



ISSN 1918-2465

Legislative Assembly
of Ontario

First Session, 39th Parliament

Assemblée législative
de l'Ontario

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Thursday 16 October 2008

**Journal
des débats
(Hansard)**

Jeudi 16 octobre 2008

**Select Committee on
Elections**

**Comité spécial des
élections**

Chair: Greg Sorbara
Clerk: Katch Koch

Président : Greg Sorbara
Greffier : Katch Koch

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Room 500, West Wing, Legislative Building
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

SELECT COMMITTEE ON ELECTIONS

COMITÉ SPÉCIAL DES ÉLECTIONS

Thursday 16 October 2008

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The committee met at 0902 in room 1.

ORGANIZATION

The Chair (Mr. Greg Sorbara): We are now on the record. As the clerk advises me, there are three things before you this morning: a draft budget, research work prepared by Larry Johnston and a letter or a memo from John Hollins, the former Chief Election Officer.

Just on that score, I'll put it on the table that I'm no longer going to propose that he act as a consultant to the committee. I think the views of both of the members from the opposition parties were clear on that. I'm fine with that. I am going to propose perhaps later in the day if it's appropriate that we call him as our first witness, so that we can get the benefit of his experience and ask him whatever questions are appropriate just to get the juices flowing as to what weaknesses there are in the act.

Is it appropriate, Katch, that we deal with the budget first? Did you have any comments beforehand?

Interjection.

Mr. Norman W. Sterling: I'm sorry. I don't mind dealing with the budget now or whatever it is, but we haven't talked about what we're going to do, how many hearings we're going to have or—we're going to do all of these kinds of things. It's a little difficult to strike a budget when you—I think the biggest part of the budget is \$40,000 for advertising. Are we going to travel the province and have wide hearings? That's the only question I have.

The Chair (Mr. Greg Sorbara): So let's get into a discussion of the budget. This is a very bare-bones budget which does not provide for travel around the province. It would be my recommendation that we do not travel around the province. Again, this is my own view, and I think the mandate that I received was to do a modernization and housecleaning of the acts that didn't involve major issues of policy. So my view was that it wasn't necessary to travel around the province and hold a lot of public hearings, but get the people in here who understand the machinery of the three acts and how that machinery could be improved in anticipation of the next election.

Mr. Norman W. Sterling: Katch, in terms of the parliamentary channel: When a committee is having hearings, do we have an advertising function on the channel where we can say that the Select Committee on Elections

is going to have hearings, and if anybody wants to write in they can write in?

The Clerk of the Committee (Mr. Katch Koch): Yes, we do. We normally advertise any hearings on the parliamentary channel and also on the Legislative Assembly website.

Mr. Norman W. Sterling: Okay. My view is that we should narrow our focus on people who are tuned into the channel, perhaps universities, ask them if they have some interest, write to all the returning officers, all the MPPs and say, "If you have any input, come forward." I don't know whether \$40,000 in a general publication is necessary. That's the only point that I would make on the budget.

Mr. David Zimmer: At our last meeting, I thought on the business of the budget from the clerk that the budget was going to be a notional budget, if you will, and as we worked through to see just how this committee was going to go about doing its work, that in fact we'd fine-tune the budget as we went along. But I was already of the view that this was a notional budget and some of those entries—and indeed there are still some blank question mark pieces. So if it's a notional budget, perhaps we can adopt it and then move on to the substantive discussion and see where that takes us in terms of adjusting the budget.

Mr. Peter Kormos: I agree with Mr. Zimmer. In many respects the budget helps provide structure for the nature of the process, because the budget tells you how much you're going to travel or not travel. The budget tells you how much you're going to advertise. So, here we are, we support the budget. Obviously there may be a need to readdress it, but we're ready to proceed with this now.

The Chair (Mr. Greg Sorbara): Okay. So there is a draft motion. Who moves this? Perhaps if Mr. Zimmer could move it.

Mr. David Zimmer: I move that a budget of \$72,700 for the Select Committee on Elections be approved and that the Chair be authorized to present it to the Board of Internal Economy.

Just some debate on that for a second.

The Chair (Mr. Greg Sorbara): Any debate? All those in favour?

Mr. David Zimmer: May I, Chair? Perhaps a question to the clerk. If we want to adjust the budget, Mr. Clerk, should there be anything else in this motion?

The Clerk of the Committee (Mr. Katch Koch): No. At any time committee can agree to go to the board for additional—

Mr. David Zimmer: Okay. Thank you.

Mr. Peter Kormos: I should express this one consideration: Some of the material that's already been prepared refers to the distinctiveness of rural and isolated communities, and I just want to indicate that there may be a need to address those issues by actually visiting, however difficult that might be, especially as wintertime approaches. I just want to express it again. I'm thinking more specifically about northern communities, remote northern communities and aboriginal communities.

The Chair (Mr. Greg Sorbara): If it turns out that the committee wishes to do that, I think we can submit an amended budget, so we'll just leave that as a possibility.

Mr. Peter Kormos: I just wanted to put that little mark there.

0910

The Chair (Mr. Greg Sorbara): Right. Okay. All those in favour of the motion? Opposed? Abstentions? Carried.

Just to deal with the next materials, I note that there are two submissions in front of us. One is research prepared by Larry Johnston on our behalf, and there's a summary of issues prepared by the former chief returning officer, John Hollins. I've had an opportunity to have a look at both documents, ever so briefly, but I think it's a good start.

I guess what I'm going to suggest to the committee is that we have a look at these materials—there could be some discussion this morning to begin to focus on the orbit of our interest and our attention—and that at our next meeting we have an opportunity to hear from John Hollins, probably for the full period that we have available to us, and more if necessary. Then after that, I think this committee would benefit from a much more structured definition of the areas where we're going to direct our attention. I'm wondering how people feel about that.

Mr. Norman W. Sterling: I went to my caucus two weeks ago and put down 15 or 16 questions sort of going to where Mr. Hollins's report was. I asked my MPPs just to mark on a sheet of paper whether they agreed or disagreed. On quite a number of the issues, it was almost tied. I got 10 out of the 24 in the caucus responding to me, and often it was 5-5, 5-4, 4-5 or whatever. So I would really like to agree with you, Mr. Chairman, in trying to narrow the focus down into a number of questions that we can consult on with our caucus members.

Perhaps rather than asking participants to come here and talk about the width and breadth of the election process, we can pose a number of areas where we ask them to agree, disagree or comment. We could then send that kind of document to the various political parties, the party executives of people who participated in the election, and also to all of the returning officers across Ontario so that we could get some kind of idea, and then give them an opportunity to respond to us, almost like a survey as such. We'd have an idea from the people who

have their feet on the ground as to whether there are actually real problems out there associated with one or another of the issues that have been raised in Mr. Hollins's report or raised by somebody on the committee.

Mr. Peter Kormos: The Hollins recommendations, this October 15 memo, are as good a starting point as any, but I do know Mr. Johnston refers to the obligatory report of the chief returning officer with recommendations under the Election Finances Act. I suppose we should be interested in the status of that report, because that obviously is going to be a formal document prepared by Hollins.

The Chair (Mr. Greg Sorbara): I don't know about that. I don't think that's in yet, but it is something that could capture the attention of the committee. I'll make inquiries about when one might expect that.

Mr. David Zimmer: I rather like this idea of the committee giving a very tight structure and focus not on this exact kind of response, but the issues that we want to hear about from the various people who have a responsible interest in this—rather than just inviting people in, turning the floor over to them and letting them think randomly at large, this idea of focusing: "We'd like to hear from you on this issue, this issue, and this issue."

The Chair (Mr. Greg Sorbara): Yes, and I think that's consistent with what Norm has said. Within our own caucus and our own party organization, we're having some sit-down sessions about—"Okay, talk to us about machinery. Tell us about where the system works and how it would work better." I assume that both of the other parties are going to do that, and that will give us a better perspective on it.

Mr. Peter Kormos: That's why I make reference to the report. That is a formal document that will be tabled, and that seems to me to be the sort of starting point for any number of people who want to participate in the committee. In other words, that kick-starts this process and people then have something to refer to. I suppose the focus then would primarily be the committee's response to the report and its recommendations, obviously with some capacity to expand that. That's why I am saying that is a formal document, as compared to the memo of Mr. Hollins. It would be something that would be publicly accessible and consistent, and that's why I made reference to it. It would be really good to have that for folks who wanted to participate here, wouldn't it, Mr. Zimmer?

The Chair (Mr. Greg Sorbara): I think that's right. We will make inquiries and advise as to when we might expect that report.

Mr. David Zimmer: We'll wait to hear back from the Chair on this.

The Chair (Mr. Greg Sorbara): Yes, that's right.

Mr. Norman W. Sterling: As a matter of process, what I would like to go through—and I often thought that this would be really, really good for general committee structure, because there could be a huge number of people who might be interested in commenting on this and we're reluctant to say no to anyone. The process I would like to think about—and I'm interested in hearing

what other members of the committee have to say—would be to invite, in the first blush, people other than Mr. Hollins and perhaps the present election—

The Chair (Mr. Greg Sorbara): Chief returning officer.

Mr. Norman W. Sterling: Chief returning officer—to write to us and say, “Here’s what I would like to say to the committee.” Then, the committee could decide from those written submissions if there were some people who made a lot of sense in their written submissions and we’d like to hear more about them and question them about it, and we could take care of some of the concerns that Mr. Kormos has raised with regard to issues that are specific to certain areas. If somebody had a great point with regard to rural vouching or whatever, then we could call that particular individual in or the head of whatever that particular association might be. I think that that would be a great way to proceed—

The Chair (Mr. Greg Sorbara): I’m not offended by that at all. In other work that I do around this place, we have used the model of public consultations. I’m just finishing that up on tourism and did that every year before a budget. It gave people an opportunity just to put whatever it is that they have on their mind on the table.

Katch, if we wanted to say to the general public that this committee is inviting the public, in particular those in the public familiar with the electoral system, to write to the committee, raising issues and questions and concerns that should come to the committee’s attention, how would we do that?

The Clerk of the Committee (Mr. Katch Koch): There are two ways to do it. One way is to invite individuals you feel you’d like to hear from. The other is to simply advertise on our parliamentary channel or the Internet site.

Mr. David Zimmer: Are they mutually exclusive, or could you do both?

The Clerk of the Committee (Mr. Katch Koch): You could do both.

Mr. Norman W. Sterling: I think we should do both, and then say to people, if time is going to be somewhat limited in terms of being able to hear submissions, “If you want to make a submission, then write us and give us a brief outline of what your submission would contain, and the committee will then prioritize, depending upon the focus of the committee and the interests in the views.”

The Chair (Mr. Greg Sorbara): Are you comfortable with that?

Mr. Peter Kormos: I have no concerns about opening those floodgates.

The Chair (Mr. Greg Sorbara): Well, neither do I, actually. This act is not going to come up for consideration and review a lot, so I think it would be interesting to see the recommendations that come in.

0920

In putting out that call, I think we need to make it clear that we are not putting out a call for new ways to approach democratic elections in the province of Ontario.

The committee is looking at amendments and modernization of the Elections Act to better deploy the election system that we have, and then invite written submissions. I’m fine with Norm’s approach to filtering through those and seeing if there are two or three or five or 10 people we would want to have come and talk with us. Are you okay with that, David?

Mr. David Zimmer: Yes.

The Chair (Mr. Greg Sorbara): Okay, so the clerk suggests that he craft an ad and bring it back to the committee for next week. This is also something that, if we needed to, we could do by way of a subcommittee telephone meeting, but I think because we’re meeting next week, we can do that. Are we agreed that we will invite John Hollins to come as a witness next week?

Mr. Norman W. Sterling: Is Larry going to be here next week?

Mr. David Zimmer: I’m sorry, I didn’t hear that.

Mr. Norman W. Sterling: Is Larry, our researcher, going to be here next week? Andrew’s sitting in for him, so I presume he’s away.

Interjection: Yes.

Mr. Norman W. Sterling: Maybe before we would do that, we might want to have sort of a briefing session with Larry at 9 o’clock and then have Mr. Hollins after that. I don’t know—that’s how we carry on our PAC committee.

Mr. David Zimmer: On public accounts, that process works rather well; that is, the committee meets in camera from 9 to 9:30 or a quarter to 10 or whatever, and gets a background briefing so that they have some context in which to listen to, in this case, Hollins. Hollins comes in half an hour later and goes through the thing, but we have a background briefing, if you will.

The Chair (Mr. Greg Sorbara): I’m okay with that. I just need to be reminded of the way in which these committees operate. We have till 10:30, is that right? Or 10:25, and then that’s it. I think that’ll mean that we will want Hollins here for two sessions, because—

Mr. Norman W. Sterling: As far as I’m concerned, we can be briefed at 8:30. It’s fine with me, I don’t know—how about Peter or—

The Chair (Mr. Greg Sorbara): Can we do that?

Mr. David Zimmer: Have a briefing from 8:30 to— we do that on the public accounts committee. When the deputy minister comes in, we have a half-hour briefing before. So if we met from 8:30 to 9, had the staff briefing and then got at it at 9 o’clock?

The Chair (Mr. Greg Sorbara): Okay, that’s fine with me.

Mr. Peter Kormos: And 7:30 is fine as well.

Mr. David Zimmer: No, no. You’re pushing it, Peter.

The Chair (Mr. Greg Sorbara): It’s all dependent on the state of the Don Valley Parkway, as far as I’m concerned.

Mr. Peter Kormos: The role, then, of—I’m worried because Hollins is going to be here in a week’s time without there having been any effective advertising, right? Because the draft ad isn’t coming back until next

week, so the public is not aware by way of formal notification of what's happening here. People who are interested in what Hollins may have to say won't have the chance to hear it so that they can use that as a framework for what they want to comment on. Is this a briefing by Mr. Hollins, as compared to his formal presentation on the issues to help us create this framework?

The Chair (Mr. Greg Sorbara): I think it's his analysis based on his experience of where the acts need attention and themes for how you might go about amending the act. I think we're going to hear from him. I don't know if we'll get it all done in one day, because he's got a wealth of experience, but can we not simply, at least on the Internet and the parliamentary channels, notify people that he will be here next week? Is that possible?

Mr. Norman W. Sterling: One thing, I think, is when Mr. Hollins is here, we should be meeting in the other room, where it can be televised, so that it can be replayed if people want to—

The Chair (Mr. Greg Sorbara): Is that possible?

The Clerk of the Committee (Mr. Katch Koch): I will see if 151 is available.

Mr. David Zimmer: I think Peter raises a good point here. If we get Hollins in next week and, rather than his briefing to us, it's his testimony, if you will, then we probably don't have enough time to advertise to the public that he's coming in to give his testimony, so to speak. No doubt there will be various people out there who will think we've tried to slide Hollins through without giving them a chance to—

The Chair (Mr. Greg Sorbara): Okay. You know what? Why don't we spend next week with our researchers and our own analysis, because that could take up quite a bit of time—more than half an hour, I think, if we go through all the work that Larry and the folks there have done—and then propose to have Hollins here in two weeks' time? How would that be?

Mr. David Zimmer: I agree with that. That's good. That gets rid of the criticism that we're trying to slide Hollins through without subjecting it to public observation.

The Chair (Mr. Greg Sorbara): Peter, do you feel agreeable to that?

Mr. Peter Kormos: Agreeable.

The Chair (Mr. Greg Sorbara): I'm just looking at my own—well, shall we work on that basis, that we'll develop an ad—

Interjections.

Mr. Norman W. Sterling: What date would that be for Mr. Hollins, then?

The Chair (Mr. Greg Sorbara): October 30.

Mr. Norman W. Sterling: I don't think we should go into the next week because that's the Thursday before the constituency break. Okay; that's fine. The 30th is fine.

The Chair (Mr. Greg Sorbara): Yes. It's in the morning. Peter?

Mr. Peter Kormos: Having said that, can we not decide now about the text of the ad? It seems to me that the committee requested a review of the three acts within

its scope—the Elections Act, the Representation Act, the Election Finances Act—and that is the framework, right?

The Chair (Mr. Greg Sorbara): Yes. Why don't we get Katch to develop something, get it by way of e-mail to everyone, and some time over the next day or two or three we can have a very quick conference call and approve of it?

Mr. Peter Kormos: Let's have a goal of Monday.

The Chair (Mr. Greg Sorbara): A goal of Monday.

Mr. Norman W. Sterling: We can do it by tomorrow, I'm sure.

The Chair (Mr. Greg Sorbara): Whatever. We'll start at 9 next week, if we're not going to—we'll just check out, after we finish here, about availability.

Any other organizational issues?

Mr. Norman W. Sterling: I think all of us should think about other witnesses we might want to have and we would find. I don't know whether—is Ms. Wells still the assistant to the Chief Electoral Officer?

The Chair (Mr. Greg Sorbara): I don't know.

Mr. Norman W. Sterling: She's a lawyer—

The Chair (Mr. Greg Sorbara): I'm getting a nod from Sharon at the back of the room. The answer is, yes, she is.

Mr. Norman W. Sterling: She has been there in the office for a long period of time, both under Mr. Bailie, who was the former officer, and under Mr. Hollins. I wouldn't mind having her shed her historical perspective of where we have been and the changes that have occurred, and what was good and bad. That would be something that I would like.

The Chair (Mr. Greg Sorbara): I understand what you're saying, Norm. I worry a little bit about the protocol. We—

Mr. Norman W. Sterling: We'll ask the present returning officer—

The Chair (Mr. Greg Sorbara): You were involved in hiring the present returning officer, were you not?

Mr. Norman W. Sterling: No.

The Chair (Mr. Greg Sorbara): Oh, no, I'm sorry. It was—

Interjection.

The Chair (Mr. Greg Sorbara): But there was unanimous agreement that this fellow is very well qualified, so we will want to hear from him. It's a question of timing. We're going to develop a list of people to whom a written invitation is going to go, we're going to advertise and then we're going to see. I'm not sure that Ms. Wells would feel comfortable coming before the committee on her own, and perhaps the best thing to do is to—

Mr. Norman W. Sterling: We can discuss this later when we're doing the other witnesses.

The Chair (Mr. Greg Sorbara): Yes, okay.

Mr. David Zimmer: Just following up on Norm's point of thought, it occurred to me: In the last election—and previously, but particularly the last election—I had the sense that there were tensions between local returning officers in the ridings and the—

The Chair (Mr. Greg Sorbara): The centre.

Mr. David Zimmer: —centre, and there were some real tensions there. What is the protocol if we want to hear from the local returning folks?

The Chair (Mr. Greg Sorbara): You know what, I think that there's nothing wrong with hearing from individual returning officers. It gives a sense of what's happening on the ground. I worry about too many of them wanting to come and vent, but let's look at the list and see who expresses an interest and how the process is

unfolding before we make a decision about whether or not we'll do that.

Mr. David Zimmer: Thank you.

The Chair (Mr. Greg Sorbara): Anything else? Okay. Do we have a motion to adjourn, or—okay then, the meeting is adjourned.

See you next Thursday morning and see you in a few minutes upstairs.

The committee adjourned at 0930.

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Mr. Gregory S. Sorbara (Vaughan L)

Mr. Howard Hampton (Kenora–Rainy River ND)

Mr. Gregory S. Sorbara (Vaughan L)

Mr. Norman W. Sterling (Carleton–Mississippi Mills PC)

Mr. David Zimmer (Willowdale L)

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