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Jeudi 7 mai 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

Thursday 7 May 2009

Jeudi 7 mai 2009

The committee met at 0907 in committee room 1.

REVIEW OF ELECTION LEGISLATION

The Acting Chair (Mr. Norman W. Sterling): This is the Select Committee on Elections. My name is Norm Sterling, and I'm sitting in for the Chair, Mr. Sorbara, who will be arriving shortly.

OFFICE OF THE CHIEF ELECTORAL OFFICER OF ONTARIO

The Acting Chair (Mr. Norman W. Sterling): We have a witness today, Mr. Greg Essensa, who we asked to come forward and speak to us with regard to the advertising issues during an election. We appreciate very much that you have come on such short notice, Mr. Essensa. I believe that you have opening remarks that you'd like to make, and we'll follow that with questions after.

Mr. Greg Essensa: Thank you very much, Mr. Chair. I would like to begin by thanking the committee for inviting me to appear before you today.

When I appeared before you in December, I recommended that the advertising provisions of the Election Finances Act be reviewed. The law was drafted over 30 years ago, and the way in which campaigns are run has significantly changed. In February, my written submission recommended that a task force be created to review the rules governing political advertising.

Today, I would like to focus on one aspect of political advertising, specifically third party advertising. I will address three topics in my presentation: first, the third party advertising requirements in the Election Finances Act; second, questions the select committee may wish to consider with respect to the regulation of third party advertising; and third, the role of the Chief Electoral Officer in administering the election finances process. I will be happy to answer any questions that you have at the end of my presentation.

To begin with, it is important to remember that apart from parties and candidates, there are individuals and organizations who participate in the democratic process. These third parties participate in elections by commenting on a candidate or party's position, adding issues into the political debate in an election, and attempting to influence which parties or candidates are elected.

Third parties participate in the democratic process by sponsoring advertising, the same way as candidates and parties. They advertise before and during campaigns to deliver a message about a particular issue or about the merits of a specific party or candidate. Third party advertising has been present in the democratic process in Canada for quite some time. As early as the 1970s, on the recommendation of a royal commission, Parliament amended the Canada Elections Act to include controls over third party advertisers. Over time, various constitutional challenges have been brought to such laws. Some challenges have succeeded and some have failed. I'm not going to catalogue these cases for you today. However, the lesson that we can draw from this history is that the regulation of third party advertising has been legally and politically contentious.

I would like to turn my attention to the first topic: the third party advertising requirements in the Election Finances Act. As members of the committee will remember, there were various changes made to Ontario's election laws in June before the October 2007 general election. Those changes included new third party registration and reporting requirements. At the time these changes were made, there were only three Canadian jurisdictions that had such requirements: They were in place federally, in Quebec and in British Columbia. It should not be forgotten, however, that the Election Finances Act already contained some restrictions on third party advertising dating back to 1998. The law already imposed blackouts on third party political advertising on polling day and the day before polling day, and deemed that \$100 or more spent on advertising by a person, corporation or trade union which promoted a party or candidate was to be treated as a contribution, provided it was done with the knowledge and consent of that party or candidate. In essence, the law required for several years that third party advertising be treated as a contribution if it could be shown to be controlled by a political party or candidate. The cost of such advertising was also subject to contribution limits and treated as a campaign expense of the party or candidate.

The legislation passed in June 2007 contained the following significant requirements: Third party advertisers spending over \$500 on election advertising had to register with the Chief Electoral Officer; all registered third party advertisers had to report on their advertising spending six months after the election; and third party advertisers had to report all contributions they received to

support their advertising during the campaign period and in the two months before the election was called. These provisions are similar to federal third party provisions, with the exception that the amendments did not impose any spending limits.

In support of these new requirements, my predecessor as Chief Electoral Officer issued new guidelines, which attempted to clarify for third parties, candidates and political parties alike how these new rules worked. These guidelines attempted to address, for instance, how to differentiate between issue-based advertising that would not be subject to these requirements and advertising promoting or opposing a particular party or candidate that would be subject to these requirements.

These guidelines were published and distributed in advance of the 2007 general election and were supported by an information campaign. In total, 20 entities registered and reported on their advertising activities in the 2007 general election. These reports are posted on the Elections Ontario website, as is required by law.

I think it can be said, in fairness to all, that implementing a new system on the eve of a general election posed significant challenges for Elections Ontario and for those involved in the electoral process. I will have more to say about how, on a go-forward basis, I intend to address these challenges in the last part of my presentation.

In light of Ontario's recent experience with third party advertising requirements, I would like to address my second topic, and that is, questions that the select committee may wish to consider with respect to the regulation of third party advertising. I began my presentation today by noting that it is time for a comprehensive review of the political finance rules in Ontario. This review is certainly timely with respect to third party advertising requirements. Since changes were made to the Election Finances Act in 2007, two more provinces, New Brunswick and Alberta, have either adopted or proposed to adopt controls over third party advertisers, and BC has substantially amended its third party requirements.

Now that the legislation is over and the reports have been submitted, and taking into account the innovations being introduced in other jurisdictions, there are a number of areas the Select Committee on Elections may wish to examine. Some of these include:

First, should Ontario adopt third party spending limits? Currently, Ontario has no spending limits. In comparison, there are third party election advertising limits in other jurisdictions. Federally, a third party is limited to spending \$183,300 in total and no more than \$3,666 in any one electoral district. In British Columbia, a third party is limited to spending \$150,000 in total and no more than \$3,000 in any one electoral district. In New Brunswick, a third party is limited to spending no more than 1.3% of the maximum amount a political party can spend if it runs a candidate in every electoral district. And in Quebec, a third party is limited to spending \$300 on issue advertising, and third parties may not advertise to directly promote a party or candidate.

The second area of consideration is, should Ontario adopt third party contribution limits? Currently, no jurisdiction has contribution limits, but Alberta has just introduced a bill, Bill 205, that would limit a contributor to giving a third party for its advertising no more than \$30,000 in an election year and \$15,000 in a non-election year.

Mr. Chair.

The Chair (Mr. Greg Sorbara): Let me apologize to my colleagues and to the members of the committee and to the CEO for my lateness. I just want to say for the record that it shouldn't take an hour and 40 minutes to come from Richmond Hill to Queen's Park.

Interjection.

The Chair (Mr. Greg Sorbara): That's not the issue.

Mr. Dave Levac: So we're talking to the late, great Greg Sorbara.

The Chair (Mr. Greg Sorbara): I'll just ignore that. Go ahead. Again, my apologies.

Mr. Greg Essensa: No problem, Mr. Chair.

To continue, I was on my second point, regarding issues that the select committee may wish to take into consideration respecting third parties.

Should Ontario try to limit third party advertising spending to the amounts it raises prior to and during an election? Currently, a registered third party need only report on the contributions it receives to support its advertising in the two months before an election is called. This allows third parties to build advertising war chests but not have to report on the source of those contributions received at an earlier time.

In 2006, there was a bill before Parliament that proposed to limit third party advertising spending to the amounts donated and reported in the six months before an election. While Bill C-79 died on the order paper, this is a requirement that legislators in Ontario may wish to consider.

The fourth public policy area for consideration is, should Ontario adopt stricter registration and anti-collusion provisions? Under the Election Finances Act, there is no specific provision that prohibits a third party from co-operating or coordinating its advertising with either a political party or one of its candidates, provided that the party/candidate is not actually controlling the third party's advertising. Such advertising is not necessarily prohibited so long as the cost of the advertising does not exceed the contribution limits and is reported by the party/candidate as an expense. Similarly, with the absence of spending limits in Ontario, there are also no explicit prohibitions on third parties coordinating their activities with one another.

In contrast, more stringent requirements are in place federally, in British Columbia, in New Brunswick, in Quebec, and are being proposed in Alberta. It is, or will be, an offence in these jurisdictions to collude for the purposes of circumventing spending limits for political parties, candidates and third parties.

These are significant questions, and there may be others. I do not have the answers to these questions or

particular policy recommendations to make to you. As Chief Electoral Officer, that is not my place. But I do see that these are important issues that other jurisdictions have turned their minds to, and recommend that Ontario do the same.

I had such examples in mind when I recommended in December and in February that a task force be created to examine the rules of political financing in Ontario.

Finally, I have not just come here today to suggest things that this committee and the Legislative Assembly can do. As I mentioned earlier, I have a few thoughts with respect to the role of the Chief Electoral Officer in administering the election finance process. While I am not new to the world of elections, I am new to the Office of the Chief Electoral Officer. It is incumbent on me to ensure that I administer Ontario's elections finance laws in a fair and impartial manner.

I also believe that a review and update of Ontario's election finance laws is warranted. As I have mentioned today, there are a number of questions that the select committee may wish to address with respect to third party advertising.

I have also specifically recommended in my earlier submissions that my office be entrusted with the power to institute administrative penalties over those governed by these rules. I will also be diligent in reporting apparent contraventions of the law to the Attorney General of Ontario.

In order to enhance the integrity of the electoral process, my office must do more to ensure the rules that it applies in the election finance process are clearly articulated to the parties and candidates who we work with. The current guidelines, forms and manuals have evolved incrementally since they were first created by the Commission on Election Finances decades ago.

0920

In the political advisory committee that I host, which is composed of representatives of all Ontario's political parties, we have recently committed to review and adopt best regulatory practices from other jurisdictions; consult the parties, associations and candidates to see how we can better explain the requirements of the process; and deliver updated materials/tools in time for the 2011 general election.

As legislative change occurs—as it always will—my office must and will be ready to implement those changes and help the participants in the process better understand any new rules and obligations. To fulfill our legislative mandate, we must administer the election finance rules in a principled and impartial manner.

I look forward to meeting these challenges in the years to come and I welcome any questions you may have today.

The Chair (Mr. Greg Sorbara): Let me thank Greg Essensa for his submission. I think, probably, we'll begin the questions with Mr. Sterling.

Mr. Norman W. Sterling: Thank you very much, and I might add, Mr. Essensa, that on page 5 of your remarks, just for Hansard purposes, your notes said, "Now that the

last election is over." I think you inserted another word there. I forget what it was but just so—

Interjection: "Legislation."

Mr. Greg Essensa: My apologies. It should be, "Now that the last election is over."

Mr. Norman W. Sterling: Just for Hansard purposes, because people will, no doubt, be reading your remarks on this.

You note in your remarks that there were 20 third party advertisers who registered with you and are noted on your website. Do they report to you the quantum of their advertising, the cost of their advertising, the cost of their administration and that kind of thing?

Mr. Greg Essensa: They report to me the cost of the advertising they incurred during the most recent election that they had registered for.

Mr. Norman W. Sterling: Do you know what the total was in the last election?

Mr. Greg Essensa: I have individual totals for the individual 20 entities. I'm not sure that we have a cumulative total, but we could certainly get that for you, Mr. Sterling.

Mr. Norman W. Sterling: So what was the largest advertiser? What were the expenditures?

Mr. Greg Essensa: The largest advertiser was the Working Families Coalition and their total expenditure was just over \$1 million.

Mr. Norman W. Sterling: Is that during the election period or before or is that both?

Mr. Greg Essensa: Solely during the election period.

Mr. Norman W. Sterling: So any advertising that they undertook prior to that time would be in addition to the \$1 million?

Mr. Greg Essensa: That is correct, and as my remarks indicated, that is one of the considerations, from a policy perspective, that I have suggested that this committee undertake in its consideration or deliberations.

Mr. Norman W. Sterling: Were there advertisements before by third party advertisers in the last election, or can you recall? I know you weren't in the position at that time.

Mr. Greg Essensa: I would need to confer with my general counsel. I was not in the position, but if you give me a second I can certainly—

Mr. Norman W. Sterling: Okay, fine. I don't know if you can recall that or not.

Mr. Greg Essensa: Mr. Sterling, if I could just get clarification. The question was: Was there advertising prior to the last general election by third party advertisers that was not covered by what they submitted in their review?

Mr. Norman W. Sterling: Yes.

Mr. Greg Essensa: We believe so, but as the legislation was only introduced in June 2007, I'm not sure that we have the actual factual documentation on that.

Mr. Norman W. Sterling: Okay. So if you'd supply us with that overall.

In terms of party advertising, what is their overall limit, in rough numbers? What does each political party get to spend?

Mr. Jonathan Batty: Mr. Sterling, it depends on the number of candidates that a party runs. So its spending provincially is linked to the number of candidates it has in each electoral district. Overall, it would be in the neighbourhood, in the last general election, of probably between \$5 million and \$6 million.

Mr. Norman W. Sterling: So each of the three parties, or perhaps each—there were four; I don't know how many parties had candidates in each and every riding. I don't know whether the Green Party had candidates in every riding, but I assume that the three parties that are represented in the Legislature now all would have had \$5 million to \$6 million that they could have spent.

Mr. Jonathan Batty: That's correct, and the Green Party, if they didn't run a full slate of candidates, were only one or two away.

Mr. Norman W. Sterling: Okay. And so it would be proportionally a little bit lower, perhaps, for them. Do you know how much the parties actually did spend during the last election in 2007?

Mr. Jonathan Batty: Yes, that's reported in their statements.

Mr. Norman W. Sterling: And do you know what that number is?

Mr. Jonathan Batty: Off the top of my head, no. But we could supply that information to you.

The Chair (Mr. Greg Sorbara): Just as a matter of information, those returns with total spending from each party are a matter of public record, and are now, I think, available on Elections Ontario's website.

Mr. Greg Essensa: That is correct.

The Chair (Mr. Greg Sorbara): That's readily available to all.

Mr. Greg Essensa: That information is all readily available—

Mr. Norman W. Sterling: I was just trying to find out whether or not parties were in fact spending the \$5 million to \$6 million or were pressing the upper limits—for comparison purposes, as to how much is being spent by parties. Is the \$5 million to \$6 million during the election period, or does it cover pre-election spending?

Mr. Jonathan Batty: That would be campaign spending.

The Chair (Mr. Greg Sorbara): That is, during the election period, but not applying to any of the period before the writ is issued.

Mr. Jonathan Batty: That's correct.

The Chair (Mr. Greg Sorbara): Although I haven't reviewed those returns lately—and sorry, Norm, just as a supplementary—my impression is that each of the three parties represented in the House today spent very close to the limit in each case.

Mr. Greg Essensa: We can certainly get the exact information for you, Mr. Chair and Mr. Sterling, and we can provide that to you within the next day or so, for sure.

Mr. Norman W. Sterling: Is there any requirement for political parties to report spending prior to the writ period?

Mr. Jonathan Batty: Yes. Political parties file annual financial statements with Elections Ontario, which detail the contributions that they've received and what they've spent monies on.

Mr. Norman W. Sterling: So the writ period, the election—it was October 10 or about that time.

The Chair (Mr. Greg Sorbara): The 11th.

Mr. Norman W. Sterling: The 11th. The writ period was approximately a month prior to that time, so you have records. Do you publish the number on advertising prior to the election period, let's say what happened the 60 days before, in the July and August going into the writ period?

Mr. Jonathan Batty: All financial statements are posted on the Elections Ontario website in terms of reporting requirements. For example, from the 2007 general election, the campaign returns were due April 10, 2008, and the annual returns for the calendar year in which the general election was held were filed on May 31, 2008. So that complete set of information, as the Chair has indicated, is publicly available and is posted on the Elections Ontario website.

Mr. Norman W. Sterling: That's not where I'm going. What I'm trying to do is to find out where, in fact, there might be soft spots in our existing regulations and whether or not we have information now to go forward in terms of perhaps considering new rules surrounding advertising. We now have a fixed-date election, effectively, so that a very strong party with lots of money might advertise, the day before the writ is dropped, extensively in terms of what has happened. It doesn't seem to me, from what you're telling me, that we have any way of tracking what was spent in the month prior to the writ or two months prior to the writ; we just have a holistic number in terms of returns by the party as to what they spent in that fiscal year with regard to advertising or any other expenditure.

As the expenditures are published, would you be able to delineate how much was on advertising, how much was on party organization, and how much was on this or whatever?

0930

Mr. Jonathan Batty: Definitely—

Mr. Norman W. Sterling: You can do that?

Mr. Jonathan Batty: Yes, the schedules are broken down in quite some detail. If the members speak, for instance, to their party's chief financial officer, they're very familiar with the deep level of detail to which they need to go in reporting. For instance, advertising expenses are specifically broken down in the annual report, but as you indicate, Mr. Sterling, the schedule doesn't break down at what particular date in the calendar year that particular advertising money was spent.

Mr. Norman W. Sterling: Okay, spent means spent. Do they file on a calendar-year basis?

Mr. Jonathan Batty: That's correct.

Mr. Norman W. Sterling: So it would be anywhere from January 1 to September 11 in the last election, for instance. I forget when the writ was dropped, but—

The Chair (Mr. Greg Sorbara): Just as a matter of clarification, I don't think that's right, Norm. I invite our witnesses to correct me if I'm wrong, but my understanding is that each party is required to submit an annual report of revenues and expenditures for a calendar year, as is each constituency association. Over and above that, the writ period represents a separate reporting period, so for example, in 2007, a separate report—separate from the annual report—would be filed to Elections Ontario for the period from September 10, when the writ was dropped, to the date of the election. Those are two separate reports, each of which provides details on revenues and expenditures. Here I want you to correct me if I'm wrong, Mr. Essensa: There wouldn't be a separate report for January 1, 2007, to September 9, 2007, which is, for our political purposes, the pre-writ period.

Mr. Greg Essensa: That would be the annual return, Mr. Sorbara, but that is correct.

The Chair (Mr. Greg Sorbara): That annual return would cover the period January 1, 2007, to December 31, 2007, and all advertising expenditures by a political party would be included in that, except for those campaign expenditures that were reported separately in a separate reporting period for the writ period.

Mr. Greg Essensa: That is correct.

Mr. Norman W. Sterling: Okay, I'm sorry. I guess I assumed that all of the advertising expenses would be before the election, not after the election. But it is a point that it's an annual number.

When reading some of the research and some of the legislation that other jurisdictions have, there seem to be three defined periods of time that are of importance to us. I guess the most critical is during the election period when the writ is dropped, the 30 days, 31 days or whatever period of time the Premier of the day decides to have a writ drop. What is the maximum time now? It doesn't matter anyway.

Mr. Dave Levac: It's 28.

Mr. Norman W. Sterling: No, I think it's longer than that. It used to be as much as 45 days. Notwithstanding that, it doesn't seem to matter, save and except that it may be to the advantage of the Premier of the day to drop the writ as late as possible, if in fact their war chests are bigger than the other war chests, because they can advertise during that pre-writ period to their heart's delight and then just stay within their spending limits during the writ period.

In terms of what I have read, jurisdictions look at the writ period, and then they look at the 60 days before the writ period. That seems to be the time frame people are talking about in other jurisdictions. I guess my point is, we don't seem to have any hard numbers for what third parties have been doing during that 60-day pre-writ period.

Mr. Greg Essensa: That is correct, Mr. Sterling. Under the current election laws, we could not articulate exactly that activity.

Mr. Norman W. Sterling: And it makes a lot more difference now that we have set the date, because people

know when in fact things are happening, so for anybody who is trying to avoid the reporting, the spending limits etc., outside the third parties, all they have to do is, as you say, build up the war chest. Prior to the election period, I guess they report to you that they've got \$100,000 in the kitty, and you don't know where that's come from.

Mr. Greg Essensa: Again, Mr. Sterling, I would hearken back to my recommendation I made back in December and in my written submission in February. That is one of the primary reasons that I'm recommending to this committee that it consider establishing or recommending establishing a task force to review the election finances laws, including third party advertising, in respect to what's happening across the country and in respect to the various issues that you've just identified, to come back with some significant recommendations for the Legislature to consider in amending its election finance laws.

Mr. Norman W. Sterling: I don't know if you had read anything on this. I was told that in the recent Australian federal election—I think it was a federal election—third party spending was quite exorbitant. In fact, it was talked about as being two or three times what any political party had spent during that period of time. Do you have any knowledge of that at all?

Mr. Greg Essensa: I have no first-hand knowledge of that today, but I can certainly undertake some of my staff to research that information and provide information back to this committee. I would be happy to do so.

Mr. Norman W. Sterling: The reason that I am concerned about third party advertising is, when I listen to elections that are held south of our border in the United States, I'm appalled at how much is being spent on elections by all candidates and how much time candidates or incumbent, elected people are spending on raising money. I'm told that, for instance, a sitting senator of the Senate of the United States spends an hour a day raising funds personally in order to undertake his or her next election. I'm concerned about us getting into situations where there's no fairness in what happens in terms of advertising as we go forward. So that's my concern with regard to that.

I'll leave it at that right now, if other people have questions.

The Chair (Mr. Greg Sorbara): Just before I go to Mr. Kormos, are there any supplementary questions relating directly to what Mr. Sterling was asking? If not, I'll just move to Mr. Kormos.

Mr. Peter Kormos: Thank you. Quebec's third party spending is limited to \$300 per riding?

Mr. Greg Essensa: It's \$300 overall, in total.

Mr. Peter Kormos: So they've banned.

Mr. Greg Essensa: I'm sorry?

Mr. Peter Kormos: They've banned third party advertising.

Mr. Greg Essensa: I would say they've restricted it substantively.

Mr. Peter Kormos: Why would they have put the \$300 limit [*inaudible*] constitutional issue about freedom of expression etc.?

Mr. Greg Essensa: Not that I'm aware of, Mr. Kormos. I'm not familiar enough with that legislation to be able to comment as to the rationale behind that.

Mr. Peter Kormos: They're being playful, at the very least.

Mr. Greg Essensa: We have an excellent relationship with Elections Quebec, and I can certainly endeavour to get some information for you on that.

Mr. Peter Kormos: I'd appreciate that.

Mr. Greg Essensa: By all means.

Interjection.

Mr. Greg Essensa: I've just been informed that there was also a recent court case on that specific issue, so we will endeavour to get that information to you as well.

Mr. Peter Kormos: Challenging the limit?

Mr. Greg Essensa: It was a prosecution for someone who filed—

Mr. Peter Kormos: I see, okay. Interesting—because really, issue-based advertising can be so partisan without promoting or opposing a particular party or candidate. I remember in 1987, Mel Swart's last campaign, New Democrats campaigning on public auto insurance, and the IBC had their "If pigs could fly" campaign in response. They didn't have to say NDP. It was clearly identified with the New Democrats; they were the only people advocating it. It was a very clever advertising campaign and worked reasonably well, but it clearly was telling people, "Don't vote NDP." How do you create a boundary for issue-based advertising that prevents it from being pushed to the point where it's coded partisan advertising?

0940

Mr. Greg Essensa: I honestly think that is the challenge with the current electoral law. It does not provide a clear enough definition to provide direction to both third parties, parties, and the administrators that oversee election finances law. Again, I think that's one of the challenges that this committee or a suggested task force would be tasked with undertaking to review and look at.

Mr. Norman W. Sterling: Can I just add—

Mr. Peter Kormos: Sure, of course you can.

Mr. Norman W. Sterling: But I understand that federally, under the example Mr. Kormos brought forward, the insurance bureau would have been limited to \$183,000 total.

Mr. Greg Essensa: That is correct, Mr. Sterling.

Mr. Norman W. Sterling: So it didn't matter whether they were targeting a party, a person, a leader or an issue. There would be limits—

Mr. Greg Essensa: That is correct. You are correct.

Mr. Peter Kormos: What's the rationale for allowing third party advertising?

Mr. Greg Essensa: I believe there have been several constitutional challenges towards it, and I believe that there is—again, it's ultimately up to the Ontario Legislature to determine whether they want to, in fact, provide

a framework or guidelines around third party advertising. For many years, there were not third party advertising rules, but there are entities, bodies and individuals who do want to comment on the political process. Putting together a regulatory framework that provides a guideline and reporting requirements, so that there's transparency in that process, I think fulfills some of the underlying democratic principles in elections. It is a valid thing to put the Legislature's mind towards, to ensuring that there is a level playing field, as Mr. Sterling alluded to, through third party advertising; that it does not create an unlevel playing field to favour any one particular entity, individual or political party.

Mr. Peter Kormos: Just think, Chair: Let's talk about Working Families—I believe it was the Working Families Coalition. Even if there were spending limits, they could have simply had each one of their coalition members embark, effectively, on an identical campaign, but do it under the name of—it was primarily building trades that were involved in that. You have the plumbers and pipefitters; you could have the sheet metal workers, etc., all doing that one-of and circumventing spending caps.

Mr. Greg Essensa: But again, that's why I'm suggesting in my remarks to you that this committee and/or task force should put its mind towards spending or anti-collusion provisions in the Legislature that would prevent that from happening.

Mr. Peter Kormos: But how would you, if you had all of the membership of the OFL—which is just about every trade union, including nurses and teachers I believe now, but for the CAW. OFL is a corporate entity. It would have a spending limit, but each one of the separate unions that are members of the OFL—surely you couldn't accuse them of collusion if they all happened to be endorsing the same political party? We New Democrats can only hope.

Mr. Greg Essensa: Again, these are issues that, from a public policy perspective, are not in the realm of the Chief Electoral Officer and for me to comment on. They are very valid issues which I've brought forward to the committee for consideration. Again, I would strongly recommend that if the committee put its mind towards this establishing of a task force of experts and individuals to examine this and provide recommendations back to the Legislature, some of the public policy issues that I brought forward in my presentation today are those very issues that you're addressing here.

Mr. Peter Kormos: I'm going to ask you because you'd be the person called upon to enforce these things.

Mr. Greg Essensa: Correct, yes.

Mr. Peter Kormos: So your comments in that regard are very valid.

Mr. Greg Essensa: My comments are very valid as I'm looking for very clear, defined guidelines and laws to enforce those various issues. As I articulated in my submission to you today, there are other jurisdictions in the country who have more stringent guidelines and regulations in place. Given the electoral landscape, it's an

appropriate time; based on the fact that we just introduced a law in 2007 and we now have some hard data coming out of the 2007 general election, and the fact that the select committee is ongoing to review the electoral laws, this is the appropriate time to examine that, to re-examine those election laws.

Mr. Peter Kormos: I just wonder if Mr. Johnston could get us some of the material that Mr. Essensa has referred to in terms of the right to engage in third party advertising.

The Chair (Mr. Greg Sorbara): Is it not the case that the Supreme Court of Canada has already adjudicated on the issue of freedom of speech, that third party advertising must be allowed in the electoral process in Canada? I think that's been adjudicated and readjudicated. At the same time, whether in a province or the federal jurisdiction, or, for that matter, a municipal jurisdiction, there is the right to establish rules and regulations and procedures and disclosure requirements to frame third party advertising. But the issue there has already been decided by the courts.

Mr. Peter Kormos: And like you, I've only read the head note. That's why I wonder if Mr. Johnston could—

The Chair (Mr. Greg Sorbara): No, I've actually read the case.

Mr. Peter Kormos: Well, then, you'd be able to be more specific.

The Chair (Mr. Greg Sorbara): It was too long ago. I can't give you the specifics, but I'm sure that we could delve into that and get an update as to what the law in Canada is as it applies to third party advertising and how that fits within the Constitution and, at the same time, the regulatory environment.

Mr. Peter Kormos: Which is why I find the Quebec \$300 province-wide cap interesting.

Mr. Greg Essensa: To Mr. Johnston, that is the Harper v. Canada Supreme Court decision that Mr. Sorbara's referring to.

The Chair (Mr. Greg Sorbara): He's read it too.

Mr. Peter Kormos: Of course he has. He remembers it.

Mr. Norman W. Sterling: But here's the thing. The cases that I have read with regard to it that came before the Supreme Court of Canada—because I was interested in them when we altered the law prior to the 2007 election. I made the comment in the Legislature at that time that we were meeting one side of the test which was put to the federal government, in terms of bringing in these spending limitations. That was, if a group wanted to participate in the election, it was so onerous for a third party to get involved as a candidate in the election process that they dramatically reduced their requirements for a party to form and a party to participate. They dropped their—I forget. It was from 50 candidates or something down to two, and you only had to have 1,000 people as opposed to 50,000 or 40,000 in order to formulate a party.

Now, we did that in 2007. We took the one side, in terms of saying that third parties should be allowed to

form much easier in Ontario, and we dropped it now—I think in Ontario it used to be you had to run people in 50 ridings in order to have a registered political party and get the financial benefits of that in terms of your contributors. And you only had 1,000 members, rather than 10,000 members—citizens to become members of your party. So we did the one part, but we didn't do the other part in terms of putting any limitations on spending.

I guess it's noteworthy to comment that in the Canadian legislation, for instance, there's no ban against anybody writing a letter to the paper or an editorial or a speech. There are a lot of exemptions in terms of what—it still allows people to go out and say what they think with regard to a candidate or a political party or an idea or an issue or whatever it is.

I'm interested in knowing about the \$300 Quebec issue as opposed to \$183,000. I only think that if you did have anti-collusion parts to your legislation, you wouldn't face the problems that Mr. Kormos has pointed out, that local such-and-such would have to spend \$183,000, and the other one and the other one, because as soon as you had any kinds of powers in that regard, I think that unions, corporations or associations would be very, very reticent to sort of skate around these things once there are some laws in place.

0950

I think you would always have to keep a watch on it, but I suspect that people would play by the rules. I haven't heard, at the federal level, of anybody trying to run around the rules by creating corporations and that kind of thing.

The Chair (Mr. Greg Sorbara): If you could just—we're into Peter Kormos's time. I have a question for him, but have you finished those remarks?

Mr. Norman W. Sterling: Yes.

The Chair (Mr. Greg Sorbara): To probe the issue a little bit, I'm wondering, Peter, if you're of the view that if, for example, the OFL decided to register and participate as a third party advocate in the election, then that should prohibit the steelworkers or the Ontario Nurses' Association or the CAW from—

Mr. Peter Kormos: I would argue the contrary. They're separate corporate entities, and that's the problem with efforts at preventing collusion.

The Chair (Mr. Greg Sorbara): The difficulty there is, of course, it's not very hard to create a separate corporate entity.

Mr. Peter Kormos: You don't even have to do it artificially. If the IBC advertises, should that preclude each and every insurance company from advertising?

The Chair (Mr. Greg Sorbara): Yes, very difficult issues. Although these problems are going to fall on the shoulders of Greg Essensa, I think one of the larger issues, and we've had some discussions about that here, is what constitutes advertising? Right now, we're seeing traditional advertising decimate traditional media outlets, and yet, on the Internet, there is ever-greater penetration of advertisers who are trying to sell you one thing or another. Anyway, that's an aside.

Mr. Peter Kormos: No, it's not an aside, because let's go one further: manipulation of vehicles like Facebook, which can be readily manipulated. You see the feeble attempts at a couple of the websites, DemocraticSPACE and so on, that do election predicting, and you see the very feeble, amateurish efforts to skew things. That's at a very primitive level. But vehicles like Facebook, this stupid, stupid, stupid tweeter or Twitter, whatever the hell it is—it's an embarrassment; it's a bloody embarrassment. I only looked at it once, but it's the stupidest thing I've ever seen, and people who participate in Twitter are not the brightest people in the world.

The Chair (Mr. Greg Sorbara): Are you going to make any exceptions to that? Are you going to give the mayor of Toronto some grace or—

Mr. Peter Kormos: No—which is why I don't understand why, again, the Quebec solution seems so attractive. It'll become increasingly difficult to police when you've got cyberspace as a medium, where the messages can originate from outside the country, outside the province, outside the jurisdiction. Yes, you're right: It's becoming increasingly difficult to police. So then why create a system that is doomed to fail, in terms of regulating that type of participation?

Mr. Norman W. Sterling: Well, I want to say that I think it's mass messaging, the mass media. It's the primary concern and would be the concern of any political party that was being treated unfairly, I'm sure. But I think you have to attempt to do it if you want to try to keep this thing even keeled. I think we have to try, and—

The Chair (Mr. Greg Sorbara): I'm just going to look to Mr. Kormos for a final question.

Mr. Peter Kormos: I'm fine.

The Chair (Mr. Greg Sorbara): I'm going to turn to Mr. Levac.

Mr. Dave Levac: I've been listening intently to the discussion, but first, let me start by thanking you and congratulating you on your appointment personally. You've got a handful of work to do, but we appreciate the fact that you're going to be doing this in a manner to make it better for people to vote. We deeply appreciate it.

Your presentation is based on third party advertising. To stay focused, I just want to give a couple of nod questions and then move into where I want to delve.

The first is, we're talking about third party spending limits—in your recommendation—third party contribution limits, third party advertising and the anti-collusion scope. Those are the four key points that you're making reference to, in comparison to other jurisdictions.

Mr. Greg Essensa: That is correct, Mr. Levac. I am suggesting that these are broader public-policy-related issues that this committee could turn its mind to as it's deliberating recommendations for the Legislature for electoral finance law enhancement or changes.

Mr. Dave Levac: I thank the Chair and the members for allowing me to participate, because this is intriguing indeed. The professionalization of service delivery, which is part and parcel of your capacity to do the scope of your entire job, would fit into this, and we've reached

consensus on three of the three items that were under that category. In that, the court challenge comments that have come out so far, that I've been privy to even before today, but including today—we're saying that anything, virtually, is up for a court challenge if we decide to do certain things within any changes we make.

In your experience with the other jurisdictions that you reported on that went to the four topics that you're bringing us today, are you aware of any court challenges that have taken place regarding spending limits, contribution limits, advertising or anti-collusion regulatory streams?

Mr. Greg Essensa: I am most familiar with the Supreme Court decision on Harper v. the Canadian Attorney General, which upheld third party registration, spending and reporting provisions when it was challenged by the National Citizens Coalition. There are other court cases. I am not as familiar with those, but we can certainly endeavour to provide you with some information on that.

Mr. Dave Levac: I'm guessing that would give us some guidance on how we respond to those four categories.

Mr. Greg Essensa: That would be correct.

Mr. Dave Levac: Is your office complaint-driven when it comes to—would it be complaint-driven if we adopt any one of those four or all four?

Mr. Greg Essensa: It would be complaint-driven. There is also the opportunity, though, if the Chief Electoral Officer sees what they view as a potential or apparent contravention, for me to undertake an investigation.

Mr. Dave Levac: And that would come out as a result of the discussion that Mr. Sterling raised regarding reporting of finances, either annually or during the writ.

Mr. Greg Essensa: That would be correct.

Mr. Dave Levac: The other question I had was regarding any other kind of—to stay focused again on third party advertising, were there any other bullets that came up as a result of your study and recommendations, beyond the four pieces, that would make an interesting change or direction for the province to go in?

Mr. Greg Essensa: I actually believe that you cannot look at election finance laws in isolation. That's why my primary recommendation when I appeared before the committee in December, and in my written submission, was that this committee undertake a comprehensive review of all of the election finance laws.

As Mr. Kormos and Mr. Sterling just alluded to, with the changing environment in the electoral industry, to phrase it with that term, with the advance of the Internet, with the advance of media such as Facebook, currently the election laws have not kept pace with those substantive technological changes as well as societal changes and practices.

I think it is incumbent upon the Legislature at some point to turn its mind to this in a comprehensive manner—I honestly don't believe that you can look at these issues somewhat in isolation, because they all do coalesce together at some point in an electoral cam-

paign—and to provide a regulatory framework that provides transparency, impartiality and ultimately, to the overseer, if that's the Chief Electoral Officer, the ability to clearly articulate and define in his guidelines and materials to parties and candidates what those rules are and where that line is, when they cross that line. That's very difficult, given the current electoral laws.

Mr. Dave Levac: So it's not too far-fetched and I don't think it's an exaggeration to observe that although it may be advantageous for us to look at that, it is not a stretch to assume that it would be pretty well impossible to maintain control over the Internet, because we could probably fill this room with volumes of binders on all kinds of lawsuits, all kinds of complaints. When you push a button, you don't necessarily know where that piece of information or advertising is coming from. It could be coming from China for all we know. So it's a little bit of a dog's breakfast to assume that we can pass legislation in order to stop certain advertising from happening. Is that not reasonably realistic?

1000

Mr. Greg Essensa: In my short time in this position, I have read copious amounts of notes from my predecessor, who would subscribe to that very theory; that he was challenged in the 2007 election, given some of the complaints pertaining to the changing world of the Internet and the ability to enforce that. The current regulatory framework provided an extreme challenge to him.

Mr. Dave Levac: That opens up my mind to so many other questions, but I'll pass on the guise of opening this up for the rest of the committee members who have dealt with this in a broader sense.

Mr. Norman W. Sterling: But the server, in terms of the Internet, is responsible for, liable, if they are aware of what's going on. So there are controls that are there. We had this discussion before on another issue—I forget which one we were talking about. We had a brief discussion about advertising. That doesn't mean that you shouldn't impose or try to impose a sanction for breaking the law with regard to the Internet. You may in fact be able to trace where that came from, and if you can trace where it came from, then you can mete out a penalty if it breaks the law.

The Chair (Mr. Greg Sorbara): I want to try to focus us back to third party advertising for a moment. Just so that all of us in this committee have a clear understanding, currently the law requires all third party advertisers to register with Elections Ontario.

Mr. Greg Essensa: That is correct.

The Chair (Mr. Greg Sorbara): Currently, the law requires all third party advertisers to respect spending limits in respect of their advertisements during a writ period. Is that right?

Mr. Greg Essensa: Currently, there are no spending limits pertaining to third party advertisers during the writ period. There is no limitation.

The Chair (Mr. Greg Sorbara): So there are no limits under the current law.

Currently, third party advertisers are required to report within a specific number of days after the election on all

revenues raised for the purposes of third party advertising and all expenditures made.

Mr. Greg Essensa: That's correct.

Mr. Norman W. Sterling: During the election period?

Mr. Greg Essensa: During the election period.

I just had one clarification that I want to make clear on the record. Third party advertisers are only required to register with the Chief Electoral Officer if they spend over \$500. Any advertiser below that is not required to register with the Chief Electoral Officer.

The Chair (Mr. Greg Sorbara): That's kind of a de minimus provision, isn't it? So if the local chamber of commerce in Tweed, Ontario, puts a \$200 ad in the Tweed weekly, there's no requirement—

Mr. Greg Essensa: There's no requirement for them to file or to register with Elections Ontario.

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

Mr. Dave Levac: I want to come back to those four bullets I referenced. Those are what you're suggesting need to be evaluated. Using the examples of other jurisdictions, you said that we need to take a look at third party spending limits, third party contribution limits, third party advertising limits, and anti-collusion. Inside of that, you're suggesting that there have been court cases that have permitted the existence of third party participation, and as a matter of fact, continue to defend third party participation in the election.

Mr. Greg Essensa: That's correct.

Mr. Dave Levac: We're taking a look at the black-outs, when and where, day before, day of, that kind of stuff.

The Chair (Mr. Greg Sorbara): That's part of the deliberations.

Mr. Dave Levac: Part of the deliberations. So the recommendation you're making—and if I've got this right, confirm it for me—is we deal with those four topics. How we deal with that is up to the Legislature.

Mr. Greg Essensa: Those are matters of public policy and it would be inappropriate in my role as Chief Electoral Officer to provide recommendations on that. I think it is appropriate for me to identify these as what I would deem significant issues for the committee's deliberations on.

Mr. Dave Levac: I want to review this again: It's complaint-driven and investigated by you if it's brought to your attention through your research?

Mr. Greg Essensa: Correct, yes.

Mr. Dave Levac: Okay. And you know of one major court challenge, but we don't know the number of court challenges there have been in the past.

Mr. Greg Essensa: There are other court cases pertaining to this. I will endeavour, with my staff, to try and provide the committee with information on those court cases.

Mr. Dave Levac: Okay. Thank you very much for your presentation.

The Chair (Mr. Greg Sorbara): I have a couple of final questions. I see Mr. Sterling has a question as well.

Mr. Norman W. Sterling: I just want to get it clear on the contributions. Do we know, for instance, with Working Families, where all that money came from, the million dollars? Is that public knowledge?

Mr. Greg Essensa: Yes, that is contained in the report.

Mr. Norman W. Sterling: So if they come into the election period with a million dollars in their pocket, do they have to tell you where they got it from?

Mr. Greg Essensa: Any contributions that they would take in in the two months before the writ period, yes, they would have to disclose that. Any funds that they had prior to that two-month period, no, there would be no requirement for them to—

Mr. Norman W. Sterling: So you can avoid what political parties have to disclose, and that is who contributed, regardless of when they got the money. Third party advertisers have a better scheme in that they don't have to divulge who the contributors are if they've done it 60 days before the writ period, and they have unlimited amounts that they can expend.

Mr. Greg Essensa: That is the current law that is in place.

The Chair (Mr. Greg Sorbara): So, Greg, you make a number of recommendations here. In the end of your submissions you speak about the political advisory committee that you host. Now, you haven't been on the job all that long, but can you tell us a little bit more about how that is structured and what your expectations are for how its work would be done, particularly as it relates to election financing and perhaps even third party advertising?

Mr. Greg Essensa: Certainly. The political advisory committee was started by my predecessor. There are two representatives from each registered party in Ontario who are invited to meetings with myself and my staff quarterly throughout the course of a year. Those meetings are primarily driven by Elections Ontario as far as information that we share with them. With respect to election-finance-related issues, I have certainly committed at our most recent meeting, which was last month, that we would begin a very consultative process with the political parties to work on the current guidelines, the current materials that we provide from Elections Ontario to the CFOs, to the political parties and to the candidates, to ensure that we are providing the most up-to-date information with the most plain-language explanation on what their requirements are. We are undertaking a review of the current forms and materials that we currently provide to them and are attempting to host some information sessions with CFOs. We are asking that the political parties recommend to us who can help us provide the best practices in anticipation of the 2011 general election. So it is a very consultative process where we solicit feedback from the political parties and their relative experts, whoever they want to bring to the table to guide us on the materials and guidelines that we produce and forms that we produce so that we can make them as user-friendly as possible.

The Chair (Mr. Greg Sorbara): So if I could summarize—correct me if I'm wrong—that political advisory committee deals more with the nuts and bolts of how procedures and guidelines should be implemented rather than the larger policy questions of, say, third party advertising or anything else within your purview?

1010

Mr. Greg Essensa: There are times during the meetings when there are larger public policy debates on various items and issues. In particular relationship to this select committee, during our October meeting of the political advisory committee I invited all the political parties to provide me with their comments so that I could, in fact, provide them further on to the select committee. There are times where we do have very large public policy debates.

The Chair (Mr. Greg Sorbara): Okay. Just for the purposes of the committee, one final question on third party advertising and what exists now: Registration with Elections Ontario prior to the writ; is that correct?

Mr. Greg Essensa: Correct.

The Chair (Mr. Greg Sorbara): I think your—

Mr. Greg Essensa: My apologies. They can only register once the writ is actually dropped.

The Chair (Mr. Greg Sorbara): Oh, so registration happens post-writ?

Mr. Greg Essensa: Yes, correct.

The Chair (Mr. Greg Sorbara): And in the registration, what kind of information is provided through Elections Ontario to the people of the province? What is disclosed in the registration?

Mr. Jonathan Batty: The registration forms for third party advertisers look almost identical to the registration information that's provided by political parties, candidates and constituency associations. In the registration information, because there are extensive registration requirements in the statute, they have to identify their proper name, who their officers are and their contact information. It's quite a comprehensive application that they submit.

The Chair (Mr. Greg Sorbara): But in terms of budgetary issues, is there any requirement at the time of registration to disclose intended expenditures or amounts set aside to spend during the writ period?

Mr. Jonathan Batty: No.

The Chair (Mr. Greg Sorbara): Okay. Any other questions, then, on this issue? I think Mr. Sterling has a question.

Mr. Norman W. Sterling: Yes, just a last one on what you're talking about: As I understand it, political parties have to make very timely—

The Chair (Mr. Greg Sorbara): Disclosure on donations?

Mr. Norman W. Sterling: On contributors. What happens with third party advertisers in terms of their contributions? When do they have to divulge the contributors to you during the election writ period?

Mr. Greg Essensa: Real-time disclosure does not apply to third parties, so it is only when they file their

reports that they actually disclose who had contributed to them.

The Chair (Mr. Greg Sorbara): Real-time disclosures would be difficult for third party advertisers if they don't come into existence until after the issuance of the writ.

Mr. Norman W. Sterling: Why? I mean, these are not nickel-and-dime contributions.

The Chair (Mr. Greg Sorbara): No, absolutely not. I'm not disagreeing with the line of your questioning, Norm. I'm just saying that—

Mr. Norman W. Sterling: How do you know before election day if a third party advertiser is taking up your side or the other side?

Mr. Peter Kormos: You don't generate a million bucks in advertising cash—

Mr. Norman W. Sterling: Without having some sophistication.

Mr. Peter Kormos: —within a few days of the writ having been dropped.

The Chair (Mr. Greg Sorbara): I think, too, there's no—

Mr. Norman W. Sterling: When do they report? That's after the election?

Mr. Greg Essensa: Yes, that is after the election.

Mr. Norman W. Sterling: So, during the election the public and the political parties have no idea who's behind these—

Mr. Greg Essensa: Currently, the law does not require them to supply that information.

Mr. Dave Levac: Do they supply the information if, in the previous go-round, they existed? After the election, they would do the reporting and identify themselves, so if this organization existed in the election before, would that information not be available in the annual report or on your website?

Mr. Greg Essensa: To the best of my understanding, third parties only exist, for this purpose, temporarily. They have no annual reports under the current regime. As this was only imposed in the June 2007 amendments, this is the first time that we've actually had registrants for third parties.

Mr. Dave Levac: So at this time we don't know of the cycle that would exist for this? Because these organizations are doing fundraising year-round. That's what the implication is: They accumulate a certain amount of money over an annual basis and then show up for the election to drop the coin. Then it gets reported on after the election. Would that report not be extensive in order to give you the information that Mr. Sterling is asking?

Mr. Greg Essensa: Well, under the current—

Mr. Dave Levac: We won't know that.

Mr. Greg Essensa: Exactly. Under the current regime, this was only our first time where third parties had to register. If we move to the next fixed-date election, the next registrant for that third party would only have to identify for me who had contributed in the 60 days preceding the writ period. They would have no re-

quirement to in fact identify for me who had contributed in the three-year period between the elections.

The Chair (Mr. Greg Sorbara): Mr. Kormos brings up a really good point on that subject, that it's very difficult to determine the source of funds. If, for example, in the next election the Ontario Medical Association wanted to launch a campaign to lift the ban on extra billing—they've got a lot of money, and from time to time they do a lot of very effective advertising. Again, it's pretty much irrelevant who contributed to the cause in the 60 days prior. It would be part of the ongoing war chest of an organization like the OMA. Is that not right?

Mr. Greg Essensa: Yes, that would be my understanding—

The Chair (Mr. Greg Sorbara): A final comment from Peter, and then we've got some business to do and then we've got to wrap up.

Mr. Peter Kormos: But be careful, because there are at least two different types of third party advertising animals: There are the ones that are cobbled together for the purpose of the election campaign, even though they may exist year-round, and then there are other, long-standing organizations like the Ontario Medical Association, like the Registered Nurses' Association etc. The ones that are cobbled together I think are a little more mysterious than long-standing organizations or entities like the Ontario Medical Association.

The Chair (Mr. Greg Sorbara): There's no doubt about that.

Okay, I want to thank our witnesses this morning for coming, and once again my apologies for being late.

COMMITTEE BUSINESS

The Chair (Mr. Greg Sorbara): I just ask the committee's indulgence. We have a couple of small items of business to look to. The first is the approval of a small amendment to our budget in the amount of \$10,000.

Interjection.

The Chair (Mr. Greg Sorbara): For this fiscal year. We didn't have a budget for the current fiscal year, so the Board of Internal Economy has given its approval—and looking for the approval of the committee? I'm not sure that we'll spend it all, but we're setting it aside for that purpose. Agreed?

Mr. Dave Levac: Yes, we do, fully.

The Chair (Mr. Greg Sorbara): And then the second item of business is to propose a simple extension—I guess that comes in the form of a request to the Legislature—to take us to the end of June so that we'll have time to meet our timetable, which is a draft report in the next little while, followed by an opportunity for each of the members to submit minority suggestions or other opinions, translation, and then presentation. So the proposal to the committee is that we seek an extension of our life until the end of June.

Mr. Peter Kormos: Fine.

The Chair (Mr. Greg Sorbara): Everyone okay with that?

Mr. Dave Levac: I'm going to say yes on behalf of whoever is going to sit here.

The Chair (Mr. Greg Sorbara): It may well be you.

Interjection: He never says anything anyway.

Mr. Larry Johnston: Can I ask a question?

The Chair (Mr. Greg Sorbara): Yes.

Mr. Larry Johnston: Does the committee want me to go ahead and provide the information that Mr. Kormos requested on rules in other provinces and the background on the court case?

Mr. Peter Kormos: Yes, please.

Mr. Larry Johnston: And in completing the draft report, does the committee wish me to treat third party advertising?

Mr. Peter Kormos: Well, Dave, you're going to see the democratic process of this committee right now. It's a sight to behold.

The Chair (Mr. Greg Sorbara): Look, the answer is yes and no. The yes part of it, I think in the majority report you could say that the committee had heard from the Chief Electoral Officer on third party financing, a number of issues were raised, and you could enumerate some of those issues. That opens up the topic. I would not like to see in the body of the majority report, for want of a better term, majority report, any decisions, because this committee hasn't taken a position. But—let me finish—that opens up the topic and it gives an opportunity for both Mr. Sterling and Mr. Kormos to set out where they think the law should go on third party advertising.

Mr. Peter Kormos: I think, to be fair, the report could say that the committee was shocked and appalled at the lack of regulation of third party advertisers.

The Chair (Mr. Greg Sorbara): I think that might be appropriate for whatever comments you, on behalf of your party, wanted to put in.

Mr. Peter Kormos: I'm shocked and appalled. Mr. Sterling isn't.

The Chair (Mr. Greg Sorbara): Mr. Sterling is certainly not shocked and appalled. He's very concerned; he's very deliberate and articulate on the subject.

Mr. Norman W. Sterling: I'm more than shocked and appalled.

The Chair (Mr. Greg Sorbara): He doesn't look shocked and appalled to me.

Mr. Peter Kormos: He's on record now. Dave?

Mr. Dave Levac: Are you asking me if I'm shocked and appalled?

Mr. Peter Kormos: Are you shocked and appalled?

Mr. Dave Levac: Very little shocks and appalls me any more.

The Chair (Mr. Greg Sorbara): Peter, we'll address it as an area for discussion and then let's leave the shocking and appalling parts to those who are shocked and appalled. Look, I don't really think it has all that much effect. I remember very well the "Dalton McGuinty: He's just not up to the job" third party advertising. All great stuff. Ultimately, it didn't have much of an impact when Dalton McGuinty was up for the job in 2003.

Mr. Peter Kormos: In terms of political culture, third party advertising is most useful as negative advertising. By not regulating third party advertising, we are endorsing, implicitly, American-style negative advertising. That does not enhance the political culture.

The Chair (Mr. Greg Sorbara): Look, I think if we actually were to review the data and submissions, I don't think the total amount of third party advertising from all third parties would total what one political party spent during a period.

I am perfectly willing for there to be a section where certain members are shocked and appalled. That's a decision that you have to make. I'm satisfied that the report could reference the fact that there were submissions from the Chief Electoral Officer on the issue and that he recommended that further work be done with a view to changing the law. I don't mind that being in the report. I am not going to endorse that position. It's pretty late to get off on that tangent. But be eloquent, be shocked, be appalled and continue the debate after the report is submitted to the Legislature.

The Clerk of the Committee (Mr. Trevor Day): Chair, if I can: Speaking on the report, Larry, I believe, can have a draft report ready for the end of next week. Are we going to meet back again to take a look at it? How are we going to move the process along from there?

Mr. Peter Kormos: Why don't we get the report and meet at the end of next week, then meet immediately after we—

The Chair (Mr. Greg Sorbara): I'm going to be away until May 21. I will get a copy of the report whilst I am away, and I'm hoping—

Mr. Peter Kormos: Should we join you?

The Chair (Mr. Greg Sorbara): I hope not, frankly. If you end up where I am, it won't totally ruin the trip, but I'm hoping—

Mr. Peter Kormos: I'm all the more eager to go now.

The Chair (Mr. Greg Sorbara): I'm going to visit my daughter.

Mr. Peter Kormos: Well, okay. Where?

The Chair (Mr. Greg Sorbara): In London.

Mr. Peter Kormos: Very nice.

The Chair (Mr. Greg Sorbara): The other one.

Mr. Peter Kormos: This is your—

The Chair (Mr. Greg Sorbara): This is the singer; this is the super rock star—

Mr. Peter Kormos: Who is operating out of England now; yes?

The Chair (Mr. Greg Sorbara): That's right.

Mr. Peter Kormos: Very good.

The Chair (Mr. Greg Sorbara): So I'm hoping that during that time each of us can get the report and digest it, and if there are amendments and minority positions that are to be written, that will be fine. I put "minority" in quotation marks. But if there are separate positions that want to be articulated, good, and maybe we could meet shortly after May 21 to take the thing to the next step with a view to getting it to a state of being ready to be

translated by the beginning of June and be able to submit to Parliament by the end of June. Agreed?

Mr. Dave Levac: I'm okay with that.

The Chair (Mr. Greg Sorbara): Okay.

Mr. Peter Kormos: Darn right you are.

The Chair (Mr. Greg Sorbara): Thank you all very much.

The committee adjourned at 1024.

CONTENTS

Thursday 7 May 2009

Review of election legislation	EL-89
Office of the Chief Electoral Officer of Ontario.....	EL-89
Mr. Greg Essensa, Chief Electoral Officer of Ontario	
Mr. Jonathan Batty, director, election finances, and general counsel	
Committee business	EL-99

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