

Second Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. Daryl Reid
Constituency of Transcona

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Monday, April 5, 2004

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

VICE-CHAIRPERSON – Ms. Bonnie Korzeniowski (St. James)

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Doer, Hon. Mr. Mackintosh.

Messrs. Aglugub, Ms. Brick, Mr. Dewar, Ms. Korzeniowski, Messrs. Loewen, Penner, Reid, Mrs. Taillieu.

APPEARING:

Hon. Jon Gerrard, MLA for River Heights
Mr. Kevin Lamoureux, MLA for Inkster
Mr. Richard D. Balasko, Chief Electoral Officer

MATTERS UNDER DISCUSSION:

The Annual Report on the Administration of the Elections Act and the Elections Finances Act for the year ending December 31, 2001.

Elections Manitoba 2002 Annual Report including the conduct of the Lac du Bonnet by-election, March 12, 2002.

Mr. Chairperson: Good morning, everyone. Will the Standing Committee on Legislative Affairs please come to order. This meeting has been called to consider the following reports: The Annual Report on the Administration of the Elections Act and the Elections Finances Act for the year ending December 31, 2001 and The Elections Manitoba 2002 Annual Report including the conduct of the Lac du Bonnet By-Election, March 12, 2002.

Before we get started, are there any suggestions on how long the committee should sit this morning?

Mr. Gregory Dewar (Selkirk): Mr. Chairperson, I suggest we sit until noon and then review it at that time.

Mr. Chairperson: Is it the will of the committee to sit till noon? *[Agreed]* Thank you, Mr. Dewar.

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

Mr. Dewar: Mr. Chairperson, I suggest that we review the reports as published in our Order Paper.

Mr. Chairperson: It has been suggested that we review the reports as introduced, in that order. Is that the will of the committee? *[Agreed]*

The two reports, starting with 2001 and then the 2002 report. Is that the will of the committee? *[Agreed]*

Does the honourable First Minister wish to make an opening statement? Would he also please introduce the officials with him in attendance here this morning?

Hon. Gary Doer (Premier): I would like to thank the staff from Elections Manitoba: Mr. Balasko, the Chief Electoral Officer; Mr. Gibson, the Deputy Chief Electoral Officer; Mary Skanderbeg, Manager of Elections Operations and Communications, who are with us today. Thank you very much for joining us. Scott Gordon I recognize, but was not on my list, Scott Gordon, the Manager of Elections Finances.

Just a brief statement. The committee is dealing with 2001 and 2002, the two reports, the Lac du Bonnet by-election and the annual report of 2002. I know that there will be lots of issues arising from the 2003 election. The political parties are meeting with the advisory committee of the Chief Electoral Officer at present dealing with issues such as lists, polling stations and other issues arising from the 2003 election. Those matters will be before this legislative committee when the Chief Electoral Officer reports on the 2003 election report.

I am sure all parties are talking about issues such as the number of voters at polling stations and a

number of those issues. Normally, what we have done is dealt with those recommendations from the advisory committees of the political parties through the Chief Electoral Officer to this committee in the 2003 report which we will deal with on a timely basis.

I would suggest that the matters arising from the 2001 and 2002 reports are pretty straightforward. Some of the recommendations that were contained in the previous reports dealing with the receipting of expenses for meals, some of the matters actually in the 2001 report, or some of the issues arising out of the 2001, the Chief Electoral Officer made recommendations to us in government. I went to the two party leaders, Doctor Gerrard and Mr. Murray, and we changed a couple of things to make the receipting of these meals arising from the 2001 report simpler, if you will, and not as complicated and much easier for those of us who are involved in grass-roots financing to take place. Some of the matters we dealt with in 2001 have already been passed in legislation that we passed, if I recall correctly it was the fall of 2002, by all-party agreement.

I do believe strongly the advice we received from political parties contained within the Chief Electoral Officer's report from the 2003 election, we will look at to implement those recommendations from the Chief Electoral Officer in a way that is consistent with the findings of the political parties and the recommendations they make to the Chief Electoral Officer. Those are my brief opening comments.

Mr. Chairperson: We thank the Premier for his opening comments—

Mr. Doer: I think the Lac du Bonnet by-election results are well known to members in the House and I cannot change those. Thank you.

Mr. Chairperson: We thank the Premier for his opening comments. Does the critic for the Official Opposition have an opening statement?

Mr. Jack Penner (Emerson): I thank the Premier for his comments.

The reports, both the 2001 and 2002, deal in large part with matters of how we conduct and how we finance and the accountability under the elections process. There have, as we all know, been questions raised from time to time on some of the processes and procedures.

Secondly, the point that I want to make is specifically a point that is probably far more relevant in rural Manitoba than in urban Manitoba. That is the designation of polling stations and the geographics in various constituencies, and probably none more evident of that than in mine, in the constituency of Emerson. The constituency, as we all know, encompasses virtually the south-eastern half of the province, not quite but almost, and covers large areas.

We had a situation in the Vita area, when I say Vita area it embraces a large area, but there were polling stations with people forced to travel from the western side of the river to the eastern side of the river and some of them having to travel up to 30 some-odd miles to go vote. That might be the case in other areas as well. I am not familiar with that but I am familiar with our area. I only raise that as an issue that I think we should be discussing to a greater degree than what has been discussed, at least that I have been part of.

I think we also need to discuss matters of candidate selections and the financing of candidates at some point and how that is done. That is also an issue that I want to raise. With those comments, Mr. Chairperson, I certainly look forward to the discussions that ensue out of this report and some of the issues that have been addressed here and some of the issues that are probably not resolved yet. Maybe we could ask Elections Manitoba when some of those things might be resolved.

Mr. Chairperson: Thank you, Mr. Penner. Before we get to a response, perhaps I might ask if the officials from Elections Manitoba wish to make an opening statement.

* (10:10)

Mr. Richard D. Balasko (Chief Electoral Officer): We have in the past had the opportunity to provide some information to the committee at the outset so, again, if you would be interested in doing that, I would take just a few moments to highlight a couple of points.

I have listened carefully to all that has been said and am aware of the issues. As the Premier (Mr. Doer) mentioned, since the last time we appeared before this committee there were some legislative amendments that resulted from recommendations in our reports. I just want to note a couple of those.

One additional one was the peacekeeper amendment. With the changes that were made to the law I can report to you that we were successfully able to provide absentee ballots and receive the ballots back from Canadian forces in Bosnia during the last general election. That worked well.

A second area of considerable change on the finances act dealt with auditors' fees. As you know, the amounts paid to auditors increased. The payments could be made earlier in the process and there is now a subsidy for the annual financial statement of political parties as well. From what we have seen on the returns that have been filed with us, all these things have had a very positive impact on the filing of the financial statements. There have been, as had been referred to, some changes with regard to record keeping for donations in kind of a minimal value and not requiring donations in kind below a certain amount, \$15, to be considered to be contributions.

A couple of items that have been addressed that have not yet been put in place, one deals with leadership contests. There have been significant amendments on that. We just had not experienced a leadership contest with a registered political party to date but we continue to make our preparations, if and when that is necessary to apply.

The second area in terms of legislation that has been passed but not proclaimed deals with third-party expenditures, a big issue that has had a considerable discussion with this group and with others. To update you, the most recent decision of the Supreme Court of Alberta was appealed by the Attorney General for Canada to the Supreme Court, and the matter was heard before the Supreme Court on February 10 of this year. The Attorney General for Manitoba was an intervener with the Attorney General for Canada. This basically goes to what rules, if any, ought to apply for third parties, other than parties and candidates, becoming involved in elections with regard to disclosure, with regard to contributions, with regard to spending limitations. So we have not proceeded on this front in terms of our preparations because the decision now is pending with the Supreme Court and I think it just makes sense to wait. I have no idea as to when that decision will be forthcoming.

Very briefly, to tell you, we have, since the election, met with the advisory committee on The Elections Finances Act and we have met with the

advisory committee on The Elections Act, as has been referred to. We have had good discussions with them to frame some recommendations for our next report, but based on our past discussions with those groups there are a couple of recommendations in the reports that you now have before you that I would just like to highlight for your consideration.

First, with regard to The Elections Act, we have had discussion about a plain language rewrite of that statute. Last time we met there was discussion of that and I think some commitment to see a plain language version of The Elections Act at least. So we remain very committed to that and the timing may be good for that now that we have had the opportunity to conduct an election.

The only other comment on The Elections Act deals with enfranchisement. You will find in that report a scattering, a collection of recommendations to further enfranchise Manitobans who are at the fringe right now. They do not apply to great numbers, in most cases, of voters, but everyone is important and so we have taken the time to make these recommendations. Caregivers to persons who are homebound and the extension of homebound voting provisions to those people. We do encounter those circumstances.

The one broader area that I would refer to you is student voting. We have had some discussion here about that in the past. We have made a recommendation that students, assuming they are residents in Manitoba and are qualified to vote, that if they leave the province for post-secondary purposes they retain the right to vote beyond the normal six-month rule of residency. So this is for your consideration. It has been supported by the ad hoc committee of the political parties on the Elections side. Most jurisdictions in Canada have some provision to allow students out of province to vote.

On the elections finances side, a couple of items in our past reports I would draw to your attention. One is we believe there needs to be a very specific requirement in the law that reimbursement that is paid must be used to settle election debts. We had circumstances in the '99 election where this became an issue. From an enforcement and compliance point of view it would be very helpful. It seems to us to be just plain logic that the reimbursement should be used to settle the expenses of a campaign, but it is not spelled out in the act. That does to some extent limit our ability to enforce compliance with that.

A second area, we think that it is a very positive thing to have campaigns file at the time of their election statement some of their basic documentation and supports for the statement, for example the vouchers for expenditures. This is the case federally. We asked on a voluntary basis of all the campaigns last election: Would you file with us some of your basic documentation at the time your return goes in? More than 80 percent complied. I think we had a very favourable experience with that and a positive discussion with the advisory committee on that. This vastly improves our ability to move the process along, to ensure compliance, to get reimbursement paid as quickly as is appropriate, and it saves processing costs to the public as well.

There is now a limit in the finances act on what political parties can spend outside election periods on an annual basis for certain types of advertising, but there is not a requirement that that advertising has a banner of authorization. You are familiar, in elections you have to have an authorization statement on your ads, but outside election periods, although the amounts are limited, there is no similar authorization statement. That would be a good idea. It is good from the public's point of view. I think it is also good from the party's point of view. They understand who is out there incurring expenses.

From a candidate's point of view you may be running the same ad pre-election and you want to just continue that ad when the election comes along, but if you do not have the authorization you have to change the ad to make sure you are in compliance with the law. Sometimes people can make an honest mistake and not add the authorization and just continue to run an ad during the election. We have made that recommendation as well.

The final comment on The Elections Finances Act has to do with child care expenses. We have for a considerable period of time, with the advice of the advisory committee, made a recommendation that the unique, reasonable child care expenses of a candidate be considered election expenses so therefore they are reimbursable, which is the case now. We have taken the next step. We have said we think that those expenses for unique, reasonable child care costs that impact some candidates and not other candidates, while they should be reimbursable, that they ought not to be considered an election expense countable against that candidate's limit, because that puts some candidates at a little bit of a disadvantage

compared to some other candidates. There is some precedent for this elsewhere in Canada. As well we have some precedent in our current law for disability expenses, unique costs related to a candidate's disability that reimburse those expenses but do not include them in the limitations.

I really appreciate the opportunity to be here today. I want to just touch on a couple of other statutes. Again, they are in our reports, and it is a real pleasure to have the chance to review some of these matters.

Referendum legislation, there has been over time an increasing reliance on referendums. We have now the balanced budget legislation requiring referendums in certain cases. We have the Manitoba Hydro act. We have a bill before the House now with regard to MPI where referendums would be required to be conducted in advance of certain actions, but in Manitoba we do not have referendum legislation. The law simply says run a referendum as you would run an election, but there are real differences between the way you run elections and referendums: the absence and presence of candidates; the absence and presence of third parties or local organizations that support one side or the other.

We think that, as in the great majority of provinces in Canada, referendum legislation would be very helpful in Manitoba. The reason it would be helpful is that it is good for everyone, we believe. It sets out the rules clearly. They are different rules. The participants understand. The public understands. We understand exactly the intent of the Legislature in terms of conducting a referendum. We would certainly encourage consideration of that matter well before there would be a referendum considered.

We also think there should be campaign finance rules applicable to referendums just as there are in elections. We should give consideration to how much each side of the argument might spend; who might contribute; how much might they contribute; what is the public right to understand how much; who is behind these arguments, pro and con, on the referendums. There are a lot of issues around this. That may be a heavy legislative demand, I can understand that, but we think it is important.

Finally, Mr. Chair, with other legislation, I want to mention Boundaries Commission. You may wonder why I would take this opportunity to mention

the Boundaries Commission. Boundaries Commission legislation sometimes goes off our radar screen because the commissions are 10 years in between, but we are now less than four years before the next Boundaries Commission. There are at least two comments of previous commissions that I would like to highlight for your attention. Again, I do not speak for the commission. I was a member of the last commission, not the one before that, but I would like to highlight these to you.

Mr. Chair, one is the timing of the implementation of Boundaries Commission reports. We had a very good discussion here last time we met on the implementation of a Boundaries Commission report. We will all recall that in the 1999 election there was a redistribution and an election call around the same time. This raised some concern in some circles. Certainly there was an issue for the political parties and candidates, for Elections Manitoba and for others.

The Boundaries Commission has mentioned the federal model, where once the report of the commission is adopted, then the Government has a year in which to implement the boundaries. There are some good arguments to that, but, as was pointed out last time around, there are some real down sides to that too. It still leaves a great deal of uncertainty and latitude with a government to make a decision to call an election on one set of boundaries or the other.

I would like to put before you an alternative model that has been considered and is in place actually in Alberta, Saskatchewan and Nova Scotia. That is, they put a time limit on the commission report that the commission, once it makes a report tabled directly in the Legislative Assembly, there must be a bill that session or within a certain number of days in that session—there are differences in the various models in Canada—and that the boundaries take effect at the next election.

* (10:20)

I would like to just put this before you as a matter for discussion but highlight that we have had discussion around the implementation timelines. It is good to have this discussion well before there is a boundaries review.

The second item with regard to boundaries is the membership of the Boundaries Commission. At least

in 1988 the Boundaries Commission observed that the statute now has an excellent model for identifying the members. It identifies offices, and whoever happens to hold that office is a member of the commission.

There is not latitude in selecting individuals, but, on the other hand, the model has a deficiency in that the practicality of it is that usually there is not rural representation or representation from outside the city of Winnipeg, just because of the nature of the officeholders. So, in '88, the commission said it might be worthwhile to look at other offices that would thereby ensure representation on the commission from outside the city of Winnipeg. Again, I just jog your memory on that and say that we think that while the model is good to tie it to stakeholders or officeholders, we should look for officeholders that might be found beyond the city of Winnipeg. An odd number of members is good. We have had unanimous reports in the past from commissions, but an odd number still would be good. We have three now, so, as we discussed last time here, five would be good.

These are our recommendations, many of which are included in our reports. A final note, as I updated you last time, I can tell you now the Shared Code of Ethical Conduct of political parties was in effect for the last election. This arises from the commission of enquiry of former Chief Justice Monnin, and now five of the six registered parties in Manitoba have accepted the shared code officially, formally. So all the parties in the province have done this with the exception of one political party, the Libertarian Party of Manitoba. I do not expect that that will be forthcoming. Having said that, this is generally good news. Thank you very much.

Mr. Chairperson: Thank you, Mr. Balasko. The floor is now open for questions.

Mr. Doer: Just dealing with the items that have arisen from both Mr. Penner's comments and others from the Chief Electoral Officer, we share the concern on polling stations. Our advisers, our party representatives are coming to the same conclusion on the number of electors and the polling stations. I know that that is going to be reviewed by the advisory council, and recommendations from the Chief Electoral Officer will come through the 2003 election report, but I just want the member to know that we share similar concerns about access to polling

stations. I want to give him the undertaking that we will listen very carefully to the issue of access to polling stations and how we can have a better, more appropriate access.

We did go to the recommendation that the Chief Electoral Officer had made in the eighties, I believe, or maybe in the early nineties, but I think in the late eighties, on non-partisan, non-Cabinet appointed returning officers. For the first time ever the Cabinet did not appoint the returning officers who then in turn decided where the polling stations were located. There are different laws on thresholds. I do think we have to go to the next step because polling stations in rural or northern communities or senior citizens homes in particular, all three areas I think have to be very, very voter sensitive. I accept the comments made from the Member for Emerson (Mr. Penner).

On the whole issue of the boundaries report, I am aware of the recommendations in the boundary report. I think it was one of the former members of the former government, Mr. Downey, and myself that commented on the lack of representation from rural and northern Manitoba. We have to look at the model of institutional appointments that D. L. Campbell actually brought in back in the fifties, I might say, the last great contribution of the Liberal Party to the Legislature of Manitoba. That was a very excellent model at the time. There is no question that the success of the model again is superior to, I would argue, Ottawa, where you have specific persons designated in each province who then become subject to allegations that they in fact have a partisan bias.

The advantage here is we do not know who the University of Manitoba president is going to be. We do not know who the chief judge is going to be except they will not be appointed by the NDP, because we fail to hold office in Ottawa, and obviously it is an all-party support of the Chief Electoral Officer.

How do we get the institutional representation in the law that would not be subject to any partisan perception? Right now we have a completely partisan-free boundary commission, but I think the perception in rural and northern communities, who have suffered losses of population, is that this might not be as sensitive to the issues of boundaries and locations.

I do believe we have to do that. The whole issue of when the law takes place, having gone through the

exercise in 1999 of preparing candidates and election preparations on the basis of two boundaries, including some heated nomination battles when boundaries eliminate the seats, I want to say to the Chief Electoral Officer and the members of this committee that it is not appropriate to prepare on two sets of boundaries. Having said that, it is not that simple, but we are committed to the principle of looking at a less whimsical or perceived to be whimsical exercise in election calling on the basis of when the law comes in or does not come in.

Thirdly, the whole issue of student voting, just as we looked at the issue of peacekeepers, I think we would want to look at ensuring a person, if they are going to, say, Queens University, does not vote twice. So how do we deal with the issue of enfranchising students that come from Manitoba but not enfranchising students twice, once in one province and once in another province, and how does that work appropriately? Plain language I think it is crucial.

I think most of us operate our political parties with volunteers. I think we all know the complications of the act. It should not read like The Income Tax Act. Now, that is our fault. We write the act. We draft the act. The Chief Electoral Officer has to implement the act, but how do we make it simpler for volunteers, because we certainly rely on volunteers.

I know that volunteers can and will make mistakes, Mr. Chair. We certainly do not want mistakes. We want to limit the number of mistakes made, not increase them by language that looks like it is the Income Tax Act rather than an act dealing with volunteer participation in democracy. The debt limit recommendation makes good sense. The banner on ads, we will certainly canvass the other party representatives.

The child care recommendations, again, make very good sense. I would be interested in the Chief Electoral Officer's views on disabilities having a similar protection. Certainly, as I say, prior to the last election we passed a number of recommendations that were based on the advice of the three political parties. Mr. Chair, we had consensus from all three party leaders when we brought it into the Legislature. We would certainly like to believe the rules of engagement in election campaigns, as much as possible on the administrative side and on the access

side, should be based on the whole issue of equity of citizens to participate.

Lastly, as I reported in the last committee meeting, we did not proclaim the third-party sections of the act that we passed in the year 2000. We did not do it because we did not want to waste a lot of third-party legal fees into a process that we knew eventually would go to the Supreme Court. Whether it was the Province of Manitoba or the legal system itself here in Manitoba or the people in the third-party advocacy issues, we knew it was going to go to the Supreme Court so there was no sense. We knew the Supreme Court would rule in a way that bound, we would expect, the provinces, so that way we limited the expenses of citizen groups in Manitoba and the provincial government.

I think there was only one set of third-party ads in the last election campaign and that was the Manitoba Association of School Trustees, ironically. I will save my comment beyond that, but those are some of my comments to say that polling stations and other issues we have concerns about as well.

Mr. Chairperson: Thank you, Mr. Premier.

* (10:30)

Mr. Penner: I appreciate the comments the Premier made and above all the comments that the Chief Electoral Officer made to the committee. I think that is admirable that considerations are being made in several of these areas.

One area I think it is important to note, and I say this to the Premier. If we cannot somehow come to an agreement of some sort to provide better polling facilities, as you say, to seniors and others that are simply not able in much of rural Manitoba to get to polling stations because of distances and/or support—

Disability is one that I had a personal experience with when I came to one of the polling stations and one of the family members said "we have a dad that would like to go vote but he simply cannot get there because home care is not able to help him get into the car and provide support to get to the polling station." So my wife, Dora, and I drove out there, helped him into the car and, believe it or not, I have no idea how this person voted or does vote. I say that in all honesty. We helped him get into the car and waited at their house to make sure nobody would

enter their house until he and his wife got back and helped them back into the house.

I think those kind of considerations must be made in rural Manitoba because we do have numerous people like that in rural Manitoba, in one constituency or another, that have that difficulty. I think there needs to be some provision made within our legislative process and/or operational process within Family Services and/or other agencies that do provide this kind of help, that they would be allowed to at least give some assistance in those areas. That is something I think needs to be addressed. Maybe the Chief Electoral Officer at some point in time wants to make comment on that in a report or whatever.

The other comment I made about polling stations, if we cannot provide polling stations at lesser distances in instances such as I described, on one side of the river and the other side of the river, then I would suggest to the Premier (Mr. Doer) maybe we need to build more bridges to make the distances much shorter if the bridges were there. I will leave that part at that.

There is a question I have that arose during the 2001 election campaign. It is a question where I should have probably picked up the phone and asked the question, but I have not. I am just reminded of it. What is the process as far as a party paying a candidate? Are there any limitations or are there any provisions for a party being allowed to pay a candidate to run in an election, or are there rules against that? What is the process? I simply do not know, and I ask that question.

Mr. Doer: I will let the Chief Electoral Officer answer the other questions you have raised, but I do believe we have expanded, if I recall correctly, the role of voting by mail to deal with some of the cases that have been identified by the member. Obviously, the issues of polling stations across rivers, notwithstanding the issue of a bridge, I think that it might be less expensive to have two polling stations than one bridge, but I understand the motivation of the other option. I do believe that mailing ballots has been expanded. It would be interesting to note how well that is working. I now suggest the Chief Electoral Officer respond.

Mr. Balasko: Thank you for the questions, Mr. Penner. Just to pick up on a comment that the Premier made, the provisions for homebound voting

that we have in Manitoba would permit someone who is in their home and who has difficulty getting to a poll, wherever that poll might be, because they are just physically homebound, the provisions allow a person to vote by mail. When we say mail in Manitoba, in fact the way we have operated this over several elections is most often in person. The ballot is delivered through the returning office to the voter's home and the returning officer will be there. They will bring a screen and the rest. They will set it up and they will take the ballot and they will take it back.

There were just over 1600 persons voting by homebound in Manitoba last election. It is a pretty constant number as we go along. One of the related recommendations, however, is that there may be a situation where the caregiver, maybe the spouse of the person who is at home, cannot get out to a poll because they are providing 24 hours, 7 days a week. Right now there is no way for that caregiver to be able to vote by homebound. Our recommendation is to extend the opportunity. Let the caregiver in those cases vote by homebound as well, but certainly the voter could have voted in the homebound process there.

Secondly, with regard to candidates and payment for candidates in an election, it is permissible to do that. It is an expense of a campaign just like it would be in other circumstances.

If you will just allow me to make a bit of a comment and update on poll locations because I know that this will be a matter for more discussion next time around, our biggest issue, I do not believe it is a legislative matter on the poll locations. The legislative matter we addressed was to increase the average number of voters at a poll to 350 from 250. I care of course of what is happening in Manitoba, but whenever the federal election rolls around in Manitoba it would be 450 that is their average. We are at 350. But within that we have the flexibility to determine where the polls are. I do not think it arises from that recommendation or the law and I do not think it is a legislative amendment.

From my perspective, what is very important for us, especially now that, as was correctly pointed out, we appoint the returning officers, it is really important that we continue to get the local feedback from the political parties and the campaigns as to where those polls are located and what makes sense and

how we have done that in the past. We have had this discussion, by the way, with the ad hoc committee on The Elections Act, and I have had this discussion with several others. In the past what we have done is we would take the maps to the ad hoc committee appointed by the leaders of the parties and say here are the maps and descriptions. Any feedback?

That is how we have run it. There has been the added value on the one hand, if you like, about a local appointee who may have had involvement in politics, often did, and so may have had some perception about poll location, but that is more than offset, I think, by other factors.

This time around we did the same thing. We provided the political parties with the maps, descriptions and poll locations, beginning five months before the election and going right up to the election, and again invited commentary. We knew the impact of the Boundaries Commission plus the legislation was going to cause a one time change to some poll locations.

Mr. Chair, we further wanted to get local feedback and so we did something we have not done in the past. That is that every time a candidate was nominated at the constituency level we sent them a letter and a yellow sheet, you may or may not have seen it, but a yellow sheet simply saying: Attention. Legislation has changed and the Boundaries Commission report is now going to be fully implemented.

It was not time in '98 because of the time of the election.

The maps and poll locations are available from us. If you would like to, contact us. We will give you the maps, give you the locations and we welcome your feedback.

We reinforced this, in addition to the letter, in our presentations. More than 60 percent of campaigns attended campaign finance sessions to bring people up to date on the laws, because they are complex laws that volunteers need to follow in Manitoba. We handed out the yellow sheets and we did all of this.

So when I provide this background, please accept it just as the background. We too want, obviously, the very, very best polls. More than two

thirds of the polls were the same as they were last time around, but there were a number of changes.

We need the local feedback. We have traditionally gone through the ad hoc committee. We have expanded it to try to go to campaigns this time around. We need to rethink how we do that because, as a result of all that, we had two submissions. We need to make sure we find a way to really engage people to get more feedback.

How are we doing it? Well, we met with the ad hoc committee. We have had good discussion and an agreement that the parties will be identifying an individual within the party who will be their point person on poll location matters. The parties are invited to bring to us any issues of poll locations and are, I understand, preparing to do that now.

We will get all those location issues. We will review them all. We will provide feedback to the parties. They will have a chance to look at it, hopefully, and we will be suggesting they take it to their caucuses and to others directly. In that way, we can, well before the next election, hopefully address the poll location problems, because there are some polls that need to be changed, in particular in rural Manitoba. Our returning officers know that. We have met with them and they have some changes to propose as well.

Overall, overwhelmingly, we think the polls are appropriate. Having said that, it is not acceptable to have any locations of driving great distances or things like that. We are very sensitive. We understand it. I do not think it is a legislative matter. I think it is a consultative matter and this is the process we have already put in place for the next election.

Mr. Penner: Just one further comment to that, Mr. Chairperson, I think the decision to enlarge the polling stations is where the problem stems from, especially in rural Manitoba. The population declines that we have seen in many areas of Manitoba over the last half decade or so are nothing short of phenomenal. I think that is in large part creating the problem of forcing people to drive large distances to get to polling areas. Then when you have to, as I have described before, make detours because of access is a problem and has become fairly problematic.

*(10:40)

If some of the polls would have been left, because of geographic location, the Tolstoi poll, for instance, that used to be there, was put there simply because of geographic location. It allowed people from Ridgeville, Tolstoi and Gardenton to come to that polling station, regardless of how many people there are or how many people actually go vote. That was logistical far more than anything else and it did not force people to drive 35 miles to go vote. Once you have to make a 60- or 70-mile trip there and back to go vote that is a substantial distance. I think that could be avoided.

I think there need to be exceptions made on the numbers for the designation of polling stations in rural Manitoba because of the depopulation that is going on. It will be ongoing. It will become worse instead of better. The economic situation last year demonstrated for the first time in the history of Manitoba that the average farmer had a minus net income. That will force further consolidation, and there will be fewer people. So I think we have to give some consideration, unless we want to provide them all with a little plane and an air pilot's license to get there. Logistically, I think we have to do some thinking around that to maybe have lesser numbers in a poll in a rural setting than an urban setting.

Mr. Balasko: I agree with your comment on geography. It is supposed to be a factor that returning officers look at. We will be looking over that again ourselves. We have the ability to do that now, and we are doing that. So thank you very much.

Mr. John Loewen (Fort Whyte): I have just a quick comment on the polling. I appreciate the comments that have been made.

I would also raise the issue of a constituency such as Fort Whyte which did not exist prior to '99 and since then has become the largest constituency in terms of eligible voters. We sort of have a paradox there. We have the opposite problem, which I think discourages voter turnout. There were too few polling stations and too long lineups. Many of the polling stations, during the 2003 election, there were very long lineups to get to vote.

Again, I think there has to be some flexibility in there. It is a rather unique situation, because the constituency is primarily made up of three relatively new urban developments. As a result of a lack of schools, a lack of churches and other sorts of public

gathering points, it may be difficult to find polls there, but the experience in the constituency of Fort Whyte was that there were not enough polling stations and the lineups were too long. I think people just got frustrated and left, which may also be reflected in the lower voter turnout. I just wanted to pass that comment as well.

Mr. Chairperson: Mr. Balasko, did you wish to comment?

Mr. Balasko: Thank you. I will take that under advisement.

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, I do have comment followed by a couple of questions. I had the privilege of being a party manager as administrator for a political party. It gave me a few insights during the sabbatical I had from the Legislature. It was interesting. It was a good experience. You get a high sense of why Elections Manitoba is needed. It is very supportive of all political parties, and, administratively, it assists greatly.

When we make reference to those ad hoc committees, while I was an MLA, prior, I did not realize how important those two committees were. Just in listening to the comments on the polls and so forth, there is dialogue that occurs on those two very important issues. One of the thoughts that came across my mind as I was listening to the member from Emerson is that maybe candidates of political parties from the previous election should be made aware of those committees and the purpose of those committees. I had no idea of it. It was only because of my position of party manager. Yet I found that it was very informative to be a part of that.

I wanted to make a couple of suggestions and would be interested in your comments. The first is in regard to representation on the election reform board. Would the legislation allow for those independent three to appoint someone amongst themselves so that among the three of them they could appoint someone from rural Manitoba? It is still away from us, but it is those three that would make the appointment. I would be interested in hearing your comment on that particular issue.

Mr. Balasko: Thank you very much for the comments. With regard to the Boundaries Commission, presently there would be no authority for

the three existing members to make an appointment from outside.

I am only speaking for myself, not the commission, but I really think there is strength in the model in Manitoba, going back to the '50s, where we have a process whereby we designate positions. I think the real strength of that is anytime anyone makes a judgment about a selection, and there is always someone who may view this election one way or another, positively or negatively, and the nice thing is, you know, when it is the Chief Justice of the province or the president of the University of Manitoba, it is just whoever is in that position right now. So I understand your comment. It certainly does work that way elsewhere. It does not mean it cannot work that way in Manitoba, but, from my perspective, having served the commission as a secretary and then been on a commission, I think we should make every effort to identify positions and positions that might be expected to be occupied by someone from outside the city of Winnipeg. There is a bit of speculation there. You know, we cannot guarantee that either, but I think there is strength in the way we do it now.

Mr. Lamoureux: Do you already have a sense, or would you provide a recommendation in the form of legislation that you would like to see that other position? Are you thinking of the University of Brandon? Is there an association that you are already thinking of that you would like to see us make the amendments to the legislation to accommodate?

Mr. Balasko: We do not have a particular position that we have recommended be made a member of the Boundaries Commission, but we have, certainly, just looked at it in internal discussions. There are university presidents. The president of the University of Winnipeg, I think, is in the City of Winnipeg Boundaries Review committee. The president of the University of Manitoba is on the provincial Boundaries Commission. This may be a good suggestion you have made, as well as University of the North but, no, we have not made specific recommendations other than to say that we think it ought to be, if we can, but, certainly, a non-partisan and there is a non-elected position.

Mr. Lamoureux: I respect what it is that the Premier (Mr. Doer) has said in regards to the neutrality. Going back to Mr. Campbell—

An Honourable Member: He is looking over your shoulder right now.

Mr. Lamoureux: He is looking over me, I am being told.

Anyway, the other issue is in regards to when the new boundaries take effect. Like most issues, I do have an opinion on that one also. I always thought that the best way of doing it is to bring it in and make it mandatory that the commission would report on new boundaries immediately following a third election. After that third election, there has to be a session, and within that session the new boundaries would be passed. The reason why I say the third election is because, typically, we are saying you want to wait 10 years, and, I think, the third election will guarantee you over that 10 years. There is no absolute guarantee, but at least then it takes away a lot of the uncertainty.

The Premier can comment on the political side of it where you have one candidate or two candidates when a constituency completely disappears and so forth, but even from a party administrative point of view, it is a huge organizational effort in that uncertainty makes it very difficult. Now, if it was based immediately following the third election where they have to present the maps, if you like, they can still do the lead-up work after the 10th year, or use their best guess.

You know, you do not have to be a rocket scientist in order to figure out when the third election is most likely going to be. You can start the process or whatever it might be, but the idea is that immediately following that third election, a presentation of the boundaries then would be made in which they would be expected to be passed in that first session. I would be interested in your comments on that.

* (10:50)

Mr. Doer: I would point out that, and the member will remember this, there was an election in '86, '88 and 1990. I recall living through some of those as the member opposite did too. There were three elections and then we went four and a half, almost five years in the next two elections called in 1990 and 1995 and 1999. So you had nine years for two elections and three elections in four years. Obviously, Mr. Chair, that is complicated by a minority government. The principles are easy. The application of the principles is more complicated.

That would be my political comment to your non-political question. I will leave the non-political answer to the Chief Electoral Officer.

Mr. Chairperson: Mr. Balasko, did you wish to comment?

Mr. Balasko: Yes. There are different models around. That is one that would take some of the uncertainty out of it. To that extent it is positive, but we also have to look at what might we give up. In that case as well we would have boundaries drawn three years before an election, so by the time you hit the first election the population changes in the province of Manitoba that might have taken place over those three years will already be impacted.

We know in the life of 10 years the constituencies in the 10th year look a lot different than they did in the first year, but at least in the first election after the redistribution, which might be within a year or so, they are pretty representative in at least that first election. Then maybe they become a little less so over time. So if we wait three years before the first time we use that map, it may be somewhat out of date in terms of the population statistics, but it would address the issue of the uncertainty.

There is one other, and there are probably lots of options, but here is another option, because I see it as part of my responsibility to inform you about things that are occurring elsewhere. There is the idea, B.C. has a fixed election date. We talked about this last time at this committee, briefly, but we talked about it. That would allow them to sync up exactly, the Boundaries Commission. Ontario has announced they are going to be doing this. New Brunswick is currently studying this. There are lots of other reasons beyond Boundaries Commission that you would want to consider a fixed election date. There are all kinds of parliamentary, historic and other factors that are well beyond the conduct of elections at Elections Manitoba, but, as we are throwing options on the table, that is just another option some other provinces are looking at that would allow you to sync up redistributions.

Mr. Lamoureux: I guess if we were starting at a level playing field where we come up here, we are going to have the boundaries reviewed, we need to have them reviewed in order to take into account population shifts and so forth, I think there are arguments for both. I am not too sure to what degree,

given now that we have some experience with boundary commissions, if in fact we have the best. We could look indefinitely into the future and never really change it because of our unwillingness to maybe try something a little bit different that might work.

The Premier (Mr. Doer) is quite right in his assessment. We had three elections in a relatively short time span, but I think if you look historically in the western provinces, let us say, over the last couple of decades it would likely come somewhere between that 8 to 12 years which would allow for those shifts of population. I bring that up for what it is worth.

The other question I had is in regard, you just mentioned quickly the other provinces, the province of Québec is also looking at electoral reform, to what degree does Elections Manitoba or the office of Elections Manitoba follow what is happening in other jurisdictions regarding electoral reform. If they do follow that, do you bring these issues up eventually with the ad hoc committee? How do you ensure those issues are at least being observed, or do you feel you have a role in doing that?

Mr. Balasko: We certainly believe we have a role but that our role is limited to one which is to provide information to the Legislature.

There are a lot of issues being considered across Canada right now that relate to electoral reform, as you correctly point out, that are not really within the strict mandate of the conduct of elections.

For our next report, for example, we would like to provide the Legislature with a sense of what is on the horizon, as we would call it. What about Internet voting? What about proportional representation, fixed election dates, things of that nature that are being discussed and pursued elsewhere, often by electoral reform commissions?

In B.C., where they are looking at representation, they have a constituent assembly that is doing this; Québec has an electoral reform commission, the minister responsible for electoral reform. In most jurisdictions, Prince Edward Island, when they looked at proportional representation, they set up a commission. To really get into the depths of these issues, into real detail, it really is not the elections office itself. It has been some commission to look at electoral reform, but we do see a great opportunity

for us to continue to give you information about what is on the horizon and also to raise those matters with the ad hoc committee and the advisory committee on The Elections Finances Act. We have had some of those discussions.

In one of these reports, there is reference to proportional representation, to fixed election dates. That comes from discussions we had with political parties, some of whom around the table say "well, gee, we really think proportional representation is something that we ought to be pursuing." Well that is outside of this Legislative Assembly Act. It is a matter for Legislature, but we raise the matter so that you can decide the best way in which to examine this in further detail. I hope that answers the question in terms of the role we see for ourselves.

Mrs. Mavis Taillieu (Morris): Yes, thank you. You just raised a point that I wanted to ask a question on and that was Internet voting. It seems a logical next step and it seems to me that it would have been a question that would have been asked before and it probably has been addressed. I am just wondering what the status of that particular way would be.

Mr. Balasko: That is a really interesting one. The first part of your question is to what extent are we studying and observing it. Very much so. Markham, Ontario, the municipality, had an experience with Internet voting, so we have had discussions with the officials in Markham and we follow that carefully. There is some use of it in Britain. Political parties have made some use of it, so we studied that really carefully. We are going to continue to study it very carefully.

It seems that when you survey Canadians, about half of Canadians would like the opportunity to vote by Internet because increasingly we are in a technological society and there is a natural attraction to this. Interestingly, about half the Canadian public as well raises the concern about privacy and security of Internet voting.

So where we are in our examination of this is that we think that the concerns with privacy and security are so fundamental right now that we certainly could not at this point endorse a specific program of Internet voting in the short term. It does make sense, as Canadians are very technological, to continue to examine that and see if maybe there are not some circumstances under which it can be used

into the future, but I think we have to guard the base very, very carefully.

Our base is secure, private right to vote, integrity. People do not really question the integrity of the process we have now. There are some issues that we have to address to do better legislatively and administratively, but the basic value of the integrity of the system is the first thing we have to protect. I would have some real concerns about moving too quickly on Internet voting.

In the U.S., they have looked at some of these. Department of Defence has recently abandoned for the second time their process to have Internet voting for their forces overseas, and I assume that that is a very secure network with all kind of controls and discipline within the voting population and the rest of it. They would like to do this but they have had to abandon that for the second time.

All Canadian studies have raised a real flag on privacy and security and lack of a paper trail on Internet voting, but that is not a reason to stop looking at it. We need to stay on top of it and we are.

Mr. Chairperson: Further questions of committee members?

Mr. Loewen): With regard to the third-party limits, I am wondering if I can get a little more detail from the Premier on where he is at in terms of the committee that he promised to form to look at the nature of advertising. We have been through one election without any recommendation from that committee and, as he mentioned, MAST seemed to be the only third party that was advertised. Maybe part of the problem is that third parties are stepping back from the process because they do not know what the rules are any more.

I think it is very unfortunate that nothing has taken place since the passing of the act limiting contributions in terms of proclaiming this section but also in terms of the Premier's commitment to form an advisory committee that would, as I understood it at the time, have some ability to determine guidelines for which ads would be acceptable and which were not. I would like an update on that.

Mr. Doer: Well the act was not passed because it has not been proclaimed, Mr. Chair. Therefore, the sections dealing with how it would operate and the

committee's advice is not in place, obviously, because there is no law in place on third-party advertising. The laws in place on third-party advertising in 1999 were the laws in place in 2003. There may be some delineations on disclosure and other items, but I would suggest strongly that as soon as the Supreme Court rules, we will know the validity of our unproclaimed act. I just did not want to waste a lot of time, effort and money on something that could either be deemed to be legal in Ottawa based on a Supreme Court decision, or deemed to be illegal based on an Alberta Superior Court decision.

Basically, the laws that existed in '99 were the laws that existed in 2003. There might be some differences, but, in principle, the laws were very similar. I would certainly be willing to meet with the party leaders. I think I would discuss this with the party leaders along with other matters that we would not basically proclaim these sections. I would be willing to meet with them after the Supreme Court decision and get the advice of the Chief Electoral Officer also.

I do not know when the Supreme Court is going to rule. I am not sure whether it will rule. I was looking forward to Mr. Harper's presentation before this committee because I was going to ask him who funded the citizens' coalition of Canada, but he had a press conference on the steps of the Legislature instead. These are interesting issues, but we wanted to limit the taxpayers' exposure here on court cases and litigation inside Manitoba. I knew that if there was a matter going to the Supreme Court out of Alberta that, if we had a court decision in Manitoba, no matter what would happen, it would be subject to the Supreme Court decision. That is where the status is. It is unproclaimed. It is in a state of suspended animation until the Supreme Court rules.

I did talk to the broadcasters the other day, including the national chair of the broadcasting association. I have kept him up-to-date. They basically supported the fact that we did not proclaim that act. They, themselves, obviously, have their own view of the Supreme Court. The same gentleman that presented before the committee, he and I chatted about this at their annual meeting that was held just recently at the Art Gallery. I have discussed this with them. I did meet with the broadcasting and publishers association of Manitoba to go over the fact that we did not proclaim it, so those laws did not exist. I met with them prior to the election just to let

them be clear about what was going on. That is how I handled the political issue.

Mr. Loewen: With regard to the recommendations, I would just like some further information in terms of process. What I am looking for is some response from the officials at Elections Manitoba or the Premier in terms of what recommendations have been taken forward, action been taken on by the ad hoc committee, and where their present state is. Again, it comes back to process. The danger is we get these reports maybe once a year or every second year to look at. We get all the recommendations, but there never seems to be any follow-up in terms of where the recommendations have gone. If it is more efficient to provide a written report back to the committee, that would be acceptable as well, but I think it is important the committee have an understanding of what recommendations are being followed up by the ad hoc committee, or are being followed up by Elections Manitoba.

* (11:00)

Mr. Doer: In terms of the law, many of the recommendations that have been made prior to 1999, the major one being the independence of the returning officers that had been recommended almost on an annual basis, we did implement. A number of other recommendations on peacekeepers, we had all-party support as the Chief Electoral Officer recommended. I have kept a list of all the points he has raised of issues that are still outstanding. I have tried to meet with the all-party leaders as well because when we did the peacekeepers, when we did the receiptable expenses, when we did the treatment of auditors in terms of how they were treated, I took the recommendations of the Chief Electoral Officer and I met with Mr. Murray and Doctor Gerrard so we would have some consensus. So I will get a list of the recommendations.

We should be accountable to the committee of what we are implementing, what we are not implementing and when we are probably proceeding.

Mr. Balasko: I can just add a little bit to the part of the process before this all happens. The part of the process before it all happens is, I can tell you, we meet with the advisory committee on the finances act and the ad hoc committee on The Elections Act. So at the time these reports before you today were discussed, we had already had discussions. They are the

recommendations of the CEO, at the end of the day, but with the benefit of consultation with the parties.

Where there is a disagreement among the parties and there is not a consensus then we will state that in the recommendation. We will say this is a recommendation perhaps on which there is not unanimous agreement, as was the case I think on returning officers over a period of time.

We, as well, have recently met with the political parties to identify issues for our upcoming report. Mr. Chair, we went through a number of issues for the upcoming report, got their feedback. We also went through the issues in the previous reports in the last couple of months probably and said, "Here are our previous recommendations. Any changes? Any change in thinking on these matters?"

So, by the time they make our report, we have already had the discussion with the ad hoc committee or the advisory committee and then it finds its way into our report. After that there is another process before you all.

Mr. Loewen: I appreciate both those responses, particularly the Premier's commitment to get something in writing back to the committee in terms of where each recommendation is. Certainly, there will be recommendations that the parties do not agree to take forward, for whatever reasons, but I think it is important for all committee members to have an indication of what recommendations are being proceeded upon. In the case of recommendations that are not proceeded upon, why, and for those that are, when the plan is to have them implemented.

I will look forward to receiving that report. Hopefully it would be sooner than later.

Mr. Penner: I want to go back to comments the Premier made in the proclamation of legislation and/or the lack of proclamation. Another matter I want to raise in respect of that is changes that have been made in how political parties are able to solicit money and from whom. In other words, we all know that corporations can no longer contribute to a political campaign or a party.

I just want to ask the Chief Electoral Officer whether it is legal, for instance, for the head of a union to walk up to his union membership and ask "Would you contribute \$10 a month or would you

contribute \$20 a month and we will put it in an account of your own which will then be deemed as your contribution to an election campaign?"

Is that legal? Can it be done?

Mr. Balasko: When we get into the specifics of a case like that, what we would like to have, and we have offered this before: Provide it to us in writing so we make sure we understand all the details and all the nuances of the questions, then we will provide a response to that. The intent of the legislation is clear that it is only individuals who can contribute to political parties, to candidates and constituencies. From our perspective, that is what we are accountable to make sure happens.

If you get into a situation of specific circumstances where you believe that might not be the case, then certainly we welcome looking at the specific facts of that and we will give you an answer.

Mr. Penner: Let me be a bit more clear, Mr. Chairperson. Having been a union member, I know the authority of a union steward. I know the authority of a union boss when he comes into a shop. I know what kind of authority they can or cannot, if they choose to, wield. I think we all know that. When those people come to my house or my place of work and suggest that it might be a good idea to contribute and here is how we can do it for you, is that legal? Is it legal for an organization, be they union or otherwise, to be the collection agency and put it in special trust, in a special account, for instance, of an individual and at the end of the year contribute that to a political party deemed as a personal contribution, but the collection agency is somebody other than that individual? Is that legal?

* (11:10)

Mr. Balasko: There are two aspects of what you are bringing up. The first aspect which I want to deal with is whose money is it? The bottom line for us, what is important, is that the money is coming from the individual and that the money is not money that is somehow being compensated back to the individual. You make a contribution and we will pay you this money back, or say it is your contribution but we are getting the money from over here, or they are the funds of the organization and you just put your name. All of those kinds of things would be improper and illegal, Mr. Chair. So the source of the

money being actually in the possession of the individual is the first part that is most important. Anything that is contrary to that would be problematic and that is where we would want to get the specific details.

Is it possible for money to be collected in one place and then contributed? That again is going to depend on exactly what is happening. If the collection is simply a matter of moving it from point A to point B and all the records are here is the money, it is by this individual. Here is the date of the contribution. Here are the records that can document the whole thing. Like, for example, if a fundraiser for a campaign is going around various places and is collecting money from people at the doorsteps and is then transferring the money to the party then that is permissible, but to make a payment out of the funds of another organization—yes, okay.

Mr. Penner: I asked exactly the question that you responded to. An individual in authority going to members of an organization and suggesting that they might want to contribute and will put it in a special fund under your name and it will be deemed your contribution to an election campaign, if and when the time comes. There is nothing illegal about that.

Mr. Balasko: The only limitation is that the money is actually the money of the contributor and that it is transparently and properly disclosed as the money of the contributor.

Mr. Chair, I am always very cautious and perhaps extra cautious when we get into questions like this. If at any time circumstances get toward a grey area of that, then that is something that needs to come to us in real specifics and we will give a very specific response to that particular circumstance.

I hope I am answering the question that when the money is contributed, if it is a contribution of the individual there are no laws prohibiting people from encouraging others to make contributions to political parties or to facilitate that process.

Mr. Penner: I think you know, Mr. Chairperson, and I think the committee knows what authority is and what authority means. When a person in authority comes along and makes those kinds of requests, it becomes difficult.

The only reason I raise this is because I think we have put in place a law prohibiting one sector of

society from getting involved financially in the democratic process. I think we need to seriously think about that, because on my farm we chose to incorporate. That corporation, as much as an individual operation or a group of individuals operating, for whatever reasons, are limited from participating in the electoral process financially.

I think it is unfortunate that we, as a society, have allowed ourselves the latitude of those limitations because democratically, over the long term, I do not think it will serve us well. There need to be balances created. I think we have put in place a little animal that is heavily weighted, that pendulum, in a manner that we might not have foreseen. I think we need to seriously reconsider that aspect of how we allow contributions to be made.

If we need to put limitations or relax, and I would much sooner walk on the side of relaxing because I think we are far too limited in society, and, we, when we govern, are so easily convinced by some sectors in society that things need to be done to limit. We are always talking about limiting. There are times in society when freedom of the individual plays, or should play, a much larger role. That is the reason I raise this because, to me, it becomes a matter of allowing society, individuals in society, or groups in society to participate. We have now passed a piece of legislation that severely limits the participation of groups in society. In the long term, it will not serve democracy well. You can comment on or respond to that if you want to, but it is simply a statement I make.

Mr. Chairperson: Mr. Balasko, did you wish to comment? No.

Mr. Lamoureux: Just very briefly to add comment because it is an issue I have some very strong feelings on. What concerned me most about the legislation that ultimately was passed was the manner in which it was done. My understanding is that it did not go through Elections Manitoba. This was not a recommendation that came. It caused me a great deal of concern in terms of why it is, to what degree it was being politically motivated, to what degree other forms of compensation—was this an attempt to put different political parties on an advantage over other political parties? This sort of discussion should have taken place in these advisory committees that Elections Manitoba has, and, ultimately, come through with party support. The

concept, I believe, is a good one, but there surely would have been a far better way of its implementation.

I have one specific follow-up question to Mr. Balasko and that is, traditionally, in the past, pre-2000 if you like, a union would collect union dues. Then, a portion of union dues would go towards a political party. More often than not, it was the New Democratic Party. Today, does the union have the authority to be able to collect dues on behalf of individuals and then forward those dues to a political party?

Mr. Doer: Just dealing with the political issues that have arisen, there have been developments on banning or limiting union and corporate donations in the federal jurisdiction, and there obviously has been here in Manitoba. The one difference is that we promised that in the election campaign in 1999. The Liberals did not promise it in the election of 2000, but did implement it in the twilight years of the former Prime Minister.

There is the ability of people here in this room in election campaigns to make various promises to the people on electoral reform. Some parties have done that in different forms. I would assume that they are going to implement them. I think that Mr. Filmon promised in 1986 to eliminate party finances. I do not think he ever did it, but he did promise in the '86 election to do that. We promised in 1999 to have a ban of union and corporate donations. We implemented that. Some parties have promised other issues in the campaign. The Conservatives, for example, promised a fixed election date in the campaign, as I recall it. There have been promises that have been made by political parties, so there is an element of public accountability as well as the accountability of the Chief Electoral Officer.

Political issues are different from some of the issues of administration and implementation of laws. If you make a commitment to the public that you are going to make union and corporate donations, change the way of the relationship, that is a commitment you make to the public, and you either get a mandate from the public or you do not get a mandate from the public.

* (11:20)

I would allow obviously the technical questions. We have chosen to not ask specific questions. If we

have a concern about somebody loaning a political party money and is that a corporate donation or not, that would not be appropriate in this committee because it goes to the Chief Electoral Officer. That is how we have handled individual issues.

Mr. Chairperson: Mr. Balasko, did you wish to comment?

Mr. Balasko: Only on the latter part of the question, which was the administrative application of the law. The Elections Finances Act of Manitoba does not set out rules by which unions organize or conduct their business but it does deal with contributions received by parties and candidates. A union can collect funds from membership and those funds may be contributed but they are contributed and disclosed in the names of the actual contributors and all the other provisos that I attached earlier are still the case where it has to be disclosed as the individual all the way through.

The distinction I drew earlier was between an organization making a contribution of its own funds, which would not be permissible, or a situation where, as I mentioned, a candidate collecting funds, or a constituency association or a union or whatever, that is collecting individual contributions but is always showing the contributions to be the contributions of in fact an individual and the amount and the date. It must be the individual's money. It cannot be compensated in any way. It cannot be through any means that are intended to circumvent the law, but to collect money, individual contributions, those individual contributions may be accepted.

Those are also in the guidelines that we have issued that were discussed with the advisory committee on The Elections Finances Act, all the political party representatives. That is part of the guidelines we have published as part of the seminar we have given to campaigns—Scott will correct me if I am wrong here—part of the information we have provided to campaigns throughout the pre-election training period.

At the end of the day it is always, though, each circumstance is going to be a little different than the others. We have always taken the position that if you have a particular circumstance in mind, please give us all the particulars and we will write you particular specific answers to your questions.

Mr. Lamoureux: So if I work for Safeway and my union collects union dues from me and then assigns out a certain percentage to go toward the New Democratic Party or to a political party, can that party receive that contribution?

Mr. Balasko: If I understand the question properly, Mr. Lamoureux, it is not a matter of a corporation or the union making a decision about how much they are going to allocate from the funds that have been raised. What is permitted is the collection of individual contributions, the amalgamation of individual contributions that can then be made. So it is really a matter of, well, I will not use myself as an example, but if someone were in a circumstance like this they may want to say "I want to make a political contribution of \$50 as of this date. It is my money. It is all bona fide, above the table." That can be collected and centrally the contribution can be made to the party, but, at the end of the day, disclosed in my name, et cetera. It is my money. If it is just a vehicle to collect it and move it to the party, as long as the disclosure accompanies it, then that can be done, but you are always dealing with the matter of fact of the individual's money disclosed to the individual.

Mr. Lamoureux: I guess I am not crystal clear on it. The issue then is can a third party submit a contribution on behalf of someone else?

Mr. Balasko: We work at it from the other end. The other end is a contribution made as a matter of fact. Whose contribution is it? If the answer is it is, that will depend on the circumstances again. If it is, matter of fact, a contribution of the organization, it is not acceptable. If it is a matter of fact that it is a contribution of an individual, then it is acceptable, notwithstanding the fact it has been collected.

Mr. Chair, a constituency may have someone who is going out and they are collecting money in a rural area, for example, from various contributors. Rather than pass along all kinds of different cash and cheques in different denominations, the constituency might deposit the money and then transfer an amount of money to the political party. Well, that is a collection of contributions from individuals that then is moved to the party. It is acceptable.

Mr. Lamoureux: So, if I go out, for example, and I get a thousand dollars worth of different types of contributions, I can just write to the Manitoba Liberal Party: Here is a cheque for \$1,000. Here are

the individuals. They gave me the money to make those contributions. That would suffice?

Mr. Balasko: It would suffice if you had a little more detailed information, the date of the contribution, the individuals that contributed. You have to satisfy yourself that these are, in fact, the contributions from the individuals. You have to be satisfied that they are not in some other way trying to circumvent the law by using this process. That is always the caveat that is there. The legislature has made a determination on the law. When we get into particular circumstances around a collection of money, we think it is highly advisable for people to provide to us the details of how they plan to do that. Then, we think it is preferable from your point of view to also get back from us a written opinion as to, yes, we think this is fine and here are the extra steps that you might want to take to really make sure that all is in order, but, to answer the question, yes, if you collect the proper detailed information and you know it is the individual's money, then you can make that collection.

Mr. Loewen: With regard to that example of the union acting as the forwarder of the funds, would they be required to have individual consent forms from each individual who made a contribution? Would they be required to keep that on record that that portion of the money collected by the union was going towards a political party?

Mr. Balasko: That is a great question because we would encourage people to do this. This would be part of our response. For example, if someone came up with a recommendation to do something like this, we would say: Do you know it is a good idea to have the consent of that individual on record, but we cannot compel it under the finances act? I mean the finances act has got limits on how far it also goes to regulate. We do not have the authority to require that, but, in our advice, we would say to people, you need to be sure. How can you be sure? How can you protect yourself best? Well, keep a record of consent. We understand that from a political organization perspective, some people balk and say: Well, maybe that is asking for too much. Maybe we should not have to have that documentation in place. So you may ask for it. We think it would be a good idea, but we cannot require it.

Mr. Loewen: Well, Mr. Chair, to me that is an obvious loophole in the legislation. The fact that any

organization, particularly the example that has been used is one of a union, could make a contribution to a political party, identify individuals that have basically had that money taken from them by the union without any real consent from the individual required, that that is where the money be directed. Could you clarify? Is that what you are saying could happen?

Mr. Balasko: If I can answer this way, what I would like to say can happen is that money can be amalgamated and received by a political party or a campaign. The question is a matter of fact and, sometimes, we use the contribution. I mean, whose contribution is it? The law would require that it is a contribution of the individual. The facts would have to document that it is a contribution of the individual. If it is a contribution of the individual, it is acceptable and would be under the law in Manitoba. I think it is another whole issue, perhaps, in terms of the limitations that would be placed on organizations to accept money. There are other statutes that would deal with that too in terms of how they can organize and accept.

Mr. Loewen: In the case of an individual donation, is there, and I believe there is, a baseline below which there is no receipt required?

Mr. Balasko: Contributions above \$10 must be receipted. From our perspective, although we cannot require this documentation in a consent form, when we, on the administrative level—if I can talk about that for a second in terms of there is the legislation and then there is the administration—review the returns carefully. Where we see contributions that would be collected by a third party, that is a flag for us and we will go and have and have had cooperation to get reports back from those who collect the money identifying the individuals as a source of the contributions. If we had reason to go further, then we would go further with that.

Mr. Loewen: Just for further clarification, the donations under \$10 that do not have to be receipted, that would be on an annual basis?

* (11:30)

Mr. Balasko: Anonymous contributions below \$10 can be accepted. The law has provided that for a long time. Contributions above \$10 have to be issued a receipt, at which point you have to know the identity of the individual and the accompanying information.

Mr. Doer: One of the issues with all parties was does a third party, a corporation or a union, go out and buy 400 or 500 tickets for the same dinner and then hand them out? I think we dealt with that under the act to make sure that that was not allowed. The only exception in terms of that of both unions and corporations is if, for example, an owner of a car dealership went to a Conservative convention or an NDP convention or a Liberal convention. There is a provision for conventions to be expenses as opposed to donations to make sure there was no—I do not know how Elections Manitoba would follow up a convention. Who is on their own time? Who is on somebody else's time? Some of these sections are already covered in the act.

Mr. Loewen: I certainly appreciate the Premier's footwork, but that is not the point. The issue is with regard to donations of less than \$10, do not have to be receipted, as I understand it, do not have to be identified as coming from a particular individual, as I understand it. My question pertains to the fact that as an individual, I would like to know how many donations of less than \$10 I could give to a party in a year before I would run afoul of the law.

Mr. Balasko: Your limit is an annual limit. So if you make your \$10 contribution and do not get a receipt, that is permissible under the law, but when you start making a second or third one, that would not be permissible under the law. As a matter of fact, the contribution lists as well as the returns, we scan them right to the Web site as soon as they are filed. Then we scan them again to the Web site right after they are reviewed by us, because we think the best way to deal with a lot of these issues, either put the facts in front of us and we will give you advice ahead of time, but also we think there is a real good effect of people looking at other people's returns. That is why we scan these things and we have taken that step. I think it has been very positive. You can look at anyone's returns and determine whether or not you see a number of anonymous contributions. It has not been of any kind of scale that would attract our attention.

Mr. Loewen: What you are saying is that most of the donations that have been made, whether they are presented to you on an individual basis or from a group, are above the \$10 level and therefore would be receipted?

Mr. Balasko: Yes, overwhelmingly.

Mr. Loewen: Overwhelmingly, 95 percent, 98 percent, roughly?

Mr. Balasko: I do not have a percentage to give you, but my gut feeling is that, yes, that is the range, 95, 98 percent.

Mr. Loewen: I appreciate that information, because one obvious concern is that if a donation is made on a group basis that you do not require individual authorization for and it is under \$10 and not receipted, it could in fact be that the person who is identified as a donor does not even know they have made the donation. That is possibly one area that I would suggest that the legislation be looked at and possibly tightened up. I do think it is important that every individual who is making a contribution, however big or small, at least be aware of the fact that they are making a contribution. It would seem obvious from the answers that you have provided that there could be some cases, although it may not be happening in practice, where there could be room for cases for people to be making donations to political parties they are not aware of.

Mr. Balasko: I think that is a fair summary of things. We do not see a lot of it taking place, but, as well, keep in mind there is no restriction on issuing a tax receipt if the contribution is below \$10. There is a requirement to do so if it is 10 or above but there is no restriction, no prevention, nothing to prevent you from issuing a receipt.

Again, we go back to our advice and our guidelines. We say to people, when you are receiving money, for your own protection, for your contributors' protection, for the integrity of the system, your returns are scanned and on our Web site the next day, 24 hours, for all these reasons you should maintain these complete records. You should issue tax receipts to people. It is just best for everyone to do it.

There is a limit in the law in terms of what we can do. You should keep a record of consent but we cannot require you to keep a record of consent. You should issue tax receipts for all contributions but we cannot require you to do that. If and when we got in a situation where those occurrences were so great or the volume of money was happening where we thought there should be a flag raised then we would certainly follow those up individually.

You are correct, and some of those steps could be taken if you want to close that down. We could require consents. You are the legislators. You can determine to require those things.

Mr. Loewen: Well, then perhaps my advice to the Premier (Mr. Doer) would be, and maybe he could take this forward to the ad hoc committee, that perhaps the legislation should be looked at in terms of, in the interest of fairness to everybody, if contributions are to be made, that they should be made by an individual and not through a third party. As the legislation does now in terms of limiting contributions by third parties, it should also do away with the ability of third parties to collect and remit on behalf of individuals.

It seems to me if it is fairness, openness and honesty the Premier is looking for in his legislation that he would have no objection to amending it to ensure every donation that is made above the \$10 amount is made directly by an individual to a registered party.

Mr. Doer: Well, even before the act we had 85 percent of our donations from individuals. Since the act I am sure that number is up, should be up, almost to 100 percent. I will double-check that, but there are other issues too. Does a fundraising letter from a corporation leader, and I can table those here, is that from their offices? Is that a third-party solicitation of funds? Is a loan, a huge loan from a corporate interest, is that above the \$3,000 guidelines? These are issues I am willing to look at advice on from all the political parties.

On the issue of the \$15, \$10, speaking from my own party, I know most people are cheap enough, including myself, to want a receipt. You go to 10 rubber chicken dinners in the NDP, you want a receipt for each one so you can claim the \$100 or \$150. I think we try to do that.

The recommendations on how we deal with some of these other issues, actually, you might want to discuss that with your own leader, because I did discuss this with your leader on how we would treat this. There was a suggestion we made these a little, how should I say it, less administratively complicated for the political parties that we brought into the Legislature in 2002, but if there is a change of mind on some of these things certainly I will look at it.

Mr. Loewen: Just for clarification, again, I appreciate the fancy footwork trying to turn it around, but we are looking at a specific situation in which the Chief Electoral Officer has identified there is a possible way around the legislation, and simply asking you, as Premier, to take it forward to the ad hoc committee and possibly come back with some recommendations, or at least have a discussion about how that loophole could be minimized.

While it may not be in practice now, it is something that could occur in the future and quite likely something that we would be better off prepared for than just to wait until after the fact. It is a simple request. You do not have to politicize it.

Mr. Doer: Notwithstanding the political suggestion in the question, I have no difficulty looking at that and looking at other loopholes that we might perceive, such as massive loans during political parties from corporate interests. I have no problem looking at both, and retroactively too.

Mr. Loewen: The legislation is fairly clear on loans. As long as they are paid back, that is what it is. If you want to change the legislation then, you are in government, change it.

Mr. Doer: You could argue that is a loophole. Oh, I am sorry. Okay. We are getting political.

Mr. Chairperson: I would ask all members of the committee, please direct your questions and responses through the Chair, if you do not mind.

Mr. Penner: It is just interesting that the Premier gets so hung up on loans all of a sudden. He has just committed his farm community through the BSE crisis almost to \$60 million in debt and loans and is trying to portray it in the general public as a contribution made by the Province of Manitoba to the process. So I think there is a bit of misconception there, and I think the diversionary tactics the Premier was just trying to employ here simply will not fly at this table.

I think we are dealing with a very serious matter where people in authority have the ability, whether we like it or not, they do have the ability to walk up to people and say, look, we need a contribution, whether it is \$10 or \$8 or \$9, and it need not be recorded.

* (11:40)

There might be a loophole here that needs to be addressed by the commission. That is the reason we raise it and if it needs to be dealt with, then it needs to be dealt with. I think the Premier should respect that and should not try the diversionary tactics because we can use those same tactics and methods that his Government have used to try and portray to the general public an issue that is far more serious maybe even than this in a manner that was probably questionable at best. I think we need to be cognizant of that.

I am not sure whether any other members have any further questions on this, but are we willing to pass this?

Some Honourable Members: Pass.

Mr. Chairperson: Any further questions from committee members?

Hon. Jon Gerrard (River Heights): We are dealing with the subject of campaign financing. One of the issues that has come up is people who are temporarily out of province who are ordinarily resident here, but may be civil servants or military or students or what have you.

I note in one of the recommendations that you are looking at bringing forward, it would provide for extended periods of time for somebody who is in the civil service. Can you tell us what your thoughts are in terms of the campaign finances act and in terms of somebody who is in a similar position who is ordinarily a resident of Manitoba, who is temporarily out of province, whether or not they can make a financial contribution?

Mr. Balasko: Thank you for the question. With regard to someone from out of the province making a contribution, the law right now is clear he must be a person resident in Manitoba to make a contribution. I believe I understand properly the question is that we are looking ahead on the election side. If we look ahead on the elections finances side, too, would the entitlement to vote from outside the province accompany the ability to make a contribution, perhaps, from outside the province? If that is the question, I understand that correctly.

That would be one of the things that would have to be looked at the time, if and when the Legislature decides to look at out-of-province residency for

voting, and to determine whether or not there is some type of entitlement that would go towards contributions.

Right now, Mr. Chair, it is a matter of the person normally being resident in Manitoba. Each time, we would have to get into specifics if you are dealing with an individual case of a contribution that you have a question about or someone has a question about. Normally a resident in the province is what the statute says now, that is the finances act. I hope that answers it.

Mr. Gerrard: Why do you not, just for the purposes of clarifying this area and what changes might need to be made, can you clarify your current interpretation of somebody who is normally resident; of somebody who is in the military and out of province and serving for a month, six months, several years, somebody who is in the federal civil service and who is outside, who may be serving in an embassy for example or in a position like that, a student, a snowbird? How long can somebody be out of province and still be considered normally resident? What are the interpretations and have you been using the act at present?

Mr. Balasko: What we have been doing is that when those situations come up, we have been dealing with what the circumstances are. We know that people can be travelling, so if someone is out of the province for two weeks in a warmer climate, they would not lose their normal residency in Manitoba for that. That is our interpretation.

The law provides, on the election side, some direction here. It says that if you are absent from the province for a period of less than six months with the intention of returning to the province, you do not lose your residency requirement for the right to vote. That is not necessarily the same and equally transferable to the right to make a political contribution. Perhaps the finances act should have a definition as to that. It is a guideline for us. If someone has left the province and intends to return to the province, they can demonstrate that to us. Six months is a useful reference point to us with the intention of return. We take all that into consideration, but the finances act does not have a section that would set the limit on normally resident in Manitoba. How do we apply it? We apply it to the circumstances when they come up because normally resident is going to rely on the individual. There are lots of things. They have a

driver's licence here, a health record here. They have a home here. Is their spouse here? Many factors, those are the things we look at.

Mr. Gerrard: Let me follow that up. Would it be advisable in helping you do your job to provide a clear definition of who is normally resident? Clearly, there is a lot of latitude in interpretation at the moment.

Mr. Balasko: I think it is a good suggestion. Anything in the campaign finance laws or election laws, for that matter, that can make things clearer is certainly welcome.

Mr. Gerrard: Let me ask another specific example because it came up. You now have business people in a global society who may be living here, but, when you actually sit down and analyze it, they may be here only a month or two of the year, but they have a home or residence and they are operating a global business. Where do they fit?

Mr. Balasko: In those circumstances, it is almost like a circle. We go back to normally resident. Some of the things I mentioned about a home and a family and recognized driver's licence in Manitoba and health insurance in Manitoba and other factors like that would all go into our consideration.

If the notion is to take it to another step and have some different definition, remove some of the interpretation, if there is such a clear idea of what that might be, then to change the act to specify that would be a good thing. At this point, it is subject to all those factors that I just mentioned to you.

Mr. Loewen: Just a suggestion that the Premier might want to take forward, anyone who is normally resident with regard to the Income Tax Act would certainly be a fairly clear and easy definition in terms of whether or not you are a resident of Manitoba. I think the requirement there is roughly six months within a year. That might clear up some.

I have just a couple more questions regarding the purchase of tickets. Again, it seems to me that we have a situation now where an individual, a corporation, a union, virtually any identity, could purchase three tickets of \$15 or less and, again, not be subject to any accountability with regard to a contribution. Could you just comment a little on how that, from an administrative point, is followed up?

Mr. Balasko: You are right that tickets purchased where the ticket has a value of less than \$15 can be purchased by otherwise prohibited contributors, if you like, up to a maximum of \$45. This allowance was made to provide for fundraising functions and otherwise as a source of income to political parties.

Our advice is sought on how we might come up with some type of exception if that is the policy direction. That is the policy direction to provide that opportunity for tickets of a minimal value not to count as contributions. Our role in this is just coming up with a formula that we think works. We think below \$15 and \$45 we require those records to be kept. We can go back and audit that. That is in the legislation now as you well know. We feel that we are able to follow that up based on the records people keep and determine that, in fact, the law is being complied with.

Mr. Loewen: Just as a hypothetical example, it seems to me that you could have a union or a business basically purchase a large number of tickets, identify them all as being purchased up to a maximum of three by an individual from the union or from the corporation, be the collection point, and at the same time not really have any responsibility to the individual that has been identified as the purchaser of the ticket to identify that they have bought the ticket.

Mr. Balasko: In all these circumstances it keeps coming back to a matter of fact. In fact, whose money is it used to buy the tickets? There is not a restriction on individuals, and so for an individual there would not be the incentive because of no restriction in terms of their fundraising activities. They can buy as many tickets as they want for whatever value they want up to the overall contribution limit. Three quarters of the price of a ticket is considered to be a contribution and you have your \$3,000 overall aggregate contribution. From an individual's point of view the provisions that you have referred to accurately in terms of \$15 and \$45 do not really apply. The \$15 and \$45 I understand was just a recognition of existing practices of fundraising and not wanting to close the door entirely on that stream of fundraising. That is the purpose of it.

We will often find ourselves in the situation where if we want 100% assurance on all the campaign finance laws in every case, then the law itself is going to be very, very detailed. I think that is often

very, very good, but I know that when it comes to discussion there is the real life impact on the volunteers and political parties and others. That is a discussion that really is not so much our discussion as it is a discussion among legislators in terms of whether they want to pursue this or not pursue it.

* (11:50)

Mr. Chairperson: Any further questions from committee members?

Mr. Lamoureux: Mr. Chair, I did have another recommendation that came to mind that I wanted to bring to the table, and that is, as of today, if a candidate was to get their nomination through a political party the candidate then has the ability to go out and raise money. So they go and raise \$100 this year. Now, because there is no election this year they are unable to issue out a tax receipt. In fact, if they are nominated a couple of years in advance they cannot issue a tax receipt unless an election happens to be in that year. It seems to me that there is a need for some sort of an amendment to the legislation that would allow that, because in essence what we are telling individuals, and I will use myself as an example, if I were to suggest to my leader that I want to get nominated right away even though it is a couple of years away from the election, in order to be able to raise money I have a fundraiser and I get a few people to donate \$100 to my campaign. Even though I am receiving the money in 2004 there is a good chance that the election might be, when, 2008, 2009, whenever.

An Honourable Member: 2009 would be illegal.

Mr. Lamoureux: 2009 would be illegal. Okay, 2008. The point is it would be a few years before an election is given. That is when in fact they would be given the tax receipt, even though they made the contribution two years prior. I am wondering if Elections Manitoba has looked into maybe coming up with a recommendation or if the advisory committee could look at this as a recommendation. The likelihood of this happening is actually very great, maybe not this year, but towards the end of 2005 I suspect you will start to see candidates being nominated, especially when you look at the changes to the legislation. Now there is more reliance on getting Manitobans to contribute to the campaigns.

Candidates should probably go out and start soliciting money virtually as soon as they have been

nominated, but they do not have the authority. The only recourse they have is to maybe work out an agreement with the party to funnel it through the party and then get it transferred. I do not know if that is the way that it should be. Actually I would suggest that it not be. What is really needed is some sort of amendment to the legislation. I would be interested in hearing your comments.

Mr. Balasko: We have had some discussion around this, brief discussion, at the advisory committee. As you correctly point out, political parties can issue tax receipts once they are registered at any point in the processing, so that avenue always exists, but you are raising a different scenario where it is the actual campaign itself and the campaign wants to keep the money, all of the money, and issue their own tax receipt.

Again, you are right that today if someone were nominated by their constituency association they can begin to receive contributions because from today when you are nominated by a constituency you are responsible on your eventual election finance return to disclose all your contributions and all your expenditures from that point of nomination at the constituency association, but yet you cannot issue tax receipts. You can only issue tax receipts once the election has been called.

One of the reasons, from an administrative perspective, I can think of that it might be that way, although certainly it is a good thing to discuss and to look at and see whether it is the right way to do it, is that you have to look at the money that is being raised and the public funds that are being spent by way of tax credits on an annual basis in the eventuality someone is not a candidate in an election and balancing that sort of risk.

If someone were to raise money and issue tax receipts for two years before the election and ultimately did not become a candidate, you know, what is the exposure to the public. There is the exposure of the public now that a candidate can withdraw in the election period, but it is much less of an exposure. I suppose the exposure is also minimized by the fact the person has been nominated by the constituency association.

So, in most cases, you know, they are going to continue forward, but I think in our past discussions with the advisory committee it has basically been

looked at. There is an annual way to raise money through the parties and there is another election-related way to raise money as campaigns, but administratively if the law were changed it would be, you know, we could certainly apply it because we trigger everything now in the constituency nomination date.

Mr. Lamoureux: But my understanding is correct then, that the law would actually have to change in order to allow for a candidate that has been nominated to issue out a tax receipt for the year in which the contribution was actually made.

Mr. Balasko: You are correct because there is no restriction on candidates nominated by a constituency as accepting the money now, but to issue a tax receipt you need to be registered, and to be registered you need to have an application during an election period, and the election period is writ day to polling day. So, if you make the application between the writ day and polling day and become registered then you are able to go back and issue receipts to all your contributors, as a matter of fact, you are required to do that if it is above \$10 and always a good idea to issue receipts for all the contributions, but that is how it works. The trigger is the registration period.

Mr. Chairperson: Any further questions from committee members?

Mr. Loewen: It is with interest that I note that, you know, at least one area that the Premier is consistent on in Opposition and in government is his love of referendums. I remember a number of comments he made as Opposition Leader in terms of issues that there should have been a referendum on before any decision was made. We have seen in fact in some of the legislation they brought forward that their Government has also made provisions for referendums although we should also note that some of the issues that he looked for referendums on prior to being in government he did without a referendum, but that is for another day.

Just back to your opening comments regarding referendums. If there was a need to have a referendum in the immediate future, how would it be handled?

Mr. Balasko: There is legislation now that says you conduct it in a way generally like an election. There is a provision for Lieutenant-Governor-in-Council to

issue regulations as to, now this is how it is going to be conducted for greater certainty.

Now, you know, given the experience of the increasing use of referendums, like all legislation dealing with elections and election-like activities like referendums, my advice is it is just better to take it out of that Cabinet process and it is better to take the uncertainty out of it by having legislation in place so that all parties, you know, everyone participating in the referendum knows the rules going forward. This is the case in the great majority of Canadian jurisdictions. That is why we have made our recommendation that Manitoba bring in such legislation to deal with referendums.

Mr. Chairperson: The hour being 12 noon, when this committee first started its proceedings this morning we agreed to sit until this hour. What is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Shall the annual report on the administration of The Elections Act and The Elections Finances Act for the year ending December 31, 2001, pass? What is the will of the committee?

Some Honourable Members: No.

Mr. Chairperson: Do you wish to have a recorded vote, or do you wish the reports tabled? What is the will of the committee?

Some Honourable Members: Table the report.

Mr. Doer: I am trying to go back. We did not do it for a number of years, but normally what we do is receive the reports. They are advice to the Legislature. They are not binding on a legislative committee. For example, if you pass a report, do you accept every recommendation in it? I am just trying to think of what we have done in the past. Normally, discussion allows for parties to ask and receive information or provide front-line suggestions to the Chief Electoral Officer. It has not been the kind of committee where you pass clause by clause because, by definition, there might be some parts of a recommendation we accept and some parts we do not accept. I thought we just received the reports in the past. I am not entirely sure, but that is certainly the spirit of the committee.

Mr. Penner: Just further comment, too, that I think there have been through the discussions here today, especially the latter part of the discussions, enough uncertainties raised or enough questions raised about the validity or the procedural matters contained in some of the recommendations, that we might want to give second thought to passing this. We, at least, would like to go back to our colleagues and have that discussion based on what we have heard today.

Mr. Chairperson: What is the will of the committee?

There is one more report. I must also ask the members of the committee shall the Elections Manitoba 2002 Annual Report including the conduct of the Lac du Bonnet by-election, March 12, 2002, pass?

Some Honourable Members: No.

An Honourable Member: Should we just receive the reports?

Mr. Chairperson: It is my understanding and the advice I receive is the reports have to be passed by this committee. If they are not, they have to be tabled over to the next committee sitting.

An Honourable Member: Yes, that has always been the case. Table the reports.

Mr. Chairperson: Committee rise?

The hour being 12:04 p.m., committee rise.

COMMITTEE ROSE AT: 12:04 p.m.