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Fourth Session — Thirty-First Legislature

of the

Legislative Assembly of Manitoba

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

29 Elizabeth II

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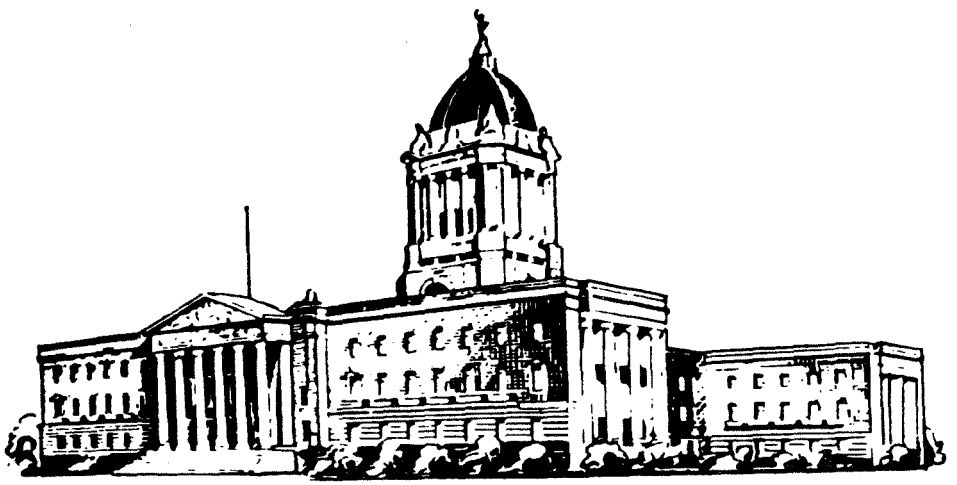

FRIDAY, 25 JULY, 1980, 8:00 p.m.

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

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WILSON, Robert G.	Wolseley	PC

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS
Friday, 25 July, 1980

Time — 8:00 p.m.

CHAIRMAN — Mr. Arnold Brown (Rhineland).

MR. CHAIRMAN: I call the committee to order. We have a quorum. Mr. Anstett. Mr. Anstett, before you start, have you any idea how long you are going to be?

MR. ANDRUE ANSTETT: Mr. Chairman, I realize we went for almost an hour and a half before the supper break. I would think no more than another half-hour on Bill 95, and probably a similar time on 96. Several members have prevailed on me to skip the more insignificant items. I do hope, when I do so though, that those of you who have been working on amendments will catch them in your clause-by-clause consideration, because oftentimes, minor amendments are just as important as important questions of principle.

With respect to important questions of principle, just before we did break for supper, I was suggesting to you that there may be merit in considering the complete repeal of the vouching provisions in 85 and substituting therefor a provision that an eligible elector can take a declaration, oath or affirmation, attesting to his or her eligibility, and be added to the list on polling day.

That is done in some jurisdictions. Other jurisdictions completely close the list and don't even allow vouching, so there is justification in terms of comparable legislation elsewhere to going either way. But in terms of the Attorney-General's voiced concern about extending the franchise and extending opportunities for persons to be on the list, I think that is probably the single most important proposal that I would suggest you consider tonight, that is, to fully provide a completely open list, with a check system.

Now, obviously one of the objections to doing that, that anybody can get on the list. I don't believe that that is true. However, with the tightening up of the penalities and the enforcement sections in this statute, there is no question that you will have opportunities for prosecution. I can tell you, with some authority, that after the 1977 election, a complete analysis was done of every single swear-in in the province of Manitoba, and it was discovered there was one unqualified elector who was added to the list, one out of something in the neighbourhood of 8,000. That was at an advance poll in St. Boniface. I won't identify the elector; I don't even remember the name, so I can't.

So the incidence of abuse of this provision is very slim. On the other hand, if you really view it, vouching, the requirement for a voucher, as some form of protection, then I think we are all being a bit naive, because certainly any person who fraudulently wishes to get his name on the list will have no trouble finding another party prepared to assist him. And if this is being done in an organized fashion, which I am certain it is not, because I am certain none of the organized and recognized parties in Manitoba would condone it, but if it were being done in that fashion, there is nothing that the Chief Electoral Officer or his staff could do to prevent that, whether it was with a voucher or without a voucher. If people decided to play that way, you would only catch it after the fact.

So in this type of instance, enforcement is far more important, in terms of ensuring that the Act is adhered to, than some arbitrary provisions that may restrict the franchise.

So I would recommend very strongly that a provision for a voter to add his own name on the list by taking a declaration or oath of eligibility is certainly adequate to the task of providing for openness on the list on polling day.

If you decide that you wish to keep vouching, I would suggest that the change that has been made in Section 85(2) is undesirable. Section 85(2) had a previous equivalent in the old Elections Act, which provided that the voucher had to be from the same electoral division. In rural areas, that is fine; in urban areas, that's fine. But the present Act requires that the voucher be from the same polling subdivision. In rural areas, that is probably not much of a problem, but in urban areas, where polling boundaries divide floors in large blocks and go down the middle of streets, you can no longer take Joe across the street to go vouch for you on polling day, when you realize you are not on the list, because that might be the poll boundary. You are first going to have to ascertain where the boundary goes and then whether or not you can find a neighbour who is willing to go to the poll with you to swear you in.

So, certainly, change that back to electoral division, would be my recommendation, but resolve the whole problem by taking out the requirement for a voucher, and you will have gone a long way to making it a very open and progessive list.

Once again, a policy question with regard to Section 90(1): I would recommend to you gentlemen this evening, that you consider removing the right of candidates and scrutineers to have certificates to vote at another poll. Any time you allow the transfer of the right to vote, give someone a certificate that entitles he or she to get a ballot somewhere else, you are introducing opportunities for fiddling with the system, to put it quite bluntly. I am not suggesting that this is done on a regular basis, but I am suggesting that where you allow a transfer of a ballot, it is awkward enough to be doing it with the returning officer's own staff, and the potential for abuse is there, but when you are doing it with the scrutineers of the candidates, the potential for abuse of that poll official's certificate is pretty wide open.

So I would suggest that candidates or scrutineers don't really need the poll official's certificate to vote. Most of them vote at advance polls now, and are directed to do so, because the last thing the parties and the candidates want them to do is to be worried about voting on polling day. Every time there is a

close election, you hear the stories of the scrutineer who was so caught up in doing his or her job in the poll, that they forgot to vote themselves, and of course those stories come from all sides, and the closer it gets, the more of them there are.

So the parties generally ask their people to vote in advance, and with the expansion of the advance poll, either the way it is proposed in the bill or with the introduction of the continuous advance, I don't see that being a problem.

The Chief Electoral Officer in Manitoba has had a problem, as have his colleagues in virtually every province and federally, with remote voters. Perhaps Indian Bay in the constituency of La Verendrye is an excellent example, where there have been three electors for probably the last ten elections; one of them is the DRO, and one is the poll clerk, and one is the enumerator. There are other polls of very small size where the remoteness of the situation requires the establishment of a poll. These people are paid handsomely for the exercise of their franchise. It just so happens, I think, that at Indian Bay last time there were only two votes out of three eligible electors. I guess the enumerator didn't show up, because the DRO and poll clerk certainly must have voted.

I would suggest that in the provisions for the mail-in ballot, that this should be drafted very tightly, because certainly it opens a door, and you wouldn't want that door opened very widely, that the best way to reach these types of electors and save a substantial amount of money — I can't tell you exactly how many polls it would involve, but perhaps you have staff who can examine that; there are a fair number. It would be in the dozens of polls that are so small and so remote that there is no other way of consolidating them into other polls; that the extension of the mail-in ballot to these persons would certainly be a cost-saving measure and would enable them to exercise their franchise at no greater convenience or inconvenience than the present system that is being used.

I have some trouble with Section 103(1). I would suggest that by telling the voter, or by actually performing the act in front of a voter who has returned his ballot and says, I decline to vote, that you then proceed to deposit it in the ballot box. You are then basically telling him that it is a rejected ballot, that there is no status to him declining his vote. The previous act provided that declinations would be separately set aside and recorded in an envelope for declined ballots. I am not sure how that should be treated. I know some academics have suggested in the past that perhaps what we need is a special category on the ballot, none of the above for those who decline, but it has been argued that most politicians are afraid to adopt that provision, because they are concerned about who might win the election in that instance. I only suggest that a voter who declines his ballot should not be insulted by immediately having the ballot placed in the ballot box as if he had voted anyway. When he takes the step effectively of disenfranchising himself, denying the vote, although he has appeared to be recorded as voting, he is exercising a protest. The DRO right in front of me denies his protest and hammers his ballot into the box and slips the bible back over the hole.

Mr. Chairman, I am skipping a few items, but I have some trouble skipping too many.

A quick point, Section 106 requires that spoiled ballots be endorsed as spoiled. In every jurisdiction of which I am aware, it specifically provides that the spoiled ballot not be opened, because this is a voter who marked it incorrectly and wants a new one, but this provides that the DRO has to open it up and write "spoiled" across the front of it. I think there is something wrong there, and I think that should definitely be completely restructured, because a spoiled ballot should not be opened, otherwise by ascertaining the non-intention of the voter one can also void the secrecy of his ballot.

The provisions for political activities on polling day are a rewrite that have considered some of the problems that parties have had with signs and flags and banners and car bumper stickers on polling day, but I don't think they go all the way. I think some re-thinking will have to be done with regard to the location of signs on private property, particularly homemade signs, for which the candidate or his official agent were not personally responsible. I am not sure how the provisions of this act would stand up on those grounds in a court of law if it were challenged. I have similar reservations about Section 111(3). The real intention of these sections, as I understand them, is to limit activity in or at the polling place on polling day in terms of maintaining some order and decorum in the poll, and to prevent the amassing of large numbers of supporters of one candidate who might then attempt to intimidate voters.

I think the previous sections in the act got a little carried away with all the different kinds of intimidation, etc., that could on, and I don't think we completely unpsyched ourselves from that problem with these provisions. There are, I would submit, easier ways of suggesting that polling places are sacrosanct on polling day and there will be no activity in or around them, but the demand that someone who has been carrying a bumper sticker on his car for 35 days has to scrape that sticker off at five to eight in the morning if he is going to carry voters to the polls seems just a bit much, and I know people don't do it. That basically is still required. have been in the position where I have asked people to remove signs and bumper stickers, and I don't think it is worth discussing the reply I got. I am sure any of you who have been in a similar position or who have been candidates and advised some of your people that this was the requirement, were immediately told what they thought of that requirement.

I think it is possible to avoid the necessity of discarded ballots. I have discussed this with several people, and I realize there is a difference of opinion on this. However, to my recollection, Manitoba is the only jurisdiction in Canada that makes a provision for discarded ballots. Now either Manitobans are notoriously bad in arithmetic, or this requirement is not needed. I would suggest it is not needed. Other jurisdictions seem to resolve their problems with poll book balancing versus ballot numbers without having a provision for discarded ballots. A detailed balancing requirement would seem to suffice in my opinion. I won't go into detail on that, because if you see merit in the suggestion of avoiding this additional

egory, which just tends to confuse poll officials
l scrutineers, then that will require a major
riting of this whole area on counting ballots and
polling night count. But I would also suggest that
are again, to my knowledge, the only jurisdiction
has these two categories called, rejected but
ected to, and objected to but counted. One of the
sons we have had these categories, is because we
this other provision which was not very common,
t allowed our returning officers to rule on
ything that the deputy returning officer had been
stioned about. That's the reason those ballots
set aside that way. Since we've removed the
vision that allows returning officers to do this
ond check, this second guessing of the DROs'
nt at the official addition, I can see no reason to
e these special categories, because a judge, on a
cial recount, at either level, county court or court
appeal is required to count all the ballots, so
re not setting them aside for the benefit of the
ge nor for the returning officer. But we are
ting, with discarded and the two rejected but
ected to and objected to but counted, three
elopes and three categories which can confuse
officials. Once again, in this case, I do not feel
simplifying the system voids any protections
n fraud or any other problems. I think they were
ed in there because of some very special
cerns; I'm not sure they're necessary.

also do not believe it is necessary to count the
l-in ballots on election night in the returning
e. Since the returning officer is the DRO and his
tion clerk is the poll clerk, the last thing you want
have them at the crucial time, when results are
ing in, and problems are occurring, to hive off
some closet with two or three scrutineers and
nt the mail-in ballot. I think the counting of that
ot should be allowed the next day, or even as
as the official addition, when hospital polls are
nted.

would suggest that in Section 131 with regard to
judicial recount, particularly subsection (3), that a
utory provision be placed here to provide that the
or his representative shall be notified and be
ved to attend at the recounts. Many of the things
h were learned by the Manitoba Election Office,
the 1973 election, and formed a good number
ne recommendations in the review upon which a
l portion of this new Act is based, where based
n the attendance, with permission of the county
t judges involved in the recounts and then later
Court of Queen's Bench judges involved in the
rovert petitions. That permission had not been
ted before, and to my knowledge the CEO had
been involved, even as an observer, in any of
e proceedings before. Without knowing what
ly went wrong it's very hard to make
mmendations on how to set things right.

. Chairman, on Page 70, Section 142, provision
ade for a report of the chief electoral officer on
results of an election. However, neither in that
ion nor anywhere else in the Act can I find
ision for the CEO to publish the poll by poll
lts of the election. I hope this is an omission, I
it's not the intent of the government, after two
books have been published, to rescind the
irement that these poll by poll results are made
able.

Certainly the cost of publishing the results has not been high, and my understanding is they have been very well received by both the political parties and by academic users.

Mr. Chairman, just in a brief aside, Section 149(1): My understanding of the provisions in most legislation with regard to elections and the betting thereon, is that it prohibits betting with regard to an attempt to influence the result of the election, which is provided in 149(2). I don't understand why two candidates, or a candidate and a friend can't bet upon the outcome of the election. I see no reason for this prohibition, and I am sure that it will be universally ignored. (Interjection)—

The Member for Lakesides suggests that I may owe him a bottle from the last election. If this bill doesn't pass and prohibit the paying of that bet, and if he can document the debt, I'll certainly pay up shortly.

The definition in Section 177 of election material, appears to be in potential conflict with the definition of advertising in Bill 96. I would suggest that the requirement of the phrase "or opposed to," in addition to "persuade voters to vote" for a particular candidate or candidates may be required. The one section provides that advertising in support of or in opposition to is control, but Section 177(1)(b) refers only to advertising in support of. Now that may not be a serious conflict, but if there's consistency in the definitions, the chief electoral officer administering one statute won't be in conflict with the Election Commission administering the other.

I would also suggest, in a similar vein, that in Section 177(2), the reference is to official agent, and throughout this bill for that matter, but in this particular case, it conflicts directly with the reference to financial agent or — I think it's just financial agent for the candidate under The Election Finances Act, so that we determine whether the agent of the candidate will be his financial officer or his official agent or what, and there's some consistency in those terms. Or perhaps it's the intention of the Attorney-General to require that the candidate appoint two separate people to perform these two separate roles. I don't see that separation as being necessary. However, if it is felt it's necessary, perhaps that's why the definitions are different. Personally, I would strongly recommend that it be one person, because that will lend to some cohesiveness in terms of the interpretation of the Act and the implementation of the advertising and other rules, by the candidate's organization.

Section 177(4), I would suggest under 177(4)(b) that the name and address of the publisher is the official agent, or chief financial agent, and since his name is already required to be on the document, 177(4)(b) is redundant and may cause some confusion.

I would also suggest, Mr. Chairman, in concluding, that there is a requirement for a delay provision in this bill, or in the Act really, for the time when there are future amendments. Several Election Acts in various provinces and in Ottawa contain a provision whereby, even though the bill has reached the amending bill or the original statute, have received Royal Assent, they shall not come into effect until after the CEO has published a notice in the Manitoba Gazette, or the Canada Gazette or whatever,

indicating that he has prepared the necessary documents etc., forms, schedules and guidelines that are necessary for implementation. So that there is never any question if an election or by-election is called, as to whether or not the CEO is ready. If he is not ready, those amendments don't apply, and you know well in advance whether or not they will.

The Federal Act contains a six-month notification provision. I think that time period would be adequate, so that if the CEO feels he is ready, he gives notice and in six months those provisions come into effect.

Mr. Chairman, that concludes my remarks, just barely within the half hour time limit you suggested on Bill 95. I would recommend to the House that Bill 95 is certainly a progressive piece of legislation, and certainly, to use the idiom, has its heart in the right place. I would suggest, however, that there are a lot of little things, and certainly there are some who could say that many of the things I mentioned where little things, nitpicking — there are a lot of little things that need to be cleaned up. I'm not sure that you're going to be able to do that tonight or before this session ends. I understand there's a will to be out of here as soon as possible. I would suggest, Mr. Chairman, that if that is the case, that to clean up a lot of those things, particularly if you accept some of these suggestions that have been made with regard to some major changes, continuous advance, the changes in revision, swear-ins — some of those things, the whole question of the ballot counts on election night, and streamlining that, eliminating some of the categories, so that the whole thing can be improved and simplified, will require more time than I suspect you may have available to you in the next several days. So unless there is some other answer, I would certainly recommend that, if you cannot solve some of these concerns, at least those that you perceive to be legitimate, that you set Bill 95 aside and work those things out, unless of course there's some reason to proceed more quickly with it.

Mr. Chairman, I'm not sure whether it would be appropriate at this point to stop and see if there are any questions on Bill 95, before I proceed to Bill 96. I don't know what your will and pleasure is.

MR. CHAIRMAN: Thank you, Mr. Anstett. Obviously this is a topic which you are very familiar with and which you are very concerned about, and we appreciate the comments that you have made. I believe that we should have the questions on this bill, finish this bill now and then proceed with Bill 96.

Mr. Enns.

HON. HARRY J. ENNS: Thank you, Mr. Chairman. I really only have one question, and that question, I suppose, is more appropriately directed to honourable members opposite. You fellows, after the last, I think, it's something like two hours, must have serious or second thoughts about wanting this bureaucrat to join your caucus.

MR. ANSTETT: I won't answer that.

MR. CHAIRMAN: Mr. Uskiw.

MR. SAMUEL USKIW: Mr. Chairman, I can appreciate that if one spends two hours, motionless, sitting on these hard chairs, that there may be son problems in some parts of one's anatomy, but apa from that, I think the contributions made by tl candidate in Springfield for the New Democrat Party were excellent.

I would like to ask one question, notwithstandi our witness' expertise in this area, and that whether or not it wouldn't be wise to complete remove the process of recounts away from tl judicial system, and instead replace that with a bo made up of the political parties involved in tl election, each appointing an equal number of peop and a third party, so to speak, to break the tie, th is agreeable to all sides.

The reason why I ask that question perhaps obvious to you, and that is that I recall two inciden where there were judicial recounts, in which case a similar situation with respect to a marking on ballot, we had two judges rendering opposi decisions on the same kind of a situation. In ea case coincidentally, it was against the Ne Democratic Party. Now the judges may have ha their reasons for differing in each case against tl New Democratic Party, but it seems to me the would be nothing wrong with having a bo composed of the political parties who are involved the election who would adjudicate on tl questionable ballots, if you like, or on the recou providing they both agree on the composition of th body and the neutral person which would break a ties that emanate from such a meeting, or at such meeting.

MR. ANSTETT: Mr. Chairman, I'm familiar wi some of the problems that occurred both in tl recounts after the 1973 election and 1977, and son of the revelations that came out of the controve petitions after the 1973 election, and from a persor point of view, would much rather leave the decisi as to the marking of ballots in the hands of judicia However, I would like to see, and I skipped over th in my comments on the bill, the provisions for t counting of ballots, and which mark shall and sh not be allowed, simplified to be more in line with t federal provisions and the provisions of several oth foreign countries in the Commonwealth, wl basically say that if the intention of the voter is cle the ballot is counted, all other things being equal. you can place that into the statute with sufficie clarity that doesn't allow the use of magnifyi glasses to determine if there's a dot, a reflex d behind the X, which would then be a second ma which would disqualify the ballot, and other, let's blunt, preposterous things like that, which to corre Mr. Uskiw, didn't always go against the Ne Democratic Party, but tended to go three differe ways during the recounts after the 1973 electic although certainly one always notices the decisio that affect one the most.

I did not keep a running tally to see who was mo adversely affected. If Mr. Uskiw feels that it was t New Democratic Party, I'll concede the point.

MR. USKIW: In that one incident.

MR. ANSTETT: That might well be, but I certai saw them going every which way. I would prefer see the judiciary do that, because what in effe

ı're going to have, if you have that third ependent person, after the two parties are resented, is a judge who's going to make the isions anyway. So I'd just let him do it. For the ıe reason, I have similar concerns about this :tion commission.

USKIW: I'm wondering whether you, sir, can ıll the two incidents that I make reference to, the in St. Boniface and the one in — having been ılved as a bureaucrat at the time, in the election ınd the one in Wolseley, in which case, as I recall the two ballots were identical but favouring ɛrent candidates, of course.

ANSTETT: Mr. Uskiw, I think if you ask the ɛent chief electoral officer, I think he would find tocopies of those two ballots, which may have n illegally made at the time, in his files. I do recall n.

USKIW: But what I wanted to have you confirm hat that in fact did occur.

ANSTETT: Very definitely.

USKIW: My example is real and there should :oncern over that.

ANSTETT: Very definitely, two identical ballots, regard to marking, were ruled in different ion in Wolsely and St. Boniface in 1973. In both ɛs, as it turned out, those rulings were against New Democratic Party, but those kinds of nolies at recounts, I suggest, can be corrected roviding for a better system for counting ballots. I of my comments tonight with regard to these stions are not geared simply to the better inistration of elections by the Chief Electoral ɛer, or making the job easier for you people. ause of the concern Mr. Enns noted earlier, I am ng that my bureaucratic expertise at this point be lent to the benefit of the people of Manitoba improve the system.

CHAIRMAN: Mr. Uskiw.

USKIW: With respect to those two incidents, there an explanation attached with each sion? Did the judges explain how they arrived at conclusions?

ANSTETT: No, there was no explanation for rulings. However, the rulings, in each case, were istently applied throughout the recount.

USKIW: Mr. Chairman, I wonder if the witness d clarify that. He says "consistently applied."

ANSTETT: In all of the recounts to which I was bserver in any way, shape or form — and I did always sit through an entire recount, in fact, I I have only sat through two — I found that the gs by the judges on questionable ballots were nally consistent to their recount; they treated all es alike.

ıw, the next judge, in another room, may well been doing something completely different, and I think anyone who sat in on recounts can attest to that.

MR. USKIW: Mr. Chairman, I don't know if there is a solution to the problem, but it seems to me that it's extremely difficult to understand how a judicial system could render two decisions, one opposite to the other, on the same kind of evidence, and that becomes extremely difficult to (a) accept, and (b) understand. That's why I question whether that is the best place to have that kind of adjudication.

MR. ANSTETT: Mr. Chairman, I would only suggest, as I did earlier, that when judges are having trouble with the laws you gentlemen make, then it's up to you to clean up the legislation. In that particular area, I think there is some clarification required in terms of the mode for marking ballots.

MR. USKIW: One last point, then. Does Bill 95 clean up those sections sufficiently that we might be assured that there would be no ambiguity as to how one would interpret a situation like that which occurred in 1973, differently, one judge versus another? Have we done the job in this bill to get away from that problem?

MR. ANSTETT: Absolutely not. There has been virtually no change in the method for marking or the description of the marks that shall be allowed on the ballots that shall be counted.

I was going to make some suggestions on that, but I have skipped that because I think Mr. Doern will be speaking to that during your clause-by-clause consideration, because I did point that out to him when we had a discussion on the bill.

MR. USKIW: Two questions. One is, in your view, is there sufficient time between now and the close of this session to complete consideration of this document in a way which would be commendable and responsible, or would you prefer that this document be set aside and further studied during the course of the period between this session and the next, and that we deal with it finally at the next session?

MR. ANSTETT: Mr. Chairman, I think in a way that's not a question I can answer.

MR. USKIW: As an opinion.

MR. ANSTETT: I think the Attorney-General is in a much better position to answer your question. He is more aware of which of the concerns I have expressed this afternoon and this evening to the committee, hold merit, in his opinion, and if he intends to correct even a large minority of the points I have raised, I would suggest that it would unwise to do so in a hurried fashion near the end of the session. But I don't even know when the session is going to end; if you've got another two weeks, you could well clean it up.

MR. USKIW: The last question is, in your opinion, should legislation with respect to how elections are conducted, should they be partisan documents or should they be consensus documents of the Assembly? In other words, should all the parties be

endorsing the legislation that shall govern the electoral process?

MR. ANSTETT: Ideally, I would hope that that would always be the case. Much as this Legislature operated with its Rules Committee for many years on a consensus basis, because those are the rules under which members were governed in the House, I would hope the same thing applies to the rules by which they are governed in the hustings.

That may not always be the case, and I can certainly see that within some of the areas in which I have some concerns, that there are going to be differences of opinion, but basically I think there should be agreement that the bill is the best that can be done at the time and meets most, if not all, of the legitimate concerns about its practicality.

That's where my concerns are. I don't think anyone on either side would suggest that I have made my criticisms on Bill 95 from a partisan point of view, in fact, Mr. Enns has gone so far as to compliment me and suggest I have done so as a true bureaucrat, rather than a partisan. I don't know if that is good or bad.

MR. CHAIRMAN: Bill 96. Mr. Doern, on Bill No. 95.

MR. DOERN: Mr. Chairman, I just have one main question, and I wanted to commend Mr. Anstett for his excellent submission and to say to Mr. Enns that I don't know if he was interested in it, but Mr. Anderson had his attention riveted on the speaker for two hours, so much so that I don't believe he has blinked in that entire period of time.

Mr. Chairman, I wanted to ask Mr. Anstett if he could make a few remarks on the section dealing with the suggestion that a commission should, in effect, regulate elections. His suggestion is the Chief Electoral Officer should run elections with additional powers and I understand that there were problems in Ontario with a commission, and I ask him if he could give us a few examples of problems that he is familiar with, either in Ontario or in other provincial jurisdictions, with a commission.

MR. ANSTETT: Mr. Chairman, with the consent of the committee, since the commission is established under Bill 96, I could perhaps answer that in my remarks to that bill.

MR. CHAIRMAN: Bill 96.

BILL NO 96
THE ELECTIONS FINANCES ACT

MR. CHAIRMAN: Mr. Anstett.

MR. ANSTETT: Thank you, Mr. Chairman. Once again, I have to compliment the government for taking on a difficult task and certainly I can't question their intentions, but I can say that compared to Bill 95, this is garbage. This is a very poor bill and for one basic reason. When I first picked up the bill I started going through it and I said as I read clauses, because I am familiar with legislation in other provinces, Ontario, Ottawa, Alberta, it was like putting a Dodge motor on a Ford chassis with a Cadillac body without modifying any of the parts so they would fit, and I'll will tell you, yc put gas in the tank and turn the key and this car going to fall apart. This Act, it is an administrati and political nightmare. I think it will be a disaster f the government that tries to implement it, eith during or following the next provincial gener election.

Those may be strong words, I would like to g through the Act and document the case I a making, because I don't believe that this was dor intentionally. I just believe that the government ha gone with several basic precepts, one of them tha contributions should be disclosed. Certainly a admirable precept, it is one of the concepts upc which most election finance legislation is based; an secondly, that election finances should be someho controlled; and thirdly, that there should be sor form of public subsidy — in this case the Tax Cred Program. Those basic concepts have been use elsewhere. I don't think there is any malice here i the sense that these things have been put togethe this way, but I certainly believe that they ar unworkable and that this car is going to fall apa when you turn the key and start it up.

First of all, in the definitions I have already referre to the inconsistency between one DE chief financi officer of a candidate and the official agent for th candidate. Secondly, I think there is some potenti danger in the definition of constituency associatio the lateral portion, which refers to an organizatio that holds itself out as the official association. I thin both of the two major parties represented here in th committee would have some concern about wha might happen in certain constituencies in th province.

I would also suggest that the endorsation require under Section 2 is extra work for the candidates an for the parties, since a similar letter of endorsation i required to put the candidate's name on the ballo There is no reason why the letter required to be file under the nomination provisions in Section 53, believe they are, in Bill 95, 53(3), there is no reaso why Section (2) and 53(3) cannot be identical, an that one cannot serve the purpose of the other.

However, my major concern on policy in this bill, i the first half, is the question of the establishment c a commission. I realize that in the last fifteen year many jurisdictions that have decided that the wanted to assure the public that there was no undu influence in the contributions of moneys an personnel to parties, and that there was som limitation on campaigns, have gone several differer ways. They have created special agencies such a this commission to control election finance an others have empowered the Chief Electoral Officer t do it. Probably the three best examples in terms c established practice that we have in Canada, outsid of Quebec, are Ottawa, Ontario, and Alberta, an Quebec legislation I have to concede I have studie at some length and I still don't understand all th ramifications of the controls they have implemente and the bureaucracy that they have is now in exces of the total staff of the Chief Electoral Office i Ottawa to implement it, so maybe they don understand it and they are just adding staff until the do. But certainly in Alberta and in Ottawa th legislators decided the most appropriate method wa

to place the power to do this with the Chief Electoral Officer.

In Ontario, because of the Camp Commission on Electoral Reform, legislative reform, but the Fifth Report on Electoral Reform, they established a commission. I am not sure that the members of that commission or the officers of the commission or of the Chief Electoral Office, the Ontario Elections Office in Toronto, would want to say so publicly, but there have been tremendous conflicts between the two agencies, and those staff members on the commission have expressed, in a recent report they did on a comparative survey of legislation, some frustration with the workings of the commission and its apparent ineffectiveness. Now, I believe the Attorney-General would not have introduced this bill with this provision if he was aware of those concerns, because I know he has a very serious personal concern about seeing that this legislation is enforced. He has indicated that many times and he has indicated that he certainly doesn't want to be involved in it himself. That is the first point about the commission.

In Ottawa, the Chief Electoral Officer was empowered to appoint a commissioner to be the enforcer, to be Mr. Tough Guy under the act, so that the Chief Electoral Officer himself wasn't perceived as both setting the guidelines, setting the rules, giving direction and also then coming down hard and being the enforcer. He has a director of election expenses who works with the parties and a commissioner who is separate from them. However, both the commissioner and the director of election expenses have the benefit of advice from an ad hoc committee of all parties recognized as political parties in the House of Commons. The mechanism that is obtained within the commission is there, but not in an official sense.

But you have gone one step further in setting it up this way. Ontario buffered their commission by putting a bencher of the Law Society and several other people on the Commission and because there are three recognized political parties, the potential for tie-votes in the Ontario Commission is almost nil. In fact, if the record of the Ontario Commission speaks to anything, it speaks to the fact that that Commission, when faced with a very serious partisan issue, will duck the issue rather than split on it, and there is some danger in that.

But what you have established is a situation where you have a six-member commission. On any partisan issue you are going to have two Progressive Conservatives on one side, two New Democrats on the other, if it is a serious partisan issue. Then the man who you have set up this commission to protect, to keep him from being the enforcer, the policeman, the guy who doesn't have to make these decisions, just has to administer it, is now the tie-breaker. Every time the party splits, it's not the Chairman who is the tie-breaker, it is the Chief Electoral Officer. So the ostensible reason given by the Attorney-General in setting up the commission, to take away from the CEO the onerous responsibility of making these partisan decisions, is a charade.

We have a situation where the CEO is going to be buffered for as long as it takes both of the representatives from each of the parties to raise their hands on opposing sides on the issue, and to me that is just a totally unworkable proposition. But more important, if Alberta and Ottawa have through, in Alberta's case two provincial general elections, and in Ottawa two federal elections, operated both with good enforcement and with prosecutions where necessary, using the CEO as the enforcer or his representative in the form of the Commissoner in Ottawa, I see no reason why that concept can't work here. I think there is probably a universal agreement that the Chief Electoral Officer has to be completely non-partisan and above politics and that he has to not only be that, but be perceived to be that and have the utmost confidence of the general public, the candidates, the parties, and his own staff.

If he doesn't have that, you will remove him under Bill 95. If he does have that, then why can't he do the job of the commission under Bill 96, with an ad hoc advisory committee from the parties?

What you are saying is, "We are setting certain terms and conditions for the Chief Electoral Officer to do this job. We expect the same of the chairman of the commission, and everyone else who is on the commission, to do the job in Bill 96, but we don't trust the CEO to do it."

I would recommend, Mr. Chairman, that the whole concept of the commission be rethought in the examination of this bill at clause-by-clause stage or, perhaps, if the Attorney-General wishes to consider it, during an intersessional review when he tries to get this car on the road.

I have some concern that the registration requirements for political parties are somewhat different than in other jurisdictions and different than what the Law Reform Commission recommended, particularly with regard to provision (c). I am in Section 14(1)(c). My concern is especially with regard to the requirement that 2,500 members, card-carrying signed-up members of the party who, I assume, paid their dues or whatever, have to be submitted or sign the petition for application, or whatever.

The Law Reform Commission recommended 1,250 persons. I am not sure that party membership lists are accessible for that person. I am not sure they should be. I am not sure that people who take out a membership in either of the two parties represented here tonight consider that their having taken out a membership becomes public information upon them doing so. Why place that kind of obligation on the people who join a new party. One of the basic tenets that I would hope we all subscribe to is that when the electoral system is designed, it is designed in such a fashion that it is accessible to all people, to new political parties as well as old, that we do not entrench ourselves to the exclusion of others. If that's the case, if we subscribe to that, that we want to make it just as easy for a new party to come along, for a movement or whatever, if we subscribe to that, why set conditions for that new party that we cannot meet ourselves, that we would hesitate to meet?

Now, if you want to do that, 2,500 persons on a membership list, which is open to inspection in the office of the commission, it's a public document, if you pass that, then I would submit that each of the two parties represented in the Legislature should place their whole membership list, updated monthly,

in the office of the commission, so anyone can go in and see who is a card-carrying member of the "Prairie Dog Party" of Manitoba. That's equity.

So when we talk about accessibility, we talk about some sort of fairness in terms of those other persons who want to participate in the electoral process.

Similarly, I do not interpret Section 14(2), as some have in the media recently, in that it suggests that a complete statement of assets is required. In fact, I would suggest all you care about is the coin that is in the sock, cash on hand and cash in the bank. The Ontario legislation went a great deal further, and this is one of the problems when we borrow, if we really want an exact starting point from which to measure the financial position of the parties, then we are going to need a complete statement of assets. In fact, I would suggest a statement of assets is far better than the requirement under 14(2), for purely administrative reasons.

The requirement in No. 16 that the party file with the commission every change, within 30 days, means they will be filing every day 30 days late, unless they only make deposits every second day in financial institutions, in the name of the political party. That's what it says, "will report cash on hand and deposits in financial institutions and where those particulars change, will notify the commission, in writing, within 30 days of the change." Does that mean the commission gets a copy of every deposit slip from the date of the original application? I just can't conceive — this car could explode when you turn the key, not just fall apart.

I recognize that the Attorney-General feels that in Section 24, the requirement for registering constituency associations would be onerous and would be an unnecessary bureaucratic task. I agree. I don't have a problem with that.

However, I ask this question: Can the constituency association be a designated agent for the central party in the collection of tax credit receipts, and if it can, what kind of mechanism is going to be used to differentiate between moneys collected by the constituency association and moneys collected by the constitutency association as an agent, in terms of the public's perception now? I realize some are going to be receipted and the others will have to be denied, but you know as well as I, that rather than turn down that donation, you will receipt it to the central party and, of course, you will work out some deal with the central party whereby you get a certain percentage back, as is done with all three national parties now that are represented in Manitoba with the federal scheme, and we politely call that rebating provincial donations. Those of us who aren't so polite call it laundering money.

I don't know how you are going to get around that. I'm not sure that that means you should require the registration of the constituency associations and make them agents under the Act, but certainly, if you are going to allow them to be collection agents for the central party, you are into that whole nightmare.

There are a whole series of contradictions which Mr. Bucklaschuk went into between 1.20 a year, 10.00, 25.00. At one point it is under 25.00 and at the other pont, it says "in excess of 25.00." I guess 25.00 exactly isn't controlled by the Act.

Section 25 refers to amounts under 25.00; Section 30 refers to single contribution in excess of 25.00, but we also have references to 10.00 contributions.

Throughout this whole section of the Act there is some confusion in my mind — perhaps it is clearer in the minds of others — as to whether the word "receipt" means receipt for tax purposes in all cases, or whether some receipts are just receipts, and other receipts are receipts for tax purposes. If all receipts are receipts for tax purposes, then we need to rewrite of 25, 28, 28(2) and 30. There is a problem there.

I would commend to the Attorney-General and his staff the federal definition of market value with regard to donations in kind. That is going to give you a problem. It was the single most difficult area for the ad hoc committee in the House of Commons, and the Chief Electoral Office, to deal with. They worked it out, hammered it out, with the parties, and I believe they feel they have a good definition now. My personal opinion is that it appears workable. But I can tell you, in advance, you are going to have problems with that concept and perhaps something could be from Ottawa's experience.

I am at a loss to completely understand — I have had three of four different interpretations, including my own, of Sections 31(1) and 31(2). In fact, my first reading on 31(2) was that it was intended to bury contributions rather than trace them. I decided that couldn't quite be right because legislative counsel wouldn't put that heading there if he didn't believe it was true. So I re-read it again and found that maybe there was the possibility it might shed some light on contributions.

I don't understand them and although there may be those of you who probably think that that's understandable, I would submit that if I don't understand them, there are official agents that each of you will appoint in the next election who is going to have some difficulty with those sections as well.

I would suggest that the Chief Electoral Officer and his staff are going to have some difficulty writing guidelines of interpretation for those sections.

I would also suggest that Section 31(3), the third word should be "shall," not "may." The kinds of requirements we are placing on individuals, corporations, and trade unions should certainly be applied to trust funds. I don't think it is your intent to let them off the hook. On the other hand, let's not give the commission, or the Chief Electoral Officer, any choice in the matter.

I can understand the concept obtained in Sections 32 through 33 and 34 with regard to the transfers of moneys. Certainly it would not seem desirable that the citizens of the province of Manitoba, regardless of their political persuasion, should be subsidizing a liberal candidate in a Cape Breton South by-election, which would be a serious infringement, in my opinion, upon the rights of those persons in the province of Manitoba who are not Liberals, and I gather there are some of those.

It would also be an attack upon the basic integrity of the system in other provinces, when tax money in Manitoba is being floated to those provinces to contest elections. However, if some relative of mine wishes to run for office in British Columbia and I want to give him 100.00, I'll be damned if this legislation says that I can't give him 100.00.

Now, there is another problem, and I don't know if that was considered. Technically, if I wasn't nominated three weeks ago, I could give him 100.00, but because I am a candidate now — some hairiness about the definition though — I can't give him that 100.00. If you don't hold an election for two years, I can't give anybody a cent out of the province, and neither can many other people.

However, I see no reason why the Attorney-General cannot provide in the statute a mechanism whereby I can, or anyone else can, or the political party can, provide, from moneys that were not tax receiptable, from a fund drive, the donations to which are separated, separately receiptable, without a tax credit receipt, moneys to be raised to fight the Liberal campaign in Cape Breton South or the Progressive Conservative general election in Ontario this fall.

If the ability is there to make those separate donations, then part of the objection to the out-of-province transfers is eliminated.

However, there is a bigger problem. An individual who does not normally live in Manitoba, who may come here one day a year to visit his parents, at Christmas time, because he was born and raised here, can't give one red cent to a political party in Manitoba; but a corporation that carries on 1/365th of its business in Manitoba, equivalent to one night's sleep in Manitoba, can give all it wants. There seems to be some contradiction here between how we are treating individuals and how we are treating corporations. I don't know how you get around that. I realize there is a problem; corporations not being individuals, can be much larger and can be carrying on business in more than one province, whereas individuals can hardly be resident in more than one province.

We have come a long way from totally absolishing corporate donations; perhaps we don't want to make them as wide open as what they are. Perhaps some restriction similar to the resident restriction on individuals is required on corporations. It would be very hard to believe that a corporation that sells one-tenth of 1 percent of its product in Manitoba employs no Manitobans, and doesn't even have an office in Manitoba, but perhaps uses a manufacturer's agent as its primary distributor in Manitoba, can make donations to political parties in Manitoba; where a person who was born and raised in the province and, according to Section 35, the Rules of Residence, has gone to veterinary college in Saskatoon, can't make a donation from Saskatoon because he has lost his residence in Manitoba and can't vote in an election. There are, to my way of thinking, some gross inequities.

Now, I realize some of the concepts here have been borrowed from elsewhere, but the total context from which they were borrowed has not been moved with them, and when you borrow pieces and then try to fit them together, you have to think through the whole statute, and I truly believe that has not been done.

The requirement in most other jurisdictions requires that under Section 36, when a party or a candidate is registered with the commission with respect to an election, the name of the auditor is provided; you know who you are dealing with. It makes it a lot easier chasing down statements and everything else afterwards. Also, in most jurisdictions that require that a financial statement be audited, which is a fairly onerous requirement, generally running to the tune of 250.00 to 300.00 per candidate, that the Crown, the public, have provided some form of auditing fee, some base fee to subsidize the cost of auditors to the candidates. That has been done in most jurisdictions which have required auditing, which have provided that the CEO not do the auditing, and thank you very much for putting that in there. I would have nothing but sympathy for the Chief Electoral Officer if he had to continue to do the auditing with this bill in effect.

I would point out that under Section 38, we have now raised the limit, the minimum amount that a person can give and then have to have his name revealed in the report of the party or the candidate, to 250 from 50 and 100 respectively to the candidate and the party. However, although we have raised that to 250, we have placed no such control in Section 34(1), which I believe attempts to identify the individuals in much smaller amounts, I believe, because as I said earlier, I'm not sure what that means.

So where you launder your money, if I can use the term, through a trust fund, an unincorporated association, organization other than a trade union, etc., if it is less than 250, your name is going to be revealed because it is going to be in the public documents the commission has. But if you give it straight to the party, you can get away with 250.00. I'm not sure I understand what is going on here. We are saying, in Section 38(a), that 250 is the disclosure level, but we are saying in Section 31(1) that we are going to name the individuals making up the trust fund or the funds of the association from which the contribution is made, the individual sources and amounts.

So if 1,000 people give 10 each to, I don't know, Gary Brickman and Associates, and they deliver that 10,000 to the Prairie Dog Party, the commission will then ask them to provide a list of the 1,000 people who gave 10 each? I certainly would like that clarified, because the political party and the candidate cannot accept a contribution from this unincorporated association unless the contribution is accompanied by a statement provided by the trustee, provided by the association, indicating the individual sources and amounts. How is the commission going to enforce that unless they ask to see that document? —(Interjection)— They may ask to see that document. But if they don't ask, they have no idea if Section 31(1) is being complied with.

Mr. Chairman, I can't accede to the suggestion that we have a statute here which the Attorney-General sincerely wants enforced, when we have a provision which says, well, maybe all those 10 donations will have to be revealed, only if we ask, and maybe we'll ask, whereas in Section 38 it provides that 249 and less will remain anonymous. Those are the kinds of inconsistencies in the putting of this automobile together that I have some difficulty with. I am concerned about how all of this was borrowed and fitted together.

Another very minor point, Mr. Chairman, Section 39(1), the second-last line in (c), I believe that after the word "charged," the word "usually" should be inserted, which would conform with the federal

provision in that regard, or something to indicate that intent.

Section 42(3), as I mentioned earlier, I believe is exceptionally punitive and, once again, it is not consistent with the provisions in Bill 95. We ban a person from being an election officer for a lifetime in Bill 95, in one spot, but we allow a candidate to be guilty of an infraction and run again in five years, but under this Act, if we don't file a Statement of Election Expenses — and there have been probably a dozen candidates who have done that in the last 10 years in Manitoba, since that provision has been in effect — they can run never again. Forty years later, they can't run again.

Section 45(3), in my opinion — and I am certainly not infallible in interpreting the statutes as they have been drafted here, probably many things can be clarified — but Section 45(3) appears to prohibit trust fund donations. If Section 45(3) truly prohibits the raising of trust fund moneys for the benefit of a political party, then why don't we, right at the beginning, require the statement of assets to include trust fund assets, do what Ontario did and say no more deposits to the trust fund; you may draw on the interest and the principal, and nothing more. Because, in effect, if I read 45(3) properly, that is what you have done, you have frozen all trust funds in the province of Manitoba. I personally don't know if there are any in the New Democratic Party. I understand there are some in the Conservative Party. I would suggest that the Attorney-General may wish to check on whether or not this is the meaning of this, because it is, I would suggest, a very awkward provision in that it is inconsistent with the regulation of trust funds elsewhere in the Act. To me, it would appear to ban the raising of money for the benefit of a party, which I believe is essentially what a trust fund is, is a fund raised for the benefit of a political party.

Mr. Chairman, I am trying to move on your direction and skip a few items. I hope I am not doing so to the detriment of your consideration of the bill in clause-by-clause. I would suggest to the Attorney-General that Section 47 is excellent. No further comment on it. I realize that one of the earlier speakers had some concern about it.

I would suggest that 48(1) is also excellent, with one qualification, and this is a difficult question, I don't know how you get at it. One of the largest component parts of any advertising program is the preparation of the ads, mocking up, film work, commercial work, editing. In fact, in some programs, particularly electoral programs which are short-run, you don't have the multiple exposure over six or eight months that most commercial operations have in the airing of radio and television commercials, you have a short run, so that the preparation costs can well be 50 percent of the total advertising bill.

Now, no political party in the province of Manitoba is not going to do that preparation before the issue of the writ. If you do, you won't get your ads on until the day before election day. I don't believe those costs are covered. It has been suggested to me, Mr. Chairman, that those costs are covered. I would appreciate, and I hope members of the committee would appreciate, some assurance and clarification on that, because I personally cannot see it.

I had several other comments, Mr. Chairman, but those were minor. I'll leave the bill at that point, except to suggest that there have been suggestions that this bill treats individuals, corporations, trade unions, and other agencies, in somewhat different fashion. I can see some merit in that suggestion, particularly with respect to the provision on transfers, but I am not completely clear on what is meant in Section 31, so I don't know how much of a difference it is really going to make.

There are some serious problems with regard to the inclusion of donation in kind in the contribution restrictions on out-of-province transfers. I would suggest that an election commission that wanted to, could argue that the Prime Minister of Canada could not come and make a speech on behalf of the political party of which he was a member, in the province of Manitoba, during a provincial general election, because another agency, that federal political party, would be making a donation in kind above the limits that were provided. I would suggest that the extension of that provision —(Interjection)— well, I would suggest that six months ago, the Attorney-General's opinion would be somewhat different; at least I hope, for the benefit of his party, his opinion would be somewhat different. So the whole question of personnel during elections, from the Prime Minister of Canada on down, becomes a question.

Mr. Chairman, as you can tell probably, I get kind of frustrated when I start to think about how these pieces fit together, and all I can suggest to the Attorney-General is that it would take far more courage on his part to rework this and take his time with it, and I think he would find that he would get help from all sides of the House and be respected for it, rather than try to amend it and put patches on what I think is already the beginnings of a patchwork quilt.

It looks like we could have a very good Elections Act. I think the beginnings are there, in fact more than the beginnings, and if this bill is amended and some of the concerns that have been expressed in committee have been taken care of, and in the House, I think basically we will have an excellent statute. But I don't believe that that's possible, I don't believe that the base you are working with in Bill 96 is adequate to the task of becoming what I think Bill 95 can become.

So I would suggest to the Attorney-General, respectfully, that Bill 96 is not a workable instrument at this time and he should start from scratch and build a new automobile. If he decides that, that is probably all the more reason to take his time in amending Bill 95 and making the two of them work together hand in hand, particularly if he wants to reconsider the concept of an election commission. I don't think there is any question that the concept of the commission as spelled out in Bill 96 should be changed, and whether it is just the composition of the commission that is changed or the whole concept that is rethought is, of course, a political and policy decision.

Mr. Chairman, those are my comments. Once again, I would be happy to answer any questions that I can answer.

R. CHAIRMAN: Thank you, Mr. Anstett. Any iestions from members of the committee? The torney-General.

R. MERCIER: Mr. Chairman, I would like to thank '. Anstett for his contributions towards both bills d ask him if he could indicate to the committee ıether he would consider re-employment with the vernment after he loses in the next election?

R. CHAIRMAN: You need not answer any estion.

R. ANSTETT: Mr. Chairman, I would enjoy swering the question. That would depend on two ngs, Mr. Attorney-General, one, how badly I lost d two, who won. I might want to run again and if I)k employment with the government a second time ere is no way I would ever get involved in this ain.

t. CHAIRMAN: Any further questions? Thank you y much, Mr. Anstett. Any further presentations to made to either Bill 95 or Bill 96? If there are no ther presentations are we prepared to start ısidering Bill 95?
Mr. Mercier.

t. MERCIER: Mr. Chairman, just as a method of ıceeding, and as I understand it Mr. Doern has a ıup of amendments, just 18 pages; we have 4 ges. Perhaps if every member of the Committee d both sets of amendments and we could proceed ge by page.

. CHAIRMAN: Could we have the amendments tributed?
Bill 95, page 1 pass.

. DOERN: Mr. Chairman, we only have one brief far, I think we want them both.

. CHAIRMAN: Page 1 pass, Page 2 pass.

. MERCIER: Page 2, Mr. Chairman, and haps, if this is agreeable as a way of expediting it, helps Mr. Doern, if he is agreeable, I can indicate ıim, as we go along, which of the amendments he has are acceptable to the government and haps that would avoid the necessity of having to d each one. I can indicate to Mr. Doern that the amendment to Clause 1(i) is acceptable.

. DOERN: Mr. Chairman, this might be an eeable method, but I am saying for the record are going to read them in?

MERCIER: Sure.

CHAIRMAN: Mr. Doern.

. DOERN: Do you want me to read these ions in as we go? I assume they have to go on record, or not necessarily?

TALLIN: Last night we passed The Dairy Act 32 amendments, page by page, I think.

MR. DOERN: All right, we can do it the short way, try it.

The first one then is agreeable, fine.

MR. MERCIER: It is agreed to Clause 1(i).

MR. CHAIRMAN: Page 2 pass; page 3 . . .

MR. DOERN: Mr. Chairman, there is also one on 1(m), on the out-patients.

MR. MERCIER: Perhaps on that one, Mr. Chairman, perhaps Mr. Doern could explain that one further.

MR. DOERN: Well, I think the basic suggestion was that we all understand what a patient is, namely somebody who is in a hospital for a period of time, but there are people who are out-patients, somebody may be injured on election day and may spend a long period of time in the out-patient department and I certainly know from firsthand experience, once in regard to myself and several times in regard to relatives, that you can spend a great deal of time there and the proposed amendment would allow a person who was an out-patient to actually cast a ballot while in the hospital.

MR. MERCIER: Mr. Chairman, on that one we have not outright rejected it, but have some doubts about, the administrative difficulties involved in attempting to differentiate the in-patient and out-patient and the possibility of the out-patient I suppose even voting at two locations. We are just not clear on that one at this time and for that reason I would rather not accept it, I would rather have an opportunity to look at that one further.

MR. DOERN: I will accept that for now, Mr. Chairman.

MR. CHAIRMAN: Page 2 as amended pass; page 3 . . .

MR. MERCIER: On Page 3, Mr. Chairman, we have an amendment that would change Section 3 to make clear that for the purpose of this Act every British subject shall be conclusively deemed to be a Canadian citizen.

MR. CHAIRMAN: Mr. Anderson.

MR. BOB ANDERSON: Mr. Chairman, I move
THAT Section 3 of Bill 95 be struck out and the following section substituted therefor:
British subjects being Canadian citizens.
3 For the purposes of this Act every British subject shall be conclusively deemed to be a Canadian citizen.

MR. CHAIRMAN: Mr. Walding.

MR. JIM WALDING: Mr. Chairman, I am pleased to see this provision being made. I just have a question as to why it is done by means of an amendment to Section 3, which was put in there because of a change to 32(1). Would it not have been easier to add the words "or other British subject" in 32(1)(a) and then you wouldn't need Section 3 at all.

MR. CHAIRMAN: Mr. Mercier.

MR. TALLIN: It could be, it's just that we have got the number there and it saves us having to renumber everything. I am sorry that is a bad explanation and has nothing to do with the . . .

MR. MERCIER: I would want to indicate perhaps to Mr. Walding, Mr. Chairman, that we will be attempting to bring in tomorrow a similar amendment to The Local Authorities Election Act through the Statute Law Amendment Committee.

MR. TALLIN: There is one other reason. I haven't looked through the Act to see whether there might be another couple of references to Canadian citizens in there somewhere. I can't recall whether there are other qualifications of other people.

MR. WALDING: It could come under qualifications of candidates.

MR. TALLIN: Or qualifications of election officers or qualifications of a special election officer or something like that, I don't know.

MR. CHAIRMAN: Page 3 as amended pass; page 4 — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

THAT Clause 4(1)(b) of Bill 95 be struck out and the following clause substituted therefor:

(b) the Chief Electoral Officer, the deputy chief electoral officer or an election officer.

MR. CHAIRMAN: Pass.

MR. MERCIER: Mr. Chairman, I believe it is just a cleanup, that it is redundant to include the rest of the words because of the way in which the positions are defined earlier on.

Mr. Chairman, if you look at definitions, 1(f) at the bottom of page 1, an election officer means a returning officer, election clerk, deputy returning officer, poll clerk, or revising officer. So it just cleans that up.

MR. CHAIRMAN: Page 4 as amended pass; page 5 pass; page 6 . . .

MR. DOERN: Mr. Chairman, we have a number of amendments here on page 5 and basically the intent of them is, first of all, to have the method of selecting the Chief Electoral Officer to be on the basis of a special committee of the Legislature; and secondly, to in effect strengthen the position of the Chief Electoral Officer so that the whole section, which in effect establishes a commission, would be significantly altered. I believe that by adding to the powers of the Chief Electoral Officer, transferring powers to him, in particular powers of prosecution, because of the facts that we are well aware of, where the Attorney-General was unable to prosecute because of, I guess, charges in one case that he was persecuting a political party, and in another instance that he was favouring his own party, we believe that a strenthened Chief Electoral Officer could and should run the elections. This section subordinates the Chief Electoral Officer to an election commission. So this is a substantial series of recommendation which run counter to the government's proposal, an also in particular would have the Chief Electora Officer picked in a similar way to the Ombudsmar namely, by a Legislative Committee which, I believe would guarantee the impartiality of that positior Otherwise, there is always a suspicion that th government may be selecting somebody who i either partisan or amenable to the government's wa of thinking.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I have som sympathy for the amendments proposed to Section on the balance of the page. I think we should b moving in the direction of making positions like thi subject to the recommendation of a specia committee or an existing standing committee o perhaps opening up the Board of Internal Econom Commissioners to appointments by oppositio members and perhaps, through that method, doin it. Becaise I think opposition members should be o that board too, whoever is in government.

I can't accept this now, but I can undertake, an have discussed in the past, a proposition like thi with some of the members opposite and I woul hope that for perhaps the next session of th Legislature we could look at a proposition like tha because I think we should be, but this would requir some further consideration, not only by myself bu probably by our caucus.

MR. CHAIRMAN: Mr. Enns.

MR. HARRY ENNS: Mr. Chairman, just briefly t support what the Attorney-General has already saic and as a member of the Board of the Interna Economy, I would want to indicate to the Honourabl Member for Elmwood that, in concert with th Speaker, there are investigations and enquiries bein made into this whole matter and particularly in th manner and way in which other jurisdictions dea with the question about the operations relative to th Legislative Assembly, as such, which currently i under the authorization of the Board of Interna Economy, totally comprised of government member and, in support of what the Attorney-General says, can indicate to the Honourable Member for Elmwoo that these kind of changes are being activel contemplated.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I make this proposal c speak against the present section because anticipate problems in this area. I think there's goin to be a lot of dogfighting between th representatives of the various political parties, it' simply designed to elicit that type of response. I als think there's going to be paralysis because of th fact that political parties will be opposing on another for lesser and greater problems; and I als recognize that there have been concerns expresse by spokesmen for the Liberal Party, including th MLA and the president today, and I also think ther will be some problems in regard to the position c the chief electoral officer, who may, on occasion, fin

imself in an untenable or difficult position. So I'm mply saying that our position is opposed to the oncept of an electoral commission and therefore rgue in favour of a strengthened chief electoral fficer and also an electoral officer by appointment f a legislative committee.

R. CHAIRMAN: Are you ready for the question? ll those in favour of Mr. Doern's motion.

R. USKIW: Mr. Chairman, am I in order to make a oint? I was going to save some time for the ommittee.

R. CHAIRMAN: Well. I called a question. nterjection)— Yes. Question. All those in favour of r. Doern's motion.

R. DOERN: Mr. Chairman, I just want to question e procedure here. I don't know whether we're oting against what's in the bill or whether we're oting on my amendment, because I haven't really ut the amendment.

R. CHAIRMAN: Oh I see. That's right.

R. USKIW: Mr. Chairman, may I make a point en. As I understand these series of motions, three I elieve it is. All tandem motions relate to the same ing, if we're going to have a vote on one, could we ree that we're voting on all of them so that we n't have to put motions through on each one when ey're all related. Just for the purpose of speeding it .

R. CHAIRMAN: Mr. Doern, could you then make ur motion.

R. DOERN: Yes, I think I would make the motion the sense of all of the items in terms of Section 5. I would move Section 5.

R. CHAIRMAN: Is it agreed that we deem the otion read? (Agreed)

COUNTED VOTE was taken, the result being as llows:

eas, 4; Nays, 5.

R. CHAIRMAN: I declare the motion defeated. Page 5 pass; Page 6 pass; Page 7 — Mr. ercier.

R. MERCIER: On Page 7, Mr. Chairman, we are epared to accept 10(6). —(Interjection)— Well, I n't know whether it would be at the bottom of ge 7; I presume it would be at the bottom of Page We are prepared to accept 10(6), but we would e to have some time to look at 10(7), the ergency powers, and some problems they have d in some other jurisdictions. —(Interjection)— We uld rather hold 10(7).

R. CHAIRMAN: Page 7 as amended pass; Page as to hold.
Mr. Walding.

R. WALDING: Mr. Chairman, I note a ographical error on Page 7 under (g). There is a letter missed out of the word "this." I wonder if we could correct that.

MR. CHAIRMAN: Page 7 as corrected; Page 8 — Mr. Doern.

MR. DOERN: Mr. Chairman, I wanted to ask the Attorney-General whether he would reconsider — I don't have a proposed amendment here — but if he would reconsider the penalties prohibiting certain people from becoming election officers under (d) and (e). In particular, it would seem to be excessively harsh in the sense of people who have committed an election offence would be prohibited for a considerable period of time from participating in elections. And bear in mind that this isn't at the highest levels, this includes anything from a poll clerk up. So I wonder whether the Attorney-General would perhaps hold that section aside and reconsider whether or not he is coming down too hard on people who have committed an offence. — (Interjection)— 11(1)(d) and (e).

MR. MERCIER: Mr. Chairman, this section is essentially the same as in the previous legislation. I can understand the concern and, again, I would undertake to review that further but, for the present time, it is the same provision as in the existing legislation. I would rather leave it alone for the moment but will undertake to consider those amendments to Section 11(1)(d) and 11(1)(e) further. I would like to compare them with other election statutes.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Can I ask the Attorney-General whether 11(1)(e) is in the present Act, if that is just copied too or is it something . . .

MR. MERCIER: Yes, except for the imprisonment section part. Perhaps Mr. Tallin could help me.

MR. TALLIN: With the exception of the term of imprisonment provision. It is just within five years immediately following the conviction. The five years after the term of imprisonment was added, and I think we must have adopted it from some other place. I don't know why else we would put it in. Maybe that it is similar to what was in The Jury Act, or something like that.

MR. WALDING: The next question is why was it added in?

MR. TALLIN: Probably to make it consistent with The Jury Act, which I think it where we got it from.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, again, on Section 11(1)(d), it means in effect that a person is barred for life from participating in elections, and I consider that unduly harsh. We do have an amendment in our list, on the top of Page 3, 11(1)(d), which would in effect limit the period of prohibition to five years and in the case of 11(1)(e), would strike it out entirely.

So I am saying to the Attorney-General, is it his intention to bar for life somebody who has

committed an offence, for life, so that they could not even be a poll clerk in an election, because that is what he is doing in effect.

MR. MERCIER: Mr. Chairman, it is our position now that we will continue the existing provision, which is just the same, but will undertake to examine other Election Acts throughout the country and try to determine what sort of consensus there is across the country on this issue.

MR. CHAIRMAN: Page 8 pass; Page 9 pass — Mr. Doern.

MR. DOERN: Mr. Chairman, a couple of recommendations here, I guess the suggestion being that it takes a considerable period of time to train and develop returning officers and so I think the amendment here essentially would allow the returning officers to be appointed on a continuing basis.

MR. MERCIER: It is not acceptable, Mr. Chairman.

MR. CHAIRMAN: Page 9 pass — Mr. Doern, did you have another amendment on Page 9?

MR. DOERN: Well, they are related.

MR. MERCIER: It is the same position.

MR. CHAIRMAN: Page 9 pass; Page 10 pass; Page 11 — Mr. Anderson.

MR. ANDERSON: I would move

THAT Subsection 21(1) of Bill 95 be struck out and the following subsection substituted therefor:

Appointment of DROs.

21(1) The returning officer of an electoral division shall appoint a voter in the electoral division as a deputy returning officer for

(a) each polling subdivision in the electoral division;

(b) each special poll provided under Section 62 in a hospital in the electoral division;

(c) each moving poll established in the electoral division under Section 63 or 64; and

(d) each advance poll established in the electoral division.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, it is just to ensure that there are DROs appointed for (b), (c) and (d).

MR. CHAIRMAN: Page 11 as amended pass. Mr. Anderson.

MR. ANDERSON: I move:

THAT subsection 22(1) of Bill 95 be struck out and the following subsection be substituted therefor:

Appointment of Poll Clerks.

22(1) To assist the Deputy Returning Officers in administering polls. The Returning Officer of an electoral division shall appoint a voter in the electoral division as a poll clerk for

(a) Each polling subdivision in the electoral division,

(b) Each special poll provided under Section 62 in a hospital in the electoral division,

(c) Each moving poll established in the electoral division under Section 63 or 64,

(d) Each advance poll established in the electoral division.

MR. CHAIRMAN: Page 11 as amended pass; Pag 12. Mr. Mercier.

MR. MERCIER: I just might indicate, Mr. Chairmar that amendment to subsection 24(2) is acceptable.

MR. CHAIRMAN: Do we need the motion read int the record? Maybe we should.

MR. DOERN: It might be just as well.

MR. CHAIRMAN: Well, I realize we were dealin with three motions at that time. We're dealing wit one now.

MR. USKIW: It's one of the ones that wer accepted before. We didn't read them in.

MR. MERCIER: They were deemed to have bee read, I think. Perhaps we could proceed on the sam basis, that they're deemed to have been read.

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

MR. CHAIRMAN: Okay. Page 12. Mr. Doern.

MR. DOERN: Mr. Chairman, also there is suggestion made in 25(1) that there might be practical problem and that the apparent solution, a proposed by Mr. Anstett when he spoke, was tha the Tuesday, because of advance polls and thre Saturdays and so on and so on, the selection of Tuesday apparently would work better than ar other day. It might be an idea to have a fixed votin day and then to work from it.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I recognize all th advantages in that proposal and the comments mad by Mr. Anstett but it is our preference that we n make that amendment; that we maintain som discretion in that area.

MR. CHAIRMAN: Page 12 as amended pass; Pag 13. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, just a correctio I'd like to move

THAT Clause 27(1)(e) of Bill 95 be amended by striking out the word "advanced" in the second line thereof and substituting therefor the word "advance".

MR. CHAIRMAN: Page 13 as amended pass. Pag 14 pass. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

THAT subsection 28(2) of the Act be amended by striking out the words "day on which the

poll other than an advance poll will be held in the election" in the last two lines thereof and substituting therefor the words "polling day at the elections".

. CHAIRMAN: Page 14 as amended pass. Page pass. Mr. Doern.

. DOERN: Mr. Chairman, just one point there I ık, if I could, on Page 14 there, there's talk about blishing obligations by the Returning Officer and blishing by the Chief Electoral Officer. This ears to be a duplication and unnecessary cost expenditure under 27(3) and 28(1), you're asking officials to publish the same information. I nder whether that isn't, in effect, a waste of time l money.

. CHAIRMAN: Mr. Mercier.

. MERCIER: Mr. Chairman, there's no specific endment on that item, but I think a good point have very well been raised on that and we'll mine that one further.

. DOERN: So you will consider that?

. MERCIER: Yes.

. CHAIRMAN: Mr. Doern. Page 15.

. DOERN: Mr. Chairman, the amendment posed under 32 is that it would provide rmation as to the location of the residents. arently this would now be a requirement, erwise you may have trouble locating somebody.

CHAIRMAN: Mr. Mercier.

MERCIER: Mr. Chairman, the difficulty with , as I understand it, is that the mere legal cription of the residents may very well pose a culty in mailing a notice and notices are required e mailed under The Act and may involve some blems there. So we prefer at this time not to e to that amendment.

. DOERN: I'm not sure I'm following the rney-General. How would he convey the rmation under his system?

MERCIER: We would hope that we would have ailing address but the requirement just for a legal cription, as I understand the mailing procedure, n that's done it's quite likely and it's very difficult letters addressed in that fashion are received by nopeful recipient of the letter.

CHAIRMAN: Page 15. Mr. Walding.

WALDING: Mr. Chairman, may I ask what rs or other documents would be mailed to a r by the DRO during an election campaign?

MERCIER: Mr. Chairman, under Revisions and eals to, I think, remove names from the voters' There are two examples.

MR. CHAIRMAN: Page 15 pass; Page 16 pass. Mr. Doern.

MR. DOERN: On Page 16, 38 requires a callback, that's the net effect of that recommendation.

MR. CHAIRMAN: Would you repeat your question, Mr. Doern? I don't think the Minister heard you.

MR. DOERN: I'm saying that the net effect is that this does, in fact, require a callback on the part of the enumerator. Section 38 as it now stands allows telephone information as opposed to a physical callback and it would appear to be a more accurate method of obtaining information.

MR. MERCIER: Mr. Chairman, my understanding is that what is in 38 was a procedure that was recommended by the review that was done by the Chief Electoral Officer. Mr. Anstett is indicating no. That was my information, that this procedure was also used in the last by-elections. I think there was a pretty high turnout in those by-elections.

MR. DOERN: Mr. Chairman, apparently in the last by-elections and in the general election, the enumerators were required to go back. So the precedent is there.

MR. WALDING: Mr. Chairman, can I ask the Attorney-General, in the 30(8) that's in the bill, is it the intent of the wording or is this the intent of the government that a voter who's left off the list can phone the enumerator and be added to the list by a phone call? It really doesn't say that in here. It just says "contact the enumerator". It's not clear what the enumerator does on receiving the call.

MR. MERCIER: Mr. Chairman, as I understand it he could do either. He could accept it probably over the telephone or go back and take the information and essentially, there's really not much difference between what is proposed in the amendment and what is in the existing 30(8) as we propose it.

In any event, the enumerator's required to leave information that enables the voter to contact the enumerator and there doesn't really appear to me to be too much difference between the two provisions.

MR. WALDING: As I understand the amendment before us, it's somewhat restrictive because it requires an action on the part of the enumerator, almost a setting up of an appointment to go back and see that particular voter to take down the details. The explanation the Minister gives us, that there is apparently an option on the part of the enumerator that he or she can take that information over the phone and save a trip and have it done quickly.

Perhaps we should clarify this section, as to what is intended or that there is a choice or it may be done both ways.

MR. MERCIER: Mr. Chairman, let me first of all read from the review. It indicated that the callback cards recommended in the previous paragraph would be left to dwelling units whereafter at least two visits, one during the daytime and one in the evening, the enumerator had been unable to secure all of the

information necessary. The callback card would be essentially a notice of inability to obtain information.

We just indicate in this section that the enumerator should go back at least twice, once during the daylight hours, once in the evening, leave a card indicating he has called to get the information, and at some point in time the elector has to take unto himself some responsibility and he has to do it either under Section 30(8) or under the amendment. In either case, he has to phone the enumerator. The enumerator then, under our proposal, could take the information over the phone from the voter or go back to the residence and take the information there.

MR. WAIDING: Mr. Chairman, perhaps I can ask Mr. Doern, is it his intention to prevent the enumerator from receiving the informatinon on the phone and require the enumerator to go back to the voter?

MR. DOERN: Yes, Mr. Chairman. This follows the Ontario Act which requires the physical meeting and the physical callback where there's a problem, as opposed to taking it on the phone, etc.

MR. WALDING: Mr. Chairman, can I then ask Mr. Doern what problem he sees with an enumerator taking the information over the phone?

MR. DOERN: I guess the problem is, you don't know who's on the other end of the line.

MR. CHAIRMAN: Mr. Anderson.

MR. ANDERSON: Mr. Chairman, it's my understanding that a substantial amount of enumerating in rural areas is done by virtually that method, perhaps with no initial door-to-door contacts at all.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I think that answers the proposal, Mr. Chairman. I would suggest that there's really not that much difference between what is here and what is being suggested and that we . . .

MR. CHAIRMAN: Page 16 pass; Page 17. Mr. Anderson.

MR. ANDERSON: I move

> THAT Clause 32(1)(c) of Bill 95 be amended by striking out the words "the day fixed for polling therein" and substituting therefor the words "polling day".

Now you can interrupt.

MR. DOERN: I'm sorry. On Page 16, 31(b) and (c) there's an amendment we have there which would allow voluntary patients, people who put themselves into a mental institution or other institution on their own authority, to have the right to vote and that would seem to be a reasonable proposal, namely, this is not someone who's committed but someone for whatever reasons feel that they need some treatment and goes in on their own recognizance. I think that this is a progressive measure which I would recommend to the committee.

MR. MERCIER: Mr. Chairman, as I understand i from the Legislative Council, the definition that i proposed is similar to the federal definition, whicl I'm advised has been drafted to attempt to mee varying definitions across the country of menta health and mental disease. While we in Manitob have these two provisions which are specific unde our existing legislation, I have to admit it's troublesome area and it's one that I think — w almost have to rely on the good sense of people an participants in the electoral process, because I thin as we're all aware there are people living at home, i many cases they can be mentally retarded, etc., a varying degrees under which adults have bee appointed committees or guardians, and there's n restriction under the Act against those people fron voting.

I think everybody involved in electoral process ha run across those situations and they are ver difficult. It almost becomes a matter of moralit among political candidates or workers who — and won't comment on the lack of it or existence of it – but it's a very difficult problem. But we can't accep this definition right now because we feel it's to broad. It's designed for Canada as a whole. We hav some specific definitions here in Manitoba unde existing legislation.

MR. CHAIRMAN: Page 17. Mr. Doern.

MR. DOERN: Mr. Chairman, I want to point out tha it's my understanding that people in this categor namely, voluntary patients in hospitals, can and d have the right to vote federally, whereas they do no have this privilege provincially and the amendment i designed to allow people to have the same votin privilege provincially that they do have federally. So would therefore, move this amendment at this time.

MR. CHAIRMAN: All those in favour of th amendment? Mr. Doern's amendment, 31(b) and (c Mr. Doern.

MR. DOERN: Mr. Chairman, I understand it's also recommendation of the provincial Department c Health.

A COUNTED VOTE was taken the result being a follows:

Yeas, 4. Nays, 5.

MR. CHAIRMAN: I declare the motion defeated. Mr Walding.

MR. WALDING: Mr. Chairman, before we leave th page and this section, can I ask the Attorney-Genera why judges of the Appeal Court, etc., in (a) are nc allowed to vote, other than the fact that it's been i the Act for some time?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I don't know whether Mr. Uskiw pu that in after he had an experience with recounts.

MR. WALDING: I think not, Mr. Chairman. I believ it's been in the Act perhaps since the last century.

R. MERCIER: Mr. Chairman, it's because, as I ɔuld think, that the holding of a judicial position ould require that they certainly not only be non-ırtisan but appear to be non-partisan for one of the ɛry reasons Mr. Uskiw cited, because of the ɲncern I think he expressed and I think that's the ɐory behind it.

R. WALDING: Mr. Chairman, I can understand the ɲn-partisan argument when it comes to taking part an election campaign or being an active and blic member of the party, but when it comes to ɐ actual marking of an X on a piece of paper inside voting booth, I really don't see that that is a rtisan activity, partisan in the sense that it's an ɐntified party. It's a political procedure because it's ırt of politics but whether it is partisan in ɐntifiable partisan manner, that I would question.

R. MERCIER: Mr. Chairman, I would think every ɐcaution should be taken to ensure that judges are t only non-partisan but appear to be non-partisan. t in my experience in discussing this issue with ɲny of them is that they certainly are not interested any manner whatsoever in having the right to vote d, if they were given it, would not vote anyway.

R. CHAIRMAN: Mr. Uskiw.

R. USKIW: Yes. Is that not in contradiction to nstitutional rights in Canada? I thought that ɲstitutionally everyone had a right to participate in ɐ democratic process. Is there an exclusion in nadian law?

L. CHAIRMAN: Mr. Tallin.

L. TALLIN: As far as I am aware, the right to vote not a constitutional right. It's a right that's given each Legislature or Parliament with respect to ɐ Election Act that they pass.

L. USKIW: I see.

L. CHAIRMAN: Mr. Anderson read the endment on Page 17.

L. WALDING: Can we have an explanation of t, Mr. Chairman? The words seem to be almost same.

L. MERCIER: Which one was that?

L. CHAIRMAN: Page 17.

L. MERCIER: 28(2)?

. CHAIRMAN: 32(1)(c).

L. ANDERSON: Oh. We have a definition of lling day and we just try to use it as much as ɛsible so people don't think we're referring to ɲe other day. That's all.

. CHAIRMAN: Page 17 as amended pass. Mr. ɐrn.

. DOERN: Mr. Chairman, there's a couple of ɲts there. On 33(2) we have an amendment which, in effect, would allow lists to include people who were sworn in and then those names would be incorporated in the following or successive elections, so that this is the intent of this amendment.

MR. MERCIER: Mr. Chairman, the advice I'm receiving from Legislative Counsel is that's probably contained in Section 51.

MR. DOERN: 51?

MR. MERCIER: 51.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, I wonder if we could get a little fuller explanation from Mr. Doern when he introduces these. I'm sure he's familiar with them but some of us haven't seen these before and in attempting to read the section and read the amendment as well it's a little confusing and takes a bit of time.

MR. DOERN: Mr. Chairman, I'd like to look at 51 after. The basic idea here is that a person who is sworn in will then be added to the list and that list of additional persons who were sworn in can then be added to the successive election.

MR. MERCIER: Mr. Chairman, we think it's covered in Section 51, if you're satisfied.

MR. DOERN: Is the Attorney-General saying, in effect, that under 51 people who are sworn in are then added to the list in the successive election, because I don't see it there?

MR. MERCIER: "subject to further correction is herein provided". Does that not cover it?

MR. DOERN: I think the question here under 51 is, are people who are sworn in at advance polls covered in 51?

MR. MERCIER: Mr. Chairman, perhaps when we get to Section 51 we could, in the last line, add "subject to further correction or additions as herein provided". Would that cover it?

MR. DOERN: I think we'll look at that again at 51 then.

MR. CHAIRMAN: Page 17. Mr. Doern.

MR. DOERN: Mr. Chairman, on 17 I wanted to ask the Attorney-General about 33(1), the use of old lists. Municipal governments, on occasion, will use provincial or federal lists if, because of some time contraint or just perhaps to save money, they can avoid an enumeration and use our lists or the federal lists. So I think the question is, in the event of a snap election which is close to a municipal election or a federal election, would it not be useful to allow the provincial authority to access fresh municipal or federal lists as a convenience or as a saving?

MR. MERCIER: Mr. Chairman, my note on this one is that the review that was done by Mr. Reeves

recommended this change. I'm just trying to find it in the report that was made.

MR. DOERN: Recommended the change that I am suggesting?

MR. MERCIER: Recommended that we change from the two years to the one year.

MR. DOERN: No, but our point is different, Mr. Chairman, namely, that if there was a snap election called and it was close to a municipal or a federal election, why wouldn't it be a good idea to use those fresh lists? The municipal people now access the lists of provincial or federal people, why couldn't we access theirs?

MR. MERCIER: Okay, Mr. Chairman, I'm sorry. I was looking at another 33(1). It's your amendment, 33(3) you're talking about.

There will be a difference in the list of voters under The Canada Elections Act because we will be recognizing British subjects, which they do not do. Under the proposed amendment which will be dealt with tomorrow in Law Amendments Committee, we will be recognizing British subjects in The Local Authorities Election Act in the same way as the provincial Act, if that is indeed approved.

We could adopt this section but strike out the part "under The Canada Elections Act".

MR. CHAIRMAN: 17? Mr. Mercier.

MR. MERCIER: I'm suggesting that this proposed amendment of 33(3), I believe, that we change 12 months to "one year" because that's the term we've been using, it's just to be consistent, because in subsection (1) you're using "one year", so why not? Then if we delete it, "The Canada Elections Act, Canada" in the fourth line and the word "or" we would be then prepared to accept that amendment.

MR. DOERN: Mr. Chairman, I'm simply adding a cost-saving time-saving measure and although there is that difference, I suppose the British subjects could be broken out and added. So I'm simply saying, I think it's a useful suggestion. It's up to the Attorney-General whether he wants to accept it or not.

MR. MERCIER: We're prepared to accept it on that basis, Mr. Chairman, the amendment of 12 months to "one year" in the first line and in the fourth line to delete "The Canada Elections Acts, Canada or". Does Mr. Doern wish to . . .? Then it's consistent with our Act. If Mr. Doern wishes to move that we'll accept it in that form.

MR. DOERN: I'm now getting confused then to which section should be moved. Are you talking about the amendment to 33(1) or moving our proposal which is 33(3)?

MR. MERCIER: 33(3) with the changes that I've made.

MR. DOERN: Okay. Could you repeat your change then and I'll move it?

MR. MERCIER: In the first line just substitute "one year" for "12 months" to be consistent with subsection (1); and then in the fourth line delete the words, "The Canada Elections Act, Canada or".

MR. DOERN: Mr. Chairman, I think that would be an improvement. I simply ask the Minister again if he could comment on why the federal lists couldn't be used with the change of the British subjects, that they could be revised from or revised out, at a Court of Revision.

MR. MERCIER: Mr. Chairman, we think a fairly significant group of voters are affected by the federal voter qualifications. We therefore prefer to proceed in this manner.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Just one final question, Mr. Chairman I just wondered if the Attorney-General has an numbers in regard to how many British subjects there are in Manitoba who are not Canadian citizens

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I don't have those up to date figures, Mr. Chairman, but perhaps we could undertake to — I think Mr. Walding asked that the other day — we should look into that.

MR. DOERN: Mr. Chairman, then I'll move that revised amendment 33(3):

WHERE within one year before the date of a election in electoral division, a list of electors or a list of voters has been prepared, under The Local Authorities Election Act by an enumeration, within a or part of a polling subdivision in the electoral division, the enumerator for the polling subdivision may use the information obtained in preparing that list of electors or list of voters or disclosed on that list of electors, or list of voters, for the purpose of preparing a voters list for the election in the electoral division.

MR. CHAIRMAN: Page 17 as amended pass. Mr. Walding.

MR. WALDING: I wanted to question the principle behind this, where it's suggested that it's possible to use at an election time a list of voters that is 1 months old. Bearing in mind that an estimated 2 percent of the whole population moves within a year it could well have an election list where only 8 percent of the eligible people were on the voters list to start with.

I recall the problems that arose at the federal election this year because of the use of an old list – and I don't think it was that old, it was something like 9 months, I believe, even less than a year — and there were tremendous problems involved and great deal of work placed on DROs in trying to contact people. I suspect that a significant number of potential voters were, in fact, deprived of their right to vote because they couldn't even be sworn in on voting day in the cities, as they can in the rural areas. I understand that this is one of the arguments that is put forward against a permanent voters list that such a list is either continuously updated or

pdated annually and there always becomes the roblem of people losing their right to vote.

I understand that British Columbia is the only rovince that tries to work such a system and they stimate that only 75 percent of the eligible people et onto the voters list and are entitled to vote as pposed to figures of something like 92 to 95 ercent in those provinces where they hold an numeration at the time of each election.

So I have that serious reservation about the use of ld lists in 33 and I wonder if it has to be used, why o we leave it at one year? Would it not make it a tle fairer for people to reduce it, it was suggested x months? If the Minister wants to leave it in there, an I suggest a shorter period than the "one year"?

R. MERCIER: Mr. Chairman, I appreciate very uch the concerns expressed by Mr. Walding, but is is not mandatory, this is discretionary — may se the information for the purpose of preparing a st — and I think in view of the experience in the st federal election, there would be a great deal of eluctance to rely very heavily on it. But there's scretion in this section, I think, that I appreciate the gument he's using.

R. CHAIRMAN: Page 17 as amended pass; Page 8 pass. Mr. Doern.

R. DOERN: Page 18, I think the purpose of the nendments that we're proposing would, in effect, vert to the 1977 election. These amendments pparently were practical and workable at that time nd therefore are recommended. In particular, under well, I guess that's all I have to say at this point.

R. MERCIER: Mr. Chairman, I appreciate the oblem that was referred to. The difficulty is, I don't now whether we're making it any better by bstituting the words, "a temporary period". It volves a judgment call on the part of someone and ght at the moment I think we have to be very reful here and continue to examine these rules, but n not sure that this is much of a better solution.

R. CHAIRMAN: Page 18 pass. Mr. Walding.

R. WALDING: Mr. Chairman, I'd ask Mr. Doern nat the intent of the amendment is here. I don't low it just reading it through quickly.

R. DOERN: The general intent of these nendments is to try to clarify or ask the person to arify their intention of leaving the province mporarily, whether they do intend to return or ether they're simply leaving for a period of time, work or whatever.

R. WALDING: Mr. Chairman, I don't follow how yone can be asked if he intends to return, if he's t here when he's not enumerated.

R. CHAIRMAN: Page 18 pass. Mr. Walding.

R. WALDING: Mr. Chairman, let's not rush things. e don't want to do things by confrontation. We're epared to attempt to co-operate and seek a ncensus as much as possible. If you'd just slow wn a little bit until we're all satisfied, hopefully we can come up with a much better Act that we're all satisfied with.

MR. CHAIRMAN: Very good, Mr. Walding. Mr. Tallin.

MR. TALLIN: Are you talking about a person who's not here at the time of the enumeration? He's gone to Alberta for three months? They get enumerated because other people in the household will say, my son should be on the list too, he just happens to be in Calgary for this three months because he's there on a special job for his firm, or something like that. Is that what you were talking about, that kind of a person?

MR. WALDING: Well, I was questioning the statement that Mr. Doern made about somebody who was out of the province, and whether or not he intended to come back. He said that that was . . .

MR. TALLIN: Those people who now get on the list. They get on the list either under the six-month provision as they are now, if they think the time is less than six months as in the bill, or under the indefinite provision, the temporary period, they could get on that too. The question, I think, that has to be answered is, is a specific period six months of more value to the enumerator than a temporary period? That's what has to be answered here.

MR. WALDING: I take it that Rule 2 has to do with someone who has been away for more than six months.

MR. TALLIN: Yes. As I read it, if they've been away for more than six months, then they're off the list if they're still away.

MR. WALDING: Would it serve Mr. Doern's purpose to make the six months some longer time, eight months or nine months, or it would cover a school year? I understand that's perhaps the concern here.

MR. MERCIER: Mr. Chairman, the only reason the six months was picked was that it was consistent with the six-month residency requirement for voting. It doesn't necessarily have to be consistent with that figure. To use a fixed figure gives the enumerator some definite guideline in attempting to do their job and, as I understand it, these rules of residence are a problem in every jurisdiction. Now there's no particular magic in the figure "six months".

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I guess there's a couple of points here. One is a person who, say, leaves the province for a period of seven months with the intention of returning, even with their entire household, they would be excluded. I guess another problem is with students who might take their education in university terms of four months.

MR. MERCIER: The problem is I guess, Mr. Chairman, or one of the problems is, it works both ways. It works the same way in Rule 4, the other way for someone coming to the province. Students are attempted to be covered in Rule 7.

MR. DOERN: Mr. Chairman, it might be useful for the Attorney-General to just take another look at that section and then report to the committee and report in the House on it.

MR. CHAIRMAN: Page 18 pass; Page 19 pass; Page 20 pass; Page 21 pass; Page 22 pass.

MR. MERCIER: There's 37(2) on Page 20.

MR. CHAIRMAN: Page 20. The Member for Elmwood.

MR. DOERN: I was looking for Page 23, but there is one item on 20 that I would like to revert to, if I could.

MR. CHAIRMAN: Page 20. The Member for Elmwood.

MR. DOERN: On 37(2) . . .

MR. MERCIER: That's agreeable.

MR. DOERN: Okay, that's agreeable, fine. Do you want me to read that?

MR. CHAIRMAN: Page 20 pass; Page 21 pass; Page 22 pass; Page 23 pass. The Member for Elmwood.

MR. DOERN: Mr. Chairman, I don't have anything written here, but there is a problem, I think, with the notion of somebody appearing in 43, somebody coming on the basis of blood or marriage as opposed to an individual swearing on their own word or oath. One of the problems, I believe, is how do you establish a relationship by blood or marriage? I suppose if this person has the same name and the same address, it's a simple matter, but how about a cousin Enns, or somebody like that, somebody who may have a different name, who might be a cousin or an uncle or an aunt, it could be cousin Keith, as you said, or brother Harry, and that's the problem. It seems like a reasonable proposal but I say that, in terms of demonstrating it, it could be extremely difficult. It might simply be better to have the person ultimately swear on their own at a later point in time.

MR. CHAIRMAN: The Honourble Minister.

MR. MERCIER: Mr. Chairman, this provision was taken directly from Ontario with the exception of the LCUs employer as well as a relative of the person, by blood or marriage. I would think there would be some concern generally to anybody coming along to do this because there's a natural tendency among political workers to attempt to do this as much as possible.

MR. DOERN: Mr. Chairman, apparently in Ontario, vouching is only allowed in rural areas but is not allowed in urban areas.

MR. MERCIER: Mr. Chairman, this isn't vouching, this is appearing before the revising officer.

MR. DOERN: To appear there to vouch that so and so is a relative and should be added to the list.

MR. MERCIER: Mr. Chairman, I point out that this is a new provision and is an exception to the general rule that a person has to apply in person to have his name added to the list and, while it may be limited, it is a further method of a person getting his name on the voting list. I tend to think that perhaps it's small "c" conservative to restrict it to a relative of the person by blood or marriage but it's an area in which there probably should be some limitation and we probably should proceed with some caution.

MR. CHAIRMAN: Page 23 pass; Page 24 pass; Page 25 pass; Page 26 pass; Page 27 pass; Page 28 pass; Page 29. The Honourable Minister.

MR. MERCIER: 29, Mr. Chairman, there's a proposed amendment by Mr. Doern. We were prepared to add in there in the last line after "corrections", "or subject to further corrections or additions is herein provided" or "further correction and additions".

MR. CHAIRMAN: Page 29 pass. The Member for Elmwood.

MR. DOERN: The question there is, would that cover the advance poll?

MR. MERCIER: Mr. Chairman, Legislative Counsel advise me that that would. Does Mr. Doern wish to make that motion to add those words, "and additions" in the last line after the word "correction".

MR. DOERN: I would so move:

THAT Section 51 be amended to read at the end, "subject to further corrections and additions".

MR. CHAIRMAN: 51 as amended pass; 52, the Member for Elmwood.

MR. DOERN: Mr. Chairman, Section 52, I think the amendment here is to be consistent with earlier provisions in the bill so that there would be a six-month minimum as opposed to a one-year minimum residency.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Mr. Chairman, isn't the principle involved here that if someone is entitled to vote they ought to be entitled to vote for themselves, which should cover the whole principle of qualification of candidate? In other words, if you qualify as a voter under a previous section that we passed, then you should be able to stand for election and it's recognized in the amendment where it puts six months for both.

MR. MERCIER: Mr. Chairman, I just want to check something here. Mr. Chairman, Clause 52(c) is the existing provision, "qualification for a candidate". What I'd be prepared to do is go some way towards satisfying the concerns of Mr. Doern. I'd be prepared to accept his amendment if we substituted "one year" for "six months" so that he's resided in Manitoba for at least one year prior to polling day at the election, rather than one year preceding the day

in which the writ for the election is issued. In essence, it shortens the period of qualification by 35 days.

MR. DOERN: Mr. Chairman, I wanted to go much further in fact. I wanted also to amend the second portion about the date being on the polling day but I wanted it to read "six months" from that point in time. The Attorney-General is, I guess, going from a period of 12 months down to 10 months and 3 weeks and I wanted to go from the present — which I guess is a year and five weeks — down to six months period. So I'm simply encouraging to go a little further down the road.

I think clearly, whatever we agree to should be from the day of polling, as opposed to when the writs are issued, that's not the key section. But I believe that if the Attorney-General looks back, with his aides, that he will see that six months is the figure talked about earlier so you're going to have a discrepancy here of 12 months in one section and six months in some others.

MR. MERCIER: Mr. Chairman, we would be prepared to move the amendment, "he has resided in Manitoba for at least one year prior to polling day at the election". It doesn't go as far, I know, as Mr. Doern would like to go but it's as far as we are prepared to go.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, the Attorney-General has said that this is the same wording that's in the present Act and I would suggest to him that in the present Act it also says under Qualifications for Voters Lists, "has resided in Manitoba for one year" and he's changing one of those but he's not changing the other one and surely that's inconsistency and would result in a person being able to vote for anybody else, but not for himself. It really doesn't make much sense. Can I suggest that they ought to be consistent, either both at six months or both at a year and I really don't mind which way it goes. Unless you want to compromise at nine months.

MR. MERCIER: Well, we're close to nine months, Mr. Chairman, we've knocked off 70 days.

MR. CHAIRMAN: Page 29 as amended. Mr. Walding.

MR. WALDING: I think the Attorney-General is still being advised on the matter. Does he not see an inconsistency?

MR. MERCIER: Mr. Chairman, That's right, they're not consistent but they're different, one is a voter and one is a candidate and I think perhaps a little more is expected in terms of permanency from a candidate. I don't think it's a problem anyway because I'm not frankly aware of any candidates, in previous elections, who haven't resided in the province for quite a long period of time. I think we would be talking hypothetically and theoretically because I'm certainly not aware of any situation like that.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, I think if the Attorney-General gave it some thought, that he probably would come around to the conclusion that if a person is eligible to vote he should be eligible to run for office or vice versa. So why don't we agree to hold this and let him have some time to think about that? I'm sure that we're just rushing things and that's part of our problem.

MR. MERCIER: Mr. Chairman, I would suggest that we make the one amendment to make it "one year prior to polling day at the election", because I think as Mr. Doern suggested, that should be the date that we should be using in as many cases as we can, prior to polling day.

MR. WALDING: And consistant with 32(1), has the same wording as used there.

MR. MERCIER: Right. Yes.

MR. WALDING: If you're willing to go that far why aren't you willing to go the other little bit and make the time limits . . . ?

MR. CHAIRMAN: Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move
THAT section 52(c) be amended to read in the second line "polling date" . . .

MR. USKIW: Use this wording and put in "one year".

MR. ANDERSON: I move that the clause under discussion be amended to read:
(c) he has resided in Manitoba for at least one year prior to polling date at the election.

MR. CHAIRMAN: Page 29 as amended pass; Page 30 pass; Page 31. Amendment of Page 31. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I would move
THAT Page 31 of Bill 95 be amended by striking out the figures "53(4)" in the second line on the page and substituting therefor the figures "53(5)".

MR. CHAIRMAN: Page 31 as amended pass; Page 32 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, there's an amendment there and there just appears to be some duplication in regard to (c) and (e). The two sections (c) and (e) are essentially the same and by adopting the amendment it would appear to avoid duplication and make matters easier for the Returning Officer; 58(1)(c) and (e).

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, this is a motion on the bottom of Page 6, I take it, to eliminate in Section 58(1)(c) the word "occupations" and add to the same paragraph "and the names and addresses of their official agents". Well, with respect to the

second part I think, as I recollect, that's included in the prescribed form anyway by the Chief Electoral Officer. I know I was an official agent once and I'm sure that was in and I'm sure I had to put that in last time. So I don't think it really matters because I think it's in the form anyway. There's no harm in adding it because it has to be available. With respect to occupations, we can have a free vote if we like. I'm in favour of not having occupations in.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I think the point is that the adoption of the amendment would make the notice and the ad the same, otherwise there's a discrepancy. So I would therefor move the amendment and the Attorney-General appears to be in agreement.

MR. CHAIRMAN: All in favour. Mr. Enns.

MR. ENNS: Mr. Chairman, on speaking to that amendment, let me indicate at least one member of the committee's feelings, an objection to moving that section in the way that the Member for Elmwood is suggesting. I think the designation of a vocation is important and I want to know and I've got a city slicker lawyer running against me and I want that designation put on that ballot and I want to be able to put on my ballot, a farmer or a rancher. I would appeal to honourable members opposite, if we're having a free vote on this issue, to consider this question. —(Interjection)— Well, I think if I speak a little longer I'll have some more members coming to the committee in awhile and we'll overrule the Attorney-General on this one.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, the Attorney-General said somewhat facetiously, that's the reason he doesn't want the occupation on there, but I wonder if he's entitled to put his occupation down there as a lawyer since, if he runs at the next election, his occupation has not been a lawyer for four years. His occupation has been a Minister of the Crown, or Attorney-General or something. That has been a little bit of an embarrassment, I think, to some sitting members who run again, particularly those who might have been full-time. Do they put down their occupation as MLA right on the ballot or as legislator? I believe that one member of the House put down "Party Leader" as his occupation in running in an election and it makes sense, I believe, to leave that sort of thing out altogether and I kind of think that my friends . . .

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, a lot of this, Mr. Enns' objection or suggestion, whatever it was, really applies to 73(7) which is "Names on ballot", and we can debate that there. We're not talking about that.

MR. CHAIRMAN: Page 32 as amended pass; Page 33 pass. Mr. Anderson.

MR. ANDERSON: I move:

THAT subsection 62(1) of Bill 95 be amended striking out the words "polling place" in the last li thereof and substituting therefor the word "poll".

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: On a point of order, Mr. Chairma Yes, I believe there is an amendment to Section 6 so we should deal with that before we get to 62.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, on a point of orde On Clause 58(1)(c), was there a vote? I think the were some members who wanted a vote on that.

MR. CHAIRMAN: Is it the wish of the committe that you want a vote?

MR. ENNS: It's my understanding that I might hav had the wrong section. The Honourable Member fc Elmwood indicated Section 73 which indicated th designation of vocation would be on the ballot an we could talk about that same issue at that time an I'd be happy to accept that.

MR. DOERN: Mr. Chairman, I think the Honourabl Minister is on the wrong committee. I think he confusing this with Hog Marketing.

MR. CHAIRMAN: Order. We were waiting for a amendment.

MR. DOERN: Oh, I'm sorry, 61(4), I'm not going t propose that so we can skip it.

MR. CHAIRMAN: Page 33 pass; Page 34 pass Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move:

THAT subsection 62(1) of Bill 95 be amended b striking out the words "polling place" in the last lin thereof and substituting therefor the word "poll".

MR. CHAIRMAN: Page 33 as amended pass; Pag 34 pass. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, Section 63. move:

THAT Section 63 of Bill 95 be numbered a subsection (1) and the following subsection adde thereto at the end thereof:

Lists for Polls.

63(2) The returning officer shall furnish the deput returning officer of each moving poll establishe under subsection (1) with a copy of the voters' list fo each polling subdivision in the electoral division certified to be a true copy of the voters' list witl revisions thereto and the copies so used shall b marked with the words "Moving Poll List" o "Moving Advance Poll List", as the case may be and shall for all purposes be deemed to be ar original list under this Act.

MR. CHAIRMAN: Is that agreed? Mr. Mercier.

MR. MERCIER: Just to provide for a voters' list fo the Moving Polls, as I understand it.

MR. CHAIRMAN: Is that agreed? Mr. Walding.

MR. WALDING: I don't really see why it should be necessary to state that the returning officer must supply a voters' list to the DRO. I mean, surely that goes along with any poll.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: The part that deals with the delivering of the voters' list talks about the list for the polling subdivision for the poll. But these moving polls will be moving across several polling subdivisions, perhaps, and therefore they need lists for the whole electoral division, essentially, pretty well, in order to pick the people up from all different areas.

MR. CHAIRMAN: Agreed? Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move:

THAT Section 64 of Bill 95 be amended by adding thereto, at the end thereof, the folowing subsection:

List for moving polls.

64(3) The returning officer shall furnish the deputy returning officer of a moving poll established under subsection (1) with a copy of the voters' list for each polling subdivision in the electoral division certified to be a true copy of the voters' list with revisions thereto and the copy so used shall be marked with the words "Moving Poll List" and shall for all purposes be deemed to be an original list under this Act.

MR. CHAIRMAN: Page 34 as amended pass. Mr. Walding.

MR. WALDING: Mr. Chairman, may I ask why that 64(3) is not included under 63(2)? It seems to be identical wording except for the words "or Moving Advance Poll List".

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I'm sorry, that's my fault. When I was doing it I was trying to figure out how to describe these things, the two different polls, the two different classes of moving polls in one subsection, and it just seemed to me that it flowed much easier to put the two different subsections under which the two different kinds of moving polls were established.

MR. WALDING: I'm sorry, I'm still not clear why . . .

MR. TALLIN: There's a moving poll for sparsely-settled areas and there's a moving poll for small hospitals and jails, and the two don't always tie in together. Some rules apply to some and some rules apply to others. This happens to be a rule which applies to both and unless you put it into sort of another complete section, and then go into a long description about the two that you're referring to, then it begins to get a little more complicated to understand. I thought it was easier for people to understand when they read it this way. That's all. I may have been wrong. It's a matter of my taste and that's all. Sorry.

MR. CHAIRMAN: Page 34 as amended pass; Page 35 pass. Mr. Doern.

MR. DOERN: We're proposing a couple of new subsections here, 66(3) which would, in effect, allow the Chief Electoral Officer to use buildings other than traditional schools or churches so that he would, in effect, be able to, say, use provincial buildings owned by the government without charge. The second section, 66(4), would allow the federal government to use schools which they apparently cannot request at the present time. This would give them the ongoing right to request the use of schools and to pay for that privilege.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I'm not aware of the problem that would create the necessity for this kind of an amendment. Did Mr. Doern refuse access to public buildings when he was Minister of Public Works?

MR. DOERN: Mr. Chairman, the previous Act did include this provision. The Act that the Attorney-General is proposing does not. So it's really simply indicating what was previously there. It seems to be an error of omission. It's 166(3) in the old Act.

MR. MERCIER: Mr. Chairman, 166(3) just says, no charge should be made or allowed for the use of any municipal school or provincial building for any of the purposes, of a nomination, poll or declaration in an election. This would appear to go farther. I just don't know what the problem would be. If there was space, I can't visualize that it wouldn't be used, period.

MR. CHAIRMAN: Page 35 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, I just simply say to the Attorney-General that it would appear to limit elections to schools and I assume that he would want a wider choice or selection.

MR. MERCIER: Mr. Chairman, as I understand it, they have the right to make arrangements now for the use of government buildings. I suppose this would be some sort of autocratic authority for the Chief Electoral Officer to move into a building and demand space. If you could tell me if there was a problem somewhere, I could see the necessity for it, but I'm just not aware of any problem.

MR. CHAIRMAN: Page 35 pass; Page 36 — Mr. Doern.

MR. DOERN: Mr. Chairman, the other suggestion was in regard to the federal government, 66(4), to allow the federal government to request schools and pay for them. That's under our listing, 66(4), which would have to be renumbered.

MR. MERCIER: Again, Mr. Chairman, I'm trying to discover what the problem is. I know I voted in a school in the last federal election. Why do we need this? —(Interjection)— It's not prohibited now.

MR. WALDING: So why does he have to say it . . . ?

MR. MERCIER: I don't know.

MR. CHAIRMAN: Page 36 pass. Mr. Doern.

MR. DOERN: 67(1), Mr. Chairman, the idea here would be to notify a change of polling by, for example, to notify a change of polling by registered letter or telegram or publication in the press, and publication being the second amendment.

MR. MERCIER: Again, Mr. Chairman, it says "notify now" and I guess under the words as it is now, he can notify by telephone, letter, telex, telegram, whatever, but he shall notify the candidate one way or the other. This may be in fact slowing down the process of notification to the candidate.

MR. DOERN: Mr. Chairman, I think the problem there being in the event of whether a phone call would be sufficient or how one would prove that the notification was given, that's one of the problems, I guess, verification that notification was given.

MR. MERCIER: I think generally, Mr. Chairman, I can only speak from personal experience. In the elections that I have been involved in the returning officers usually develop a pretty close working relationship with the candidates and their official agents and their party workers and I tend to think we should leave it alone. I'm not aware again of a problem that would require fixing the means by which the candidate was notified.

MR. CHAIRMAN: Page 36. Mr. Walding.

MR. WALDING: Mr. Chairman, a thought just comes to mind on this one for a change of polling place and that is, how is the D.R.O. to notify the voters in that subdivision that they no longer vote at that designated familiar place but at some other one?

MR. MERCIER: That's 1(b) and I might say on that, Mr. Chairman, on the next page of amendments, on 8, I'm prepared to accept (c), that amendment to add Clause (c), "where times permit give notice of the change in polling places by publication".

MR. CHAIRMAN: Page 36 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, on 68(1) I think . . .

MR. MERCIER: We're prepared to accept that.

MR. DOERN: You're prepared to accept that, 68(1), fine.

MR. CHAIRMAN: Page 36 as amended pass; Page 37. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

THAT page 37 of Bill 95 be amended by striking out the figure "(1)" in the third last line thereof.

MR. CHAIRMAN: Page 37 pass; Page 38. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

THAT subsection 73(2) of Bill 95 be amended by striking out the word "printed" in the first line thereof.

MR. CHAIRMAN: Page 38. Mr. Doern.

MR. WALDING: Mr. Chairman, I'm sorry, you going too fast for me I haven't even caught up with the last one yet.

MR. DOERN: Mr. Chairman, this is the section that Mr. Enns was interested in here — I guess we'll get it through while he's not paying attention — deleting the occupation of the candidate, otherwise you run into the problem of, I guess, the designation "Farmer" and whether one is a genuine farmer or a part-time farmer or a real farmer, whether he or she have those qualifications.

The other point being, Mr. Chairman, that there's no limitation on what anyone can put his occupation. I don't think you can challenge anybody's occupation. Whatever they say that is their occupation and I have known people who have run and put down such vague references as "President" of some tiny company, in fact, they were nothing of the kind but that's what they put down. I suppose one could put down "thinker" or "genius", "gadfly" whatever one wanted to, "athlete", "brilliant" something or other and nobody checks up on you, nobody challenges you, whatever you say — I guess there's an old saying about what you see is what you get — in this case it's what you say is what they write.

MR. CHAIRMAN: Mr. Mercier. Mr. Enns.

MR. ENNS: Mr. Chairman, the Honourable Member for Elmwood says nobody checks up on you and of course that is so far from the truth, as a seasoned campaigner he ought to know that. How many votes you have in your constituency are checking up on you very closely and you are at a time of election under scrutiny. I think there's nothing wrong and I think it's helpful to be identified by vocation as a teacher or as a medical person or as a farmer or as a businessman. We go to great lengths in terms, at election time, of providing the kind of basic information that voters ought to have about the persons that they're electing for.

Now, the Honourable Member for Elmwood says nobody checks up on whether you put down President of a dinky company or a thinker or a genius — and I have no objection if somebody puts down the word "genius" — but for that person that's on that kind of an ego trip and expects the electors — and quite frankly if you can fool the electors to think that that can help him — that's fine that's fine. But I think in our electoral system — and perhaps it's even more important in terms of having some capability of attaching credibility to that candidate's position on such things as itches of the campaign, of the day, if a person has some claim to a personal knowledge of the subject matter that he's talking about.

Certainly in rural Manitoba the simple adage of vocation behind the candidate's name as a farmer, is important. Rural Manitoba and agricultural Manitoba very often is being represented by non-farm people.

say that in rural Manitoba, that is that teachers, businessmen, professional people tend very often to represent rural parts of Manitoba. There's nothing wrong with it but I want the elector to have that option to be able to be aware of the person's background in a vocation or professional sense when he's voting for him.

So, Mr. Chairman, I suggest and I would hope that the committee would support that this section of the bill be retained.

MR. CHAIRMAN: Page 38. All those in favour of the amendment as proposed by Mr. Doern?

A COUNTED VOTE was taken the result being as follows:

YEAS, 4. NAYS, 4.

MR. DOERN: Oh, it's a tie.

MR. ENNS: How are you going to vote, Mr. Chairman?

MR. CHAIRMAN: I would say that the amendment is defeated. Page 39 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, at the top here I just wanted to draw something to the Attorney-General's attention. I don't know if he can answer it at this point in time about the name of a political party. I'm told that there could be some difficulty here, namely, I don't know whether to comply with the Act, all the political parties will have to run under two names. For example, 39 at the top, 73(8), we don't have an amendment on this.

I'm simply saying that I suppose there's two ways of listing the New Democratic Party or any other party, namely, the New Democratic Party of Manitoba, or the New Democratic Party of Canada (Manitoba Section). So I'm saying, I assume that this s not going to be a sticky point otherwise it might involve setting up two names and two parallel organizations to comply with the Act.

MR. CHAIRMAN: Page 39. Mr. Mercier.

MR. MERCIER: Mr. Chairman, Mr. Tallin suggests hat we might consider an amendment that after "the name of a registered political party" insert the words 'or the registered abbreviation thereof".

MR. DOERN: That I think would satisfy this concern, Mr. Chairman, so I would therefore move

THAT Section 73(8) be amended by the addition of the words "or the registered abbreviation thereof".

MR. CHAIRMAN: Is that agreed? (Agreed) Mr. Walding.

MR. WALDING: Mr. Chairman, I think back to Mr. Forest's presentation this afternoon.

MR. DOERN: They can call us the NDP now instead of the New Democratic Party.

MR. WALDING: I wonder what the circumstances would be if a party wished to list the French form of its name in an area where it felt that that would be of an advantage to it. Now would that be prohibited because it was the normal English name that was registered with the commission? Would this amendment prohibit it or permit it or what would the situation be?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I would be prepared, if they registered a French abbreviation or a French name, that could be used?

MR. WALDING: I'm sure from the answer, whether a registered political party could register both names or whether it would register one or the other and then could only use the one that it registered.

MR. MERCIER: I would think that they could do both. They should be able to do both.

MR. WALDING: I would hope so but I would not like to see it prohibited because it's not permitted.

MR. MERCIER: Well, if somebody prohibits it we could make an amendment to the Act.

MR. CHAIRMAN: Page 39 as amended pass; Page 40 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, I don't have an amendment here but I want to make a suggestion that in 77(1) it suggests that scrutineers must be 18 years of age or older and I suppose that that was taken specifically because of the legal age of an adult; but scrutineers could, in fact, be younger. Scrutineers, I don't think, necessarily have to be adults. Now then the question is, if not, then where do you draw the line? But my suggestion, in consultation with people who have considerable experience here and who feel that this is being unduly restrictive and that an age of 16, for example, might be acceptable. It's not an onerous task. It's not a difficult or complex job. Somebody who is a teenager could certainly carry out that function. So I would therefore propose that the age of 18 be replaced by 16, or be amended by 16.

MR. CHAIRMAN: All those in favour of the amendment? Mr. Walding.

MR. WALDING: Mr. Chairman, I was wanting to debate on these motions, if there are any?

MR. CHAIRMAN: Go ahead.

MR. WALDING: I just wanted to make the observation that my son was the age of 15 at the time of the last federal election and served as a scrutineer for one of the candidates in a local poll and, from all reports, did a very good job. He sat there solidly through the 12 hours. This was something that caught my eye in reading through it and I wondered why it was necessary.

It so happened that the school that he went to was closed because it was a polling day so he was not required to be in school. I made sure of that. My colleague suggests it was part of the education process and I agree with him. It is good experience

for young people to do. But surely, Mr. Chairman, should this not be left up to the candidates themselves? After all, the scrutineer is representing the candidate as such and if the candidate has confidence in the one who is 17 or 16 or 15, should that not be permitted?

If the candidate feels that a scrutineer is too young to represent him, then presumabley he would not designate that person. So I would prefer to see it as in the old Act with no age limit in there and I presume it was not in the old Act either.

MR. CHAIRMAN: Any further discussions?

A COUNTED VOTE was taken and the amendment declared lost.

MR. WALDING: Mr. Chairman, I would then move:

THAT the reference to "18 years of age or older" be deleted.

MR. CHAIRMAN: Moved by Mr. Walding, that the age of 18 years be deleted.

MR. WALDING: I think that would be words, "of 18 years of age or older".

A COUNTED VOTE was taken and the amendment declared defeated.

MR. CHAIRMAN: Page 40 pass; Page 41 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, there's an amendment here, just a small point. On 79(1) it says that a ballot box should be locked and sealed, but it does read in 74, to be locked or sealed.

MR. MERCIER: Agreeable.

MR. DOERN: The Attorney-General agrees.

MR. CHAIRMAN: Page 41 as amended pass; Page 42 pass; Page 43 as amended pass; Page 44 pass. Page 44 — Mr. Doern.

MR. DOERN: Mr. Chairman, there's a section there on "vouching" I think. Is that it? This, I think, is a fundamental point, but one that I strongly recommend to members of the committee, namely, that a person should be able to, on their own authority, take an oath and have themselves added to an electoral list, the present problem being, I guess, that you have to find somebody who's on the list and then go down with them. But it would seem that a person should be able to swear an oath on their own authority. I mention this in line with the Attorney-General's expressed intention of making the Act easier in terms of the convenience of citizens, to become voters and to participate in elections, that was his expressed intent.

I think that a person can, in fact, swear to their own residence and eligibility and should be taken at their own word. Now, I cite as an example, I believe, that in the last provincial election, if I recall, there were some 8,000 people who were sworn onto the lists and I believe that the experience of the provincial election officials was, that upon checking 8,000 additions, there was one person who, in fact, was out of order and the suspicion may have bee that that may even have been deliberate on the part. So it seems that there are very few people wh will deliberately lie or mislead to have themselve added to the list and that the inconvenience of th present or proposed practice might be to rather g the other way and result in several dozens c hundreds of people being excluded, or not botherin to vote.

MR. MERCIER: Mr. Chairman, I don't think th provisions of vouching in the Act are that onerous.

MR. CHAIRMAN: Page 44 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, could we have a vot on that question. I would make that proposal, that be on the basis of an individual declaration.

MR. CHAIRMAN: Mr. McBryde.

MR. McBRYDE: It does come up with a problen where I've experienced it, in split polls where peopl come from a fairly scattered community, and the come as a group, and one of them is not on th voters list and the other two or three that are wit him, they could swear him in and know he is resident there, are in the other part of the split pol when you have A to M, or whatever it is, and then to Z, and we have had problems finding someone t swear them in because they are from a more rura part of the poll. So it has come up as a problem.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I think one of the problems, Mr Chairman, is that the DRO of a poll does not have voters list from other polls and that is why it i proposed that the vouchee should be from the sam polling subdivision as the person for whom he i vouching, as opposed to someone being from th constituency.

MR. DOERN: Mr. Chairman, I think we are going t get confused here. We didn't have a vote. There ar two issues here. The first one is the vouching; th second one is within the polling subdivision c electoral division. So I am simply saying, in the firs instance, we are proposing that a person is able t swear themselves onto the list, the danger being tha if you require someone who is already on the list t swear them in, it may be inconvenient, especiall where people are moving or where somebody is ou or where it is inconvenient, whatever. I believe tha the reverse is true. We are not so much worrie about people who sneak onto the list, because w don't seem to have had much problem. The probler seems to be the other way, of getting people ont the list.

Therefore, I would request a vote on that particula matter, and then we could deal with the other point.

MR. CHAIRMAN: All those in favor of Mr. Doern' motion?

A COUNTED VOTE was taken, the result being a follows:

Yeas, 4, nays, 5.

MR. CHAIRMAN: I declare the motion defeated.

MR. DOERN: Mr. Chairman, I think this other point is also quite important, and that is that a person should be able to have their name added on the basis of the electoral division. In other words, let's take, as an example, Elmwood. It may be convenient to have somebody from the electoral division swear somebody else onto the list, but when you restrict it to a specific poll, that may simply limit, again, the possibility of being added to the list. What is wrong with saying that somebody within the electoral division could swear somebody else? Does it have to be the same poll or the same street or one house away? Surely, as long as they are within that electoral boundary, that should be sufficient; it shouldn't be unduly restrictive.

So I therefore recommend that it be within the electoral division, as opposed to the polling subdivision.

MR. CHAIRMAN: Any further discussion? Mr. Walding.

MR. WALDING: I wonder if the Minister has given the committee a reason for this change, why it should be restricted so much?

MR. MERCIER: I responded earlier.

MR. CHAIRMAN: All those in favor of Mr. Doern's motion?

A COUNTED VOTE was taken and the amendment declared defeated.

MR. CHAIRMAN: Page 44 pass; Page 45 — Mr. Doern.

MR. DOERN: Section 87, Mr. Chairman — this, I think, is an area where there could be some real difficulty. Proof of citizenship: The Deputy Returning Officer shall examine the person as to whether or not he is a Canadian citizen. Now, I don't personally carry my citizenship papers around; I don't even know if I have any, and I don't know about anybody else here.

How does a person prove that they are a Canadian citizen, especially if they were born and raised in the country? I am worried about someone who is overzealous or agitated. I simply say that the result of Section 87 is that we could have somebody challenge a whole series of people and could again result in reducing the number of people who want to be added to the voters list, as opposed to wanting to expand the number of people. That again was the Attorney-General's expressed intent, so I say to him that he should, in fact, eliminate this section.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I hope you don't mind if I interrupt, but I think you have maybe misinterpreted 87(2). 87(2) doesn't say that everybody, in order to prove he is a Canadian citizen, must produce a Canadian citizenship certificate. This says that if you do produce it, the DRO must accept it as the proof, but you may also prove it by oath or by just saying, "I am a Canadian citizen." He may accept that, but this says he must accept the certificate.

MR. MERCIER: Mr. Chairman, there is an existing provision which is essentially the same, that I am not aware has caused any problem at all.

MR. DOERN: Mr. Chairman, let's take two examples, somebody with a flawless Canadian accent and somebody with another accent. In both cases, you are saying, if a persons says to them, "Are you a Canadian citizen?" and if they both answer "Yes," then that is accepted; or are you going to have some other means of distinguishing as to whether or not a person is a Canadian citizen?

MR. MERCIER: Again, Mr. Chairman, the existing section says that unless the person produces a certificate of Canadian citizenship or a certificate of naturalization as a British subject where the person is not a Canadian citizen or other British subject by birth, the Deputy Returning Officer, before administering the oath, shall examine the person as to whether or not he has obtained his Canadian citizenship or is a naturalized British subject.

That is very close, if not a bit stronger than the existing wording, and I don't know that the previous section caused any difficulty.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: I understand that the DRO here might question the person's eligibility to vote and that this is one criterion, but there are other criteria mentioned as well. I wonder why they are not also listed. For example, is the DRO to question a person to prove that he is not a judge of the Court of Appeal, for example, who is not . . . or that he is of the full age of 18 years? Now, those criteria have to be met in order to vote, but there is no requirement here that the person must be tested for those, only for the one criterion of citizenship, which I suggest, Mr. Chairman, is a rather difficult thing to prove anyway.

Can I say further, Mr. Chairman, would it not make more sense if something like this were required, to say that the DRO shall take whatever measures are necessary, or some such wording, to see that the person meets the qualifications for inclusion in a voter's list, qualifications to vote?

MR. MERCIER: Mr. Chairman, legislative counsel advises that is what the oath is for. I admit this would appear to be a bit of a hangover from previous legislation in that there is no strict requirement on the Deputy Returning Officer to examine the person as to age or other qualifications. 87(2) helps the situation. Again, though, I am not aware of any problem in regard to the use of this section.

MR. WALDING: Mr. Chairman, I am not aware of any problem either, which suggests to me that the matter is perhaps redundant and could be deleted from the Act.

MR. MERCIER: Well it's as somebody says, it is either working well or it is being ignored.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, the danger here is that everyone could be challenged and I am just saying, again, other than a person's word, I assume that the Attorney-General wants people to produce their birth certificate or a citizenship certificate. Is that what he is, in effect, asking for?

MR. MERCIER: No.

MR. CHAIRMAN: Page 45 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, I would move the deletion of Section 87 and ask for a recorded vote.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, on a point of order, I believe it is out of order to move deletion of something; if you don't want it there, you vote against it and that should be all that's necessary.

MR. CHAIRMAN: Mr. Doern, would you care to rephrase?

MR. DOERN: Then I would simply ask for a vote on Section 87, Mr. Chairman.

A COUNTED VOTE was taken, the result being as follows:

Yeas, 4. Nays, 4.

MR. CHAIRMAN: I declare 87 passed.
Page 45 pass; Page 46 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, there's an amendment here. I think this is just a technical point here, striking out the words "poll clerk, candidate or scrutineer" and substituting the words "poll clerk."

MR. MERCIER: That's agreeable.

MR. CHAIRMAN: Page 46, as amended pass; Page 47 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, I think the main purpose here is to . . .

MR. MERCIER: That's agreeable.

MR. DOERN: You agree with that.

MR. MERCIER: 92 is okay.

MR. DOERN: Section 92 . . .

MR. MERCIER: And 93.

MR. DOERN: And 93.

MR. CHAIRMAN: Page 47, as amended pass; Page 48 pass; Page 49 — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move
THAT Subsection 97(1) of Bill 95 be amended by striking out the figures 48(2) in the third line thereof and substituting therefor the figures 98(2).

MR. CHAIRMAN: Page 49, as amended pass. Mr. Doern.

MR. DOERN: Mr. Chairman, there is an amendment here to add 97(3), Duties of a DRO. I think the purpose here is in regard to hospitals, moving polls, and providing people in hospitals with a list of candidates, to enable them to vote.

MR. MERCIER: 97(3) is okay.

MR. DOERN: Agreed.

MR. CHAIRMAN: Page 49, as amended pass.

MR. DOERN: This one, I think, is in error. I think this limits the authority of the CEO to prescribe the form and my understanding is that this does not coincide with the new election forms, which have a circle in the space to the right. It sounds like, in the middle of this section, 98(1), that it suggests, about four lines down, "by placing the symbol X with the black lead pencil provided therin within the space on the ballot paper containing the name and particulars of the candidate for whom he intends to vote" seems to suggest that one marks to the left, or in the centre of the ballot, in the space provided for the name and the particulars of the candidate, rather than in the space to the right. So it should be a mark on the right.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I wonder, Mr. Chairman, if we could hold this one and let us examine this one. It could very well require some revision. Perhaps we might bring something forward at report stage.

MR. DOERN: Fine.

MR. CHAIRMAN: Page 49, as amended pass; Page 50 pass; Page 51 — Mr. Doern.

MR. DOERN: Mr. Chairman, on 51, the point here is that blind people often attend as couples and therefore would require two ballots at the same time. I guess the point being that you would have two treks back and forth as opposed to two ballots at one time.

MR. MERCIER: I guess the philosophy behind this section as it stands relates to the secrecy of one's ballot. If one person is going to take two people in to vote, then there is no more secrecy. (Interjection)— Mr. Chairman, as I would understand this thing, the friend would only be taking one person in to vote at a time. On that basis, the amendment is acceptable.

MR. CHAIRMAN: Page 51 pass; Page 52 pass — Mr. Doern.

MR. DOERN: 101(5)(d), Mr. Chairman, apparently on mail-in votes you need certification by another voter. It is basically not required or necessary. It is a mail-in ballot that is being discussed.

MR. MERCIER: This is exactly the same as the existing provision. We prefer to leave it alone for now, Mr. Chairman.

MR. DOERN: Mr. Chairman, apparently the review did in fact recommend this change, so I simply point that out to the Attorney-General.

MR. MERCIER: Perhaps we can examine it further then.

MR. CHAIRMAN: Page 52 pass; Page 53 — Mr. Doern.

MR. DOERN: Section 101(7).

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: . . . gets over the problem of the poll with only three people in it. Does the Attorney-General see any difficulty with a provision like this?

MR. MERCIER: No, that's okay, Mr. Chairman.

MR. CHAIRMAN: Page 53 as amended pass. Mr. Doern.

MR. DOERN: Are we now talking about 103? The suggestion here basically is that it's not to put . . .

MR. MERCIER: It's okay, Mr. Chairman.

MR. CHAIRMAN: Page 53 as amended pass; Page 54 pass — Mr. Doern.

MR. DOERN: Mr. Chairman, on Page 54.

MR. MERCIER: 106 is fine.

MR. DOERN: 106 is fine. Agreed.

MR. CHAIRMAN: Page 54 as amended pass; Page 55 pass — Mr. Doern.

MR. DOERN: This is a section about removal of signs and circulars and so on, on election day, near the polling place.

MR. MERCIER: No, Mr. Chairman.

MR. DOERN: Mr. Chairman, I just wanted to point out to the Attorney-General that apparently these proposals were recommended in the review and it is simply a streamlining of those proposals.

MR. MERCIER: Mr. Chairman, essentially what is being proposed is in Section 150.

MR. CHAIRMAN: Page 55 pass; Page 56 — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

> THAT Subsection 112(1) of Bill 95 be amended by striking out the words "on the day fixed for general polling" in the first and second lines thereof and substituting therefor the words "on polling date."

MR. CHAIRMAN: Page 56 as amended.

MR. DOERN: Explain.

MR. MERCIER: Explain what?

MR. DOERN: I just wanted a moment to consider that. Okay, fine.

MR. CHAIRMAN: Page 56 as amended pass — Mr. Doern.

MR. DOERN: 112(1). Are we dealing with our amendment now, 112? Mr. Chairman, the present section is simply not enforceable and the reason for this amendment is to inject some enforceable provisions.

MR. MERCIER: We prefer what we have, Mr. Chairman.

MR. CHAIRMAN: Page 56 as amended pass. Mr. Doern.

MR. DOERN: I think the main point here is that colours can be associated with political parties and therefore should be mentioned.

MR. MERCIER: We prefer the present form of this section.

MR. CHAIRMAN: Page 56 as amended — Clause 114 — Mr. Doern.

MR. MERCIER: Mr. Chairman, if I might just make a quick comment, it might help. We really haven't had an opportunity to fully consider the amendments to 114 and 115, 116, 117, 118, 119, and 120, so I would prefer that those matters be held and we will look closely at them before report stage.

MR. DOERN: Agreed, Mr. Chairman.

MR. CHAIRMAN: Page 60 pass — Mr. Doern.

MR. DOERN: Mr. Chairman, we are going up to 121, is that it?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Might I also refer you to 121(1), where there is a mistake in the printing. It says, you will notice, "and all other documents that are served at the election." The proof-reader changed this. What was in the original was "and all other documents that served at the election," and that's a kind of archaic use of the word "served", and I was wondering whether we could change it to "and all other documents that were used at the election".

MR. DOERN: Agreed.

MR. CHAIRMAN: Page 60 as amended — Mr. Doern.

MR. DOERN: Mr. Chairman, we have an amendment here to Section 121(1).

MR. MERCIER: 121(1) is okay, Mr. Chairman.

MR. CHAIRMAN: Page 60 as amended pass; Page 61 — Mr. Doern.

MR. DOERN: Section 123(1) on 61. This is in regard to mail-in ballots which could be counted on the following day.

MR. MERCIER: We would prefer to leave it the way it is, Mr. Chairman.

MR. CHAIRMAN: 124 — Mr. Doern.

MR. DOERN: I think the basic problem here, Mr. Chairman, is that with the new duties and the further complexities of elections, the Chief Electoral Officer may require space outside the Legislative Building and unless that is made clear by striking out those words, he may be restricted to this building and it will cause problems for the Minister of Government Services.

Mr. Chairman, I ask the Attorney-General if he would care to comment.

MR. MERCIER: I don't know, in the existing section they use "at the Legislative Building, Winnipeg." Yes, that's okay, take it out.

MR. CHAIRMAN: Page 61 pass; Page 62 pass; Page 63 pass; Page 64 — Mr. Doern.

MR. DOERN: Mr. Chairman, there is an amendment there on opening of ballot boxes, the right to do so in the presence of at least two voters or representatives of candidates. It's the representatives of the candidates, and if they cannot attend, then two voters will suffice.

MR. MERCIER: I wonder, Mr. Chairman, this is a fairly significant amendment and I would be prepared to go along with it if you struck out "or in the presence of at least two voters" so that when it was opened, it is either "in the presence of the candidates or in the presence of their representatives."

MR. DOERN: That would be an improvement, so we would accept that, Mr. Chairman.

MR. CHAIRMAN: Page 64, as amended pass; Page 65 — Mr. Doern.

MR. DOERN: Page 65, 131(4).

MR. MERCIER: On 131(4), Mr. Chairman, we would be prepared to accept "Notice of each judicial recount shall be given to the Chief Electoral Officer." And strike out the rest.

MR. CHAIRMAN: Page 65, as amended pass; Page 66 pass; Page 67 pass; Page 68 — Mr. Doern.

MR. DOERN: 138(3).

MR. MERCIER: That's okay.

MR. DOERN: Agreed.

MR. CHAIRMAN: Page 68, as amended pass; Page 69 — Mr. Doern.

MR. DOERN: There is an amendment there to Section 141, at the bottom of Page 69, 141(2) Information for statement.

MR. MERCIER: 141(2), that's okay.

MR. CHAIRMAN: Page 69, as amended pass; Page 70 — Mr. Doern.

MR. DOERN: Page 70, Section 142(2) Publication of detailed returns.

MR. MERCIER: That's okay.

MR. DOERN: Pass.

MR. CHAIRMAN: Page 70 as amended pass.

MR. DOERN: And one final one there.

MR. MERCIER: That's not okay.

MR. DOERN: That is not okay? Section 142(3).

MR. CHAIRMAN: Page 71 pass; Page 72 — Mr. Walding.

MR. WALDING: One thing that caught my eye on Page 71, influencing votes, etc. It says that any person who directly or indirectly promises or undertakes to give any benefit to any person for the purpose of inducing that person to vote — surely that is what elections are all about, that's the whole point. Politicians go around at election time and offer inducements, or make promises that things will be better if they are elected. Now, surely that would be directly in conflict with this. I am thinking of this commission, or truth squad, whatever it was, and I wouldn't want to come afoul of that by making some promises . . .

MR. CHAIRMAN: Mr. Mercier, have you any comment on that one?

MR. MERCIER: Well, I take it this one has being around for a long, long time. I take it as it must be really meant to refer to almost a bribery-type of situation, but is subject to a different interpretation, I grant you.

MR. WALDING: I guess it intended to refer a benefit that maybe that person would be appointed to a position or given some special consideration as an individual. Perhaps that's what was intended 100 years ago, but if you read it in the light of making election promises, you can have 57 members all guilty of an election offence after the next election.

MR. MERCIER: Mr. Chairman, it has no doubt been there, along with a few of these other ones, for a long, long time and I guess it has never been referred to at all. I suggest that we leave it in, but do agree that it should be subjected to a very serious look as to whether or not this and maybe a couple of other sections are really up to date with modern society.

MR. WALDING: The following section appears to be the other side of the coin, that any elector who

votes, expecting that things will be better because he voted that way, would also be guilty of an election offence. You would have a large section of the population, as well as the 57 elected members, all guilty of election offences if this were taken in that manner.

MR. MERCIER: As I say, Mr. Chairman, these have been in for years and years and years. I don't recall them ever being used by anybody, but they could be, and for that reason I think they should be subjected to some —(Interjection)— Sure, we should subject them to a pretty thorough review, I think, and I'm prepared to have that done.

MR. CHAIRMAN: Page 71 pass; Page 72 pass; Page 73 pass; Page 74 pass; Page 75 — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

THAT Section 155 of Bill 95 be amended by striking out subsection (1) thereof and by striking out the figure (2) in the first line of Subsection (2) thereof.

MR. CHAIRMAN: Agreed? Mr. Doern.

MR. DOERN: I assume that what is being suggested is the withdrawal here of Section 155(1), is that right? Therefore, that would be done by a process of voting against the section, since we earlier made it clear that you don't delete sections but you vote against them.

I want to speak on this section, Mr. Chairman, before the vote. This is the notorious truth squad, or truth tribunal section. I must say, Mr. Chairman, that this was an incredible . . .

MR. CHAIRMAN: Could I have your attention, please. We are changing the tape; you can proceed when we are through. Proceed, Mr. Doern.

MR. DOERN: Mr. Chairman, as I say, out of all the legislation that we have seen brought into the House in the past several decades, and certainly within my experience, which goes back to 1966, this proposal by the government has to be marked down as one of the most incredible of all time, because of the fact that the Attorney-General appeared to get emotionally involved in the by-elections and at that time took a position which I think was untenable, and then made the mistake of perpetuating that position by actually proposing legislation to that effect, and that is along the lines that he was going to establish a commission which would monitor, not monitor, but pass judgment on the political statements of his adversaries.

Now, I realize that in saying so, he was going to in effect suggest that a tribunal, or a truth squad, would weigh the pros and cons of any person making a statement during the election, and then would pass judgment and if there was a false statement, then there would be a severe penalty as a result.

I have to say to the Attorney-General that I think he showed very poor judgment, to put it mildly, in this particular regard. I think that for whatever reason, whether it was political pressure or whether it was fatigue from too heavy responsibilities, I think he demonstrated a flaw . . .

MR. COSENS: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Mr. Cosens, on a point of order.

MR. COSENS: We are considering an amendment to strike a clause from this particular bill and that should be the subject of the discussion, I suggest, rather than discuss the particular clause. I suggest that the member is out of order.

MR. CHAIRMAN: The point is well taken.

MR. DOERN: Mr. Chairman, on a point of order. It is not well taken. We are discussing Section 155, which suggests that false statements are going to be judged by a body and I am speaking in opposition to that. I have every right to do so. I think anybody on this committee has a right to speak on this section. This section is right now in the bill. I am speaking against this section. I have a right to do so. When I am finished, there will be a vote as to whether or not this section will be deleted. Until that time, I have a right to speak and not to be choked off by the Minister of Education. So I will proceed.

MR. CHAIRMAN: Mr. Walding, on the same point of order.

MR. WALDING: My point of order, Mr. Chairman, is that I believe it was out of order for you to accept this motion, which again calls for a deletion, which I think you realized earlier, when it was attempted before, that such a motion was out of order. All that should be necessary for you is to call 155(1) and for the members to vote it down, if that is their wish.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I realize that the government is sensitive on this point.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: On a point of order, can you clarify the matter as to whether we are now debating 155(1) or the motion?

MR. CHAIRMAN: It is my understanding that we will be voting against Clause 155.

MR. DOERN: Mr. Chairman, on a point of order, we are now discussing 155(1) and you will be calling for a vote on that section. We are not debating a motion to delete; there is no such thing. That was made clear earlier. We are now discussing this section. When we are finished, then some of us will be voting against it, or all of us will be voting against it.

Mr. Chairman, I am simply saying that the government really got itself in an untenable position and the Attorney-General himself must bear the responsibility for this. That is my precise point, that the Attorney-General made a very bad statement during the October by-elections when he confused his role as the Attorney-General, which is the chief law officer of the province, and also mentioned, in passing, that he was the chairman of the by-election

committee. Then, as a result of that, he was heavily attacked by the official opposition and he was heavily criticized in the media by everybody, whoever put a pen to paper.

Instead of leaving the matter there, which would have been a prudent measure, he somehow or other was able to put it into the bill and then either persuade his colleagues of the wisdom of that position, which I find incredible; or the government system is so sloppy and so full of holes and incompetence that it slipped through without people being aware of it.

Well, I think we can adopt whatever procedure that we wish, whatever explanation that we wish, but I don't think that it can just be dismissed in a cavalier fashion by the First Minister or the Attorney-General or the government. The government actually seriously considered legislation which was, I think, unsound and unprecedented in Canadian history and it instantly became a cause celebre, not only in Manitoba, but on a nation-wide basis.

So I simply say, at this time, without labouring the point, that this was a notorious and nefarious action on the part of the Attorney-General, I think reflects poorly on him, especially in view of the fact that he has raised the matter twice; first of all, during a by-election period; and secondly, in the incorporation of a section during a proposed legislation.

I don't think that the opposition, first of all, can rest easily when the Attorney-General obviously, I think, got carried away some six to eight months ago and then sort of proved that he was determined to bring in this type of legislation.

So I will save some of my remarks for later, but I simply say that I recall back in the 1960s, a notorious truth squad, and I recall the feelings that I had at that time, and of members of the opposition, including the Right Honourable John G. Diefenbaker, who was one of the foremost opponents of that, in fact, he was the victim, so-called, of the truth squad, except he turned it around and demolished the truth squad in the process.

So, Mr. Chairman, no one on this committee will do other than to vote for the deletion of this section, and I just think that it is incredible that at this day and age, or at any other time in history, that one or more persons, an individual, in this case a Minister, or a government would even propose that they would establish a system whereby statements would be judged. Especially in view of the fact, Mr. Chairman, that positions can be held in complete sincerity and conviction and intelligence, people can adopt contrary positions, people have different philosophies and different approaches, and for somebody to decide as to whether one position is right or one position is wrong, that will be done in the public arena, it will not be done by some single person or by some tribunal that is established for that purpose.

I say, in conclusion, Mr. Chairman, that there is one other thing that I resent personally, as a Member of the Legislature, and that is that this seems to give some credence to the notion that politicians don't tell the truth and I say that, in my experience, politicians are as truthful as anybody, and I am one who defends this profession as an honourable profession and resents suggestions made by people within the profession, or outside, that people in politics don't tell the truth. I think that the record of public figures in that regard is second to none.

A COUNTED VOTE was taken on Section 155(1) and defeated.

MR. CHAIRMAN: Page 75 as amended — Mr. Anderson.

MR. ANDERSON: Just a small matter, that 155(2) the (2) should be taken out.

MR. DOERN: Mr. Chairman, on a point of order, I think there is some confusion here. Could you call 155(1) again and then, having dealt with that, proceed page-by-page?

MR. CHAIRMAN: Is that agreeable to the committee?

A COUNTED VOTE was taken, the result being as follows:

Yeas, 1; Nays, 6.

MR. CHAIRMAN: I declare that motion defeated.

MR. DOERN: Mr. Chairman, what is the vote on that? I gather one person supported that section.

THE CLERK: One is favor, six against.

MR. DOERN: One for, six against. Well, we'll note, Mr. Chairman, that the Minister of Government Services still supports this ridiculous and outrageous section.

MR. CHAIRMAN: Page 75 as amended.

MR. WALDING: Mr. Chairman, I assume Mr. Anderson is now going to move that the number "(2)" in the first line of 155(2) be deleted.

MR. TALLIN: We'll renumber the whole thing.

MR. CHAIRMAN: Page 75 as amended pass; Page 76 pass; Page 77 pass; Page 78 pass; Page 79 pass; Page 80 pass; Page 81 — Mr. Doern.

MR. DOERN: Mr. Chairman, a couple of points here on Page 81, Section 177(1)(b). I understand the section, this is election material which could be used to persuade voters to vote for a particular candidate or the candidates of a particular party. There could be groups, however, such as the Group for Good Government, or heaven knows what, that might form and might direct their advertising against a political candidate, or against a political party. I guess I am thinking of the Borowski abortion brigade, and so on.

I assume that people who are developing literature and positions against political candidates and parties, they should be brought under the aegis of this section. So I think the addition of the words "or against" — it now says "for" but if it read "for or against" this, I think, might be more acceptable.

MR. CHAIRMAN: Page 81 pass; Page 82 pass; Page 83 pass; Preamble pass; Title pass; Bill, as amended, be reported pass.

Mr. Mercier.

MR. MERCIER: Mr. Chairman, I don't know whether we require a motion, but can we authorize Legislative Counsel to renumber where necessary and make the appropriate references, where necessary, due to renumbering.

MR. CHAIRMAN: Agreed? (Agreed)
Mr. Doern.

MR. DOERN: Mr. Chairman, with leave, if I could just mention one other item here.

MR. MERCIER: We will give leave, Mr. Chairman.

MR. DOERN: It is a minor matter, Section 141(2). This was raised with the Legislative Counsel. I think it should be made consistent with Section 130.

MR. MERCIER: Mr. Chairman, my understanding is it is not necessary to have the words in accordance with Section 133 because this happened some time after the election is completed, and that's agreeable.

MR. DOERN: Okay, fine, thank you.

BILL NO. 96
THE ELECTIONS FINANCES ACT

MR. CHAIRMAN: Bill 96. Mr. Doern.

MR. DOERN: If we are going to proceed with 96 — is that the intention of the Attorney-General?

MR. MERCIER: Yes.

MR. DOERN: I wonder if we could take a very short break, either two or three minutes, or five minutes. I have been sitting here for four and a half hours and I would like to stretch a leg for a couple of minutes. Could we take a five-minute break?

MR. CHAIRMAN: If it is agreed by the committee, then we will have a five-minute break. (Agreed)
The committee will come to order. Bill No. 96. Is it in agreement that we go page by page?

MR. MERCIER: Mr. Chairman, let me firstly say that there are two sheets of amendments being passed around, a single page, and a double page. The double page is more of a draft of some amendments. There are other sections of the bill on which we have had some discussions and which wouldn't require amendments to delete sections, so we could proceed page-by-page.
The suggestion from Mr. Tallin, which is a good one, is if we could leave the definition sections until the end because some may require change as a result of amendments that are made to the rest.

MR. CHAIRMAN: Are you ready to proceed?
Page 3 pass. Mr. Doern.

MR. DOERN: I want to speak against this section and I want to say, in opening, that as you can see, there is a great deal of time and energy put into making amendments in regard to Bill 95, some 56 amendments over 18 pages.

Now, in the case of this bill, time did not permit us to put our amendments into writing and, as my colleague says, it wasn't worthwhile. The original bill, and I look forward to the amendments of the Attorney-General and wait to hear what some of these are, because we just received the amendments right now. But the original bill, really, was like a sieve; it was so full of holes that, really, one would find it difficult to patch them. There are really some very very serious problems in connection with this bill.
Our original position was that the bill should be withdrawn completely. The government seems determined to proceed with it and if there are some major revisions to Bill 96, then I think something could be salvaged, but that remains to be seen. We have only been handed the amendments and we have proposals which I am sure are not covered in the amendments. So we will just have to see as we go along what will come out of this process.
Mr. Chairman, I would like to say, first of all, on the section on the Electoral Commission, we had a submission that recommended against this and I have already spoken against this and suggested that in terms of this whole section, from Numbers 3 to 13, that it would be better to proceed with a strengthened Chief Electoral Officer than with the establishment of a commission. There appears to be some serious problems with the operation of a commission in other provinces. There seems to be some difficulty in the proposals of the government, namely having the Chief Electoral Officer put in a difficult position of a tie-breaker on a commission that is largely comprised of members of political parties. It would seem that those people would be inclined to fight very hard and very emotionally about various points. I would assume that in most cases — (Interjection)— Yes, I guess we would get one or the other. You would have one extreme or the other. You would either have vociferous fighting or else you might have some soft or under-the-table agreements. But my own analysis would be that there would be dog fights on every minor point.
If the Chief Electoral Officer's position was strengthened and he was given the powers of the Attorney-General in terms of prosecution, and some other additional powers, then I think that that person could operate properly. Somebody ultimately has to call the shots and a Chief Electoral Officer could do that.
We also believe that because of the necessity of the Chief Electoral Officer to be above and beyond partisanship, that it would be best if that person was appointed by a legislative committee.
So, Mr. Chairman, I say, I guess to the Attorney-General, that on the minor point, so-called minor point that the position of Chief Electoral Officer should be, in effect, by the Legislature, but that the commission is probably not a step forward but going to result in some paralysis and in a lot of rancour. And there have also been complaints made by representatives of the Liberal Party, the MLA for Fort Rouge, and the president of the party, about this section and there have also been concerns expressed about new political parties on the horizon.
So I speak against this entire section, from Numbers 3 to 13.

MR. CHAIRMAN: Page 3 pass —(Interjection)— Well, there will be some amendments made so we will have to go page by page.

Mr. Walding.

MR. WALDING: Mr. Chairman, just on that point, we have made the point several times before that this is a very complex bill, that we have had a rather limited time to examine it. We suspect that there will be ramifications to it that we will not find out until it has been in effect, or possibly even for the next election.

We believe that such an Act ought to be produced by consensus, rather than by the imposition of the government's will over the opposition, and I believe that the members on our side of the committee would be prepared to spend time over the — until the next session — in really going into some detail with this and trying to find a workable bill by consensus that, I believe, would have the confidence of not only the political parties but the people in general.

Since it appears that that is not about to happen and the government wants it to go through in this particular sitting, I would like to insist that we do it on a clause-by-clause basis and take our time over it, not try to rush it through page by page because, as has been indicated before, we have different concerns about certain sections, some of which would appear to be in conflict with others, and we would want to have that ability to relate different sections, one with the other.

Mr. Chairman, can I suggest that we try to deal with this bill on a fairly informal basis, not to be rigid about referring back, and that you give us the opportunity to discuss, for example, the commission in sort of general terms and in principle, rather than wanting to deal with a whole page at a time.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, if members opposite wish to discuss it section by section and refer back, as necessary, that's fine.

MR. CHAIRMAN: Is it agreed that we go clause by clause? (Agreed)

3(1) pass. Mr. Doern.

MR. DOERN: Mr. Chairman, I think that I have already made my remarks. I don't intend to repeat them, other than to say that I don't think a commission should be established, but a strengthened Chief Electoral Officer could handle the elections, so therefore I would, rather than vote on every section on that point, ask for a division on 3(1) and recommend a vote right now.

MR. WALDING: Mr. Chairman, before you rush into putting the vote, you might at least give us the opportunity to speak on it, or at least seek a response from the Attorney-General as to the concerns that have been raised on this particular matter, why he feels it is better to have a commission deal with this matter rather than the Chief Electoral Officer, as has been suggested.

Also, we haven't heard a reply to the point that was raised about putting the Chief Electoral Officer in the position of adjudicating between the two parties who, it has been suggested to us, would take opposing views on a number of different items.

MR. CHAIRMAN: I am at the wish of the committee. I would hope, though, that we would have some agreement. We have some members calling for the vote to be put and other members who want to raise questions on it. There will have to be some agreement on that side in order for us to proceed.

Mr. Mercier.

MR. MERCIER: Mr. Chairman, unless some technicality is pointed out by members opposite, I want to indicate that I spoke at length on this matter when the bill was introduced and I don't intend to repeat that and we don't intend to make any amendments from Section 3 to Section 13.

I ask members to look at Section 9, which sets out the responsibilities of the commission, to assist political parties, etc., to examine statements and prescribe forms, prepare and distribute forms. It is to be an attempt to help candidates and political parties in dealing with matters which arise in elections. The establishment of a commission is not without precedent. We think it is something that will be an improvement over the existing situation. We would like to see this bill passed at this session of the Legislature. We feel that we would like to be in a position to allow candidates from all political parties to, by some time this fall, to be in a position to be able to give tax deductions, tax credits to people who wish to make contributions to them. I think that will broaden political support of all political parties and will be an improvement in the financing of all political parties.

So, Mr. Chairman, I don't at this time, unless something particular is raised by members opposite, see any amendments being made from Section 3 to Section 13.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, I would like to ask the Attorney-General whether the commission has enforcement powers of its own, other than the capacity to lay informations and complaints and institute proceedings.

MR. MERCIER: Prosecutorial power? That is contained at the end of the Act, Section 61, for example, and in Section 11, in this section that we are looking at, the commission has the capacity to lay informations and complaints, may institute proceedings, etc.

MR. WALDING: What I was getting at, is the commission itself, or would the commission be able to prescribe penalties against the candidates or the parties themselves for any breach of the prescribed forms and the contents thereof, or the various other things that it is supposed to do, or is the only remedy that it has in launching a prosecution . . .

MR. MERCIER: The prosecutions will be decided in court.

MR. WALDING: Yes, but they would have to be instituted, initiated . . .

MR. MERCIER: They have to be instituted by the commission.

MR. WALDING: Does the commission itself have any powers to enforce its requirements on candidates and parties?

MR. MERCIER: Through their power to prosecute, they have, yes.

MR. WALDING: But not directly of themselves; I understand.

MR. MERCIER: That's pretty direct. You know, it's the same way as a department, a department will have the power to enforce regulations that it may administer, but it's ultimate authority is the power to prosecute.

MR. CHAIRMAN: 3(1) pass — Mr. Doern.

MR. DOERN: I want to vote on this section, either on 3(1) as an example of what follows, or what device can we use to register our objection to the whole section. I don't want to vote against every section, I want to vote once against Section 3 to 13.

MR. CHAIRMAN: Mr. Doern, it was stated that there were no amendments from 1 to number 13. Can we vote on number 1 to 13? Is that agreeable? (Agreed)

A COUNTED VOTE was taken, the result being as follows:

Yeas, 6; Nays, 4.

MR. CHAIRMAN: I declare the Sections carried. Mr. Doern.

MR. DOERN: Mr. Chairman, I just hope that everyone voting is in fact a member of the committee, because I am not certain about who is and who isn't on the other side.

MR. MERCIER: Mr. Chairman, Mr. McGregor is a member of the two committees who are meeting tonight and he has, in his usual diligent manner now moved over to this committee to complete his responsibilities.

MR. CHAIRMAN: I will read the members of the committee: Messrs. Cosens, Enns, Mercier, Anderson, Brown, Doern, Driedger, McBryde, McGregor, Uskiw, and Walding.

14(1) pass — Mr. Uskiw.

MR. USKIW: The question of registering a political party, I notice there are no amendments with respect to that question. The Attorney-General is insisting that people who are members of a political party have to be listed where the party does not have four seats in the Assembly, and I believe that is a very serious violation of people's rights and privacy, Mr. Chairman. I don't believe that it is right for the commission or anyone to know to which party different people in society belong. That should be a right of their choice and the secrecy that attaches therewith, which has always been held sacrosanct for 100 years should continue to be so.

The other problem I have is that the requirement of 2,500 persons, whether they are identified or not, would bother me with respect to another party declaring themselves as being a party in Manitoba. It seems to me that as long as a group of people wish to register themselves as a political party, that that should be sufficient, without imposing these harsh obligations, because by doing this, Mr. Chairman, there is no way in which a new political party could get established very easily. It would have to meet these obligations on Day One and, Mr. Chairman, I am sure that we have political parties in existence in Canada, and elswhere, who grew with the times, who started with very small support and gradually built up their support, but were political parties and were identified as such. In European countries, I think there are a multitude of political parties, Mr. Chairman, and I don't think that we would want to preclude any group from wanting to declare themselves as a political party and to promote that party's position.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, this section is not without precedent. Mr. Anstett referred to the excellent Election Acts of Ontario and Alberta, which have similar provisions for registering political parties for the purposes of being able to issue tax receipts.

MR. USKIW: Is that the distinction?

MR. MERCIER: That is the distinction. There is nothing to stop a political party from forming on its own with however many members, but there is a basic requirement, which follows to a lesser degree the precedent set in Ontario and Alberta that, for the purpose of registering for tax purposes, the party should supply a petition for registration with 2,500 persons. In Ontario it is 10,000.

MR. CHAIRMAN: Mr. Cowan.

MR. JAY COWAN: Speaking to that issue, Mr. Chairperson, it may well be the practice in other jurisdictions; I would ask the Attorney-General if it is the practice that those 10,000 must in fact be members of a political party in Ontario. The Attorney-General, Mr. Chairperson, gave us the example of Ontario, where they have to have 10,000 signatures in order to become a registered political party for tax purposes. I would ask the Attorney-General if he knows whether or not those 10,000 must have taken out membership in the political party for which they signed the petition?

MR. MERCIER: Mr. Chairman, we are trying to find the specific section. It may very well be in Ontario that it is just 10,000 names.

MR. COWAN: I would suggest, Mr. Chairperson, that there is some legitimacy to demanding or to setting up a process whereby a party must indicate that it is not a frivolous party and that it does in fact enjoy the support of some of the electorate. But I

believe that when the government demands to know whether or not those 2,500 persons who have signed that petition are a member of that political party, then the government is interfering in the political rights of the citizenry of this province.

I would suggest that they have no business asking the question, much less demanding it or making it a requirement. I would suggest that when they want to know whether or not a person in this society is a member of a political party, they are in fact infringing upon the rights of that individual. I know, in our political party, we guard very jealously the list of our membership and we do so because we know that, from time to time, the fact that a person may be a member of a political party, may take out membership in a political party, may in fact be used against them by certain segments of society, may in fact embarrass them, and they do so in secrecy because they want their political beliefs to be their own.

We have guaranteed to people the right to a secret ballot. We have guaranteed them the right of a secret ballot because we believe it is in their best interests for them to be able to vote without having to declare which political party they support or which political person or politician they support. It is a tradition and a right that is engrained in our history. It is a tradition and a right which must be jealously and zealously guarded by all politicans and I, for one, find it repugnant and repulsive that the Attorney-General would have, as a provision of this particular Act, a requirement that a person who wishes to show they support a political party, to indicate that they are in fact a member of that political party. I would hope that it is an oversight on the Attorney-General's part. I would hope that it is a mistake that they must show that they have a membership in that party.

Because what you are going to do by that is you are not going to affect the New Democratic Party that much, nor the Progressive Conservative Party that much, nor the Liberal Party that much, but you may in fact affect the Social Credit Party, or the Libertarian Party, or, and I'm not in any way justifying the Rhinoceros Party, but if people want to belong to the Rhinoceros Party, that's their business, and if they want to become registered for tax purposes I should hope that they would have to show they enjoy some support, but not show that they have 2,500 members.

I think what you will do by this is disadvantage the smaller parties and you will almost invariably ensure that new parties do not come into force, and as a member of a party that has a history that does not go back as far as the two old-line parties, I can assure you that we value the political process whereby new parties, different parties, can become a part of the mainstream. We, as New Democratics, and before that as CCFers, have in fact shown that it can be done, that where there is a need for a new political philosophy, that where there is a need for a new political ideology, where there is a need for a new political party, it in fact can be brought forward.

Now, you will say to me, Mr. Attorney-General, and I would imagine that you would say to me, although I don't want to put words in your mouth, that in fact these parties can still exist because you are not taking away their right to existence, you are only taking away their right to issue tax receipts. But I am suggesting that that puts them at a disadvantage. If there is in fact an advantage in being able to issue tax receipts, if in fact, by being able to issue tax receipts, a party can thereby function better, can thereby collect money in a more orderly fashion, can thereby collect more money, then there is an advantage to being a registered party and you will be, as I said, disadvantaging those smaller parties and those new parties. That's the one objection that I have to this.

It is a hard enough chore for a new party to go out and sell its ideology or sell its cause or its need for existence to 2,500 persons. In other words, it will be difficult for a party, a new party, an untried and untested party, to go out and collect 2,500 signatures on a petition, but if you demand that those persons signing that petition have taken out a membership in the political party, then you are making it nearly impossible for any new party to come into existence in this province. Whether you intend to do that or not, that is the effect that you are having with regard to this particular Clause (c).

But I would suggest that this particular Clause is even more unworkable than that and more repulsive than that, because how do you determine if those persons are in fact a member of the political party? Do you make them have numbers as a member of a political party, and they have to sign in their number, or do you demand to see their card? Do you go around from house to house and say let me see your membership in that political party, let me see your card? Or do you demand to see the list, the membership list of the political party in order to validate that, in fact, those 2,500 members are a part of that political party?

I would suggest that it is unworkable, at best, and at best it will be impossible to enforce and it is thereby poor legislation. At worst, it is an infringement of the worst kind on the political rights and the political activities of the citizenry of Manitoba.

So I would suggest, and I would move

THAT the Clause be amended to strike from the fifth line, all those words after "application" in Clause (c) of Section 14(1).

MR. TALLIN: Can I have that again?

MR. COWAN: The amendment is to strike all those words in the fifth line — I'm sorry, Mr. Chairman, perhaps it would be more expedient to strike all those words in the fourth line, after "voters" and that would clarify the matter even more. In other words, the clause would now read, "Where the application is made at any time other than during the campaign period for a general election, the political party provides the commission with a petition for registration signed by not fewer than 2,500 persons who are eligible voters." —(Interjection)— All right, we can carry on. "during the most recent general election prior to the application."

I believe the amendment, as I read it in the first case, was proper.

MR. CHAIRMAN: Mr. Cowan, we are on 14(1)(a).

14(1)(a) pass. Mr. Walding.

MR. WALDING: Mr. Chairman, can I ask the Attorney-General whether there is in here anything that specifies how a party, or under what conditions a party would become deregistered?

MR. MERCIER: Pardon me?

MR. WALDING: I want to know which part of this Act would cause a party to become deregistered.

MR. MERCIER: What you would have to do is apply for deregistration. It would have to be an initiative of the party, to ask to be deregistered.

MR. WALDING: The reason I asked, Mr. Chairman, is that under 14(1)(a), it would seem that a party can become registered if its members hold four or more seats in the Assembly. The question is, what happens if that number falls to three? Are they still eligible for registration? Do they lose it automatically, or must they apply for deregistration? What happens if it falls to two, or one, or zero, and if there is not provision for deregistration and the party simply fades away, do they become enshrined forever as a registered political party?

MR. MERCIER: Yes, they would become enshrined forever, under this legislation. —(interjection)— If they, in essence, went out of existence and were really no longer a party, they wouldn't be filing their forms anymore and therefore, I suppose, would be deregistered through that process, like just not keeping up with the regular filings.

MR. WALDING: It occurred to me, Mr. Chairman, that there might be a registered party that was flourishing as of five years ago but now is practically defunct and a different group of persons wants to reactivate the party, perhaps under the same name, but different people. There seems to be some prohibition on the use of a name that is similar to another political party, and I wonder how they would go about it.

If there is provision that the registration be somehow kept up to date, if a party can become registered by producing a petition with 2,500 members of a party, is the provision still there the following year if they have lost a few hundred members?

MR. MERCIER: Are you worried about your party?

MR. WALDING: No, Mr. Chairman, I am not worried about my party, I am worried about the enshrining, the institutionalizing of a party system. I guess that the Minister, and perhaps the government, foresees in bringing this in that the electoral system, as it always tends, will go to a two-party system and that gradually that will become the norm and that there will be little or no provision for any evolution of politics in the province. That is my concern here, in part.

The other more perhaps general concern that I have is as to the benefits, or otherwise, of a party or a candidate being registered in the first place. Now, I understand that the government wants to bring in the matter of tax deductible, tax creditable receipts, and in order to have some check on that, it is proposed that parties and candidates be registered in order to apply for that benefit.

In reading the Act, I am not sure whether there are any other benefits to a party or a candidate in being registered, or whether the terms of this Act would apply to any party that was prepared to forego that particular benefit. It would seem, in reading it, that part of the Act applies to registered parties and registered candidates, but there are other sections in here that would seem to apply as general election provisions which perhaps ought to be better placed in The Elections Act itself.

So I wonder if the Attorney-General could very briefly review for me whether there are benefits other than the tax creditable receipts for registration, whether there are other benefits under this Act and what the benefits would be to a party or a candidate that decided to forego that registration.

MR. MERCIER: To answer the question just briefly, the ability to issue tax receipts is the main benefit of registering, for tax purposes.

MR. WALDING: Are there any other benefits?

MR. MERCIER: The name of the party on the ballot under The Elections Act is the other main benefit.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Mr. Chairman, members opposite are viewing the Act from the point of view of exclusion of the possible birth of other parties, and what we really have here, just to underline what the Attorney-General is saying, is a means of public financing of the political and electoral process in this country.

We could approach it differently, as some from time to time suggest, and indeed there is a more direct method of financing that the federal system has, for instance, and you would have the same kind of — you must have some rules that establish eligibility for that kind of financing. It seems to be, however, an acceptable pattern that is developing federally and in other jurisdictions, that brings us to some form of public financing and in this way, through the issuance of tax deductible receipts, to the support of the political process. That's the goal of this legislation. Members opposite are, in my judgment, Mr. Chairman, reading into the Act a position that isn't there. It certainly isn't there by, I believe, the Attorney-General or this government, but it simply wishes to acknowledge and wishes to extend and make possible the public contribution, if you like and that's really what we are talking about. The tax receipt that you are writing off is one way of providing the necessary funds to maintain the electoral and the party system in this country.

I remind honourable members that the kind of benefits that are currently in force in Ottawa for a federal candidate running in a federal election, receives very specific public funds for the running of that election, but I am sure, Mr. Chairman, that they have their set of rules apply.

That, really, is the only contribution that I wanted to make at this particular time. Not to suggest, as the Honourable Member for Churchill or other members seem to indicate, that this is a means to thwart the development of other political parties, to

maintain the status quo, or to suggest an exclusion or something like that, but some guidelines, some benchmarks have to be set and when a political group meets those benchmarks, and we can argue about at what level that benchmark should be in, but there must be, for the fact that we are dealing with public tax dollars in the writing of these tax receipts, there must be some benchmark established that we can agree on and find acceptable.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, the Member for Lakeside is justifying the proposal based on what is now placed in other jurisdictions, including the government of Canada.

But it is a self-perpetuating proposal and that's the problem with these kinds of pieces of legislation, they tend to protect those that are there at the time and tend to, well, maybe not intentionally, but have the effect of defeating the possibility or the chances of other groups forming into political parties that may want to enter the political arena, for a financial reason, I believe, that that is the case. Here you have established parties that would be financed, indirectly in this case, through the provincial treasury, but a new party starting out, having to compete against its own tax dollar. That's really the situation.

Now, I recognize that the suggestion is made for practical application, but it seems to me, rather than having a requirement of petitions, which has to identify the people, which I think is unfair, that if you have to have something, I would say if a political party is registered, that it could be registered if it had 10 percent of the total candidates, or if you have 57 candidates, you must have at least 10 candidates to be a political party in an election, or something like that, rather than forcing identification and forcing the numbers and so on. I am sure there are other means.

I am not totally opposed to having some criterion established, but I don't think that the financing and the numbers game is the way, other than a number of candidates running for office could be one of the best yardsticks of a political party. If you have 10 out of 57 plunging in for the first time, you know, I don't think that's a bad criterion to operate on. But 2,500 names, whether they are party members or not, as the Member for Churchill said, just delete the requirement that they be party members, the fact that they are names on a list would obviously identify them as party members even if they didn't have a membership. —(Interjection)— Well, they are supporters of the party and they are being asked to identify themselves as a supporter of this new party. That is no different than identifying yourself as a member of a party, in my book. It is really semantics.

So if there is a way around it, I think it is something as I have suggested, Mr. Chairman, that it should depend on the number of people that they can muster for the election, the last one or the next one, or some form of regulation that wouldn't be stringent, as the present proposal is.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, the difficulty with this kind of legislation is that there is a cost to the general taxpayer — I'm not sure what the figure was that the Minister of Finance used — and because of that, you have to have some minimum protection for the taxpayer.

At the same time, you have to balance that off in attempting to preserve as much political freedom as you can. The Member for Churchill has made a suggestion that in (c) the words "who have taken out a membership in the political party" be deleted. Mr. Chairman, I am prepared to go along with that. That would, as the Member for Churchill indicated, serve to increase political freedom to some extent and we want to try to do that with this bill. I indicated, when I introduced both these bills, that we want to attempt to be as reasonable as possible, as we can, in considering amendments by all members of the House, and with respect to this suggestion, I want to indicate that we are prepared to agree with the motion to delete those words "who have taken out a membership in the political party."

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: Thank you, Mr. Chairperson. I wanted to answer some of the comments of the Member for Lac du Bonnet. I just wanted to indicate, and put it on the record, that one does not have to indicate support of a specific party by signing a petition, but one can indicate, and I think justifiably so, support of the electoral system that allows that party to come into effect. So I would not suggest that every person who signs a petition in this regard would be a member of that party or would indicate — (Interjection)— They may well be, but there could be justification for them signing, other than a membership in the party.

I am pleased to hear that the Minister is willing to have that amendment put in place, because I believe it will in fact take away some of the rigidity that was in place previous to the amendment.

I would like to answer some of the statements made by the Minister for Public Works in regard to what I think might be a misconception of our opposition to many parts of this bill, and I am speaking only for myself now, because I am not certain that I have approval to speak for my whole caucus in this regard, but I personally believe that there is a need to bring order into the electoral system, more order than we have right now, and I personally believe that there is a need to in fact finance the electoral process somewhat out of the public purse. I believe that tax credits are one way of seeking to do that.

But I do also know that, whatever the intentions of the government in this regard, and they may well in fact be honourable or they may not be honourable, I think only time will tell in that regard, but whatever their intentions are, whatever the sincerity of the government is, there is a possibility that they have become overzealous in their application of that, that they have made it too restrictive, that they have in fact inadvertently or advertently consolidated their own electoral position by doing so. And we will argue each case as we go through this bill in that regard, we will argue against those sections whereby we believe that the government has become overzealous, that it has perhaps become too restrictive. But by doing so, we are not arguing

against the concept of bringing order into the electoral process and also against the concept of public financing for the electoral process. Although there may be some individuals who will take up that argument, I assure the Minister that I am not one of those individuals.

The reason I brought this particular matter to the attention of the Minister, the Attorney-General, and I hope the reason that the Attorney-General has agreed with my concerns, is that I thought it was too restrictive. So what we have argued against is a restrictive part of a bill. I have not in fact argued against the concept. I may, and I do reserve the right to argue against the bill in its totality, because I may believe the bill, even with the changes that are brought forward this evening, or the bill, even with the changes that may be brought forward later, will not in fact serve the purpose to which we would expect such a bill to work.

But the fact is, I want no misconception to remain on the record, and I have said it in my speech to this bill in the House, that there is a necessity for legislation to deal with some of the problem. I just do not believe that this particular legislation is, at this point, an appropriate vehicle.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Mr. Chairman, I don't wish to prolong the debate on this matter, but just to take up the point, I think there is possibly more agreement on both sides of the House on this issue than was originally indicated by the honourable members' opposition to this bill.

The Honourable Member for Lac du Bonnet suggests a benchmark. He throws out 10 members, or 10 candidates, constitutes a political party. The Attorney-General, who is presenting the bill, sets out another particular benchmark. The Honourable Member for Churchill says, and agrees, that some order ought to be brought into the system, and I remind honourable members, we establish our own rules. For instance, in this Legislative Assembly, we say what constitutes a political party in terms of carrying on orderly business in the House. We say a party must have four members to have the status that is granted to a party, and there are tangible benefits to that status in terms of speaking, in time privileges in the House, indeed, in terms of financial privilege to the leader of that kind of a party.

Now, I don't know what happens in other jurisdictions. In other jurisdictions, it may be five members, or 10 members, or three members that constitute a political party. I am merely suggesting that the Attorney-General, in this bill, has put forward a benchmark for recognition for a political entity, and I am rather glad, Mr. Chairman, that at this late hour, there seems to be an endorsement and an acceptance of the thing that we are trying to do. So we end up with perhaps having a disagreement as to what level or what kind of benchmark ought to be accepted and I, for one, am of course prepared to accept the recommendations that the Minister is bringing forward.

MR. DEPUTY CHAIRMAN: Mr. McBryde.

MR. McBRYDE: Mr. Chairperson, I am not as optimistic as the Minister of Government Services is in terms of our agreement on this bill. The initial intent, as explained by the Attorney-General, was to provide public financial assistance to the electoral process. That seems to be the intent, as he outlined it.

What we have before us, though, is, Mr. Chairperson, a bill that is very confused, very messy, and not coherent internally. The other thing that has happened with this bill in terms of the drafting, and whoever did most of the work on the drafting, is that there are some very specific things in here that are very partisan. There are some things within this bill which, in my opinion . . .

MR. DEPUTY CHAIRMAN: The Attorney-General on a point of order.

MR. MERCIER: Mr. Chairman, on a point of order. I appreciate the member might want to make some overall opening statement . . .

MR. McBRYDE: Like you did.

MR. MERCIER: I made a statement when we were discussing Sections 3 to 13. We are now on I think, a section-by-section of the bill. I want to tell the member that we have had discussions with his leader and the critic in this matter, and we think we have some solutions to the concerns, so I wonder if we could just get on, as we should be, with a section-by-section discussion of the bill.

MR. DEPUTY CHAIRMAN: Mr. McBryde.

MR. McBRYDE: Mr. Chairperson, I want to address myself to the registration of political parties, which is the section that we are on right now.

MR. DEPUTY CHAIRMAN: 14(1)(a).

MR. McBRYDE: The registration of the political parties is a key part of this bill, and if you don't have the provision, in terms of financial assistance, then you don't need the registration of political parties. The registration of political parties can be used in a very partisan way and, in my opinion, much of this bill somehow ended up being drafted in a partisan way, and that is the Conservative Government that controls, is the elected government of Manitoba at this time, is doing some things in this bill to hurt their main opposition, the party that could take over from them, in terms of how we are financed and how we organize our campaigns, etc. —(Interjection)— Mr. Chairman, if I can continue without interruption from the Attorney-General, I will continue to address my comments.

MR. MERCIER: Let's get the specific sections.

MR. McBRYDE: May I continue, Mr. Chairperson?

MR. DEPUTY CHAIRMAN: Mr. McBryde.

MR. MERCIER: Sure, with . . .

MR. McBRYDE: Thanks for permission, thanks a lot. I really appreciate your permission to talk in this committee.

Mr. Chairperson, in this particular section, we are not saying to the Member for Lakeside that this is a bill which, with some amendments and some changes, can be made to be a worthwhile and workable bill. We are saying that this bill is a mess, and that if we patch it up, if we spend a number of hours tonight trying to make it better than it is, that all we will have is an improved mess, or a patched-up mess, because this bill basically needs redrafting. We need a new bill. This bill should be withdrawn and brought back again at the next session of the Legislature.

The problem that we see, as demonstrated in this particular section, is in terms of the registration of political parties, which is a requirement if we are going to have the kind of public financing — and I am not sure that the benefit of public financing, in my own mind, and I'm not sure if my colleagues agree with me, is not undone by the nature and the detail of this bill, and that is, the good that is done is overcome by the harm that is done in terms of how this registration is going to be done and other restrictions that have been contained in this bill, which I consider to be of a partisan nature.

When you come to the registration, I do not, Mr. Chairperson, trust this particular government and certain Ministers within this government and certain people within it, in terms of how they will deal with that, because, Mr. Chairperson, we have seen within the public service of this province, we are aware of certain Ministers affecting people's employment, harrassing people because they are members of a political party, because their political affiliations are known. Mr. Chairman, we are quite well aware of that.

We are also aware of other employers, besides the province of Manitoba, that use your political affiliation against you. Now, Mr. Chairperson, this is not something that is easy to prove; it is not something that you can get evidence for because they find another excuse: "Your job is no longer required; we are transferring you to another community, etc., etc." But in northern Manitoba, Mr. Chairperson, the people have been dealt with in a partisan way, people have been persecuted and punished because of their political affiliation. And the Minister, the Attorney-General, I don't believe is aware of all that in detail. His colleague, the Member for Thompson, the Minister of Labour, has been one of the most vicious and petty in terms of using his influence in a political way with individuals in northern Manitoba, and that is the case.

That is why I am very hesitant in terms of individual rights, political freedom within the province of Manitoba, to say to the Attorney-General that it's fine if you register people, it's fine if you get access to the party lists or you know who party memberships are, because I do not trust many of the people within his government in terms of how they would use and misuse that particular information.

That is a reality of the situatioin that we face, Mr. Chairperson, and my recommendation is still strongly that this bill be withdrawn and that we don't try and have an improved mess, but that we have a new bill come the next session.

Mr. Chairperson, I want to address remarks t number of sections within this bill which I see damaging and they outweigh any benefit of pu financing.

MR. DEPUTY CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, I would like follow-up to the remarks that the Minister Government Services made, having to do, I thi with registration particularly.

What he says about financing is true, that what t government is trying to do here is to enable a cert amount of public funding to go to political parties know a number of people in our party also suppor public input into the political process, but r concern is, at what price? What is given up accepting that money? What rules and regulatio will be imposed on the parties who accept th registration? I am quite sure that at the next sessio or at least after the next election, that there will be whole new raft of amendments to this bill because the loopholes to be plugged up and things that nee to be tightened up even more, that there will be ne rules and new regulations which will bind the partie even more so.

I don't believe it is just the Conservative Party tha is trying to do this. I am quite convinced that if ou party were in power, that we would put ever mor bonds and rules and regulations on, because he wh pays the piper calls the tune, and as long as publi funding is going in there, the state will ever more pu more restrictions on the parties, until you will fin that you've got only two parties, or maybe even on party that's in a very straitjacket of what it can do when it can do it and with whom, and at what time So that's my specific concern, Mr. Chairman.

To get back to the specifics of registration, I raised a point when I spoke to this bill at second reading and suggested that there could well be a proliferation of registered parties under this particular section, and I'd like to ask the Attorney-General whether he sees any reason why there should not be a political party in every constituency.

MR.DEPUTY CHAIRMAN: Mr. Cosens.

MR. COSENS: Mr. Chairman, I understood we were on clause-by-clause consideration. Are we considering Clause 14(1)?

MR. DEPUTY CHAIRMAN: (1)(a).

MR. COSENS: That's fine, I just wanted some clarification.

MR. DEPUTY CHAIRMAN: 14(1)(a) pass; 14(1)(b) pass; 14(1)(c) pass — Mr. Cowan.

MR. COWAN: Thank you, Mr. Chairperson. I'd like to ask the Attorney-General why it is that this application can only be made at a time other than a general election, and a political party can only become registered during a general election if it has held four or more seats in the assembly, immediately before the date of issue of the writ for the election. I seek some justification for that distinction.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, the question, to make it clear, was on (c)?

MR. COWAN: On (c). It's my understanding, Mr. Chairperson, from reading the Act very quickly that the mechanism of a petition with 2,500 persons signing it, is only applicable at any time other than during a campaign period for a general election, and the only method for a political party . . .

MR. MERCIER: Mr. Chairman, I think it has, in the eyes of the drafter, something to do with time and administrative problems that might occur during a general election, the involvement of probably the electoral commission in an election, and in determining voters from a previous voters' list. But I would be prepared to delete the words, "the application is made at any time other than during a campaign period for a general election" to read "where the political party provides the commission." Maybe if they make the application during a general election, the electoral commission might have to take a little longer time to deal with it, but that's fine. So if the member wishes to include that in his amendment, that's fine.

MR. COWAN: I would wish to include that in an amendment. Just so that there be no misunderstanding, I would also speak, and will speak at the appropriate time to the total withdrawal — or I assume I will speak to the total withdrawal of this particular Act, and I will do so because I believe that it should be brought forward in a more orderly fashion and a fashion that allows for more public input and more co-operation between the parties. I do not want these amendments to be misconstrued as in any way support the bill, but just trying to make what the Member for The Pas has indicated is a mess, a little bit less of a mess. And having said that, I would make the amendment that the words "the application is made at any time other than during the campaign period for a general election" in lines 1 and 2, be struck, and that the words "who have taken out a membership in a political party" be struck in lines 5 and 6.

MR. DEPUTY CHAIRMAN: 41(1)(c) as amended pass; 41(1)(d) pass — Mr. Walding.

MR. WALDING: Mr. Chairman, I asked the Minister a question a few minutes ago about whether this Act would permit a political party to register as a political party in all 57 constituencies.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: No, because they could only use the name once, the name would be protected once and another area couldn't use the same name.

MR. WALDING: 15 says that the commission may refuse it where the name or the abbreviation so nearly resembles the name of a registered political party. I'm suggesting to the Minister that the Osborne New Democratic Party can not be confused with the St. Vital New Democratic Party.

MR. MERCIER: I don't think it's possible, Mr. Chairman, basing it on (d), if a member of the political party held a seat.

MR. WALDING: Suppose I told the Minister that I'm a member of the Osborne New Democratic Party. Will that not permit the Osborne New Democratic Party to make application as a political party?

MR. MERCIER: It's not the Osborne New Democratic Party, it's the Osborne Constituency Association of the Manitoba New Democratic Party.

MR. WALDING: That's the name of one party. I'm suggesting that another party by the name of Osborne New Democratic Party could apply to the commission to be registered as a political party, and meets the criteria given in 14(1)(d).

MR. MERCIER: Well, if you want to, go ahead. I don't want to restrict anybody, if that's what you'd like to do, go ahead.

MR. DEPUTY CHAIRMAN: 14(1)(d) pass; — Mr. Walding.

MR. WALDING: If I may, Mr. Chairman, I'm not sure whether the Minister realizes the implication of it. But if that were the case, a registered political party in a constituency may spend 75 cents a voter or something, and its candidate may spend 40 cents. Any other candidate for a provincial party running there is limited only to the 40 cents, whatever the case may be, so you will see immediately that one candidate is entitled to spend almost twice as much as a fellow candidate, and I'm sure the Minister wouldn't agree that was fair. (Interjection)— . . . why the Minister of Government Services thinks that if there were 57 New Democratic Parties each with the name of a constituency tagged on the front, that that would prohibit or exclude any Manitoba New Democratic Party, or a Winnipeg New Democratic Party, as well.

MR. TALLIN: Then the Manitoba party would have no members presumably, would it?

MR. WALDING: What is to prevent anyone being a member of more than one party?

MR. TALLIN: No, I mean in the House.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, we don't want to suppress political freedom; if that's what the NDP party would like to do, fine. You've got to raise the money.

MR. DEPUTY CHAIRMAN: 14(1)(d) pass; 14(2) pass — Mr. Doern.

MR. DOERN: Mr. Chairman, I want to ask a couple of questions here.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: It might be helpful, Mr. Chairman, if I indicated that my understanding is that members

opposite would prefer to see this clause deleted from the Act, and we do not object to that.

MR. DEPUTY CHAIRMAN: Where are we talking now? 14(2).

MR. MERCIER: All you have to do is call the question on it.

MR. DEPUTY CHAIRMAN: Ready for the question? Mr. Doern.

MR. DOERN: Mr. Chairman, I'd just like a clarification there in regard to (b). Is there a provision in the bill that would again require trust funds to fully disclose. I think that's coming up, isn't it? That's coming up, fine.

MR. DEPUTY CHAIRMAN: Question on 14(2), that it be deleted. All in favour? —(Interjection)— . . .

MR. DOERN: In favour of the section, not the deletion.

MR. DEPUTY CHAIRMAN: All in favour of 14(2)? Against? Defeated. 15 pass; 16 pass; 17 pass — Mr. Doern.

MR. DOERN: Mr. Chairman, in regard to 16, there's a requirement here. Let me just read the first couple of sentences here: "Where any of the particulars disclosed in an application of a political party for registration is changed, the registered political party shall notify the commission in writing within 30 days of the change." It would seem to me that that is a very — if we take it literally, that's an impossible suggestion. I don't even know what that means. Does that mean that if you get one more member, you fill in a new application; if you get one less, you fill one in; if you raise another nickel, you fill one in; if you do this, you do that. I mean, what is the purpose of what would seem to be a continuous reapplication or re-registration? I just do not understand what is being attempted there.

MR. MERCIER: Mr. Chairman, Section 13 outlines the records to be kept by the commission — records of candidates, records of chief financial officers, records of deputies to act for chief financial officers.

MR. DOERN: So in other words, what is contained in 13 is —(Interjection)— that's the commission, not the political party.

MR. TALLIN: Mr. Chairman, it was anticipated that the application would be very simple, and you will notice that the material that was to be supplied with the application is not all the application. For instance, the petition is not the application, it's something that accompanies the application. Presumably the application will say, what is your name, who is your leader, who is your chief financial officer, what's your address and that king of thing, that's all they need to know. That's in the application.

MR. DOERN: Mr. Chairman, so if any of those alterations, there would be notification.

MR. TALLIN: Yes.

MR. DOERN: And that's clearly spelled out where?

MR. TALLIN: No, because they prescribe a form, but the form will be prescribed for the purposes of the commission to keep them registered, because that's all they're doing.

MR. DOERN: That's not spelled out in the bill though.

MR. TALLIN: No, it would just be a prescribed form.

MR. DOERN: Fine.

MR. DEPUTY CHAIRMAN: 16 pass; 17(a) pass; 17(b) pass; 17 pass; 18 pass; 19 pass; 20(1) pass; 20(2) pass; 20 pass; 21 pass; 22 pass — Mr. Uskiw.

MR. USKIW: Well, Mr. Chairman, I just want to read that: "Where a person is convicted of an offence under this Act, or of an election offence under The Elections Act, he commission shall not, within 5 years of the date of the conviction, register the person as a candidate in respect of an election."

MR. MERCIER: It's only for tax purposes.

MR. USKIW: Oh, it doesn't deny him the right to run?

MR. MERCIER: No. That's only for tax purposes.

MR. USKIW: I see.

MR. MERCIER: If Legislative Council can think up something that could be added to clarify that in the minds of everyone, that's fine with me.

MR. DEPUTY CHAIRMAN: 21 pass; 22 — Mr. Mercier.

MR. MERCIER: 22: We're going to suggest that there be an amendment to delete all the words after "contributions" and add "given for income tax purposes."

MR. DEPUTY CHAIRMAN: 22 as amended — Mr. McBryde.

MR. McBRYDE: Could the Minister explain that a bit further?

MR. USKIW: What is the impact?

MR. TALLIN: You've got to put your registration number on all income tax receipts.

MR. MERCIER: "The commission shall assign a registration number to the political party or candidate, as the case may be, which shall be used on receipts for contributions given for income tax purposes." Just for income tax purposes, receipts.

MR. McBRYDE: What is the deletion change?

MR. MERCIER: Receipts for all purposes.

MR. DEPUTY CHAIRMAN: 22 as amended pass; 23(1) pass; 23(2) pass — Mr. Uskiw.

MR. USKIW: Mr. Chairman, I'm wondering whether these sections are now going to be affected by changes made in the previous sections. Maybe not, but I'm just cautioning . . .

MR. MERCIER: I think they clearly refer to income tax purposes.

MR. USKIW: Yes.

MR. DEPUTY CHAIRMAN: 23(2) pass; 23 pass; 24 pass — Mr. Mercier.

MR. MERCIER: On 24 there's an amendment.

MR. DEPUTY CHAIRMAN: Mr. Anderson.

MR. ANDERSON: I move

THAT Section 24 of Bill 96 be struck out and the following subsection substituted therefor:

Constituency association not to issue tax receipts.

Section 24. No constituency association of a political party, and no person acting on behalf of a constituency association of a political party shall issue a receipt for income tax purposes, or show a registration number assigned or purporting to be assigned under this Act.

MR. DEPUTY CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, I'm not sure that I understand what is intended here. No person — how do you determine that a person is acting or not acting on behalf of a constituency association? If you are a member of the constituency association or its executive, and you are on a fund-raising campaign for the provincial party or the federal party, will it not be confusing to determine what you are, in fact, doing or not doing?

MR. MERCIER: Do you want to repeat that?

MR. USKIW: If you look at the amendment. It says, "no constituency association of a political party, and no person acting on behalf of a constituency association, shall issue a receipt for income tax purposes." Who issues the interim receipt for income tax purposes when you're involved in a fund drive for the party? —(Interjection)— Well, no. I mean, under the federal system, when you send out a canvasser, the canvasser issues a temporary receipt, but the party issues the official receipt for tax purposes, so we're not trying to preclude someone issuing a temporary receipt, the person who is involved in fund-raising for the provincial party. Why not?

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, they could issue, I suppose, a temporary receipt, but it wouldn't have any income tax benefits. The party would then issue the income tax receipt.

MR. USKIW: That's right, but in legal terms though, why can't the president of the Gimli Association raise money for the party and issue tax receipts? The party will issue the tax receipts.

A MEMBER: He can collect any money he wants to.

MR. TALLIN: But he can't issue a receipt on behalf of a constituency organization. The receipt has to be issued on behalf of the central party.

MR. USKIW: And it doesn't matter that he was doing the collecting.

MR. TALLIN: No.

MR] USKIW: No one executive member of the constituency association, that has no bearing?

MR. TALLIN: Yes.

MR. USKIW: I see, okay.

MR.DEPUTY CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, to me it seems fairly clear that this simply says that no individual can issue a receipt for income tax purposes with an income tax number. It doesn't preclude somebody from just issuing a receipt for the money. So you can issue all the receipts without income tax numbers that you want, and therefore our system which tends to be the person collecting the contribution issues an interim receipt, and then the essential party issues the official receipt as is consistent with this section.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I think, Mr. Chairman, it also recognizes that their constituency associations will be involved in different little fund-raising events, maybe a raffle sale or whatever, but they won't be issuing tax receipts.

MR. DEPUTY CHAIRMAN: 24 pass; 25 — Mr. Doern.

MR. DOERN: Mr. Chairman, on 25 I just wanted to mention here, that on these two pages there are a score of figures which are all over the place. On 25, it's under 25.00; on 28 (1)(a) it's 10.00; on 28(1)(b) it's 1.20; on 30 it's in excess of 25.00, so we have under 25.00 and over 25.00; we have 10.00 and we have 1.20. It seems that all of this should be brought into line, or at least some of these provisions. We intend to speak on 28(1)(b) in particular, but even the other ones, it seems that there is some discrepancy, and maybe that should be made consistent.

MR. MERCIER: Mr. Chairman, under this section the intention was to try and cover or limit anonymous donations, that's the main purpose of this section.

MR. USKIW: Limit it to about 25.00.

MR. MERCIER: Right. But with the previous amendment, if members opposite were inclined to prefer that that section be deleted, we could support the deletion of that section.

MR. USKIW: Mr. Chairman, is the intent here related to tax advantages, or is it trying to preclude large donors?

MR. MERCIER: It's trying to preclude large anonymous donors.

MR. USKIW: Then I have to have an explanation. What is the logic in precluding an anonymous donor? Why would we want to do that? Some people don't want to be identified as having made a financial contribution to a political party, but they wish to make a contribution. Why would we not want to give them the option of making that choice, whether they want to be known or unknown?

MR. MERCIER: We were trying, Mr. Chairman, in the bill to provide for a full disclosure of contributors.

MR. USKIW: Yes. Mr. Chairman, let's get down to practical local politics here.

MR. MERCIER: We're prepared to delete it.

MR. USKIW: Well, let's illustrate the problem. A general contractor who does business with governments all the time wants to make a political contribution, but doesn't want anyone to know that he or she has made a political contribution. The party may be in power or the party may be in opposition, but the general contractor knows that he must appear neutral to the extent that he can, for the sake of his business. He can't afford to be identified politically, at least he feels he can't, for fear that he may not be in a position to receive future government contracts. This is a fear that many people have in business. So why would we deny that person the right of making their contribution without identification?

MR. MERCIER: That's our decision.

MR. USKIW: Pardon me?

MR. MERCIER: That's our decision.

MR. USKIW: What's the logic of it? What's the purpose of it? You're taking people out of the system when you do that.

MR. MERCIER: As I say, Mr. Chairman, the . . .

MR. USKIW: No, I'm saying, if they don't wish to have the tax benefits, they're not interested in that, but they do want to make a contribution to a political party, why do we want to deny them that right?

MR. MERCIER: We don't. We can delete that.

MR. USKIW: We can delete that. Oh, all right, I'm sorry. Okay.

MR. DEPUTY CHAIRMAN: 25 pass. Mr. Walding.

MR. WALDING: Mr. Chairman, I'm a little confused by the use of the word "contribution" which occurs in several different places. It's defined in the fund, it's made subject to this clause and 26, and it seems to be accompanied in some places for income tax purposes and sometimes for the purposes of the . . . I wonder if we can get a clarification on the use of "contributions."

MR. MERCIER: Mr. Chairman, that's why we left the definition sections till last.

MR. WALDING: Could you just tell me what it means now as we go along, because it occurs in several places, including 26 and 27?

MR. DEPOUTY CHAIRMAN: Mr. Tallin.

MR. TALLIN: I don't know whether I'm going to be helpful to you or not. "Contributions" is defined in a particular way, but throughout the Act, the way it was drafted, there were sections which said, when money is given in this way it is deemed not to be a contribution, and that's why in the definition there was reference to 25 and 26 as well as 32(1)(d) and 32(1)(c), I think.

But the contribution itself is not the question of whether or not it's for income tax purposes. It's what kind of a receipt you get for it, and what kind of a receipt you ask for when the contribution is made, or is offered to you perhaps. I suspect the majority of people who are making donations, or contributions, will expect a tax receipt. There will be some who will say, I don't want it disclosed on a tax receipt, just give me an ordinary receipt, or no receipt at all, if you wish. And then it's only a matter of recording the amounts.

MR. WALDING: Yes, I suspected that it had some similar meaning to that, and that's why I expected to see the word "contribution" defined as contribution for which a tax receipt can be given, but I don't see that there. Is that the intent? Because it speaks in the definition section of a contribution to a constituency association, which apparently is not permitted for income tax purposes.

MR. TALLIN: That's right. The definition was all-embracing, whether it was given with the expectation of a receipt for income tax purposes, or whether it was given with the expectation that no receipt would be given. Depending upon what you do with the question of disclosure when you get to that part of the Act, it then may be pertinent to redefine the contributions in some way, because it will be a question of whether you want full disclosure, partial disclosure, or no disclosure.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: I understand that the Attorney-General may be proposing some deletions between 25 and 27, or deletions through the normal form of voting against. I was just wondering if he could indicate which sections he's prepared to delete from the bill.

MR. MERCIER: Mr. Chairman, I can indicate, as a result of the discussions we've had, that we are prepared, if members opposite wish, to support the deletion of 25, 26(1) and 26(3).

MR. DOERN: And that would leave in 26(2), which is the . . .

MR. MERCIER: 26(2), if I may speak to it, we think is necessary because of problems that — well, if it's not there, there is a necessity then to consult with the Department of National Revenue in every event you hold, and we thought it would be better to provide a formula as others have done.

MR. DOERN: Well, Mr. Chairman, I think that we would agree to that, unless any of my colleagues are hesitant; I think you could just call those sections and we could vote on them.

MR. DEPUTY CHAIRMAN: 25. Ready for the question? Mr. Walding.

MR. WALDING: Mr. Chairman, I'm not sure I understand the implication of deleting this section. When it says, by way of general collection of money, does that suggest that the hat is passed around and people will put different sums into it? Or supposing there was someone who contributed 25.00 and wanted a receipt?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Then they could get one. They wouldn't put it in a basket; they'd go to them and say, I want my receipt, wouldn't they? They know it's going to be lost if it goes in the basket.

MR. WALDING: Yes, but a general collection at a meeting, does that mean passing the hat amongst the audience? Or does it mean that you have a table at the side that people can come to and are solicited to go and pay some money.

MR. TALLIN: No, general collection I think means where it's not given specifically to an individual with the expectation that some record will be made.

MR.CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, the reality is that people put in 1,000 in a hat by way of a cheque. Yes, a hat is passed around at a meeting and some people throw in 1,000.00, with their name on it. Sure. So if we delete that, are we compromising anyone by so doing?

MR. MERCIER: I don't think so, no.

MR. USKIW: I'm trying to read the implications.

MR. DOERN: I'm reading it in the following way: That where a person just throws money in to the pot, they will not get a receipt, but where they ask for a receipt and then give the money, or they give a cheque, and then ask for the receipt, they will in fact have the benefits of that. So it's only the so-called "anonymous" contribution that you wouldn't get that, but wherever you asked for it and then were given one, or you gave a cheque and then asked for one, it would easily be identifiable. If you throw 200 in while the hat is going by, it's going to be difficult to claim that later.

MR. USKIW: That is only true if you delete this section. If you leave it in then there's a problem for the guy that wants to contribute more than 25.00 and doesn't want it recorded.

MR. DOERN: So let's vote against it.

A COUNTED VOTE was taken on 26(1) and defeated.

MR. DEPUTY CHAIRMAN: 26(2) pass; 26(3) All in favour? Against? Defeated. 27 pass; 28(1) pass — Mr. Mercier.

MR. MERCIER: Perhaps it would be helpful if, as a result of the discussions we've had, we offer this for your consideration: Strike out all of 28 and put in this "subject to Section 29, where a contribution of more than 10.00 is made to a registered political party, or a registered candidate, and the contributor requests a receipt therefor for income tax purposes, the chief financial officer, or his duly authorized deputy, shall issue a receipt therefor in a form prescribed or approved by the commission."

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, that would seem to be acceptable. Our concern here was that there was going to be a requirement originally, whereby trade union supporters who gave 10 cents a month would have to have receipts issued, names listed and so on, and given the cost of issuing receipts, in terms of labour and paper and mailings and stamps and everything else, it would possibly cancel out. So the net effect is, I assume, that it simply means that people who donate over 10.00 and require a receipt or request a receipt, will get a receipt. That would be a marked improvement over the present section, so I would support what the Attorney-General is saying and vote against 28(1).

MR. MERCIER: The motion, if somebody would make it, would be to strike out Sections 28(1) and (2) and substitute therefor what I read.

Mr. CHAIRMAN: Mr. Doern.

MR. DOERN: I'd be prepared to move that, Mr. Chairman.

A COUNTED VOTE was taken on the amendment and passed.

MR. DEPUTY CHAIRMAN: 28 as amended pass — Mr. Walding.

MR. WALDING: We seem to have slid over 27 very quickly there, and I just wanted to ask a question or two on that, to make sure that I understand it. This indicates that a candidate spending his own money, after he becomes a registered candidate, can get receipts. I'm not sure who it is that issues the receipts to him? Does he issue them to himself, as a registered candidate?

MR. TALLIN: The chief financial officer issues the receipts, or the chief financial officer's deputy.

MR. WALDING: Of the party, or his chief financial officer of his campaign?

MR. TALLIN: It would be his own. He would have to get registered if he wants to get a receipt, because he's using it for his own campaign.

MR. WALDING: Can I ask what requirements there are of him, where the money came from? Is he required to account for that?

MR. TALLIN: No.

MR. WALDING: So if he draws 10,000 out of an account that he has and pays for his election campaign, there is no requirement for explanation then?

MR. TALLIN: No. We presume that he's honest, and if collected the 10,000 from other peoples' contributions he would disclose that in his declaration.

MR. WALDING: Would that be needed at election time, or even before an election?

MR. TALLIN: No, after the end of the campaign period, when he makes his statement.

MR. WALDING: Yes, but does he account for the money he received before he becomes a registered candidate, or can he be in receipt of those funds before he becomes registered and therefore not have to account for them afterwards?

MR. TALLIN: Just wait while I take a look at the way it is drafted at the moment. It is the full amount relating to the candidate's campaign, during the campaign period. Receipts, payments, transfers and dealings of funds during the campaign period, so presumably if he had money before that, he treats it as his own, I guess.

MR. WALDING: So if I wanted to finance Mr. Uskiw's campaign and gave him 10,000 before the writs were issued, he would, as a registered candidate spend the 10,000 on his campaign and would show it as spending his own money for a campaign.

MR. TALLIN: Presumably it is his own money. You gave it to him.

MR. WALDING: Since I have given it to him.

MR. TALLIN: Yes.

MR. CHAIRMAN: Are we still on 27? Mr. McBryde.

MR. McBRYDE: There's some further clarification, Mr. Chairperson. I'm not quite clear how this works in reality. Okay, a candidate gets 200 from his bank account and fills up his car to go the next community to campaign, how does he get a tax receipt for that? Or does he hand over the 200 to his campaign financial manager, who hands it back to him with the receipt?

MR. TALLIN: Again, we presume that candidates are honest people. He says he spent funds of his own on his own campaign. He went out and bought some pamphlets to be printed, and that sort of thing. He becomes registered when the writ drops and gets his nomination paper in; he goes to his chief financial officer, his official agent, and says, here are the receipts for the payments I made in order to get the printing done, give me a tax receipt for it. I think that's all there is to it. I would think the chief financial agent would want some receipts, or some evidence of how the money was spent before the campaign, that's all. Because he has to make his return after the end of the writ, and people may be saying, justify it — well it has to be an audited statement to begin with, so somebody wants to know where the receipts for all these expenditures are, whoever audits it.

MR. CHAIRMAN: 27 pass; 29(1) — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

THAT Section 29 of Bill 96 be struck out and the following section substituted therefor:

No receipts for donation in kind

Section 29. Receipts shall not be issued by a political party or candidate for the value of a donation in kind, made to the political party or candidate.

MR. MERCIER: Mr. Chairman, I'd like to say that should read, "receipts for income tax purposes".

MR. CHAIRMAN: All in favour of the amendment? Mr. Walding.

MR. WALDING: Could we ask Mr. Anderson to read it over? We haven't had the benefit of reading these in advance, so we have to understand as we go along.

MR. CHAIRMAN: Okay. 29: No receipts for donations in kind. Receipts for income tax purposes shall not be issued by a political party or a candidate for the value of a donation in kind, made to the political party or candidate" pass.

MR. USKIW: That replaces 29(1), (2) and (3), I presume.

MR. MERCIER: Right.

MR. DEPOUTY CHAIRMAN: 30 pass — Mr. Cowan.

MR. COWAN: Thank you, Mr. Chairperson. I would just seek some clarification as to why the figure of 25.00 was chosen in regard to a cut-off, regarding the disclosure of a contributor.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, the 25 referred back to section 25, which was 25(2). If members wish we can now make that 10.00; it'll make it the same as 28.

MR. DEPUTY CHAIRMAN: Mr. Uskiw.

MR. USKIW: That means that — it says records, but what are the income tax implications here, Mr. Chairman, or are there any?

MR. DEPUTY CHAIRMAN: Mr. Tallin.

MR. TALLIN: This was put in, not for income tax implications particularly, but for the disclosure provisions later on, and again, depending on what you do with the disclosure, you may want to come back and have another look at 30.

Might I suggest, however, that if you reduce it to 10.00, perhaps you don't need the (b) concept, which is a total of 10.00 in a year, because otherwise it becomes a little bit ridiculous when you're keeping track individually of any gift of 10.00 and then also you have to keep track of 1.00 and 2.00, because pretty soon you get up to the 10.00 limit.

MR. DEPUTY CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, could we hold this aside until we advance to the disclosure provision and then come back to it?

MR. DEPUTY CHAIRMAN: That was 30 we'll hold, eh? 31(1) pass — Mr. Doern.

MR. DOERN: I think there's some objection to these sections, Mr. Chairman. I'll just take one moment here to read this again. This, I assume then, is the section that would give protection against trust funds. Is this the main purpose, that if a contribution is accepted by a trust fund, an unincorporated association or organization, you have to have a breakdown indicating the individual sources in amounts? So that would seem to be a useful provision.

But my original note said that it was contradictory to 31(2), and that's what I wanted to just look at. I don't know what the problem is exactly, but it seems that in the first instance you require a breakdown of the individuals in 31(1) but in 31(2) then you don't issue any receipts, and I just wonder whether that makes sense in view of the first part.

MR. DEPUTY CHAIRMAN: Mr. Tallin.

MR. TALLIN: I don't know whether you want me to explain the drafting concept of it.

MR. DOERN: Yes.

MR. TALLIN: I don't know how it fits in with the policy. This again related to disclosure, and the idea was that if a person chose to make his gift through an organization or through a trust, he lost the benefit of getting his income tax benefit, but on the basis of absolute disclosure of who's contributing, you want to get the information of the disclosure. That's why you requested the information as to what the source of the funds was, but also said, you don't get an income tax benefit. If you want an income tax benefit, make it on a straight direct payment, don't use some devious little trust fund or an unincorporated association.

A MEMBER: It sounds pretty straighforward to me.

MR. DOERN: Under 31(2) then, it says, "no receipts shall be issued", why is that?

MR. TALLIN: Issued to that person or trade union.

MR. DOERN: Why not?

MR. TALLIN: It will be issued to the unincorporated on behalf of the trustee.

MR. DOERN: A bulk amount.

MR. TALLIN: Yes, but not to the individuals who contributed, because they made an indirect route instead of the direct.

MR. DOERN: So they will not get an income tax receipt.

MR. TALLIN: Yes.

MR. DOERN: Okay. Then on the third one, 31(3), shouldn't that read "shall require" rather than "may require"?

MR. TALLIN: Because I don't think the commission needs to know unless the party can't get it. The party is expected. They say, you've given us the cheque, give us the names of the people from whom the money was accumulated from.

MR. DOERN: Yes.

MR. TALLIN: If they can't get it, then they may need the commission to back them up, and then the commission at that time may ask for it. Now it may also be that what the trustee gave was 15.00, and the commission in its wisdom may say, it's such a minor matter we're not going to ask for a complete accounting of where the 15.00 came from.

MR. DOERN: You're telling me then that where requested they will have to produce it.

MR. TALLIN: Yes.

MR. DOERN: So it's not an option. It's a case of where it's requested, they'll have to come up with it one way or another.

MR. DEPUTY CHAIRMAN: 31(1) — Mr. Walding.

MR. WALDING: I'm not sure if the Attorney-General was going to answer.

MR. DEPUTY CHAIRMAN: I'm about to call 31(1). Mr. Doern.

MR. DOERN: Mr. Chairman, my question really is, I assume that we want to know, in a case of a trust fund, where the money came from and who the contributors were, therefore, my question is, shouldn't we say "shall require" the information and the filing of a return?

MR. TALLIN: You may not need it, because the information may already be available, and then they would have to ask for it all to be done again.

MR. DOERN: You think it's redundant to say "shall"?

MR. TALLIN: Yes, and it takes away the discretion of the commission to say, we're not going to bother about miniscule amounts, that's all.

MR. DOERN: I see, yes. Okay.

MR. DEPUTY CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, the Minister had a discussion this afternoon with Mr. Bucklaschuk over the word "person" referring to corporations, and yet I see in 31(2) that it says, "person, corporation or trade union".

MR. TALLIN: In 31(2)?

MR. WALDING: Yes, and in 31(1) it also mentions "unincorporated association or organization". Can I get a clarification of the words "person" and what it includes and doesn't include?

MR. TALLIN: "Person" includes corporation, and in 31(2) if it is to be left in, "corporation" would be best left deleted. The unincorporated association, of course, is a plurality of persons, and all we're saying is, that in that situation we want to know who the plurality of persons are that make up the organization. Trade unions are excluded from that, because trade unions are a conglomeration of a particular kind, which is almost the same as a corporation but they don't have that status of being a legal person as such.

MR. WALDING: I see.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, it would appear from the amendments we've made so far, that the words "unincorporated association" could very well include "a constituency association," and it's on the basis of the amendments and the suggestions and the things we've been talking about before, it would probably be appropriate to delete all of Section 31.

MR. DEPUTY CHAIRMAN: Mr. Uskiw.

MR. USKIW: Maybe we should have legal counsel just check that before we do it and come back to it later, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Mr. Tallin.

MR. TALLIN: I think the decision is, do you want disclosre from that kind of thing, or do you want to say, no, the trust fund or the unincorporated association is enough?

MR. DEPUTY CHAIRMAN: Mr. Walding.

MR. WALDING: Well, you would delete the requirement for disclosure from a trust fund if you deleted all of 31, I assume. Can I ask a further question on the trust funds as it applies to disclosure? If the trust fund making the contribution to a political party or a candidate listed as its sources another trust fund, or more than one, would that be the end of it, or would there be a reqirement for that trust fund?

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: No, because it refers to individual sources in my view. It must indicate individual sources.

MR. DEPUTY CHAIRMAN: Mr. Walding.

MR. WALDING: Is the Minister now saying that if there was a second trust fund involved, that disclosure would be required from that?

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: I would tend to say it could be, yes.

MR. WALDING: And suppose it were not known by the first trust company who the second trust company was?

MR. MERCIER: Yes, you're particularly in a problem with this, but there could be existing moneys, for example, in the hands of a constituency association of which there's been no record kept where the moneys came from.

MR. WALDING: Of course not.

MR. MERCIER: How do you show? It's almost impossible to comply with this section.

MR. DEPUTY CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, Section 31 I think, is one of the few progressive sections of the bill and I certainly would not want to see it deleted. This is the section that deals with disclosure by trust funds, and I think that's been a problem in Canadian political life, namely, anonymous trust fund donations come in, they're set up to hide the donors, and I think that this section must remain. I don't know if there's any amendments required, but certainly the last thing we want is to have it deleted. We want to know who is involved and what the amount of the contribution is. Try it.

MR. DEPUTY CHAIRMAN: 31(1) pass; 31(2) pass; 31(3) pass — Mr. Walding.

MR. WALDING: Mr. Chairman, the Minister has suggested that contributions from constituency associations to their candidate would be impossible to fall under one of these items. Is he now saying that he wants it to go through anyway?

MR. DEPUTY CHAIRMAN: Mr. Uskiw.

MR. USKIW: No, I think he means to put an exemption in.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: I don't know what the solution is, whether the solution is an amendment that this section becomes applicable from today on, or

whatever. I think you need something like that, otherwise I think it's impossible to comply with.

MR. DEPUTY CHAIRMAN: Mr. Cowan.

MR. COWAN: Especially at a quarter to three in the morning, I find all this very confusing, as I think do most members around the table, Mr. Chairperson, but I will attempt to understand what is happening here. It is our belief that we want to see the disclosure mechanisms for trust funds kept in, yet we realize that there may be a problem with constituency associations. Is that a correct understanding of the situation?

MR. MERCIER: Yes, constituency associations, and maybe official agents from previous elections — committees for the re-election, the Member for Lac du Bonnet.

MR. COWAN: We have a problem with that, in that any group that we exempt then can become a vehicle for pushing money in and avoiding the disclosure.

In other words, if we were to . . .

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: The problem is, at what date does it become effective? If you make it effective as of a certain date, and then everyone knows from then on that that's what they have to comply with.

MR. DEPUTY CHAIRMAN: Mr. Uskiw.

MR. USKIW: Well, Mr. Chairman, why don't we leave that section in for the time being, and if there's a problem, have legal counsel advise us before we're through?

MR. MERCIER: Sure.

MR. DEPUTY CHAIRMAN: What are we holding now?

MR. TALLIN: We're holding 30 and 31.

MR. DEPUTY CHAIRMAN: Okay, I've already marked them, but I guess that's . . . Okay, 32 — Mr. Mercier.

MR. MERCIER: Mr. Chairman, I think with respect to 32(1) and (2), members opposite and others have expressed concerns about restricting contributions from individuals ordinarily resident outside of Manitoba, and individuals or corporations outside the province of Manitoba, or transfers from federal political parties, or intra-transfers, and we can not object to the deletion of Sections 32(1) and (2), and 33(1).

MR. DEPUTY CHAIRMAN: 32(1) and (2) are being held then? Is that what I am reading?

MR. DEPUTY CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, the Attorney-General is responding to suggestions made to him, both in the House and unofficially, that Section 32(1) was a major concern of the official opposition, as were other sections of 32(2) and 33(1) and 33(2), for a whole score of reasons which I won't repeat, concern about donating to people outside of the province or receiving donations from people outside of the province, the corporation section, and the fact that the Manitoba parties would be unable to make sufficient contributions to the federal parties, or receive from them. I regard this as a major concession, and we would wholeheartedly — (Interjection)— commonsense concession, says my colleague, but at any rate it would be a major step forward, so we would support the deletion.

MR. DEPUTY CHAIRMAN: 32(1) deleted; 32(2) deleted; 33(1) deleted; 33(2) deleted; 33(3) deleted; 34(1)— Mr. Cowan.

MR. COWAN: Mr. Chairperson, I would ask the Attorney-General if he could explain the purpose of this provision, 34(1).

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: This clarifies that funds can be transferred from the party to the association, or to a constituency association, or to a candidate. A constituency association may transfer to the party or to the candidate. A candidate may transfer to the party or to the constituency association.

MR. COWAN: I would then ask, Mr. Chairperson, why the distinction is necessary for a registered political party? In other words, could not any political party do that?

MR. MERCIER: Any party? Yes.

MR. COWAN: So if we deleted the word "registered" we would in fact clarify it that any party could do so? I'm not certain whether it's an important point, Mr. Chairperson, but it would seem to me that it would make the Act more explicit in that regard.

MR. CHAIRMAN (Mr. Brown): Mr. Uskiw.

MR. USKIW: Well, we've deleted 32 to 33 which deals with contributions and deals with transfers, and it seems to me that 34(1) was put in to show that these other sections don't apply here. So it seems to me this is a redundancy, silence condones the transfers. Am I not correct? If you had no reference to this question, then there is no prohibition. Is that not correct? The only reason its mentioned is because we have prohibitioned the transfers, up till that point, and this says what is not prohibited. I don't know why we need it there at all now.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I'd just as soon leave it in at the moment, because it may effect how we deal with 31(1).

MR. USKIW: Oh, I see what you mean, going back, yes. Okay.

MR. CHAIRMAN: 34(1)(a).

MR. MERCIER: No, no you're going to hold back 34(1).

MR. USKIW: And likewise with 34(2).

MR. CHAIRMAN: 35(1) pass — Mr. Doern.

MR. DOERN: Mr. Chairman, just a minor point, but I think one that we should change, 35(1) says: "that the chief financial officer of a political party shall in each year within three months after the end of the fiscal year of the political party . . . " In discussing this with some people, it would seem that the calendar year might be better to use than the fiscal year.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, a calendar year or a fiscal year are a 12-month period, and parties have established different fiscal year periods. I see no reason why we should require them to change; in fact the change causes a great deal of expense.

MR. CHAIRMAN: 35(1) pass — Mr. Walding.

MR. WALDING: Can I just ask a question here. It does refer to the chief financial officer of a political party; it doesn't say a registered political party. Now does this extend to all political parties which might not be defined in any way?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: They are defined, perhaps not very well, but hopefully so that they can be identified anyway as political parties.

MR. WALDING: Can I ask how the commission will know when the Rhinocerous Party's fiscal year ends, and how do they know who the financial officer is, how will they trace him?

MR. TALLIN: There's supposed to give notice of the appointment of the chief financial officer of the party. Failing to do so, if they can identify the party before a judge as being a political party that hasn't complied with the rules of this Act, they could prosecute the party.

MR. WALDING: Can I now ask the Attorney-General, since the reason for registering a political party is so that that political party can issue tax receipts, why should this bill concern itself with non-registered political parties? Is this not an intrusion into those parties who may wish to stay clear of the provisions of this Act?

MR. MERCIER: Mr. Chairman, the existing Act requires all political parties to file statements.

MR. CHAIRMAN: 35(1) pass; (2) pass; 36 pass — Mr. Mercier.

MR. MERCIER: Mr. Chairman, I throw this out as something — 36, I notice, requires a candidate's chief financial officer to file an audited statement. I wonder if there's any inclination to simply require a candidate to file a statement.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: An audited statement could be quite an expense.

MR. MERCIER: I think you're looking at 300, 400 o 500.

MR. USKIW: Yes, that's right.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, there's another problem I believe, that one month is pretty fast.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Not if it's not audited.

MR. DOERN: I'm just wondering whether we might want a longer period like 60 or 90 days, I don't know . . .

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I point out that in the definition section, the campaign period ends two months after polling day, so it's actually three months.

MR. DOERN: Okay. That's good.

MR. USKIW: Mr. Chairman, I move that we delete the reference to "audited statement" in that section.

MR. CHAIRMAN: 36 as amended pass; 37(1) pass; 37(2) pass; 38(a) pass — Mr. Doern.

MR. DOERN: Mr. Chairman, on 38 there, this is a statement concerning the total amount or value of contributions from each person or trade union whose aggregate contributions during that period equal or exceed 250 in total value, and the name and address of the person or trade union. There I'm wondering the opposite, I'm wondering how the figure of 250 was arrived at and whether in fact that might not be too high. What was the logic there?

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Along with that, Mr. Chairman, are their no contradictions in 38, given the fact that we've changed a number of sections that deal with some of these references in 38? Is there need for a cross-examination to make sure that we're not in contradiction now, having deleted certain sections? There may not be, but I just want to make sure that we're not in an anomalous position.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Sections 35 and 36 are still in . . .

MR. USKIW: The amounts — we made some changes earlier that I think might affect these sections. I'm not sure, I'm just —(Interjection)— No? I see.

MR. CHAIRMAN: 38(a) pass; (b) pass — Mr. Doern.

R. DOERN: Mr. Chairman, I'm sorry, I didn't get answer, I don't believe, as to why we strike an ıount of 250 here, what the logic is.

R. CHAIRMAN: Mr. Mercier.

R. MERCIER: Well as I recollect, the Law Reform ɔmmission recommended 500 for disclosure; it ıpeared to us 250 in this day and age is a asonable compromise for individual disclosures.

R. CHAIRMAN: 38(a) pass — Mr. McBryde.

R. McBRYDE: Mr. Chairperson, I don't want to ag things out, but I'm not following right now, and could be the hour and it could be my own oblem, but I was under the impression earlier on at we had disclosure over 25.00.

R. MERCIER: No, that's just for recording.

R. McBRYDE: And where does that recording go r the 25.00, does that go to that party or does it go the commission?

R. MERCIER: It's just required that they record ose donations so that they can calculate wherever ere is a total of 250 or more every year.

R. McBRYDE: Then if there's over 250 in the file, en it's a public document.

R. MERCIER: Yes.

R. CHAIRMAN: Mr. Doern.

IR. DOERN: I'm not clear there either, Mr. hairman. Is that the total amount of contributions the total contribution from an individual? Does ıat mean that everybody who gives 250 or more ets their name published in a document?

IR. MERCIER: 250.00 or more?

IR. DOERN: Yes.

IR. MERCIER: Yes.

IR. DOERN: What is it now? I can't remember. /hat is it now in terms of . . .

IR. MERCIER: It's 100.00 now I think. I'm sure the ɔnit is 100.00 now.

IR. DOERN: I'm saying, why then are we moving to 50.00? I mean, if we're trying for disclosure it eems to me you want a lower figure; if you're trying ɔr anonymity or protection then you try for a higher gure.

IR. MERCIER: Mr. Chairman, as I indicated, the .aw Reform Commission recommended 500.00 uring a year to a party, and the 100.00 limit in the urrent Act has been in since 1970, 10 years, so you an add up inflation over that period of time.

IR. MERCIER: Yes, that's true, it could be loubled.

IR. CHAIRMAN: Mr. Cowan.

MR. COWAN: I would just ask a question of the Minister. If a person were to be on a check-off plan where they gave a monthly donation of 20.00 a month which would amount to 240.00 a year, would they be required to disclose under this section?

MR. MERCIER: No.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, again perhaps it's the lateness of the hour, I'm unsure from 38, whether we are speaking of an annual financial return or an election campaign return.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: We're talking about the annual fiscal year statement.

MR. WALDING: The reason I ask, is that it does seem to refer to 35 and 36. The 36 refers to a campaign period of the election. Are there to be two separate statements here or is one to be subsidiary to the other one?

MR. MERCIER: It's the candidate who can receive moneys during an election period. All other times, it's the party.

MR. WALDING: So what is the candidate's financial fiscal year that he has to . . .

MR. MERCIER: Just for the campaign period.

MR. WALDING: Is that clear from 38? Does "filing a statement" refer to either the campaign period or a fiscal year, whichever applies to whichever one?

MR. MERCIER: Under 35 or 36, yes.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Do you remember you asked me why I drafted a section that was almost identical in two different sections?

MR. MERCIER: Yes.

MR. TALLIN: This is why. This perhaps would be better if we drafted one dealing with the political party and one dealing with the candidate. It might be easier to understand. When you try and get two groups under two sections with two different limits, it does become ambiguous, and if you want I could separate it and put it into two subsections.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: I just wanted it to be clear what the intent of it was, and whether we were putting a burden on a candidate to file at the end of a fiscal year. He might be long gone by that time.

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: Yes, it's getting difficult, Mr. Chairperson, the cross references. This question may be redundant, but I feel it's necessary at any rate, as soon as I can find out where we're at now, because

it's been difficult to keep track of where we're at now.

In this section it says that it directs itself specifically to "person"?

MR. MERCIER: "Person" includes corporations.

MR. COWAN: What about unincorporated associations, that's the question I want to ask?

MR. MERCIER: Yes.

MR. COWAN: It includes that also. Because in another part of the Act you had to have "unincorporated" separate.

MR. TALLIN: "Person" includes plural, and the person who's a plurality is an association.

MR. COWAN: So it does. Okay.

MR. CHAIRMAN: 38(a) pass; (b) pass; (c) pass; 38 pass; 39(1) pass; 39(2)(a) pass; 39(2)(b) pass; 39 pass; 40(1) pass — Mr. Mercier.

MR. MERCIER: Mr. Chairman, on 40, I understand from my discussions with members opposite that all of 40(1) (2) and (3) could be deleted.

MR. CHAIRMAN: There's a motion that 40(1), 40(2), 40(3) be deleted. 40(1) deleted; 40(2) deleted; 40(3) deleted; 41 pass; 42(1) pass; 42(2) pass; 42(3) — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

> THAT subsection 42(3) of Bill 96 be amended by striking out clauses (a) and (b) thereof and adding thereto immediately after the word "candidate" in the eighth line thereof, the words and figures "is ineligible to be registered under Section 17 as a cnadidate in any subsequent election.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, what is contained here is good. It's just that I'm still wondering about section (a). I gather that section (b) will be deleted but section (a) will remain. In other words, if you don't file and you win, you presumably should still file but won't be barred from your seat, so that has to be a good section, although it still is open to abuse in that the elected candidate may then not file. But I'm not going to argue that.

What is still left, is that a person who doesn't file is barred from subsequent elections.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Registration for tax purposes only.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Is ineligible to be registered under Section 17 as a candidate.

MR. MERCIER: For tax purposes.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, maybe the Attorney General could explain that, because I have always read this to mean, that if a person doesn't file after an election, that he cannot at any time become a candidate . . .

MR. TALLIN: Under this section?

MR. DOERN: Yes.

MR. USKIW: 17 doesn't say anything about tax purposes, Mr. Chairman.

MR. TALLIN: But it's registration. The purpose of registration is tax purposes.

MR. USKIW: Is that the whole purpose of registration?

MR. TALLIN: Yes.

MR. USKIW: Oh. It doesn't bar him from running for office.

MR. TALLIN: No, nominations under the other Act.

MR. USKIW: Oh, that makes sense.

MR. DOERN: I see. Mr. Chairman, perhaps the counsel could comment on that again. We have read this, or I have read this as being barred from standing for nomination, but you're suggesting it's only in regard to income tax purposes.

MR. TALLIN: That's right. He gets nominated under The Elections Act and that has nothing to do with registration. He can get money. Under The Elections Act he can take contributions for his election period.

MR. USKIW: But not from taxpayers.

MR. TALLIN: From the taxpayers, but he can't give tax receipts until he gets registered.

MR. DOERN: So that's the penalty.

MR. TALLIN: Yes.

MR. CHAIRMAN: 42(3) as amended pass; 43(1) pass — Mr. Anderson.

MR. ANDERSON: I have an amendment, Mr. Chairman.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, I have a question on that. Why do we refer to the leader of the party that shall appoint a chief financial officer, instead of the "party"? What has the leader got to do with the affairs of the party?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: That's what's in the existing legislation, that the leader appoints the chief financial officer.

MR. USKIW: Mr. Chairman, I look upon a leader as a tactical person in the political arena but not the

party machinery as such. To me a financial officer has to answer to the executive of the party and to the government under this kind of legislation. I don't know whether leaders should be involved in any of those things whatever. I can't understand that.

MR. MERCIER: It's the same way under the federal Act.

MR. USKIW: Is it?

MR. MERCIER: Yes.

MR. USKIW: Mr. Chairman, just to pursue that, if there is a problem arising out of the operation, you see the leader then becomes vulnerable. I'm trying to keep the leader out of the problems.

MR. MERCIER: That's hard.

MR. USKIW: If the party makes a mistake, the leader is here in name but in essence the party is going to be the functional party, so why should the mistake of a party jeopardize the position of the leader? I'm trying to understand why that's there. To me it looks cosmetic, but let's say a party pulled a real goof on an occasion which would reflect on the party, but why should it reflect on the leader? In essence, he's not going to be the acting person in whatever happened at that particular time.

MR. MERCIER: It reflects on him either way, Mr. Chairman. We're doing this to be consistent.

MR. USKIW: You mean, the leader in the financial question, he's condemning the party decision.

MR. MERCIER: Well, he could do this in the same way on this, I think.

MR. WALDING: What would you do with a party that doesn't have a leader? What action will you take against the Liberal party for not appointing a chief financial officer, or will you take action against its non-existent leader?

MR. MERCIER: Well, I'm sure they can appoint a temporary leader.

MR. USKIW: Mr. Chairman, let's assume that the leader, because he must according to this law, has appointed a financial officer of the party. The financial officer goes on a fund-raising campaign, or is in charge of one, raises 200,000 and disappears. The leader has appointed this person. Doesn't that automatically implicate the leader in his choice of appointment, and reflect on the leader rightly or wrongly, wherein if this was a party decision, the leader is free of this kind of an albatross, should it occur? Now it's a very hypothetical thing, but it could happen where there is mismanagement in the affairs of the administration of the party.

MR. MERCIER: If it's a party decision, no doubt the leader would appoint that person.

MR. USKIW: Yes, but all I'm saying is, legally the leader is the person who made the selection, according to this bill, and so everything that happens that is negative shall reflect on the leader because he's the guy that made the selection in the first place. I'd sooner have that to read "the party" if it's of no consequence.

MR. MERCIER: We'd rather have it this way.

MR. USKIW: You would eh? I'm surprised.

MR. CHAIRMAN: 43(1) — Mr. Walding.

MR. WALDING: Mr. Chairman, the Minister still didn't answer my concern about an actual case. We have a political party in Manitoba that doesn't have a leader. How will he perform this function? Who will be in breach of this requirement of the Act? I presume there is a penalty section at the back here. Who do you take action against for being in breach.

MR. MERCIER: They'll appoint a temporary acting leader. They've done it many times before; they've had a lot of experience.

MR. WALDING: Is there a time limit in which this action must be taken, can I ask?

MR. MERCIER: The existing Act provides that the leader of a recognized political party shall appoint a person whose essentially a campaign manager, to file with the chief electoral officer, the name of the agent — just a similar provision.

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: Perhaps the point that the Member for St. Vital bring forward, which I believe is a legitimate point that does demand some attention, could be rectified by a clause inserted in the absence of a leader of that party, and then you could have a secondary position appointed. I throw that out as a suggestion only. I know you couldn't draft it at this time of night, I'm not even certain whether you'd want to, but I think that could deal with the problem of a party that finds itself leaderless because of lack of willing applicants or lack of a mechanism to determine a leader.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Might I suggest that I think this is an academic discussion, because until the party gets a chief financial officer appointed, they can't issue any receipts, and I think that if the party is really an ongoing party, one of the things it is going to want is to be able to do, right off the bat, as soon as it can, is to start collecting with the tax receipt benefit. Therefore, they're going to get busy and get somebody as a leader who can appoint the chief financial officer. I think that the sanction here is not that they're going to be prosecuted, or that there's a time limit, the sanction is that unless they get it they can't issue any receipts.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: It doesn't say anything about registration.

MR. TALLIN: No.

MR. USKIW: I have a hunch there is a devious idea here, Mr. Chairman. The Attorney-General wants to force the Liberal Party into a hurried leadership campaign, so that they don't have time to find the best candidate, that's what he's doing.

MR. CHAIRMAN: 43(1) as amended pass; 43(2) — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move
THAT subsection 43(2) of Bill 96 be amended by adding thereto, immediately after the word "office" in the second line thereof, the words "the leader of".

MR. CHAIRMAN: 43(2) pass; 43(3) pass — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move
THAT Subsection 43(3) of Bill 96 be amended by striking out the words "appointing a chief financial officer a" in the first line thereof, and substituting therefor the words "the appointment of a chief financial officer of a political party the".

MR. CHAIRMAN: 43(3) as amended pass; 43(4) pass; 43(5) pass; 44 pass — Mr. Uskiw.

MR. USKIW: Mr. Chairman, I don't know if I'm right, but are there not now some problems with this section because of other deletions. I'm looking at (c), donations in kind and value reported and dealt with in accordance with this Act. Is there any problem with that?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Yes, there's a problem all right; (c) should be deleted.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: I move that we delete 44(c).

MR. CHAIRMAN: 44(c) deleted; 44 as amended pass — Mr. Walding.

MR. WALDING: Mr. Chairman, in that section (d) where it says "proper receipts," does that refer to tax receipts or all receipts.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: All receipts.

MR. CHAIRMAN: 44 as amended pass; 45(1) pass; 45(2) pass; 45(3) pass — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move
THAT subsection 45(3) of Bill 96 be amended by striking out the words "receive or accept contributions for or on behalf of political party or candidate, or issue receipts or interim receipts therefor" in the last three lines thereof, and substituting therefor the words "issue receipts or interim receipts for contributions received by or on behalf of the political party or candidate."

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: What's the import of that change, Mr. Chairman?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: It's just, I think, to allow them, frankly, to receive money, but they can't issue tax receipts.

MR. USKIW: Are you sure? I read it as not being tax related. There is a prohibition which worries me.

MR. TALLIN: . . . say, no person shall issue receipts for contributions received by or on behalf of the party or candidate, unless he's the chief financial agent or a deputy. So, if you have a secretary in your office, she can receive the money and make a note of it, and then when the chief financial officer gets in, he gives the receipt out. So that he's in charge of the books; he knows what money is coming in.

MR. USKIW: The way it read originally, my interpretation would be correct there wouldn't it — barring anyone, regardless of the tax question? Now it's related to the tax question.

MR. TALLIN: No, it's related to receipts.

MR. USKIW: To receipts.

MR. TALLIN: Yes, the chief financial officer has to know what's going on in the books, so he or his deputies have to give the receipts out, not just somebody who happens to be in the office that day.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: But it refers to interim receipts, Mr. Tallin, and quite frequently a fund raiser for the party will give a receipt in someone's home or business, wherever they're collecting money from, the official receipt then comes when the money reaches the party. Does this not say that no interim receipt can be issued by that person?

MR. TALLIN: Presumably the real fund raisers will all be appointed deputies and registered with the commission.

MR. WALDING: Including the secretary in the office who gives an interim receipt before its . . .

MR. TALLIN: If she's going to be giving receipts, yes.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I just wonder if I could get a response from the Attorney-General in terms of trust funds. Does this in any way have any bearing on trust fund contributions?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Not that I'm aware of, no.

MR. DOERN: In your judgment, it neither helps nor hinders trust funds. Fine.

MR. CHAIRMAN: 45(3) as amended pass; 46 pass; 47(a) pass — Mr. Doern.

MR. DOERN: Mr. Chairman, there are a couple of points here, moving from 47 into 48 and so on. On the first point, I just want to make the point that one of the problems with limiting advertising, or limiting expenditures during election periods, is that political parties can often take advantage of ordering materials or spending money on advertising, both before and after, and we all know instances of materials being stockpiled and we know instances of billboards being up for months in advance and so on and so on. I just really would like to ask the Attorney-General, my point being that I think that the ultimate aim of a good election bill is to control political expenditures on an annual basis, rather than for a 35-year period, because it's too easy to violate that.

MR. CHAIRMAN: Mr. Uskiw on a point of order.

MR. USKIW: Mr. Chairman, 47, as I understand it, places limits on third parties that want to intervene. The Group for Good Government, I think is what would be a good example, am I correct? Okay. Mr. Doern is debating 48(1), maybe we should dispense with 47.

MR. CHAIRMAN: 47(a) pass — Mr. Walding.

MR. WALDING: Mr. Chairman, I'd like to ask the Minister whether the Group for Good Government is a person?

MR. MERCIER: Well, under the Interpretation Act, it's a group of persons, an association.

MR. WALDING: But the intent . . .

MR. MERCIER: Under The Interpretation Act they would be included. I'd ask Mr. Tallin to correct me if I'm wrong.

MR. TALLIN: He agrees.

MR. WALDING: Is a trade union a person?

MR. TALLIN: The trade union is in a peculiar position, because there is a special provision in The Labour Relations Act that says, for the purposes of actions by or against the trade union, the trade union assumes the status of a person, but it doesn't say that it is a person, and therefore that's why there is special mention in here, because they try to retain that status to some extent. But they are not a person; in this case they would have to be only a group of persons.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: If they are not a person, then I take it from what you say that they would not be covered by 47.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I would think perhaps not. No. It might be a good idea to say no person or trade union in this case.

MR. CHAIRMAN: 47(a) pass; (b) pass — Mr. Mercier.

MR. MERCIER: On 47, Mr. Chairman, on legal advice I would make the amendment that we add after "person" "no person or trade union".

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: Speaking to the fairness of the Minister's remarks, I would suggest that if they're going to start suggesting that they should add trade union, then they have to add "or any other group of persons".

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I understand that it includes groups of persons, except trade unions. To be fair and reasonable about the whole thing, they should be included as well, then you've included everybody.

MR. COWAN: What that would do then, if I can ask the Attorney-General, would in fact include all — there would be no loopholes whatsoever in this particular section.

MR. MERCIER: Mr. Tallin says no.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: How about constituency associations? Are they a person?

MR. MERCIER: Well, if they are political issues, they should be involved. I would hope they'd be involved.

MR. WALDING: Mr. Chairman, I didn't get a reply to the question, whether a constituency association is a person.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: It's a group of persons again. But they would do it through the chief financial officer anyway.

MR. CHAIRMAN: Order please. We're having a little bit of difficulty. Everybody is talking at the same time, so if you will take it the way that I recognize you. Mr. Walding.

MR. WALDING: My question has been answered, Mr. Chairman.

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: My question, Mr. Chairperson, is how would that then compare to the Federal Act in regard to their restrictions on total campaign spending?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I can't answer that.

MR. COWAN: I'd ask, Mr. Chairperson, who would be making the determination as to whether or not the money expended on advertising was in support or in opposition to a candidate in an election or a political party and I draw to the Attorney-General's attention, some campaigns that go on outside of a political party campaign, during an election, that may not be directed towards one individual candidate or one individual party. Usually they're negative campaigns that are directed against two parties or directed against two candidates in an area, who would determine whether or not those would in fact come under the provisions of this particular section?

MR. MERCIER: Mr. Chairman, the electoral commission would decide whether or not to prosecute and, if it prosecuted, the courts would decide. Question on the amendment.

MR. CHAIRMAN: 47 as amended pass.

MR. WALDING: What's the amendment?

MR. CHAIRMAN: "No person or trade unions". pass; 48(1) pass. Mr. Doern.

MR. DOERN: Mr. Chairman, I have two objections to this section. The first one being, that there really should be limitations on annual expenditures rather than in regard to just the election period, that it's too easy to pre-order materials or spend money prior to the campaign, particularly a government has an advantage of being able to order its materials and make preparations prior to a campaign because they know, first, when the election will be called.

My second point is that I more strongly believe that we shouldn't just be talking about limiting advertising costs. Previous legislation talked about limiting election expenditures and I believe that was a good concept. It was good because it put a ceiling on expenditures. It was inadequate ultimately, the whole legislation, because there was no floor and I think that's another issue, I won't discuss it now, namely, that there should be public funding or greater public funding of elections.

But on this particular point what we are now doing, in effect, is limiting advertising expenditures and there will be no limit on the rest of the campaign. I think this is going to result in massive increases in election expenditures particularly in all the areas that are not covered by 48(1) and that when large amounts of money come into political parties, or governments, that they will spend them on paid and salaried campaign workers, on parties and on paraphernalia that are not covered.

I just cite as an example, the ultimate extreme which was the Republican party under Richard Nixon, where they had so much money at one point they didn't know what to do with it and they started thinking of all sorts of crazy schemes, some of them which were so ridiculous that I would be embarrassed even mentioning them, but I simply say that it's not good enough to limit expenditures on radio, television and for publications and so on.

I think that the previous legislation was sound, namely, that we could set a figure and then try to adhere to that limit. Now there were violations and there was an incredible inactivity in regard to prosecutions. Presumably we're now going to remedy that problem. Now the election commission will take over the powers of prosecution of the Attorney-General and, as a result, I expect that there will be some enforcement, whereas before there was an absence of enforcement and a reluctance to enforce. So I would suggest, Mr. Chairman, that Section 48(1), that there should be an appropriate amendment, namely, that instead of talking about a limitation on advertising costs it should be deleted and it should be substituted with "a limitation on election expenses".

If those figures are correct, those figures should remain 40 cents, 75 cents and 25 cents. If they are inadequate, then they should be subsequently amended but I want to make the point very strongly to members of the committee, particularly the Attorney-General and the government, that they're going to encourage more money being contributed, I think, particularly and logically by corporations, and then there's going to be great lengths gone to to spend that money and to throw it around in areas that are not covered by the Act.

I would much prefer a top figure being set and that, within that, then political parties can decide how much they want to spend on pamphlets, how much on barbecues and so so. But I think if we go with the kind of legislation being proposed we're going to see an incredible amount of barbecues and parties and enough booze to float a battleship and all sorts of other potential abuses.

So I would, first of all, draw this to the attention of the Attorney-General and I would finally propose an amendment in 48(1), that it be a limitation on election expenses. I so move, Mr. Chairman.

MR. CHAIRMAN: Question? Mr. Mercier.

MR. MERCIER: Just very very briefly, Mr. Chairman. I spoke to this when I introduced the bill. The limitation expenses on election expenses are full of hypocrisy; are unenforceable. Mr. Chairman, this is at least one area where it will be easy to enforce for that period of time when you can enforce this through the media, you know what the costs are, you can record it and enforce it.

Mr. Chairman, I think this is where, if people are going to spend a lot of money, it could have the most influence on an election campaign through media advertising. We have seen a growing tendency in election campaigns, to use media advertising more and more, rightly or wrongly. So I happen to think wrongly but it's being used more and more. We should limit it. We are limiting it. You can't limit overall election expenses because we know how many pamphlets, how many signs, how many things are bought beforehand, so I say, Mr. Chairman, this is a pragmatic approach to a problem.

There is disclosure of contributions. Candidates will still have to file statements of expenses for election periods and the public are smart enough. The Member for Elmwood referred to Mr. Nixon, but as the Member for Lac du Bonnet mentioned, what ruined him probably was the excessive amount of money he had and people simply will not support lavish campaigns. I don't think you can fool the people with that kind of thing.

MR. CHAIRMAN: All thos in favour of Mr. Doern's amendment?

MR. DOERN: The amendment was to change this to "a Limitation on election expenditures".

MR. CHAIRMAN: All those in favour?

MR. WALDING: What does he intend to be the limit?

A MEMBER: The same limit.

MR. DOERN: Mr. Chairman, if the amendment carries then we can look at sections (a), (b) and (c) and propose additional amendments.

A COUNTED VOTE was taken the result being as follows:

Yeas, 4; Nays, 6.

MR. CHAIRMAN: I declare the amendment defeated. 48 pass. Mr. Cowan.

MR. COWAN: Mr. Chairperson, I would like to speak to 48 and again it's late and I apologize if I'm misreading this. But my initial reading of it shows that it should apply only to registered political parties and not to political parties that do not register. Is that a correct interpretation of the section?

MR. MERCIER: Mr. Chairman, the intent was certainly to have it apply to all political parties. Legislative Counsel advise that what we should probably do, to make that clear, is delete the word "registered" in 47 and 48. It's in the first line in 47 and it's in a number of places in 48.

MR. COWAN: Well, I think in 47 it should be stricken also. My initial reading of it. I may think differently when daylight comes, which is in a few minutes.

MR. CHAIRMAN: 48 pass. Mr. Cowan.

MR. COWAN: We have agreed to delete the "registered" in 47 and 48, is that right? — (Interjection)

MR. CHAIRMAN: Is it agreed?

MR. COWAN: That's agreeable.

MR. USKIW: It's agreeable. I'll make the motion, Mr. Chairman, that Section 48 where the word "registered" appears, be deleted, in the first line.

MR. CHAIRMAN: All those in favour? Opposed? Carried.

MR. CHAIRMAN: 48, Mr. Cowan.

MR. COWAN: Now I will speak to the issue and I'll be very very brief but I do believe and share the sentiments of the Member for Elmwood, that there should in fact be a limitation on general spending and I understand that there are difficulties in trying to determine just what that spending . . .

MR. TALLIN: We just defeated that principle.

MR. COWAN: No, we voted on the amendment and now I'm speaking to the principle and I'll be very brief but I want to have the record show that at least one other person, if not more, agreed with the Member for Elmwood that there should be in fact limitations on general expenditures by a political party or candidate in an election campaign.

The federal legislation, although imperfect, has shown that it can be workable and it may not in fact be the best system but it is a control mechanism. I am concerned that those parties that have a fair amount of money will attempt to outspend other parties in an election campaign; and if the Attorney-General agrees that it is unfair for a moneyed party to outspend another party in regard to advertising, then it must be equally unfair for a moneyed party to outspend another party in regard to organizers, in regard to buttons, in regard to barbecues, in regard to pamphlets and I can assure you that pamphlets do make a difference and organizers do make a difference, and if you pay your scrutineers that makes a difference.

So I would suggest that we should try to develop a mechanism whereby we can limit general expenditures rather than apply this Act ad hoc to just one, albeit important, but just one phase of an election campaign.

MR. CHAIRMAN: 48 pass; 48(2) pass; 49. Mr. Mercier.

MR. MERCIER: Mr. Chairman, on 49, 50, 51, 52 and 53 there seems to be . . .

MR. DOERN: Mr. Chairman, could I just raise one question here, 48(2), is it the commission that will set the regulations to the Act?

MR. MERCIER: Yes.

MR. DOERN: Fine.

MR. MERCIER: In those five sections, Mr. Chairman, there's been a lot of debate that they're unnecessary. The practical likelihood is there is not money left over in campaigns.

A COUNTED VOTE was taken on Sections 49, 50, 51, 52, 53 and defeated.

MR. CHAIRMAN: 54 pass; 55 pass; 56 pass; 56(2) pass; 57 pass; 58 pass; 59 pass; 60 pass; 61 pass. Mr. Doern.

MR. DOERN: Mr. Chairman, on 61, this restricts proceedings to prosecute to the commission and I don't know what the present law is, I assume that under the present law an individual could initiate a prosecution or lodge a complaint. I'm just wondering whether that is so and also whether there might not be some value in allowing an individual to initiate an action.

MR. MERCIER: Mr. Chairman, the Crown can intervene in any private prosecution.

MR. DOERN: The question is, Mr. Chairman, are we . . .

MR. MERCIER: This is doing away with the Crown's power of intervention.

MR. DOERN: I agree. It's doing away with the Crown's intervention and it's limiting it to the commission. I'm just saying, should an individual citizen have the right to initiate a prosecution?

MR. MERCIER: They can make a complaint to the commission.

MR. CHAIRMAN: 62(1) pass; 62(2) pass; 63 pass; 64 pass; 65. Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move

> THAT Section 65 of Bill 96 be amended by adding thereto, immediately after the word "sections" in the first line thereof, the figures "126".

MR. CHAIRMAN: 65 as amended pass; 66 pass.

MR. USKIW: We have to go back to the beginning, 31, 34.

MR. MERCIER: 30 is the first one I have.

MR. CHAIRMAN: Section 30 pass.

MR. TALLIN: The suggestion was that it be reduced to 10.00 to make it consistent with Section 28.

MR. USKIW: Call Section 30.

MR. CHAIRMAN: Section 30 pass; Section 31.

MR. USKIW: We were holding that for some reason.

MR. MERCIER: We were holding that, Mr. Chairman.

MR. USKIW: That was to do with the trustees.

MR. MERCIER: Yes. I'm afraid I haven't had an opportunity to sort of sit down and look at it for the report stage.

MR. CHAIRMAN: So we just passed Section 30 over here then.

MR. MERCIER: So we can look at it for the report stage.

MR. USKIW: Why not and the same with 34? Was that the only one we were holding?

MR. TALLIN: Yes, except the definition section.

MR. USKIW: Except the definition, right.

MR. CHAIRMAN: Can we do that page by page, the definitions? Mr. Uskiw.

MR. USKIW: Mr. Chairman, I hope the legal counsel isn't going to try now to redo the definitions.

MR. TALLIN: I think the only change we have to make is in the definition of "contribution" where we strike out reference to Section 25, which was deleted; 26 stays in, it's still there; 32 was struck out so the reference to 32 can be deleted; and 34(2) stays in until we decide what to do with it at report stage. So the only change on the definitions, I think — 34(2) that has to come out too. No, no, that's the one that's held. That's also held. Section 34 is one of the ones that's being held.

MR. USKIW: The fund-raising function? It seems to me that wherever we made a change down the line, we had to go back and see what the definitions say. There may not be anything there.

MR. TALLIN: Fund-raising we still use in 26. Section 26 still refers to fund raising so that stays in. There's by-elections that are referred to; campaign periods referred to; candidates; the chief financial officer for the commission; institutions; associations.

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: Yes. Are we discussing the definitions generally now? Because I have one question on the definition of the chief financial officer. It applies specifically to a registered political party and I know in Section 47 and 48 we struck out the words "registered" and I'm wondering if we should do the same for the definition?

MR. TALLIN: No.

MR. COWAN: I'm not certain. If it can only be a chief financial officer of a registered party, then what we've done in 47 and 48 would be contradictory, then, or at least would not appear to be appropriate.

MR. TALLIN: Yes, that's correct.

MR. CHAIRMAN: Is it the intention to go Clause by Clause on Page 1, so we can do these things in some kind of an orderly fashion? What is your wish? Mr. Tallin.

MR. TALLIN: Could I make a suggestion? Could we perhaps do the ones that are obvious now and I'll look it over to see what further changes may be necessary for the report stage?

MR. USKIW: Absolutely.

MR. TALLIN: Then the first change would be in (d) strike out "registered" at the end of the first line of that.

MR. USKIW: In (d)?

MR. TALLIN: Yes. On the top of Page 2, first line, strike out "25" . . .

MR. USKIW: Just a second, Mr. Chairman. Could we go back to (f)? We didn't make any changes but the point was made by Mr. Anstett that there's a problem with the definition of a "constituency association" and the words he referred to was, that "holds itself out as the official association", whether that isn't a loophole that causes some problems.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: The reason for this is that the main use of "constituency associations" in the Act is either to prohibit a constituency association from doing certain things; and that prohibition should apply to that kind of an association whether it is actually endorsed or whether it's only holding itself out for that purpose. That's the reason why it was put in so that you can get them whether they're actually an endorsed constituency association or whether they're one that isn't endorsed.

MR. USKIW: It might be, if they weren't endorsed you couldn't do anything about it.

MR. TALLIN: Yes.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: I just want to ask a question on (d), the "chief financial officer". It's unclear to me, and perhaps it's the lateness of the hour, whether the chief financial officer is also the official agent or only could be the official agent and could there be two people representing a candidate in his election?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I would read it, as far as the candidate is concerned, the chief financial officer means the person appointed and that's the only person it means. There can't be two people.

MR. WALDING: But I believe The Elections Act, or at least the old one, specified that all the financial dealings of a candidate had to be through his official agent.

MR. TALLIN: That's right.

MR. WALDING: So, now we have two people who are responsible for the financial affairs of a candidate?

MR. TALLIN: No. This says, that for the purposes of this Act, so that we don't have to keep referring to chief financial officer and the official agent, we just use chief financial officer. When it's used with reference to a candidate, it means the official agent appointed by that candidate. It's a mechanism just to be able to use one word instead of always using two words.

MR. WALDING: So financial agent doesn't come into effect until the Writs are issued.

MR. TALLIN: Right.

MR. WALDING: And he is also, by the same standards, the official agent.

MR. TALLIN: Yes. Now, on (g) at the top of Page 2, strike out "25", "clause 32(1)(d)" so that it will read: "subject to section 26 and subsection 34(2)".

MR. WALDING: Mr. Chairman, when we were discussing that before Mr. Tallin said to us that the definition of "contribution" had to do with a policy decision on disclosure. I wonder if he could explain just what he meant by that.

MR. TALLIN: 25 went out, one of the disclosure sections went out and 32(1)(d), which was the prohibition section, wasn't disclosure, it was a prohibition against contributions from outside, from the federal political parties; 26 remains in, it's not a disclosure section; 25, you remember, was the general collections and how you disclose them and that sort of thing.

MR. WALDING: So "contribution" does not mean a contribution for income tax purposes, income tax receipting purposes.

MR. TALLIN: It means any money that's given to the party, whether you expect to get an income tax receipt or not, that includes a donation in kind.

MR. CHAIRMAN: (h), (i), (j) (k).

MR. TALLIN: I think (k) can go out.

MR. CHAIRMAN: (l), (m), (n), (o), (p), (q), (r), (s), (t), No. 1 as amended pass; Preamble pass; Title-pass; Bill as amended be reported pass; Mr. Mercier.

MR. MERCIER: Can we ask or authorize Legislative Counsel once more to revise the numbers and the reference sections, as we did with the last bill? (Agreed)

MR. USKIW: Well I have one last motion, Mr. Chairman, I suggest that this committee authorize an expenditure of some sums of moneys to Mr. Anstett's campaign for his contribution to the revisions here this evening. Some 26 amendments and 15 in abeyance for consideration. I thought that was pretty good.

MR. WALDING: Mr. Chairman, after that exercise that we've just been through in making changes and deleting sections wholesale, I really don't know what we've got left. Is the bill going to be redrafted and presented to us in its amended form so that we can check it over and just see what it is that we're dealing with?

MR. CHAIRMAN: Committee rise.