

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

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

Vol. LXX No. 14 - 1:30 p.m., Thursday, November 16, 2017

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Thursday, November 16, 2017

TIME – 1:30 p.m.

LOCATION – Winnipeg, Manitoba

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

**VICE-CHAIRPERSON – Mr. James Teitsma
(Radisson)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Mrs. Cox, Hon. Messrs. Cullen, Fielding,
Gerrard, Hon. Mrs. Stefanson*

*Mr. Allum, Ms. Fontaine, Mrs. Guillemard,
Messrs. Johnston, Swan, Teitsma*

APPEARING:

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

MATTERS UNDER CONSIDERATION:

*Annual Report of Elections Manitoba for the
year ending December 31, 2015 including the
conduct of The Pas by-election*

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

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

Before the committee can proceed with the business before it, it must elect a new Vice-Chairperson. Are there any nominations?

Mr. Scott Johnston (St. James): I nominate Mr. Teitsma.

Madam Chairperson: Mr. Teitsma has been nominated. Are there any other nominations?

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

This meeting has been called to consider the following reports: Annual Report of Elections

Manitoba for the year ending December 31, 2015 including the conduct of The Pas by-election; Annual Report of Elections Manitoba for the year ending December 31, 2016 including the conduct of the 41st Provincial General Election, April 19, 2016.

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

Mr. Andrew Swan (Minto): I would suggest, Madam Chair, that we speak—oh, we speak—we sit until 3:30 this afternoon.

Madam Chairperson: Is that the will of the committee, to sit until 3:30? *[Agreed]*

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

Mr. Swan: I suggest we proceed globally.

Madam Chairperson: Is it the will of the committee to proceed in a global manner? *[Agreed]*

Does the honourable Deputy Premier wish to make an opening statement, and would she please introduce the officials in attendance?

Hon. Heather Stefanson (Deputy Premier): I don't have an opening statement, but I just want to introduce Shipra Verma, who's the CEO of Elections Manitoba.

Madam Chairperson: We thank the honourable Deputy Premier.

Does the official opposition wish to make an opening statement?

Ms. Nahanni Fontaine (St. Johns): So I just want to begin by saying miigwech to the minister as well as to the Chief Electoral Officer, Ms. Verma, and to the other Elections Manitoba officials who are with us this afternoon. And I just want to take a quick moment just to say miigwech for the really important work that you do and your office does. And, certainly, I—it doesn't go unnoticed the phenomenal work that your office does that really is so important in respect of our democratic responsibilities, our democratic processes and our democratic rights. So, as an MLA but also as one woman to another

woman, I just want to say miigwech for your leadership and your very important work.

We know that a strong democracy needs fair and free elections. Manitobans are engaged in their democratic processes, and we wish to sustain and encourage that vital commitment among all Manitobans and certainly across the province.

As a critic, my hope—or, I hope to see Elections Manitoba—to see how Elections Manitoba is working to increase voter turnout, improve the accessibility of voter-voting and, certainly, the accessibility of voting among young Manitobans, which I think we can agree needs some work, and certainly among indigenous Manitobans as well. And I want to see how Elections Manitoba is ensuring fairness in the electoral process and implementing Elections Act amendments recently passed by the provincial government.

Certainly, I'm sure that Ms. Verma is aware that we have concerns with the amendments and the new act that was recently passed, so I'm sure that's no surprise that there'll be some questions on the record in respect of that. And certainly, no matter what political party we belong to, all Manitobans are committed to ensuring that the electoral process is strong and equitable for everyone.

And I just want to, again, say miigwech to everybody that's in attendance, and again for the work. And I look forward to your presentation this afternoon. Miigwech.

Madam Chairperson: We thank the member.

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

Ms. Shipra Verma (Chief Electoral Officer, Elections Manitoba): Thank you for those comments and feedback.

Well, good afternoon and thank you for inviting me and my staff to discuss 2016 and '15 annual reports. I'm joined today by Tracy Nysten, manager of elections finances and Mark Robertson, director of strategic initiatives. Our annual report looked at the 2016 general election, which was discussed at the last Legislative Affairs committee meeting. The report also contains some recommendations which were developed to support free and fair elections. Most of these recommendations are contained in Bill 27, which received royal assent last week.

I'd like to begin by thanking the members for their support and commitment to modernizing

Manitoba's electoral system through this legislation. I would also like to thank Legislative Counsel for their role in drafting the legislation. In developing these recommendations, my office was guided by two objectives: improving the voting experience and achieving administrative efficiencies. Recommendations were based on the experience of the past three general elections, review of other jurisdictions' best practices, and consultations with all the parties to the advisory committee. The adoption of permanent voter register, along with the provision of the legislation, embraces innovation, while ensuring the integrity of the voting process in our province. My staff and I greatly appreciate the consideration given to our recommendations throughout the process of developing the legislation.

It's worth noting that, among Canadian jurisdictions, Manitoba has been a pioneer in electoral reform. We were the first province in which women won the right to vote. We were also the first province to establish an independent and non-partisan commission for reviewing electoral redistribution. Membership of the commission is set by law and represents urban, rural and northern areas of the province. Manitoba's registered parties also unanimously supported adoption of a code of ethical conduct. While not legally binding, the code serves as a strong point of reference for the actions of political participants in this province. And most recently, as part of Bill 27, the requirement that the province-wide school in-service be held in election day will enhance convenience for voters and safety for students.

Now, turning to the 2016 annual report, I spoke at last year's committee about the conduct of the election, the post-election service and campaign finance review, all of which is covered in detail in this report. You'll note that operational expenditure for this election totalled \$13.5 million, with total reimbursement expenditure of \$3.4 million to candidates, parties and auditors. All election expenditure fell within the budgeted amount.

We also engaged a firm to conduct a complete and independent audit of election expenses. We feel this is an important measure, to take an audit to ensure we are using public funds wisely and responsibly. The audit report found that our office demonstrated sound practices in our financial administration of the 2016 general election. This report includes several recommendations for amendments to The Elections Act. All of them have been adopted through passage of Bill 27.

Along with introduction of the register, Bill 27 brings several other changes such as the 75-day election calendar changes, beginning with the flexible length period of targeted revision by the 28-day election period; the preliminary list will go out within two days of the writ being issued; voters will receive a voter information card telling them where to vote and how to update their information; advance voting will now run from Thursday to Thursday in lieu of Saturday to Saturday. As mentioned, said date will be an in-service day for all schools in the province. Certificate envelopes for non-resident advance ballots will be opened at 6 p.m.—just the certificate envelopes, not the secrecy envelopes; election day reverts back to 8 a.m., making advance voting and election day hours the same; voting hours—voting area size will increase from 350 to 500 in urban and 250 to 350 in rural.

*(13:40)

However, the voting places will generally be the same. Modification to the voting process can be made now with approval from the standing committee.

Impersonation of a candidate, candidate's representative or an election officer is now an election offence. The requirement for election officials to be Canadian citizens is removed, which allows permanent residents and youth to work in an election.

The report also includes recommendations for the amendments to The Election Financing Act. The first of two new recommendations would require constituency associations to file an un-audited financial statement as their annual return. This was included in Bill 26, which came into force on September 5th. The second was to require registered parties to file supporting documentation with their election financial statement. Currently, these are provided on request. By including these documents with the statement, the review process can be quicker.

We also have two outstanding recommendations: (1) To include government finances or resources under the section 92 of government advertising provision in order to strengthen and clarify this provision and a 30-day period for payment of late filing fees. The annual report also contains a recommendation relevant to the conduct of elections, which is to establish a single-address authority for Manitoba. This would improve efficiency for

the electoral purpose, especially in creation and maintenance of a permanent voter register.

Now, moving on to other activities in 2017. On June 13th, a by-election was held in Point Douglas due to the resignation of Kevin Chief. NDP candidate Bernadette Smith was declared elected. Turnout was 31.4 per cent. Operational conduct and financial details of this by-election will be reported in the 2017 annual report.

We have also completed an accessibility plan required under The Accessibility for Manitobans Act. The plan builds on existing practices to provide Manitobans access to voting services. We hosted a consultation in May with representatives from seven disabilities organizations. Their feedback has been an integral part of developing our plan. The plan outlines that many accessible voting opportunities already supported through The Elections Act, such as voting at home, in care facilities, assistance for voters, Braille, large-print ballots and curb-side voting. It also identifies our office's priorities for further eliminating barriers. These include enhanced accessible customer service training; developing partnerships with disabilities organizations to promote existing voting options; developing policies and practices to further enhance accessibility of voting, such as allowing voters with assistive applications on their mobile devices to use them at voting places. Our plan will be published on the website later this month. In developing this plan and adopting the accessible customer service standard, Elections Manitoba is in full compliance with The Accessibility for Manitobans Act.

Finally, I would like to speak about the Electoral Divisions Boundaries Commission. This commission meets every 10 years to review the existing electoral boundaries to ensure effective representation. The commission is non-partisan, independent of government and welcomes submissions from the public. Membership of the commission is set by legislation, includes the Chief Justice of Manitoba; the presidents of the University of Manitoba, Brandon University and University College of the North and the Chief Electoral Officer. The 2018 commission will be using 2016's Statistics Canada census data. The final report of the commission is to be produced in 2018 and will come into effect for the next general election. My office provides administrative support to the commission as well as implementation of its final report.

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

Madam Chairperson: Thank you. The floor is now open for questions.

Ms. Fontaine: Miigwech for your opening comments. There's a lot of information in there that perhaps we can delve into a little bit, but I want to go back to a little bit of—just if you might be so kind as to explain how you understand the voting ID requirements that were recently passed as part of The Elections Amendment Act.

Ms. Verma: So, as per the recent amendments to The Elections Act, ID will be required for all voters on election day. Currently—in the past, ID was required just in advance, or on election day if you were not on the voters list to be sworn on. The ID requirements remain the same, which is one government-issued photo ID or two other pieces of ID. If any of these documents do not have an address, then an address declaration will be accepted.

The additional feature, which I understand is vouching, which is now available for election day. A voucher who is present, whose name is not on the voters list but does not bring his ID can be vouched by another individual from the same electoral division by showing the vouchee can provide their ID which has their name and address, and sign a declaration.

Ms. Fontaine: Actually, maybe if we could go just a little bit back. I just kind of want to maybe explore a little bit about where the changes to The Elections Act—what was the genesis for this? Because I know that it's been reported several times by the minister that this was something that you personally wanted to see those changes?

So, if you could maybe just chronologically explain the genesis of this—of these changes.

Ms. Verma: So the ID requirement is not Elections Manitoba's recommendation. The recommendations which I have listed in my speaking notes were the recommendations which my office had brought forward.

ID recommendation or ID change is a government initiative.

Ms. Fontaine: So the changes in respect of the ID, the new ID requirements did not come; they were not your recommendation, to be clear. And from what

I'm understanding, you're saying that that was a government initiative, just to be absolutely clear?

Ms. Verma: Yes, the requirement to issue ID on election day was not Elections Manitoba's recommendation.

Ms. Fontaine: So, I guess then, when the minister has said, both in the House and in the media, that actually these were the changes that you wanted to see, that's not entirely accurate then? So—and I get what you just said that it is those other pieces, and maybe we could just outline again what were your recommendations in respect of those recommendations to the changes that we have.

Ms. Verma: So most of the changes in Bill 27 are Elections Manitoba recommendations, other than requirement to produce ID for—by voters on election day and vouching.

Ms. Fontaine: So I know that certainly—I mean, you—it could be argued or it could be suggested that you are an expert in Manitoba on elections. Clearly, you wouldn't hold your position if you weren't, right? You hold an incredible amount of expertise. And I know that in that respect, you would probably know what goes on across the country, and certainly, I'm sure that you would've been aware of what the former Prime Minister Stephen Harper had attempted to do in respect of some of his legislative changes.

Did you think that any of those were conducive or were needed here in Manitoba? Did that ever present a discussion in your office or even any thoughts in respect of, let's say—just say, what former Prime Minister Harper had attempted to do?

Ms. Verma: So in election world, there is always—we consider two principles, which guide election legislation. One is integrity of the election, and the second is accessibility. There's always, depending on jurisdiction and the policy of the government, there is a balance which is maintained between accessibility and integrity. Some people do argue that without ID, integrity is weakened, while there is one phase—or, one section—that says that by placing ID, there might be hardships which are faced by the electorate to exercise their democratic right.

* (13:50)

In our province, the ID requirements, in comparison to rest of Canada, we are very inclusive of the ID requirements, because there's not a requirement that the ID should show your address.

We allow an oath to be taken in case none of the IDs present—or have an address on them.

The other is the—it's very open about saying that any two pieces of ID which can be allowed to be shown as ID. So the list is exhaustive. It could be your debit card, your credit card. It could be a utility bill. It could be a health card. It could be a treaty card. It could also be a prescription bottle. It could be, for the hospital people, it could be the wrist band which is there. So the list of potential ID, if you look in Manitoba, is quite an exhaustive list in comparison to other jurisdictions.

At present, around 10 jurisdictions in Canada require ID on election day. There are only three jurisdictions who don't require ID on election day. So if you're looking at a trend, it's moving more towards requirement of ID in Canada versus the other way. Federally, ID is required, and municipally ID is required.

So if you're—the other thing was about what the minister has quoted or not, and I think that would be better—the minister can speak to that rather me on that question.

Ms. Fontaine: So prior to these changes, did you or did your office feel that there were any integrity issues in respect of our elections, or any serious or real concerns in respect of voter fraud?

Ms. Verma: I think I said in the past two we haven't seen any complaint on voter fraud in Manitoba. So—but the way of registering voters is changing with the creation and establishment of a permanent register. When we do enumeration, go door to door, a new list is created for every election. There is a level of assurance that if a person is coming to your doorstep and asking for your information, not that many people will be lying on your face, providing that information, and the level of trust in Manitoba is quite high in regards to the voters list.

When we move to having a permanent register, that face-to-face contact gets limited. We'll still be conducting targeted registration, depending on the areas and the criteria which is somewhat listed in the legislation, plus we'll be developing one based on the best practices of other jurisdictions and our own internal analysis. So that face-to-face conversation is—will be limited when a permanent register is created.

So, many jurisdictions where a permanent register is there and ID is required, but that's more—there's always an ongoing dialogue about should an

ID be there or not. And if not, how does it impact those people who may not have an ID? So having the list of—such an inclusive list may minimize that risk of voters not having any suitable ID to vote on election day.

Ms. Fontaine: So, certainly some of the issues that I've raised as critic, but certainly some of the presentations and some of the critique or concerns that have been raised by community, has been what could be termed as difficulties getting ID, right? That is particularly—as a First Nations woman, I know in my own community and certainly in many, many communities, getting ID is not necessarily the easiest thing for a variety of different issues: (1) accessibility to where you need to get your ID; (2) whether or not you have dollars to get your ID; (3) whether or not you have a permanent address. Like, the variables in accessing ID or having up-to-date ID is a multitude, right?

So how will your office attempt to deal with what is a very serious concern and that which in my—mine—and I would suggest, it really does question the integrity then, or the potentiality of the integrity for our next—or, our upcoming election. And coupled with that is really that it does create a space in which certain segments of the Manitoba population are actually disenfranchised then.

Ms. Verma: So that's a valid concern. When we will be developing our outreach plans to start a dialogue with different First Nation communities, this will be top of the list. So, in preparation for an election, there are 57 electoral divisions in Manitoba, 57 returning officers are appointed and 57 assistant returning officers.

One of the first rule is to understand the community and establish contact within the community. For First Nations especially, we have a program that we identify and appoint community liaison officers in each First Nation community quite ahead of an election.

So our plan right now is to work with the community liaison officers to understand what could be the shortcomings for ID requirements in the different communities.

The other is, we are also looking at collaboration with different tribal councils. We already have a partnership with Dakota Ojibway Tribal Council. We have been working with a couple of other ones, plus we have an outreach program through our education programs called Your Power to Choose where we

have extensive and dedicated northern tours leading up to an election, so that's another opportunity for us to understand the concerns and the issues which there may be in regards to ID.

The act also allows that the voter information card, which will be provided to each voter, will be considered and recognized as one of the forms of ID. So, among the two pieces of ID, a voter information card will be allowed as a recognized ID requirement.

So these are some of the initial plans that we have in order to have a better collaboration and understanding with the different communities, but if you have any particular suggestion, we'll be very happy to listen to that and work on it.

Ms. Fontaine: So I—miigwech for that, and I am really interested in the outreach plan and so I have a couple of questions on that, but is there any dollars associated with attempting to reach out to First Nation communities, and as you know there are 63 First Nation communities. There are three provincial territory organizations. There are countless tribal councils, as you have said. There's a countless means of partnerships, right, but one of the things that is consistent between all of them is there is little, if any, dollars to be able to do this outreach.

So, I mean, I'm glad to see if there's community liaison officers. I'm assuming—I could be wrong—that they're paid, but also, then, what are some of the dollars that will be allocated to execute a robust, thorough outreach plan in First Nation communities?

And that, to be fair, is actually only one segment of the Manitoba population, in—which is—perhaps we could suggest, is vulnerable or disenfranchised in respect of this new piece of legislation, right?

So, there's certainly other communities that we need to kind of delve into as well, but, so in respect to this, are there dollars that are allocated towards this, and, if so, what are those?

Ms. Verma: So, in the last general election, we did have 63 First Nation communities covered through the liaison officers. As we proceed with our plan for the next election, we will have dollars committed to the outreach program. I don't have a specific number for you right now because it's still a plan in development stage.

The other groups that we look at are homeless shelters, there are women's shelters, new immigrants and new Canadians. We also work a lot with

students, for post-graduate students and high school students, because we also believe that students are the next generation, the foundation that we have to work on in order to have an engaged population.

Ms. Fontaine: I'm glad to see some of those outreach and I couldn't agree with you more in respect of all of them, but certainly with high school students, I think—I have two sons and ever since they were babies, every single election, they came to every single voting. I would bring them behind with me, like, I made sure that my sons understood that this is a right and a responsibility, and so you kind of model that piece, so I think it is so important. They are the next generation. They are the next generation of Manitoba voters, so I think that that's great.

* (14:00)

In respect of the dollars that—you're saying that you don't quite know what the dollars will be. What will be the process in accessing those dollars? Do you have to apply to government or to Treasury or to—how does that work to be able—or do you have those dollars within your—how does that work?

Ms. Verma: So, the budget process is usually that we develop a budget internally. Elections Manitoba's budget is a unique budget as compared to any other department or agency, because we have a cyclical budget. If we compare a year-to-year comparison, you won't find the numbers to match because it depends on the elections activity. And as the first year and the second year, the third year is when the budget numbers will start spiking up.

So for this year's budget, we do have an amount projected for outreach, which is part of our budget submission. Independent officers' budget goes through the LAMC, which is the Legislative Assembly Manitoba commission. And they review the budget and confirm or suggest changes to it.

Elections Manitoba also has access to the budget through the Consolidated Fund, which allows us to spend the money on an as-needed basis and have access to the Consolidated Fund. However, we do follow our due diligence quite seriously, and that's why we conduct an independent audit, also, of our funding. And we try to stay within the budget requested and receive the feedback from the members on our spending.

Ms. Fontaine: So I just want to go back to a little bit more about—in respect of voter ID. And I really do appreciate you kind of laying out, you know, the two principles and, you know, integrity versus

accessibility. That's certainly something I've just learned, so I really do appreciate that.

When we—were you—was your office consulted in respect of the voter ID changes that were embedded in Bill 27?

Ms. Verma: What I can say is the office was consulted by the Leg. Counsel. They do give us an opportunity to review the draft from an administrative perspective if we see any issue in implementation of the legislation, because my office is responsible for administering the legislation, not developing the legislation.

Ms. Fontaine: So Leg. Counsel—and rightly so, obviously—would show you the legislation and look for your input in respect of its administration, but prior to that, was there any consultation with you as—and again, I think I said it in my opening comments and in my first comments: you are—you certainly are the expert in Manitoba. So, were there any meetings with the minister or her staff or—in respect of these new voter ID requirements?

Ms. Verma: The communication which we have with different parties, be it the government or the opposition, is confidential, so I don't have the liberty of discussing it. However, the recommendations which we place are—we do consult with all the parties through the advisory committee. And in that case, if the government or the opposition have questions for us, we always welcome that opportunity to provide more information on them.

Ms. Fontaine: So—and I respect that it is confidential. I respect that. So—I mean, I'm—I guess that you're not probably able to answer, you know, would—did the minister consult with Elections Manitoba prior to bringing forward her committee amendment? Don't know if that's confidential, or.

Ms. Verma: I think that would fall into the same principle.

Ms. Fontaine: So, we know that the new legislation restricts voter-registered voters to vouching for a maximum of one other voter in cases where the other voter doesn't have all of the necessary identification. Is this type of restriction similar to restrictions in other Canadian jurisdictions?

Ms. Verma: In most jurisdictions, the restriction is one, except for British Columbia where the voucher can vouch for more than one family member. And I believe in Ontario, too, there is—I think it's up to five people that you can vouch for.

Ms. Fontaine: So certainly, you would know that in our First Nation communities, that oftentimes in the one household there are upwards of multiple family members, right? And certainly—I know even my home community, I've visited many families where there's upwards of 22 people in a two-bedroom house, which is a lot of votes.

So—do you find that that is restrictive, then, if it is the same family and they're all living in the same house but they don't have, maybe, necessarily all the requirements?

Ms. Verma: At this point, it will be difficult for me to comment on this. However, post the next general election, we'll have better information on vouching and how that worked.

Ms. Fontaine: Certainly, I—of course, you're—we're going to have a lot of information next election, right? We're going to have a lot of information in respect of did the numbers—the number of voters go down or did they go up, or—but in the meantime, I think that there's real concern that, you know, leading up to and in the election, that we are creating a democratic process, or instituting a democratic process, or entrenching a democratic process where many Manitobans are going to not be able to vote.

And so, you know, I wonder how this would impact on families. From your perspective, how this would impact on Manitobans not being able to vote. Or, not—you know, on families not being able to vote. And is it a serious issue?

Ms. Verma: So we are consulting with Elections Canada on this issue right now because, federally, requirements to show ID for a federal election has been there for the past few elections. We're trying to understand from them what were the issues which their agency has discovered or has received feedback from their own returning officers in the past election. And, again, through our outreach plan, we plan to address those issues and see how best we can provide the necessary information.

Our legislation, like, is—I feel—more inclusive than the federal election because federally, vouching is only allowed to confirm the address, so you still need to show ID for your name. Vouching is only allowed if your address is not available through the ID requirements. In our legislation, vouching is being allowed for both name and address verification.

So that's one positive thing that we see in our legislation. How many issues will be there? It will be

really—it will be a speculation at my end right now if I try to answer that question. But we'll have to have the dialogue with the different First Nation communities, dialogue with Elections Canada, dialogue with the different tribal councils to understand what could be obstacles or barriers for them for—in their participation.

Ms. Fontaine: Did your—did Elections Manitoba or yourself recommend any other changes to voter identification to the minister? And, if so, what were they?

Ms. Verma: The other recommendation—it wasn't a formal recommendation, but we were pleased to see the voter information card as an allowable ID in this legislation.

Mr. Swan: I'll just give my colleague, the member for St. Johns (Ms. Fontaine), a bit of a break.

I just wanted to talk a little bit about the recommendations that you say are still out there, on page 78 and 79 of your report. One of the things that you recommended is clarifying the restrictions in government advertising that are now contained in section 92 of the act. We all refer to it as the blackout period, before the election is called, in which government can't advertise, can't use resources. You've suggested that that section should be clarified and strengthened.

*(14:10)

Can you expand on that a little bit for the committee?

Ms. Verma: Thank you. Our understanding of government advertising is that the government resources should not be used for partisan purposes. That is why there is the commonly used term blackout period is introduced because closer to an event, if government resources are used for partisan purposes, it can lead to unfair practice during an election.

The intent is not to use government resources. However, this term is missing in section 92, so it's always left to interpretation that what does government advertising restriction really mean and really convey.

One of the examples I can use is an incumbent MLA is also running as a candidate. So the person—that individual is having two hats—one as a candidate and one as an MLA.

So when they are—they are allowed to campaign for their own achievements, but they're not allowed to campaign using government resources to promote their own achievements, so that is the difference which we can see because if you're running for an election for the next one, you would like to talk about what has been achieved, but government advertising a blackout period is not a restriction on campaigning; it's a restriction on using government resources and funding for campaigning purposes. Hence we believe that having the phrase of introducing restriction on government resources or funding will strengthen and clarify the section.

Mr. Swan: Is there language in other provinces that you think would be instructive for MLAs to look at?

Ms. Verma: Not many provinces who have restrictions like these on government advertising. There is Ontario and Saskatchewan. Saskatchewan's language is quite similar to our legislation. Ontario has a very different process. There the Auditor General's office vets the government advertisements before they are released.

Mr. Swan: I thank the Chief Electoral Officer for that.

One of the new recommendations that's been made is establishing a single address authority for Manitoba. My area is the West End. It's grid streets so it's pretty easy to navigate, but in rural communities and certainly in a number of First Nations communities I understand it's an issue. Sometimes people may think of the box number as being their address, or it could be range and township for those in rural communities, and you've suggested that there be some way of coming up with a single common way of being able to set out addresses in Manitoba. Likely, Saskatchewan and Alberta, as prairie provinces, have very similar issues.

Is there a model that you think Manitoba should be looking at, or is there just a, sort of a utopian model you're thinking in your own mind of how we can come up with a reasonably effective and common way to give everybody in the province an address that Elections Manitoba can then use?

Ms. Verma: So that's quite an interesting question. Why do we need a single address authority? As you've said, the city—city of Winnipeg and city of Brandon, city of Saskatchewan, they have the street-style address, which is usually called, like, the 911 address type, the civic style address. The

possibility of having aliases is very limited. And when we go to remote communities—rural and First Nation communities, what we find is the address kinds could be of varied ones. There is section, township, range. There is lot, block, plan. There is now a 911 address type which is coming, and there's also something called like a free-flowing address, the house next to the big rock, the house with the red roof, which we find in many First Nation communities.

What we are finding is that when the list was being created through enumeration, we have to accept the address which is provided by the voter, and even with the permanent register, the 2016 voters list will be the foundation. So many of these addresses will get into the register.

But that doesn't stop a voter from coming to a voting station during advance or election day and saying, my address now is a 911 address. The voter list will be produced based on the address which was originally provided.

The other issue which we'll have is there'll be aliases in addresses, so there'll be duplicate entries. Address matching will become an issue.

So we may not be able to verify, okay, this is either duplicate voters now with the different addresses and the same name, so that complicates the maintenance of the register.

Association of Manitoba Municipalities have come up with a standard for addresses that has been there on their website for many years, but it's a recommended standard; it is not a mandatory standard. So, currently in Manitoba, each municipality has a discretion on what kind of addressing they want for the municipality. It may be best what they feel is reflected in their standard, but it's not a uniform standard.

The model which we are looking at right now is Nova Scotia. Nova Scotia has a central addressing body, and any new land, any new home which has to be built, they will be provided an address. So everything starts from establishing a uniform address, and then all the work permits and information to the other agencies flows from that uniform addressing body.

Mr. Swan: Thank you for what I think is an interesting and challenging issue for Elections Manitoba and for government to deal with.

If I can just step into that a little bit more—I will be asking more questions about how the permanent voters list will be created—I presume that, for the permanent voters list, you'll be relying, for example, on information from Manitoba Public Insurance. I expect that most—most—people living outside of an urban community, they would be likely to have their box number as their address for MPI's purposes. So if that's one of the measures, I guess what you're telling us is that may not match the way people would describe their own address to their neighbours; they would not have described it to an enumerator, if there's a door-to-door enumeration, and may not describe it that way when they come into a polling place on election day. Is that fair?

Ms. Verma: Yes, so MPI can have residential address or mailing address, and a P.O. Box is usually a mailing address, which is not considered to be a residential address. So, you're right in saying that a voter might come on voters—on election day or advance and present a completely different address than what we have. So, we have to look at developing procedures and policies on how to accommodate that change while still maintaining the integrity of the process. We'll still have to ensure that it is the same voter and the same voter's name is being struck off from the voters list, but also requiring that alternate address.

Mr. Swan: You gave us the example of Nova Scotia as trying to come up with a central addressing body, and you talked about any new house being built now having to have a centrally determined address. Do you know, in Nova Scotia, is that just going to apply to construction of new homes? Are existing homes going to be grandfathered, or is there an effort to go back and effectively give a certain address for every house in Nova Scotia?

Ms. Verma: So what I understand in Nova Scotia, every house has now a standard address type. So they must have grandfathered the old addresses into the new address standard.

Mr. Swan: And so it wouldn't necessarily be a post office box. What generally would an address—what would be most helpful to Elections Manitoba in terms of what that address would look like for someone who may be the 14th house on the road that goes through a First Nation or the road that comes off mile road 46, 12 miles north of the border? What does Elections Manitoba think is best, for its own purposes, to give, as you say, the certainty that you can identify the person from that address that comes

forward to be sworn in to vote on voting day? What's most helpful to Elections Manitoba?

Ms. Verma: Most helpful will be to have, one, a standard style of addressing. It could be any which the Province considers to be suitable. Nova Scotia has followed the 911 addressing style.

What is helpful for us is also to place that address on the map, and then we need the geo co-ordinates for that address. That is a very important reason why standardization of address is important because when we are developing maps, we want to be sure that we have a kind of a confident count of the number of homes. So if you know the mapping, the way it works, we have every—the boundaries commission will also use this information.

* (14:20)

So the population is divided into a uniform quotient plus-minus variation which is allowed in the legislation across the 57 electoral divisions. Then the legislation says that the voting area size should not exceed a certain number.

The voting area size is usually by the number of people in that voting area, and we develop an average dwelling count, so if there are 200 homes usually a dwelling count is 2.2. It ranges from 1.8 to 2.2—household—number of people in a household. That gives us an estimate of how the area should be divided into a voting area.

We also want to know where these houses are located so in case targeted registration is required, we can provide that information to the staff to say here is the route that you can follow, here are the homes where you need to go and visit for targeted registration. It's also helpful for political parties and candidates for campaigning purposes.

So along with the uniform address type that would help remove duplicates from the address database that we have, it will help reduce the possibility of having duplicate voters in a permanent register. It will help providing more accurate maps and number estimates for the—different campaigning purposes, spending limit and for targeted registration.

Hon. Jon Gerrard (River Heights): Question for you: in compiling the permanent voters list, you'll be using various lists like the driver's licence list to do that. Is the health card—and the address and the name

and so on on health cards—is that going to be included as well?

Ms. Verma: Yes, Manitoba Health will be one of the data sources in developing and maintaining the permanent register, but what we have learned is Manitoba Health doesn't maintain residential addresses, they maintain the mailing address. So the mailing address will be a—Manitoba Health will be a good source for the mailing address but not for the residential address.

Mr. Swan: Great. Just to get back to one of the terms you used, the 911 addressing style. Is that the undertaking that's happened in a lot of rural areas to come up using basically how many miles north of the US border you are and how many miles you are east or west of the meridian? So as I drive up Highway 8, it will say—it'll be a five-digit number, it'll be fifty-six or sixty-five one twenty, which is the number of meters then north of—tens of meters north of the mile road.

Is that what we mean by 911 addressing?

Ms. Verma: Yes, that's the addressing type which the paramedics have developed of—in rural communities to send ambulance services. So it has set—and that address can be geocoded on a map.

Mr. Swan: Do you see it being possible that there would actually be a satellite map prepared for each poll so that people could actually pick out where houses are located in an area? Is that a possibility for Elections Manitoba in future?

Ms. Verma: I'm not sure about the satellite map, but our maps—what we are planning to show is if we can have for voting areas—which are used more for internal purposes—we still show the homes wherever we can, and based on the addresses which have geo-co-ordinates, we place that on the map. So city of Winnipeg, Brandon, they have that kind of maps where if I give one map to an enumerator they will know exactly how many homes are there in that voting area.

Mr. Swan: Just a—sort of a side issue that came out of something you said which I think is very important, it's—you understand when the boundaries commission goes about doing their work, they focus on trying to ensure that within those allowances—they want the same number of people to be in each electoral district. It's not necessarily the number of registered voters. Is that fair to say?

Ms. Verma: That would be fair to say. So boundaries commission takes the population of Manitoba based on the previous census, in this case it will be the 2016 census data, and divide the population by the number of divisions, which is 57.

So at present the quotient will be around 22,427 people per electoral division. It doesn't include—it will not reflect how many are eligible voters, but that's the population. The principle under boundaries commission is effective representation. It doesn't necessarily equate to absolute voter parity, because it allows for effective representation is effective governance by—of—for that regional population.

So other factors, such as community of interest, communication, geographic conditions, future growths, are taken into consideration.

Mr. Swan: I thank you for that response.

One of the other recommendations that's been around for a while is the recommendation that there be a referendum act developed. I mean there's no—as far as we know, there's no referendum that's going to be called in Manitoba, but I guess it's pretty fair to say you've just seen this as something that no government has really wanted to take on.

Can you tell the committee a little bit about what you would expect a referendum act to contain? In the interest of fairness inequity, to make sure that if there was to be a referendum, what principles would be really important, in your view, to ensure that it's carried out properly?

Ms. Verma: So in developing a referendum legislation, there needs to be consideration given as to how the question will be developed, because having a referendum is so dependent on the question which it poses, the success or a failure of a referendum is totally dependent on the question. So, how the question needs to be developed, how the committees for the referendum needs to be developed. So what could we do?

Campaign finance provisions for referendum. Should there be spending limits? Should there be contribution limits for referendum? Those will be some of those key criteria which needs to be considered in developing a referendum legislation.

Mr. Gerrard: I'd like to go back to the use of the health card information and talk about where you have somebody who is listed, say, at an address—a

mailing address in Cross Lake, for example, who would be on a health card, and I think there would be the age of the person there because I think the birth date is there. If you have somebody who is listed there who is on the health card who has age, who has a mailing address in Cross Lake, would that person get on to the voters list if there was no cross-reference to a driver's licence?

Ms. Verma: So health card would be one of the acceptable pieces of ID. If there's not a provincial or federally issued photo ID, then you need two pieces of ID. So health card could be accepted as one of the ID requirements.

Mr. Gerrard: Actually, I'm referring to when you generate the voters list—the permanent voters list, whether somebody with—because you were going to do this with the names on the health cards is my understanding from your reply—that you will have some instances where you have a name that's listed on a health card but is not on a driver's licence, right. Will that person be added to the voters list?

Ms. Verma: So what I understand your question is, when we are developing the permanent register, the first basis is we are taking the 2016 voters list as the base for the register, and then we'll be receiving updates from Elections Canada and MPI and Manitoba Health. So if Manitoba Health is the first source for a new entry into the register, will we accept that?

So—and we are right now in the process of developing rules, business rules on how to create the register, but in case we have a new entry through Manitoba Health, then yes, the age and—will be acceptable, like, there are three criteria for a voter to be—or an individual to be on the voters list. One, they should be 18 years or older. Second, they should have residence here six months or more. And third, is the Canadian citizenship.

* (14:30)

So Manitoba Health, individually, can give us a confirmation about the age and the residency, because we can—we'll probably be able to know how long they have been in Manitoba, but not the Canadian citizenship. So what—initially, what we are planning is that we'll be matching that information with Elections Canada, because they have the citizenship information. And if the information doesn't match with Elections Canada's information, then we might park that data for further investigation.

Mr. Gerrard: I mean, it seems to me that the health card information would be very important, and is probably significantly more complete than the driver's licence, because there's a lot of people who don't have driver's licences, for example. And that it would be important to have some—because the federal voter's list probably doesn't use the provincial health card.

And so that, if we're going to get—I mean, I think what we need to get is a complete list of the people who are eligible voters in Manitoba. Would you have direct access to the list of Canadian citizens, then? Or some way of checking that?

Ms. Verma: Currently, there is no complete list of Canadian citizenship in Canada. Citizenship and immigration also has the list for new Canadians, but they still—I don't believe they have a full list of Canadian citizens. And we—as a provincial agency, we won't have access to the federal list, so we will be relying on Elections Canada for that information.

We understand that health card is also issued for temporary workers, for foreign students, so that is one of the concerns that we have in including a person from Manitoba Health directly into the register, because they have these other categories which also receive a health card. They may not necessarily be a Canadian citizen. So further work will be required before we enter their information from a health card into the register.

Ms. Fontaine: So I just to kind of go back a little bit, because I don't think we really kind of explored it in any great detail, but I do want to kind of just go back and—based on your expertise and the information that you would have at Elections Manitoba, how many recorded cases of voter fraud has there been in Manitoba, let's say, in the last 20, 25 years?

Ms. Verma: None to my knowledge.

Ms. Fontaine: So, certainly, I would suggest then that—or, I guess, I would ask—you wouldn't—would you agree that there's not necessarily a case to be made in respect of widespread voter fraud in Manitoba?

Ms. Verma: There have been no cases of voter fraud to my knowledge in Manitoba.

Ms. Fontaine: So—and I would suggest to you, as you would know, most people would agree with you and, certainly, like I keep reiterating, you are the expert here.

So, you know, if there's—if there is no cases of voter fraud but we've seen that the identification requirements have now become—are tightening and in—some people would say maybe even restricting—and that the new vouching requirement is restrictive. So do you anticipate that there will be an impact on voter turnout, or hinder access to voting by any segment of Manitoba's population?

Ms. Verma: I don't have sufficient information to answer this question. We'll have to go through one election to understand the impact of how voter ID and vouching has impacted the turnout.

But, as a caveat, voter turnout is a complex issue. Voter turnout is not just dependent on voting rules. There are a lot of social, demographic factors which cause voter turnout. When—we have conducted several surveys, and we conduct after each general election, the reason for not voting. And, usually, we find the non-voters provide three categories.

One is they are displaced, which is there are administrative issues which have caused them hardships in exercising their democratic rights—or inconvenience. So the voting place wasn't that close to their home, the voting place has changed, they didn't receive the information they required.

The second category is disassociated. This is a category where they are more disenfranchised with the voting process. They feel that their vote doesn't count or the voting will not have an impact on the result.

The third category is distracted. And distracted voters are usually the irregular voters. They meant to vote, but they didn't get to the voting station.

The percentage of displaced is 11 per cent. It has ranged from 9 to 11 per cent in the past three general elections. The distracted has ranged between 37 to 42 per cent, and the remaining category is the disassociated one. So, the disassociated one, I believe, is the most challenging. It's always 40 per cent-plus, where it's not the voting mechanism, but they're more ideologies. There's more engagement issues which impact voter turnout.

Ms. Fontaine: I appreciate all of that information there.

So, I mean, certainly, like I've said a couple of times today, that there is some real concern not only from myself and my colleagues, but from certain stakeholder groups that work with, again, some of

the folks that you've actually just mentioned: the 'disenfranchise'—disenfranchised, the displaced, the marginalized, all of that. And there are some real concerns.

And I appreciate when you say we can't really anticipate that until the next election, except for the fact that then, we've just done an election where perhaps we have, you know, created the conditions in which many Manitobans won't get out—get to vote. So it's—I'm sure that you can appreciate the concern, right? It is after the fact, after the fact of having what is all of our right to be able to participate in a democratic process because we just don't know.

I will—and I'm sure you already are well aware of this, but the Government of Canada stated that there were 172,000 non-voters in the last election, and they cited lack of appropriate ID. That's a significant amount of voters. Even with all of these pieces, right, if you put those aside—because they noted that it was a lack of ID that contributed them—to them not participating in our democratic process. So I imagine that you can appreciate, then, the concern. So, is that a concern of yours as well as we're moving forward, and rather quickly, towards the next election?

Ms. Verma: So, I take note of your concern. Whenever legislation changes, we always have to work on communication because legislative changes, as they're close to us, are not as close to the voters and the population. So one of our mandates is to have communication and public education and outreach—that is under section 29 of The Elections Act—and especially with those groups who may face difficulties in exercising their democratic rights.

So, the outreach which I'd earlier outlined, we will be taking this very seriously and working with the different groups in order to provide them the necessary information.

We do have a list of ID requirements which we have developed for this—post this legislation, which—can I circulate that to the members? Yes?

So, as you will see from this list, there are—so, as you will see from this list, there's quite a variety of different ID which can be used to fulfill the ID requirements under The Elections Act. This list will be posted on our website soon, and the legislation requires that we review this list annually, and it has to be published every year, and, when the election is called, within three days of an election being called.

* (14:40)

So, we'll be using this list as a base to have our dialogue with the different communities and groups and try to get an understanding from them: is this list sufficient, or will they like to see some additional points included in this list? We have developed this based on consultation with Elections Canada and with our experience from the previous elections. So we've got feedback from the returning officers because ID was required during advance and a similar list has been used in the past.

Ms. Fontaine: Miigwech. I think that this is pretty phenomenal to just have this all laid out. I think it's really good for folks to be able to see this.

If I can just ask a question here—so one government-issued ID with—or, photo ID. So driver's licence, or one government-issued that does not include your current address. So—I mean I have a variety of different IDs, but let's just say all I had was my status Indian card. As you know, that doesn't have—it doesn't always have your address. So if I show up just with my status card, am I able to vote?

How would—how does that work now? Because there's going to be lots and lots of people that are just going to show up with their status card to voting—well, I'm not sure if there's lots and lots but many folks are going to be showing up with their status card. How does that work now?

Ms. Verma: So the Indian status card is one government-issued photo ID. It's acceptable. You don't need any other ID. If the status Indian card does not have your address, then they can sign a declaration for their address. So you can vote with just the Indian status card.

Ms. Fontaine: So I'll show up with my Indian status card, I will sign a declaration for my address, and that's it? There's no verification of my address?

Ms. Verma: That's it. There's no verification of address required. The declaration which you're signing for your address is sufficient under the legislation.

Mr. Swan: Right, I'd like to talk more to really take up on what my colleagues at the table have been asking about, which is the daunting job of creating the permanent voters list, of now starting to do that. And I want to ask a number of questions and I do just want you to understand that we know that this is going to be a fluid process. We—we're not going to hold you to an answer that you give us today because we know that we have confidence in you to look at

best practices of different jurisdictions across Canada and to make those changes.

It is very important in a riding like mine. I have a high number of hard-to-reach populations. There's a large number of indigenous people who've moved south—sometimes permanently, sometimes less than permanently—from northern communities; a lot of new Canadians; a lot of new students for whom an appropriate permanent voters list is going to be very, very important.

So maybe I can just follow up on what Dr. Gerrard asked. What sources at this time does Elections Manitoba plan to use to generate this list?

Ms. Verma: So based on the legislation, we have to use the 2016 final voters list as the foundation for the permanent register which we'll be using. It—the legislation also allows us to use any other source which the Chief Electoral Officer considers suitable. So at this time the data sources that we have identified are Elections Canada, Manitoba Public Insurance, health—Manitoba Health and vital statistics, plus the process—once the list will be established for maintenance, these four sources will be providing us with regular updates. Also, the voters directly through email, in person, and we are looking at the website as a potential for recording changes.

Mr. Swan: All right, thank you for that. I'd just like to pursue some of those in order.

The first source that you listed aside from the voters list is Elections Canada, and as I think we already discussed a little bit, there is an issue with people who then become citizens. They already have a Manitoba Health card. There's nothing that magically changes for Manitoba Health to let us know that they've become a citizen and are now entitled to vote.

Do you know how often Elections Canada updates its own database? Would it only be leading up to a federal election, or is there a regular process that citizenship and immigration will dump that data every month or every quarter or every regular period of time so that Elections Canada can update their records?

Ms. Verma: So our understanding is that, federally, the list is updated in a continuous manner. They have their own data sources. Citizenship and immigration is one. The other major source for information for Elections Canada is income tax. So there is a

significant update post-tax return, which comes in June. They also partner with different provincial and territorial agencies to update their information.

So it's a continuous updating process, depending on the cycle of the different data sources, that they update their voters list. So, currently in Manitoba, we are looking at—again, it's a very initial analysis because we'll have to—once we go through the process, we'll understand the logistics and the work required, we are looking at quarterly updates from Manitoba Health, MPI and Vital Statistics. The frequency might change, depending on the volume that we'll be dealing with, and Elections Canada also will be a quarterly update.

Mr. Swan: And I thank the Chief Electoral Officer for that.

Of course, health cards, again, you don't have to be a citizen to have a health card. So maybe I can ask the question the other way. You're given information from Manitoba Health that lists a number of people; how will you cross-reference that against the other information to make sure the person should be on the voters list?

Ms. Verma: So, you know, federally, the—there's no residency requirement, there's no six months requirement. So that's one of the reasons why the federal list usually has more people on their list as compared to the provincial list. So when we receive information from Manitoba Health, that validation of the new entries which we might be seeing, we'll be doing it with Elections Canada.

But having a—we are not restricted to just data matching from the different sources. We have the ability to contact the individual and establish their citizenship requirement. So these, they are like, based on again, at this time, without seeing the data or doing any analysis, it's very hard for me to comment on what will be the number that we are talking about. So if there's a significant difference between Manitoba Health and the data which we have in the register or the data from other sources is quite significant, then we'll have to come with a practice and policy on how to deal with it. If the number is limited, we might have—okay, we can look into the next update or look at the cycle which is coming post the tax returns because in the tax returns, you have the declaration that you are a Canadian citizen. We can park that information for that time 'til the time Elections Canada gets their annual update. But it will really depend on the discrepant—the numbers that we'll be looking at.

Mr. Swan: If there's any advice I suppose I can give, it's to plan for the worst and hope for the best. As I'm sure you're aware, there was a major dispute with the federal government over census numbers where the federal government thought there were quite a few less people living in Manitoba than we believed was the case, using health records, using other provincial sources. Unfortunately, that was never really resolved in a way that was satisfactory to the people of Manitoba. So I'm hopeful that that's not going to be a problem.

And you've pointed out one of the other issues. Of course, there is no residency requirement in the federal system. In the provincial system, of course, you have to be a resident of Manitoba for at least six months. What is the rule when someone is moving from one constituency to another? And, for example, my area, that means somebody lives on Spence Street and they move two blocks over to an apartment on Furby Street. They've moved from Logan constituency to Minto. How long do they have to be living in the new constituency to be considered an eligible voter for that constituency, or is there a deadline date, or how do we determine that?

* (14:50)

Ms. Verma: The six months residency is for the province. So it doesn't impact if you move within the province. So if you've been living in Logan, and even if you move a day before, into Minto, you can vote in Minto, provided you have the address because you will not be on the Minto's voters list and you'll have to be sworn on. So you'll have to provide your address information and ID information. So, if they have something to support that they can vote in Minto.

Mr. Swan: And just looking at some of the other sources that you'll be using, what will you do if the health card address and the MPI address are different? I know, often, I will notarize documents for people and, often, I have to have the conversation about them knowing their obligation within 15 days to notify MPI or notify Manitoba Health.

What do you anticipate will be the best practice for Elections Manitoba if you're receiving information which may or may not be different people because you've got maybe the same birth date? It may be the same information in some places but something conflicts. What will be the practice you expect?

Ms. Verma: I think we'll be seeing that quite a bit based on our conversations with other jurisdictions. That's a common issue they face. We'll be trying to get the last updated information from the data sources and using that as a criteria for data updating.

So, if Manitoba Health record has been updated in November 2017, but driver's licence has been updated in June of 2017, we'll be accepting Manitoba Health's information.

Mr. Swan: You said earlier on that if there was a discrepancy, it's your hope Elections Manitoba would reach out and try and contact people.

Would it be the intention that you would do that by mail, or what would be your anticipation, keeping in mind we're not going to hold you to this as we move toward 2020 because we know this is going to be a big change for the way we do things in Manitoba and we want Elections Manitoba to be flexible, but what do you anticipate is the best way to try and contact people to, hopefully, sort out the issues you're going to have?

Ms. Verma: The contact could be by mail; it could be by phone. It also could be by email, if they have their email address, so the legislation allows us to use their email information for confirmation purposes.

Mr. Gerrard: One of the things that would be possible, it seems to me, is, for example, for there to be changes in the information on the health card, for example that would facilitate the work that you're doing.

Would you have suggestions as to what changes might be helpful to you if they were on a health card? You've already mentioned, for example, whether somebody is a citizen or not, but it seems to me that this could be a request that you could make to the Department of Health.

Ms. Verma: At this time it would be too premature for me to make any requests. We haven't received any data from Manitoba Health. The only thing I've had is one conversation with Manitoba Health, so we need to see the data before we can—and analyze it before we can say what could be a recommended change.

But one thing which came up in the initial discussion is they don't differentiate the health number—doesn't differentiate if it's a temporary worker, it's a foreign student, or it's a Manitoba resident. Like, sometimes the SIN number has a

different series for temporary workers, but health card doesn't have any different series, so at the very initial stage, if they have a process of identifying through the health number, like any number starting with, say, number nine, is for temporary workers assigned, or any—it's an alphanumeric number which they can have that might be helpful, but, again, these comments are extremely preliminary because I've not had a chance to see the data at all.

Mr. James Teitsma (Radisson): And I'd like to shake it up, maybe ask a question from this side of this room.

First of all, I did want to say thank you so much for your participation this afternoon and for being with us, and, certainly, I was appreciative of the clear declaration of so many of your recommendations that Elections Manitoba made that worked themselves into Bill 27.

And if I can just comment briefly on the voter ID. You know, I received a lot of feedback from people about the lack of consistency between municipal and federal and provincial elections, and so, certainly, there's a lot of appreciation that is going to be felt, in my opinion.

But, in any case, the question I want to get to—and talking a little bit about some of the stuff on page 16 of your report, where we're talking about candidates and the way that candidates identify themselves to you and the way that they—the amount of information that they provide, and then the way that you reflect that information onto Manitobans broadly or to voters, I guess, specifically. I think you were probably unpleasantly surprised by some of what happened here, based on what I'm reading there where we have—we had candidates that needed to be disqualified for breaking election—or, breaking The Elections Act. I think there were some other instances that we can all think of during that election that weren't necessarily pleasant surprises for the voters, at least. And maybe it worked well for the media to sell a few papers, but—so, I guess my question would be, do you think it would be a benefit to voters to have a standardized approach for the disclosure of things like a Child Abuse Registry check or an Adult Abuse Registry check or a criminal record check? Is it—is that something that if all candidates—including the independent ones, not just ones vetted by the established parties, but all of them would be able to—that the public would be expected to be able to access that information—do you think that would be helpful?

Ms. Verma: Usually, the vetting of a candidate to be nominated is an internal party practice and policy, so I don't think it will be fair for me to comment on that. It's also dealing with a lot of personal, confidential information about the criminal record check. But if that's the will of the legislators, then that is a change which can be brought to an amendment to the legislation and will be—we can administer that.

Mr. Teitsma: Okay. And my own comment would be, I think, there's an expectation of information being supplied to the voters. And certainly, with established political parties, you're right, there's a vetting process. But that's not in place for some of the smaller parties perhaps even, but definitely not for independent candidates. So, you know, I think there is—there's some room for that kind of information to be available, and people can evaluate it for what it—what they want and it doesn't have to be some kind of a witch hunt to find that information out because it's all openly disclosed.

So, and, if I can just make a suggestion—maybe you can respond to it, but just to be very clear with candidates about the information that you collect from them, what parts of it will be made public and what parts of it won't be made public? I know that I was surprised by some of the information on my application form that was made public.

Can you maybe comment on how that goes?

Ms. Verma: So my understanding is that the legislation requires my office to publish the information on the name and address of the candidate, along with the name and address of the official agent. And there is a provision that, if the candidate is of the opinion that there is some personal reasons which they would like to refrain the CEO from publishing their address, they can send us an application with their reason ahead of time of—to the—before the publication deadline. And we don't provide—don't print that information.

On the website, it's just the name and the party affiliation which is posted. My understanding is that this practice has been in place and it's in the legislation, at one time, to reflect how many candidates are from that electoral division in which they're contesting but, you know, in case there is a—what—based on the feedback that we have received, we will be highlighting this more in the candidate sessions and the candidate packages that we provide, that they have this option of sending a request to refrain us from printing their address information.

Mr. Teitsma: And I'd just—so—I don't think Elections Manitoba has to stand alone, and I certainly appreciate the way that you've brought in information from Elections Canada and can print down comparisons to—through other's jurisdictions. So in this regard, too, around just the broad topic of candidate information disclosure, whether that's address information or age or gender or Child Abuse Registry checks and criminal record checks. All these kinds of things.

* (15:00)

Is there any information about what other provinces—do you—have you collected any information about what other provinces are doing or where things are moving? If there's any best practices that other jurisdictions could inform me about?

Ms. Verma: To my knowledge, most of the jurisdictions provide the names of the candidates ahead of the election. That is a requirement, and it's part of the standard notice of election. I'm not familiar about how many jurisdictions are required to print their address information, but we can look into it.

Mr. Swan: Just like to get back to something that Dr. Gerrard was just starting on. I'm aware that other provinces that have gone down the road of a permanent voters list generally have a more robust government-issued photo ID. There's been some discussion in Manitoba of finding a way to have your health card turn into a photo ID, whether in connection with MPI and driver's licences or whether on its own. Can you comment on whether you would see a photo ID card replacing the existing health card? Would that be a positive thing for Elections Manitoba?

Ms. Verma: It's difficult for me to comment on that question because, again, we are not sure about what the impact of ID requirement will be in the next general election.

And I want to correct one thing: that official agent's address does not get published. Only the name of the official agent gets published.

Mr. Swan: Maybe I could ask the Deputy Premier, then, if she can just give us an update on what moves her government intends to make on moving towards a more accessible photo ID. Previously, there had been movement on a combined health card and driver's identification through MPI. Can the Deputy

Premier just put on the record where the government plans to go on this?

Mrs. Stefanson: I think we're exploring all options to see where we may go with respect to government-issued ID. I don't have specifics right now as to, you know, the steps that are being taken to date and where we're going from here, but it's certainly—all options, you know, are on the table, and we're looking at ways to always improve IDs and so on for Manitobans.

I think the important thing here is to recognize—and I know the Chief Electoral Officer has stated, and she's, you know, provided us with a list today of all of the pieces of ID, which I think is a very extensive list and that, you know, we are certainly going above and beyond where other jurisdictions are more restrictive. And so, I think that's an important thing to state here as well.

Mr. Swan: Again, for the Deputy Premier, the next election is October 2020, and I'm wondering if she can maybe clarify her comments a bit more. Is there any intention by the government to try to move ahead to have a standard photo ID as a health card available by the time we actually do go to the polls in October of 2020?

Mrs. Stefanson: I thank the member for the question, and certainly, we—you know, I've already stated that we're always looking at ways to improve identification in Manitoba, especially when it comes to the eligibility for voting. And again, there's an exhaustive list here that has been provided to us today by the Chief Electoral Officer, and I want to thank her for that.

Mr. Swan: One of the things we discussed last year when we sat in the committee, and which is touched on by the legislation, is the possibility of there still being targeted, door-to-door enumeration. Again, we're 34 months, 35 months out from the next general election, but can you tell the committee right now, what is the intention of Elections Manitoba? What do you think would be appropriate triggers or conditions to determine that it's necessary, whether it's in a certain neighbourhood or a certain community, to actually go out and try and supplement the permanent voters list with a door-to-door enumeration?

Ms. Verma: The current legislation provides some criteria and methods for target registration. So, it says that in section 65 and 66. They provide that, in areas of high mobility or places—or if there's

knowledge of new Canadians or new-18 years and older new eligible voters, that target registration shall be conducted, also using mediums like face to face, which is door-to-door enumeration, or through phone, mail, email or any other method which the CEO considers suitable.

Our plan is—we have a threefold plan. The first one is to work and understand from—with Elections Canada about what is their approach for targeted registration, because they also conduct the same—and not just Elections Canada; there are other jurisdictions. So we want to understand the best practices in Canada for what is the criteria which they use for targeted registration.

The second, we want to use our returning officers' and assistance returning officers' knowledge to identify communities and areas in the neighbourhood of their electoral division where there will be high mobility, transient populations or groups which may have difficulties in exercising their democratic right.

The third we are looking at is a more statistical analysis. So based on the data which we receive from different sources, we want to start gathering a trend on which are the areas where there is higher movement. Census states that in Manitoba, 14 per cent of population moves every year. This number is quite close to Elections Canada's number of 13 per cent for Manitoba. So if we are looking at a mobility rate of even 15 per cent, we want to use our—the information, the data which we will be collecting leading up to the next general election to identify areas for higher mobility. Also, based on our past experience, we know personal-care homes will require—homeless shelters, women's shelters, student hostels, many areas like in the city where we know there's higher student population—will be having a full targeted registration.

Mr. Swan: I thank the Chief Electoral Officer for that, and we know it's going to be a challenge. I mean, I can point to neighbourhoods in my area where I know the turnover each year may be 5 or 6 per cent and I can point to the neighbourhoods where the turnover may be 30 or 35 per cent, and as MLAs we know that because sometimes we may send out addressed mail and then watch as the returns start to pile up. So we know that's going to be a big challenge.

Of course, the normal process under previous elections is that the returning officer would be

named, the deputy returning officer would be in place and they would start some time before the election to start recruiting enumerators so that once the writ's dropped, that work would begin.

In this case, at this point, what is your intention? Would the work to try to identify areas where that kind of enumeration is still necessary—will it be the 'intention' to have that in place months before or is the intention that this will get done during the election period?

Ms. Verma: So our plan right now is to hire and train returning officers around nine months before the election. So we plan the hiring should be completed a year ahead of the election, so mid-2019, because the boundaries commission will finish their report end of 2018, we'll have the new boundaries. So it will take us around six months to complete our recruitment process and training to be—at least initial phase of training to be done by beginning of 2020.

So the ROs and the AROs should be working on identifying and providing a plan for targeted registration which will be supplemented with the head office information which will be gathered over the next two years. The targeted registration should be done leading a month before the writ. So if the writ is 28 days, so it will be in first week of September, we are planning to open the returning offices in the first week of August so that one month—or not one month, three weeks will be—two to three weeks will be for targeted registration. We are required to provide the preliminary voters list within two days of the issue of the writ, so the cut-off has to be at least a week, 10 days before the writ in order for us to compile all the information, cleanse it, sort it and print the preliminary voters list and also the voter information cards have to be issued as soon as the writ has been issued, too.

So it is—we are looking at two to three weeks of targeted registration. This will be quite similar time period for enumeration which we have seen in the past. So we are expecting that all the areas and neighbourhoods which will be identified can be covered during this time period.

Mr. Swan: I thank the Chief Electoral Officer for that and if I can put a comment on the record: as much as possible, if—the people who do the enumeration come from the neighbourhoods where that targeted enumeration is to take place, it's very important and it's very helpful.

* (15:10)

There are some areas in my own constituency and other constituencies if it's people that aren't—that don't know that community, frankly, they're less likely to do a full and complete enumeration. So I'm hoping that you and your returning officers will take that into account.

How much money does Elections Manitoba hope to save by doing away with province-wide door-to-door enumeration?

Ms. Verma: There's not a significant cost saving when we move to permanent register. We are expecting the—if we had to do a full enumeration, it would cost us \$3.8 million in the next election versus the cost of establishing and maintaining a register to get on 3.5 or 3.6 million dollars.

The issue is not the cost. Like, I recognize that there are benefits for enumeration. The face-to-face contact which voters get, the call for election is invaluable. Any other communication matter doesn't achieve that result. Our issue here is accessibility. There were 33,000 refusals last election. That was a 50 per cent increase from 2011.

The other issue is it's not the refusals, it's getting into personal homes, condominiums, apartments, and the other factor is security for a new address. You have 3,000 people out on the street. In the last winter enumeration, we had a record number of Workers Compensation claims because of slippery conditions and hard winters. That's another issue for us, and hiring 3,000 people. Our goal is always to hire people from that electoral division, that neighbourhood, to go and work, do the door-to-door enumeration. But recruitment is a challenge. Getting temporary people to work mornings and evenings—odd hours, because you try to reach the—go to when they might be home, or fluctuate the time, or move at different—address same household at different time periods. That can be a challenge.

So getting the list last election, there were on an average, multiple visits for each home in order to get the names. So the issue was more accessibility rather than the effectiveness of creating a list, because enumeration will give you a more current list, but it doesn't give you a more complete list as compared to a permanent register.

Mr. Swan: This question's going to be a bit of an oddball question before I pass it back to the member for St. Johns (Ms. Fontaine), and this is not intended to be a promise of anything happening, but in some—some jurisdictions have considered changing the

voting age. The Scottish referendum actually had a voting age of 16. The goal was to encourage more young people to participate.

Without you having to talk about the policy, the pros or cons of this, would there be any specific difficulties once a voters list is created of simply changing the criteria, which I presume would be the age on the person's Manitoba Health card or if they're 16, on their parent's health card. Would there be any major problem from Elections Manitoba's point of view if the voting age was to change?

Ms. Verma: So currently we are authorized to collect information for 16 and 17 years old. So the 16- and 17-year-old will be there in the register, then technically there is no issue. But we are not collecting information to have a complete list of 16- and 17-year-olds, we are collecting information to gather as many potential future voters as we can. If that criteria changes, then our goal will change too; then we might require data from Education as that would be a more complete listing for 16- and 17-year-olds as compared to just Manitoba Health.

Ms. Fontaine: Has Elections Manitoba and the provincial government met to discuss the possibility of implementing an online voting system in Manitoba?

Ms. Verma: So the administration of the legislation rests solely with Elections Manitoba. So we don't discuss the administration piece with either the government or the opposition, but we welcome suggestions from anyone.

When you are talking about online voting, it's the—in concept of Internet voting. Is that correct?

Ms. Fontaine: Yes.

Ms. Verma: So we have been reviewing the discussion which is happening nationally—and sometimes internationally—on Internet or online voting. There was a study conducted by British Columbia a couple of years ago, an extensive study on Internet voting. There is a recognition that it might enhance accessibility, but there's still major concerns whether Internet voting can adhere to the principles of a free and fair election.

So when we look at an election system, there are certain things that we look into that, why we consider it to be a free and fair system. The fun is uniqueness of the ballot—that one voter, one ballot. The other is accessibility. Is the system accessible? Is it free and fair to all? The third is verifiability. So in

case of a recount, can you go back and count accurately the votes the way they were intended to be cast and they're actually cast and they're actually counted? The fourth is ensuring the person who has come to vote is actually the person who is entitled to vote. So if Shipra Verma comes to vote, am I actually Shipra Verma or not?

In a case of Internet voting, all of these measures may not be suitably addressed. Accessibility? Yes, it's a benefit, but uniqueness, security, privacy and verifiability can be a concern because when you're voting through Internet, how do we know who's the person who is actually voting? Could it be one family member voting for all the family members, or some other person voting?

The third is, when an audit verification has to come, how do we know that the votes that you meant to vote has been captured in the same way? There is no foolproof system yet which has been developed to address the concerns of Internet voting. So there's still ongoing discussion, which is going on.

Ms. Fontaine: I appreciate all the considerations that have to be looked at. And certainly, there's a lot to consider. But, certainly, I think that—as you said, there is this kind of national discussion going on.

So, has the—Elections Manitoba done any stakeholder consultation or has Elections Manitoba travelled anywhere to see any jurisdictions that are doing that online voting and, you know, what those best practices are or how that works?

Ms. Verma: So, Elections Manitoba is part of the national conference for election officials where we've had these discussions in the past. Recently, in PEI there was a plebiscite which was conducted where we went as observers, and Internet voting was one of the options they used.

When we—when Internet voting—they were in—assuming that there'll be increase in the turnout. The turnout was 36 per cent, which is very uncommon for PEI because it leads in voter turnout in Canada. It's usually around 80 per cent voter turnout. And PEI plebiscite also had 16 and 17 years old eligible to vote in the plebiscite, but their participation was also quite an average participation.

So the risk in PEI was that—there was no risk, as the result wasn't binding. So the way Internet voting was scrutinized had a different lens to it, as the results were not binding. But any—nowhere else in

Canada, provincially or federal elections, Internet voting is used.

Municipally, there are certain municipalities who do use Internet voting or online voting system, but I think it's acceptance of risk by both the voters and by the political participants of Internet voting. When there's an agreement that, yes, there is a risk factor involved, that the principles of election may not be met in the same manner in which a ballot election principles will be met, then there is—the expectation is different.

Ms. Fontaine: I mean, certainly, it could be suggested as well—and, again, this is all brand new for everybody, right? But certainly, it could be suggested that PEI, you know, had such a lower turnout per se, let's say, because it—there's not really a—necessarily an education—public awareness campaign that went out and that you would assume that if we moved to online voting, certainly, that would be a robust public awareness campaign. So I—and I get all of that, that it's not binding and all of that, so the analysis is a little bit different.

I know that you noted earlier some of the issues—or, negative issues in respect of voting online. Would there be any positive outcomes in your estimation?

Ms. Verma: I think for some—for remote voters, Internet voting could be a possible solution, especially for absentee voters or Canadian Armed Forces. Internet voting could be an option to consider.

*(15:20)

Ms. Fontaine: So perhaps for different segments of the population, we could look at online voting. Is that what you're saying?

Ms. Verma: I think Internet voting can be considered as an option for a certain section of voters who may face difficulties in exercising their democratic right, but the cost for Internet voting is quite expensive, so we'll need to do a cost-benefit analysis and how much can we invest and for how many voters can we invest that kind of technology.

Plus, the communication of expectations from Internet voting needs to be clearly understood and recognized. There is a risk with Internet voting, which I've listed earlier. We can't be sure who is voting through Internet. We can't be 100 per cent sure if the vote which has been cast has been counted in the way it was meant to be because programming errors do happen and technology is not full-proof.

So, if there's a recognition and acceptance of that risk then, yes, Internet voting can be used for certain sections.

Ms. Fontaine: And actually one of my questions was going to be, you know, what would you estimate some of those costs for online voting? I know that you just said that it would be significant, but what would some of those costs—I mean, estimated, right, and what would some of those costs be?

Ms. Verma: It's very hard to say because it will depend on the service provider's cost. It's not a technology which my office can develop. I think no electoral office will be able to develop a technology solution for Internet voting. It requires expertise and security, so we'll be relying on a third-party service provider. It will depend on their cost what the cost will be to the voters ultimately.

Ms. Fontaine: Would you see it as a potential benefit in respect of accessibility for First Nations in Manitoba?

Ms. Verma: I think in many First Nation communities the challenge is Internet connection, so implementing an Internet-based solution may not be feasible for many First Nation communities. And absentee voters right now have been on an average of 1,000 in the past three general elections, so for 1,000 voters how much should we be investing in Internet solution?

Mr. Gerrard: Just again, exploring the options for getting more people involved, the turnout, in spite of people working very hard in the Point Douglas by-election, I think was 30 per cent or thereabouts.

Are there lessons that can be learned from your perspective to help enhance voter turnout?

Ms. Verma: The voter turnout in Point Douglas, you were right, was 32 per cent. It's very low, but traditionally by-elections do not boast of a high turnout. In The Pas it was in late 20s, the percentage.

Voter turnout is a complex issue. Sometimes the reason is how close an election is. That will depend on the political participation in that electoral division. Sometimes it's an engagement issue with the voters. Should there be more political discussions and debates being organized to engage the community to enhance their participation?

One factor is administration. We continuously look for feedback from the candidates and parties to give us the feedback on where the voting places convenient, were they—did—do you have

suggestions for alternate locations? Advance voting goes for eight days, which is still quite significant, as compared to other jurisdictions. So it's very hard to comment on—for a specific electoral division or for voter turnout because there are so many factors which are involved, some administrative, some political.

The studies also show that usually people from lower income tend not to vote. The other study shows that people who come from families of voters tend to vote. Based on this feedback we have developed the program of Citizen Next, where we encourage parents to bring their child to vote, to bring them to—for them to witness democracy and engage in the participation and have a discussion and dialogue at home to generate that interest.

Mr. James Allum (Fort Garry-Riverview): I just wanted to thank the CEO for a fabulous presentation today. It's been very educational.

I did want to talk about advance voting. Is it stipulated in The Elections Act that advance voting could be only eight days? Is that what I just understood you to say?

Ms. Verma: That's correct. The legislation says advance voting is for eight days.

Mr. Allum: It seems to me that there's an opportunity there in terms of participation. We see the numbers of advance voters turning out more and more. I think parties appreciate that as well—kind of get our folks out there first, and then you can work on who's left and whatnot.

Is there a circumstance that you're aware of where you could have a—kind of an—a rolling election, where in a 28-day campaign as we have now, at day 21 the polls would open; they would simply stay open for those 21 days, and election day itself would be election result day as opposed to election day, as we call it? Is there—are there examples of that and could Elections Manitoba—if the law was changed—accommodate that kind of rolling election period?

Ms. Verma: There are examples in other jurisdictions, and that's sometimes called a special ballot provision or continuous voting. Ontario has that, and Elections Canada has that. It's also known as mail-in by ballot. So, you send an application to your returning office, and they will send you a kit. You don't need to be an absentee voter, that you don't necessarily need to be away from the province in order to avail that facility. It's also—sometimes

options are available that you can go to a returning office and vote at any time.

There were a couple of considerations that were required for that. One is to have a register. In Manitoba previously, because there's a time period when the list is being created, we can't—we couldn't offer that or couldn't suggest that in the legislation.

The other unique feature is—at advance voting—is you can vote anywhere in eight days. So there's a logistic issue of updating the voters list while you are—advance voting is going on, and then if you open this other channel of continuous voting, how will these two options integrate with each other?

So it is something now, that with a permanent register, that we'll have a voters list on day 28 or within two days of day 28, that we can further look into how this can be implemented.

Mr. Gerrard: Yes, just one brief question.

I noticed in the 2016 election, there was only one third party who registered in terms of voting, and yet, remembering back to the time of the election, it seemed to be there were a number of groups of people who were advertising, which could have been interpreted as trying to influence the vote.

Is that something you're looking at and monitoring and—whether we should be encompassing more people?

Ms. Verma: So, third-party rules have changed with Bill 26.

Earlier, third-party rules were that issue advocacy was permissive, but express advocacy, which means you are advocating for a particular candidate or party, was restricted for third party. The way the rules have changed now, issue advocacy is also considered to be a third-party communication. To see an example, if a group would say, I'm promoting health, but health is not a unique platform for any particular party, then that would be classified as issue advocacy.

In the previous rules, that would not be considered as third-party communication. But in the new rules, if you're advocating for health, even though it's not promoting or opposing a particular party or candidate, it will fall under third-party communication.

Mr. Gerrard: Yes, and then would be restricted to the dollar amount of third-party communications, is it?

Ms. Verma: That's correct. Now the third-party communication of issue advocacy will be part of the third-party communication and subject to the expense limit. And the expense limit has been increased going forward now.

Madam Chairperson: As previously agreed to sit until 3:30, I will now put the questions on each report.

Annual Report of Elections Manitoba for the year ending December 31, 2015 including the conduct of The Pas by-election—pass;

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

Some Honourable Members: Pass.

An Honourable Member: No.

Madam Chairperson: I heard a no. The report is not passed.

Before we rise, it would be appreciated if members would leave behind any unused copies of the 2016 report so it may be collected and reused at the next meeting.

The hour being 3:30 p.m., what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 3:30 p.m.

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