

TRANSPARENCY, DISCLOSURE
AND DEMOCRACY:

Assessing the Chief Electoral Officer's
Recommendations

TRANSPARENCE ET DÉMOCRATIE:
Évaluation des recommandations du directeur
général des élections

*Fairmont Château Laurier
February 27 février 2002*



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PROGRAM / PROGRAMME

TRANSPARENCY, DISCLOSURE AND DEMOCRACY: ASSESSING THE CHIEF ELECTORAL OFFICER'S RECOMMENDATIONS

TRANSPARENCE ET DÉMOCRATIE : ÉVALUATION DES RECOMMANDATIONS DU DIRECTEUR GÉNÉRAL DES ÉLECTIONS

*Fairmont Château Laurier
February 27 février 2002*

*Session I / Atelier I
Improving Transparency in Leadership Campaigns /
Améliorer la transparence des campagnes au leadership*

Chair / Président : Peter Aucoin (Dalhousie U.)

- John C. Courtney (U. of Saskatchewan)
- R. Kenneth Carty (UBC)
- Lynn Verge (Former Leader of the Newfoundland and Labrador Progressive Conservative Party)
- Reg Alcock (Liberal Party)

*Session II / Atelier II
Political Broadcasting /
La radiodiffusion des messages politiques*

Chair / Président : André Blais (U. de Montréal)

- George C. Perlin (Queen's U.)
- Joanna Everitt (U. of New Brunswick)
- André Pratte (La Presse)
- Rob Anders (Canadian Alliance Party)

Lunch / Déjeuner

**Keynote speaker / Conférencier invité : Jean-Pierre Kingsley, Chief Electoral Officer —
Elections Canada / Directeur général des élections — Élections Canada**

Session III / Atelier III

Improving Transparency in Electoral Financing /

Améliorer la transparence en matière de financement électoral

Chair / Présidente : Geneviève Bouchard (IRPP)

- William Cross (Mount Allison U.)
- Louis Massicotte (U. de Montréal)
- Aaron Freeman (Democracy Watch)

Session IV / Atelier IV

The Permanent Voters List vs. Voter Enumeration /

La liste permanente des électeurs vs le système de recensement électoral

Chair / Président : Paul Howe (U. of New Brunswick)

- Jerome H. Black (McGill U.)
- Graham White (U. of Toronto)
- Rennie Molnar (Elections Canada, Register, Geography and Information
Technology / Registre des électeurs et géographie)
- Dick Proctor (New Democratic Party)

Closing remarks /

Mot de clôture

- Paul Howe (U. of New Brunswick)

SESSION I

IMPROVING TRANSPARENCY IN LEADERSHIP CAMPAIGNS— AMÉLIORER LA TRANSPARENCE DES CAMPAGNES AU LEADERSHIP

Peter Aucoin: For our first session we have Professor John Courtney from the University of Saskatchewan, Ken Carty from the University of British Columbia, and two politicians, one a former politician, Lynn Verge, and Reg Alcock, MP for Winnipeg South. We will have the speakers present in the order in which they are listed on the program, so I'll turn the mike over to Professor Courtney.

John Courtney: The task that we have been given is transparency in leadership campaigns, and I decided to focus specifically on the financing of leadership campaigns. There are two recommendations in the Chief Electoral Officer's Report:¹ one specifically calls for the reporting and the publication of contributions to, and expenses of, party leadership contestants, in a manner similar to the current election expenses law with respect to financial returns for candidates and parties; the other recommendation calls for the transfer of surplus tax receipted leadership candidate funds to contestants' parties....I support both of these recommendations. I would push further, however, and I would argue that we need a level of control not unlike that of the existing legislation with respect to candidate and party election financing. It seems to me that there is a very good case to be made for that, and I am going to give three specific reasons in a moment.

But the basis of my argument is that the public deserves more than it is presently getting. The public deserves to know more about the internal financing both of the candidates' campaigns and of the party financing of leadership campaigns. And in order to conclude this analysis, I would draw on the Lortie Report² of a decade ago, whose recommendations in this area warrant a good deal of serious consideration.

There are three principal reasons that I would argue that the state needs to become more actively involved in the scrutiny of leadership financing. The first has to do with the existence right now of legislation — the Canada Elections Act — which is basically sound. We can argue about some of the details, but I think in its fundamentals, calling for auditing and reporting of candidates' and parties' expenses for example, in the sliding scale of tax credits to individual contributors and so on, it's all very sound. And I think basically this system has worked reasonably well, and I would extend that into the area of financing of leadership campaigns as well.

The second reason is that the public already has a financial stake here, and this is through the tax credit system that is used, as you know, for the financing of party and candidate election expenses. The Income Tax Act helps to provide a mechanism whereby individual candidates and parties can tax receipt the contributions to individual candidates and to parties. The Conservatives were the first party to latch on to this provision, back in the 1970s, to enable them to finance leadership campaigns. At the time, 1975, the party used it to increase their convention registration contributions, and as a result was able to give the registrants to party conventions a receipt that was then usable on the income tax form as part of their tax credit. The logic of that soon spilled over from parties themselves to the candidates seeking the party leadership, and they too got in on the same opportunity that existed through the tax law. So I would argue, from the standpoint of taxpayers, the scheme obviously amounts to a commitment on the part of the public, because this is forfeited income from the public treasury. Therefore we, as taxpayers, have a right to know how our money is being spent, to ensure that there is a level of financial probity in leadership selection processes.

The third reason it seems to me is that parties are very much now a part of the public institutional framework, if you like, within which this country operates. Clearly we have parties that have legal standing, that have the right to sue and to be sued, and I would extend that to say that there is a sense in which the most important single activity that is performed in this country is the selection of the individual who will serve as the future Prime Minister. By extending the logic of that, it seems to me that we as individuals have a right to expect that certain standards will be maintained.

There are other reasons, and I may just before I close refer to a couple of them. The sums that are being discussed now, in terms of leadership campaigns, are certainly sizeable — we're talking anywhere in the order of \$2.5 to \$3 million and up in order to mount a serious campaign. The days in which Lester Pearson, for example, ran for and successfully obtained the Liberal leadership in 1956 by spending an estimated \$3,000 are long since over. Kim Campbell is a good example of this. The party established through its own mechanisms a maximum expenditure level of \$2.7 million. She exceeded that with a "stated" expenditure

of \$3 million, but it was widely understood that this was far below what she in fact really did spend. It was more likely in the order of \$4 million plus. The expenditure levels established by the party at that time did not include such items as candidate travel, worker campaign salaries and polling. And all of those are very big ticket items.

Now the point in mentioning this is that the parties have been incredibly inconsistent and ambiguous. And the candidates themselves have sometimes defiantly flouted the regulations of the parties. So we have no consistent rules that apply over time to all parties. And for the reasons that I stated at the outset, it seems to me that one of the benefits of the existing law for party and candidate expenditures during elections is that we get to know who is giving what to whom, how much is being raised and how it is being spent.

With that in mind, I then turn to the Lortie Commission — and Peter Aucoin of course was the director of that study of election financing in Canada — and what I find in Lortie is, I think, a very sensible recommendation. I have a little problem with some of the particulars of the recommendation, but basically they recognize that parties have no consistent rules, they are variable over time, they are unenforceable, and they are overly generous in what has been exempted from the stated requirements for campaign financing. Lortie, in that vein, recommended that the existing provisions of the Canada Elections Act and Income Tax Act applied: that is, where there is a maximum established for a party to spend in a campaign, the candidates running for the leadership of that party in the parliament following the last election would have an established limit on what they could spend. I'll give you an example: if you take the 2000 election, the Liberals were capped at about \$12 or \$12.1 million, something in that order. The Lortie Commission recommended that the candidates would then be allowed something in the order of 15 percent of what the party itself could spend: so that would come in at about \$1.9 or \$2 million.

Now my quarrel with Lortie is I think the percentage level is actually too small in order to run an informative and well organized national campaign. Realistically we have to look at a figure that might very well be in the order of, say, \$3 million. But those are particulars that can always be ironed out. The fact is that Lortie wanted to have acceptable and reasonable rules, wanted to establish a framework within which all the candidates and all the parties — and the public — knew that financing would take place in the campaign. They also contemplated passing authority to the Chief Electoral Officer to enforce those rules. I think that if implemented, the Lortie recommendations, or something very similar to them, would introduce a measure of confidence in the whole process of financing leadership campaigns. We are currently missing that. The fundamental point is that this may introduce a level of institutionalization and control on the part of the state, but I have no problem with that, given the fact that the parties and candidates themselves now seem all too willing to use the provisions of the existing legislation to finance their campaigns. And these are not

insignificant sums. At the time of the Liberal leadership race in 1990, the one that Mr. Chrétien won in Calgary, the candidates issued tax receipts in the order of \$690,000, and the party raised a little in excess of \$4 million through delegate registration fees, half of which (or almost half of which) could be used as tax credit. So we're talking about several hundred thousand dollars on the one hand, and a couple of million dollars on the other. That impels me to believe that we should see how this money is being spent because we're putting up some of it through forfeited income.

Kenneth Carty: Let me start with a modest proposal. I suggest that the entire electoral process is too cumbersome and too bureaucratic. Candidates or agents or campaign teams across the country find it very difficult to understand. They find the Canada Elections Act a detailed morass that is confusing. We need to simplify it, to return it to popular control, to purge it of bureaucratic regulation. And to do so, I would propose elections might be organized as follows:

- We just take the organization of the process and give it over to interested local volunteers.
- Self-appointed, but locally ratified, individuals should determine the rules and processes for participation in their own electoral district — perhaps subject to some general principles.
- Individuals will be invited to participate — that is to vote — if they sign up in advance and pay a fee, a kind of poll tax, so that we can finance the local organization of the process and not put the burden on the state. Who will be allowed to sign up, how, when, etc., should be, of course, left to these local committees, to decide what's best for their local areas.
- Local volunteer organizations should arrange to set up and run the polling places, and provide for the counting and the reporting of the ballots.
- Candidates should be free to raise and spend whatever resources they wish or are able to. After all, campaigning is best left to the judgement of the candidates; they know what they have to do.
- There should be no limits on, or public reporting of, campaign spending. It's the candidates' business, it's a private contest.
- The outcome ought to be free from any supervision or interference by public officials or the courts.

Now if we agree to this, we won't have to worry about much of what's in the CEO's report about modernizing the electoral process. Indeed I suspect much of what's in the Canada Elections Act could be made redundant and we could get rid of it and move to a very simple process that we could all understand in our own communities.

Now it's possible that some people here might not agree with this modest proposal. Or some aspects of it. Because I confess that they do run counter to our experience and to the development of the kind of sophisticated electoral regime that we have, which some people actually argue is one of the better among the developed democracies. It's also possible that you're not enthused about, for instance, abandoning public control of the guarantees for a professional and non-partisan administration of the electoral machinery. Or maybe you don't like giving up clear definitions of the franchise, or the right of all citizens to participate equally. Or maybe allowing the unfettered influence of money in shaping elections and electoral choice is not your first priority. Or perhaps you're not keen on abolishing mechanisms for accountability, or even relinquishing the capacity to enforce the rules. Some people might even say that this just wouldn't do for general elections. After all, the choice of a new parliament, a new government is at stake. And that kind of an electoral regime is simply unacceptable in a democratic regime.

But think about it for a minute. We actually happily adopt this privatized system, give up a century's hard-won protections for the electoral process when we go about electing the leader of one of our political parties. That's exactly the process we use.

Thus Canada's next prime minister is very likely to be chosen by the process I enumerated in those seven points. Given the power and centrality of the office to our system of government, it seems to make some mockery of the democratic guarantees of our system. Think for a minute what the team of foreign electoral observers will write when they report on the next election of a Canadian prime minister. They will surely say something like: "Canadians elect a leader by a process that is uncontrolled by law, open to gross manipulation by the candidates and their teams, and, it seems, large sums of money are spent to buy and influence votes. We recommend withholding recognition." What else could the man from the Harare Daily Post say?

Many of us in this room have participated in these processes and we know it's all true. The historical evidence is irrefutable. John Courtney has written about some of this. The parties have begun to admit as much — that there is a crisis in the system — by abandoning a process that they used for most of the century, the delegate convention system, and moving to some form of every-member-vote mechanism. We know they did it because they understood that there was a public revulsion against some of the excesses. But there is little doubt that the problems in the system persist; they do so partly because we pretend that the leadership selection process is not public business, is not subject to any kind of public regulation or oversight.

The parties don't have stable memberships. The Conservative Party's recent experience showed that it grew 400 percent in the months before the campaign, and at the end of the next year was back down to where it had been at the beginning. All those people joined

up, voted, got to participate and then all went away. The current struggles that we have been reading in the newspapers in the last week or two in the Canadian Alliance and the Liberal Party suggest this is clearly going on again.

And these, of course, are nothing more than attempts to reshape, to rig if you like, the electorate, in order to influence the outcome. (I have to confess I've been part of that. I've been a member of different parties at various times after people have asked me to support candidates.) Macdonald tried this with the great Franchise Act of 1885: he called it the greatest triumph of his life. We actually thought we'd outgrown these practices decades ago, if not a century ago.

So this brings us to the recommendations for improving the system that we have before us in the Chief Electoral Officer's report. I'd argue that getting many of these fundamentals right is really more important than simply reporting the contributions to and expenses of leadership contestants — four months after the event. I mean essentially that's the sum total of the recommendations. It seems to me those don't touch on the real fundamentals. The CEO doesn't even recommend any spending limit, though there is a long discussion of why this would be a good thing. And what about enforcement? We need to think more carefully about the real issue. We know that the parties have not, for obvious reasons, been able to enforce their spending rules. John Courtney talked about how, in recent campaigns, many of the candidates have exceeded the guidelines. Suppose we have a new prime minister in office who does not manage to report all the expenses of his or her campaign four months later: are we going to remove him or her from the party leadership? And what about those cases where parties are choosing people who are not public officials? Remember that three of the current major party leaders were not MPs when they won their leaderships. What do you want to do in those kinds of cases? Do you want to order the parties to depose them and start the process all over again?

Well it seems to me this forces us to confront the question of the status and the role of parties in our democratic process. The CEO's report, when it talks about the need for annual reports by local associations, implicitly, I think, suggests that there is a set of wider issues here about the role of parties and the various units in the system. Are political parties the public utilities of a working parliamentary democracy? If they're the institutions that deliver democracy, then what sort of regulation do they need to have? And the issue of leadership selection ought to put this on the front burner. Money is only part of the problem, and I think perhaps not the starting point. The kind of recommendations that we have here seem hardly the place to begin. I would argue we ought to start by asking who has an interest in these processes of leadership selection. Therefore, who might want to have a vote? Who should be organizing and managing such critical functions as the election of a prime minister, or a leader of the opposition? Need there be limits on campaign activity to ensure

fairness or equity? What accountability should there be? Who should be entrusted with guaranteeing the process? And, of course, should these processes be extended to candidate selection? Which in many cases, as we know, is tantamount to election.

I suggest that answers to those kind of questions are more likely to put us on the road to transparency or disclosure, or fairness, or balance, or democracy. The Royal Commission laid out some of that agenda more than a decade ago. I think it's time to start working on it.

Lynn Verge: The IRPP asked me to contribute to this discussion because of my practical political experience. So I'll begin by telling you something about that. Most of my experience was in Newfoundland and Labrador provincial politics, with the provincial Progressive Conservative Party. In six general elections from 1979 to 1996 I was a candidate. In the last two of those elections there was partial reimbursement of election campaign spending from the public purse. I served 17 years in the provincial legislature, 10 on the government side when I was a cabinet minister, the last seven in opposition.

My practical experience that is most relevant to this discussion was my candidacy - which ended up being successful, narrowly — for the leadership of the Newfoundland and Labrador Progressive Conservative Party. That was a four-month race in 1995. That contest was governed by what were then new provisions of the party constitution, which did impose spending limits and which required the filing of financial statements: an interim statement just before the vote, and then final statements within three months, as I recall. These statements had to be filed with a committee of the provincial executive, with the understanding that they would be kept confidential and not disclosed to the competing candidate - it was a two candidate race — or to the public. While I believe that my campaign complied with the rules, clearly the rules were unenforceable, and my opponent complained much later that I had not obeyed all the rules. And of course there was no neutral process of arbitration. Following that leadership race, I served briefly as leader of opposition in Newfoundland and Labrador, ultimately being defeated in the 1996 election. So I am a former practitioner.

On the federal level, my involvement has been quite limited. I was involved as a delegate at one convention — one in the traditional style — and I was a volunteer worker in a more recent contest.

So reflecting on that practical experience, how do I react to the recommendations of the Chief Electoral Officer in his recent report? What do I think of his recommendation that the same kind of reporting and disclosure requirements that now apply to federal elections be extended to federal party leadership contests?

First, I have to observe that in Canadian politics, at the federal and provincial levels, leadership is where the power is. As my colleagues who have already spoken have indicated,

leadership contests are how future prime ministers and premiers are chosen. The stakes are very high. Secondly, money and the goods and services that are bought by money are much more significant in leadership contests than in any general election campaign I've been involved in.

Why is that? Well, first of all, leadership races are long and drawn out. My own lasted four months. The most recent federal campaign I've participated in lasted six or seven months. The federal Liberal Party now is in the process of setting a record. Who knows how long the next leadership race will take? It's been years in the making already.

Then there is geography. Canada is immense. Even the province of Newfoundland and Labrador is a very large territory. And it costs a lot of money, first of all for a leadership candidate to travel that territory and meet potential delegates, future delegates, in the course of a long campaign. Then, in the case of a traditional leadership convention, where voting delegates come together at a central meeting place for a convention, it costs a lot of money – even more money – to bring all the delegates to that central place. Realistically, not all that many of the voting delegates can afford that trip. This is even more true for a federal Canadian leadership contest. How do they get there? Where does that money come from?

One of the democratic goals which underlies the current Elections Act, and which propels the recommendations of the Chief Electoral Officer for expansion, is to guarantee the independence of political parties, to support that independence through informing the public of the party's sources of funding. A question that comes to my mind is whether the current law gives only the illusion of a public right to know the sources of party financing. And isn't a false illusion dangerous? Isn't that worse than having no theoretical public right to know? The reporting requirement seems to cover a part of the political activity that is less significant than the sphere that is not subject to the reporting requirement.

Another of the goals indicated by the Chief Electoral Officer is protection of privacy. Parties are private, although as John Courtney has pointed out there is public subsidization of their activities — in the case of elections, through partial reimbursement of campaign spending, and now, in the case of leadership contests, through the tax rebates. What about the privacy of donors of money, goods and services? Especially in the case of a leadership contest involving a challenge to an incumbent, or a party in opposition, do not donors risk reprisals if their contributions are publicized? That certainly has been a factor in Newfoundland and Labrador contests that I'm aware of. I think of the 1969 Liberal contest involving challenges to Premier Smallwood. I think of the more recent contest, the contest I was involved in, when our party was in opposition. I believe contributions would have been inhibited if people knew that there would be publicity, and the party in power would find out.

So we come back to basic questions of principle, which have been discussed by my predecessors. As a matter of principle, should the ambit of the Elections Act be expanded to

cover leadership conventions, to require disclosure of funding contributions? Despite the fact that parties are private, but acknowledging that there is some public funding involved through the tax system.

I have to confess to some ambivalence in my own feelings about this vital question of principle — perhaps because of the more mundane practical considerations, administration and cost. How can you possibly have a law to cover all contributions, in kind as well as in cash? The most important contributions to leadership campaigns can be through voluntary labour, through the participation of professionals at reduced costs, through donated goods such as airline tickets and aircraft charters, through interest free loans. How can contributions be measured, considering the longevity of campaigns, the fact that some campaigns are long and protracted and are very much in action before the official race is declared? Is the aim of expanding the Elections Act a noble cause which is logistically simply not feasible? And is there a danger of compounding a false illusion, the false illusion that the public has a right to know, and in fact does know where political contributions are coming from? And what about the cost of enforcement?

So these are some of the nagging questions in my mind that give me pause. And I'm pleased to be part of this discussion and look forward to the other contributions and questions.

Reg Alcock: Let me walk through a bit of my thinking on this. I'm here on the panel as a member of the Liberal Party, although I'm certainly not necessarily going to reflect current party position on this. Although I think it's fair to say that we Liberals are huge believers in transparency in practice, so completely that I can be here while our national caucus is meeting because I can read the minutes in the *Post* tomorrow.

Let me just give you a couple of anecdotes as I get started. I was interested in what Ken Carty started out saying because I have attended other things with Ken and always found him erudite and thoughtful, and when you started out with your list of changes, I thought you'd lost your mind. But actually I'm beginning to think you're right. I've been around the political process a long time — I was a staffer in campaigns in the mid-seventies through to the eighties, and I was elected two terms in the province. I've run provincial campaigns as well as individual campaigns. I've never participated at a managerial level in a national campaign, so there are going to be some subtleties here that I'm not familiar with. But when I got elected in 1993, there was a concern about one of the issues that Mr. Kingsley is trying to address here, and that is the reporting of money that is raised and spent by Members of Parliament. I'm not talking about leadership right now, I'm just talking about the money that I would raise year over year and spend. And early on in 1994, I was invited on to a local talk show where the host, in typical mad dog talk show fashion, challenged me

on this huge sum of money that I had that was obviously being used to abuse the public trust so completely. And I said to him, “Well ok Peter, look, there is no magic here, I keep a set of books on this stuff. Any time you want, you just call me, and I’ll send them to you. You can have a look at them.” And in eight years, nobody has ever taken me up on that.

But it was an interesting little discipline I established at the start. Because having thrown out that challenge, and left it open, it places a certain discipline on the way I keep my books and on the things that I do with the money that I raise. And I frankly think we would all be better off if that stuff was made public, because I think it would demystify a lot of what goes on between elections. I also believe that about a lot of government activities. I think the cultural secrecy that exists in government in general does a disservice to both government and the public, in that it creates images of malfeasance that are just not real.

The two recommendations that we’re talking about in this particular panel I think are fine. I don’t have any particular difficulty with them. I want to talk about the reporting one a bit. I think the term “modernizing” the electoral process is a bit bold, and I’ll talk about that a little more in a second.

It seems to me that one of the problems is: how do you have transparency in a leadership campaign when it’s not happening...but it is? I mean how do we have transparency today in the activities that are going on relative to leadership? It’s fine once the leadership is formally declared; then the recommendations of moving the focus for reporting monies that are received and spent from the party mechanisms to the Chief Electoral Officer are an improvement. But at the present time there is no declared leadership campaign. And yet there is a rumor that there is leadership activity, which I can neither confirm nor deny. Actually I can but I won’t! So how do you deal with that kind of activity that is going on prior to any formal declaration of a process that has a start point and an end that you can capture and report on? I’ll come back to that.

I want to just add one more piece of personal experience. I operate here and down in Boston, I’m back and forth all the time. I’m the token Canadian that gets called upon at the Kennedy School to debate campaign finance. I think they’ve put me up so they can beat me up on the issue of freedom of speech. Because the thing that has defeated their attempts to bring in campaign finance — at least intellectually defeated it, I think there are many other reasons why it’s been defeated — has been this adherence to the principle of free speech, and your ability to spend as much as you choose as a part of your personal freedom. I think it’s nonsense, frankly....

It seems to me we gave up that principle a long time ago. I see it mentioned in the body of the report here, this issue of freedom of speech reflected in your ability to spend and donate. But there is a strange ambivalence in the report, where you talk about transparency, but then you also talk about privacy and you raise the limit on donations that don’t need to

be disclosed. You have to report larger donations. But you can have a donation up to a curious figure of \$1,075, and you don't have to disclose that. I think the notion of privacy is a foolish one, frankly. I think clean and open campaigns are a public good. Requiring that all donations are disclosed I don't think is an onerous burden on one's personal privacy. If one feels a need to hide that, then maybe one should re-examine one's values relative to the action that they are undertaking. I have difficulty in my own mind thinking through reasons why a person — I mean I can think of reasons why they may not want to disclose it — but I can't think of any that are particularly compelling. If there is value in understanding where people are deriving their financial support from, if there is value to society in doing that, then I don't think we should cloud it with false notions of privacy....

As to the questions Lynn Verge raised about the problems in doing some of this, I acknowledge that they are there — donations in kind and donations of individuals. I mean donations of individuals are a little easier to track in the reporting period. But I guess I would argue back that there is no system that is going to be perfect. We're looking at degrees of perfection along some sort of continuum, and more reporting and more transparency will be better than less.

I want to make one final comment, Mr. Kingsley....concerning the reporting of the source of trust fund donations. Technically it's hard to do, in that if other people do as I do, I raise money continually. It all goes into a common account. I always maintain a balance that allows me to forward fund the next election. And I use it to fund other activities in non-election years. And then when I transfer money into my election campaign, I've already reported the names of everybody who has donated to that first account. But to say that amount of money came from this collection of individuals — I don't know how to do it, other than to resubmit the list that we've already submitted of everybody who donated to a much larger amount.

Anyway my recommendations: I think we should disaggregate the way in which we manage the system. We should return the management of collection and receipting to individual candidates. A member of parliament should have the responsibility for receipting and reporting on the money they collect and spend every year. We should take it out of the hands of the central party. We've allowed far too much control to move into the hands of the central parties. Do that, and all of a sudden you're able to disaggregate who is doing what. Because right now, I can find the donations that I report every year, but I suspect nobody else around here going on to your website, going down that massive amount of information you provide, can pick out which are my donations versus others. But if it was reported individually, you could do that. You could track what was happening, and if somebody was undertaking an unusual amount of fundraising to fund other activities, for example a potential leadership bid, it might be more directly exposed.

The second thing is making it a requirement to record and report all donations, whether they're receiptable or not. I don't think that's an onerous measure. But there is a movement afoot among some to start to fundraise again without bothering to seek tax credit. And of course once you get above a certain level, that is a problem. So I would suggest publishing all contributors, whether receipting or not.

But also I would return authority [to the local community]...for the identification and certification of somebody as a candidate, which currently is a responsibility for the leader. Now originally I assume that that happened because you needed a mechanism for identifying who was the one that was eligible to be included in the party status and eligible to receipt. But it's more recently becoming a tool of party discipline. And I don't think that was the original intent. I think returning that authority would also break some of this trend to centralization.

Finally I would just say there is an interesting absence of any detailed mention of electronics and the potential for on-line voting. There is something about on-line registration, but the eventual development of on-line voting I think is absent in this document. And with that I will end.

Questions and comments

Peter Aucoin: Well we do have our half-hour for discussion.

Leslie Seidle: First of all I'd like to congratulate Hugh Segal and his colleagues at IRPP for continuing their project on democracy in Canada. I have a sense that the ground may become a bit more fertile some time in the near future — at least I hope so — for further debate, and perhaps implementation of some of the proposals and research that you're working on.

I was at the Lortie Commission, along with Peter Aucoin, and directed the research on political finance. It was a very interesting task because we had a chairman, Pierre Lortie, who had quite an interventionist view of the role of the state in this area. And most of you know that he — and the Commission with him, but very much with his intellectual leadership — proposed extending the Canada Elections Act to require reporting and spending limits for leadership and nomination candidates. And, also, an important part of the report that I presume will be touched on later today, recommended the ongoing reporting of contributions to constituency associations and their expenses. He felt very strongly that where there were public funds involved, there was a legitimate role for the state. And his logic carried through these three areas. I think it's a point worth bearing in mind when one is looking at some of the other areas that are going to be discussed today. He would not agree with Lynn Verge's comment that parties are private. That was certainly not part of his thesis and wasn't a part of the thesis of the report that eventually came out.

My question to the panel....What are the conditions for making some of these changes? Call it modernization, call it expansion, call it completion. But I think one can make an argument that the 1974 Act, though it was seen as a big step at the time, can also be seen as a work in progress. Democracies don't necessarily change their statutes in this area only once. Québec did it twice in two significant steps, in 1963 and 1977.... Anyway, my question for the panel is: what do you think would be the conditions for making changes along this line?

John Courtney: I think Leslie Seidle has raised an essential question that we might want to consider very briefly. The work that I am doing at the present time on the electoral system asks that prior question: what are the conditions that must be met before changes can be accomplished — or at least be introduced? I would answer in basically three points, all of them derived from the absolutely seminal work that John Kingdon has done on agenda setting and windows of opportunity. And those are fancy social science terms for “when is the opportunity there, and what are the conditions that need to be met?”

The first of the three conditions is the problem has to be identified. We have to have some agreement on what the problem is. The second is the solution has to be advanced. I'm not talking about solutions: I'm talking about solution in the singular. And the third, and this is the most critical and I think in many ways the most difficult, is that the politicians have to be supportive. If you get those three conditions meeting, as it were, then all the variables are in place and you can proceed. But without that first, second and third stage, the setting of the agenda and the opening of the window are just impossible: you can't do it.

Reg Alcock: It's interesting: on page 5 of the CEO's report, it says “According to the Election Study 2000, 94.2 percent of Canadians feel that the public has the right to know how political participants are financing their election campaigns.” I suspect the question of how they are spending money between election campaigns would also receive very high levels of support....

So I think attitudinally there is a willingness, if one ties it to this bigger issue of the democratic deficit and returning authority to local communities. If the question gets framed up that way, I think there is some real opportunity to move right now. And given that the only interesting election in Canada these days is the election of the next leader of the Liberal Party — and I say that sadly, because of the lack of any kind of decent opposition that's putting some pressure on us — there may be an opportunity in this context to have some of these issues raised and confronted as a condition or as part of that policy process. Of course we always say things before we come to power, and then it may change somewhat afterwards. But I think there is a willingness right now to move on some of these issues.

Lynn Verge: Reg mentioned the word “angst,” and it seems to me in the last three or four years in Canada, there has been more expression of angst over... the fact that democracy has evolved in Canada to concentrate more power in the office of the prime minister, or the premier at the provincial level, with checks and balances here being less effective than in other western democracies. That angst may contribute to a climate where there is more pressure for greater scrutiny of and transparency associated with leadership: leadership selection and leadership campaign financing.

Hugh Segal: I wanted to ask the panel about another part of the process. We tend to focus, when we talk about the transparency of leadership campaigns, on the financial side, for good and obvious reasons. It strikes me that there has been less of a focus, although perhaps it's been a bit more intense recently, about the norms relative to who actually votes and how votes take place within political parties. Both for the selection of local candidates and for leadership campaigns.

I'm intrigued by the notion that we would have one set of rules as to who can vote in a federal election, established for good and solid reasons, relative to where people live, and who they are and how old they are, and what citizenship status they do or do not have. But we are completely devoid of rules, in any way, shape or form, as to who can vote in a leadership process of a registered political party, which after all holds a federal license. I mean a federal political party which is recognized under the statute has a license to do a series of things that other organizations are not allowed to do....

So I'd just be interested in the panel's perception around the questions of: who is allowed to participate, what the justifications are for having different rules party by party, and different rules for elections, on the one hand, and processes within political parties on the other. And I am attracted by Lynn's comment that this is, in some measure, a privacy issue. Political parties shouldn't be extensions of the state. Political parties are, in fact, independent parties which may operate every day for the purpose of legitimately overthrowing the government at hand. Which is what a political party should have the freedom to do in a democracy. And how does one balance that privacy concern with the issue that you may have, for example, fourteen year olds voting in large numbers in some political parties to elect leaders, when they wouldn't be allowed to vote in any other context in Canada? And/or people without citizenship status having the right to vote in political parties as a matter of that political party's belief in inclusion, not necessarily a nefarious proposition. Any counsel that the panel could offer on whether that is a bridgeable gap, or whether the mere notion of trying to bridge it will constitute such a violation of party privacy that it is simply out of the box.

Kenneth Carty: Well I think it's a fundamental issue, as I tried to suggest Hugh. I'm not so concerned about the parties, because they don't have memberships. I mean this notion that there is a private association out there with regular ongoing participating members is complete nonsense. We all know that. When we look at the pattern of party memberships in this country as compared to any other, we see that they're unique and distinct. We have people who become members solely for the purpose of voting, either in a nomination or an election. And I've tracked — if some people know my work — local memberships at the constituency level. We've tracked it at the national level too. And in Canadian political parties, people join in large numbers to help select leaders; there was a 400 percent increase in membership in the last Conservative Party leadership race. When the Canadian Alliance had its last leadership convention, its membership went from 60,000 to 210,000, and so on. Party memberships in this country constitute only the right to vote in a party context. And we charge fees for that. We have real poll taxes in this country. There is a poll tax to participate in the nomination of candidates, there is a poll tax to participate in the selection of a leader. And anybody can pay the tax and vote. As you say, in respect to age, gender, species, citizenship, etc., etc. And anyone who has ever been at any of these meetings — and I've been at nomination meetings of every single political party in this country for 25 years — has seen it in practice regularly.

And so we have to tackle the question: what kind of organizations are Canadian political parties? They don't look anything like political parties in any other western democracy. They have very unique, peculiar membership patterns, and that's because membership has come to mean nothing other than a vote. Well that vote then has other kinds of consequences for the wider system. We have to start there. A vote in a leadership contest in the Liberal Party, is a vote to choose the next prime minister, nothing more, nothing less. The Alberta Conservatives, when they chose Mr. Klein, called it the premier primary. They advertised it as that and sold memberships between the first and second ballot. About 50,000 people bought a membership in the Conservative Party of Alberta between the first and second ballot and voted. Membership went from 75,000 to 125,000 in that two week period between ballots. So let's be realistic about what we're talking about here folks.

Reg Alcock: I don't think it's complete nonsense: it may be partial nonsense, but... Just to give you a different take on it. The question was the degree to which there should be some limited control or structure placed around political parties. It strikes me that if a group of people want to come together and function as a collective with different rules...if they can attract a threshold number of Canadians that want to call themselves a party so they can put forward a platform for consideration in an election, I would be wary of providing too much external structure around that...

Just one comment on the rise and fall of membership. I sell no memberships between elections. Deliberately. I maintain an active advisory group of about 11,000 people in my riding, but I sell no memberships. Because why would I spend the time and effort to do it? I'd sooner sell them a ticket to my pool tournament frankly. But even within the party, there is great variation. We have a \$15 membership fee in Manitoba, New Brunswick has zero: it's free to anybody who chooses to associate themselves in that way. And I think there is some strength in that. Now that is not to say that another issue isn't important: the ability of people to wholesale purchase memberships, as opposed to individuals buying them. And that's at the heart of debates that have been going on in the parties for a long time. Increasingly, certainly, in ours. There are attempts to put limits on that, to make sure that people certify and all that. But do we want to exclude youth from participation as a point of entry to the party? Do we want to exclude landed immigrants, who will become citizens, from participating? I'm not certain that there is a role here.

Lynn Verge: A couple of quick comments. The provincial party I participated in has no membership. Basically anyone who is over 16 is allowed to participate. Within our party, there have been lively debates at annual conventions about whether we should continue that open approach or adopt membership requirements, with or without a fee. But the majority has always voted to continue the open approach, at least over the last 25 years. And I'm a strong defender of that approach. The membership criterion is frequently abused. And when there is a fee in a leadership contest, from what I've seen, candidates simply buy blocks of memberships and sometimes the people who are signed up as members aren't even aware of what is happening.

Now as to whether the law should get into the area of membership criteria for parties, that's a question I haven't thought about. I've been very troubled by the fact that federal parties allow people as young as 14 to vote in leadership races and in candidate selection. And I have seen abuse of that when teachers and sports coaches round up groups of their junior high school students and herd them on to a bus to the nomination meeting. And I've seen that in more than one party. But I'd have to agree with Reg's comments about being cautious about having the law dictate to parties their membership criteria. I think on balance, even though I don't like what is happening in some of the parties, the parties should be free to decide their own membership criteria.

John Courtney: I'd just add one very brief comment. I think part of the difficulty in addressing a question of this sort derives from the tension between what is a public and what is a private agency. At least in my mind, a public institution is one that in some way uses or relies upon the statutes or the laws of the state, or the province as the case may be, to carry out its own affairs. And with that in mind I would include, for example, the tax credit system. I

think in that sense parties and candidates are using our law for their purposes. So I think we have a right to expect certain standards to be met in how the money is being spent and how it's being raised.

But the other side of this tension derives from the fact that there is still a sense of privacy about these institutions. They are private institutions in some respects. But they are not private institutions when it comes to public expenditures of money. And this is a well established principle, where if someone has the power to act as an agent on your behalf, to raise and spend money on your behalf, that individual, and therefore the party for which he is operating, are legally responsible for their acts. So there is a sense in which parties are legally established institutions.

But I have no problem with opening the doors and trucking in busloads of 14 year olds. I think it's endemic to any private institution, whether it's a service club or a political party. Where do you round up your membership? And if you don't, then you go the way of the dodo bird. And it seems to me that one of the imperatives in our political system right now is to ensure that parties are vibrant, lively, continuing organizations — even if this means in some way organizing relatively young people, whether they are of legal age to vote or not. If they get the bug, and if they're caught up in the process, however few there may be out of that busload, I think that serves a public good at the end of the day. But that's a private decision for a private organization in my mind.

Hugh Thorburn: Mr. Chairman, we're discussing transparency, and I think the main thing that we are concerned about under transparency is money. And I think if we're going to have transparency, it's quite clear that we have to know where the money comes from. When individual citizens make donations to political parties, this is an act of conscience, an act of public support for institutions and points of view. Now what bothers me is when contributions come anonymously. I speak, of course, of corporate donations. If corporations decide to participate in a leadership campaign — or any kind of campaign for that matter — they do it on behalf of their shareholders, most of whom know nothing about it. And it strikes me that the one thing that is the most serious abuse of the electoral process is this question of anonymous contributions from corporations.

It seems to me a sensible thing to do what Québec and Manitoba have done in their general election regulations, and that is to insist that donations to political parties come from citizens. People who can be identified, who have a right to participate in the process and have something at stake. And there is no interest as such, personal interest, that a corporation can make manifest. It's simply an association for the purpose of conducting economic activity. And I therefore think that this is absolutely fundamental to the question of transparency — especially in a case of leadership campaigns, where the chosen person is going to have enor-

mous influence and power over public policy, particularly of course if he becomes prime minister, but even if he is the leader of the opposition or one of the opposition parties. His position is extremely important on behalf of all citizens, and therefore I think, for me, the fundamental point to be made is we must know where the money comes from and this justifies limiting contributions to citizens of a country.

Peter Aucoin: Thank you. Well, we have reached the end of our 30 minute discussion. On your behalf, I'd like to thank the four speakers for their presentations and also those who have raised questions.

- 1 *Modernizing the Electoral Process – Recommendations from the Chief Electoral Officer of Canada following the 37th General Election*, available at www.elections.ca
- 2 Royal Commission on Electoral Reform and Party Financing, *Reforming Electoral Democracy: Final Report* (Ottawa: Royal Commission on Electoral Reform and Party Financing, 1992).

SESSION II

POLITICAL BROADCASTING— LA RADIODIFFUSION DES MESSAGES POLITIQUES

André Blais: *Donc, bienvenue à cette deuxième séance sur la radiodiffusion des messages politiques dans les campagnes électorales. Welcome to this session on political broadcasting. We have four presentations.*

George Perlin: *Thank you André. I will try to do two things here. One, I want to raise a question about the scope of the objectives, to which I will not give a lot of time. But I want to raise that question because I think it actually ties back in to the discussion that we just had here about public and private distinctions, and what the objectives of a regulatory regime should be, which I'll come back to at the end. What I propose to spend most of my time on is how well the recommendations here give effect to the stated objectives. And I think it would be valuable for me just to mention what those are, for those of you who haven't looked in detail at the CEO's report.*

The value to be realized in considering the regulatory regime in respect to broadcasting is fair competition. What does fairness mean? According to the report, it means allowing the electorate adequate access to the views of parties. It recognizes the importance of parties being able to choose when and how they communicate their views. And it means ensuring adequate and real access to broadcasting time. So there is a concern here, on the one hand, with respect to the electorate, and on the other hand, with respect to the parties.

There is also a fair bit of discussion about the paid regime as well as the free time regime. It seems to me that we should focus on the free time regime. I see it as being of primary importance, in part for the reason noted in the report: very few parties — if any — ever actually expend all the sums they are allowed to expend on television. Quite often the paid time is not taken up by parties. But in part this reflects the very great expense of television

advertising, and therefore it seems to me we ought to pay more attention to the free time provisions.

I will speak to particular recommendations. The first one that I want to talk about is 4.1.3, the scope of the free time regime. And here there is a proposal to extend it beyond the networks, which is what the current regulation provides for. This, it seems to me, makes good sense because clearly the whole character of television has changed. We are now talking not about broadcasting so much as narrow-casting aimed at increasingly targeted audiences....

What the CEO recommends is that the free time regime be extended to include broadcasters who have a major focus on public affairs broadcasting. I understand why that proposal is made, but I question whether it actually makes much sense in the context of audience fragmentation and the need for effective communication to targeted audiences. We've seen, for example, in previous campaigns politicians, in a rather awkward way, presenting themselves on MuchMusic. In fact, of course, this is a very important agency for communicating political messages. I spoke at the beginning about the need to think about a broader set of objectives. One of the relevant concerns here is the people who are marginalized, and how you reach them. And that probably means going beyond those broadcasters who are engaged simply in public affairs broadcasting, to try to take advantage of the audiences that the specialty channels have to offer. So that's one caveat that I would enter in respect to that recommendation.

Recommendation 4.1.3 also puts forward the proposition that the Elections Act should not direct when free time is provided or the length of any broadcast provided. I think this misses the point that there has been a tendency with the allocation of free time to lump it all together and to drop it into places on the schedule where there is probably a very limited audience. It's also, I think, unrealistic given what we know about how political parties most effectively convey their messages, and what audiences are prepared to pay attention to, in the contemporary environment. The most effective mechanism for conveying political messages is the short spot. Not the five-minute, or ten-minute free time broadcast. And if the free time is going to be used effectively, I think you have to look at, in fact, imposing some kind of regime which prevents the broadcaster from ghettoizing messages in a way which denies the parties an opportunity to reach broader audiences....

Another aspect of the recommendation is a focus on prime time. In fact I think we know that prime time may be increasingly of lesser value to the parties in conveying their messages. We saw that in 1988 when the Tories targeted their anti-Liberal messages after there was a surge in Liberal support in the free trade election. The Tories targeted their message through the daytime schedule because they knew that the particular audience they had to reach was viewing daytime TV. So I think that the CEO needs to be thinking about some system of regulation that would open it up rather than focusing on prime time.

I have to say looking at what's here: Go to some more specific form of regulation. What is proposed in respect to free time broadcasting — continue what has been done in the past — is going to be virtually useless. We need to recognize that the character of broadcasting has changed. We need to recognize that there are people who can only be reached through a different kind of message, with a different kind of campaign. And we need to recognize that we are operating now in a much more specialized market, from the parties' point of view. And the parties, if their messages are going to be effective, are going to be thinking more and more about targeting their audiences.

I did want to come back to the point I decided to leave until last, to put it on the table as an issue to be thinking about. The stated objective — fairness — is one that perhaps the CEO is limited to dealing with because that's his mandate from Parliament. On the other hand, I think that this is an opportunity to send a message back to Parliament about whether this is a sufficient mandate and whether the objective shouldn't be broader. This gets me back to the comment about the public-private distinction that was raised in the last panel. Political parties are central, they are essential. They are not just private organizations. They are private organizations with crucial public responsibilities. And one of the things that we have seen, over the past ten or fifteen years — it's become almost a cliché now to talk about it — is disengagement and declining voter turnout, particularly among young people. It seems to me these are vital issues. Unlike Francis Fukuyama, I do not believe that we have reached the end of history. I share the counter-view that democracy may just have been a moment in history. And if we are not attentive to that issue, attentive to these kinds of problems...the legitimacy of the whole process of electoral politics as it is currently practiced may decline.

Joanna Everitt: I'll begin in the same way that George Perlin did, in terms of raising the question about what are the goals of these recommendations. Political broadcasting really has the goal, I think, of trying to ensure that the public is informed, that different members of the political community have an ability to communicate their messages and their ideas during election campaigns. In many ways these recommendations do address some of those goals. But in doing so, they raise three significant questions, or things that we still need to think about. The first question, which I'll go back to in a minute, is the idea of access for smaller parties to broadcast time, and the implications of that when these are small parties with lots of money. The second has to do with the expanded market that you can focus your messages in; unlike George, I think there are potential problems that come with narrow-casting messages in our electoral environment. And the third one is something which I don't think is really addressed by these recommendations, and that's the idea of advertising on the Internet. If you're thinking about controlling the balance of access to information, and providing access to information, you need to think about the Internet as well. So let me elaborate on some of my ideas.

The real challenge that faces political broadcasting is the need to address public demands for information. Something these recommendations do is to broaden the responsibility among the networks and the media community for providing this information. Until recently it's been on the backs of CBC and CTV to provide free advertising. And this expands the rule to other forms of media.

For the parties, I think the key concern is access. The status quo, the way the Elections Act is set out now, benefits those parties who are large, who have been politically successful in the past, and makes it very difficult for new parties to get a toehold. You just have to take a look at the amount of time that is awarded to the smaller parties, and particularly even the paid amount of time. The new recommendations balance that out much more equitably. The parties have equal access to free time, and then there is more time that is available for the parties if they wish to purchase paid advertising. And I think that's a very fair route to be going. But I go back to my early question: so what happens when you have small parties representing a small interest within the community, but with significant resources? Might it come across then that there is a movement, or a pressure from a particular element of society, that may not actually be representative of the society that we live in? That's a question that we might want to think about.

In terms of the networks and the new stations, it's very useful that the responsibility for providing free advertising has been broadened from just the CBC-Radio Canada and CTV. I think that one of the reasons for this is that the percentage of the viewership that turns to these networks for their news has been declining over time. And if we want to make sure that we have an informed public, we have to look for other sources for party advertising....But what are the implications of the narrow-casting that may come out? We already see political parties targeting special messages to particular regions. Or people at particular times of the day. And that has a potentially damaging effect, I think, in the fact that not everyone is hearing the same message. If that's the case, what do our parties stand for? What do our parties represent? Do they mean different things for different people?

And finally, one of the things that was not addressed in the recommendations is the Internet. It was touched on briefly in terms of the recommendations governing coverage of public opinion polls and the...publishing of poll results on the Internet. This made me start to think, what about political advertising on the Internet? If we're concerned about access, if we're concerned about making sure that all parties have the ability to communicate their messages and ideas in a way that is equitable, what happens when you see banners on web pages? I'm not talking about party web pages necessarily, but I'm talking about public web pages, where there may be a political ad. With the technology that we have today, it may be that you click on that ad and you get a video clip of the party leader communicating their message on the Web, rather than on television. Or you get a voice clip of a political message.

If we're concerned about this sort of advertising on television and radio, then perhaps we should be thinking about these things on the Net as well....

So those are three questions that I came up with about the recommendations. In general I think they go a long way to addressing some of the goals and objectives of political broadcast regulations, and I'll leave it at that.

André Pratte: Bonjour, good morning. Before I address the specific recommendations I want to try to put this into context, as far as I see it. I think it can be said that political advertising in itself, although it does have some impact, sometimes doesn't really have a lot of impact on electoral campaigns. I think what goes on in a campaign, and how the media cover what goes on, has a lot more impact than any kind of paid advertising or free time on television. And I haven't studied the history of political advertising in Canada or in other countries, but it seems to me the only time advertising really has a strong impact is when it is not well done. When some campaigns — and we can all think of some recent ones — are botched, suddenly it becomes an event. But usually when that happens, the campaign in itself already has a momentum, and sometimes those kinds of advertisements are more desperate attempts to have a last minute impact on the campaign.

The other thing, of course, in trying to establish rules for either advertising, or even news coverage — some countries have had quite detailed regulations on news coverage — is that when you try to achieve any kind of equality, it produces very strange results. We can think of this situation in France right now, where regulations not only affect advertising but also news coverage of the candidates for the presidency of the republic in France, and where they expect that there will be over ten candidates, some of them pretty strange people, and the news organizations will have to give equal time on each news bulletin to each of those candidates. This obviously gives us a perverse result, which was not, I guess, intended by the legislator.

I also think that small parties in Canada and in my own province, Quebec, are able to gain media attention and the public's attention. They can achieve that in two different ways: they can carry out stunts or have strange agendas. The Marijuana Party, for instance, will gain some interest for a while in the news until everyone gets bored. Or if their message is interesting and it strikes a chord in the population, you can see new parties born. Obviously the Reform Party is an example of a very small organization that struck a chord with the people and the media gave them some attention. And so, whatever the rules, I believe that if someone has a message that is interesting for the people of Canada, they gain attention and they can manage to become more and more popular. And therefore I am not sure that the desperate attempt by some very small parties to say, well, you know, it's because the rules of advertising don't give us enough exposure, that's why people don't get our message — I'm not

sure this is really true. I think the main reason for many of those smaller fringe parties is simply that their message is not interesting for the Canadian people.

Now to some of the recommendations that seem interesting to my mind. As far as paid time goes, if I understand the recommendation correctly, time would be allocated equally, that is there would be 100 minutes for each party, if they have the means, of course, to buy that time, and perhaps they could buy more. This is supposed to help small parties, again, gain the public's attention. But I'm not clear as to how it's supposed to help small parties, except parties that have money, and therefore, for instance, the Conservative Party — well maybe they have less money than they used to have — but certainly, because of their past and so on, they could probably muster enough money to buy more advertising than what the present rules give them. But the parties that we apparently would like to help probably don't have the money anyway. So I'm not sure really if the rules would change anything. If I take for instance the last list that I saw from the broadcasting arbitrator, the Liberal Party would lose a few minutes, and the other major parties would probably gain a bit, but they already have the public's attention and the media's attention. And the other parties probably don't have the means to buy the time anyway. The principle is interesting, but whether it really changes anything, I'm not sure.

I think it's a great idea certainly to dissociate paid time and free time. The principle of free time has nothing to do with paid time. But I'm struck by the idea that free time should be available not only on networks and that the number of minutes is brought down to 60 minutes for each news organization. Now that seems very small to me. Do I understand correctly that this 60 minutes is supposed to be shared by all parties? And if so, that means that on a specific television station, if you have, as now, 11 or 12 parties, that makes about 5 minutes for each party. For the whole campaign. This seems really insignificant to me.

A last word on polls. At my newspaper, *La Presse*, we always were very open to the idea of trying to give more information to our readers as to whether, for instance, the poll is really a poll or whether it's simply something that is not scientific at all. But we do have a couple of questions, or problems, with the present rules. The first one being that there was this idea that the print media were supposed to print all the questions. Now, we were working on polls for the last campaign with the *Toronto Star*, and we both had this problem of working on very big polls, where you had 50 questions. Now what do you do? You obviously can't print the 50 questions: it takes the whole page. And I'm not sure it's very useful. We worked with Elections Canada, and the interpretation of this specific clause was not very clear. So we had to try and manage to print some of the questions, but not the others. It seemed very arbitrary.

One last remark: we certainly don't have any objection to having a written report available for people and we had that in the last election. I'm just struck by the fact that at *La*

Presse, and as far as I know at the *Toronto Star*, at least during the last campaign no one asked to see the report. I mean we had not one request. And we sell 200,000 copies, up to 300,000 on Saturdays. The *Star* is much bigger... So I'm not too sure really if there is an interest, except for researchers. I think what people want to know is whether the poll is well done, scientifically or not. Besides that, I'm not sure there is really a public interest or appetite for that kind of information.

Rob Anders: It's interesting: I'm a politician, and yet the panelists I'm with today seem to have more love for politicians than I do. I think that I'll jog back and forth between a philosophical discussion over what I define to be free and then some of the practical implications as well.

There is the idea of whether or not freedom means that something is free in the sense of a free lunch. Or does it mean that we have a respect for personal liberties, of personal freedoms? When it comes to the idea of free speech, or freedom of the press, I side with the idea that it should be regarded as personal liberties and personal freedoms, as opposed to a free lunch. So as a result, I oppose any idea that we give political parties free lunch time. I think that the broadcasters — in this case television... should be free to do whatever they want, with their public advertising time if you will.

The proposed regulations say that there is to be 60 minutes of free advertising time for political parties. Broadcasters already have set aside time for community affairs issues, which is where they put this political time. And I would say that we're restricting, we're muzzling freedom of speech, if we're telling a broadcaster that instead of putting on scouting, or the Boys and Girls Club, that instead they're showing a debate about the GST. By choosing to put on the Boys and Girls Club, or scouting, they're choosing to talk about local youth issues — and I think that's a perfectly fair choice for them to make. For somebody who owns a station that should be their freedom, that should be their right. If they want to talk about an upcoming event, like the Highland Games or something like that, as opposed to the national debate on the GST, I think that's perfectly legitimate as well. It's entirely fair for a local broadcaster, or for a national network for that matter, to make those type of choices on public programming.

I think the only time you can make a legitimate argument to restrict freedom of speech is when public safety is at risk. The old idea, say, that somebody might go into a crowded theater and yell fire, and cause the deaths of people because they're trampled on the way to get out. Or during war, when your very nation, state or civilization is at risk. I think there, there are legitimate cases to be made to restrict freedom of speech. But when it comes to making sure that the Reform Party, the Marijuana Party or the Christian Heritage Party should be guaranteed access into people's living rooms via television sets, I think it goes too far.

We launched a challenge to this, based on the limitations that were tied to the party's performance in the last election. And I refer briefly to the CEO's report, which says: "[the broadcasting regime] allows the electorate adequate access to the views of parties that have demonstrated their reflection of the public's aspirations and beliefs."¹ So that's tied to tradition. And then, in the same sentence, it says, "as well as to new or emerging views." I think there is an obvious clash there. At least some of the discussion in here about severing free time and paid time regimes and whatnot, opens a little more freedom, and I'm happy to see that....On the one hand, you want to try and give parties rewards based on how they've done in the past, and how they resonated with the public, but on the other hand, you're trying to allow for new and emerging views. I say: don't bother trying to regulate that. If it finds resonance with the public, they'll raise the funds, they'll be able to get themselves in the media.

Touching on that, there was a comment made by André Pratte relating to the smallest of the parties — whether it's the Marijuana Party, the Christian Heritage Party or the Rhinoceros Party of the past. To produce a TV commercial, as far as I know, the bare minimum is around \$10,000 or something like that: there are production costs associated with these things. And so while there may be people who will be sympathetic around the table to allowing some of these parties access to TV, the fact is, it's an expensive game to begin with if you don't have the money to put into production costs....For us to try and play with those barriers in terms of the financing, if you wanted to really intervene, you'd almost have to give money to those small political parties to design their own ads. And then comes the whole question of how do you decide what they're going to air and what's acceptable for the use of public money in designing those ads? So I think we're kind of chasing our tail on that one. I would also say that this generally expands the reach of government, and I generally believe that for every dollar we put into a lot of these things to try and regulate, only about 40 cents actually makes it down the line to dealing with the front line issue that we were trying to solve. So anytime we spend a million dollars or two million dollars in terms of effect at the end, it actually costs five million. So I see huge problems with that.

This debate also touches on what's going on in the United States right now. There is a campaign finance reform bill that's being talked about. The National Association of Broadcasters has made the point that by decreasing the cost for political parties during election campaigns, what you're really doing is you're encouraging them to run more ads. And if you love politicians, that's fine. But what that really does is it crowds out the businesses that would otherwise take up a lot of these different times. That becomes particularly relevant when it's a show that's had high ratings where everybody wants to run their commercials, like *Friends*. Because it's a well-watched show and you probably have a lot of swing voters watching. But by us mandating that, for example, political parties are going to have time on *Friends*, it means that General Motors, or any number of private organizations, aren't going

to have the time that they would otherwise — rightly, because they have a lot of money — be able to purchase on these programs.

I'd also like to make a point about something that George Perlin said earlier. He said that some people can only be reached by television. He's right that with some people, it's probably easiest to reach them through television. But I also make a counterpoint to that, and that's this: some people don't want to be reached. Say, for example, Jehovah's Witnesses. They don't want you in their living rooms. Maybe you love to hear the banter of politicians, but they don't. Mennonites don't want to be reached. There is a whole question of their freedoms and their rights as well, whether it's right to use their taxpayer dollars to subsidize something that they don't believe in. And I've knocked on enough doors during election campaigns that I know there are people that are just plain old cynical and slam doors on our faces. And some of them choose not to vote, not because they're lazy, but because they're upset with the process. And I know that some of you have a noble intent in thinking that by funding political party advertising during campaigns, maybe you're going to increase the percentage of turnout for the vote. I would argue you may actually decrease it. Some of these people become more cynical because of what they see of political parties with regard to ads during campaigns. So I would say that sometimes the solution you propose to fix the problem may actually make it worse....

But I would say that fundamentally, it's still an issue of free time, and I really don't think we deserve that. What about radio or newspapers? We don't make representations, for example, that newspapers should have to provide a certain amount of editorial space to political parties, to the Marijuana Party or the Canadian Alliance. Similarly with radio: we don't dictate to radio that they have to do the same type of things that we're trying to impose on television.

I think I've stated this before, but just to say it again: the right to buy up to 100 minutes per station of paid time at the lowest unit rate violates the idea of what the market will bear. General Motors Canada, for example, has more money to purchase an ad and they are a more regular customer than we are. We come and beg, cap in hand, to get everything we can at the time of an election, but we don't have the financial resources or the wherewithal.... They are a regular consumer of advertising time product, and as a result, I think it's their right to be able to purchase some of those choice time slots. I don't see any problem with that.

There is an idea in the CEO's report of removing the caps. And I think that's a good idea. Because I think once again that the freedom of speech argument rings true, that you allow the parties to purchase as much as they want to.

The case, I'm just going to quickly refer to, heard by the Alberta Court of Appeal, was the Reform Party of Canada versus the Attorney General. The decision was handed down on March 10, 1995, where they basically struck down provisions that effectively trans-

formed the entitlement into a cap. I think this recommendation is marching in that same direction and I applaud that provision in the recommendations. So I want to say there is something positive here, Mr. Chief Electoral Officer.

Questions and comments

George Perlin: Two things came up in the course of the discussion. One was that André Pratte mentioned the importance of news coverage of campaigns. The observation I want to make is that this is mediated communication. And it seems to me over the past decade or so increasingly that mediation has taken a kind of editorial tone. The parties often feel frustrated that they can't get their message out. So advertising remains important as the one vehicle the parties have which permits them to say what they want to say, without it being translated by some interlocutor.

The second point I want to make is about Joanna Everitt's comment about targeted advertising. The point I was trying to make about this was that the audience is now fragmented. And this is why I think that the CEO's recommendation about broadening party advertising beyond the networks is really important. What I'm suggesting is that more emphasis needs to be given to the significance of that fragmentation. The parties are having to spread themselves more thinly, and that's why they have to choose targeting. I understand the point that you're making about the potential negative consequences, yet this is the only way in which certain kinds of people can be reached, and this gets me back to the point about young people. Andrew Parkin in his workshop on turnout last year spent some time talking about the special problem of what's happening with young people and getting to them. I think, notwithstanding what Rob Anders is saying about the limitations of a regime of this sort, there is a public responsibility to try to find the vehicle for reaching these audiences.

John Courtney: I think Mr. Anders and Mr. Pratte both agree on at least one thing, and that is that reforms can very frequently lead to unintended consequences. We heard from Mr. Pratte about the possibility of 8 or 10 or 12 candidates running for the French presidential election, and the consequences in terms of news coverage.

The question I would raise with the panel is: at what point do controls, if there are to be controls over advertising — I'm not talking news coverage here, I'm talking advertising only — at what point do the controls take into account that the campaign for public office is not just a four or five week campaign. It is in fact a four or five year campaign. What helped to bring relatively unknown and certainly minor parties like Reform to the public's attention was not the four week campaign leading up to the 1993 election. It was the five year campaign, beginning with CF-18 in Winnipeg, Meech Lake and then the Charlottetown Accord.

And one could argue that, in fact, two of those three elements were present in Quebec with the creation of the Bloc as well. So it's not just the four or five or six weeks, but the much larger question: are we to contemplate some degree of public control over party advertising during that time? I don't know. I would like to hear what the panel has to say about that.

Rob Anders: We do take a role in government with regard to, for example, regulating who can get what frequency, what channel placement. And I would argue the CRTC probably goes too far in some of those things sometimes. I would actually like to see that opened up more than it has been. That being said, let's look at newspapers once again. Municipalities have some say in where newspaper boxes can go, how many can be on a street corner. But we don't tell the newspapers what headlines they can have, or what masthead they can print in that morning's edition. And I think that's the nature of this argument as well. You may be able to tell a radio station that they can't broadcast on five different channel widths, and that's fine. But to tell them, for example, that they have to allot so much time to the Marijuana Party or my party for that matter, steps beyond that....

In terms of our coverage that we had prior to the 1993 election, or even 1988 for that matter, you're very right. It wasn't just the writ period that gave us exposure. It was probably the fact that we made controversial statements, we were saying things that other parties weren't saying. And we were saying them in different ways for that four or five year period. But I wouldn't encourage greater government intervention in terms of the media or what's allowed to be aired or not aired. I would steer on the side of the personal liberties of the station owners...

Joanna Everitt: I think it's a very interesting point that you've made, John. But the Reform Party's ability to generate a lot of support in the period leading up to 1993 didn't rely on advertisements. It relied on a series of events that gave them a profile that enabled them to attract voter support....

To be really concerned about advertising during the long campaign period would require that parties have a lot of resources at hand to do that advertising. And I don't know that we're in a situation now where they do have those sorts of resources. Until we find ourselves in a situation where parties have lots of money to spend on ad campaigns two years before elections, I'm not sure that I would advocate going that far.

Bill Fox: I wonder if I could make a comment on the connection between advertising and media coverage. The evolution of the academic study of the impact of advertising has been interesting, if you go back to the 1960s and watch where the consensus has moved. In recent years, people like Stephen Ansolabehere at MIT and others have suggested that

there is a very direct link between the impact of a paid message in the form of an ad and the earned media coverage that a candidate for office gets. And where there is dissonance between those two messages, not only is the advertising not a positive factor for the candidate, it is a decidedly negative factor. And that would suggest that it may be more difficult than some of us feared to buy your way into office with paid advertising. If your paid messages are at variance with what the mediated messages are reporting, then you're going to be in some difficulty.

And a second thought. We talked about free time, but really we're talking about public time. We're talking about a re-creation of the Town Hall, a re-creation of the public space. And it seems to me that ought not to be an issue in a country where we have a public broadcaster and where the airways are deemed to be owned by the public. We ought to be able to free up significant amounts of time because, to speak to Professor Everitt's point, as much as ensuring the public is informed, it's ensuring the public has the ability to inform itself. And we ought to be able to do that relatively well. Newspapers, of course, are particular challenges. Newspapers and magazines are private enterprises and I guess that makes them by definition a different proposition. But certainly in terms of electronics, I think we ought to be able to manage that relatively easily and well.

Rob Anders: I would agree with what you were saying, that it's difficult to make a linkage between paid and earned media. For example, I was told when I was first running by somebody who had run before, that if I bought radio ads on a certain station that I would get better radio coverage on that station during the election campaign. And as it turns out, we didn't buy any ads, and I think we still got favourable coverage. Somebody said there was a link, but I didn't feel there was. And I would also point to the Charlottetown Accord campaign, where our party had taken a position opposed to it and the other three major parties were in favor. There the discrepancy was a spending ratio of about 13 to 1 and yet, still, the Accord didn't go through. That was a pretty clear example of where, whether it was earned or paid media, it was a different outcome.

And certainly, we've run three elections, we've put ads on the Canadian Broadcasting Corporation's airwaves, and yet I wouldn't say that buying ads with the CBC has particularly skewed their coverage of us to make it more favourable. I think they remained neutral in terms of how they chose to cover and regardless of how much money we spent there. One other point I'd like to make — and this isn't directly to your comment — for some of you in the academic environment, I would ask you to think of this. Academia is funded by government to the tune of some seventy percent. Imagine if you had government trying to come in to your classrooms to tell you that the editorial content of education had to be controlled because it was a public good. And therefore somebody would be there as a speech

monitor to determine the content of what you were saying and whether or not it was appropriate and to count the words.

George Perlin: That's precisely the point, isn't it? Nobody does that. Even though the state is paying our bills, I don't know of any university where the state intrudes in this way. So why should that same principle not apply to broadcasting? Why should we be concerned about the state getting itself involved in determining content of broadcast messages?

Rob Anders: Well, it depends on the way you look at it, I guess. I would say that your argument, that the state should be involved with regard to determining what broadcast content is, means that you'd also be arguing you want to have somebody in the classroom...

George Perlin: No, I'm not asking that the state be involved in determining the content. All I'm asking is that the state ensure that there is a level playing field by ensuring that those who don't have the resources, have the opportunity to give expression to their views. Whatever those views are.

Rob Anders: And by the same token, that would mean that universities and professors would have to provide opportunities for IBM or General Electric or who knows, to come in and provide their particular perspectives. Or that somebody of a leftist bent in economics would have to allow the Fraser Institute to come in and give its perspective in the classroom. I'm just saying, recognize what's good for the goose is good for the gander. If you believe in freedom of speech in the classrooms, so that professors are allowed to say what they want to say, I say carry that over into public broadcasting as well, or particularly private broadcasting. Just don't regulate it.

Hugh Segal: I wanted to ask the panel about the regulatory gap which to some extent each one of you has referenced in your presentation. We now have the power to regulate what takes place in the broadcast context. Although outside the Elections Act, the CRTC has said that they don't really think they have a role relative to the Net and the cyberspace issue. So they've sort of abdicated as our major regulatory body relative to broadcasting in that area. The narrow-casting issue that George raises really impacts upon a series of activities now which are as broadly based as paid advertising was 10 or 15 years ago. People who live in Ontario are getting thousands of phone calls, some from people, some from robotic telephone processes, related to the present leadership process in the Conservative Party. And that's paid activity. Someone is paying to have that transpire, and there is nothing in our present Act which would keep that from transpiring relative to an election campaign, provid-

ing spending limits and other issues were appropriately addressed under the Elections Act. But the notion of fairness in that context, as is the case with respect to newspapers, doesn't exist, at least in terms of any regulatory process.

So what I am asking is: how in the context of the Elections Act — where the implicit principle is clearly fairness and what the CEO is recommending is trying to extend that principle — can we feel comfortable with an Act that will purport to regulate certain aspects of political communication during a campaign, but not be able in fact, except insofar as when paid advertising can appear, to really regulate the rest of the spectrum, the political communication spectrum, when so much of that is narrow-casted beyond what we would call traditional purchased media. Professor Everitt made reference to what might appear, for example, in regular e-mails that may, for all we know, come out from a political party that's gone and purchased e-mail lists, which is now part of the regular list brokerage process that marketing organizations are associated with. And I wonder about what happens to the integrity of the Act when it tries to regulate some things, the CRTC is unable to regulate others, yet in fact we have no way of measuring the relative impact of all those pieces.

And where that leads me, I'm afraid — this will stun him as much as it stuns me — is to some of Rob Anders' views with respect to regulatory over-reach. If you really can't provide for a principle of fairness across the entire spectrum that we know to be relevant and influential — for a whole bunch of good reasons — then why would be comfortable having a regulatory focus on only those parts of the spectrum we can deal with, knowing full well that that may not provide anything like the fairness, the level playing field, that we'd like to achieve?

And I wonder to what extent, if there were further regulatory action on this, we would face substantive Charter challenges that would say that this is undue, this is unfair, this is discriminatory. I wonder whether this raises the whole regulatory issue relative to purchased communications per se, because they're so broad.

Rob Anders: Yes, well I'll give you some examples....I think it would be impractical for us to try to regulate, for example, the Internet, where people can set up sites right across the border in the United States that comment either on the results of elections or comment on public opinion polls, or give editorial opinion or what have you. And Canadians can have free and easy access to that. The ability for any organization, whether it's the CRTC or Chief Electoral Officer, or anybody trying to regulate those things, really it's once again that image of the dog chasing its tail. I really wonder what type of regulatory system we can set up. And even if we could come up with one, it would be so onerously expensive, that I don't think any taxpayer would support it.

And then you can even toss up the issue of ownership. Look at, for example, William Randolph Hearst. You could have run any ad, I'm sure, you wanted to in Hearst's newspa-

pers, but with his editorial content he did what he wanted. Similarly with Cecil Rhodes buying up the South African newspapers around the turn of the century. How do you regulate that when somebody owns all the newspapers in a country and determines what the content is going to be? The more you really look at trying to “provide fair regulations,” you just realize the cost is so onerous that it’s impossible, so why bother?

Joanna Everitt: I think that really the interesting question is: how does one deal with this? One of the real challenges I think comes with monitoring parties’ behaviour between elections. The only way we really do that is through the monies that get raised between elections. Does this mean that we actually have to go looking at the money that gets spent? If we are going to do this, would it require us to ask the parties to document their spending in the inter-election period? And that then gets us into the earlier debate about parties as private or public entities. My comment about e-mail and how do we monitor those sorts of things, I threw that out to stimulate some questions and debate. I’m not sure that we can regulate that sort of personal contact, or the phone call that you’re getting on your answering machine — and we’ve never actually been monitoring parties going knocking on doors between elections. So perhaps those personal e-mails or the phone calls can be equated to that personal type of contact that would have gone on as the candidate went out between elections to communicate with constituents. Or leaders go out between elections to talk to the public.

I think where there may be some opportunities to think about regulation is in advertising on public sites, in terms of the Internet. And if you had a website, a corporate website or a public website, a search engine, or whatever, that has ads on it, again the regulation would have to come through the spending, I think, connected to that ad. But then that puts us back to regulating party spending. I don’t know. Interesting questions.

André Pratte: Just to add a few points. In a way, the question you’re asking is: is any attempt to regulate futile? If you can only regulate a small part and the rest of it is not controllable, then why not just drop the whole thing and forget about it? And I’m not sure we can go that far but I just want to repeat that I strongly believe in the power of ideas. And if there is a good idea somewhere, somehow, whatever the regulation and whenever the airtime...The Internet for instance is a good example. The Internet can be very costly. You can have a very costly website and so on. But you can also use it for free, and spread your ideas for free. I believe if an idea is good, it finds a way, even at the grassroots level, to grab people’s attention.

Now the other problem, that is really the problem you are raising, is the power of money. There is a power of ideas and there is a power of money. And I don’t want to get into other things that we’ll discuss later, but I think this is really the issue. If people have more

money and can raise more money and use it, and use it in uncontrollable fashion, then they can use television, they can use the Internet, they can use phone-ins, they can use everything to their advantage. And sometimes in an unfair fashion. If we find a way to control more, at least to make the raising of money more open and so on, then I think you can control everything that you are talking about. At least, try to regulate what you're talking about.

Hugh Thorburn: I wanted to focus on what has been considered a small point, but I think we should look at it. And that is free time broadcasting on radio stations. The report of the CEO suggests that this should be limited to news talk radio stations. I wondered about that because I gather the reason we have these free time broadcasts is to inform the public, virtually whether they want to be informed or not. Because it's a good idea to have people know things in a democracy before they go to vote, why would you want to include the free-time broadcasts to that particular kind of radio station, which deals with talks and news, but exclude those ones that do other things like play rock records and so on? It seems to me the very people who are listening to that kind of station are not likely to be overly informed, and it might be a great contribution to the democratic process to give them some exposure, even though they haven't done anything to try to expose themselves to that coverage. Maybe I'm missing the point in this, but it seems to me that I can see no reason to limit the requirement to provide free time radio broadcasting privileges to only part of the radio coverage of the country. And perhaps indeed the part that is least in need of it, because the people who listen to talk stations are already better informed than those people who confine themselves to the other type of radio station.

Rob Anders: You know, I think it comes down to that whole idea of whether or not it's a taxpayer cost or it's a party cost. If you look at the extension of the franchise in England in the 1830s and the 1840s, you went beyond basically males over the age of 21 who owned substantial chunks of property to a massive extension of the franchise. And they had a much graver concern at that time with regards to all these new people coming into the electoral process who hadn't been involved previously in politics. That's where newspapers or broadsheets came from. They were literally party rags, that's where we get the term from. And so the Tories had their rags, other parties had their rags, and the people read the rag of their choice. That is, in a sense, where broad-based newspapers started. And they decided that that was going to be something that would be borne by the parties and borne by private interests as opposed to the taxpayers, and I think that was the right choice. Similarly with radio. Some of those people don't want to hear our ads, and I think it's a private broadcaster's choice, and it shouldn't be a public expense. You shouldn't force those people who don't want to hear our message. Maybe there is the odd

Mennonite listening to AC/DC. They shouldn't be forced to have to listen to our message with their tax money.

Joanna Everitt: I think once we move beyond requiring that the CBC, the public broadcasting system in Canada, provide advertising at public expense, then we start down the slippery slope. Once we start to open it up and require that CTV and affiliates are required as well to provide advertising, there really isn't much of an excuse not to go beyond that. But then the question comes — I'm going to sound like Rob Anders here — are we imposing this public good on private industry, private corporations? And what obligations do they have to take an hour of their advertising time, or 100 minutes, to put on these ads? I think that's an important question that we have to think about. What is the approach that we want to take? Do we assume that it is going to benefit the public? Or are we prepared to take a position which says: no, private enterprise has certain rights, so we can't force these things on them.

Kenneth Carty: It seems to me that broadcasting is about sending public messages to mass publics. But I think Joanna's points are very important to think about. Because increasingly political communication is about sending private messages, whether by mail or by fax or by phone or by electronics, or by something that someone is going to invent tomorrow (palm pilot transfers) to increasingly narrow publics. And so I think the real problem is not the technicalities of so many minutes here or so many minutes there, but rather that we're facing a fundamental challenge, and that is the whole privatization of electoral discourse. It's a real challenge to a healthy democratic system. And we need to think about political communication in that kind of a context. It seems to me that private communications and narrow communications pose the real threat to spending controls. I can buy the e-mail address of everybody who lives in British Columbia and send them an e-mail message, and it doesn't come under anybody's spending control. But if I'm working for a local candidate, it does.

Well it doesn't take much to begin imagining scenarios in which spending regimes in a world of private messaging go out the window. Or are not enforceable. But equally important is that I can send a very different message to Bill Cross than I send to Peter Aucoin: I can say yes to him and no to him, and there is no public recognition of that. It seems to me elections need to be about — if you're going to have a communal content to this, if they're going to mean something as communal events — they need to have a public dimension. So I think we need to really think hard about how we can build a public communication system as part of the electoral process, and if the regulatory regimes provide incentives to drive more people to narrow-casting and to private-casting in the way that technology drives them anyway, we are doing ourselves a disservice. I have no recommendation on how to fix it, but I think it's actually the biggest challenge that our electoral democracy is facing.

Lisa Dale: I have a question. We've been discussing just one directional communication so far, paid advertising: messages from parties to the public, and free time on broadcasting or in print. But this is supposed to be for the public benefit, yet there hasn't been any discussion this morning about direct public access to debates with the parties. It's always mediated. If it's with the CBC, it is mediated, and how transparent that mediation is is up for debate as well. I know this is a thorny issue, because once you start talking about direct public access to parties for debates, you then also enter into the risk of having agendas derailed by lobby groups or interest groups. But nonetheless, if we're talking about reserving public funds for broadcast time, I would like to have reactions from the panel on what they feel about direct access to particular issues for the public. One of the blatant examples for women's groups across the country was the refusal of the major party leaders to debate women's issues in the most recent election. That was not in any way effectively challenged. I'd like to hear your reactions to that.

Rob Anders: Well, to be fair, the networks only want to focus on the leaders, they can't be bothered to focus on all of our smaller campaigns. So they have to present an easier message. And I think, for example, Alexa McDonough was free to raise whatever issue she wanted to raise, as a female candidate, during the leaders televised debates. And I think really that should be their choice in terms of what they want to talk about. I wouldn't want to try to muzzle Alexa McDonough or anybody for that matter.

I think a good way to flush out the parties on issues is the idea of manifestos. I was really glad to see that, as of 1993, we've got into that habit of producing manifestos. It's something that the UK has done for a long time, and I like it, and I think that's one of the better ways to address those types of issues. Because you can get answers on things that probably won't get covered. Like in our manifesto, for example, we used to have our policy on drift net fishing. Now I wouldn't expect our leader to address our policy on drift net fishing in a nationally televised leaders debate. But in the manifesto, it was there.

André Pratte: I would like to add a couple of points. The first thing is that I think the media and television — but not only television, even the print media — have tried to give this access to the people. For instance, in having, as was said, people or audiences or the public at debates and so on, asking questions directly. Now this has proven to be a very difficult exercise. I remember in one case there was a debate in Québec — I can't remember exactly what it was — but I remember that they had so few people in the audience that they had to take people from a game show studio to have people around so that it could be seen as a very important debate. And there have been cases where lobbies find a way of having their people asking questions. You don't really have people that are representative. So it's a very difficult exercise.

The second point is that I think we always complain that Members of Parliament don't have a role. This is a role that they have. I mean people do have access to their local MPs, and when the people talk and complain, for instance, to MPs, it does go back to the leadership. If many people in Canada complain locally to their MPs, the message does go up.

And the third point is — we talked about the Internet. I think the Internet is a marvelous invention for that matter. You can follow leadership races, you can listen to the speeches by yourself, you can send messages. So this is direct access — maybe not perfect, but certainly a non-mediated access to the parties, to the speeches and so on, that is very important and useful.

Elly Alboim: I have a couple of observations bouncing off what Hugh Segal and Bill Fox said. I think this conversation is by necessity self-limiting, because it begins with the ambit of the Elections Act. And you're using what I think we all acknowledge to be a tiny lever to deal with a large problem. And it seems to me there are a lot of common sense propositions that simply follow from that. I think Bill Fox is right. You create whatever public space you can for a dialogue in a time of supreme importance in the functioning of democracy. I guess I would argue that, from my almost 20 years of covering elections as a journalist and then watching it from another vantage point, I've begun to despair of one proposition, which is that this is about fairness and level playing fields. I started every election campaign on the presumption I was dealing with a level playing field, with everybody having to get equal time, fair access to time, and fair discussion. But the Olympics brings it home to you: there are good teams and there are bad teams. Life is like this. There are people that have support, others that don't have support, and that's what life is. I am not sure that providing lots of equality and lots of space for lots of marginal views in a pluralistic election campaign is actually as noble a concept as people say it is. I believe there has to be a minimal amount of access, I believe that everybody has to have some right, but let's not fool ourselves. The actual impact of a free or paid time spot on television, whether specialty or broadly based, in the course of an election campaign, in the course of a five-year period, is literally zero. It means nothing. It will not move opinion a dot, it will not expose people to opinion.

There is a more common sense application that is running underneath all this. People are actually quite smart about this. They choose to engage or not engage depending on a whole variety of factors. And it has almost nothing to do with what's under Jean-Pierre Kingsley's purview, to be frank. That's not to say you don't do it. That's not to say you don't try to provide as much space as you can, you don't try to curb excess. But from my vantage point, this is really about something else all together, which is — I guess George raised the issue — how do we deal with declining interest and disengagement, if that's a public policy purpose? And if you trace that back, the common sense proposition says that the real actors

in that are the politicians themselves and the behaviour they display in their competition. And the media. It's André Pratte and his colleagues, and the way they frame the discussion. Bill Fox is right: the interplay of paid and earned really nets out in influence. We may disagree about which is the larger influence in what kind of circumstances, but that's where the real battle is. The battle is not in the law, it's not in the Act, it's not in the regulations and it's not in the access. It's in the degree to which two major actors honor or abuse the system.

And I guess my argument is that they both tend to abuse it in ways that are probably not helpful. Both the media and politicians. What's chicken and egg, who is to blame... that's not the issue. But the larger playing field here is whether there are shared values, shared commitments to these central institutions. And how do you reconnect everybody to the broader purpose that you're all discussing, but which it is not clear these institutions honor anymore? From my perspective, they don't honor them at all. If I look at leaderships — where we started — and we look at the last series of leaderships, from 1983 up to the present time, I may be naïve, but it seems to me they are getting more and more difficult, dirtier and dirtier, more and more abusive, and they are demeaning the process. And any rational human being watching this would choose to opt out. And until we can deal with those kinds of levels, it seems to me that the stuff we are talking about today is tinkering — important tinkering, important issues of access — but that's really not where the main discussion should be. I think the discussion should continue to talk about the Elections Act. But I hear a lot of frustration, and I suggest a lot of your frustration is not about the limits of the Act, your frustration is about the limits of the political process. And you're confining yourselves to a level of discussion that makes it inherently frustrating.

Rob Anders: With regards to actors abusing the system, whether it's politicians or the media, I would say this: a lot of it just comes down to human nature.... I remember one politician told me that they were dealing with a ten billion dollar water infrastructure filtration project in Calgary. It was the biggest expenditure the city had made in decades. And he said you could count on one hand how many people actually came up to get involved in that discussion. But he said, "you talk about cat leash by-laws, and you've got a hundred death threats." That's just human nature.

Hugh Segal: Members of the panel, thank you very much for your very thoughtful presentation. And a presentation which was, I think, hopeful in many respects, and very frank and insightful in other respects. So I know I speak for all of us in expressing our thanks for that.

1 *Modernizing the Electoral Process – Recommendations from the Chief Electoral Officer of Canada following the 37th general election*, p. 65.

KEYNOTE SPEAKER/CONFÉRENCIER INVITÉ : JEAN-PIERRE KINGSLEY CHIEF ELECTORAL OFFICER/DIRECTEUR GÉNÉRAL DES ÉLECTIONS—ELECTIONS CANADA

Hugh Segal: Let me just say about our conférencier invité that, certainly in our work at the Institute for Research on Public Policy, any time we have gone to the Chief Electoral Officer and his colleagues on staff, for research, for background, or for analysis, that they've been extremely forthcoming and very helpful. His detailed c.v. is in your program material, but what I want to underline is that it is not often that a Chief Electoral Officer, who is in fact an officer of Parliament (not an officer of the government, but an officer of Parliament), breaks new ground in terms of suggesting new areas of electoral regulatory policy not already indicated as being supported by the government of the day. And I think we're particularly fortunate as Canadians to have someone in this position with broad experience, not only in democracy in this country, but in international democratic activity around the world, someone who has a very broad perspective. Added to this is his background in our own public service and in the health care sector prior to joining the public service of Canada.

I think his last report was obviously one of immense courage. I lament, as do I think all of us, that the governing party, understandably, but also the opposition parties, have chosen — for whatever reason — not to make the report and the substantive issues it underlines a huge part of their activity in the Parliament of Canada. In terms of questions and reform. But that is the context within which we operate, and to give us his perspectives on that context, and then take our questions, I am delighted to introduce Jean-Pierre Kingsley.

Jean-Pierre Kingsley: Well thank you very much for those encouraging words. And good afternoon. I am very pleased to have this opportunity to talk to you about the report, to a certain extent at any rate. I would hope not to talk for too long a period of time because I

would rather favour the opportunity for an exchange. I do wish to thank Hugh Segal and the Institute for Research on Public Policy, as well as the Kahanoff Foundation. I see that they were generous donors for this enterprise. And I'm also very pleased to have the opportunity to put faces to names. We now have, by the way, an electronic network of 600 members of academia, who have signed up voluntarily. We asked members of academia if they were interested and we also asked what I would call the think tanks — the IRPP being a leader in that respect — if they were interested in receiving regularly material that concerns the electoral world in Canada. Not only our material, but whatever it is that's produced that we keep. And this has grown from about 150 about a year ago. And I might add, by the way, that for the previous report, which was dated February 29, 1996 — it's easy to remember, it was the leap year obviously — we had 15 members of academia provide us with comments that were most helpful in the preparation of that first report, and we had 15 others do the same thing for us this time around. So I'm very, very appreciative for the comments. Obviously, though, the report remains the responsibility of the Chief Electoral Officer.

As with the first report, the second report effectively picks up where the Royal Commission on Electoral Reform and Party Financing left off. I don't exactly share the view that not much has been done about the Royal Commission Report. A lot has been done about the Royal Commission Report. Some may consider it was the easy stuff, but some of it was not all that easy. Making the system user-friendly occupied a lot of time. And there were very important issues that were brought up at that time.

But in picking up the Royal Commission Report, it seemed to me, after 12 years at the helm of Elections Canada, that effectively we had to go back to the basic thrust of the statute, the Canada Elections Act. The basic thrust of the statute is equality. Equality of electors, equality of the players. At the same time, if we quickly step away from that, though not totally, we realize we will not achieve equality. So then we go for equity. But the fundamental value has got to be equality, and I'll explain a little bit of that as I go through some of my remarks.

I should mention to you that obviously the Executive which I have the privilege of leading was extremely engaged in this whole process. The Canada Election Study 2000 was also extremely helpful to us. There is a portion of it that does relate specifically to matters of interest to Elections Canada, which we commissioned. And so this formed part of what we were thinking about and trying to put together, and shape in a way that would resurrect issues that were not resolved. Or resurrect issues for which an attempt had been made at resolution but for which another solution was required.

Where we stepped away from the Royal Commission, by the way, was in several respects. Number one was in respect to political parties. There is obviously a significant

debate in the country about whether a political party is a private entity or a public entity. And the Royal Commission was effectively recommending that the by-laws of the parties be submitted to, and approved by, the Chief Electoral Officer; that the local associations, the rules governing their functioning, all of this be subject to the Chief Electoral Officer. And I effectively decided it's best to stay away from that and let the parties govern themselves. And what we're finding out, through the Advisory Committee of political parties with which I meet about every three months, which includes all political parties at the federal level, is that they all have their own ways of setting themselves up, and it's just as well to stay away from that.

But on the other hand, the fundamental value that we did want to maintain in the report was with respect to money. And there, we tried to simplify the process so that in effect a local association, even if it has to report to the Chief Electoral Officer for financing, doesn't have to report on how it governs itself. So the recommendation is a very practical one. Whoever is taking in the cheque, or the money, or whoever is disbursing, reports. And no one can tell me that they have no one doing that. That doesn't make sense. If someone is picking up money, if there is money being spent or money being picked up, there is somebody doing it. So we said: all right, let's go for the simple approach.

The other thing, it seems to me, is that if there are two streams — one that you divulge and one that you don't divulge — you've just created a situation where everything is going to go in the non-divulgence stream. The Americans have even invented a word, or an expression, for it: they call it "soft money." And I thought money had its consistency, and there was no difference between this money and that money. But they've got hard money and they've got soft money. And it seemed to me that in order to avoid getting into that vortex, we simply had to go for total divulgation: where the money comes in, where it's spent.

There is an appetite out there, it's not the Chief Electoral Officer's appetite, even though I have some of it: Canadians do want to know. They want to know about the money. They happen to think it matters. Money matters to them, and they are smart enough to think that it matters to political parties. They're smart enough to know that it could have an impact on leadership races. It could have an impact when people are trying to get the nomination.

There is also a recommendation in the report dealing with privacy. Privacy was one of the concerns that it attempted to answer. And there is a relationship that was drawn. Some people don't think that it's very rational, but the thought was that for public release purposes, we would tie the amount that was the cut-off to the amount for which there is a tax credit. There is a form of recognition by the state that if the tax credit limit is so much, then maybe there is no need for people to report who gave up to that amount. And the state would in effect say: it's ok to give up to this amount, as a matter of fact we'll participate. We'll give 75 percent back, 50 percent back, 25 percent back as a tax credit on this amount.

It's a relationship that was drawn. I'd like to hear, when there is a discussion this afternoon, what people think of that.

I found all of the points that were raised this morning with respect to broadcasting extremely helpful. I have appeared before a Parliamentary Committee there was an opportunity for me to explain the report in more detail several weeks ago. I don't know, by the way, if the government intends to do anything about the report, or if the Parliamentary Committee intends to do anything about the report. But certainly I had an opportunity to be heard. And the comments that are coming out here are going to be extremely useful to me and to Canadians, if there is further consideration given. I should say "when" further consideration is given. Eventually, it will happen. If it's not this Parliament, it will be the next one.

With respect to broadcasting, I do agree with the fact that the impact, even though in some views it's very important, in other views it's not that vital, it's not as great as one would think. In terms of advertising, that's where people decide how they want their image to be projected, how they want their thoughts to be projected. There is clearly a disconnect between free time and paid time. And right now, the way the regime exists, it perpetuates into the free time what exists in the paid time — allocation by the Broadcasting Arbitrator. What we're saying is, let's do away with this for the paid time, because that allocation is no longer really all that significant. And at the same time, we're saying: with respect to the free time, let's get that equality provision in there. If there is going to be free time, let's make it equal for all the parties that do sustain 50 candidacies and retain party status.

At the Advisory Committee, this is what struck a chord with the small parties. As you may know, the Advisory Committee of Political Parties includes all ten or twelve parties, depending upon the numbers, as well as parties that are trying to become parties. Once they become eligible, they also attend, because I invite them automatically to get them into the process as soon as possible. This provision is what has struck a chord with them. Their view is that the broadcast media, the media in general, are not fair to them in their coverage. The Communist Party, Marxist Leninists, Christian Heritage, the Green Party: these are people who feel that the way that journalism works is not for them. They feel they have ideas, that are different from mainstream parties. They want to have an opportunity to be heard. They view this as one of the main ways they could overcome this. And I'll tell you, if they don't have access to prime time, it will have limited value. I recognize that. But at least it's something to which they attach a lot of importance.

And I will end my remarks by coming back to John Courtney's three points. About defining a problem, defining a solution, and having a political platform for it. This brings me back to the other point I was making about when consideration will be given to these things. I think the report really attempts to define the problems, and attempts to define solutions. One of the things I've found in my years at the helm of Elections

Canada, is that it's almost essential to present parliamentarians with a solution, a way of handling the problem. They need that kind of information. They need to know something is possible. Then they can work on improving it, modifying it completely, changing its direction. But at least they know it's something that can work. And it gives them something with which to work. As individual parliamentarians, they don't always get that kind of advice readily, because that requires a certain amount of research. Some of these problems are not easy, you know. And in terms of political support, well that's something else. That will depend on whether people who are out there wish to make this part of a platform for their parties, if a political party recognizes that the public appetite for openness in terms of funding will only be satisfied when it is total, and that becomes part of their platform.

But then there is the fail safe. You know, before this job, I was in charge of conflicts of interest at the federal level. And it seems to me that there is always a good old fashioned scandal that will come along and spur everybody into action. I hope it doesn't have to come to that, but on the other hand, if it does, we're ready. Thank you very much.

Questions and comments

Hugh Segal: Anybody who wishes to ask questions, or make comments, by all means, do so. Just please identify yourself.

Theo Geraets: Nobody reacted this morning to Professor Courtney's provocative statement about keeping parties vibrant by having busloads of 14 year-olds, some of whom could "catch the bug" as he described it. I would like to have your opinion on this. You don't want to interfere, or you decided not to interfere, in the by-laws of parties and party associations. But the age factor, I think, is a very important one. And I personally don't see why — since even starting with nomination meetings, this is all an integral part of the democratic process — I don't see why, if the age for voting federally is at a certain level, younger people could vote at the other levels — and very important levels, maybe determining levels — of the same democratic process.

I discussed this a little with Ken McRae during the break and he made a very astute observation, saying, well, there may be different cultures in different parts of the country. And I admit that. That maybe in one province, the age could be lower, or higher in another province. Provincially. But I think there is a good argument to be made for the age requirement to be the same at all levels, at all stages of the democratic process. This is, of course, related to the hybrid character of political parties, public or private. I would like to have your opinion.

Jean-Pierre Kingsley: Well I think that this is a point that was also being joined when Hugh was making his intervention a little bit earlier. And my view is that the Chief Electoral Officer should not be involved in this. I don't remember that the Royal Commission even went that far. I don't think they did. But I don't see this, myself, as a pressing problem. Some parties may wish to have a cut-off at 18, some may wish to have it at 16. Some may wish to allow non-Canadians to vote for their leaders. Canadians, then, when they go to the polls, will have to take that into account. And this is, in my view, where the reconciliation should take place. But frankly I think it would get us involved (by us, I mean Elections Canada) in a field of activity that I don't think Canadians have a real concern for. Personally, I don't think so at this time.

Heather McIvor: You talked about the problem of having some money that is regulated, and some that is not.....We know that there are problems with certain parties spending lots of money on office overhead in the year before an election campaign. We know that, for example, polling is not included in election expenses. So why not just go the whole way?

Jean-Pierre Kingsley: Well, that is a very good question. There is one advantage, though. And that is, the definition of expenses has nothing to do with the source of financing. So to get complete reporting about the source of financing to me is a separate value. With respect to the broadening of the definition of election expenses, there was an attempt to do this in the previous report, and there was a discussion at the Parliamentary Committee. And I must say that I don't think there is going to be much movement until there is a move to augment public funding for parties. And my own view — it's a personal view — I think that the parties are very interested in keeping the amount that they do on polling out of what they report. Polling is occurring at the party level — and I'm talking about the main parties here — in different ways. And this is something that they consider to be very important to them in terms of keeping secret how much is being spent. That's a personal view.

But that's only one aspect of your question with respect to the broadening of the definition of election expenses. I think personally the issue will come back again; perhaps in the next report it will be picked up. But I will admit to you that there were other considerations when I was getting ready to table this report. The Advisory Committee members, a lot of them, at least among some of the major parties, were interested in having a greater reimbursement of party expenditures from the public purse. But I decided that I would not go in that direction because, even though the Chief Electoral Officer is an apolitical person, there has to be a reconciliation with the fact that certain things will not fly. That was one of them. And the other one was a redefinition of election expenses. At this time. It was a very practical consideration.

William Cross: I wanted to go back to the earlier question about internal party rules on things like leadership selection. And back to Hugh Segal's comment this morning. Because I think that this is really important. We can get caught up in what I see as an unnecessary argument about whether or not parties are private or public entities. I'm quite happy to say that parties are private entities, and they can do what they want, most of the time. When they're selecting the president of their association, if they want to let 8 year olds vote, well that's their business. But I think we have to acknowledge that some of the time, parties engage in activities that cannot be described as private activities. The Liberal Party of Canada will select the next Prime Minister of the country, in all likelihood. That is not the activity of a private club. And I think to say, "well, voters at some point will have a chance to pass judgement on the rules that that party uses" is, in a sense, to abdicate responsibility. Because, as we see at the provincial level right now, we have some people who are premiers, Lorne Calvert comes to mind, who can be there for several years, picked by a party, before voters get a chance to pass judgement. The next prime minister could be picked three years before a federal election, and it seems to me that for Elections Canada to say, "well we, in a sense, don't care about what the rules are for the selection of that person," that just doesn't seem good enough to me.

Jean-Pierre Kingsley: Well, I can appreciate that. And I see the validity of your point. But I stay with the fact that I'm not going to go in that direction. There is something that has to be remembered, especially when one is producing a report that is going to be breaking new ground. And if you put forward an idea that is so far advanced, and so bold, you can destroy the whole credibility of your report. It becomes so easy as a target. And that's one of the things that you have to weigh, as the Chief Electoral Officer....There is that overwhelming, overarching concern. Maybe it will be a matter that will be picked up eventually, but I think that the issue will have to move beyond what I would call academic concern. I attach a lot of importance to academic concern, but I think that it's when Canadians start to relate to the issue, generally, then we'll see a need for movement. And I think that this a progression.

It's a little bit like the issue of proportional representation. I mean for years, effectively, only academia, or practically only academia, was concerned about this. Well now it has gained greater credibility because others have picked it up. But the fact that academia was concerned, and reiterated this after every election, I think helped sustain the interest. But it's only when it became an issue of public interest, beyond academia, that it became something on which some people, important people, wish to see movement. And if the issue you're raising about who votes in party leadership selection contests becomes something of concern to Canadians, then we will see it being resurrected again.

André Blais: I expect that you'll perhaps respond the same way to my question. That it is another question coming from academia. My concern is that what I think is the most important of element of the election campaign, televised leader debates, is completely unregulated. I would like to know whether you have given any thought to the possibility of regulating part of it, or not. For instance, imposing that it be broadcast everywhere. Or, in fact, even deciding how it should be held.

Jean-Pierre Kingsley: Well, I don't wish to respond in exactly the same way I did before because that would be repetitive. But on the other hand I don't think a lot of people sense that there is a big problem. And we must remember that there was a court case about who was invited to participate. And the courts of Canada have decided in a particular way, and there has been no big uproar that this is not the way to proceed. And therefore to regulate just for the sake of regulation is really not my bag. It's not the way I think.

Peter Aucoin: I'm not certain I want to put you on the spot, Jean-Pierre, so I guess this is more making three comments. Several people this morning talked about the possibilities of abusing the system. And I think if you look at the credibility of certain parts of the system, there is a question of our credibility. You mentioned that the Americans have distinctions between soft and hard money. Well I would suggest to you, as Heather MacIvor pointed out, that the exclusion of polling from the election expenses regime, that's our form of soft money. We allow it to escape the system and it's pretty difficult to make an argument that polling is not a central activity of political parties in campaigns any longer.

Secondly I think with respect to the age question [that].... we did address the issue of age in terms of candidate selection and leadership selection in the report of the Royal Commission on Electoral Reform and Party Financing. And the issue was around questions of citizenship and voters. But in particular, while it might be important to engage young people in the political process at an early age, I would have thought that the issue in allowing people below the voting age and non-citizens to vote, is the door it opens to the exploitation of those people. I mean we have all kinds of laws to protect young people, and we do it on the grounds that while many of them are quite capable of exercising both their rights and responsibilities, the system has to protect them. And I think the credibility of the system in ignoring that issue just invites the abuse that we see occurring periodically in parties.

And then thirdly, with respect to the question of disclosure, you mentioned the cap that you have on the reporting requirement. My concern is not so much the question of reporting, but rather the timeliness of the disclosure. The argument for disclosure is that it contributes to an informed vote. But when the disclosure occurs after the election, that's not possible, except in retrospect. And I'm wondering why — perhaps I could ask you to at least

muse about this one — why we haven't considered (and of course the Royal Commission didn't consider it either) immediate, pre-election disclosure of contributions of a certain amount. If the concern is undue influence, I don't see small amounts, even into the thousands, having a major influence on politicians. But let's say something over ten or twenty thousand dollars being reported immediately. That's no great administrative burden. Parties that get donations of that size have the administrative capacity to put it in the bank and to spend it. If they have those two capacities, they have the capacity to report it. And as you well know, you're not talking about a large number of contributions if you set the threshold at that level.

Jean-Pierre Kingsley: Well in terms of numbers, you're right: they're not all that important. We did consider that as a matter of fact. And the argument that won the day was that if there is going to be a cap — which is what I'm recommending — on contributions, then there is no longer a pressing need for immediate knowledge. Because that cap should be set at such a limit, so that it does not create a perception problem. That's the thought that occurred to us: there is no longer a need to ask somebody to report immediately. Now, in terms of all the caps that are in there — I've said this to the Parliamentary Committee — the recommendations were in all cases for the maximum that would, in my view, be deemed reasonable. I did not go for the mid-point on the scale, I went for the maximum. Fifty thousand dollars is a lot of money. Seventy-five hundred dollars is a lot of money.¹ But I went for that, and said let's see where the people are on this issue. Let's see where parliamentarians are, let's see where academia is. But if there are going to be caps, then there is no longer a need for immediate knowledge. Because it should not matter, if one imposes a cap.

And I come back to your first point, which is what I think I was trying to answer to Heather McIvor. The polling expenditures, in my view, should be reported. They should become part of the definition of an election expense. But that is still not related to reporting of the source of funding. And I think that that's an important consideration. Those two are two separate issues.

Bill Fox: I'll pick up on your observation that the basic thrust of the statute is equality. I wonder how much longer we then can have, in effect, protected constituencies, where the number of seats in certain geographic areas no longer connects to the size of the population, number one. And number two, I wonder how much longer we, as a country, can continue to define community by geography for electoral purposes.

Jean-Pierre Kingsley: Well your second question really relates, if I understood it correctly, to proportional representation. And as I always say in public on that, I've had my say, I encour-

aged a full day debate with the Advisory Committee, and that whole debate is on the website of Elections Canada. And I don't intend to go any further, except to cooperate with the Law Commission of Canada, which is now launching a study, and with which we've agreed to participate whenever they wish to have our participation. But we will not be taking the lead.

With respect to your first question — how long will we have that form of disproportion? Well, if I understand the workings of the Canadian constitution, it will be a while yet. Because we've got PEI with four seats for 120,000 people — or maybe it's 130,000 now — and that's going to be around for a long time. Now, within provinces, I think that that will continue to be an issue with respect to remote areas. And insofar as the Supreme Court is concerned, or at least the courts are concerned, they've pronounced themselves on that as well. They've said that a 25 percent spread is ok with us. The problem with the 25 percent spread, and everyone in this room understands it, is that it is a 66 percent spread, 25 percent up, 25 percent down. And then you get the clause that says: and, for exceptional circumstances, as defined by the boundary commissions themselves, they may forgo this. That's still an option. And I will be explaining this, others will as well, when we meet on March 13. The commissions have been established across the land for redistribution. That will be starting on March 13, when I will also be announcing what the seat allocation is between the provinces, based on the population statistics that are going to come out on March 12 from the Chief Statistician. So you know, it's going to be around for quite a while. But what we will find, at least I think, is that in the urban areas within provinces, there will be an even greater drive to maintain the one person, one vote standard. But we're not going to get away from the fact that we are a very big country for very few people. And Nunavut only has 25,000 or 26,000 people spread across a vast area. So...that's the answer to that one.

John Courtney: There are a lot of issues, so I will only try to advance two or three of them. On Peter Aucoin's point about the exploitation of young people, I take the point. I think it's a very valid one about busloads of young people. But similarly there were busloads of senior citizens. There were busloads of residents of the Old Mission Brewery in Montreal. I mean there were busloads and busloads. Some of them met the age requirement, others did not. And I think that the question that really bothers me in all of this is the extent to which there is a lasting commitment, a) to a party and b) to politics. My guess is that we probably retain a few or some of the 14 year olds. That's simply a guess. We may retain some or a few of the senior citizens in that party. We know, from the evidence that we have in the Alberta Conservative race that elected Mr. Klein, that something in the order of 25 percent of those who voted to select Mr. Klein voted in the subsequent election for the Liberal Party in that province. And I think that's a very troubling comment on the commitment to politics and to parties generally. But I think the point is well taken.

Mr. Kingsley, we know, based on the election expenses returns that came out after the 2000 election, that there were 25 individuals and corporations that donated at least \$50,000 to the Liberal campaign. We did not know, and will not know the number of corporations and individuals donating to the campaigns of Mr. Rock, Mr. Martin and perhaps others.² And it seems to me that certainly in terms of the public importance of the position, a future prime minister, we, as Canadian citizens, deserve to know that. It may be after the event, and I can't for the life of me now think that we would have it before the event. But after the event is better than not having it at all.

And finally, Mr. Fox's last point about the protected constituencies. As Mr. Kingsley has said, there is a very complex formula that is involved here, part of which is adjustable; the so-called senatorial floor is not. We leave things as they are until such time as all ten provincial legislatures and the Parliament agree to change. The likelihood of that, it seems to me, is pretty slim. But we can, as the Lortie Commission recommended, we can in fact change the grandfather clause and gradually phase out some of the differentials amongst the provinces. Whether Parliament will have the will to do that this time remains a very open question. I don't know.

Jean-Pierre Kingsley: I'm hoping that we will be able to go through one redistribution exercise without having reconsideration as we are proceeding. Because the last time around, this was very disruptive of the whole process. A lot of Canadians opted out of the process because they felt the legislation was going to be killed effectively and revamped. And the commissions would be restructured. And there was never a statute passed that eliminated the works of the commissions. So they just kept on plodding along, and a lot of people who might have felt that they would have made a presentation, a lot of Members of Parliament at the time, felt that it was going to die and did not participate in the process until the very end, when they have 30 days in which to comment. And that's the tail end of the process, it's not the most productive end. So I am hoping that when we launch the thing, it will be able to go through. But of course, if the will of Parliament is different, then it will be different. But it would be nice if it was clear-cut, what the intent of Parliament was going to be.

Hugh Thorburn: I'll confine myself to just one point, because I know our time is short. I suspect that if we're here, it's because we want to address the question of the declining legitimacy of the electoral process in Canada, at least as perceived by some academics and journalists, and others. We're used to the declining turnout in the vote, which probably suggests declining legitimacy. We are accustomed to governments being elected with 40 percent or less of the voters. And these are leading people to be cynical about the process. And I was just wonder-

ing, sir, how we should address that? Or what you think the role of your office should be in trying to address that problem?

Jean-Pierre Kingsley: Well I want to thank for having raised the issue. As a matter of fact, I was at a conference yesterday dealing with the evolution of electoral democracy in Mexico. And I had the opportunity to make the point that participation rates do matter, because they do affect the legitimacy of the process. If people are opting out of the process, then what is coming out at the end of the pipe, is not, in my view, as credible. Now I'm saying that not because I have a responsibility to say it under the statute, but that's a personal view after having been in this job for twelve years. Now there are certain things that my office can do, and some of them will be alluded to by Rennie Molnar a little later in terms of the registration of youth. But there are things that can be done to reach out to youth, who are the people who opt out of the system more than anybody else. And by youth, we mean 18 to 24 year olds. They're the ones who are not voting. They're the ones who have traditionally not voted.

We are funding a study that will be conducted by John Pammet and Lawrence Le Duc on why people did not vote. And the field will be broad, in terms of answers. It will be whatever they wish to answer. And their report will be analyzed, so that we can, as a society, come to grips with this and so that Elections Canada can come to grips with whatever it is that it is causing this problem. If there is anything we are doing, or are not doing, that should be addressed. Those results will be made available on our website, by the way, as are all the studies in which we get involved. This study will help inspire our ad campaigns — because we do, as you know, run ads. We spend about ten million dollars on publicity during an electoral event. We may have to start doing things between elections. Certainly the parliamentary committee was very encouraging in recognizing that we shouldn't hesitate to do that — so that we can reach out to the electorate, not only at the election period but in-between elections, so that there is continuing sensitivity.

And I've been trying to work on a program where we do things for youth in the schools. We have packages that we make available now. But we have to find a better way of getting those packages out there. And I'm trying to work with my provincial colleagues, the CEOs of the provinces, because they have more inroads into the education departments than I can ever hope to have.

So those are some of the things that we're considering. But I'm really putting a lot of faith in that study, so that we can get real indicators of what we ought to do. And reach out and do our bit. But one of the first things, I think, we can all do is get people to appreciate: if they're opting out, the legitimacy of the process is affected. There is no doubt about this.

Kenneth Carty: We know that the next election of British Columbia is going to be, I think, May 5, 2005. Because we now, by a kind of a statutory arrangement, have fixed election dates. I wonder if Elections Canada has thought about that. I mean that would address a number of questions about broadcasting and party activity, because it would give a kind of certainty to the electoral cycle.

Jean-Pierre Kingsley: In terms of election preparedness — and we have considered this — because of the kind of system under which we work, it wouldn't cost any less if we knew the date of the next election. For one simple reason: if the government were overturned before that date, there would have to be an election. So in terms of our preparation, we have to be ready at any time, anyway. Now whether or not it's desirable unto itself to have a set date, is quite another issue on which I have not intended to pronounce myself. Because that's into another sphere of democratic life in this country, over which I feel I don't have an ambit, quite honestly. But it's an interesting question, and I'm not saying that it's possible that the BC government will be overturned in the next short while. But even if there were a set date, that would be an issue.

Kenneth Carty: I was just going to say that my understanding is that in the Storting in Norway, if governments are defeated, the parliamentarians just have to produce another government. I mean they have fixed election dates and they're just told, well get on and produce a government that will work. It's a constitutional convention.

Jean-Pierre Kingsley: Well, I agree that that would be a way around it. But I don't know if Canadians would feel generally that they would like to have set dates for elections. Certainly there is the feeling amongst people that there is a bit of an advantage to the governing party about when it can call the election. And that is one of the drawbacks of the present system.

Graham White: Thank you. I just wanted to echo that last point. That it seems to me the significance of a fixed election date — and in Ontario, the opposition leader, Dalton McGuinty, has committed to do this if he's elected — is not a question of the finances at the electoral level of your office. Because you're right, you have to be ready all the time. But if we're talking about leveling the playing field among the parties, it reduces some of the enormous advantages that the incumbent government has, particularly if it's a very well financed incumbent government. In Ontario, in the last election, the Conservative Party spent almost as much money in advertising in the few weeks in the run-up to the election as it did during the election campaign. And the opposition parties were unable to match that, and even if they did, they would have encountered the risk that perhaps this was a phony campaign. So that I think

the significance of this proposal is not a case of your preparedness, but rather leveling the playing field.

Jean-Pierre Kingsley: I have to answer in terms of my responsibilities in the face of this. But you do raise an interesting point. And it would have significant impact on how elections are fought. And this will happen in BC without a doubt. Because the date is known, there will be a whole slew of strategies that will come into being, including advertising budgets that will fall outside what we conventionally call the election period now, under the statute. That election period will be broadened. And those expenditures which take place before the moment that we say, “ok, now the campaign is on,” all of that will become unreportable and those expenditures will be something else. And presumably, at least in terms of the advertising impact, it will be more for those parties that have more resources. So that’s something to consider.

Louis Massicotte: If I could bring to light some comparative analysis on this. All parliamentary systems I know, with the glorious exception of Norway, provide for dissolution of the legislature before its term. However, there is duality of practices in countries. On the one hand, we in the Westminster system have come to accept that the party in power is free to choose the best moment for dissolution in its own interest. In other parliamentary systems, in continental Europe for example, they tend not to dissolve the legislature before the expiry of its term. Unless, of course, the government is defeated in the legislature, which is not frequent. And I agree that it is more a matter of political fairness than a matter of constitutional mechanics.

Hugh Segal: My question is about linking up different regulatory regimes. I use Enron as an example. When the final story rolls out about Enron, we may find that there were not explicit violations of American securities legislation. There may or may not have been explicit violations of appropriate accounting guidelines. There may or may not have been legal and/or criminal activity. That’s yet to be determined. It strikes me that one of the interesting challenges we have with the Elections Act is the regulation of election expenses. If it’s not connected to the operation of the Tax Act, and various other pieces of legislation, the rules end up being moot. Let me give you one example. The maximum of a thousand odd dollars beyond which one has to make a declaration is tied to the tax credit. The tax credit is relevant for an individual or a corporation that is operating under the provisions of that law. But if a company gives \$50,000 to a political party or a candidate, claims it as a marketing expense, then the issue is: do the auditors of the company, in reviewing and testing various expenses against the normative rules, accept that it is a marketing expense? The Tax Act says that is 100 percent deductible, if it was expended for the purpose of gaining income. The Criminal Code suggests that giving money to a politician for the express purpose of gaining income or a benefit is a violation of the Criminal

Code of Canada. You understand how the issues link up. So in a sense, while the fundamental question of a thousand odd dollars as a point of demarcation is a very significant policy issue, in the larger world, where corporate contributions are permitted — or union contributions or whatever the counterpart is — it may not be relevant as a point of demarcation around the point that you made, namely the state has said it will give tax credits up to a certain point and beyond that we should have some greater exposure in some fashion.

And I wonder whether or not, in the context of the regulatory issues you have to reflect upon, it is normally within the purview of the Chief Electoral Officer to sit down with the head of the Revenue and Customs Agency to look at how regulations from both places may or may not interact. Not to mention your prior role in terms of conflicts of interest and the whole issue of receiving a benefit, etc. Which it strikes me would have been particularly germane to the comments made early on, concerning leadership activity of candidates in an existing government. Obviously you would be taking a very close look at those sorts of issues.

Jean-Pierre Kingsley: Frankly, the question that you've raised is one I had not considered. And I will be bringing it back to the office. And when we do consider broadening the definition of expenses, we will consider that. We have attempted to look, by the way, at what it is that is claimed by corporations to sustain political parties. And we get statistical information from the Canada Customs and Revenue Agency. Because they have their own statute, and they're working under it. But I am not getting specific information from the Canada Customs and Revenue Agency. We did think of a linkage, but not as far as you're suggesting. But certainly that's something that we will have to consider much more seriously when we do go after a definition of expenditure under the Canada Elections Act. So thank you for raising that.

May I take this opportunity to thank all of you for having participated, and for continuing to participate because I view this as an opportunity for us to learn even more about the electoral process. There is expertise around this table that collectively surpasses what we have. And for that reason, it's a much appreciated opportunity, as well as allowing us to bring some of the senior members of our staff to this meeting.

Hugh Segal: Jean-Pierre, thank you very much for joining us.

- 1 Fifty thousand dollars refers to proposed limits on contributions to registered parties. Seventy-five hundred dollars refers to proposed limits on contributions to all local electoral district associations of each party. See recommendation 5.4.1, *Modernizing the Electoral Process: Recommendations from the Chief Electoral Officer of Canada following the 37th General Election*.
- 2 This forum preceded the announcement, later in 2002, of new disclosure rules for cabinet ministers contesting the Liberal leadership.

SESSION III

IMPROVING TRANSPARENCY IN ELECTORAL FINANCING— AMÉLIORER LA TRANSPARENCE EN MATIÈRE DE FINANCEMENT ÉLECTORAL

Geneviève Bouchard: Our third session is entitled Improving transparency in electoral financing — améliorer la transparence en matière de financement électoral.

William Cross: Thank you. I'd like to begin by thanking Hugh Segal and IRPP for the invitation to participate in what I think has been a very interesting set of discussions on some very important topics. I am particularly pleased to have representation from Elections Canada, to have the Chief Electoral Officer here to engage in a dialogue with us. I've been asked to comment on the parts of the CEO's report that deal with transparency and increasing transparency in the electoral process.

I thought in order to structure my comments, I would begin by trying to identify what the objectives of increasing transparency in the electoral process are. By reading through the report, and particularly the introductory material in section 5 of the report, I think three objectives can be identified. In no particular order, the first is an attempt to chill “quid pro quo” type deals: deals of undue influence, a contribution in return for some kind of government favour later on. Second, the term “informed vote” is used a lot in the report, in dealing with transparency. I guess the idea is to give more information to voters in deciding how to use their franchise. And finally, transparency is seen as a way of enhancing public confidence in the electoral system. And so I think it will be useful in structuring my comments to consider how the current regime and the suggested reforms in the report address these three concerns.

So I'll start with the first one, what I've called chilling quid pro quos. And again the notion is that by having transparency, folks will be able to connect contributions with gov-

ernment largesse and government activities, and this will prevent undue influence and undue consideration given to political contributors. I think that generally speaking, our current system does a good job of meeting this objective. The information is made public on who contributes to political parties and to candidates. We currently have a relatively low threshold of \$200. All contributions above that amount are reported. The information is accessible. It's now on the web. I think there can be improvements in the way it's presented on the web, but it is there and one can go in and find a list of contributors to candidates and to parties.

There are several relevant recommendations in the report in this regard. And I think these are steps in the right direction. There are recommendations regarding transfers from trust funds and transfers from provincial political parties to federal candidates. To require that there be full disclosure in those transfers of the original sources of the contributions. That would be a step in the right direction. Now we heard Reg Alcock this morning discuss how there might be some practical problems in identifying exactly which dollars came from where. I'm not sure how you work those out, but it is a problem right now without having this kind of full disclosure. I mean I'm from New Brunswick and recently I had a student try to find the source of contributions to the federal candidates for the Liberal Party in New Brunswick. And what we found was that several of them listed one contributor, which was the provincial Liberal Party in New Brunswick. Well that doesn't provide a lot of transparency, and the recommendations in the report would be a step in the right direction in providing that information.

Another recommendation in the report in this regard is to raise the threshold for disclosure — and Mr. Kingsley spoke about this in his remarks — to \$1,075. And the amount is tied of course to the tax credit scheme. In my view, I don't see this as having a significant impact. I don't think that it would in any serious way hinder the objective of chilling quid pro quos by raising the threshold. It still would be low enough at \$1,075 that we would still have full disclosure of all those kinds of contributions that we want to be concerned about — those that are greater than the norm and that stand out and might in some way result in undue influence.

I guess I would have wished that those of us who would like to see greater reform of the system might have gotten something in return for the raising of that threshold. So you give something to the parties in terms of privacy and lessening their administrative burden by raising the threshold to \$1,075. But reciprocally what I would like to have seen was a recommendation for pre-election disclosure, something that Peter Aucoin raised this morning.

The second objective that I mentioned is the informed vote. Like I said, you see this objective throughout the report, and particularly in section 5. It seems to me that in order for transparency to aid in an informed vote, the voter has to have the information before he or she decides how to vote. Of course in the current scheme, the information isn't provided

until four or six months after the election. It does seem to me that information on where political parties and candidates raise their money is legitimate information for voters to have in determining how to vote. Who the parties align themselves with; who they might be more responsive to in the future, as a result of contributions. All this seems to me to be proper grist for the mill for the voter in deciding how to cast their vote. I don't think that it has to be every contribution that would have to be reported prior to the election. But I think a threshold could be set at \$5,000 perhaps, for immediate disclosure of that information. Parties that are raising \$5,000 contributions have the wherewithal to report it, and to report it just about immediately. I mean if they can process the cheque and cash it and get it in to their banks and spend it, somewhere along the way, it seems to me that they could post it on their website.

In the discussion at lunch time, Mr. Kingsley, you suggested that in your discussions about this, the thought was if you had caps, which you suggest in your report on contributions, then that solved the problem concerning pre-election disclosure. I'm not sure about that. It seems to me that if that logic was correct, then that would mean if you have caps, you never need disclosure. The argument would have to be that the caps are set low enough that they do away with any concerns about quid pro quos or undue influence, so we don't need to know. But the caps as proposed are set at \$50,000. That's a substantial amount of money, and I take your point that it is a sort of maximum acceptable amount that you argued for. But it still leaves the possibility for very substantial contributions to be made prior to an election, without the voters having that information until four or six months after the campaign.

The third objective that is mentioned in the report around the idea of transparency deals with public confidence. We have disclosure requirements and try to make campaign financing transparent, in order to increase, or maintain public confidence in the system. In my mind, the issue here isn't so much the formal rules of disclosure, the threshold at which you have to disclose, or the rules about trust funds or provincial parties. It seems to me the real issue in this regard is what is being disclosed. And here the issue, I think, is the inordinate amount of money in our federal election system that comes from corporations and trade unions. There is nothing in the report, unfortunately, that would put a cap on the overall amount of money from corporations and trade unions that the parties can receive, other than the proposed individual contribution limit of \$50,000. And I think when we look at issues of why people aren't voting — and I think that's a tremendous problem — and why people's confidence in the system is clearly waning, I think we have to look at this area.

For the 2000 election campaign, I did a cursory review of the parties' financial returns and looked at the ten top contributors to each of the five major parties. So I get a list of 50 contributions. Of these 46 come from corporations and trade unions. I think that raises

real questions in the minds of voters as to who the parties and candidates are responsive to. To take the Liberals as an example — and I don't want to isolate one party, because as I said, overall, for the five parties, 92 percent of the largest contributions come from corporations and unions — but take the Liberals: of their 10 largest contributions, eight come from banks or financial institutions, and the other two are from Bombardier and Canadian National. I think that no matter how this information is reported, how it's disclosed — I think it's good that it's disclosed — but no matter what kind of tinkering is done, we're still going to have a tremendous problem regarding public confidence in the system if we have a system in which such large contributions are coming from non-voters. And I would urge Elections Canada to consider — and the parliamentarians, of course, who have the final say — the examples of Quebec and Manitoba, systems that limit financial contributions to voters in the system. Because if we don't, I think we'll always have a situation where we have media watch-dogs and opposition parties constantly raising questions about the integrity of the government and the integrity of the political system. We'll always have things like the HRDC scandal, we'll always have media stories and opposition complaints or criticism of the government, pointing to quid pro quo type deals, as long as we have the Liberal government (as an example again) taking 60 percent of its contributions in 2000 from corporations.

And it may well be that there is no quid pro quo. It may well be that the politicians are in no way unduly influenced, or overly responsive to their contributors. But the real problem, I think, is the perception. And I think as long as this perception is out there, and is fueled by opposition members and the media, it really does undercut legitimacy and confidence in our electoral system.

Louis Massicotte: I've been asked, like the other members of the panel, to comment on the sections of the report dealing with transparency. Let me start with the simple assumption that the issue of transparency is tied, almost inextricably, to the issue of trust in institutions and politicians. When political finance laws are enacted, in most cases, they are following in the footsteps of a major political scandal. We had an illustration of this a few weeks ago. For years we had been assuming, in my home province of Quebec, that we had the best political finance legislation on the continent, if not in the whole world. And suddenly we discovered that there were some practices which were not improper from a legal point of view, but were, from an ethical point of view, much more debatable. And what occurred? A few days after some rumors erupted in the newspapers, you had the premier coming up with new draft legislation on lobbying. So I agree with Jean-Pierre Kingsley that you really need a little scandal to make government run smoothly.

Since I believe that the issue of trust is important, that political finance legislation aims at fostering, or restoring, public trust, I think it's useful right from the start to provide

some background data on the latter. So I have compiled the data taken from Gallup polls over the previous 25 years. And I am told that these data are not contradicted by those from successive Canadian election studies, and indeed they are also confirmed by the most recent poll by Léger Marketing on public trust in various institutions. So let me show some of these data.

This is the Gallup poll asking how many people have a great deal or quite a lot of confidence in some institutions. There are many more institutions which are covered by the study, but the line on the top is confidence in the House of Commons, and the other line is the confidence in political parties. And as you can see, as is well known, there was a massive decline in confidence until 1993. Now at that time, that issue — declining trust — was the talk of the town, and indeed of the country. And there were many people at that time who summed up the problem in two words: Brian Mulroney. They seemed to assume that the only solution was to have a new government. So it is interesting now to have a look at what followed. And what followed is this. There have been two other studies asking the same question, which have revealed some improvement over the years, but as you can guess, the problem was much more complex than many people assumed. So we still are facing a problem of declining trust towards the institutions and those who work in them.

When it comes to the honesty and ethics of politicians, the problem is the same. I have some data here, showing the percentage of people who rate the honesty and ethics of various professions as being high or very high, or low or very low. As you can see, politicians come last on the line. So obviously there is still a problem and there has been no change over the previous years on this count. Politicians are rated as unethical.

So let's come now to transparency. I think there is pretty general agreement that the premise underlying the existing federal political finance legislation in the area of contributions is: disclosure is enough. There is no restriction on the source of funds, except the prohibition of foreign donations, which was introduced some ten years ago. Corporations and labour unions can freely contribute to parties, not just individuals as in two Canadian provinces. There is no ceiling on donations: this is very important. In this area, the sky is literally the limit. However, the source and amount of any contribution exceeding \$200 are disclosed each year. The issue was studied by the Royal Commission — the Lortie Commission — and as many people expected, the Commission saw nothing wrong with that approach. On that point, the status quo was consecrated by the subsequent changes in the election legislation. The Royal Commission rejected the individuals-only approach advocated by some Québec Tories, and therefore Jean-Pierre Kingsley's recommendations would provide major changes, namely having a ceiling on contributions, and raising the threshold for disclosure. I will make a few comments on both of these.

Contribution limits: In principle, I fully concur, but when I look at the proposal, I become skeptical. Contribution limits have not yet become, in world politics, an acknowl-

edged standard of public morality. There are five Canadian provinces which have such ceilings, which means that there are five others who do not. Among major democracies, France and the USA have contribution limits, but the United Kingdom, Australia, Ireland and Germany (except for foreign donations in that case) do not. In election year 2000, contributions of \$50,000 and more came from some 62 sources, which means 1/100 of 1 percent of all donors making 13 percent of all donations to parties. So having a ceiling on these contributions makes sense theoretically, as donations of that size have the potential to buy influence on, or at least access to, political decision makers. Maybe politicians prefer not to have ceilings because limits might imperil their financial situation, unless they are offset by increased state funding.

My main reservation is that such limits are so easy to circumvent that their enactment might amount to little more than a public relations exercise. I claim no special expertise in that field, but I suspect that the corporate world is complex enough for funds to be channeled through branches or numbered companies created specifically for that purpose. Indeed we had a debate in Quebec when the present legislation was adopted — some 25 years ago — and I still remember what Minister Burns said. Some opposition members felt that corporate contributions should be allowed, subject to a ceiling in order to avoid corruption. The minister answered that if you allow corporations to contribute, and put a ceiling on the contributions, there are so many ways to get around that kind of ceiling, that the ceiling becomes pointless. To me, this point still makes an awful lot of sense. I am afraid that a labour union could do exactly the same thing.

Another worthwhile consideration is that contrary to what some people assume, big money does not only go to the ruling party, or even indeed to its challenger from the right. This table shows the aggregate amount of contributions of \$50,000 and more to each of the major political parties according to data provided by the Chief Electoral Officer. On the right column, you can see the average size of each of these big contributions by party (my computations). The largest average contribution goes to — of all parties — the New Democratic Party. And this is not a fluke. In earlier days I compiled a list of the 500 largest donors to political parties from 1979 to 1985 inclusive, and the top three were not major corporations, but labour unions. Now, I agree that the vast majority of those that followed were corporations. But labour unions are also big donors. And therefore I believe that this kind of restriction is likely to be criticized from many quarters, and not only by the business community.

Bill Cross raised the issue, would it be a good trade-off to accept a ceiling instead of early disclosure? I do not believe this would be a good trade-off. Frankly if I had to choose between both, I think I would go for no caps, because they are too easy to get around, and instead choose early disclosure, which would reinforce the philosophy of the present legislation.

Now the other major proposal put forward in the report that I found interesting, is raising the threshold for disclosure of the source of donations. The threshold would be increased from its present \$200 to \$1,075 — which I understand is tied to the formula for computing tax credits. It looks awkward at first sight because it reduces the level of transparency: the identity of many more donors will remain confidential. But the arguments put forward for that proposal make sense in my view, because that measure would reinforce the propensity to contribute, under the assumption that people are reluctant to see their identity disclosed. Reg Alcock told us that nobody should be afraid of having his identity disclosed as a donor to a political party. But I tend to believe, on common experience, that most people feel that way. For people who are politically involved, there is no danger in being exposed: they are already known. But for a lot of people, I think this is an obstacle, and it would be a good idea to try a higher threshold. My only concern would be: will some sources try to divide their contribution in many packs, all of them lower than \$1,000, in order to escape disclosure? This is a danger, but I think the idea is worth trying, and I would support it.

So to come back to my earlier question, will the proposed changes increase, restore, or foster public trust towards the political process? Well, however well inspired they may be — and I think they are — I don't think that they are likely to do very much in that regard. Not because they are good or bad proposals, but simply because the problem is, I think, much more complex than that. The problem of public trust towards politicians is a worldwide phenomenon. In other words, trust is going down almost everywhere at present, whatever the electoral system, whatever the electoral arrangements, and I think that it is not simply by tinkering with political finance legislation that we will be able to overcome the phenomenon that is becoming probably one of the biggest threats that our democracies are facing. Thank you.

Aaron Freeman: I'd like to also thank IRPP for inviting me to this meeting. And I would also again like to thank Jean-Pierre Kingsley who, I think, should be commended for being so willing to put his views to scrutiny. I think it speaks volumes about his own perspective on accountability and transparency that he's willing to line up some of the smarter people on this issue and let them take swings at his ideas again and again.

I'm going to bat clean-up a little bit, because a lot of what I wanted to say has already been said. I think that Mr. Kingsley's recommendations to make political fund raising rules more transparent and more democratic are remarkably common sense and long overdue. Although I would argue that some of the recommendations that have been touched on already could actually be more restrictive of transparency. And I think they could threaten the prospects for getting some of the better recommendations accepted by Parliament.

The current rules make it just simply way too easy to hide political donations. Mr. Kingsley recommends closing these loopholes and I'd like to discuss each of the loopholes that he's identified and a couple that I think he's missed.

Probably the first electoral loophole that is worth discussing is the riding association loophole. This one was slightly tightened two years ago under Bill C-2, so that now, instead of riding associations being completely outside of the disclosure rules, there is a somewhat complicated system of limited disclosure. The way it works is that if someone donates to a riding association, but the donation is really to a candidate or a party, the donation has to be disclosed. The obvious problem with this rule is that you have to get into the head of the donor and determine what his or her true motivation is. Which is pretty difficult to do by law. There is another problem which you can illustrate by an example. I donate \$10,000 to a riding association during the election and the riding association has a total budget of let's say \$50,000. During the election, the riding association transfers \$25,000 to a candidate. Was my \$10,000 part of that \$25,000 that was moved to the candidate? Or was it part of the \$25,000 that stayed in the riding association?

The way that they've dealt with that is to say that if you can't determine who the real donor is, you have to disclose all of the names of the donors to the riding association. That is, if you can't determine the name of the donor behind the transfer from the riding association to the candidate. The problem with this is that it still gives the option to someone to hide the donation. If you have some donors that want to hide their donation and other donors that aren't going to care — and that's a pretty likely scenario — the riding association can simply list a number of those who don't care as the names behind the amount that was transferred. It's pretty simple and it's very common for riding associations to support their candidate and their party by undertaking expenses like polling and paying for fund raisers and so on, so the secret donor can still be assured that his or her donation is going to be put toward the use of the candidate and of the party.

The obvious solution to this problem is what they should have done in the first place. Which is to do what several provinces have done, and that's just register riding associations. So that every dollar in and every dollar out is accounted for. It's a much simpler system and it's a much more comprehensive system.

The second loophole that I'd like to discuss has already been touched on today, and that's leadership races. It's probably the biggest, or the most significant loophole in the law right now, although that's probably a horse race. Basically there are no legal rules governing donations to leadership races. And given the amounts involved and the types of shenanigans that you see during leadership races, this is a really serious problem. First of all, the amounts involved: before Brian Tobin resigned, his people were saying that he had pledges of ten million dollars to finance his leadership bid, and that was a leadership bid that was, from their

perspective, a long way away. Even in the Alliance race, it's widely recognized that it takes between one and three million dollars just to throw your hat in the ring. And during the last Alliance leadership campaign, Frank Klees pulled out of the campaign and revealed that one of the rival leadership camps had offered him a substantial amount of money — I think it was a million dollars — if he would support them on the second ballot. Given the type of disclosure this was and the unlikelihood that you'd ever see that kind of revelation happening in a race, as well as the anecdotal evidence that we have from other races, it's reasonable to expect that those kinds of arrangements are commonplace. And in fact, the campaign strategists for Stockwell Day at the time said that he was actually quite indignant about the whole affair. He said that Frank Klees was airing the party's dirty laundry, it was totally inappropriate, that these things happen all the time, and that the appropriate thing for him to have done was to simply say: no thank you.

So I think it's reasonable to expect that these sorts of things happen commonly in leadership races, and I think someone mentioned this morning. I think it was Ms. Verge who said that there are actually a lot more things along these lines that happen during leadership races than during elections because they're so drawn out.

It should be mentioned that while it's not required by law, the parties do have voluntary rules on disclosure. And that is that they route the donations through the party — and the Alliance is doing that this time around, though they didn't the last time around. This approach has the appearance of disclosure, but there are basically three reasons why this is no improvement at all for the current system.

The first reason is the whole point of disclosure is to know which moneyed interests are bankrolling which candidates. Because the donation figures are lumped together with the party figures you don't get any of that information under the party's rules.

The second reason why this disclosure is inadequate is that it's quite well known in fundraising circles that the fundraisers give the donors the choice: if they want a tax receipt, they can have their name disclosed, or they can simply donate through the back door, and they won't have their name disclosed and they also won't get a tax receipt. There are a number of reasons why the tax receipt doesn't act as a check on disclosure. I can't go into it in detail but basically the Lortie Commission found, for example, that only one in five corporations eligible for the tax receipt actually claims the tax receipt. For individuals, it's between one-third and two-thirds, and there are a number of reasons behind that. That's a whole different story. But basically while this sort of thing would technically be against the party's rules, the party has no interest in investigating and bringing to light any of these sorts of irregularities.

The third reason why it's inadequate is the public doesn't get to see the party donations until next July. So in this case, that's sixteen months after the leadership vote has taken

place. And by that time, the leadership race is a distant memory, although I'm reminded that it wasn't much more than a year and a half ago that the Alliance was in a leadership race, so...

The third area that I want to touch on is donations to MPs between elections. Reg Alcock touched on this this morning. Again, not much to say here, except that outside that brief five week election period, MPs are not covered by the law. You might argue that any donation that is intended for the campaign would be covered by the law. You could also argue, failing that, that if it's a minister or a parliamentary secretary, that they're covered by ethics rules, and this is a gift. But we don't have a history, in this country, of interpreting these kinds of rules on the side of disclosure and accountability in the public interest. And that's illustrated by the fact that the prime minister is chosen to enforce ethics rules. There is just no history of erring on the side of disclosure with these rules.

There is also a series of other loopholes, and Mr. Kingsley highlighted some of these. Under the law, the amounts of loans to parties are disclosed, but not the terms of the loans. So Canadian financial institutions who play a key role in bankrolling the parties also have a huge stake in government decision-making — it's a regulated industry. And there is tremendous potential for undue influence there. And that's something that disclosing the terms of loans could help ameliorate. And in fact I think just the existence of disclosure would prevent any kind of preferential terms from being put into arrangements with the parties.

One of the most important rules that Mr. Kingsley recommends that hasn't been touched on is to have a general rule that would prevent making a contribution in a manner intended to hide the real source of the contribution. This is similar in my view to the general anti-avoidance rule that we have in the Income Tax Act. It basically says you can't do through the back door what is prohibited through the front door. Even if there isn't an explicit rule preventing you from hiding the identity of the donor, you can't make the donation in such a manner that it actually does hide the donor. I think it's an important rule to prevent future loopholes from emerging in the law.

Probably one of the biggest gaps in the report would be addressing the timeliness of donations. And that's been touched on. But suffice it to say that for me to make a donation this year, and for it not to be disclosed until July of next year, and for the public not to have any idea when that donation was made, whether it was made in January or December or July — we can't tell whether it's been timed with a particular piece of legislation, for example — does not make for a comprehensive disclosure regime. And I have yet to hear a reason why more timely disclosure, on a quarterly basis even, couldn't be implemented, given that all of the major parties now file electronically. This can simply be put directly up on the website at Elections Canada. This is what's done in the United States. They actually have monthly disclosure in their presidential races, right up to the vote. And it would be fairly simple to design a system that would capture all donations, if I may be so bold, before the vote. You'd

simply ban any contributions from going in a few days before the vote, and you'd give candidate and party officers two or three days to complete their filing and get it into Elections Canada.

So I think I'll probably end it there and turn it over to questions.

Questions and comments

Geneviève Bouchard: **Thank you. We will now have questions.**

Andrew Parkin: I wanted, just for the sake of discussion, to question the link between transparency and confidence, or the idea that there is an automatic link between greater transparency and greater confidence in the system. And in doing that, I'm not arguing against transparency, I just want to push it a bit further. We use words like "the informed voter," "the public's right to know," "the public can find out," or "the public can get the information." And I think that makes sense in theory, but I think we do need to remind ourselves that in practice the public will not do that. I mean individual voters do not look at who donates to parties themselves. To the extent that they do, it's because it's transmitted by other people, namely by academics, by the media, by interest groups and by opposing parties. Which — and this is just an aside, this isn't my main point — but which can actually have the curious effect of lowering public confidence because if it's opposition parties who are making the point, the more that we know, the more political rhetoric can come out of it. But that's not my point.

My only point is there is not necessarily an automatic transfer between greater transparency and greater confidence, because that transparency doesn't necessarily reach the public. And what I want to stress is that, as well as transparency in the process, in order to get the confidence we need to think about ways of increasing public ownership — or a sense of ownership — of the process. By which I mean something like the public's recognition that they have a stake in it. That it belongs to them, and that it works for them.

Which brings us back to some of the proposals that have been made already. It brings us back to issues about allowing only individual voter donations and getting rid of corporate and union donations. Or public regulation of leadership campaigns. So my point doesn't lead to any new ground. It's just that I think that we need to reconceptualize what we're trying to achieve. Because an overly technocratic tinkering, based on just increasing transparency, may not get us to our objectives — if one of our objectives is public confidence. I think we need to put the stress on designing a system that the public thinks belongs to them and therefore has credibility for that sake. And not because they have information in front of them all the time.

Aaron Freeman: I'd like to address part of your question. And that is, I agree with you that public participation is one important objective, but the ultimate objective is to make the system more democratic. And I think that simply because the public is hearing about donation through intermediaries, I don't see that as particularly relevant. We have to keep in mind the effect that transparency itself has on the system. If those who are in potential conflicts of interest know that transparency exists in the system and it's very difficult to get around that, that's going to discourage any kinds of conflicts of interest. The Barbeau Commission saying that transparency has a cleansing effect on politics, or the US political maxim, "sunshine is a good disinfectant," I think has been tried and true in many systems.

William Cross: I agree with much of what you said. In fact I would agree — though I'm not sure you'd go this far — that complete transparency and information for voters might decrease the confidence in the system. I mean if voters knew the sources of money being spent in a campaign, if they actually paid attention to that kind of information, it probably would decrease confidence. But I think then you make the next step. And that is that the real question isn't just tinkering around the rules of disclosure. Instead it is: what are the rules that affect the sources of money in the system? And I think your formulation of public ownership is a good one. The electoral system, or democracy, should belong to voters. And I think that the first step in that direction is to limit contributions, and financial participation in the system, to voters.

Louis Massicotte: I think the connection between transparency and public trust is indirect. In the sense that transparency is supposed to lead to better behaviour. Knowing that the source of contributions will be known, normally companies will be careful to avoid excesses, and this may help to foster increased public trust. But I agree that the mere publication of figures and data on sources is not enough in itself. If the release of the financial reports of parties gets page F-13 in a newspaper, as I'm afraid it usually does, and if there is no vigilance from the press, from the media, from opposition MPs, if these data are not used, if they are not scrutinized, then indeed it may have very little impact. The virtue of disclosure though is that it also has the effect of protecting the system against uninformed accusations. The lack of available data doesn't mean that there won't be accusations. These data may be made just on suppositions: you are doing that kind of thing because I'm sure you have been financed by corporations. But there is nothing to prove it. At least if we have the release of data on the financing of parties, then some connection can be established, or cannot be established. So it goes both ways.

Hugh Segal: Three points. I'd be curious to hear the panel's reaction. I wonder whether over the next ten years in Manitoba, where neither corporations nor trade unions are allowed to

make contributions, the process will become substantially different as a result. The interest of people, for example in parties of the left, in maintaining their relationships with the trade union movement, and the interests of people in parties of the right in maintaining good relationships with the corporate sector would not, in my judgement, necessarily be fundamentally changed by the new rules the legislature of Manitoba has brought in. That would be one thing I'd like the panel's reaction to. In other words, to go back to the human nature argument, there can be rules and there can be regulations which are very constructive, but the nature of relationships and interactions don't fundamentally change. There are some patterns that we see in the best of societies, and the worst of societies.

Another point to raise is whether or not we could learn a little bit from our corporations in terms of their public company responsibilities for disclosure. No political party, in my judgement, could withstand the requirement for disclosure that an average publicly traded company has under its annual information circular, where it has to list all financial relationships that are in any way material. I mean it's quite a detailed securities disclosure requirement, which I think is a good thing for transparency in financial markets. Corporations have to disclose their activities so why we would have a lesser level of requirement for political parties? In terms of the ins and the outs financially, although I assume a political party would go ballistic if that was ever imposed in some way. But the truth of the matter is that we impose these things on our corporations now. And we impose it on many public institutions, now, as a normal course. Why we'd have a lesser level of reportage for political parties is not clear to me.

A final point, a third point for the panel to reflect on is: is there a risk that the Elections Act, by regulating political parties as opposed to individual citizens, may have found, over time, the least vulnerable part of the process to regulate? In other words, if a political party has to do certain reporting things, make certain declarations, and if it fails to do so for various reasons, that's kind of an amorphous body. The Act gives you some right of action against them, obviously, if they do something willfully. But it's an amorphous body. But if every contributor who made a contribution had a legal obligation to disclose, or otherwise make public in a certain way, or fill out a particular form it might be more effective... Because the critical question, it strikes me, is not whether corporation ABC or wealthy person DEF makes a \$75,000 contribution to the federal party in a certain province and says: divide it up amongst the following ridings so it shows up as a contribution for party headquarters. That's not so much the critical question — although it's important — the critical question is: how much has that contributor done across the system? Who is that contributor? That's what people have the right to know. It may be a publicly spirited individual who feels that all female candidates of three political parties should get extra financial support because of the inequities in the system. It may be a good thing. But we have a right to know. And our present methodology on disclosure, I don't think gets us very close to understanding that. But I'd be interested in the comments of the panel.

Louis Massicotte: I can try to react at least to your first point. You were wondering what would be the impact of Manitoba's new system of political finance legislation. I think that at this stage, this is a matter for speculation as the law was passed, as I understand, in 2000. To see the effects will take a while. I can make a few suggestions, based on the experience of my home province, Quebec, where legislation of that nature has been in force for a quarter of a century. This is legislation which has prohibited corporate contributions and labour union contributions, as well as contributions from individuals from other provinces or other countries.

I've heard very few people objecting to the idea in principle. It is the ideal of democratic equality embodied, and it looks very positive on paper. Some ten years ago, I prepared a study on the working of the law in Quebec for the first ten years. And recently I had the opportunity to update these findings. I'm less enthusiastic than I used to be. I must confess a conflict of interest first. Having been a civil servant in charge of the administration of the legislation for a brief time, maybe it was natural for me to be committed to that approach, and as an individual I found the approach attractive. In practice, however, the trends of the last decades are quite disturbing. The number of donors to parties is falling heavily. It used to be 200,000 a year in the late 1970s and early 1980s. It is now hovering around 40 or 50 thousand people. Which is great. Finding 50,000 people who contribute to parties is good, it is a feat in many ways. But the trend is worrying. The average size of contributions is increasing, markedly. Further, if you look at the reports of the Quebec Department of Revenue, you can get an idea of which revenue bracket donors are in. And you discover that most of the money comes from rich people. If you set \$50,000 a year as a benchmark for being a prosperous person, about one taxpayer out of ten is in that category, but these people are about 40 percent of the donors, and they contribute some 62 percent of the money given to parties. So it remains something of an elitist regime. Here again this has to be put in perspective. It is probably even more elitist elsewhere. My only point is that this is not a "financement populaire" as it was advertised widely in many circles.

And I'd like to mention a final argument Pierre Lortie used to make — and I disagreed with him at that time — but he used to say the Quebec system is a bit hypocritical, because it allows individuals to evade the regulations. Corporations give money to people, and those people in turn contribute to the party. But the recipient knows damn well that Joe Here and Albert That belong to the same corporation and that what looks like a collection of individual contributions is in reality a corporate contribution very effectively disguised. And his argument was that the disguise was worse than what we have in Ottawa, because effectively it prevented people from identifying the real source of the contributions.

And I don't want to take too long but I have a final piece of information that is worthwhile. There are professional engineers working for the government of Quebec and they have a professional association. They are currently negotiating with the provincial government about their salary. You know what is one of their chief weapons for negotiation?

They have compiled the list of donors to political parties, and as these are people who know the various professional engineering firms, they know that so and so belongs to that corporation with so and so. They went through the list, and they have discovered interesting links, so to speak. Now if this kind of job had been done by a political party, probably this would be seen as simply smearing. But when a labour union is using that kind of stuff to negotiate with the government, with pretty much direct hints — “you say that you are financed by individuals, we have some interesting evidence which suggests the opposite” — when that kind of behaviour occurs, there is some reason to believe that the approach may look very fine on paper, but in practice, it remains to be seen.

Aaron Freeman: I had some comments about your first point and your third point. If you wanted a perfect but reasonable system of disclosure, I think you'd need four things. You'd close the loopholes that Mr. Kingsley has identified, as well as on the expense side which Heather MacIvor has identified. You'd have the general rule that Mr. Kingsley has identified, that says you can't do through the back door what is prohibited through the front door: you can't try and conceal the donor. You would also have a Quebec-style system: corporations, they don't vote, so they shouldn't be able to try and influence the electoral process through their money. And that would get around a lot of the loophole problems where corporations use shell corporations, affiliates, parents and subsidiary corporations. And you'd have a dual disclosure system, so that above a certain threshold, obviously you'd want to have a minimum threshold, not only would the parties disclose, but you'd also have individuals disclosing, at a certain level. And that would get at most of the problems that you're concerned about. You'd also have the timely disclosure we've talked about. And the US has that. The disclosure on the US side is at the individual level. And they have quite a comprehensive form, if you look at it. You have to disclose parent and subsidiary corporations, you have to disclose addresses; there is a whole set of unique identifiers on those forms.

Addressing the first point that you raised — and that was really a point about the nature of politics, which is all about human interactions — even with all those things that I just identified, you're never going to devise the perfect system. And dealing with the donations disclosure and regulation aspect of the political system, that's just one very small piece. And Quebec is learning that, as Louis Massicotte mentioned in his presentation. That they had a great law on political finance, but they had no law on lobbyist registration. So it is a small piece. And even if you address all of them, you're never going to get the perfect system. It's the nature of the beast. The purpose should be to try and take the system in a direction that is more transparent, more democratic. Rather than the current system we have, which is sort of inherently in the opposite direction.

I just wanted to quickly address what people have termed the loophole in the Quebec system, which Louis Massicotte has talked about. I'm not actually convinced this is a significant problem. I think even if you could get ten of your executives to do this, you've got a number of problems. First of all, that's only \$30,000, which is significant but it's not off the scale, by any means. You'd have to compensate them, through the corporation. You'd have to account for income tax considerations. You'd have to convey that message to the candidate or the party, that the donation from ten people is actually a donation from one corporation. It's the administrative hassle, and I'm just not convinced that it's a problem on a significant enough scale. But if it is, then you can simply improve the disclosure system, and you'd get the kind of revelations that he's talking about, which would have a cleansing effect, I think.

Peter Aucoin: I want to come back to the point that Louis Massicotte made about the link between transparency and public trust and confidence. And there was an intervening variable there, that the transparency had to produce better behaviour in order to enhance public trust and confidence. I want to raise it in this particular context. In Nova Scotia, as some of you who know Canadian politics well will know, we have a tradition of a lot of political patronage. Particularly in terms of appointments to government agency boards and commissions. In 1993 the Liberal government of John Savage decided on a series of reforms to tackle that. And one of the reforms that was instituted was that — I'm not sure if it's the only jurisdiction, but it's certainly one of the first — executive appointments in Nova Scotia are subject to a veto by a committee of the House of Assembly. Not review, but an actual veto. And what this has produced, and I won't get into a long story of it, is that the committee of human resources has to meet monthly to approve appointments, because of course the appointments number in the hundreds. And the result of this has been that there now is less public trust and confidence in government, because there is a regular airing of the normal process of making appointments to government — many of which, of course, are appointments from the government side. I raise that because, if you look at the data that Louis put up on the board — and one has to be careful here, as a social scientist, not to link two things if there is no causal relationship — but trust has gone down after we put the electoral regime in place with the reforms of the 1970s. Perhaps Elections Canada has a much broader coverage than I have, but every single press report I have ever seen on Elections Canada disclosure suggests that this is evidence of undue influence or buying access. And I suspect that every single press report has the effect of diminishing public confidence in our electoral system.

If that's the case it might suggest bad behaviour on the part of the press, because in some respects, they ought to know better. But it also leads us to the suggestion made today, that perhaps the real areas of reform have to be elsewhere. Which is not a criticism of the law as proposed. But if we have a politics in which it is assumed that money buys influence

or access, then we may have to think about how we get money into the political process, if — as Andrew Parkin put it — the process is to be owned by citizens.

Louis Massicotte: I might try to react briefly to this. Certainly transparency and public trust are linked in current discourse. When politicians enact such laws, they always say: we want to restore public trust in the political system, so we will make more stringent rules on political party financing. But whether the link is certain in practice... Personally I have the feeling that what has contributed the most to the decline of public trust in politicians is not necessarily their ethical behaviour in terms of people being bought or being corrupt, though this may have had some effect. But one chart I brought but didn't show earlier shows that even at the time when confidence and public trust towards politicians was higher, the honesty and ethics of politicians were still rated low.

What I think has contributed to the decline is the fact that over recent years, you've had politicians saying one thing and, once elected, doing something else. I'm not saying that they were wrong in doing so, mind you. I won't provide specific examples, but I can think of some politicians not doing what they said they would do and I congratulate them for that because I believe that their politics were wrong in the first place. But look at it from the point of view of the average voter who has supported this party, who expected policy A or B to be realized, and who feels cheated after he or she realizes that they've been had, so to speak. Well, I understand then that people would be angry at that. And there is much evidence that this has contributed to the phenomenon.

William Cross: Peter, I agree with your comment about transparency, even if it itself doesn't bring confidence. Particularly if the activity that is being disclosed is one that has sort of a false stench around it. But I don't blame the media. I think when we have a system in which a party — the Liberal Party is an example in the last election — took six out of every ten campaign dollars from corporations, and the media reports that, it only is going to fuel a view that is already established among voters, that they think their politicians, their parties, are not responsive to the views of average Canadians. Now whether or not that is true, or whether or not it's just a problem of perception, is something that can be just impossible to disentangle. But I come back to the comment that several people have made, about ridding the system of that money, of the corporate and trade union money. And figuring out ways that you can do that and not starve the system of the money it needs to run competitive, interesting, and vibrant campaigns that will engage voters.

Geneviève Bouchard: I would like to thank our three speakers.

SESSION IV

THE PERMANENT VOTERS LIST VS. VOTER ENUMERATION— LA LISTE PERMANENTE DES ÉLECTEURS VS. LE SYSTÈME DE RECENSEMENT ÉLECTORAL

Paul Howe: Our final session today is The Permanent Voters List vs. Voter Enumeration and we have four speakers.

Jerome H. Black: Let me indicate at the outset that I applaud the recommendations that are being made by the Chief Electoral Officer in the area of registration. Because these recommendations will facilitate the participation of more Canadians. This is important, because the new permanent list registration regime, which is essentially defined by the National Register of Electors, has been less facilitative for voting than our traditional post-writ enumeration system. This is what I'll be emphasizing in my brief presentation today, and if time permits, I'd like to speak specifically to some of the recommendations, although I'm sure others here will do so in case I don't have the time.

But before I share with you some of my research findings that do indeed critique the new permanent list approach in the area of participation, I first need to thank the Register's main sponsor, Elections Canada, for the enormous cooperation and assistance that they have provided in my research. They have given me access to officials, including an interview with Mr. Kingsley. I'm not sure I'll have a second interview after my presentation; I'm hoping I will. They've also provided access to important background research papers, and some in-house documents. They have also willingly supplied a 2000 post-election survey that they sponsored, and which was carried out by Ipsos-Reid. It's a survey that I'll reference in a few moments. So the expression "biting the hand that feeds me" comes to mind as I move into my more critical commentary.

There is a variety of perspectives that help us understand the greater constraints on participation that are associated with the new system relative to the enumeration approach.

Here are some main ones. First of all, there is the obvious aspect of coverage, that is how complete registration regimes are in listing eligible voters, typically measured by the percentage of age eligible Canadians citizens who are ultimately registered to vote. This would include, of course, those who become registered during the election period, through the revision process. And of course it goes without saying that the permanent list approach relies more heavily on revision to compensate for its normal tendency to not be fully up to date, as it normally lags behind population and eligibility changes.

In any event, the evidence suggests that the coverage record of the list system is inferior to that of the enumeration system, and this includes considering the 1993 election as an incidence of a standing list approach, since outside Quebec the 1992 Charlottetown referendum voters list was reused for 1993. My research leads me to estimate that over the period from 1984 to 2000, coverage under the enumeration system was around 95 percent or 96 percent and dropped to 93 percent under the permanent list approach.

These figures incidentally challenge the coverage figures cited in the report on the 37th election, where there is no indication in decline in coverage over the same period. The different results might be due to different methodologies, and thus the discrepancies might be debatable. It seems to me there is room for some discussion about the methodology that one uses to determine the eligible population. I am led to believe that Elections Canada necessarily must use census data that have not been adjusted for undercounting, I think for statutory reasons, although I'm not quite sure why that's the case. But of course adjusted data are what everyone, including Statistics Canada, reports and works with. And so have I. So there may be some reasons that explain these differences; nevertheless I would not want to suggest that I discount completely my findings of a drop in coverage rate as we shifted from the old to the new system.

Whatever might be concluded about overall coverage, it is still clear that there is a profound gap in coverage for the newly eligible, those who needed to be added to the Register prior to the election, or registered during the revision period. And of course new citizens and new adults count heavily among such individuals. The difficulty for these people is that there has been a shift in the balance of the registration effort and initiative from the state under the old system onto the individual in the new regime. Thus individuals not on the Register must take steps to become registered before or during the election period.

Now even if it can be argued that doing so is not onerous, it is clear that the lack of automatic inclusion, which characterized enumeration, has meant that many have not become registered. For example, only about a quarter of the new 18-year olds that Elections Canada contacts as part of their outreach program, as part of their proactive efforts to register new 18-year olds, only about a quarter have indeed responded to the invitation to become registered. I know that there is a move afoot that will — indeed I think the move

has already taken place — that will help remedy the situation. But nevertheless I am portraying a situation as it has existed up until now.

Currency constitutes another evaluative dimension of the registration effort. A term used by Elections Canada, and reasonably so, it refers to the percent of eligible voters who are correctly listed at their current address. Under the old enumeration system, with registration for each election carried out afresh, so to speak, and with close proximity to the election, currency was a secondary concern. The Register on the other hand has to cope with, and keep up to date, the fact that about 15 percent or 16 percent of Canadians move every year. The biggest problem, of course, arises when individuals move into a new constituency and must take some steps to become registered in the new riding. Again, it can be argued that the process is not onerous from any reasonable objective perspective, but the ordinary expectation is that the necessary steps that people need to take will mean that some will fall by the wayside. Some will end up not participating.

Some evidence for this comes from the Ipsos-Reid survey that I mentioned briefly at the outset of my comments. If we identify those who did not have the optimal or ideal registration experience in the 2000 election, then we would certainly include those who indicated in the survey — and of course I am constrained to communicate this information as it was asked, as gleaned from the survey — if we were to think of such individuals, we would certainly identify those who claim they didn't receive a card. We would also include those who received someone else's card, and we would also include those who received a card with some incorrect personal information. In this national survey, about 21 percent of respondents fell into this category. And by the way, I would argue that this is probably an underestimation of the truly improperly registered. Because 82 percent of the individuals they sampled claimed to have voted. So I am of the belief that the better registered are well-represented in this sample, and those who indeed had registration problems, or who deviated from this registration ideal, were under-represented.

In any event, among this category, this group of individuals, a third took no action at all to rectify the situation and get properly registered. Which means, in effect, that many of these individuals remained unregistered and didn't vote. There is more. In spite of the great lengths that Elections Canada went to in order to make it easier for people to get correctly registered during the election, a further one in seven (16 percent) reported that they found the revision process very or somewhat difficult. In other words, only half of this group who had sub-optimal registration experiences took appropriate action and found it very or somewhat easy to do.

There is, of course, a bottom line perspective on the impact of the registration experience that is possible to consider examining the survey data, namely the degree to which registration hurdles constrained voting in the 2000 election. To be sure, we have a clear expecta-

tion that the impact of less than ideal registration will be negative. After all, some people who had problems couldn't have voted. So there is an expectation that way. And as well, we know from ordinary theorizing and empirical studies that if you put hurdles in front of people to participate, fewer of them will participate. And indeed some multivariate analysis that I did showed that the effect was negative: that wasn't surprising. What was surprising was the magnitude of the relationship. It rivaled, and in some scenarios, surpassed that attribute that everyone is talking about as the most prominent cause of non-voting in 2000, namely being a young adult. In other words, not receiving a voter registration card in particular was as influential, and in some cases more influential, than being someone between 18 and 24. Which is of course what everybody is talking about, young people. Well I'm telling you, the registration impact in 2000 was enormous. And indeed stronger than I expected.

Finally let me suggest that there is some suggestive evidence of interaction effects and by that I mean that if you look at young people, or poor people, who didn't receive a card, then their non-participation rate is accentuated beyond what one would expect, given the fact they didn't receive the card, or they were simply young individuals. In other words, and I could get in to this if I have more time in discussion, the registration system has accentuated participation inequality. By in fact making it harder for individuals who already had an *a priori* lower probability of voting from participating.

Graham White: We weren't asked to provide a title for our talk today, but if I had been, the title I would have used would be "Why the permanent voters list should be sandbagged." I'll get to explain that presently. I want to begin by suggesting to you two important principles to keep in mind in discussing the permanent voters list. Neither one of these I think will be news to you, but they are worth reinforcing at the outset. Number 1, this is not a technical matter. Clearly the process and the issues involve some technical problems, but it is fundamentally about who does and who does not have the right to vote. Which is absolutely essential in our democracy. The second principle is that no change in the rules of the electoral regime is neutral. Whenever there is a change, somebody gains, somebody loses. Clearly under this regime, certain parties and types of candidates have benefited, and some have lost. I have some thoughts on that but I won't pursue them today. What I'm more interested in pursuing today is the notion that certain types of citizens have gained and certain types of citizens have lost.

I should say that my interest and involvement in the question of the permanent voters list stems from my reaction to what can only be described as the disaster of the 1999 Ontario election. And to reinforce my view that it was a disaster, let me quote no less an astute and august observer of the political process than Hugh Segal who, in a public forum, described that election as having happened "under virtually third world conditions." Unfortunately, media reporting of the problems of that election focussed on the quite ludi-

crous and totally unfounded comments from the then Chief Election Officer about terrorism having untoward effects on the election, when in my view the real problems were essentially about the list. There were other problems as well, but essentially the problems were about the list. And I hasten to add that the Ontario Chief Election Officer here today, Mr. Hollins, was not responsible for this; it happened before his regime. He is not responsible for any of this and my sense is that he is working diligently to improve the situation. And although clearly today we are talking about the federal Chief Electoral Officer's report, I think these comments are valid because increasingly the list is being used provincially and indeed municipally. So this is a very significant set of issues.

It's worth briefly thinking about why we have a register, why we instituted a register. There are several reasons. Clearly the old system of enumeration had quite severe problems, and indeed those problems were increasing. I don't need to go through them, I think we're familiar with them. And of course it also had its own set of biases. There is, as someone said, no such thing as a perfect regime, whether you're talking disclosure and transparency, or compiling election lists. Nonetheless I would point out that the main background study done for the Lortie Commission by John Courtney and his colleague David Smith, looked at the enumeration system and suggested that the solution was not abandoning it, but fixing it. There were problems with the enumeration system.

But I think it's also important — particularly for where I want to end up — to recognize that there also has been at play what I would call an electoral variation of the “law of the hammer.” You may recall the law of the hammer, which is that if you give a small boy a hammer, small boy will find just an amazing number of things that need to be hammered. If you think electorally, it seems to me that if you give an election administrator a high powered computer and some cool software, he'll find just all manner of things that need to be computerized.

Another reason has to do with costs. If you look on Elections Canada's website, under the Register of Electors, there is a brief section on rationale and benefits. And it talks about “savings to taxpayers.” It doesn't say anything about whether the system is as good or better than the old system, it talks about savings to taxpayers. I'm a taxpayer; I'm interested in any savings possible, but I'm less concerned with generating savings to taxpayers than I am with ensuring the protection of citizens' democratic rights. And I think they are at some risk here.

And finally, I can't speak to the federal situation because I really don't know it, but I can tell you that unquestionably in Ontario, one of the reasons a permanent voters list was adopted was because the incumbent Conservative government stood to gain quite considerably by imposing it.

So what's the problem here? Remembering that the enumeration system was never perfect, I would suggest to you that the permanent voters list systematically and permanently

discriminates against certain classes of voters. In particular the young, the poor, the mobile, tenants, those with limited language skills and those intimidated by, or suspicious of, government. These people are precisely those who are most in need of support and assistance in exercising their democratic rights. And yet they are the ones most likely to have their rights compromised by the Register. Now everyone in this room will do fine under the Register. Everyone in this room is self-confident, middle class, fluent in one of the two official languages. You're not the folks I'm worried about getting on to the Register, or being discriminated against. Unless you think these are the ravings from an ivory tower academic, let me quote to you the comments made in the Committee on Procedure and House Affairs by Carolyn Parrish, the Liberal MP from Mississauga. She said, and I quote, "a low turnout (which she clearly linked to the Register — this was in the 2000 election) disenfranchises the poorest and most disenfranchised people to start with. I think it was really good for the blue haired ladies who have lived in my riding for 60 years because they were on the voters list, they had property, nobody hassled them and they were fine. The teenagers didn't get to vote, nor did new immigrants, people who had moved recently, or the poor. Generally, society doesn't give a damn about these people, but I do. Even if they vote NDP."

Now I'm very pleased to see that at that same committee meeting the Chief Electoral Officer and his staff recognized that there are problems of this nature and that they committed to taking some significant steps to deal with registering youth and the poor. And I would contrast this openness to criticism and willingness to move forward with the previous regime in Ontario, where the Chief Election Officer's report in the 1999 election was an appalling document which refused to acknowledge that there were any problems whatsoever with the list. However my point is that no matter how strenuous and effective these efforts are by the Chief Electoral Officer, this discrimination is permanently built into the system by its very nature, no matter what kind of outreach there is to youth, no matter how hard you work at bringing the poor into the system, they will always be systematically discriminated against by the Register.

Let me digress just a tad here. Last spring, I had what in US vice-presidential circles is referred to as "a cardiac event." As a result of this, I spent some time in an ultramodern hi-tech cardiac ward in one of the big Toronto hospitals. And I had a procedure where they send a catheter up through a vein into your heart, put a balloon in and open the blocked artery, then put in a metal tubing to keep the thing open. As the surgeon was explaining the procedure to me, he said, "and then afterwards, because it's important that we don't have any bleeding, we'll sandbag the incision." And I have to say that I was more concerned about there just being "an after" than exactly what was going to happen afterwards. But it did occur to me, now what is this medical euphemism, sandbag? What kind of ultramodern hi-tech equipment is he talking about? Well, they did the procedure, it worked out swell, and after-

wards, the surgeon came in, put a bandage on the incision, and then brought over a piece of cloth that was sewn up at each end and had sand in it. An honest-to-God sandbag.

Now, at this point a number of you are probably thinking, "How tragic. Clearly something went seriously wrong with the procedure. A little bit of the blockage broke off, went to the guy's head and he goes off on these irrelevant tangents." However, I suggest to you that this is a perfect metaphor for the subject we're talking about today. And that is, if you think about it, we should by all means take advantage of modern hi-tech possibilities which can do wonderful things that were never possible before. But recognize at the same time that often these things work very well in combination with very old-fashioned low-tech solutions. And in particular a low-tech solution here means a clipboard, a pencil and some shoe leather. The census people still go around door to door when they are doing the census...

Clearly, the Register is here to stay, it's not going away. We need to think very seriously about extensive targeted revisions and aggressive targeted revisions. In his previous incarnation as the person who ran the City of Toronto elections, Mr. Hollins did something that struck me as extremely useful, he sent a staffer to apartment buildings to talk to superintendents to deal with that particular problem.

Let me finish by looking very briefly at the recommendations in the Report. And it seems to me that the recommendations are all fine, it's possible that I missed the significance of some of them. But by and large, with one exception, they strike me as pretty minor and not really worth worrying about. The one exception is recommendation 1.1.2, which would authorize the CEO and the local returning officer to take special measures between elections to update the list. And I think that's a good and important thing. My main recommendation in addition to that is that serious consideration should be given to an amendment to the Act which would require the CEO or the local returning officer to do a targeted revision if requested by a candidate or a party. Now you might want to put in some protection about frivolous or vexatious requests, but unquestionably that obligation should be on the CEO and the returning officer.

And let me just finish by saying if you think this is going overboard, let me again cite one of the worst horror stories from the Ontario election of 1999, whereby in central Toronto, in one of the ridings that had the very highest levels of mobility, John Sewell, an independent candidate, had clear evidence that huge numbers of people had been missed in both low-end and high-end apartment buildings. He requested a targeted revision from Elections Ontario and was flat-out refused. So my recommendation is that there be provision for a candidate or a party to request a targeted revision during an election.

Rennie Molnar: What I thought I would do is give just a little background on the National Register and go through some of the issues in the 2000 general election. I'll talk about some

of the challenges we face, what we're doing about them, and then look forward hopefully to a very active discussion.

In 1992 there was a referendum. An enumeration was conducted and the list was automated. In 1993, for the general election, a change in legislation allowed us to reuse the 1992 list without enumeration. So during the 1993 election, we processed about 2.8 million revisions. And this was an important milestone in terms of development of a permanent list, because it allowed us to demonstrate that we could successfully run an election with a one year old list, and we set that as a target for quality, based on an actual election.

Starting around 1995, we launched a research project to really look at the feasibility of a permanent list. Our research was completed in 1996 and we concluded: that a National Register was feasible and cost-effective; that by eliminating enumeration, the election period could be reduced; that we could maintain the quality of the list between electoral events, at a target of reliability of about 80 percent; that there was support among other jurisdictions for a shared register of electors; and that the process for revising the list would have to be simplified. We also concluded that the Register would save some \$30 million per federal election, and that these benefits could be further increased if the Register were shared with other jurisdictions. In 1996 the law was changed to establish the Register and we conducted one final enumeration in 1997, and that was used to load the Register.

I'll jump ahead I think to that 2000 election and talk just a little bit about how the Register is updated. First it is founded on about 20 million electors: their names, addresses, date of birth and gender. It's updated from administrative sources, including Citizenship and Immigration Canada, Canada Customs and Revenue, provincial and territorial drivers license files and vital statistics files, and also with registers from the provinces where they have them: right now, British Columbia, Quebec and most recently Ontario. For our national sources, the Canada Elections Act requires us to get consent prior to obtaining the data to update the register. And so, for example, for the 2000 tax year, 84 percent of tax filers consented by ticking that box in the income tax return. New Canadians as well are provided an opportunity to be added to the Register by ticking a box on the citizenship application form. About 82 percent of new Canadians consented to be added to the Register in 2000.

And, of course, once the Register is updated, we use that information to produce the preliminary list of electors that is used at the start of the election. In terms of our quality target, this is, as I said, to have 80 percent of electors on the list at the correct address. In fact our target is to have 97 percent of electors on the list, with 80 percent at the correct address. And in the fall of 2000, just prior to the general election, we estimated we had about 94 percent of the electors on the Register which, as Professor Black indicated, is about 3 percent lower than our target, primarily due to the number of youth that we had not successfully

registered. And we were a little bit over our target in terms of electors at the correct address, which was about 83 percent.

In terms of youth, about 360,000 electors turn 18 each year and must be added to the Register. Our process has been up to now that we identify them on drivers license files and revenue files, we send them pre-printed forms to obtain their consent and confirm their citizenship. Basically they just have to fill out the form, tick a box, sign it, put it in the postage paid envelope and return it to us. We conducted two mail-outs in the spring of 1999 and 2000, and response rates were under 30 percent. An evaluation of the program in the summer of 2000 indicated that basically the reasons youth gave for not responding to our mail-outs varied from being too busy, to assuming that they were already registered because we had sent them preprinted forms with their information already on it. Our recommendations to improve that rate included: using a standard government form, an official standard brown government envelope; to offer registration to youth over the Internet; to automatically add 18-year olds from administrative sources such as drivers license files and revenue files; and of course to work with schools to register youth. I'll come to more of that in a second.

During the election, of course, the Register is used to produce a preliminary list of electors, and this really starts out with the mailing of the voter information card: we mail a voter information card to every person on the preliminary list of electors about 10 or 12 days into the election. It includes their name, address, the time and place where they go to vote, any address and phone number for their local returning officer should they need to get their information revised. It also includes an "or Occupant" after the elector name to ensure it gets delivered to the address, even if somebody new has moved in. And our post-election surveys, again as Professor Black indicated, indicate that about 4 of 5 electors received the correct voter information card in the 2000 election — again in line with our targets.

During the election, of course, electors can get their information revised. This can be done via the telephone, if they have moved within the riding; or if they have moved from outside the riding into the riding, they have to go in person. The same thing applies if they are being added for the first time. Of course, electors can also register on polling day.

We do have a method called targeted revision — our sandbags if you will — conducted during the second and third week of the election. And it is designed to register groups of electors that are particularly difficult for the register to track. It is directed to areas of high mobility, new residential developments, students residences and campuses, and institutions such as nursing homes. And it is based on the local knowledge of the returning officer in consultation with the political parties and with the candidates. A pair of revising agents is sent to each door, they collect registration information or confirm the information that we have, or they leave a mailing package after two visits, like enumera-

tion. During the 2000 election, we targeted approximately one million electors, or about 5 percent of the electorate. In about one third of the cases, the information we had on the register was confirmed. In another third we picked up some registration information. And in the remaining cases, contact could not be made so we left a mail-in package at the door.

In terms of the effectiveness of revision, we processed some 3.6 million revisions during the 2000 election, including just over a million registrants on polling day. And that was about 2.8 million additions and address changes, 400,000 removals and 400,000 corrections. And this is about three times as many total revisions in 2000 as compared to 1997, which was preceded by an enumeration.

And again, although these numbers are in line with the targets that we set, there are definitely some areas for improvement. First of all, to improve the coverage, especially of youth, we have already modified our agreement with Canada Customs and Revenue, to ask for citizenship information and to permit us to add from this file. And we estimate that we will add some 275,000 electors every year as a result of this initiative, 225,000 of them youth. And that is starting this tax season right now.

Second, to improve the accuracy of the addresses we've got on the Register, returning officers will conduct the first review of the address and geography components of the Register, starting in March of this year. Political parties have been invited through their local associations to be involved in this process, and provincial electoral agencies were also invited to participate; for example, Elections Ontario is completing a similar exercise right now and we're building on the work that they've done.

To improve our ability to record changes of address, we're implementing Canada Post national change of address data as a new update source. We are studying the feasibility of enabling electors to confirm and update their registration information securely over the Internet. Our post-election surveys indicated about 70 percent of electors support this, if security concerns can be addressed.

In terms of the revision process, in the Chief Electoral Officer's report, he recommended that the legislation be changed to extend the ability of returning officers to accept changes of address from electors who have moved from a different riding over the telephone. So electors can request this change over the telephone as is done now for intra-riding moves.

In terms of targeted revision, we are looking at improving the process by which high mobility areas are identified, and making better use of demographic data. We are working closely with partners in provinces and the territories. It is worth noting that British Columbia, Québec and more recently Ontario have provincial registers, and that together these represent about three-quarters of the population. And that many other provinces are considering moving to some sort of register.

So to wrap up my piece, the 2000 general election was the first election to make full use of the National Register of Electors, and it generally met the projections that we set. Four of five electors did not have to take any action to be registered. They received their voter information card, and they went and voted. We also met or exceeded our cost saving goals. I think the high consent rates on the income tax form indicate that Canadians have bought into this program. And more and more provinces are moving to a permanent list.

So I guess the bottom line question is: is a permanent list better than enumeration? Well, not surprisingly, I believe that it is. I think a continuous list allows us to manage voter registration over a four year period, versus hiring a hundred thousand temporary workers to compile a list of twenty million elector names and addresses in a ten-day period. It is more cost effective. It not only reduces duplication between various levels of government, but what we are finding is it actually encourages cooperation. And I think it also enables us to constantly evaluate our performance, identify issues such as the issue that was brought up earlier, and deal with them in an ongoing fashion.

Dick Proctor: One million eligible voters were not registered to vote in the 2000 federal election. That, in my opinion, is far too large a number and probably contributes not only to one of the lowest voter turnouts in history, but ongoing voter frustration and apathy. One million Canadians were required to register on election day, November 27, 2000. Many resented the second-class status that seems to go hand in hand with that, and instead of allowing themselves to be sworn in, many chose simply to swear at the process as they stomped out without casting a vote. For those that stayed, many endured hour long line-ups, and in some cases, when they got to the head of the line, there was no voter registration card. I have talked to many Members of Parliament from various parties about their own recollections of that election, as well as having reviewed the exchange a year ago between Mr. Kingsley, who is with us today, and the Committee on House Affairs. And virtually every MP did experience problems and frustrations with the system, and when you're on the ground, you tend to hear about those in a firsthand way. Specifically people unable to vote despite identification proving residence and eligibility. People who were told they were at the wrong polling station when they were not. People who were at the wrong station but not provided with correct information about where they should go to correct it. And it seemed, in some cases, it particularly affected aboriginal people, many of whom felt discriminated against, mistreated and humiliated.

The permanent voters list seemed to be fraught with some birthing problems, referred to already, disproportionately affecting young Canadians, new Canadians and more mobile Canadians. Clearly I think all this indicates the system is not working as well as it was intended. And I think all of us have a duty as citizens to investigate and correct where we

possibly can. I think we need to look specifically at the young people who did stay away in the 2000 election. And Mr. Kingsley, when he was before that House Affairs Committee a year ago conceded that Elections Canada had made an incorrect assumption that young people would fill out the cards and flock to the polling stations. And as you've heard, the take-up rate was only 25 percent.

I believe that politicians, if they'd been asked, would have corrected Elections Canada on this erroneous assumption, because I think all of us are concerned, regardless of party, about the apathy of young voters. And that's why some of us, for example, think that reducing the voting age to 16 might provide an opportunity for young people to engage directly in the political process while they are still in high school, and that might instill a life-long pattern of voting. If Professor White had carried on with his quote, Carolyn Parrish said to Mr. Kingsley last year, "as a great advocate of a national registry of voters, I have lived to eat my words." But it's not just the young; low voter turnout hits disproportionately at the poor and at new Canadians.

But I think we have to stop and acknowledge that one of the reasons that the Lortie Commission talked about a permanent voters list is contained in this quote, from the Royal Commission on Electoral Reform and Party Financing, 11 years ago: "Among those frequently missed by enumeration are homeless people or people in shelters, students living away from home, citizens with reading or hearing deficiencies and people who refuse to answer the door."

So it's obvious that while we've changed the system, the demographics, the people that are lost in the new system, are basically the same demographic group as were lost in the old one. And under either, we continue to disenfranchise too many voters. I don't know, for example, if the old system would have found the poor single individuals living in rooms above businesses in the riding that I represent, but I know that the permanent voters list didn't find them. With a permanent voters list, Election Canada says it has to deal with five times more people in terms of revisions than it had to under the old enumeration system. And in a short 37-day campaign, that seems troublingly high. I know that we are unlikely to be returning to the old system of enumeration, but we need to be on the leading edge of technology and database updates that have been talked about by others here to make it as easy as possible to allow citizens the opportunity to vote.

The Lortie Commission warned that a permanent voters list wouldn't be a panacea. It wouldn't take care of all the difficulties, but gradually it would allow greater levels of voter participation. Clearly though the emphasis is on the word "gradually," and certainly we need to keep the onus on the state to find and enroll eligible voters as opposed to the voluntary system that is used in some countries including the one immediately to the south of us.

I agree with Professor White when he says that a permanent voters list is not a technical matter, but let me wind down by making a few technical suggestions. We believe

— my party, the NDP, believes — that Elections Canada should assign a unique voter number to each record on the permanent voters list. You can't use the SIN number, we understand that, because it breaches confidentiality, but then find a different number, and just ensure that the province or territory in which that voter resides has the same number. On world addresses, move forward with a process of developing this more fully, and maintaining it. Land descriptions are needed, even for people who have mailing addresses, because post office boxes are not enough. Let me give you an example. In parts of Saskatchewan, someone could be living in one riding, but collecting his or her mail in another riding. So sending stuff by mail isn't going to help those individuals. So it's important that we have addresses with full six digit postal codes. In Manitoba, for greater accuracy, the Manitoba folks use phone numbers. And in Saskatchewan, we use occupations. And I think that that would assist as well in terms of eliminating people with the same names, or sorting out who they are.

Finally perhaps the question isn't a permanent voters list versus enumeration. Perhaps it's a permanent voters list with some enumeration, as Professor White has suggested. Particularly in areas where it may be requested by a candidate or a political party, or where we know there is a lot of activity, a new subdivision, new communities that are coming up quickly. And maybe with a combination of enumeration and permanent voters list, we might do in tandem what we've been unable to accomplish with either the enumeration system or the permanent voters list.

Questions and comments

André Blais: I am struck by the strength of the criticisms on the one hand, and on the other hand, by resignation that we won't come back to the old system. And I am trying to square these two things. If the problems are so severe as they've been described, how is it that the critics acknowledge that there is no way we could come back to the old system?

Jerome Black: Well because I think that most of us have been emphasizing access and participation, but there are other issues that also get fed into the analysis: cost considerations that Rennie Molnar alluded to, amongst a larger set of criteria that were cited to justify the change. So my criticism was directed towards the participation aspect, and therefore I guess I implied a larger range of issues that need to be discussed in order to get a sense of what was possible and what was not possible in terms of reverting back to the old system.

I think John Courtney could speak more directly to this because he's talked about the alignment of forces that led to the adoption of the new system. My sense is that his analysis is correct, that this thing developed a lot of momentum very quickly, and it's diffi-

cult at this point to think about what kind of new forces could possibly come about. We're, of course, not seriously contemplating the voices of dissident academics.

I, by the way, didn't get a chance to indicate that I would echo Dick Proctor and Professor White's views that we indeed look towards enumeration-like devices to enhance the system that, yes, I think we will be living with. Maybe it's just uncharacteristic modesty on our part. I don't know.

Graham White: It seems to me there are two responses here. One of them is just a political reality, we're not going back. Part of the reason for that, reason number 2, is that when I said at the outset that this is not just a technical issue, this was not news to anybody in this room. People here understand it. However, virtually nobody else, save perhaps Mr. Proctor's colleagues, understand that. People in the street and the media doze off instantaneously when you start talking about these issues. My colleagues and I tried to generate some concern about the problems in Ontario, by attempting to generate some media interest. The only thing that turned their crank was when one of us mentioned instances of dead people on the list. And boy, that really got them going! But to look at the larger issues of systematic biases, they just were not interested. It's very hard to make those kinds of points.

Louis Massicotte: I'd like to raise an issue that has not been dealt with, to my knowledge, so far. The old system of enumeration had admittedly one virtue. It allowed the election officials to reach the voters at the right time: I mean during the election campaign. It had another aspect I liked: it involved both main political parties. In the sense that through a process of trial and error, we came up with a system where enumeration, at least in urban areas, was done by people representing opposed political interests. And this was true not only for the enumeration, but for the revision. Now, under the new system, I understand that revision is still carried out under this same principle. But the compilation of the list and its updating is entirely in the hands of civil servants.

Now the considerations I'd like to put forward have absolutely no relevance for the federal scene. I wish to emphasize this. But can it be conceivable that in some jurisdictions, the chief issue faced by the electorate at a given election would be, for example, an opposition political party advocating a 50 percent cut in the size of the civil service. And everybody in the civil service feeling threatened. As most of the bodies that provide the data for updating the list are government bodies, which are under the direct authority of the executive council, isn't there a danger that the inclination to fiddle with names and to pad election lists with names could be increased in such a context? By a new mechanism which does not provide for political parties to watch over the process, as before?

Dick Proctor: Well my sense — and I'm not sure that I am going to specifically answer your question, Mr. Massicotte — but it seems to me in recent years that it's been more and more difficult for political parties to find volunteers to go out and do anything, including when they are reimbursed for it. And I think that one of the arguments for getting rid of the enumeration system was a recognition of that fact. As we've gone to working families with both partners working, it's become more and more difficult to find those volunteers. But perhaps Mr. Molnar would have a view.

Rennie Molnar: In terms of getting election workers for revision and polling day, I think we experienced some problems in the last election getting polling day workers. I'm not sure it's had an impact on registration. I mean clearly one of the factors that moved us from enumeration towards a permanent list is the difficulty in hiring a hundred thousand people to compile a list in one week. I think with the new regime, that basically deals with a vast percentage of the registrations outside of the electoral event, and then lets us, within the electoral period, focus through targeted revision on the smaller portion of people that actually still need to be registered, it does place less demand on getting workers and on the rest of the system.

John Courtney: Three points about the origins, as I recall it, of the so-called permanent list — although I am one of those who actually argues that no list is permanent and therefore it is a continuous electoral roll, in my view. However, there are three points, I think, to be made. The first is the promises of new technology that were held out in the early 1990s. It was a very powerful argument that Lortie brought in, on a more gradual basis, I might add than what eventually happened with Elections Canada. But still, it's a very attractive lure to say that you have in your hip pocket some magical new way of producing a list. That is pretty persuasive.

Secondly, the problems with enumeration — we've heard about those. There were problems. They were not overlooked in the study that David Smith and I did for Lortie. There were not the legion of problems that the media often left the public to believe that there were. Nonetheless, having said that, I should also point out the difficulty increasingly of finding volunteers for anything — whether it's the Heart and Stroke Foundation, or whether it's for enumeration.

The third factor was the equally strong appeal — especially to politicians and increasingly to the public, I should add — of shorter campaigns. And that again is a very powerful argument. If you can say to a group of politicians, and indeed to the public in general, you're no longer going to have to have 45, 46, 47 day campaigns, we can cut a week or ten days out of that, that really, I think, resonates with people, who already complain after the second day: "my God this election has been going on so long!" So you really have to do that. But bear in mind the flip side of that is that politicians, by definition,

especially governments — Kim Campbell I think would echo this — prefer shorter rather than longer campaigns. But be that as it may, I think it's one of the three elements. New technology, the problems of enumeration and shorter campaigns, which carried with it the promise of a cost saving.

Louis Massicotte referred obliquely to what I would call the political socialization argument. That was in the old days, when someone came to the door, two enumerators from opposing political interests. They came shortly before the election. The effect of their visit was to remind voters of the fact that there was an election coming up and that they wanted your name on the list. Your country wants you. And basically that worked. I mean Canadians are an amazingly trusting people. And I think that system worked for 120, 125 years.

I don't think there is any going back to a method that may be preferable in some terms. So what do we do? I would say the blending that has been referred to here. It's a classic Canadian answer, isn't it? I always tell my students, you've got three alternatives, and you lay them out: a, b, c. Canadians will always go for b, no matter what. OK, so here is b. B is what Australia does, and what I think Alberta does, and perhaps British Columbia now, but I'm not sure about that. And that is, within the cycle, or the life of a legislative assembly, at some point they send out enumerators, and they actually do a door to door canvas of the whole country. And Australia has done that for as long as I can remember. Partway through the three or four year life cycle of their Parliament. So that helps to update it. And then they will do clearly targeted areas: the highly mobile areas, the relatively under-represented areas such as the ones that Graham White has talked about in terms of citizenship, age, all these requirements. And they target those. And actually I think it makes sense. Now in a way that runs counter to the cost saving argument, because clearly these are not costless activities. So I think we have to weigh that in the balance. The bottom line is I would say even if it's more costly, go for it. I think the argument here is you want as inclusive a list as you can possibly get. Even if it is, in fact, more money.

Heather McIvor: A couple of brief comments. I think that going back is probably not an option, but I wonder. Mr. Kingsley spoke earlier about how reforms often follow scandals. And I don't think in this case it would take a scandal to force some really serious rethinking of the permanent voters list, but perhaps a very close election. I keep thinking about the United States and what happened there. Had the November 2000 election been a very close race, for example between the Canadian Alliance and the Liberals, and had the party that came second been able to point to a discrete group of voters and say, "they were disenfranchised and they would have voted for us," then I think you would have seen some pretty serious concern. It also occurs to me that if there should ever be a court challenge — and this is the kind of thing that I was thinking about listening to Professor Black and Professor White — I thought to myself, boy! If you can say to yourself that there are certain groups of voters that are systematically disenfran-

chised here, we're looking at section 3 and section 15 of the Charter right now. So it may be that the measures that Mr. Molnar talked about will clean up the problems, but otherwise there is a potential that this could be out of Elections Canada's hand at some point.

The final comment I would make – and this goes back to a related recommendation in the report, but in a different section — I am in firm agreement with Mr. Kingsley that Elections Canada should appoint returning officers. Because the current system, it seems to me, just isn't working. And unless my riding is very, very unusual, the returning officer was at least 80 percent of the problem with the voters list in my riding.

Joanna Everitt: I just want to make a comment following on Louis Massicotte's comment about potential manipulation of lists. One of the things that I think makes me a little bit happier with the idea of a permanent voters list is the fact that these are real people based on real documents for the most part. There may be a few people who have died that are on the list, but one of the challenges I think that often comes with enumeration, is that you sometimes get people on the list that aren't there, and among those who were actually enumerated in the limited enumeration that went on in this past election, I know a few dogs and dead people.

Jerome Black: I think non-living people on the list is in fact a real problem with the Register. Elections Canada estimated — well, I don't have the figures, but probably several thousand people who were probably dead were registered for the 2000 election. So I mean you do get impossible voters on the list. And of course you also get a large number of duplicates: people who have moved from one constituency to another. I think one of the recommendations will take care of that, it will allow individuals to be removed from the first constituency from the list. And that's a good thing, yes.

Joanna Everitt: My point was just about the permanent list. That happens in the enumeration process that people do get enumerated who aren't real, aren't live or aren't really people.

Rennie Molnar: Just quickly, Professor Black is right that there are inevitably, with a register based system, or in fact any other continuous-list based system, going to be some number of dead people on the list. We work very hard to minimize that, but there always are going to be some. Just quickly in terms of duplicates: yes there were some duplicates on the final list of electors because of people moving between ridings and we could not necessarily remove them from their former address. And we are taking steps to improve that, and it does not require legislative change. It's basically new technology that we'll put in place in the returning office that allows them to have access to the national list. So if I move from Toronto to Ottawa, we can send something that automatically deletes the person from the former riding.

Jerome Black: 600,000, that's the number of duplicates according to the report. That's a large number. And the interesting thing about that number, of course, is what it does is present an official turnout rate that is actually worse than it really is. Now the last thing we need is to artificially drive our turnout rate down. In any event, I think Rennie Molnar is correct that the new technology, which will permit the updating of those people who transfer from one constituency to another, will allow these large number of duplicates to be removed. And that's a welcome development. By the way this means, of course, that the 2000 election did not set a Canadian record for voter turnout. If you readjust the figures, the turnout rate is 63 point something, so we can all celebrate.

Graham White: I think it's clear by my earlier comments that I am not a raving fan of the list, but in terms of these issues about dead people and duplicates and so on, I'm not sure there is a whole lot to choose between the list and the enumeration system. But I come back to what is to me the bottom line in this process: we've moved to a system whereby the likes of me and the likes of most of us will have to do nothing to be eligible to go vote next time. There are a lot of disenfranchised, marginal people who will have to do a lot to get on that list to vote. And that to me is a serious problem.

John Pammet: I had a couple of questions to Rennie Molnar. Of the list of potential ways to add new voters, primarily young voters, that you went through, you came back to the one using tax information. What about other possible means that you ran through? And my other question about deleting, maybe I should know this but I don't: What happens to the people who don't check off on the income tax form year after year? That is 15 percent, and this happens every year. Are these people actually deleted from the list? Or how does that factor in the statistics?

Rennie Molnar: First in terms of additions and youth. We have made the change so we can add people from CCRA, from Revenue, and that will register a large, large proportion of youth. Secondly, for the province of Québec, we get data from the elections organization in Québec. In Québec, just so you know, they use the provincial health file data to update their list. When somebody turns 18 in the province of Québec — in fact just before that — they get added automatically to the provincial register and then the letter is sent to the person saying “you are now on the list and if you want to be removed, kindly let us know.” And very few people say no. One of the advantages they have is they have access to citizenship information on those health files so they know they're dealing with Canadian citizens.

So we also have access to that data. And our current plan is that we will continue to write to people that we get on drivers license files. One of the things that we have looked at

is, should we be adding people from drivers license files basically across the country? Clearly that would bump up the number of youth that we've got registered, even beyond what we'll get from CCRA. Part of the challenge associated with that is that we will add a certain number of non-Canadians, because you do not need to be a citizen necessarily to drive a car. So there is a balance that has to be struck there, and in fact I'd be interested to hear what others have to say about how we maintain that balance.

And very quickly in terms of deletes, if you say "no" on the income tax form, basically we just do not receive any information for you for that tax year. You do not get deleted, and we say it very clearly on all our documentation. It just means that we will not have information from that file to update it.

André Blais: Last question. I was just curious to see how Mr. Molnar reacts to the compromise approach people have put forward.

Rennie Molnar: In fact, I think the system that we've got is a mixed system. We'll never achieve the 95 percent coverage, for example, going into an election that an enumeration would provide. There are some time lags. We've got a mixed system that involves a permanent list between elections, and then a revision process during the election. An important part of that revision process is targeted revision. And I think one of the things that we need to get better at, clearly, is how we do that targeting, and I think that is something that we are improving. So I think we've got a mixed system already, and it's just a matter of improving both the maintenance of the list outside the election, and our ability to revise it inside the election.

Hugh Segal: Just a question to Dick Proctor, if I could. Dick, as I understood what Jerome Black was saying, there is a strong likelihood that his report will be quite critical of the impact of the permanent list on voter turnout and participation. Do you have any sense of how your parliamentary colleagues will respond to that in the context of discussions you already cited with Carolyn Parrish and others? Or do you sense that your colleagues are resigned to living with the present system in some measure?

Dick Proctor: I think I would associate myself with the latter suggestion you put forward, that it's resignation that we're not going back to another system, and that it means tweaking what we have now and improving it, rather than throwing it out.

CLOSING REMARKS—MOT DE CLÔTURE

Paul Howe: I'd like you to join me in thanking our final panel. And as people are starting to make their move, there is one more item on the program. I was asked by Geneviève Bouchard very kindly to say a few final words. Prior to joining the University of New Brunswick, I was with the IRPP and very much involved in the Strengthening Canadian Democracy project, which this forum is part of. So just a few general comments on the overall thrust of the CEO's report, and on the overall issue of democratic reform based on the things I've heard today and on looking at the report.

Today's event is a very good fit with the Strengthening Canadian Democracy initiative. I noted when I read through the CEO's report a similar phraseology appearing, words like "fortifying", "streamlining the principles of Canadian democracy", and "strengthening Canadian democracy." And I think that similarity of language reflects some common presuppositions between this report and the work the IRPP has been doing in this area. I'll just spell out a few of those.

First of all, I think both endeavor to be constructive contributions to this debate as best they can, which means not shying from criticizing current practice, as necessary. But also very much also looking for changes that are both viable and likely to be effective.

A second common element I see is that both proceed from the assumption that changes to the practice of democracy, the procedures of democracy, are normal and positive. They are not a signal of failure and shouldn't be seen as such. Instead they are a sign of responsiveness, progress, and flexibility. In most areas of public policy, this is how things are: in health care, in education, we question assumptions, and reconsider our approach. There seems to be greater resistance to this, at least in certain quarters, when it comes to our democratic procedures. They are seen as being somehow more sacrosanct. So one of the challenges that faces people is to break that down a little bit. One way in which that might be helped along is by a change of language. We tend to use the word "democratic reform," that is probably the most common phrase we use when we talk about these kinds of issues. Maybe some-

thing a little less threatening, “democratic upkeep,” or “democratic maintenance,” phrases of that sort.

And those types of phrases point towards a third common element I see between the report and the work the IRPP has been doing: that the types of changes we’re talking about in many ways simply represent keeping up with the times. They represent a recognition that Canadian society has been changing and continues to evolve. Modernizing the electoral process is necessary to accommodate this. The CEO’s report puts it quite nicely, it says: “Canadian society is not frozen in time. The conditions of democracy must be constantly rethought.” We’ve alluded to a lot of those important changes today, technological changes, new ICTs, the proliferation of media channels and the ways in which these affect the way in which political broadcasting might take place. The academic literature is also full of descriptions of the sea changes that have taken place in Canadian society and other western democracies in terms of value change, newly empowered citizens, new expectations and demands of the political system...

There is also another school of thought on that subject of important societal changes taking place. This is the view that the Canadian citizenry has perhaps become overly cynical, even outright lazy in terms of fulfilling its role in making Canadian democracy work, particularly when we look at the issue of voting turnout. I haven’t heard that too much around this table today, I think there is a sense that if there has been a decline in voter turnout, it may be a rational reaction to things that are taking place in the political system. But there is this view out there that the problem lies with the Canadian citizenry. For my part I would agree with what I’ve heard around this table, that it’s not really a problem with the Canadian citizenry. Cynicism is not the word I’d use to describe the way people have changed in their attitudes towards politics. Instead I think people are more discerning than they might have been, say 20, 30 years ago, in terms of deciding whether or not they’ll participate. They will participate if they see the system as fair, legitimate and responsive. If they don’t see it that way, then they won’t participate. And that, I think, is an important change. So there is, I believe, much that can be done to modernize and update our democratic institutions before we start to despair over the state of the Canadian citizenry.

And that leads to a fourth common element I see between the CEO’s report and the work of the Strengthening Canadian Democracy project. That it’s our leaders in government and Parliament who really have to take the lead in updating Canadian democracy and adapting it to the important changing circumstances that are taking place. And that the Canadian citizenry will react positively when those changes do take place and start to participate more.

So proceeding from those premises, I think there is room for a wide range of approaches, a whole range of issues that can be discussed, and we’ve heard an awful lot of

them around the table today. The CEO's report contains a lot of important propositions and proposals. We've moved beyond that in some ways today with some of our thoughts and ideas. And now of course it is up to parliamentarians and parties to take up the cause and take it to the next step.

It will, of course, necessarily advance slowly. This is an issue where there is considerable resistance. It's often pushed aside by other more immediate events, such as the very dramatic events of the past few months. But even as these kind of events take place, they in many ways sometimes highlight some of the shortcomings in our democratic practice. I think of what's occupying the headlines recently as we hear about issues of transparency and accountability around the way our Defence Ministry works and the issue of accountability there. This isn't the electoral dimension of our democracy, but it is nevertheless an important element of how our democracy functions.

So this undercurrent, this need to think and rethink how our democracy is functioning, is always there. As we deal with the more immediate problems and crises, we also have to keep a focus on this idea of democratic maintenance and upkeep. And so I commend the CEO and his office for the work they did on this report, because I think it is very much in keeping with the kind of principles that we are trying to advance at the IRPP. And on that note, I will turn it over to Hugh Segal who I think wants to say a final word.

Hugh Segal: Just to thank everybody for taking time from their very, very busy schedules to be part of this discussion and this assessment of the Chief Electoral Officer's report. We express our profound thanks to the Chief Electoral Officer and colleagues on his staff who have not only participated today but have been most forthcoming and helpful to certainly the Institute and to many of the scholars around the table in the research work that they are doing.

And also to indicate that, from the point of view of the IRPP, the perspective of people around this table as to where we might next go in our research in this democratic thematic is important. This is an issue which runs to the core of the governance mission that the IRPP has had now for the better part of three decades as part of its research activity. And so the advice and counsel of people around the table will be of great significance to us.

And I am hopeful that parliamentarians might decide that debating some of these issues perhaps through private members' legislation, or in some other context which focuses the debate, would be worthy. Because the worry we have at the Institute, quite frankly, is that as long as elections do not appear to be near run things, as long as we don't have moments of national crises, legitimacy questions do not become pointed and difficult. But, if God forbid, we get into a circumstance of a genuine national crisis upon which Parliament is asked to make some decisions, or a very tough election and a tight election, where all this

matters, 600,000 people actually represents a large number of people. I can recall an election in 1972 where four people were significant to the final outcome of that campaign. Is it only then that these issues will be joined? Obviously, a pound of prevention — having the debate and the discussion early on in some way that is multi-partisan — is better than having to face it in a moment of crisis when there are other questions on the table.

With that, thank you all very much for your time.

Reg Alcock was re-elected to his third term in the House of Commons in 2000. He was first elected as the Member of Parliament for Winnipeg South in November 1993 and has held a variety of positions during his time in Ottawa. They include two years as Parliamentary Secretary to Stéphane Dion (President of the Queen's Privy Council and the Minister of Intergovernmental Affairs), Chair of the House of Commons Standing Committee on Human Resource Development and the Status of Persons with Disabilities, Chair of the House of Commons Standing Committee on Transportation as well as sitting on various other Standing Committees. His overriding interest throughout his time in office has been the use of information and communications tools by government. Mr. Alcock is currently a member of the Harvard Policy Group on Network Enabled Services, located at the John F. Kennedy School of Government at Harvard University, and has been acknowledged as an authority on how new information and communications tools will affect government operations. Mr. Alcock is the creator and current co-chair of the Crossing Boundaries Research Project, an ongoing study of the issues involved in making broader use of these technologies by government.

Rob Anders was elected to the House of Commons in 1997 as a member of the Official Opposition for the Reform Party of Canada, which in March 2000 became the Canadian Alliance. Mr. Anders played a key role for the Reform Party on Bill C-2, The Canada Elections Act, and since 1999 has been attending the Standing Committee on National Defence and Veterans Affairs. He became a Critic for the Canadian Alliance on National Defence during the sitting of the current Parliament. Mr. Anders has sponsored and participated in many events protesting the Chinese government's occupation of Tibet, brutal repression of Falun Gong practitioners, and military intimidation of Taiwan. He was responsible for drafting and organizing a letter campaign from Canadian Parliamentarians to the President of China, urging him to respect the basic freedoms of 70 million Falun Gong practitioners in China. Prior to election, Mr. Anders directed Canadians Against Forced Unionism (CAFU) a project of the National Citizens' Coalition (NCC) in Calgary. He founded the Laissez-faire club as a forum for political debate in 1995 and was a spokesperson for the Calgary Chamber of Commerce Speaker's Bureau.

Peter Aucoin is McCulloch Professor in Political Science and Professor of Public Administration, Dalhousie University. He is a former president of the Canadian Political Science Association. He was director of research for the Royal Commission on Electoral Reform and Party Financing and is also a senior fellow of the Canadian Centre for Management Development.

Jerome H. Black received his Ph.D. from the University of Rochester and is currently an associate professor of political science at McGill University. Over the years, he has published in the areas of women and politics, the political participation of ethnoracial minorities, Canadian immigration and refugee policy, strategic voting and comparative voter turnout. One of his current main projects centres on ethnoracial minorities in Canada as both office-seekers and parliamentarians, while another involves the cross-national investigation of minorities in established, industrialized democracies.

André Blais is a professor in the Department of Political Science and a research associate with the Centre de recherche et de développement en économique at the Université de Montréal. His research interests are elections and voting behavior, electoral laws, public opinion and public policy. He is the principal co-investigator of the 1997 Canadian Election Study, and was on the editorial board of the *International Encyclopedia of Elections*. His most recent book is *To Vote Or Not To Vote? The Merits and Limits of Rational Choice*. Professor Blais received the Prix Marcel-Vincent for his contribution in social science from the Association canadienne-française pour l'avancement des sciences in 1996 and was elected member of the Royal Society of Canada in 1999. Last year, he was named a Canada Research Chair in Electoral Studies.

Geneviève Bouchard is a Research Director in the field of governance at the IRPP. She holds a B.A. and an M.A. in Political Science from Laval University. In November 2000, she completed a Ph.D. in comparative public policy at McMaster University. Her dissertation is entitled *Field Officer Discretion in the Implementation Process: Immigration Policy in Canada, Quebec and the United States*. Over the years, she has held several positions as teaching assistant and part-time instructor in different universities in Canada and in the United States (Laval University, McMaster University, University of Saskatchewan and Duke University). She has working experience in the provincial and federal civil service, and was responsible for the preparation of the strategic plan at the Quebec ministry of international relations. She has also worked as an analyst at the Immigration and Refugee Board in Ottawa.

R. Kenneth Carty is Professor of political science at the University of British Columbia where he is also a Senior Fellow of Green College and Chair of the Publications Board of UBC Press. He is currently President of the Canadian Political Science Association. Carty's research has focused on the organization and behaviour of political parties, questions of electoral law, and leadership politics in Western democracies and he has published widely on European, Canadian and Australian experience. He has served as a consultant to provincial and national royal commissions dealing with electoral boundaries (BC's Fisher Commission) and electoral reform and party financing (Lortie Commission), and served as a consultant to the CBC Ombudsman on election broadcasting. His most recent book (with Cross & Young) is *Rebuilding Canadian Party Politics*.

John C. Courtney is a political scientist at the University of Saskatchewan. A former President of the Canadian Political Science Association and co-editor of the *Canadian Journal of Political Science*, he is the author of several studies on representational systems, electoral boundary readjustments, party leadership and party conventions. His most recent books, all published by McGill-Queen's University Press, are *Do Conventions Matter? Choosing National Party Leaders in Canada*, *Citizenship, Diversity and Pluralism: Canadian and Comparative Perspectives* (co-editor) and *Commissioned Ridings: Designing Canada's Electoral Districts*. He received the Canadian Studies Writing Award in 1986, Killam Research Fellowship from the Canada Council for 1998-2000, and the University of Saskatchewan's Distinguished Researcher Award in 2001.

William Cross is a member of the Department of Political Science and Director of the Centre for Canadian Studies at Mount Allison University. His principal research interests are in the areas of Canadian political parties and election campaigns. He is co-author of *Rebuilding Canadian Party Politics* and editor of *Political Parties, Representation and Electoral Democracy in Canada*. He is currently serving as Director of the Canada Today: A Democratic Audit project.

Joanna Everitt (Ph.D. Toronto) researches questions dealing with the media, public opinion and voting. She is the co-editor of a book on Canadian political behaviour and has published articles on gender differences in public opinion, and the impact of media coverage of male and female party leaders during election campaigns.

Aaron Freeman is a writer and advocate on corporate accountability and government ethics issues. His biweekly column, "Money and Influence," runs in *The Hill Times*, Canada's Parliamentary newspaper. Mr. Freeman recently stepped down after six years as the associate editor of the Washington-based *Multinational Monitor*, a monthly newsmagazine founded by Ralph Nader that tracks the activities of multinational corporations. Mr. Freeman lives in Ottawa, where he operates an advocacy and communications consultancy that assists non-profit organizations. He is a graduate of McGill University and the Faculty of Law at the University of Ottawa.

Paul Howe is a professor of political science at the University of New Brunswick and a Visiting Fellow of the IRPP. Before joining UNB in July 2001, he was Research Director of the Governance Program at the Institute for three years. Among the projects he oversaw at the IRPP

were *Courts and Legislatures* and *Strengthening Canadian Democracy*. He is currently continuing his research in these areas, and is also doing work in the area of nationalism and the Quebec sovereigntist movement.

Jean-Pierre Kingsley was appointed Canada's Chief Electoral Officer in 1990, and has been responsible for the management of all federal electoral events, including the 1992 federal referendum, the 1993, 1997 and 2000 general elections, and numerous by-elections. Among his major accomplishments as Chief Electoral Officer are the development of the National Register of Electors (permanent voters list) and the introduction of computer use in all areas of electoral administration, from digitized geocartography to local field office communications and management. Before his nomination by the House of Commons as Chief Electoral Officer of Canada, he held a variety of other positions in both the private and public sectors. He was Executive Director of Edmonton's Charles Camsell Hospital and President and Chief Executive Officer of the Ottawa General Hospital before becoming Deputy Secretary (Program Evaluation), Ministry of State for Social Development (1981-84). He further worked as Deputy Secretary, Personnel Policy Branch, Treasury Board Secretariat (1984-87) and Assistant Deputy Registrar General, Department of Consumer and Corporate Affairs (1987-90). He was also a member and Chairman of the Board of the Montfort Hospital in Ottawa from 1981 to 1990. In 1992, on behalf of the United Nations, he chaired an international meeting of countries supporting democratic development. He is currently a member of the board of the International Foundation for Election Systems (IFES) as well as a member of the International IDEA (Institute for Democracy and Electoral Assistance) electoral management body. He is co-chair of the International Advisory Council to IFES.

Louis Massicotte is an associate professor in the political science department at the Université de Montréal. He is the co-author of *Le scrutin au Québec: Un miroir déformant*. His articles on electoral systems and parliamentary issues have been published in *Electoral Studies*, *The European Journal of Political Research*, *The Journal of Legislative Studies* and *The Canadian Journal of Political Science and Public Administration*. He has also been involved in democratic development processes in thirteen countries in Africa, Eastern Europe and the Caribbean.

Rennie Molnar joined the Information Technology Directorate of Elections Canada in 1993, and in 1995 joined the Register of Electors Project Team during the Research and Feasibility phase. In April 1998 he was appointed Director, National Register of Electors. He is currently the Director responsible for the National Register of Electors, Electoral Geography and Information Technology at Elections Canada.

George C. Perlin is Director of the Centre for the Study of Democracy at Queen's University. With Andrew Parkin, he is editor and co-author of a four-disc CD text on Canadian politics, a central theme of which is a critical appraisal of Canadian democracy. He is currently directing a project, funded by CIDA, to introduce a foundation course on democracy in the universities and colleges of the Ukraine. This includes publication of a textbook, a series of collections on issues in the study of democracy, and two volumes of original research on the development of democracy in the Ukraine.

André Pratte has been a journalist over 20 years, having begun his career with the Télémedia radio network, where he was parliamentary correspondent in Ottawa and deputy director of news. Mr. Pratte moved to *La Presse* in 1986, assuming various positions including columnist and director of political coverage. Last May, he was named editorial page editor. André Pratte has authored three works: *Le Syndrome de Pinocchio*, an essay on lying in politics, *L'enigme Charest*, a biography of the leader of the Quebec Liberals and *Les Oiseaux de malheur*, reflections on today's media.

Dick Proctor, MP for Palliser in Saskatchewan, is serving his second term in the House of Commons. Proctor is the chair of the New Democratic Party Caucus and critic for Agriculture and Agri-Food, Canadian Wheat Board, Western Diversification, Co-operatives and Sports. Mr. Proctor has served the New Democratic Party in a variety of capacities including as Provincial Secretary (Saskatchewan) and Federal Secretary. He has a degree in journalism from Carleton University, and worked for newspapers in Toronto and Edmonton as well as for CBC Television. Mr. Proctor has always been a strong advocate for social change. He worked for two public sector trade unions and for three years was based in Mexico as a project planner in Latin America and the Caribbean, on behalf of the Canadian Labour Congress.

Hugh Segal was appointed President in 1999 of the Institute for Research on Public Policy (IRPP), Canada's oldest, non-partisan, public policy think-tank, based in Montreal. A graduate of the University of Ottawa, Mr. Segal is a Professor of Public Policy at the School of Business at Queen's University, and the Ivey fellow at the School of Policy Studies. He sits on the Boards of Directors of public and private companies in various sectors including, energy, engineering, construction, technology, beverage alcohol and marketing. In the community and public-service sector, he is a member of a series of boards, including The Atlantic Council of Canada, the McGill Institute for the Study of Canada, the Walter and Duncan Gordon Foundation and the Canadian Advisory Board for the Ditchley Foundation. Hugh has also held a series of senior positions in the public and private sector including Associate Secretary of Cabinet for Federal-Provincial Relations in Ontario, Chief of Staff to the Prime Minister, Legislative Assistant to the Leader of the Opposition in Ottawa, Corporate and Investor Relations Director at John Labatt Ltd., and chairman of Advance Planning Consultants and Camp Associates Advertising, both part of the Tact group of companies. He is a former Vice-Chair of the Institute of Canadian Advertising. In 1998, Hugh was first-ballot runner-up in a five-candidate field in the national Conservative leadership race. A former columnist for *The Toronto Star* and the *Financial Post* and network panelist on CTV, CBC and PBS, he has authored three books on politics and public policy: *No Surrender* (Harper Collins, 1994) *Beyond Greed* (Stoddart, 1998) and *In Defence of Civility* (Stoddart, 1999), and co-authored two books on public policy in the 1980s — *No Small Measure* (Deneau 1982) and *Election: Strategies, Issues and Tactics* (Prentice Hall, 1988).

Lynn Verge was a Member of the Newfoundland and Labrador House of Assembly for 17 years. From 1979 to 1989 she served in the cabinet of Premier Brian Peckford, for six years as Minister of Education and for four years a Minister of Justice and Attorney General. In 1995 she was elected Leader of the Newfoundland and Labrador Progressive Conservative Party in a keenly contested leadership race that culminated in a convention with about 700 voting delegates. Since her years in politics, she has practiced law and taught courses in education law and political science at Memorial University of Newfoundland. She is now once again a full-time student, doing a graduate program in administration in the not-for-profit sector at Concordia University.

Graham White is professor of political science at the University of Toronto. A native of Cape Breton, he holds degrees from York University and McMaster University. Prior to joining the University of Toronto, he worked in the Clerk's Office of the Ontario Legislature, providing procedural advice and administrative support to a range of legislative committees. His teaching and research focuses on governmental institutions at the provincial and territorial level; among his books are *The Ontario Legislature: A Political Analysis*, *Northern Governments in Transition* (with Kirk Cameron) and *Cycling into Saigon: The Conservative Transition in Ontario* (with David Cameron). He is a former Director of the Ontario Legislature Internship Programme. He is active in a group seeking to remedy the shortcomings in Ontario's electoral process, especially with regard to the "permanent voters list" which were evident in the 1999 Ontario election.

Reg Alcock a été réélu pour un troisième mandat à la Chambre des communes le 27 novembre 2000, sa première élection dans la circonscription de Winnipeg-Sud remontant à novembre 1993. Il a occupé plusieurs postes à Ottawa dont, pendant deux ans, celui de secrétaire parlementaire du président du Conseil privé de la reine et ministre des Affaires intergouvernementales. Il a siégé à divers comités permanents et présidé deux comités permanents de la Chambre des communes, l'un sur le développement des ressources humaines et le statut des personnes handicapées, l'autre sur les transports. Dans l'exercice de ses fonctions, il s'est intéressé en priorité à l'usage des outils d'information et de communication. Membre du Harvard Policy Group on Network Enabled Services, de la John F. Kennedy School of Government à Harvard University, M. Alcock fait autorité en ce qui concerne l'influence des nouveaux outils d'information et de communication sur les activités gouvernementales. Il est à ce titre concepteur et actuel coprésident du Crossing Boundaries Research Project, qui porte sur l'utilisation élargie de ces technologies par les gouvernements.

Rob Anders a été élu en 1997 député de l'Opposition officielle sous la bannière du Reform Party, rebaptisé Alliance canadienne (AC) en mars 2000. Défendant les positions de son parti, il a joué un rôle clé dans le débat entourant le projet de loi C-2 et la Loi sur les élections canadiennes. Depuis 1999, il participe au comité permanent sur la défense nationale et les anciens combattants et il est devenu, au sein du Parlement actuel, critique de l'AC sur les questions de défense. M. Anders a donné son appui et collaboré à plusieurs actions protestant contre le rôle de la Chine dans l'occupation du Tibet, la répression brutale du mouvement Falun Gong et l'intimidation militaire de Taiwan, organisant notamment une campagne de lettres de députés canadiens au président chinois l'exhortant à respecter les libertés individuelles des 70 millions d'adeptes du mouvement Falun Gong en Chine. Avant la dernière élection fédérale, M. Anders a dirigé à Calgary le projet Canadians Against Forced Unionism (CAFU) de la National Citizens' Coalition (NCC). Fondateur en 1995 du club Laisser-faire, une tribune de débat politique, il a été porte-parole du bureau du président de la Chambre de commerce de Calgary.

Peter Aucoin est professeur de science politique et d'administration publique à la chaire McCulloch de l'Université Dalhousie. Collaborateur émérite du Centre canadien de gestion et ancien président de l'Association canadienne de science politique, il a été directeur de recherche pour la Commission royale sur la réforme électorale et le financement des partis.

Jerome H. Black est titulaire d'un doctorat de la University of Rochester et professeur agrégé de science politique à l'Université McGill. Il a publié des textes sur une variété de questions dont les femmes en politique, la participation politique des minorités ethniques, la politique canadienne en matière d'immigration et de réfugiés, le vote stratégique et la participation électorale. Ses recherches actuelles portent notamment sur la situation au Canada des parlementaires et aspirants à des postes électifs, issus de minorités ethniques, de même que sur la situation comparative de ces minorités dans les démocraties industrielles avancées.

André Blais est professeur titulaire au Département de science politique et chercheur associé au Centre de recherche et de développement en économique (CRDE) de l'Université de Montréal. Il s'intéresse à tout ce qui touche les élections (lois électorales, processus électoraux, comportement des électeurs) ainsi qu'à l'étude de l'opinion publique et des politiques publiques. M. Blais fait partie de l'équipe de chercheurs chargée d'analyser les résultats de l'élection fédérale de 1997. Il a siégé au comité directeur de la International Encyclopedia of Elections. Son plus récent volume a pour titre *To Vote or Not to Vote? The Merits and Limits of Rational Choice*. L'Association canadienne-française pour l'avancement des sciences (ACFAS) lui a décerné en 1996 le Prix Marcel-Vincent en reconnaissance de son apport aux sciences sociales. En 1999, M. Blais a été élu membre de la Société royale du

Canada. En 2000, il a été nommé titulaire d'une chaire de recherche du Canada en études électorales.

Geneviève Bouchard est Directrice de recherche dans le domaine de la gestion de l'État. Elle détient un baccalauréat et une maîtrise en science politique de l'Université Laval. En novembre 2000, elle complétait un doctorat en politiques publiques comparées à l'Université McMaster. Sa thèse de doctorat s'intitule : *Field Officer Discretion in the Implementation Process : Immigration Policy in Canada, Quebec and the United States*. Au cours de ses études, elle a occupé plusieurs postes d'assistante et de chargée de cours dans diverses universités au Canada et aux États-Unis (Université Laval, Université McMaster, Université de la Saskatchewan et Université Duke). Elle a aussi une expérience de travail dans la fonction publique québécoise et fédérale. Elle était responsable de la préparation du plan stratégique au ministère des Relations internationales et elle a occupé un poste d'analyste à la Commission de l'immigration et du statut de réfugié.

R. Kenneth Carty est professeur au Département de science politique de l'Université de la Colombie-Britannique où il est également collaborateur émérite du Geen College et président du comité des publications de UBC Press. M. Carty est l'actuel président de l'Association canadienne de science politique. Ses recherches sont centrées sur l'organisation et le fonctionnement des partis politiques, la législation électorale et le leadership politique dans les démocraties occidentales, et il a publié de nombreux textes sur l'expérience européenne, canadienne et australienne de ces questions. Il a été conseiller auprès d'une commission sur la délimitation des circonscriptions (Commission Fisher en C.-B.) et de la Commission royale sur la réforme électorale et le financement des partis (Commission Lortie), agissant aussi comme consultant auprès du Protecteur du citoyen de la CBC pour la télédiffusion des élections. Son dernier ouvrage, rédigé en collaboration avec Cross et Young et publié chez UBC Press, s'intitule *Rebuilding Canadian Party Politics*.

John C. Courtney est politologue à l'Université de la Saskatchewan. Anciennement président de l'Association canadienne de science politique et codirecteur de la *Revue canadienne de science politique*, il a publié diverses études sur les systèmes représentatifs, le découpage des cartes électorales ainsi que les congrès de partis et d'investitures. Citons parmi ses récents ouvrages, tous parus chez McGill-Queen's University Press, *Do Conventions Matter? Choosing National Party Leaders in Canada*, *Citizenship, Diversity and Pluralism: Canadian and Comparative Perspectives* (en coédition) et *Commissioned Ridings: Designing Canada's Electoral Districts*. M. Courtney s'est vu décerner le Canadian Studies Writing Award en 1986, le Killam Research Fellowship du Canada Council pour 1998-2000, et le Distinguished Researcher Award de l'Université de la Saskatchewan en 2001.

William Cross est membre du Département de science politique et directeur du Centre for Canadian Studies de la Mount Allison University. En matière de recherche, il s'intéresse principalement aux campagnes électorales et aux partis politiques canadiens. Coauteur de *Rebuilding Canadian Party Politics* et éditeur de *Political Parties, Representation and Electoral Democracy in Canada*, il dirige actuellement le projet « Canada Today: A Democratic Audit ».

Joanna Everitt détient un doctorat de l'Université de Toronto et concentre ses recherches sur les médias, l'opinion publique et la participation électorale. Coéditrice d'un ouvrage sur le comportement politique des Canadiens, elle a publié des articles sur les différences de points de vue entre les sexes dans les enquêtes d'opinion et sur la couverture médiatique dont font l'objet les chefs de parti en période de campagne électorale selon qu'ils soient homme ou femme.

Aaron Freeman, auteur et intervenant spécialisé en éthique gouvernementale et responsabilisation des entreprises, tient une chronique bihebdomadaire intitulée « Money and Influence » dans *The Hill Times*, journal du Parlement canadien. Il collaborait jusqu'à récemment à *Multinational Monitor*, un mensuel fondé par Ralph Nader qui examine les activités des multinationales, dont il a aussi été six ans rédacteur adjoint. Diplômé de l'Université McGill et de la faculté de Droit de l'Université d'Ottawa, Aaron Freeman vit dans la capitale nationale où il est consultant en communication et en intervention auprès d'organismes à but non lucratif.

Paul Howe est professeur de science politique à l'Université du Nouveau-Brunswick et chercheur associé de l'IRPP. Avant de se joindre à l'UNB en juillet 2001, il a été pendant trois ans directeur de recherche au programme Gestion de l'État de l'IRPP, dont il a notamment supervisé les projets *Renforcer la démocratie canadienne* et *Tribunaux et Législatures*. Tout en poursuivant ses recherches dans ces deux domaines, il s'intéresse actuellement à la question du nationalisme et au mouvement souverainiste québécois.

Jean-Pierre Kingsley a été nommé directeur général des élections du Canada en février 1990, et il a assumé la responsabilité de l'administration électorale pour les scrutins fédéraux : référendum de 1992, élections générales de 1993, 1997 et de 2000 ainsi que de nombreuses élections partielles. Parmi ses principaux accomplissements en qualité de directeur général des élections, on compte la création du Registre national des électeurs (liste électorale permanente) et l'informatisation de tous les aspects du processus électoral, y compris la géocartographie numérisée, les communications avec les bureaux électoraux partout au pays ainsi que leur gestion interne. Avant sa nomination par la Chambre des communes au poste de directeur général des élections du Canada, il a occupé divers postes dans les secteurs public et privé. M. Kingsley a été directeur général de l'Hôpital Charles Camshell d'Edmonton et président-directeur général de l'Hôpital général d'Ottawa. Par la suite, il a occupé successivement les postes suivants : sous-secrétaire à l'Évaluation des programmes, ministère d'État au Développement social (1981 à 1984); sous-secrétaire à la Direction de la politique du personnel, secrétariat du Conseil du Trésor (1984 à 1987); sous-registraire général adjoint, ministère de la Consommation et des Affaires commerciales (1987 à 1990). De 1981 à 1990, il a également été membre et président du conseil d'administration de l'Hôpital Montfort d'Ottawa. En 1992, sous l'égide des Nations Unies, il a présidé une réunion internationale des pays qui soutiennent le développement électoral. À l'heure actuelle, il est membre du conseil d'administration d'*International Foundation for Election Systems* (IFES) et membre de l'*International IDEA (Institute for Democracy and Electoral Assistance)*, un organisme se consacrant à l'administration électorale. Il copréside le conseil consultatif international de l'IFES.

Louis Massicotte est professeur agrégé au Département de science politique de l'Université de Montréal. Il est coauteur d'un livre intitulé *Le scrutin au Québec : un miroir déformant*. Ses articles sur les systèmes électoraux et les questions parlementaires ont été publiés dans des revues internationales comme *Electoral Studies*, *European Journal of Political Research*, *Journal of Legislative Studies*, ainsi que la *Revue canadienne de science politique et Administration publique du Canada*. Il a été impliqué dans le développement démocratique de treize pays d'Afrique, d'Europe de l'Est et des Caraïbes.

Rennie Molnar s'est joint en 1993 au Directeurat des technologies de l'information d'Élections Canada puis, en 1995, à l'équipe de projet du Registre national des électeurs pour les phases de recherche et de faisabilité. Nommé en avril 1998 directeur du Registre national des électeurs, il est actuellement responsable à Élections Canada du Registre national des électeurs, de la géographie électorale et des technologies de l'information.

George C. Perlin est professeur de science politique et directeur du Centre for the Study of Democracy à Queen's University. Ses recherches portent actuellement sur les comportements politiques nécessaires au développement et à la consolidation des systèmes démocratiques. Il a produit avec la chaîne CBC-NewsWorld *The Canadian Political Community and Canadian Democracy*, un document sur CD-Rom en deux volumes dont il est le coéditeur et le coauteur avec Andrew Parkin. Il est aussi coéditeur et coauteur de « Démocratie, valeurs et institutions », texte en ukrainien à paraître en juillet 2002.

André Pratte est journaliste depuis plus de vingt ans. Il a commencé sa carrière au réseau radiophonique Télémédia, où il a été notamment courriériste parlementaire à Ottawa et directeur adjoint de l'Information. M. Pratte est journaliste à La Presse depuis 1986. Il y a été, entre autres, chroniqueur et responsable de la couverture politique et il a été nommé éditorialiste en chef en mai dernier. André Pratte est l'auteur de trois ouvrages, *Le Syndrome de Pinocchio*, un essai sur le mensonge en politique; *L'énigme Charest*, une biographie du chef libéral; et *Les Oiseaux de malheur*, une réflexion sur les médias d'aujourd'hui.

Dick Proctor a été réélu député de la circonscription de Palliser (Saskatchewan), et exerce ainsi un deuxième mandat à la Chambre des communes. Président du caucus du Nouveau parti démocratique (NPD), il est aussi critique de ce parti pour les politiques agricoles, le Conseil canadien du blé, la diversification de l'Ouest, les coopératives et le sport. Au sein du NPD, il a occupé diverses responsabilités dont celles de secrétaire provincial (Saskatchewan) et de secrétaire fédéral. Diplômé en journalisme de Carleton University, M. Proctor a collaboré à des journaux de Toronto et d'Edmonton ainsi qu'à la CBC. Fervent partisan du changement social, il a aussi travaillé pour deux syndicats de la fonction publique et a séjourné trois ans au Mexique pour le Congrès du travail du Canada en tant que coordonnateur de projets en Amérique latine et dans les Caraïbes.

Hugh Segal est président depuis 1999 de l'Institut de recherche en politiques publiques (IRPP), qui est en ce domaine le plus ancien institut de recherche indépendant et non partisan au Canada, basé à Montréal. Diplômé de l'Université d'Ottawa, M. Segal est professeur de politique publique au School of Business de Queen's University et membre Ivey de la School of Policy Studies. Il siège aux conseils d'administration d'entreprises des secteurs public et privé dans divers domaines dont l'énergie, le génie, la construction, la technologie, les boissons alcooliques et le marketing. Dans les secteurs communautaire et public, M. Segal est membre d'une série de conseils, y compris le Conseil Atlantique du Canada, l'Institut d'études canadiennes de l'Université McGill, la fondation Walter et Duncan Gordon et le comité consultatif canadien de la fondation Ditchley. Hugh Segal a également occupé plusieurs postes de haute responsabilité dans les secteurs public et privé, y compris ceux de secrétaire associé du cabinet pour les relations fédérales-provinciales en Ontario, chef de cabinet du premier ministre, adjoint législatif du chef de l'opposition à Ottawa, directeur des relations avec les entreprises et les investisseurs à la société John Labatt Ltd. et directeur des firmes Advance Planning Consultants et Camp Associates Advertising, qui font toutes deux partie du groupe Tact. M. Segal a aussi été vice-président de l'Institut de la publicité canadienne. En 1998, M. Segal est arrivé deuxième, sur cinq candidats, au premier tour de scrutin visant à élire le chef du Parti progressiste-conservateur du Canada. Ancien chroniqueur du *Toronto Star* et du *Financial Post* et commentateur invité sur les réseaux CTV, CBC et PBS, Hugh Segal a écrit trois livres sur la politique et les politiques publiques : *No Surrender* (Harper Collins, 1994) *Beyond Greed* (Stoddart, 1998) et *In Defence of Civility* (Stoddart, 1999), et corédigé deux ouvrages sur les politiques publiques : *No Small Measure* (Deneau, 1982) et *Election: Strategies, Issues and Tactics* (Prentice Hall, 1988).

Lynn Verge a siégé pendant 17 ans à l'Assemblée législative de Terre-Neuve et Labrador et elle a fait partie du Cabinet de Brian Peckford de 1979 à 1989 où elle a été six ans ministre de l'Éducation et quatre ans ministre de la Justice. Elle a été élue en 1995 chef du Parti progressiste-conservateur de Terre-Neuve et Labrador à l'issue d'une course à la chefferie chaudement disputée, qui a culminé lors d'un congrès d'investiture réunissant quelque 700 délégués. Après avoir délaissé la vie politique, elle a pratiqué le droit et enseigné la science politique et le droit de l'éducation à la Memorial University of Newfoundland. Elle étudie actuellement en administration au programme d'études supérieures du secteur sans but lucratif de l'Université Concordia à Montréal.

Graham White est professeur de science politique à l'Université de Toronto. Originaire du Cap Breton, ce diplômé des universités York et McMaster travaillait auparavant au Bureau du greffier de l'Assemblée législative de l'Ontario, où il conseillait différents comités législatifs sur les questions de procédures et d'administration. Son enseignement et ses recherches portent essentiellement sur les institutions gouvernementales aux niveaux provincial et territorial. Il a notamment publié *The Ontario Legislature: A Political Analysis*, *Northern Governments in Transition* (avec Kirk Cameron) et *Cycling into Saigon: The Conservative Transition in Ontario* (avec David Cameron). Ancien directeur du Ontario Legislature Internship Programme, il collabore à un groupe visant à remédier aux lacunes du système électoral ontarien mises en évidence par l'élection provinciale de 1999, surtout en ce qui a trait à la « liste permanente d'électeurs ».

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