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## **Official Report of Debates (Hansard)**

**Thursday 4 December 2008**

## **Journal des débats (Hansard)**

**Jeudi 4 décembre 2008**

**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

Thursday 4 December 2008

Jeudi 4 décembre 2008

*The committee met at 0902 in committee room 1.*

### REVIEW OF ELECTION LEGISLATION

**The Chair (Mr. Greg Sorbara):** Good morning, everyone. My understanding is that our colleague Norm Sterling is on his way.

**Mr. David Zimmer:** Yes, I saw him.

**The Chair (Mr. Greg Sorbara):** Good. I thought I might just begin, first of all, by noting that, as I said to Greg Essensa earlier, not only are we going to have riveting testimony inside the room but outside the room as well, and I'm asking everyone, including those who are listening to this committee, just to bear with us. There's a little construction going on in the backyard of the building.

The second point I wanted to make, just in response to some discussions that we were having last week: I'm hoping to be able to provide committee members probably early in January, Peter, kind of the thrust of where the government imagines that this process might go.

**Mr. Peter Kormos:** We talked last week about a short list of issues, an agenda, if you will, a menu. I wondered if Mr. Johnston has—not yet. Okay.

**The Chair (Mr. Greg Sorbara):** Okay. So we'll anticipate that as soon as he can get that done and then we'll be back to you early in January.

**Mr. Peter Kormos:** Because even the short list I'd appreciate as soon as possible so that caucus mates can get it, so that they can comment on it.

**The Chair (Mr. Greg Sorbara):** Okay, and so we'll look forward to that.

**Mr. Peter Kormos:** When they have some time on their hands.

**The Chair (Mr. Greg Sorbara):** I guess so—but not prorogation, you're saying.

OFFICE OF THE CHIEF  
ELECTORAL OFFICER

**The Chair (Mr. Greg Sorbara):** With that, I would, on behalf of the committee, like to welcome Ontario's Chief Electoral Officer, Greg Essensa. He is joined by Loren Wells, the Deputy Chief Electoral Officer and—the name isn't up here so, Greg—oh, here we go. The clerk is always ready. He's got a fresh piece of paper—

Jonathan Batty, the director, election finances and general counsel.

My understanding, Mr. Essensa, is that you're going to make a presentation. Take as much time as you need with that and committee members will have questions after that.

**Mr. Greg Essensa:** Super. Good morning, Mr. Chair, members of the committee, members of the public and staff. My name is Greg Essensa. I am the Chief Electoral Officer of Ontario. Thank you very much for inviting me and providing me the opportunity to make representation before you today. I'm pleased to be a part of the committee's work in conducting a comprehensive review of our election laws.

Ontario electors are fortunate to have the opportunity for their elected representatives to consider how to improve the functioning of the fundamental aspects of the representative democracy that they enjoy. This was last done in 1968 when the Select Committee on Election Laws was established. Needless to say, the Ontario of 2008 is not the same as the Ontario of 1968.

The complexity of Ontario's social and cultural environment today has a dramatically different impact on the lives of electors than the environment experienced by their predecessors 40 years ago. In particular, the characteristics of a typical Ontario elector and the ways that Ontarians engage the political process is also changing. To keep up, electoral processes and laws also need to be able to change.

The Election Act, the Election Finances Act and the Representation Act, 2005, have been amended incrementally over the last 40 years. The fact that our current election laws have been amended on so many occasions makes it clear that our election laws need to be flexible and adaptive to changing circumstances.

It has been said that, "Election laws are currently written for the ballot box, not the elector." I will be suggesting to you today that we need to fundamentally alter this approach and put the elector front and centre in any discussion on electoral reform.

Throughout my presentation this morning, my fundamental theme and recommendation is that Elections Ontario and the provincial returning officers need to have the flexibility to prepare, administer and deliver elections in a way that is responsive to the needs of citizens, candidates and their local communities.

Why do we need this flexibility? There are a variety of factors that have an impact on how elections are run in

Ontario that the committee should consider when contemplating amendments to the current election legislation. At this point, I'd like to take a moment to address several of these factors.

One factor is the geographic diversity and size of the province. Currently, the Election Act is premised on the idea that there is only one way to serve electors in each of Ontario's 107 electoral districts. That effectively says one size should fit all. I do not subscribe to this theory. Residents of northern Ontario and rural communities have needs that are quite different than residents of urban areas. Each of these different communities should receive services tailored to their unique needs.

#### 0910

As an example, in the last general election, about 10% of electors, roughly 450,000 people, voted in the 13 days of advance polling. But rural returning officers reported that they found it extremely difficult to recruit and maintain staff to keep polls open, and some days those polls were very poorly attended. Restrictions in the legislation that prevented them from determining the appropriate number of days and the appropriate locations that would provide the greatest opportunity for all electors in their communities to exercise their democratic rights are symbolic of some of the inflexibility that currently resides in some parts of the statutes.

Technology is another factor that this committee should consider in their deliberations. As technology becomes more prevalent in our daily lives, electors expect that Elections Ontario will incorporate these new tools, new methodologies and technologies into our service delivery. The growing public expectation is problematic because, currently, as CEO I am only permitted to test alternative voting and vote-counting methods, like tabulating machines which are used in many municipalities across Ontario, through by-elections.

Technological change has not only impacted the public's expectation for enhanced voting improvements, technology has also changed the manner in which candidates and parties conduct their campaigns. Election advertising, for example, has evolved rapidly over the last few years in ways that the Election Finances Act never foresaw. Candidates are now using automated telephone messaging, e-mail and social networking sites like Facebook, MySpace and YouTube to advertise and campaign. Currently, the Election Finances Act does not adequately address any of these emerging campaign trends, which ultimately leads to less transparency in the electoral process.

An additional factor for consideration is the service delivery model currently mandated through the legislation and the aging workforce of election day personnel. It is becoming increasingly challenging for Elections Ontario and the returning officers to find, hire, train and retain the over 89,000 election worker positions needed to be filled in the 29-day writ period.

The difficulty in finding election workers is a common problem for election administrators at all levels, especially as our population ages. As an example, during our

most recent federal election, with respect to election workers in Ontario, the average age of people performing this work has risen from 46 to 55 years of age between the federal elections of 2004 and 2008. As the age of the average election worker rises, accommodations may need to be made in terms of the work hours and the duties staff are expected to perform. The current service delivery model needs to be examined to provide greater flexibility to deliver the same level of service with fewer resources required.

Availability of voting locations is also a factor that should be taken into consideration. It is becoming much harder for Elections Ontario and the returning officers to find appropriate voting locations. In the last provincial election, there were over 9,000 voting locations. Many of our traditional voting locations are becoming more difficult to secure, schools in particular. Due to security concerns, however, many school boards are increasingly resistant to having polling places in their schools, despite the requirement in the Election Act that schools be made available to Elections Ontario.

To alleviate these difficulties, consideration could be given to mandating that election day become one of the professional development days in all schools across Ontario. Another potential solution may be to consider moving election day to a time period when schools are not in session—on weekends or very late into the spring.

The final factor that should be taken into consideration is Elections Ontario's access and equity requirements. Elections Ontario has a responsibility to make the democratic process as accessible as possible. Approximately 10% to 15% of Ontarians have some form of disability. Many older citizens also experience difficulty in getting to their voting locations and casting their ballots.

Elections Ontario requires the flexibility to serve these electors through the use of alternative voting processes, like special ballots, mobile polls and new technologies. Flexibility in the Election Act would also help Elections Ontario in meeting the requirements of the Accessibility for Ontarians with Disabilities Act and its new regulations.

With these factors and challenges in mind, I have several specific recommendations for the committee's consideration.

In preparing these recommendations, I have been guided by the following three democratic principles that support my specific recommendations. Our election laws need to ensure that:

(1) Electors and participants in the electoral process are fully able to exercise their democratic electoral rights in a fair and non-biased manner;

(2) Electors and participants in the electoral process are served in a modern, responsive and efficient manner; and

(3) Election officials are accountable and the process we administer is transparent and impartial.

We must always strike a balance between these principles. It is a balance between accessibility, integrity and feasibility. While every elector who wishes to vote

should have a way of doing so, the integrity and scrutiny of the voting process must not be compromised, and the process should not be prohibitively expensive to administer.

I'd like to spend the balance of my time today outlining specific recommendations for the committee's consideration. I have grouped these recommendations into three categories: those that I feel require immediate attention, changes that could be made in the shorter or mid-to-long term, and subjects that require further study and examination but are integral to improving the electoral process.

I recommend that the following matters be addressed immediately in the Election Act:

(1) That the legislation be amended to allow for special ballot processes and mobile polls.

We need to ensure that the election process is as accessible as possible, so that all electors have the opportunity to cast their ballots. It is currently very difficult for students, electors with disabilities, individuals in nursing homes and hospitals, and military and personnel on assignment to vote. The only process open to these particular people who cannot vote on one of our advance vote days or election day is the proxy process, which is complex, cumbersome and becoming increasingly rarely used.

To make the election as accessible as possible, a special ballot process and mobile polls should be adopted. We are the only province in Canada that does not have a special ballot process. Mobile polls would be used in conjunction with a special ballot to ensure all electors can access the democratic process. The mobile polls would also be more efficient and economical than the current process, as we would require fewer election workers since we would not need to keep a poll in a nursing home open for the entire 12-hour voting period. Mobile polls are used in federal elections and in almost all other provinces, with the exception of Prince Edward Island and Newfoundland and Labrador. Proxies are no longer used in federal elections or anywhere else in Canada for provincial elections. The use of special ballots and mobile polls are much better alternatives.

Fundamentally, the proxy process violates the presumed secrecy of the ballot by having one elector tell another how he or she wishes to vote without any guarantee that the proxy will, in fact, go to the polls and vote in the manner requested.

Anecdotally, it is alleged that proxies may be subject to abuse. Whether or not this is the case, electors would be better served by replacing this method of voting with ones that let them cast their own ballots even if they are unable to go to the polls.

(2) That flexibility in the legislation be enacted to provide greater discretion over advance polling days.

The Chief Electoral Officer should have the discretion to alter the days, hours and placement of advance polls in conjunction with local returning officers to develop a model that best fits the local needs.

For area advance polls in a fixed-date election, the Election Act requires that the same people must work in

a fixed voting location for 10 days straight for as many as 10 hours a day. This poses a significant staffing challenge and the expense may not be justified by the turnout. By creating greater flexibility, there will be the opportunity to maximize resources and, at the same time, the development of an advance voting model that is tailored to the needs of the local electorate.

(3) That flexibility in the new legislation be considered to allow for new voting and vote-counting processes and technologies.

We need to examine our current voting processes and see if they can be simplified so that voting is easier and more convenient for electors. One way to make voting easier is to amend the Election Act to permit the use of alternative voting methods and technologies in general elections and not just by-elections. These technologies would serve electors with disabilities and others who encounter barriers to the voting process. It would allow people who before had to rely on the assistance of a friend or a voting place official to actually cast their ballot on their own.

Another way that the voting process can be simplified is in designing a more modern service delivery model, which examines how polls are divided among polling staff. Currently, while several polls may be located in one voting location, the law requires that an elector can only be checked and issued a ballot by the two election workers assigned to that elector's polling place. Those ballots can only be sorted and counted by those two elections workers at the end of the night on polling day.

Change is needed to allow greater flexibility to use different staffing models and more modern vote-counting technologies. Apart from reducing waiting times, this would allow voting locations to operate more efficiently and be staffed by much fewer election workers.

#### 0920

(4) That the selection of election officials be in fact turned over to the CEO.

Electors need to be confident that the election officials responsible for administering the election are independent and impartial. As such, the Election Act should be amended to replace the current order-in-council appointment process for returning officers. Returning officers should be appointed by the Chief Electoral Officer using a merit-based, non-partisan selection process.

Many jurisdictions, including Elections Canada, have a CEO-run selection process, and those that currently do not are moving in this direction. A CEO-run selection process would help foster public confidence, as well as that of all candidates and parties, that returning officers are now election professionals and completely impartial in the performance of their tasks. It would also help Elections Ontario to recruit, train and manage appropriate individuals in a timely fashion.

In addition, the Elections Act should be changed so that returning officers do not have to wait for political parties to supply them with workers. Having to wait until 10 days before election day, in some instances, to receive names from political parties places an unnecessary

burden on candidates, parties and returning officers to, in effect, scramble in an attempt to find and train sufficient polling day staff prior to election day.

(5) That any recommended legislative enhancements include the unification of the current legislation.

The Election Act and the Election Finances Act should be combined into one statute so as to better coordinate the powers, reporting and budgeting of the CEO. The current framework requires two budgeting and reporting mechanisms, making for inefficient use of resources.

The provisions governing the nomination, registration and endorsement of candidates are also not consistent. Nominations close far in advance of election day, but registration is technically permitted up to the day before election day. The current provisions confuse candidates and make the administration of the elections unduly complicated.

The following matters I am recommending need to be addressed immediately in the Election Finances Act: that the legislation be amended to provide for the use of debit cards and other electronic transfers of monies as contributions to candidates and parties.

We live in an electronic age where people can shop, pay their bills and send money from anywhere in the world electronically. Our election legislation has not kept pace with these changes in technology. The law needs to be amended to allow parties, candidates and constituency associations the ability to accept contributions using modern banking practices. The use of debit cards and online donations, i.e., PayPal, would allow for the modernization of our election finance reforms which in turn could lead to greater transparencies and efficiencies for all stakeholders involved, whether they be candidates, parties, CFOs, and for Elections Ontario, in administering those election finance requirements.

The fact that election campaigns in Ontario cannot fundraise using modern technology is a source of frustration for contributors and political entities alike. All Ontarians, whether they be candidates, contributors, administrators or simply electors, should be served by a legislative framework that allows for the transparencies and efficiencies that many modern banking practices could provide.

(6) That the calculation of spending limits be revised.

When it comes to the calculation of spending limits, in some respects, the current process does things backwards. As it stands now, election spending limits are linked to the elector count that is released after an election. In our last election, this calculation was not released until well after the event. As a result, candidates and parties are faced with the difficulty of not being certain what they can spend on their actual campaigns.

Spending limits need to be set before an election or right at the outset of the election period. This would benefit party chief financial officers, auditors and Elections Ontario by eliminating the risk that campaigns may unknowingly go over their spending limits.

(7) That enhanced compliance measures be included in any new statute.

There is no sense in having election campaign finance rules if there is no way to ensure compliance with those particular rules. There are a number of parties, candidates and constituency associations who are late in reporting their financial activities; some are habitual. After our last election, more than 30% of our filings were late—some significantly late—requiring many attempts to secure the appropriate filings.

The CEO needs a greater range of administrative measures—for example, late filing penalties, fines or reduction in subsidies—to encourage and obtain compliance through means other than prosecution. Elections Canada has these powers so that minor matters are not prosecuted. Late filers may be asked to agree to compliance agreements to avoid prosecution. Broader powers could be put to good use to encourage compliance, to instil public confidence in the election finances system and to avoid the costs of prosecution.

The following are some longer-term changes that I would recommend that the committee give consideration to. Number one: a fundamental review of all election statutes to combine electoral laws for consistency of practice. After almost every election, administrators from all levels hear a common response from the electorate: “Why do we do this process differently at the ‘blank’ elections?” Whether it be the requirement for identification—we ask for one set of documents while the federal government asks for another—the hours of operation—in municipal elections, polls close at 9; in federal elections, they close at 10—or whether it be voting locations that are utilized, down to the manner in which we train and manage our election day workers, the inconsistencies of practice between municipal, provincial and federal elections should be examined to derive a more consistent and efficient model. We must remember that there is still only one elector and one taxpayer, and where we can achieve greater consistencies of practices, the opportunity for greater efficiencies becomes a greater likelihood.

My next longer-term recommendation is that voting anywhere in an electoral district be permitted. Should the Election Act still require electoral districts to be subdivided into polling divisions? Currently, polling divisions are typically somewhere around 300 electors. In today’s world, it would be more convenient for electors if they were permitted to vote at any polling place in their electoral district on election day, not just the one for their polling division. This could be facilitated if the Chief Electoral Officer was given the flexibility and resources to use contemporary technologies in the voting process to record and track voting on polling day. This information then could be supplied to candidates and parties. Through the continued use of identification and modernized staffing models, the integrity of the process would be maintained while, at the same time, greatly reducing the number of election day workers required. This process has been successfully utilized during advance voting in the last two provincial elections.

My next recommendation is to consider examining voting anywhere in Ontario. The Election Act should be

amended to allow electors to vote for their local candidate or party at any returning office or advance poll in Ontario, in a controlled manner, prior to election day. This change would only be possible if the law permitted the Chief Electoral Officer to adopt innovative ballot-and vote-counting processes. Voting anywhere in Ontario could be used in conjunction with the special ballot process, to provide post-secondary students and others away from their homes during an election the opportunity to cast their ballots in a supervised setting. By allowing electors to exercise their rights at any returning office or advance poll, we could eliminate current barriers that presently exist and allow the legislative framework to consider the needs of the electorate first.

My next recommendation concerns the use of schools during polling day. Polling day should become a province-wide professional development day for school boards or should be changed to a weekend, holiday or some other time when students are not in schools. Changing polling day would address many parents' and school boards' security concerns and make it easier to find schools willing to serve as voting locations. It could also prove helpful in recruiting and training of election workers if teachers were also available to work in the polls.

My next recommendation is to consider vouching. Vouching, at present, is only permitted in polling divisions which the Chief Electoral Officer designates as being rural. As no polling divisions have been designated as rural, it has not been used recently in Ontario elections. While the need for vouching is questionable since the registration process and the quality of the voters list have improved in recent years, an elector who is on the list, without identification, can complete a declaration to obtain a ballot. I also support the position of the previous CEO that the committee should give consideration to permit an elector who has valid identification to vouch for one other person on election day, to have his or her name added to the list of electors. Many returning officers have reported that contentious situations between election day workers and electors could have been alleviated had this type of vouching provision been available during the last election.

Redistribution: The Representation Act, 2005, provides that the electoral map has 107 electoral districts, but it does not provide how the map will be adjusted in the future. The process and timetable for the future redistribution of provincial electoral districts needs to be created. Every other jurisdiction in Canada has one. Redistribution affects not only election planning and staffing, but requires extensive efforts for parties to manage their constituency associations and their finances before an election.

#### 0930

The next recommendation is that consideration be given to establishing an address authority within Ontario. Within Ontario, one of the challenges we have is that there is no one entity, no one body, charged with being a central address authority in Ontario. This creates signifi-

cant challenges for an electoral registration process. Without accurate addressing information, it becomes almost impossible in certain parts of the province to adequately ensure that we have in fact placed the elector at the appropriate location for them to exercise their democratic right. By establishing a single address authority in Ontario, inconsistent naming conventions of land parcels would be reduced and a more accurate permanent register of electors could be maintained. This in turn creates less confusion for electors, as electors are assigned to the correct polling divisions; additionally, voters lists for parties and candidates provide more accurate information. Further, not only does Elections Ontario require this to improve its permanent register of electors, but there are other parts of the government which also would benefit from a centralized address authority within Ontario.

As the committee completes its comprehensive review of the election laws, I believe that there are some longer areas of study that should be contemplated. I would recommend that the committee give some consideration to charging a task force with examining these areas in greater detail.

First is the political finance review and reform. I am recommending that the establishment of an independent and non-partisan body is needed to review a number of political finance reform questions. For instance:

—Do the current election advertising controls and blackout periods make sense in an era of e-mail and the Internet?

—Do the existing contribution and spending limit provisions serve the purpose that they were intended to?

—As other jurisdictions have reviewed how candidates and parties are subsidized, does Ontario need to review how these provisions operate?

—Can the annual and campaign reporting requirements be reviewed to consider, for example, if it is desirable, from the standpoint of those who file returns and those who review returns, to allow joint campaigns and annual filings?

Because these subjects are inextricably linked and involve policy questions and large public expenditures, these are questions that require careful and detailed consideration by an independent panel to provide options for consideration by either this committee or the Legislative Assembly.

I'm also recommending that there be an examination of what I am terming the rationalization of service delivery. I recommend that a comprehensive review of federal, provincial and municipal elections be conducted to determine whether there are services or functions that can be combined in order to reduce overlap and duplication. There are opportunities for consolidation and enhancements to the service delivery model for elections in Canada, and more particularly Ontario. For example, does it make sense that there are three separate voters lists to be created and maintained by three separate entities? While there is co-operation between electoral agencies, integrated service delivery needs to be carefully

explored to see if efficiencies can actually be realized. At the very least, in Ontario we should be examining the opportunity for greater collaboration and efficiencies of operations between provincial and municipal election laws and processes.

In conclusion, if Elections Ontario is to be able to modernize to meet the significant challenges that will shape electoral processes in Ontario in the coming decade, it must be governed by flexible legislative directions that will allow it to accommodate the necessary change. If Elections Ontario is to preserve the integrity of the electoral process, it must be allowed to implement rules and practices that leverage the value of new technologies and processes and fundamentally place the elector at the front of the legislative line.

I would like to thank the committee for the opportunity to appear before it today. My recommendations include immediate and longer-term matters, as well as areas for further study. I will also be preparing and making available early in the new year a follow-up submission with a more detailed review of the current election laws and specific recommendations.

The most important recommendation I make is that Elections Ontario and provincial returning officers need to have the ability and flexibility to run elections in a way that is responsive to the needs of citizens and their local communities. This has worked well in the past. Our election laws need to move away from a narrow one-size-fits-all approach to a more adaptive model that is better able to meet the needs of our local communities. We can learn how electoral administration can be improved from innovations that have been adopted in other jurisdictions, as well as from experience in our own communities.

The committee's comprehensive review will help to modernize the election laws in Ontario and ensure that our democratic process remains among the best in the world.

Thank you for this opportunity, and I welcome your questions.

**The Chair (Mr. Greg Sorbara):** Thanks very much, sir. I thought we might just start with an allocation of about 15 minutes each for each party. But let's make it flexible, and if somebody has a supplementary from somewhere else, we'll do it that way. Is that okay?

**Mr. Norman W. Sterling:** Let's make it as flexible as we can.

**The Chair (Mr. Greg Sorbara):** Okay, let's start with you, Norm.

**Mr. Norman W. Sterling:** The first question I have for you is, in view of your comments with regard to having some consistency between the various elections and jurisdictions that we're dealing with, what areas would you not adopt with regard to what our federal electoral laws are at the present time—in the election process? Let's not go into the financing part at this time.

**Mr. David Zimmer:** Can you speak just a little louder?

**Mr. Norman W. Sterling:** I just want to know from the presenter what areas he would not agree with in terms

of the federal process. I know you're in favour of mobile polls like we have at the federal level etc., sir. What I'm trying to do is—if this committee said, "We're going to adopt holus-bolus what the federal government does during the election period," what would you not do or what enhancements to the federal rules would you recommend to this committee?

**Mr. Greg Essensa:** First, I would recommend that we not adopt the current identification rules that are in place at the federal level. In Ontario, our interpretation of the interpretation rules pertaining to identification are far more broad and provide a greater service to the electorate. During the most recent federal election, there was—their rules and interpretations are far more narrow than what we experience, and I would not recommend that we adopt those.

As I've already stated, I would certainly recommend that we adopt the special balloting process and the mobile poll process that was recently used at the federal election. I believe it provides greater availability for the electorate to exercise their democratic rights and provides a more efficient and effective use of the resources available to election administrators.

**Mr. Norman W. Sterling:** So that's it. Perhaps you could expand upon that and write to the committee if you have afterthoughts about—

**Mr. Greg Essensa:** In my submission in January, I can certainly examine that and provide you much greater detail on very specific provisions that we would not recommend, and those which we would adopt.

**The Chair (Mr. Greg Sorbara):** Norm, if I might, could I ask for an expansion on that? We've had some discussion here and privately on this whole issue of identification: whether identification is a sine qua non of voting; in other words, you have to be a citizen, 18 years of age and with two pieces of photo ID—or whether that is permissive to help identify. What are the rules at the federal level? What are our rules? You ran the city of Toronto's system; what are the rules there? Where should we be landing on identification, and what strict liability is there to present identification? So—federal, provincial, municipal—where should we be landing in the end?

**Mr. Greg Essensa:** That is one of the inconsistencies that I alluded in my speaking notes. There are currently, to the best of my understanding, three different models of what constitutes identification.

The municipalities were the first level of government to actually introduce identification rules, and there was a broad swath; each municipal clerk was provided a great degree of flexibility in determining what were acceptable identification rules. So you even see at the municipal level some inconsistencies amongst local clerks as to what is acceptable from one municipality to another.

In Ontario, the Chief Electoral Officer established a finite list of identification rules to ensure both identification and residency in a combination, whether it be through a driver's licence, through one piece of identification that identified their residency, another that identified who they were—i.e., a utility bill was an acceptable form.



At the federal level, it was much more restrictive. There were fewer pieces of identification that were in fact allowed to be utilized, but again, they were clear to try and communicate that as effectively as possible. However, the inconsistencies to the electorate raise issues on election day. Electors who had just most recently voted at the provincial level coming in with pieces of identification that were acceptable for that particular election were now being turned away because, in fact, they did not have the acceptable pieces of identification at the federal level.

0940

**The Chair (Mr. Greg Sorbara):** But I guess, Greg, what I'm trying to get to is—I should know this in Ontario and I acknowledge my ignorance—is identification necessary in Ontario? Is it necessary at the federal level? If, for example, my Uncle Leo, who lives in my basement, is the poll clerk and I come to vote on that day—does Uncle Leo have to say, “Gerry, I've got to see two pieces of identification before I can give you a ballot?” Or is it in aid of ensuring that the voter is who he or she says he is?

**Mr. Greg Essensa:** Currently, the legislation indicates that if the gentleman's name is on the list, he is not required to provide identification. He could simply provide a declaration that “I am Greg Essensa; I am on the list”—sign their declaration, and they would be issued a ballot. It is not required.

What we have seen, though, is the move at all three levels of government to instill legislative statutes that allow for the request of identification by the returning officers and the polling clerks.

**The Chair (Mr. Greg Sorbara):** Again, I'm trying to figure out whether one has to request identification from a voter who the poll clerks knows is Peter Kormos, who has lived in that house forever and is coming to vote for himself on the election day. In other words, does one have to show identification to obtain a ballot or does one have to show identification to satisfy a poll clerk that that person is who he or she says he is?

**Mr. Greg Essensa:** Yes. In simple terms, yes.

**The Chair (Mr. Greg Sorbara):** Peter, on this?

**Mr. Peter Kormos:** Yes; that's, in my view, very closely connected to the matter of who staffs polling stations, where people are allowed to vote and, I presume, the rationale for having different clerks at different areas in that voting venue. I come from small-town Ontario—smaller-town Ontario—and people know each other. You can vote anywhere in the riding. There's far less control because, presumably, the people from that neighbourhood are going to be the people who staff those polling stations.

We have talked about the business of identification for the purpose of maintaining integrity. We've also talked about the business of expanding access to a ballot box, be it within the same polling area, within the riding or within the province. The two are related, aren't they, in terms of ensuring that the people are who they say they are?

**Mr. Greg Essensa:** No question. There is always that balancing between integrity and accessibility, but you are quite right.

If we were to have moved to any of the models that expanded the opportunity for voting, whether it be throughout the electoral district or throughout the particular province as a whole, it would be my position and recommendation that we continue to ask for identification, that that be a fundamental requirement to instill and uphold the integrity of the electoral process.

**The Chair (Mr. Greg Sorbara):** But Greg, I don't think you answered my question; at least, I didn't hear an answer. I think you just said, “Yes,” and I thought I said, “Is it one or the other?” In order to vote in Ontario, does one need to present identification, notwithstanding that the voter is known to the person who is delivering the ballot to the voter?

**Mr. Greg Essensa:** It depends if the elector is on the voters list.

**The Chair (Mr. Greg Sorbara):** Got it. I'm on the voters list; the poll clerk knows me; he's my Uncle Leo and he lives in my basement. Do I have to show Uncle Leo a piece of identification if I'm on the list, or can I just walk in and have Uncle Leo say, “Oh, Gerry, you're here to vote; good. Here's your ballot?”

**Mr. Greg Essensa:** Currently, if you do not show identification, you would be required to swear an oath that you are in fact Greg Sorbara and that you are entitled to vote, and then you would be issued a ballot. But you cannot exercise that right by just coming in and saying, “Oh, hi, Uncle Leo. I don't have any ID,” and allowing that individual to vouch for you. That is not currently allowed.

**The Chair (Mr. Greg Sorbara):** Okay. I just want to know, on the subject of identification, because it's taking up—are there any more questions? If not, I'll go back to Norm. Peter?

**Mr. Peter Kormos:** But I hope that that particular issue is on the short list of items for consideration.

**The Chair (Mr. Greg Sorbara):** David?

**Mr. David Zimmer:** Just a follow-up on this identification thing: If somebody doesn't have ID, then there's just a simple box or something to check saying, “I'm a Canadian citizen.” They check it off yes or no and sign their signature, with a statement underneath reminding them that if that's a false statement, they'll be in trouble and there are going to be some penalties. So you just accept that then? “Are you a Canadian citizen?” “Yes.” “Sign here, but remember, you'll get in trouble, you'll be charged, if you falsify this,” and just let it go at that?

**Mr. Greg Essensa:** Yes, Mr. Zimmer, that's currently in the declaration that would be signed at the poll by that elector. He or she would in fact be declaring that they are entitled to be an elector in Ontario; that they are 18 years of age; that they are a Canadian citizen and that they understand that it is an offence to swear a false declaration and vote.

**Mr. David Zimmer:** What's the history of this? How many times has it actually been followed up on? Has

somebody been checked out if they're falsifying? How does that happen?

**Mr. Greg Essensa:** That would only happen after an election, if there was an actual challenge. If a scrutineer wanted to challenge the validity of that particular elector's qualifications, the scrutineer could exercise their right to challenge that elector's qualifications. That would be noted by the polling official on our polling list.

**Mr. David Zimmer:** So the reality is, there's not a lot of chance of somebody getting caught on something like that, absent a scrutineer zeroing in on it.

**Mr. Greg Essensa:** Those are limited, unless there is a court application or a recount process that happens after the election. But yes, you are quite correct that it's very limited where those are investigated.

**Mr. David Zimmer:** It's quite meaningless, then?

**The Chair (Mr. Greg Sorbara):** Unless it's challenged by a scrutineer.

Are there any other comments on this question of identification? If not, I'll turn it back to Norm.

**Mr. Norman W. Sterling:** I have one. So vouching would only come into effect if the person was not on—because if you can do a declaration, vouching would only come into effect if you were not on the list.

**Mr. Greg Essensa:** If you're not on the list and you had no identification; correct.

**Mr. Norman W. Sterling:** The alternate technologies you talk about in terms of voting processes: Are you talking about alternate methods of marking your ballot or are you talking about alternate technologies with regard to voters lists and having the teller-style election rather than individual polls? What are you talking about there? And, what are the cost implications of doing this?

**Mr. Greg Essensa:** I'm suggesting that both be considered as options. There is an opportunity in Ontario. Municipalities in Ontario currently reside with literally millions of dollars of vote-counting equipment sitting on their shelves that is unutilized during our provincial elections. The ability to leverage the investment that they have made to provide for a more effective and efficient vote-counting process could be utilized, should the legislation be reviewed. But I am also suggesting that the current service delivery model that we currently employ allow for modernization as well in the poll; that a new staffing model that does not become reliant upon the traditional poll clerk and DRO set-up be considered as well and given some consideration by the committee to alleviate some of the situations that many of us experience during every election. If you go to a community centre where we have 10 or 12 polls probably being staffed by 24, 25 or 26 people, invariably you come at a time when the lineup is only at one or two polls, and the rest of the individuals don't have anyone in front of them. There are more modernized staffing models which would allow us to service that same electorate, providing the same level of integrity and transparency, and provide the results in the same fashion, but I could staff that with a model that may only require eight, nine or 10 resources.

So I'm suggesting that the modernization allow for both of those abilities to be changed.

**Mr. Norman W. Sterling:** Let somebody else ask—

**The Chair (Mr. Greg Sorbara):** A follow-up on those issues—David? Just on this point of other technologies, do you have anything?

**Mr. David Zimmer:** No, I'm fine.

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**The Chair (Mr. Greg Sorbara):** Greg, you talked about vote-counting machines. Are you suggesting in that that we use other forms of marking a ballot, other than X on a piece of paper?

**Mr. Greg Essensa:** I am also suggesting, yes, that the committee give some consideration as well that there are abilities, through modern technologies, to allow for other forms of voting besides marking X on a ballot.

I would suggest, though, that the committee needs to consider, in making that deliberation, their comfort level and that of the Legislative Assembly with moving to what I would term an unsupervised voting model, whether it be by mail, by telephone, or whether it be eventually by Internet: the ability for someone to actually exercise their democratic rights in a manner that is unsupervised, versus our current methodology, where someone has to actually come to a poll.

**Mr. David Zimmer:** Chair, just one question.

**The Chair (Mr. Greg Sorbara):** David, and then Peter.

**Mr. David Zimmer:** So in this voting technology—I mean, taking a bigger view of it, it seems to me a couple of principles. One, technology changes faster and in ways that we sitting here—it's difficult to envisage. There are hundreds and hundreds of jurisdictions around the world that are dealing with this problem and thinking about new technologies.

So what about some sort of system where the CEO, your office, once a year or whatever would be a reasonable time, comes back to the government—and you've reflected on all of the innovative technology in different parts of the world, different voting jurisdictions—and presents, on an annual basis or before an election, some new thoughts or current thinking on voting technologies, and do that on a regular basis so we're always up to date and have the best advice?

**Mr. Greg Essensa:** I would certainly not be opposed to that type of scenario. I certainly concur, based on my experience. I have looked at a number of different technologies that are currently resident, and you are quite correct, Mr. Zimmer, that in fact technologies do evolve very rapidly. We need to look no further than just south of the border to see the rapidly emerging technologies that our US counterparts have been experiencing in their elections.

**Mr. Norman W. Sterling:** Let's look to Florida.

**Mr. Greg Essensa:** With the exception of—you're quite correct.

**The Chair (Mr. Greg Sorbara):** Order.

**Mr. Norman W. Sterling:** I said, "Let's look to Florida."

**The Chair (Mr. Greg Sorbara):** Did you say “I’m on my way to Florida”?

**Mr. Norman W. Sterling:** I wish I was.

**The Chair (Mr. Greg Sorbara):** Oh, look to Florida. Okay.

**Mr. David Zimmer:** Just on this point, on some regular way to get back to the Legislature on the latest thinking on innovative technology in the voting process.

**Mr. Greg Essensa:** I would not be opposed to that whatsoever, Mr. Zimmer. In fact, I think that might be a healthy way to look at a more incremental, methodical way of introducing technologies.

It would be my position, as I’ve stated during my representation and presentation to you today, that we must always ensure that the basic principles of democracy be maintained, no matter what evolution of the electoral system we put in place. Those basic principles of integrity, accessibility and feasibility must be inherent in that.

**Mr. David Zimmer:** Thank you.

**The Chair (Mr. Greg Sorbara):** Peter?

**Mr. Peter Kormos:** I fear that the strongest advocates for introducing perceived contemporary technology into these things are the people who manufacture that technology. They use the public sector primarily as R&D. You’ll recall the great enamourment with fingerprint identification, which collapsed in short order because it was nowhere near the level that was required.

In terms of technology, voting is one thing—in other words, casting a ballot—but you’re talking about, for instance, allowing a person to vote anywhere in the riding or even anywhere in the province. If you’re talking about allowing them to do that on election day itself, then you need technology to ensure that that name is struck off the voters list at the polling station.

I can understand the argument for saying that if I’m in Willowdale, I should be able to go to an advance poll in Willowdale. I presume one of the reasons why there’s a gap between the advance polls and the actual returning officer’s location is to allow people time to upgrade the voters list.

Are you contemplating doing this on voting day and relying upon technology to ensure that that name is excluded from the local list?

**Mr. Greg Essensa:** No, I’m not suggesting that whatsoever.

**Mr. Peter Kormos:** Okay, good.

**Mr. Greg Essensa:** I am suggesting that voting anywhere in the province could be accommodated through modern technological advances, but that would only be provided during advance-vote periods or by the returning officer prior to election day. There would be a defined period of time where that would be available.

**Mr. Peter Kormos:** So you’re not talking about replacing hard—for instance, the stroke of the pencil or pen across the name of the voter on a piece of paper at the polling station as documentation of that person having voted. You’re not suggesting that that be—look, come on. I go to the LCBO and they decline every one of

my credit cards because the system’s down. The big banks—

**The Chair (Mr. Greg Sorbara):** Is that still happening? I didn’t know. I thought we had dealt with that problem.

**Mr. Peter Kormos:** —you pay cash. But you understand what I’m saying. The banking industry, we’re told, would tell us, “Hell, you ain’t seen nothing because the real problems are the ones, of course, that we don’t publicize.” So my Luddite tendencies generate great fear about the loss of integrity—the experience here at Queen’s Park, Chair, over the course of the last 10 years—

**The Chair (Mr. Greg Sorbara):** The experience—I’m sorry?

**Mr. Peter Kormos:** At Queen’s Park and in government, over efforts to introduce new technology.

Again, other than casting the ballot, where are you seeing it? Are you seeing the technology in recording people coming in and voting?

**Mr. Greg Essensa:** We have experimented certainly at the advanced poll level by implementing technology to provide allowing a vote anywhere within an electoral district, where we invoked technology through the use of laptops and computers, where we have struck the names off and have recorded the information that way.

Currently, I don’t believe it would make economic or feasible sense over the 20,000-plus polling districts that we have in Ontario to in fact put technology into every one of those. There is not an economic model that we’ve come across that would actually work for that. We do envision it, though, during some of the advance voting and those opportunities that would in fact provide for greater efficiencies, greater economies of scale. We could provide, then, a better electoral product to the electors if technology were invoked during those time frames.

**The Chair (Mr. Greg Sorbara):** Okay. Thanks, Greg.

Peter, I’m going to move to you now on another topic, if you wish. Then after that, I will move to David, and then we’ll go around if there’s more time.

**Mr. Peter Kormos:** First of all, I hope we can get the matter of alternative methods of making political contributions; to wit, credit cards and so on—I hope we can get that on our short list as well.

**The Chair (Mr. Greg Sorbara):** Yes.

**Mr. Peter Kormos:** I think that’s a very important one.

The issue of election workers aging—in political parties, there are issues about who works elections. All three parties, insofar as I’m aware, tend to have fewer and fewer people as eager to work. They’re older. It changes the whole way electoral politics is happening. How do you address the issue of you not having a pool of experienced staff to call upon every four years or at any point in between those four years where a Premier decides to surrender his or her mandate?

**Mr. Greg Essensa:** Mr. Kormos, this is why I am suggesting that we really need to examine the service

delivery model that currently is in place. The service delivery model that we have currently in Ontario I do not believe is sustainable over the long term.

As you've just alluded to, the aging workforce will continue to be a challenge for us. There are service delivery models that we've developed at Elections Ontario and that we've seen in other jurisdictions that, as I earlier articulated, greatly reduce the number of election day workers we would be required to utilize. It's a far more economical, efficient process, while at the same time it maintains the integrity of the process, maintains the same service delivery that we currently give to candidates and parties as far as providing them information on names of who has voted and when. I believe that if the legislative shackles were somewhat removed from the legislation, we'd have the ability to move in this more efficient, more effective matter, and we'd be able to address those concerns on the aging workforce and the challenge of election day workers.

**Mr. Peter Kormos:** The other issue I suppose, then—this has been discussed—is enumerations of voters lists and—

**Mr. Norman W. Sterling:** Can I ask about the returning officers? What is the compensation for a returning officer, let's say over the four-year election cycle? And you talk about averages here, because I think it varies with—sometimes, does it vary with the size of the numbers now?

**Mr. Greg Essensa:** No, it does not. Until very recently, returning officers were brought on board, they were appointed by the government of the day, and they would begin working for Elections Ontario primarily in the year of the election, so that there was really no compensation for them between electoral event years. So in non-election years, they maintained the role of returning officer, but unless they were called upon by Elections Ontario to come and participate in a workshop or some type of exercise that we were undertaking, there was no direct compensation for them during those non-election years.

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During election years, obviously, their compensation is set out in the statute in the schedule of fees that articulates, based on the number of hours they work, how much compensation they would be receiving for that.

**Mr. Norman W. Sterling:** What is the number?

**Mr. Greg Essensa:** The duties during an election period, prior to the indexation which is just undergoing, was \$14,200 for a returning officer.

**The Chair (Mr. Greg Sorbara):** That is during the election period, during the 29 days?

**Mr. Greg Essensa:** Yes, that is during the election period.

**The Chair (Mr. Greg Sorbara):** And prior to that, Greg, leading up to the election, enumeration, preparing—

**Mr. Greg Essensa:** It really depends, Mr. Chair. It's based on the particular riding that they are in, on perhaps the quality of the voters list leading up to that event.

Elections Ontario might have spent more time in the past with certain returning officers because we had some challenges and issues. So they are based on an hourly per diem, I believe, of roughly around \$30 or \$32.

**The Chair (Mr. Greg Sorbara):** Thirty-two dollars per—

**Mr. Greg Essensa:** —hour, based on the number of hours that they would have, in fact, worked for us, and again, based on the uniqueness of their particular riding and some of the issues that we may have had with that particular riding leading up to the election. So it would vary greatly between returning officers.

**Mr. Norman W. Sterling:** So what is your proposal? Is your proposal to hire these people on a full-time basis over a four-year period? Do they become permanent employees, or—

**Mr. Greg Essensa:** No, Mr. Sterling. The legislation currently allows that the government be the one that appoints the returning officer. So the returning officer is appointed by the government, but in law is beholden to the Chief Electoral Officer. What I am suggesting is that the legislation be amended, like most of the jurisdictions have moved along in Canada, towards allowing the Chief Electoral Officer to appoint the returning officer based on a merit-based appointment process.

There have been challenges in the past, I've been led to believe, with returning officers who perhaps at times didn't possess all the requisite requirements to perform those functionalities, so in fact there were some challenges for Elections Ontario in managing those particular individuals. It would be a far more seamless process if they were appointed by the Chief Electoral Officer. They would be seen by the public and by the candidates as being completely impartial, they'd be appointed on a merit-based process, and it would allow the Chief Electoral Officer, then, to manage that in a more professional manner.

**The Chair (Mr. Greg Sorbara):** Just on this point, any other comments or questions?

**Mr. David Zimmer:** No, no. I'll just wait for my turn.

**The Chair (Mr. Greg Sorbara):** I just have one, and maybe it's more a fantasy than a practicality, but the notion of, unlike what Norm would want, a full-time—"I work every year as a returning officer in a jurisdiction and I do all the work for the municipal election, I do all the work for the federal election, and I do all the work for the provincial election." Even if—we have a more or less regular cycle, and if there were that kind of agreement between municipalities so that when the election comes up, the returning officer says, "Oh, yes, we've been working on the list. It's very accurate and the address authority has updated our information": Will we ever get to that kind of model, of a full-time returning officer, and the returning office is responsible for deploying elections as they occur in the electoral cycle of the county and the riding and the province and the country?

**Mr. Greg Essensa:** What I'm suggesting today is that that is an area of study that takes a little bit more comprehensive review, and I am suggesting that this com-

mittee task some entity, some group or task force, with examining that in much greater detail. I do believe there are efficiencies that could be achieved that would provide for a greater service delivery to the electorate, a more consistent service delivery to the electorate, for every single election—

**The Chair (Mr. Greg Sorbara):** Could that be tasked to Elections Ontario, even in the statute, just to say—

**Mr. Greg Essensa:** It could be tasked to Elections Ontario, but I would then envision a much broader spectrum of the community that I would invoke, whether it be AMCTO, the municipalities or the federal government, to in fact look at that in a more comprehensive manner. Yes.

**The Chair (Mr. Greg Sorbara):** Okay, I'm going back to Peter, and then we'll—

**Mr. Norman W. Sterling:** In the United States, they elect these people as commissioners or whatever they call them.

**Mr. Greg Essensa:** That's correct, yes.

**Mr. Peter Kormos:** The whole issue of enumeration and voters lists: In one of the written submissions from a returning officer from Stormont–Dundas–South Gengarry—and he must know what he's talking about because his signature is above the title, “Prof. Chev. Wm. L. Upper, KTJ, KJ, M.Sc.”—Master of Science—“RRFA.” I have no idea what—

**The Chair (Mr. Greg Sorbara):** RRSP?

**Mr. Peter Kormos:** No, RRFA. I have no idea what those initials mean, but he's got a whole lot of them after his name, so he must be very important and very knowledgeable.

**The Chair (Mr. Greg Sorbara):** Or maybe he just has a lot of initials after his name—or both.

**Mr. Peter Kormos:** Or his hand slipped on the keyboard.

*Laughter.*

**Mr. Peter Kormos:** Don't make fun of those. Those could be some very serious designations. Chair, please.

**The Chair (Mr. Greg Sorbara):** No, I respect him. So what is your question?

**Mr. Peter Kormos:** He's suggesting compulsory registration, the compulsory return of voter registration cards, with serious levels of imprisonment for failure to do that.

**The Chair (Mr. Greg Sorbara):** That's where the initials came from.

**Mr. Peter Kormos:** KP?

Your predecessor talked about enumeration and about the myth of the physical enumeration, when people simply aren't at home or aren't answering their doors and how we should temper our expectations with respect to that. One of the big problems, down where I come from, in the last election or the election before that—first of all, voters getting several voting cards telling them to vote at several different locations. And that was rampant throughout the province, and most of the time we just use it, of course, to embarrass the government, with the implication that the government is somehow responsible

for this. But some people were frustrated to the point where they didn't vote. Two, the whole business of people not being enumerated and then the frustration on election day of showing up and their names not being there, and either local staff not being familiar with processes or not being able to amass the necessary returns.

How do we upgrade the enumeration? It's a real frustration, I think, for all parties and candidates, and for voters.

**Mr. Greg Essensa:** There is no question that the enumeration is a difficult concept. During the last election, Elections Ontario undertook during its target registration process the task of trying to knock on 1.5 million addresses for targeted registration. They only received just over a 40% answer rate from electors being at home during that particular time. It proved to be extremely costly. When I look across the provinces, Nova Scotia recently undertook a full enumeration that cost approximately \$7 an elector; BC is projecting that their next full enumeration will be roughly \$8 an elector. For us in Ontario, that would obviously equate to a \$55-million or \$60-million process—very expensive with, I would suggest, a very limited return.

What I am suggesting, though, is, should the committee turn its mind around to allowing for different mechanisms for voting, to allow for different methodology, i.e., mail or telephone voting? Could that in fact be tied back to the voter registration process? Because, currently, there is no impetus for an elector, really, to get onto the voters list or registration. Because we allow for election day registration, we're now seeing a greater trend where electors simply wait to election day to actually register themselves. Our numbers are significantly increasing election after election, where more and more electors—there is no impetus, there is no real benefit for them taking the time to get themselves on the list to ensure that they are registered.

In the old days, when we had a very closed election system where the list was constructed and it was put on the telephone pole, if you didn't check the list, well, you weren't able to vote. So there was real impetus for the elector to ensure that they were on the list. Because now we've moved to a process that has moved away from that, that allows election day registration, there isn't the same impetus for those electors.

What I am suggesting is, if the committee were to consider allowing for these alternative voting methods, we would in fact tie that back to the registration, meaning that if you wanted to exercise your democratic right through the use of a mail ballot or a telephone vote, you would only be able to do so if you were registered on the list by a certain time frame. So if you took the impetus to ensure that you were on the list as of August 1, then it could afford you the ability to choose the method, the multi-channelled voting method, whichever those channels become—for you to choose that channel through which you choose to exercise your democratic right. That would put value back in the electors' minds for their getting on the list. It would provide them greater

opportunity to exercise their democratic right in a variety of mechanisms that may be more suitable to their particular needs.

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**The Chair (Mr. Greg Sorbara):** On this issue, any other questions?

Greg, you suggest the creation of an address authority. I'm wondering (1) why did you put that off into a longer-term assignment for this process, and (2) would the creation of an address authority assist in creating a more accurate and more complete voters list? Let me just leave it at those two questions.

**Mr. Greg Essensa:** I'll talk to your second question first. There's no question it would create a much more accurate voters list than we currently have. One of the challenges we currently have within Elections Ontario is that when we receive data, whether it be from the national register of electors, from MPAC or from Canada Post—from some of our data sources—we may in fact receive three different address-naming conventions for a particular elector. Our ability to be able to triangulate and actually identify exactly where that elector is is very compromised by the fact that we do not have a single address authority. Certainly, the ability of the Legislative Assembly to establish one entity, one body, to provide that would greatly enhance our ability to have a more accurate list.

I simply put it off as longer-term because I thought that there may be more challenges in actually being able to enact that, but if the committee were to consider that they could do that more rapidly, it would be far more effective in providing a more enhanced list for us, no question.

**The Chair (Mr. Greg Sorbara):** Finally, to go back to Norm Sterling's point about costs of returning officers, given the nature of the kaffuffle of enumeration in anticipation of an election and the rush and the accuracy and the revisions, would it not be cheaper just to have a returning officer who works full time for Elections Ontario every single year and whose main mandate is to constantly be upgrading the quality of a list of electors for a riding? As I said earlier, providing it in year one to the feds—they have an election every year—in year two to the municipalities and then every four years to us?

**Mr. Greg Essensa:** We currently have a process in place right now as a pilot where every returning officer is currently being paid by Elections Ontario approximately eight hours a month. They are doing work for us in the particular riding trying to ascertain voting addresses and locations that we cannot triangulate currently, working with us to identify new subdivisions and areas where there's greater growth in their ridings so that we get the most accurate and up-to-date information, and also trying to help us alleviate some of the challenges where we have names of electors and we simply don't know where they are.

It is a pilot. This has been the first year of the pilot, and we're examining that at the end of the year to see if there's merit for us to continue having them employed on

this monthly basis. It is something that, as long as we can justify that there is a substantive amount of work for them to do, we are currently examining.

**The Chair (Mr. Greg Sorbara):** Right, okay. I'll turn it over to David now.

**Mr. David Zimmer:** I've got three questions and one comment. I just need short answers to the questions. My first question is about setting the spending limits in advance. In the fixed-election scenario, how far ahead could you fix the spending limits? Second, in the case of a by-election, how would you manage setting the spending limits for the by-election because of the uncertainty when it's going to be called? How would you go about setting the spending limits in the situation of a minority government, which may fall at any time?

**Mr. Greg Essensa:** The first part of your question—we could certainly establish the spending limits much earlier in the year. There are two methodologies under which we could do that, two formulas—

**Mr. David Zimmer:** Just tell me how far in advance you could set it. I'm not so much concerned about the methodology.

**Mr. Greg Essensa:** Okay. Technically, we could probably set it some time around March or April the year of the election.

**Mr. David Zimmer:** Okay. And then, how would you manage the spending limit pre-set in a by-election situation?

**Mr. Greg Essensa:** We would have to utilize the pre-writ elector count that we currently have on the permanent register and do the calculation immediately upon the dropping of the writ.

**Mr. David Zimmer:** And in a minority government situation?

**Mr. Greg Essensa:** Again, we would have to use the pre-writ elector count and establish that as of that date, when the writ is dropped, that is the spending limit.

**Mr. David Zimmer:** My next question is on this idea of centralizing a receipting system. How do you see that working? Give me your best estimate of your cost of managing central receipting.

**Mr. Greg Essensa:** What we have envisioned at Elections Ontario is that there be an application that would be developed, an application or a software tool that would be utilized for every candidate, party and constituency association, where they would be afforded the opportunity to accept online donations. That information would be vetted by their CFO. The CFO would in fact have the ability to create the receipt, send the receipt. At the time of the actual donation being sent to the particular candidate, we would also receive a duplicate entry on a central site at Elections Ontario that would alleviate some of the difficult paperwork trail that we currently have in our paper-based system now, meaning that there would be less work for the CFOs. At the same time, it would allow us at Elections Ontario to have all of that data centrally, electronically already incorporated, thus as well alleviating a great deal of workload on our end.

**Mr. David Zimmer:** What's your best estimate of the cost to set that system up?

**Mr. Greg Essensa:** We are currently in the process now. We have been spending some time internally, and I will have that costing estimate for you in my submission in January.

**Mr. David Zimmer:** Do you have any idea now what range it's in?

**Mr. Greg Essensa:** At this point, I would be reluctant. We have not moved far enough along the process to actually suggest a cost, but I will have that for you definitely in my January submission.

**Mr. David Zimmer:** My third question has to do with the CEO imposing penalties for stuff that candidates shouldn't be doing. I agree that you ought to have that sort of authority, because as it stands now, if you want to get after a candidate, you've got to go see the Attorney General, and that's a whole other world.

**The Chair (Mr. Greg Sorbara):** It's very difficult to find him sometimes.

**Mr. David Zimmer:** Yes. It's whole other world to go to in terms of seriousness. What kind of offences and penalties would you reserve for the CEO and which ones would you in fact go to the AG and do that route in the more serious ones? Where would the divide be?

**Mr. Greg Essensa:** Certainly, in my mind, the divide would be—if it is simply a case of a candidate or party missing filing dates, being remiss in submitting their documentation to Elections Ontario in a timely basis, those are ones that I would envision would be susceptible to an administrative fine that I outlined in my speaking notes. Where there is a malicious attempt to circumvent the electoral laws that we uncover, those are the ones where I would envision going to the Attorney General and instigating prosecution.

**Mr. David Zimmer:** Here's my comment. I've always been a great believer in a concept and philosophy—Wittgenstein, those guys, had this idea, and it's governed me well in life: Always call something what it is and not something else. I tie that comment to your idea of having schools have PD days so we can use the schools to vote. It seems to me that we're sending—if you went down that model, you're giving the wrong message to the voters and the public because you're trying to engage people in the voting process and all of that sort of stuff, and at the same time, you're going through this fiction of saying, "We're going to call it a PD day," so the teachers can go off and do professional development. And yet somewhere in your statement you came back with the idea that in fact you'd hire teachers to work in the polling stations in the schools. It seems to me that's just sending out the wrong civic message. You should always call something what it is and not something else, because that's how we get in some difficulty. So what do you think of the issue I've raised with calling it a PD day?

**Mr. Greg Essensa:** The issue, certainly from an electoral standpoint, is the increasing concern that the school boards and parents are expressing—

**Mr. David Zimmer:** No, I understand that, but this idea of calling it a PD day when it's not is a subterfuge. What we want to do is have clarity in the—

**The Chair (Mr. Greg Sorbara):** So you would like to have it as a school holiday, or you would call it a school holiday?

**Mr. David Zimmer:** Call it a voting day.

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**The Chair (Mr. Greg Sorbara):** Well, it is voting day as well, but as far as the school system is concerned, you would call it a non-school-day, or a school holiday.

**Mr. David Zimmer:** Shut the schools down for voting. That's the school's contribution to the civic process. But this idea of calling it a professional development day—

**The Chair (Mr. Greg Sorbara):** Maybe I could just follow that up with a question. Because of your experience in the city of Toronto, is the problem solved if the new statute requires school boards to make schools available, as required by the Chief Elections Officer, on election day?

**Mr. David Zimmer:** I'm fine with that idea. That's calling it what it is.

**The Chair (Mr. Greg Sorbara):** Right. I mean, the issue of a PD day or election day is all about—we have this problem, this conflict between parental concerns and security around schools and the fact that people are going to be traipsing in all day, 8 o'clock until 9 o'clock, to vote. Is it solved with mandated requirements for school accessibility on election day?

**Mr. Greg Essensa:** That currently exists already in the legislation. The Chief Electoral Officer does have that authority. What we have seen is that that is not negating the school boards and the parents raising more and more concerns about the security.

**The Chair (Mr. Greg Sorbara):** Right. Peter, did you have a comment?

**Mr. Peter Kormos:** Yes, on that very issue, because Noreen Bald, who's the returning officer for Niagara West—Glanbrook, sent us a note as well—

**The Chair (Mr. Greg Sorbara):** How many initials? Any initials?

**Mr. Peter Kormos:** The returning officer.

**The Chair (Mr. Greg Sorbara):** Right, okay. No initials.

**Mr. Peter Kormos:** A very humble, straightforward person. Probably a darned good returning officer, too. She talked about the school issue, about having to hire a security guard.

I say to Mr. Zimmer—because we learned from some of the statistics last week that the sooner people start voting in their voting lives, the more likely they are to vote, and if they're not voting early or at the first opportunity, they're less likely to vote. I think it was roughly like that.

It seems to me that you could address the security issues by securing various parts of schools. We should be encouraging schools to be used. That should be part of an educational process within those elementary and even

secondary schools about what's going on. It's the same argument about Remembrance Day as a holiday. The Legion doesn't want it as a holiday because they want the schools to be in session so that students can focus on that particular recollection.

I think we might think about encouraging or reinforcing schools and encouraging boards of education and the ministry to exploit the situation rather than to fear it with a bunker mentality.

**The Chair (Mr. Greg Sorbara):** Yes, David, did you have any other questions?

**Mr. David Zimmer:** No, I'm fine, thank you.

**The Chair (Mr. Greg Sorbara):** Okay. Norm, you have your hand up. You've got about five minutes. I'll just go around to see whether there are other comments or questions.

**Mr. Norman W. Sterling:** Well, my question to the Chief Electoral Officer is, we have received probably 15 or 20 written submissions from various returning officers. The committee made a conscious effort to ask returning officers from across the province to write to us and tell us about what they viewed as the most difficult problems they had with the present process. We have received quite a response, actually, and they've been very succinct in responding.

I would like to ask our researcher, Mr. Johnston, to sort of put the various suggestions or questions together. I would try to engage you, sir, in responding to the committee's requests with regard to those issues that have been raised here, because we have not covered them all and some of the them are, quite frankly, smaller matters about levels of compensation between one particular election officer and another, the clerk, the returning deputy, security—all that kind of stuff. I would ask you if you would respond to us in some manner on that.

**Mr. Greg Essensa:** I would be more than happy to respond to that. When the committee determined to ask the returning officers, I did encourage all the returning officers that they should exercise that opportunity to take advantage of this and supply their recommendations to you. I would be more than happy to respond in my January submission, to answer those particular questions from Mr. Johnston. By all means.

**The Chair (Mr. Greg Sorbara):** Just for the purposes of the committee, Larry Johnston will be summarizing and providing committee members with a summary of the submissions. Obviously, the submissions are part of the written record and are available to Mr. Essensa and to Elections Ontario. Your responses or comments on those will be helpful as we proceed.

**Mr. Norman W. Sterling:** Who would this committee talk to at the federal level if we wanted to talk to them about some parts of their process? Would it be the Chief Electoral Officer for Canada?

**Mr. Greg Essensa:** I would suggest it would be the chief officer of Canada.

**The Chair (Mr. Greg Sorbara):** David?

**Mr. David Zimmer:** I wonder if it's possible for the CEO to give the committee the following information, and I defer to your judgment whether it's a reasonable request. I'm quite interested in—I guess it's going to be an estimate—the number of breaches or offences that we've sort of passed on in the past, that have not been followed up on because we didn't want to take the draconian step of going to visit the Attorney General. I'd be interested to know how many things are happening out there that are just let go by the boards because you don't want to go to the Attorney General on that. And we are going to get a costing estimate on the running of central receipting?

**The Chair (Mr. Greg Sorbara):** Yes.

**Mr. David Zimmer:** Is that correct?

**Mr. Greg Essensa:** Yes, that is correct. I will be submitting that with my January submission to this committee.

**The Chair (Mr. Greg Sorbara):** I would think that the Chief Electoral Officer has a sense of the level of violations, if you can categorize them. I don't know how one would do that, particularly. You've only got one remedy, and that is going to see if you can find the AG, but some information on that would be helpful to the committee.

**Mr. Greg Essensa:** I'm more than happy—

**Mr. Peter Kormos:** Talk to his parliamentary assistant.

**The Chair (Mr. Greg Sorbara):** I can't order him to do that, but I know he will do that, and on your suggestion all the more quickly.

I just want to thank you, sir, for a presentation that was articulate, well delivered and very, very thoughtful. You've put a number of important issues before this committee. Thanks to your co-workers as well. We certainly look forward to continuing to work with you with the objective of getting a more effective Election Act as part of the statutes of Ontario, based on the very important three principles that you began with. With that, we'll—

**Mr. David Zimmer:** Chair, just one thing. It's the usual practice, more often than not, that we get a copy of the speaker's notes, apart from what's in Hansard. Will we—

**The Chair (Mr. Greg Sorbara):** If you make them available, Greg, we'll distribute them to the committee.

**Mr. Greg Essensa:** I'm happy to do so.

**Mr. Peter Kormos:** Thank you, folks.

*The committee adjourned at 1025.*









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