically the provision surrounding the so-called proof of identity and address as background.

Can the CEO indicate what is the current rate or number, if any, of documented voter fraud in Manitoba?

Ms. Verma: To my knowledge, there were no instances of voter fraud in Manitoba. Giving an example, in the recent St. Boniface by-election, when the new ID provisions were in effect, there were 11 cases where electors didn't have the necessary ID on election day, but they were able to vote through the vouching process.

Ms. Fontaine: Has the CEO ever seen that measures needed to be taken to combat so-called voter impersonation?

Ms. Verma: So voter impersonation occurs if a voter comes for voting and the name is already struck off the voters list. In case that happens, then they can take an oath declaring that they haven't voted in this recent election and they are still an eligible voter and they can proceed to vote.

There had been instances where, due to administrative errors, the wrong name could be struck off or sometimes there are people who have the same name, like a senior and a junior, and the wrong person has been struck off, but they can take the oath of impersonation and proceed to vote.

Ms. Fontaine: Can you tell us what the voter participation rate was for the 2016 general election?

Ms. Verma: It was 57 per cent.

Ms. Fontaine: And, in your view, how important is it for Elections Manitoba to encourage and facilitate voter participation in elections in Manitoba?

Ms. Verma: Elections Manitoba has a statutory responsibility to inform people about the election process, especially to those communities or groups who may face difficulties in exercising their democratic right. It will be fair to say each and every electoral management body in Canada takes this responsibility quite seriously and so does Elections Manitoba.

Elections for us is something that we live and breathe every day, but for the voter it comes once in four years, and there is also confusion at times about which election it is—it's federal or provincial or municipal.

Many times, with the federal elections, they will be confusing us with Elections Canada or with the municipal one.

So we need to be proactive regarding our education and outreach activities to advise them of what their rights are, what are their opportunities to vote, and how can they access the system, so I think it's

fundamental for every election management body to participate in election outreach and education.

Ms. Fontaine: Yes. I appreciate that some voters are not sure what election it is because I've gotten in heck for some of the stuff that Prime Minister Trudeau did and tried to explain that, different elections, so I understand that.

* (18:50)

I am interested, your thoughts on the Winnipeg School Division recently passing a motion calling for newcomers, regardless of their citizenship status, and high school students to be given the right to vote in school board elections. While school board elections don't fall under the purview of Elections Manitoba, in the view of the CEO of Elections Manitoba, would such a move help to increase voter participation and turnout in elections in the province?

Ms. Verma: Voter turnout is a complex process. We believe that voting in an election is a habit. It's a habit of participation, and participation can begin at any age, at any stage, and it's not necessarily the act of voting which is the participation.

So we had a recommendation which was we have not thanked the legislator for including it in the bill, and now it's in the law, that 16- and 17-year-olds can now work in elections. So high school students can work on election day or during for any other election job, which is a new change for the next election.

So developing that habit of participation is fundamental as to be a good citizen. And Elections Manitoba encourages this through our Your Power to Choose education program by providing employment opportunities, by providing a new program that we piloted for the—in the recent municipal election in partnership with City of Winnipeg and Ryerson University. It was called Vote PopUp. It simulates the election experience, and this is quite—has proven to be helpful for new immigrants and new Canadians because at times they are not familiar with the act of voting. They know they have to vote, but there's a hesitation or embarrassment as to how to conduct the vote.

But, to answer your question, do I have an opinion? Should 16- and 17-year-olds be allowed to vote? I think that is a policy matter, and we refrain from commenting on the policy matter.

Ms. Fontaine: Is it something that you've researched or looked into?

Ms. Verma: We have done preliminary research on 16- and 17-year-olds. It was a question which was raised a couple of years ago. Also, would there be merit? And one of our outreach programs that we did, we held a school competition about—should the 16- and 17-year-olds be allowed to participate? The youth had quite a mixed review on that.

Ms. Fontaine: To move on to another interesting piece, we are wondering when the new boundaries are going to be distributed.

Ms. Verma: Boundaries commission work must be completed by December 31st, 2018. So the boundaries commission report should be coming some time mid- or third week of December, 2018.

Ms. Fontaine: And what preparations has Elections Manitoba made to support the transition to new 'electorial' boundaries for political parties and for voters?

Ms. Verma: Elections Manitoba provides all the necessary administrative support to the boundaries commission, but we are a separate entity from the boundaries commission. So once the report will be finalized, then the new boundaries will be taken by Elections Manitoba. We will be just aligning all the voting places with the new boundaries and new maps have to be prepared. So, overall, there were around 2,600 voting areas in Manitoba, so around 3,000 new maps will be developed. The maps are created, the electoral division maps and then the voting area maps, and they are provided to the parties for consulting for them and to provide—to seek their input on the voting places. That should be done early 2020.

Ms. Fontaine: So Elections Manitoba has recommended for a number of years that a referendum act be developed, as noted on page 12 of the 2017 annual report. On page 43 of the 2015 annual report, there are a number of questions that Elections Manitoba hopes such an act would clarify.

Does Elections Manitoba believe that the same bans on contributions by unions and corporations to political parties ought to be part of any referendum law that could be introduced?

Ms. Verma: So Elections Manitoba has, in the recommendation provided, the questions for the legislators to consider and provide the frame back. I'll go back. We don't necessarily comment on the policies, because we think that's something which the legislators can best decide. We can provide only administration of it.

So the questions are more as a tool for the legislators to consider as to how they would like the referendum legislation to be drafted.

Ms. Lamoureux: I don't want to interrupt your line of—the member from St. Johns' line of questioning. I'm really enjoying it; I'm learning a lot from it.

I just want to revert to the last topic you were on. I had a follow-up question.

So, after the final boundaries are distributed before the end of December—December 31st—is that the final step, or does it still have to pass through legislation before it can be finalized?

Ms. Verma: The report would be the final step. The report would become the law.

Ms. Fontaine: How do other jurisdictions address the question of whether government resources can be used for advocacy in a referendum?

Ms. Verma: So many—most of the other jurisdictions where there is a referendum legislation, they don't—the referendum legislation is very broad. It doesn't comment on specifics. It leaves it for regulation. So more specific questions are therefore to the regulations, which need to be developed when a referendum is held.

Ms. Fontaine: So, in your opinion, would it be appropriate for the government to draft the question put to the electorate on a referendum, or alternatively would it be better—more impartial, more objective, both in fact and appearance, for some other body or group to draft referendum questions?

Ms. Verma: The legislation across the country is a mixed bag. Sometimes the government has the option of making the—or forming the question. Sometimes a committee can be formed to develop the question.

Ms. Fontaine: How do considerations of fairness and accuracy impact the way in which referendum questions are posed, I guess, across the country?

Ms. Verma: The referendum question should have certain elements. The—first of all, it should be clear, because referendum response is usually a yes or no.

So, if you see the recent BC referendum, the—it's a two-question ballot. So the first, there's a question about do they want to still continue with the first-past-the-post method or not. If it's a yes, then you don't proceed to the—question 2. If it's a no, then there are different options listed as alternatives for the first-past-

The second is the question should be short enough that it can be fitted on the ballot.

The third is that there should be clear communication to the electorate about the question, and it should be in plain language.

So those are some of the factors which enhance the fairness of the process because if the question itself is flawed, then having a referendum on it defeats the whole purpose.

Ms. Fontaine: How have other jurisdictions determined the scope of referendum acts? Specifically, what has been the nature of questions posed or the broad categories or areas that were available to be put to the electorate?

Ms. Verma: It really depends on which statutes require a referendum. Like, in Manitoba, there are three statutes which require a referendum to be conducted. It depends in other jurisdictions which statutes require a referendum. And sometimes there may not be a statute. It might be the government's requirement, like in the recent Quebec election. The incoming government had it on their agenda that they would be holding a referendum, so it's not statute-driven, it's the government's own agenda-driven.

Ms. Fontaine: What type of spending limits have other jurisdictions placed on advertising and campaigns during referendums, and—on, like, third parties, on political parties, on campaigns?

* (19:00)

Ms. Verma: I don't have the specific spending limit amount, but usually there is a spending limit for the yes and no committees. So you—there are—the referendum question is either you are in favour or you're opposing the referendum motion.

There are third-party requirements, also, which can come. There are sometimes anti-circumvention rules that a third party's not colluding with a particular committee to circumvent the spending limit.

Ms. Fontaine: How do other jurisdictions handle the calling of referendums? Are they traditionally automatic processes, or are they driven—rather, driven by the request of a certain number of voters or residents?

Ms. Verma: So there is a—there is referendum, and then there is a different legislation, which requires in case—like in British Columbia, there was a HST referendum that you had to submit a number of so

many requests had to be placed with a certain number of voters before a referendum would be called.

So it's, again—it depends on what the legislation requirements are, what is the issue, what is the question. A referendum could be binding or non-binding. Referendum could also have a minimum threshold of voter turnout. It could also have a minimum threshold of majority in a certain number of electoral divisions. So we have seen a variety of referendum in the past 10 years.

Madam Chairperson: Hearing—oh, Minister Goertzen.

Mr. Goertzen: Thank you very much for your presentation, for your work—echo the comments that have been made by others. You—just to make sure I understood correctly, you said you expect the boundary review commission report in the third week of December. Was that correct?

Ms. Verma: Yes, that's correct.

Mr. Goertzen: Can you speak a little bit about—so the legislation binds the commission in terms of the work that they do. And so they're bound by that, but can you speak a little bit about the presentations are closed down, the presentations you heard and maybe some of the challenges that come with that work and if there's any insight that can, you know, maybe guide future legislators in terms of boundary review work?

Ms. Verma: So I can talk about the public presentations, which were—which is public information. The boundaries commission has a criteria of reviewing the population and establishing a quotient. So the—based on the current population, the 2016 census, the quotient which was established was 22,427. The legislation directs the commission to use a particular census number. After that, there are factors which the commission should consider while reviewing the boundaries. There are the quotient, the present and the projected population growth, communities of interest, existing physical boundaries, communication patterns, trade patterns, also the municipal boundaries which are there.

So, for the commission to balance the population and geographic criteria, also the number of municipalities which are there in Manitoba, respecting the municipality boundaries and community of interest is challenging, because there are times that it is recognized that they're not as vast. There are challenges and not in commuting the vast distance, but it's also a fact that there is a decline in population, and the decline in population is for various reasons.

What the commission has also done, has commissioned reports from, think, the Rural Development Institute to understand the growth and the projections in rural Manitoba. So the work of the commission was to collect all this information, analyze it and then work towards effective representation so that the value of your vote in each area of Manitoba is similar. I use the word similar and not the same, because absolute parity is not possible. We cannot have each electoral division of 22,427. The legislation provides, for this reason, that the commission can have the variation of plus/minus 5 to 10 per cent and, in the North, plus/minus 25 per cent.

Mr. Goertzen: So I went to the hearing that was in one of the southern areas and listened to the presentations. And they were thoughtful and—but there 'wadn't' a lot of people who came, right, to make presentations. But the ones who did, I think, you know, gave good presentations. But, then, you know, the irony is that after those presentations were made, they sort of go to the media, and then others who may have been cited—other communities who were cited in those potential changes—then come forward and say, well, hang on now, like, you know, we wouldn't want that to happen to us. And it becomes a real domino sort of effect.

And how do you separate out the presentations from the reality that the vast majority of communities aren't presenting, or that they might be satisfied with the—sort of the initial reviews?

Ms. Verma: That is an interesting question.

So this time the commission opened the public consultations right from the beginning the commission was established, which was different from the previous commission. So, from 1st of January to 16th of March, the public was—could submit submissions, and there were around 46 submissions received during that time.

The commission, at that point, met, went through the submissions, the factors and came up with proposed boundaries. Again, it was the first time an interim report was introduced—again, to provide that necessary background as to what the commission is thinking and what is the rationale, rather than just providing maps to the public.

We also had interactive website for the public to work on the maps and to also assess or understand how the population has changed, and if you change the boundary, what is the impact. The website showed you the new—if you moved the boundary, it would show

you the new population and will show you the quotient.

So that was quite helpful for the public. And, after the interim report was released, it was again open for public submissions until October 1st. During that time, there were 11 public hearings which were held across Manitoba.

To your point, when the—after the release of the interim report and—the chair of the commission, Chief Justice Chartier, he kept emphasizing that the interim report is not set in stone. It is interim for that very purpose. There is a reason that we are conducting public hearings and we are opening this process for public input, because the commission wants to hear and it's a reality that the engaged electorate is limited.

So, after the changes are made, Elections Manitoba would be hearing a lot closer to the election as to, oh, the boundaries have changed. It goes back to the point which I was mentioning earlier that that's why education outreach is so necessary, because usually people don't—are not aware of the change 'til the time the event is close.

So the commission had a challenging task of having practical factors. And then there were some emotional submissions. And the communities—some are there, together. But there are changes which need to be made.

So that's the reality of the way the process works. But the commission has made a very conscious effort to include all the changes which were recommended through the public input, as much as possible it could do.

Mr. Lindsey: I represent a constituency in the North, and the legislation allows the boundary commission to have a variance of 25 per cent for northern constituencies. Now, this commission decided that everybody—every constituency had to be within the plus or minus five equals 10, which—that in itself may be the wrong interpretation, at least in my opinion.

But ignoring the 25 per cent variance that's allowed in the North and then recognizing that the census numbers really don't accurately capture the true population numbers for particularly northern indigenous communities, there was other numbers that are presented from INAC that more accurately represent those particular numbers.

How can the commission or Elections Manitoba say that what was proposed—and, of course, we haven't seen the final report yet, but what was proposed where

everybody had to be plus or minus 5 per cent as opposed to the 25 per cent, how does that encourage people—in the North, particularly, but perhaps in rural Manitoba, too—how does that encourage them to feel like they're part of the electoral process and actually recognize that there's people there that don't presently vote that aren't captured anywhere that should be?

* (19:10)

Ms. Verma: So the couple of factors which you've raised here. And I'm here in my capacity as the Chief Electoral Officer, as not the boundary commission member.

But, based on what was there in the interim report—and there is an issue of undercount, which probably you are referencing too.

So, 2016 census, and we—the commission confirmed with Manitoba Bureau of Statistics and Statistics Canada that the 2016 census covered all First Nation communities. Not even one was left.

After the census is completed, a community can present—if they feel they haven't been covered properly, they can present a proposal back to Statistics Canada. There were a few proposals which were submitted. The net impact is a decline of 69 people in the total census.

The INAC numbers reflect the total band population, but they may not be onsite. They may not be necessarily living in that community, but that's a band number which is reflected. So the commission did carefully consider the undercount issue for the North.

The 25 per cent wasn't just the plus/minus five, but it was also the future projected growth, and if you see Flin Flon when the 2008 commission came, it was close to the 25 per cent margin, and at this point it is—the current boundaries and the 2016 population, it's minus 30 per cent.

So, other than Thompson, all the northern electoral divisions have significant variance, but the commission carefully considered all the submissions which had been presented, and I can't speak about the final report, but what I can assure you, that the commission did carefully consider all the submissions which were presented either during public hearings or through online or in-person or by mail submissions.

Mr. Helwer: With respect to a referendum or an election, are there any guidelines or restrictions on

money being spent from outside of the province or the country to influence or advertise such as the election or the referendum?

Ms. Verma: So, provincially, there are contribution limits for candidates, parties and constituent association. You need to be normally a resident of Manitoba, so no contribution from outside Manitoba can be accepted.

For third parties, there is a spending limit. So there is a \$90,000—not \$90,000, I will correct the amount. There is \$100,000 spending limit for third parties, but not necessarily contribution limits for them.

In case of referendum, there is no legislation. Those are some of the questions which can be considered while drafting the legislation as to would you like to keep it open for anybody in Canada or internationally to contribute as through the committee or through the third party.

Mr. Helwer: And how would you measure the spending of a third party in Manitoba from outside of Canada?

Ms. Verma: So third parties are required to provide a list of all the contributions they have received, and that's public disclosure. That's how we review the information. Last election there was only one third party registered, and we didn't see any contribution from outside Manitoba.

Madam Chairperson: Seeing no further questions, I will now put the question on each report.

Annual Report of Elections Manitoba for the year ending December 31, 2016 including the conduct of the 41st Provincial General Election April 19, 2016—pass.

Annual Report of Elections Manitoba, including the conduct of the Point Douglas by-election and a proposal to modify the voting process, for the year ending December 31st, 2017—pass.

The hour being eight–7:14 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 7:15 p.m.

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