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Tuesday 24 March 2009

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Mardi 24 mars 2009

**Select Committee on
Elections**

Review of election legislation

**Comité spécial des
élections**

Révision de la législation
électorale

Chair: Greg Sorbara
Clerk: Trevor Day

Président : Greg Sorbara
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

SELECT COMMITTEE ON ELECTIONS

COMITÉ SPÉCIAL DES ÉLECTIONS

Tuesday 24 March 2009

Mardi 24 mars 2009

The committee met at 0905 in committee room 1.

OFFICE OF THE CHIEF ELECTORAL OFFICER OF ONTARIO

The Chair (Mr. Greg Sorbara): The committee is now in session. Just to begin, I want to welcome the Chief Electoral Officer of Ontario, and Loren Wells, the deputy chief electoral officer of Ontario.

Just to let committee members know, we are going to end this morning at five minutes to 10 so that members of the assembly can participate in a mace ceremony. I'm going to be brutal, Greg, with the committee members and give you as much time as possible, along with Loren, to make your submissions. But I do think there are going to be a number of questions, so why don't we get the discussions under way right away?

Do you have any preliminary comments, Peter, or anything that you need to think of today? No. Same with you, David?

Mr. David Zimmer: Nothing. Thank you.

The Chair (Mr. Greg Sorbara): Okay. Over to you, Greg.

Mr. Greg Essensa: Good morning, Mr. Chair, members of the committee, and members of the public and staff.

I appreciate having the opportunity to appear before the committee for a second time to discuss the results of the pilot program that Elections Ontario conducted in the recent by-election in Haliburton–Kawartha Lakes–Brock.

I'd like to begin by explaining the legislative framework that allows the Chief Electoral Officer to conduct a pilot program in a by-election. Under section 4.1 of the Election Act, the Chief Electoral Officer has the power to use voting equipment, vote-counting equipment or alternative voting methods in a by-election. The act requires me to issue a directive describing the equipment in detail, along with the provisions of the act that will not be complied with. Copies of this directive are provided to the Speaker and the leader of each registered party 21 days before polling day and posted on Elections Ontario's website. The legislation also requires me, within four months of polling day, to report to the Speaker on the use of voting equipment, vote counting equipment or alternative voting methods and make recommendations regarding adoption of these methods on a permanent basis.

Today, I'd like to share with you my initial findings from the Haliburton–Kawartha Lakes–Brock by-election and discuss the potential use of voting equipment and vote counting equipment in future general elections.

Elections Ontario believes that the electoral process should be as accessible as possible so that all electors have an opportunity to cast their ballots. Barriers that may prevent people from voting should be removed, and voting should be as easy and convenient as possible.

The pilot program in the Haliburton–Kawartha Lakes–Brock by-election placed vote tabulators and assistive voting devices in all 10 advance vote locations—in the returning office advance poll from February 21 to February 26, and in nine other area advance polls from February 24 to February 26. The technology selected for the pilot project was the Dominion Voting Systems tabulator and their image cast ballot marker device. They were chosen via a competitive RFP process.

I want to be clear, though: Even though we introduced technology in the advance voting locations, all electors received a paper ballot. My assistant has a sample of the ballot that I will have her pass to each of the committee members so that you can see the type of ballot that was utilized in the actual advance poll.

The technology provided electors with three options to cast their ballot. The first option was the manual process, which is the usual voting process in an election, where an elector goes behind a privacy screen and marks their selection with an X. The second option allowed for voters with limited or no vision to mark and generate a ballot by following step-by-step audio commands using an interface, or for voters with limited vision to use a monitor to adjust a zoom control to better see the ballot. The third method allowed voters with mobility challenges to use either sip-and-puff technology, which simply means to puff to toggle through their choices and to sip to make a selection, or paddles that are available as well on the unit.

After the electors had made their selections, all ballots were scanned and counted by the optical scan tabulator.

Before deploying the technology in the field, Elections Ontario consulted with members of the disability community, including: the Canadian Paraplegic Association, the CNIB, the Alliance for Equality of Blind Canadians, the AODA Alliance, ARCH Disability Law Centre, and the March of Dimes. The consultation included a demonstration of the technology and a question-and-answer period. The pilot program was well received by the

stakeholders, who thought that it provided a viable solution to the challenges faced by electors with disabilities at the poll. The stakeholders were encouraged by the fact that the equipment provided equal access to the democratic process to all electors and indicated their willingness to work in partnership with Elections Ontario to promote the initiative with their members. Elections Ontario is in the process of following up with these organizations to see if their members would be willing to provide feedback on the ease of use of the equipment and their experiences upon using it in the field.

From Elections Ontario's perspective, the pilot was a success: 18% of the people who voted in the by-election, which is 6,359 of the 35,423, cast their ballots at the advance poll. In the returning office alone, almost 2,800 people voted using the equipment. Nine electors were able to vote independently using the accessibility equipment.

The technology that was employed has been successfully used in other jurisdictions as well. In the May 2008 municipal elections, New Brunswick used province-wide ballot tabulation and accessible voting. They had over 250 tabulators in over 100 municipalities. In addition, in the New York state fall 2008 primary and general elections, over 4,600 tabulators were used in 53 counties across the state. In the September primary election, over 1,500 electors used the accessibility technology, and in the November general election, approximately 4,200 electors employed this accessibility technology.

Looking forward, there is the opportunity for Elections Ontario to use accessibility technology in general elections. I believe that all electors should have the chance to cast their ballots in secret without assistance. In my submission, I recommended that the Election Act be amended to allow for the use of alternative voting equipment, vote counting equipment and voting methods during both general elections and by-elections. After personally visiting the region and seeing first-hand how the technology works in the field in this pilot program, I stand by that recommendation and respectfully request that the committee give consideration to allowing the flexibility to use technology in both general elections and by-elections.

Ontario's elections are based on three fundamental democratic principles: that electors and participants in the electoral process are fully able to exercise their democratic electoral rights; that electors and participants in the electoral process are served in a modern, responsive and efficient manner; and that election officials are accountable and the process we administer is transparent and impartial. With Ontario's current voting process, electors who have visual or physical challenges are denied the right to vote independently and in secret. This barrier to voting makes it difficult for many electors to exercise their Charter right to vote. Employing technology in general elections is a realistic and reasonable accommodation method to enable thousands of Ontarians to easily cast their ballot.

While at this point there is no business case for putting the technology in every single voting location on election

day, there is the opportunity to provide the technology during the advance vote period in a general election. If the committee were to see fit to recommend the legislative amendments, I would likely recommend that they place the technology in returning offices and their satellite offices, so that individuals with disabilities would have access to a method to vote independently in their electoral district. In future elections, I could see the benefit of having the technology in each of the area advance polls.

Is there a cost to using this technology? Yes, definitely there is. While ultimately the cost of the technology in the by-election pilot was zero, Elections Ontario did incur ancillary costs to support the use of the equipment. If we were to introduce the accessibility and vote counting technology to each of the returning offices and satellite offices—approximately 140 locations—there are a myriad of variables that need to be thoroughly examined before I am properly able to estimate a cost for a general election.

We know at this point that it does not make sense to purchase the equipment, since technology changes so rapidly and it would be too great an upfront cost. We are in the process of analyzing whether it would be possible to rent or lease the equipment, and if that is feasible, we would then need to determine the amount of support each returning officer would require. The results of all of this analysis will be included in my final report to the Legislature.

Other electoral agencies have also shown an interest in the accessibility technology. In fact, Elections Canada even sent a staff member to observe the by-election pilot. Over the course of the next few weeks, we will continue to have discussions with other electoral agencies to see if there is the possibility of a partnership to offset some of these costs. Again, all the analysis on the costing of the technology will be included in my final report to the Legislature.

In addition to enhanced accessibility, there are other benefits we observed from using the technology throughout the by-election. It simplifies the counting process and allows advance vote results to be released faster. It also allows the advance vote workforce to be redeployed on election day, since they are no longer required for ballot counting on election night.

In order for Elections Ontario to be able to introduce technology in the advance vote period of a general election, a legislative amendment would be required to move forward nomination day by a week. Additional time between nomination day and the start of the advance vote is required for ballot printing and distribution and to ensure that each of the machines has undergone a thorough logic and accuracy test.

The Chair (Mr. Greg Sorbara): Excuse me, Greg. Could you just repeat that? You're saying that in order to do what, we would need to have nominations move up a week?

Mr. Greg Essensa: If we were to be afforded the opportunity to use this type of technology in a general

election, it is my recommendation that nomination day would also need to be moved forward by a week to allow sufficient time for us to print the ballots, test the ballots and deploy them throughout the province. Currently, there is only a span of two days, and that's insufficient time for us to be ready for the advance vote period.

The Chair (Mr. Greg Sorbara): So you're talking about the close of nominations?

Mr. Greg Essensa: Correct.

The Chair (Mr. Greg Sorbara): The close of nominations currently is how many days before voting day?

Mr. Greg Essensa: It closes on the Thursday and then there are, I believe, three days before the advance vote. That would be insufficient time.

The Chair (Mr. Greg Sorbara): Right. So in effect, the implication of that for political parties is, "Get your candidate nominated a week earlier."

Mr. Greg Essensa: That is correct.

The Chair (Mr. Greg Sorbara): Okay. Sorry for the interruption. Carry on.

Mr. Greg Essensa: That's perfectly fine.

As per the legislation, I will be providing members of the Legislative Assembly, through the Speaker, with a detailed report on the Haliburton-Kawartha Lakes-Brock by-election. Today, I simply wanted to provide you with a brief overview of my initial thoughts and recommendations.

I'm now happy to open the floor to members of the select committee and to provide additional information on the by-election project or simply to clarify other subject areas that committee members have been discussing.

Thank you for the opportunity to appear before you today.

The Chair (Mr. Greg Sorbara): Thanks, Greg. We'll start with David.

Mr. David Zimmer: Have you had a chance to canvass the reactions of the campaign managers, candidates, voters and DROs about their sort of immediate reaction?

Mr. Greg Essensa: Prior to the use of the technology, we invited all the political parties to Elections Ontario for a demonstration of the vote counting equipment. We also invited all the political parties and the candidates to the media briefing, where we introduced the technology in the by-election. We also subsequently sent out surveys to candidates. We've been surveying the returning officers as well as some of the people who utilized the equipment in the field on election day. All that information is coming back to us, and we will summarize that in time for my final report to the Legislature.

Mr. David Zimmer: Is there any sense, anecdotally, about what their reaction was?

Mr. Greg Essensa: Certainly the staff who utilized it in the field found that it was very beneficial, because they didn't have the enormous workload of counting all the ballots at the end of the night. Very simply, at the close of polls on election night, you effectively turn a key, press a button and the results are printed, so in some of those very large advance polls where we had upward of 2,800 people voting, there was an enormous decrease in

the workload for those particular staff and the ability of the returning officer to deploy those valuable resources toward other needs on election day.

Mr. David Zimmer: So it was, anecdotally anyway, all a positive reaction. There was nobody calling in and saying, "It didn't work. I don't understand it."

Mr. Greg Essensa: No. During the advance poll, I actually visited all 10 sites personally and observed many electors going through the process. There was very, very little reaction whatsoever. They were curious about the actual technology and how it worked, but all the comments we received back were very positive.

Mr. David Zimmer: For people like me who are technologically challenged and some of those people working in the polls, do you have any sense that they had any trouble picking up the technology?

Mr. Greg Essensa: No. During the pilot, as part of the contract with the vendor, the vendor actually supplied a staff member whom we deputized as an election official to actually operate the equipment. That individual, because of their familiarity with the equipment, was able to help electors who were accessing the accessibility features very thoroughly and provide them with a real comfort on exactly how to utilize the equipment and cast their vote independently.

Mr. David Zimmer: In the event that technology was used province-wide, how would you get the people up to a technological level that they wouldn't need one of these assistants from the company?

Mr. Greg Essensa: Internally, we are looking at how we would provide an appropriate training program so that every one of the individuals be operating that piece of equipment would have adequate training and comfort to be able to provide the same level of service we were able to provide during the by-election.

Mr. David Zimmer: So the training to operate the piece of equipment is not something you could sort of pick up in a half hour and run through. You need some real—

Mr. Greg Essensa: No. There is no question that it's a bit more extensive than that, because there are multiple choices the elector can utilize to actually exercise their right to vote. They can simply use what's called a tactile device if they are visually impaired, or there's the ability for them to use a sip-and-puff technology if they are mobility-impaired or to use actual paddles.

0920

Mr. David Zimmer: So in effect, you need somebody like a help desk person at each—

Mr. Greg Essensa: You need someone who has a little bit more extensive training than we would normally go through for our deputy returning officers. That's what we're investigating now internally, about how much additional support the returning officers would need to provide to this, how much additional support Elections Ontario would need to provide, in essence, to have a more complete costing of what might be incurred for a general election.

Mr. David Zimmer: Any anecdotal sense of what the additional costs were to run these polls for the trial project?

Mr. Greg Essensa: We're in the final process of costing that now. Because it was a pilot, we certainly employed a number of our permanent resources to be supportive of that, as well as for our ability to assess what additional workload would be placed upon Elections Ontario and the returning officers. Anecdotally, I would suggest it probably was a couple of thousand dollars—no question in—

Mr. David Zimmer: A couple of thousand—sorry?

Mr. Greg Essensa: Thousand dollars; several thousand.

Mr. David Zimmer: Per?

Mr. Greg Essensa: No, for the entire pilot itself.

Mr. David Zimmer: For the whole pilot. All right.

The Chair (Mr. Greg Sorbara): Okay. I'm going to go to Mr. Kormos next. I want to get a sense of exactly what went on in the by-election. Greg, did you use these vote counting machines for all ballots cast, including ballots on election day?

Mr. Greg Essensa: No, we did not. We only used them during the advance vote period.

The Chair (Mr. Greg Sorbara): A lot of people without any specific impairment come to the advance poll. They too would get a ballot of that type?

Mr. Greg Essensa: Yes, they would.

The Chair (Mr. Greg Sorbara): So it was only at the advance polls. In visualizing new technologies down the road, do you anticipate that that kind of counting technology would be used at each of the polls on election day?

Mr. Greg Essensa: I think, Mr. Chair, the cost-benefit analysis would make that difficult in this particular period of time.

The Chair (Mr. Greg Sorbara): Right. Okay, good. I just wanted to clarify that.

Mr. Norman W. Sterling: Could I just ask before—

The Chair (Mr. Greg Sorbara): Norm?

Mr. Norman W. Sterling: Just to get the facts straight here, how many people voted at the advance polls using these machines?

Mr. Greg Essensa: There were 6,359.

Mr. Norman W. Sterling: And is there a category of people who—and you said nine people—

Mr. Greg Essensa: That is correct. Nine people accessed the accessibility features available on the technology.

Mr. Norman W. Sterling: So nine of 6,359. The other 6,350, did they mark a ballot?

Mr. Greg Essensa: The ballot that was distributed to you—they would have received the exact same ballot. They would have received exactly the same ballot as the person accessing the disability features of the technology.

The Chair (Mr. Greg Sorbara): How did Red Kelly do on the advance poll?

Mr. Norman W. Sterling: So they didn't receive the same ballot as a person voting at a polling station did on election day?

Mr. Greg Essensa: No. The ballot that was utilized on advance poll was very similar to the one that you have before you. The one that was utilized on election day was a traditional ballot that is used in a manual hand count. It did not look like the ballot that's before you.

Mr. Norman W. Sterling: What would be the difference, one to the other?

Mr. Greg Essensa: Primarily, it's in the size. The ballot that you have before you is obviously on a larger piece of paper, and you'll see on the outside that there are a bunch of black marks that are timing marks that the tabulator uses to be able to tabulate that. What we used on polling day in the traditional polls was a traditional ballot, which we've been using for many, many years; the same ballot that you would have used in the 2007 general election.

Mr. Norman W. Sterling: Okay.

The Chair (Mr. Greg Sorbara): So this size ballot is simply fed into a machine?

Mr. Greg Essensa: That is correct, yes.

Mr. Norman W. Sterling: Now, was there any recount done after?

Mr. Greg Essensa: No. We do what is called a logic and accuracy test. So in fact prior to the election, we take each of the tabulators and we put through a pre-audited set of ballots. So we pre-audit a set. We manually mark a vote for every candidate. We go through all the accessibility features and ensure that they are able to tabulate a mark and an accurate vote for every one of the candidates. We feed the pre-audited set through every tabulator prior to election day and ensure that those results are accurate. We then, subsequently, do that same pre-audited test after election day to ensure that the tabulator was working correctly prior to election day and subsequently after election day.

Mr. Norman W. Sterling: But you did not recount the 6,359 ballots—

Mr. Greg Essensa: No, we did not.

Mr. Norman W. Sterling: —to match up what the machine said and what—

Mr. Greg Essensa: No. We have not done that.

Mr. Norman W. Sterling: Okay. Thank you. I have some other questions, but you go ahead, Peter.

Mr. Peter Kormos: I've already written in "Tie Domi." Does that make me a bad person?

Down where I come from in Welland, municipally this is the sort of thing they've come to use, where the ballot still exists; it's not pull a lever or that type of stuff. So for recounts, because we have again yet another remarkable and interesting submission from Ed Wilson, a returning officer, who writes about the need to have some physical ballot somewhere along the line. What do communities do now? Do they own these ballot-counting machines? I agree with you: The rate of technological change is so rapid; we all know that. We thought we were miracle workers with our little laptops five years ago and they're

obsolete within a year. How do municipalities and other jurisdictions deal with that rapid change in technology?

Mr. Greg Essensa: It is my understanding that most municipalities, actually the larger ones in Ontario, tend to own their equipment. So the larger jurisdictions such as Toronto, Ottawa and Hamilton have actually purchased their equipment. The smaller jurisdictions, some of them look to rent or lease the equipment in partnership with other jurisdictions from across the country. I know down in the Welland area, St. Catharines had rented equipment from the city of Winnipeg for years and utilized their equipment. So it depends on, traditionally, I would say, the size of the jurisdiction, but the larger jurisdictions in Ontario have traditionally purchased the equipment.

Mr. Peter Kormos: The reason I'm asking this is, how do you get control of that? Look what happens every time there's a computer contract tendered: There's chaos and scandal almost inevitably, whether it's here at Queen's Park, whether it's Toronto city hall. How do you get a handle on this to make sure that you're up to date with the technology but that you're not simply being scammed every step of the way by people promoting the equipment?

Mr. Greg Essensa: Certainly it would be my recommendation, through the committee, that at this particular time I do not believe that there is a business case to actually go out and purchase the equipment. I do believe that with fixed date elections and, as you allude to, the rapid change in technology, the actual process would be to look to rent or lease the equipment so that we in fact could, election by election, ensure that we have the most up-to-date technology if possible and assess it after each election, as opposed to entering into a long-term capital purchase process.

Mr. Norman W. Sterling: Can you provide us with that business case? What are the costs?

Mr. Greg Essensa: Currently, the cost to actually purchase one of these—the tabulator that we used in this most recent by-election, the cost to purchase, that retails around \$11,000.

Mr. Norman W. Sterling: Per machine?

Mr. Greg Essensa: Per machine, to purchase.

Mr. Norman W. Sterling: Are there two kinds of machine, one with the features to allow the nine people to vote and the others just the ballot part?

Mr. Greg Essensa: Yes, there are.

Mr. Norman W. Sterling: How much of the \$11,000 is associated with one part and the other part?

Mr. Greg Essensa: My understanding is that it's approximately \$6,000 for the actual tabulator component and about \$5,000 for the actual component with the accessibility features.

The Chair (Mr. Greg Sorbara): I just want to interrupt right now and go to Peter Kormos, who has a supplementary.

Mr. Peter Kormos: That's precisely the point: \$11,000 per polling station with technology that's rapidly changing. That hires a whole lot of returning officers to do manual counting, doesn't it?

Mr. Greg Essensa: It does alleviate that requirement for those deputy returning officers at the end of the night to come back, in essence, and do all of that manual counting. Those staff who are employed during the advance poll would then be available to the returning officer to be redeployed on election day in some other capacity.

Mr. Peter Kormos: But I'm saying at \$11,000 per machine, and even if a machine is good for two election periods, eight years, \$11,000 per poll pays for a whole lot of \$25-an-hour people, even \$25-an-hour people counting ballots.

Mr. Greg Essensa: That is if we were to look at the aspect of purchasing the machines. It would not be my intention. I do not believe that there is any business case to support the actual purchase of the equipment.

Mr. Peter Kormos: You say Dominion was the operator that provided the equipment?

Mr. Greg Essensa: Dominion Voting Systems was the winner of the RFP and provided it.

Mr. Peter Kormos: I can't help myself. Where are they based?

Mr. Greg Essensa: They're based here in Toronto.

Mr. Peter Kormos: Thank you.

Mr. Norman W. Sterling: You said they use these machines in New Brunswick. What did it cost them for their technical help, the machines, the training, the whole set-up?

Mr. Greg Essensa: At this point, Mr. Sterling, that's part of the research that we're doing. I don't have those figures in front of me, but we can certainly get that information back to you, and I'm happy to endeavour to get my office to provide that answer to you.

Mr. Norman W. Sterling: As well as the number of people who use the accessibility feature?

Mr. Greg Essensa: Actually, that we did find out. We did contact my counterparts in New Brunswick. They did not collect the number of individuals who actually utilized the accessibility feature, but in our discussions with Dominion Voting Systems, which was the same vendor in New Brunswick, they indicated that 40 individuals actually utilized the accessibility features during their election in 2006.

0930

Mr. Norman W. Sterling: Across New Brunswick?

Mr. Greg Essensa: Across New Brunswick.

Mr. Norman W. Sterling: Did they have them at each polling station?

Mr. Greg Essensa: They had 23 sites across the province with the accessibility features available. So within those 23 sites, 40 individuals utilized those accessibility features.

Mr. Norman W. Sterling: What did it cost per polling station in New Brunswick?

Mr. Greg Essensa: Again, I don't have that figure, but I will endeavour to get that information to you and to the committee.

The Chair (Mr. Greg Sorbara): Okay. Just a couple of comments on the experience in Haliburton-Kawartha Lakes-Brock: First of all—

Mr. Norman W. Sterling: I guess—sorry.

The Chair (Mr. Greg Sorbara): Go ahead.

Mr. Norman W. Sterling: The problem I find here is, basically we're going to spend this money and complicate the process in order to have a faster count at the end of the night, presumably no more accurate than what would be done by people who counted ballots manually.

As well, we're going to allow a very, very small number of people to vote independently. In nine elections, I have never heard a Chief Electoral Officer or local returning officer say to me that there was any complaint about somebody going in with their friend and marking a ballot for them. I know it would be preferable if they could do it on their own, but most people have a trusted friend or family member who's not going to do away with their wishes, in terms of who they mark the ballot for.

The part that scares me in your presentation is that when you introduce these machines—it's not like a personal computer, or whatever it is; you've got to have somebody there who's knowledgeable about what goes on—the chance for a foul-up seems to be much greater than sticking with the present system.

Mr. Greg Essensa: I would counter that by indicating that one of the basic principles of democracy is that each individual elector is entitled to vote completely independently, in secret. It's a founding principle of democracy. Certainly, since I have become Chief Electoral Officer, I've been made aware of many, many correspondences through the Chief Electoral Officer's office from various disabled groups indicating their very strong desire to see a change in the electoral process that would allow them to vote completely independently.

This was a pilot. It was my opportunity to pilot this and provide my findings back to the Legislature. Ultimately, it will be the decision of the Legislature to make that determination. But what I am confident in is the fact that this type of technology ensures the basic integrity of the election, because it maintains that paper ballot. It maintains that piece of paper. After the election, if there is any dispute whatsoever about the counting, we can always move back to a traditional manual recount of that process. From my perspective, maintaining that integrity as we move through in advancing and modernizing the electoral process is a key ingredient in why I'm supporting this recommendation.

The Chair (Mr. Greg Sorbara): I think the Chief Electoral Officer makes the point eloquently. Certainly, Norm, the notion that, historically, people who have needed the assistance of a friend—that has happened. But two things: the point made by the Chief Electoral Officer; and the fact that there is an Ontario accessibility act, which Elections Ontario is required by law to adhere to. That is going to drive this agenda. The fact is that it is going to be, in some instances, expensive in terms of the equipment. That's all part of the reality that democracy is an expensive process, but it's the best one we've developed so far.

Mr. Norman W. Sterling: I don't know how you can have one of these at every polling station. And if you

follow that argument, I don't know how you can say that some people who would need this kind of accessibility—you can't be half-baked on this. I understand the argument, but I'm saying let's be realistic about the cost.

The Chair (Mr. Greg Sorbara): I don't think it leads to the argument that one needs to have all this technology at every polling station.

I think Mr. Kormos had his hand up.

Mr. Peter Kormos: I agree with Norm, and that's the whole new direction in terms of accessibility: It's not the ramp up to the back door; it's accessibility.

I agree with you, Chair, that people should be encouraged to take a look at the technology on an ongoing basis, as it develops and evolves, with the goal of creating universal access to a private voting process. I'm just worried about the rate at which technology changes, especially in this type of thing. Is it even set up at your office—any of these machines?

Mr. Greg Essensa: We actually have the equipment at our office, and I would be happy to entertain the committee members if they would like the opportunity to actually—

Mr. Peter Kormos: I'd like to actually see it—

Mr. Greg Essensa: Sure.

Mr. Peter Kormos: —just to get more familiar with it, more comfortable.

The Chair (Mr. Greg Sorbara): I'm sure you could be accommodated in that regard.

Mr. Greg Essensa: I'm happy to do that.

The Chair (Mr. Greg Sorbara): But along this line and getting back to the direction of our report, in your submissions earlier on, you had five key goals that you thought should drive reform, and I think the committee members are informed of those. We have not yet formally adopted those as principles that would drive our report, but I'll put my position on the record: I think we should do that. However, there are a couple of other principles that I would add to that and that relate back, in part, to this question of technology.

The sixth would be harmonization with the federal act, which you allude to periodically in your report, and which I think might stand as a principle or objective for reform. The seventh is electoral service rationalization. That's not a good phrase to describe what I'm thinking about, but it really means the legislated mandate to create an organization with a broader capacity to provide, in a sense, back office services for elections at whatever level that take place in Ontario. That relates back to the use of technology, because I think the only way to afford the kind of technologies we're going to need is to work in co-operation with municipalities, which have always had a fixed election date, and the federal system, which pretends it has a fixed election date, and use those technologies in a shared way, and perhaps for Ontario to be the leader in coordinating that capacity at three levels.

Mr. Greg Essensa: I would certainly concur in those remarks, Mr. Chair. I have always been of the opinion that at the end of the day there is one voter we serve who votes at all three levels of government and the process

should be as consistent as possible among the three orders. So looking at electoral service rationalization, I believe I made comment in my written submission that I am a proponent of examining that in much greater detail.

The Chair (Mr. Greg Sorbara): Any other questions on this issue of technology and the report on the experience in the by-election?

Mr. Norman W. Sterling: When are we going to get the cost numbers?

Mr. Greg Essensa: Mr. Sterling, we are endeavouring to provide that as quickly as possible. The by-election just concluded on March 5. My staff is actively trying to get that information to the committee prior to the finalization of its deliberations, so that you would have a more complete picture of what those costs are. I will make the commitment today to try to get you those numbers as quickly as possible.

0940

Mr. Norman W. Sterling: In capital cost and on a lease—

Mr. Greg Essensa: Absolutely.

Mr. Norman W. Sterling: —and what additional technology costs would be associated with the election—

Mr. David Zimmer: Sorry, Norm?

Mr. Norman W. Sterling: The capital cost, as well as doing it on a lease basis and what additional resources the election office would need in order to run the election smoothly and ensure that the people who are operating these machines know what they're doing.

The Chair (Mr. Greg Sorbara): Okay, we'll try to get that as quickly as possible.

We have about 15 more minutes before we go upstairs to attend to other duties. I'm wondering whether members of the committee have other questions at this time to direct to the Chief Electoral Officer. I know that I have some questions arising from the report, but I'll go around to the committee first and finish with my own questions if there's time.

Mr. Kormos.

Mr. Peter Kormos: You will recall, Chair, that we mulled over the model for a municipal address authority. Do you want to have Mr. Essensa address that today?

The Chair (Mr. Greg Sorbara): I think that's going to be part of a longer discussion. I should say that I've had a brief synopsis of the issues sent to me, prepared by the president of the Municipal Property Assessment Corp.; I haven't really gone through it in detail. Maybe we ought to start out there. Greg, do you want to talk a little bit more about an address authority?

Mr. Greg Essensa: Certainly. As per my submission in December and in my written submission to this committee in February, I believe there needs to be an address authority in Ontario. Subsequent to my submission and based on some of the comments I read in the Hansard, we have investigated within Elections Ontario whether or not Elections Ontario should be the body responsible for that. We have certainly looked at the prospect and all issues pertaining to that.

There is a possibility that we could envision where Elections Ontario would in fact be the address authority and provide a portal access to municipalities. Municipalities would still be responsible for the naming convention and providing the names of new subdivisions and street name changes. That information would then flow through the portal from Elections Ontario to all the various ministries or agencies that require the information, whether it would be the Ministry of Health, the Ministry of Transportation, etc. We have certainly investigated and looked at that as a possibility. We have also been in contact with the Municipal Property Assessment Corp., and I have had several discussions with their chair about the prospect of MPAC as well providing that type of service.

Fundamentally, from my perspective, I do believe there needs to be an address authority in Ontario, not only for the electoral reasons I have outlined in my report, but there are also additional reasons, whether they be EMS 911 reasons, that this committee should give some serious consideration to establishing that.

Mr. Peter Kormos: We had to reflect on what was really being talked about when you talked about an address authority, and it really is in that emergency measures sense: paramedics, police and firefighting services. If the real focus is emergency response—I suspect that's where the crisis is—because we have an emergency measures organization in the province of Ontario, would that be a suitable organization to do this in?

Mr. Greg Essensa: If they have the capabilities and capacities to do so, I would not object to that whatsoever. Fundamentally, from my perspective as Chief Electoral Officer to ensure the permanent register of electors, some of the challenges I have articulated in the past, the fact that there are multiple naming conventions for various parcel property within the province, then we do need an address authority—a single entity, a single body—but Mr. Kormos, I would not be opposed to that scenario. From my perspective, it's more important that this committee charge some entity or agency within the province as being that address authority.

Mr. Norman W. Sterling: Is there an address authority in another jurisdiction in Canada?

Mr. Greg Essensa: Yes, there is. In Quebec, it is the actual Chief Electoral Officer. Their office is the address authority. All naming conventions flow through their office, and they provide that information back out to the various ministries that need it.

Mr. Norman W. Sterling: And in the United States?

Mr. Greg Essensa: That I am unaware of, Mr. Sterling. I'm not sure of the actual process that is utilized. I believe, based on my experience in various US elections, it would be done at the state level, and it might vary from state to state, but I'm not familiar with exactly how that unfolds.

Mr. Norman W. Sterling: Mr. Johnston has a question for you.

Mr. Larry Johnston: Mr. Essensa, what is the term used in Quebec to describe the Quebec address authority? I cannot find that term in the law.

Ms. Loren Wells: If I may, it's a term used in the Québec election act. It's called registre des territoires, register of territories.

Mr. Larry Johnston: Thank you.

The Chair (Mr. Greg Sorbara): There are really two issues here. The first issue is whether we want to move to empower an address authority. There are lots of obvious benefits to a variety of agencies of government and the private sector. There was a time before the creation of time zones that the time was somewhat different in Windsor, Ontario, than it was in Kingston, and then we created, right here in Canada, standard time zones, and the benefits were pretty good. The issue is whether or not in Ontario we want to create an address authority, and then the sub-issue is, if so, what agency of government is most suited to undertake that work.

I don't think we've landed on an answer to either question. I've had, as I said, a conversation with Carl Isenburg, the head of MPAC, and now have some written submissions. You will not be surprised to hear that from his perspective, it's more complicated than it looks on the surface. There are a lot of sub-issues as to what kind of an address authority you would have and for what purposes. No one would be surprised to hear that the creation and maintenance of that kind of an authority is not an inexpensive endeavour. So what I propose is that at some point, we get more information to committee members and have a broader discussion.

I think there is one thing that, from our perspective, is clear, and that is that if an address authority were in existence in Ontario, it would make the job of deploying elections and creating a list of electors significantly easier for Elections Ontario, and that would be a good thing. Is that not the case?

Mr. Greg Essensa: I would certainly concur with that. One of the greatest challenges we have currently, as I believe I expressed in my December meeting, is the fact that within Ontario, there are multiple naming conventions to particular parcels of property, especially in the rural parts of the province. It creates an enormous challenge for Elections Ontario, when we receive multiple naming conventions from an elector and we are trying to articulate exactly where that elector actually resides, to be able to communicate with them and ensure that we are sending them to the appropriate polling division on election day. It subsequently creates enormous challenges for the candidates and the parties when we cannot authenticate exactly where that parcel of property is. So I would concur with the Chair that, yes, this is a vitally important aspect, from my perspective.

The Chair (Mr. Greg Sorbara): Okay. Just on this, Mr. Zimmer and then Mr. Sterling.

Mr. David Zimmer: Just to push the debate a little more, having heard your remarks, Chair, and the remarks of the CEO, why wouldn't we, as a matter of policy, decide that's the direction we're going to go in and we'll figure out the details—costing and all that sort of stuff?

The Chair (Mr. Greg Sorbara): I think we would like to have a more in-depth discussion. I'm proposing that perhaps we have an opportunity to have Carl

Isenburg here with us and, before that, to have some data and information as to what the implications are, what the costs are etc., before we would recommend it to government. Mr. Sterling.

Mr. Norman W. Sterling: A couple of small issues were raised by returning officers who have written to us. One is that there is a proposal that the election clerk be hired by you rather than by the returning officer in the riding, who, in my experience, has been the second in command to the election clerk. It's very, very important that the returning officer and the election clerk see eye to eye and can get along. I mean, these are very trying times. Why would you not delegate hiring the election clerk to the returning officer?

0950

Mr. Greg Essensa: I would certainly include the returning officer in the process, but as outlined in my submission to this committee, for the same reasons that I was recommending to the committee that the appointment of the returning officer be empowered to the chief electoral officer, it's that the process be a fair, open and transparent process, a non-biased process, and that it be a merit-based appointment.

It would always be my intention to include the returning officer in that recruitment process, in that evaluation process, and to take very importantly what the returning officer's recommendations were. It would not be my intention at all to exclude them from that process, but I do believe, as a fundamental principle, of ensuring that it's transparent, it's open and it's based on a merit-based appointment process.

The Chair (Mr. Greg Sorbara): Mr. Zimmer?

Mr. David Zimmer: I just want to follow up on your point.

Mr. Norman W. Sterling: Okay. You follow on that, and I'll go next.

Mr. David Zimmer: Just picking up on Mr. Sterling's point of view: I know the answer to this, but who hires the returning officer?

Mr. Greg Essensa: Currently, it's through order in council.

Mr. David Zimmer: No, in your proposal.

Mr. Greg Essensa: In my proposal, it would be the chief electoral officer.

Mr. David Zimmer: So you hire the returning officer, and presumably you exercise critical judgment to get the best returning officer there. I'm picking up on Norm's point. Once you've got that key person in place and he has a measure of your trust and all of that sort of stuff, why wouldn't we, as Norm says, delegate the choice of his principal assistant to him? You've already made the decision that the RO is a person you have confidence in.

Mr. Greg Essensa: I can see some of the points—the arguments that have been made by the returning officers in the submission to you. It would still be my recommendation, however, that the election clerk be done in a very similar manner. The returning officer would, in fact, be—

Mr. David Zimmer: I understand that, but why do you think it's necessary to second-guess the returning officers? You've already made the decision that the returning officer is a person in whom you repose trust and confidence.

Mr. Greg Essensa: I think, to ensure the transparency of the process, there needs to be a similar, parallel process involved where the returning officer is involved in that selection. They would have valuable input into that—

Mr. David Zimmer: I understand, but why not just leave the whole thing up to the returning officer? You've already said he's a great guy or woman.

Mr. Greg Essensa: I think the various returning officers have various skills that they bring to the job—a wide variety of those skills. Some returning officers may need—because of their expertise in a particular area—an election clerk that has a particular expertise in a different area. I think that impartial assessment from my office is important to ensure that we in fact put the best team in place, to ensure that we can provide the best selection possible.

Mr. David Zimmer: But one of the things that we were trying to do was delegate a lot of this stuff. Aren't you fettering the returning officer?

Mr. Greg Essensa: No, I don't believe so, because I believe the process would ensure that we would have the best election clerk available. There are often periods of time where the returning officer is not able to fulfill their complete mandate. In this most recent by-election in Haliburton–Kawartha Lakes–Brock, the returning officer

was not there for the last four or five days. In fact, the election clerk had to substitute and fulfill that role. I think, to ensure that we provide—

Mr. David Zimmer: Yes. I got the point. Thank you.

The Chair (Mr. Greg Sorbara): Okay. A quick point from Mr. Kormos, and then I want to wrap up with another point.

Mr. Peter Kormos: I'm inclined to agree with Mr. Essensa about the need, if you're going to create this professionalization and avoid even the image of political patronage or buddy patronage, but surely the out is for you to say that of course you would consult the returning officer in the course of hiring people working with him or her.

Mr. Greg Essensa: That would be a viable option, yes.

Mr. Peter Kormos: Sure. That addresses your concern?

Mr. Greg Essensa: Absolutely. That's a viable option.

Mr. Peter Kormos: I agree with Mr. Essensa in this respect: If you're going to professionalize it—

The Chair (Mr. Greg Sorbara): Okay. We have no more time for any of this. I want to thank both Mr. Essensa and Ms. Wells for their submissions this morning. This committee is going to sit again—help me out, clerk.

The Clerk of the Committee (Mr. Trevor Day): Next Thursday.

The Chair (Mr. Greg Sorbara): Next Thursday, time to be determined. Don't you dare miss it.

The committee adjourned at 0955.

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