

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE TORONTO PARTY FOR A BETTER CITY

Applicant

and

**ATTORNEY GENERAL OF ONTARIO and
ONTARIO (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING)**

Respondents

APPLICATION RECORD

Dated: February 28, 2014

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Respondents

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I N D E X

DOCUMENTS	TABS
Notice of Application, dated December 18, 2013	1
Amended Notice of Application, dated January 28, 2014	2
Affidavit of Stephen Thiele, sworn February 28, 2014	3
Letter from the Honourable John Gerretsen to Stephen Thiele, dated December 14, 2006	A
E-mail correspondence between Arthur Flach and Stephen Thiele, dated November 5, 2013	B
Press Release retrieved from the Elections Quebec Website, dated September 3, 2013	C
Requirements for a Municipal Political Party in Quebec	D
E-mail from Mireille Loignon to Stephen Thiele, dated November 25, 2013	E

	Explanatory Note for Bill 218	F
	Transcript of the Standing Committee of the Legislative Assembly for May 17, 2007	G
	Transcript of the House Proceeding of the Legislative Assembly for June 4, 2007	H
	Transcript of the Ontario Legislative Assembly Proceedings for May 20, 2004	I
	Page 7 of the 2014 Candidates' Guide for Ontario Municipal and School Board Elections published by the Ministry of Municipal Affairs and Housing	J
	Article entitled "Toronto Should Establish Parties at Municipal Level", published April 13, 2012 by the National Post	K
	Article entitled "To Avoid 'Bloodbath' Mayoral Race Needs Political Parties" by John C. Barber, dated November 3, 2013	L
	Article entitled "Canada's Lousy Mayors" by Nancy Macdonald retrieved from the internet on December 8, 2013	M
	Article entitled "Rising Power of Metro Areas Makes Mayors a Challenge for the Prime Minister", published January 12, 2014 by Vancouver Sun	N

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Court File No.:

ONTARIO

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Respondent



APPLICATION UNDER SECTION 24(1) OF
THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*,
SECTION 109 OF THE *COURTS OF JUSTICE ACT* and
RULE 14.01(g.1) of the *RULES OF CIVIL PROCEDURE*

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on , , at 393 University Avenue, Toronto Ontario, at .

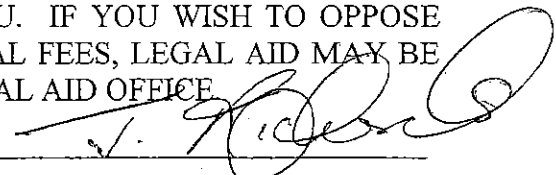
IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with

proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE

Date December 18, 2013

Issued by 
Local registrar

Address of
court office 393 University Avenue, 10th Floor
Toronto Ontario M5G 1E6

TO Attorney General of Ontario
720 Bay Street, 4th Floor
Toronto, Ontario
M5G 2K1

AND TO: Minister of Municipal Affairs and Housing
c/o Attorney General of Ontario
Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, Ontario
M5G 2K1

APPLICATION

1. The Applicant makes application for:

- (i) A declaration pursuant to s. 24(1) of the *Canadian Charter of Rights and Freedoms* (the "**Charter**") that s. 41(2) of the *Municipal Elections Act, 1996* breaches sections 2(b), 2(d) and 3 of the Charter because it does not permit municipal political party or elector organization affiliation to be included on an election ballot beside the name of a party's or organization's candidate;

- (ii) A declaration pursuant to s. 24(1) of the Charter that the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006* breach, in general, sections 2(b), 2(d) and 3 of the Charter because neither statute formally recognizes municipal political parties or elector organizations;
- (iii) A declaration that the government of Ontario be required to amend the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006*, as required, within 6 months of the date of judgment in this application;
- (iv) An order granting leave, if necessary, that The Toronto Party for a Better City has standing to bring the within application;
- (v) Cost to be determined by this Honourable Court; and
- (vi) Such further and other relief as this Honourable Court deems just.

2. The grounds for the application are:

- (i) The applicant is municipal political party or elector organization;
- (ii) The applicant has been denied the ability to include its party or organization affiliation beside the names of candidates it wishes to nominate or endorse in the 2014 Toronto municipal election;
- (iii) Neither the *Municipal Elections Act, 1996* nor *The City of Toronto Act, 2006* formally recognize the existence of municipal political parties or elector organizations;
- (iv) The applicant has sought the amendment of provincial legislation to formally recognize municipal political parties or elector organizations without success;

- (v) For seven years the applicant has struggled to gain recognition, and has been referred to as a “nascent”, “fledgling” or “fringe” organization;
- (vi) For seven years the applicant has been restricted in expressing itself fully on political issues and from building an association or organization comprised of like-minded persons because municipal political parties or elector organizations are believed to be illegal in Ontario as a result of a lack of formal statutory recognition or authorization;
- (vii) Potential candidates for municipal office have rejected running under the banner of The Toronto Party for a Better City because it is not a formally recognized political entity;
- (viii) Citizens who reside in Toronto or own or lease land therein are entitled to vote in Toronto’s municipal election. However, electors are deprived of their substantive right to be fully informed as to whom to choose when exercising their statutory voting right;
- (ix) Municipal political parties or elector organizations are formally recognized in Quebec and British Columbia and a candidates affiliation with such parties or organizations can be included on a municipal election ballot;
- (x) Saskatchewan’s municipal elections law also permits a voters’ organization to appear on municipal election ballots;
- (xi) Party affiliation is permitted on an election ballot in both Ontario provincial elections and federal elections,
- (xii) Party affiliation is permitted on a provincial election ballot and federal election ballot in every other province in Canada;

- (xiii) There is no reasonable justification for prohibiting municipal political parties or elector organizations from organizing in Ontario and from being permitted formal recognition under statute;
- (xiv) There is no reasonable justification for disallowing municipal political party or elector organization affiliation from appearing on a municipal election ballot;
- (xv) Democracy demands that individuals be permitted to express their political beliefs through collective organizations like municipal political parties or elector organizations that are duly recognized and authorized by statute;
- (xvi) Democracy demands that electors have the right to be informed of a candidates' party affiliation on an election ballot;
- (xvii) There is a serious issue to be decided as to whether the lack of recognition for municipal political parties or elector organizations under the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006* breaches the *Canadian Charter of Rights and Freedoms*;
- (xviii) The Toronto Party for a Better City, as a municipal political party or elector organization, has a genuine interest in this application;
- (xix) This application represents a reasonable and efficient way to place justifiable issues before the Court;
- (xx) Sections 2(b), 2(d), 3, and 24(1) of the *Canadian Charter of Rights and Freedoms*;
- (xxi) Section 109 of the *Courts of Justice Act*;
- (xxii) Rule 14.01(g.1) of the *Rules of Civil Procedure*; and
- (xxiii) Any such further grounds as this Honourable Court may permit.

5. The following documentary evidence will be used at the hearing of the application:

(i) Affidavit of Stephen Thiele, to be sworn; and

(ii) Any such further evidence which may be filed and which this Honourable Court may permit.

December 18th 2013

Gardiner Roberts LLP
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Toronto Ontario M5H 3Y2

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RCP-E 14E (July 1, 2007)

13 495203

Court File No. CV-~~27203~~

TORONTO PARTY FOR A BETTER CITY

- and -

ATTORNEY GENERAL OF ONTARIO et al

Applicant

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**
Proceeding commenced at *Toronto*

APPLICATION

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ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

TORONTO PARTY FOR A BETTER CITY

Applicant

and

**ATTORNEY GENERAL OF ONTARIO, and
ONTARIO (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING)**

Respondent

APPLICATION UNDER SECTION 24(1) OF
THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*,
SECTION 109 OF THE *COURTS OF JUSTICE ACT* and
RULE 14.01(g.1) of the *RULES OF CIVIL PROCEDURE*

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on , , at 393 University Avenue, Toronto Ontario, at .

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with

AMENDED THIS 28 January 2014.
MODIFIÉ CE 28 janvier 2014.
Pursuant to Rule 26.02 (1) of the Rules of Civil Procedure, the Applicant has amended this Application.
Conformément à la Règle 26.02 (1) du Règlement de la Cour Supérieure de Justice, le Demandeur a amendé cette Demande.
THE ORDER OF
L'ORDONNANCE DU
DATED / FAIT LE
REGISTRAR
GREFFIER
COUR SUPÉRIEURE DE JUSTICE

proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date 18th DECEMBER 2013 Issued by " J. Richards "
Local registrar
Address of
court office 393 University Avenue, 10th Floor
Toronto Ontario M5G 1E6

TO Attorney General of Ontario
720 Bay Street, 4th Floor
Toronto, Ontario
M5G 2K1

AND TO: Minister of Municipal Affairs and Housing
c/o Attorney General of Ontario
Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, Ontario
M5G 2K1

APPLICATION

1. The Applicant makes application for:

- (i) A declaration pursuant to either s. 24(1) or s. 52(1) of the *Canadian Charter of Rights and Freedoms* (the "**Charter**") that s. 41(2) of the *Municipal Elections Act, 1996* breaches sections 2(b), 2(d) and 3 of the Charter because it does not permit municipal political party or elector organization affiliation to be included on an election ballot beside the name of a party's or organization's candidate;

- (ii) A declaration pursuant to either s. 24(1) or 52(1) of the Charter that the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006* breach, in general, sections 2(b), 2(d) and 3 of the Charter because neither statute formally recognizes municipal political parties or elector organizations;
- (iii) A declaration that the government of Ontario be required to amend the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006*, as required, within 6 months of the date of judgment in this application;
- (iv) An order granting leave, if necessary, that The Toronto Party for a Better City has standing to bring the within application;
- (v) Cost to be determined by this Honourable Court; and
- (vi) Such further and other relief as this Honourable Court deems just.

2. The grounds for the application are:

- (i) The applicant is municipal political party or elector organization;
- (ii) The applicant has been denied the ability to include its party or organization affiliation beside the names of candidates it wishes to nominate or endorse in the 2014 Toronto municipal election;
- (iii) Neither the *Municipal Elections Act, 1996* nor *The City of Toronto Act, 2006* formally recognize the existence of municipal political parties or elector organizations;
- (iv) The applicant has sought the amendment of provincial legislation to formally recognize municipal political parties or elector organizations without success;

- (v) For seven years the applicant has struggled to gain recognition, and has been referred to as a “nascent”, “fledgling” or “fringe” organization;
- (vi) For seven years the applicant has been restricted in expressing itself fully on political issues and from building an association or organization comprised of like-minded persons because municipal political parties or elector organizations are believed to be illegal in Ontario as a result of a lack of formal statutory recognition or authorization;
- (vii) Potential candidates for municipal office have rejected running under the banner of The Toronto Party for a Better City because it is not a formally recognized political entity;
- (viii) Citizens who reside in Toronto or own or lease land therein are entitled to vote in Toronto’s municipal election. However, electors are deprived of their substantive right to be fully informed as to whom to choose when exercising their statutory voting right;
- (ix) Municipal political parties or elector organizations are formally recognized in Quebec and British Columbia and a candidates affiliation with such parties or organizations can be included on a municipal election ballot;
- (x) Saskatchewan’s municipal elections law also permits a voters’ organization to appear on municipal election ballots;
- (xi) Party affiliation is permitted on an election ballot in both Ontario provincial elections and federal elections,
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- (xiii) There is no reasonable justification for prohibiting municipal political parties or elector organizations from organizing in Ontario and from being permitted formal recognition under statute;
- (xiv) There is no reasonable justification for disallowing municipal political party or elector organization affiliation from appearing on a municipal election ballot;
- (xv) Democracy demands that individuals be permitted to express their political beliefs through collective organizations like municipal political parties or elector organizations that are duly recognized and authorized by statute;
- (xvi) Democracy demands that electors have the right to be informed of a candidates' party affiliation on an election ballot;
- (xvii) There is a serious issue to be decided as to whether the lack of recognition for municipal political parties or elector organizations under the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006* breaches the *Canadian Charter of Rights and Freedoms*;
- (xviii) The Toronto Party for a Better City, as a municipal political party or elector organization, has a genuine interest in this application;
- (xix) This application represents a reasonable and efficient way to place justifiable issues before the Court;
- (xx) Sections 2(b), 2(d), 3, ~~and~~ 24(1) and 52(1) of the *Canadian Charter of Rights and Freedoms*;
- (xxi) Section 109 of the *Courts of Justice Act*;
- (xxii) Rule 14.01(g.1) of the *Rules of Civil Procedure*; and

(xxiii) Any such further grounds as this Honourable Court may permit.

3. The following documentary evidence will be used at the hearing of the application:

(i) Affidavit of Stephen Thiele, to be sworn; and

(ii) Any such further evidence which may be filed and which this Honourable Court may permit.

December 18, 2013

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RCP-E 14E (July 1, 2007)

TORONTO PARTY FOR A BETTER CITY

- and -

ATTORNEY GENERAL OF ONTARIO et al

Applicant

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at *Toronto*

AMENDED NOTICE OF APPLICATION

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Lawyers for the Applicant,

15

Court File No.: CV-13495203

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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THE TORONTO PARTY FOR A BETTER CITY

Applicant

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**ATTORNEY GENERAL OF ONTARIO and
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Respondents

AFFIDAVIT OF STEPHEN THIELE

I, *STEPHEN THIELE* of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY (*or* AFFIRM):

BACKGROUND

1. I am the President of the Toronto Party for a Better City (the "**Toronto Party**"). As such I have personal knowledge of the matters to which I hereinafter depose. Where matters are based on information, I have stated the source of such information and believe it to be true.
2. I am also a resident of the City of Toronto (the "**City**"), an owner of property municipally located within the City for which I annually pay property taxes, and a lawyer in good standing with the Law Society of Upper Canada.
3. Along with my law degree, I hold an undergraduate four-year Honours Bachelor of Arts Degree from York University. My major area of undergraduate study was political science. Since 1985, I have been involved with political organizations, such as the Progressive

Conservative Party of Canada, the Progressive Conservative Party of Ontario, and the Conservative Party of Canada. I am currently a member of the Liberal Party of Canada and a Director of the Etobicoke Centre Federal Liberal Association.

4. The Toronto Party is a not-for-profit without share capital corporation. It was founded in October 2006 and later incorporated in December 2009.
5. The Toronto Party is comprised of many individual residents of the City. It ran 11 candidates for City Councillor in the 2010 municipal election. Those candidates received a total of 23,879 votes. Four of those candidates finished second.

Mandate of the party

6. While the general policy mandate of the Toronto Party is to bring good government, fiscal responsibility and accountability of taxpayer dollars at the municipal level to the City, and to assure that the people of Toronto have a high quality of life by creating a vibrant and sustainable City, its primary mandate is to gain formal political party recognition at the municipal level for all municipal political or elector organizations in Toronto and Ontario through necessary amendment to provincial legislation.
7. In keeping with its primary mandate, The Toronto Party has corresponded with the provincial government. Although the Toronto Party's status as a valid political or elector organization was informally recognized in December 2006 via correspondence received from the then Minister of Municipal Affairs and Housing, the Hon. John Gerretsen,

legislative change has still not taken place in order for the Toronto Party or any other municipal political party which individuals would like to create, or may have already created without our knowledge, to receive formal statutory status. Attached hereto and marked as **Exhibit "A"** is a true copy of the letter received from the Hon. John Gerretsen, dated December 14, 2006.

8. Without formal statutory recognition, the efforts of the Toronto Party to promote itself as a political or elector organization has been severely restricted. The Toronto Party has issued press releases on various topics and a regular newsletter, but the media refers to The Toronto Party as a "nascent", "fledgling" or "fringe" organization.
9. The Toronto Party has also tried to recruit various individuals to run as candidates under its party banner but has had its offers rejected because it is not a formally recognized political entity under the laws of Ontario.

Efforts for formal recognition have failed

10. All of the Toronto Party's efforts to receive formal recognition as a political organization, which have included speaking to members of provincial parliament, such as Donna Cansfield and Frank Klees, have produced no movement toward amending either the *Municipal Elections Act, 1996* or the *City of Toronto Act, 2006* so as to formally recognize municipal political parties.

Party affiliation cannot be included on ballot

11. On or about November 6, 2013, the Toronto Party corresponded with the elections clerk of the City of Toronto to determine whether the Toronto Party could run a Mayoral candidate in the 2014 Toronto Municipal Election, and have the name of “The Toronto Party” appear on the municipal ballot beside its candidate’s name. On behalf of the City of Toronto, Arthur Flach advised that the City applies s. 41 of the *Municipal Elections Act, 1996* and therefore the Toronto Party’s name cannot appear on the municipal election ballot. Attached hereto and marked as **Exhibit “B”** is correspondence exchanged with Arthur Flach of the City of Toronto.

12. Section 41(2) of the *Municipal Election Act, 1996* specifically provides as follows:

The following rules apply to ballots:

1. Only the names of certified candidates shall appear on the ballot.
2. The candidates’ names shall appear on the ballot in alphabetical order, based on their surnames and, in the case of identical surnames, their forenames.
3. If the candidate wishes and the clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to his or her legal name.

4. No reference to a candidate's occupation, degree, title, honour or decoration shall appear on the ballot.

5. If the surnames of two or more candidates for office are identical or, in the clerk's opinion, so similar as to cause possible confusion, every candidate's qualifying address shall appear under his or her name.

6. A space for marking the ballot shall appear to the right of each candidate's name or, in the case of a by-law or question, to the right of each answer.

7. All ballots for the same office or relating to the same by-law or question shall be identical or as nearly as alike as possible.

13. The plain language of s. 41(2) of the MEA does not permit any candidate from including a party or elector organization affiliation on the municipal election ballot. Paragraph 3 of s. 41(2) refers to a person's "nickname". It does not refer to a political party or an elector organization affiliation.

Law does not recognize municipal political parties

14. I have reviewed both the MEA and COTA. Neither statute contains any provision whatsoever recognizing the existence of municipal political parties or electoral organizations.

15. The MEA is incorporated by reference into COTA by s. 135(3), paragraph 2 thereunder, which states that the members of Toronto council shall be elected in accordance with the MEA. For the purposes of municipal elections in Ontario, including Toronto, eligibility or the right to vote therein is found in s. 17 of the MEA.
16. The Toronto Party strongly believes that the failure of the MEA and COTA to formally recognize municipal political organizations or elector organizations is unduly restricting the organization's ability to freely express its political ideas and to bring together a group of like-minded individuals into a meaningful political or elector organization.
17. In addition to the foregoing, the Toronto Party also strongly believes that the failure of the MEA and COTA to permit party or elector organization affiliation to appear on a municipal election ballot unduly reduces the information that a voter is entitled to receive when exercising his or her right to vote as granted by s. 17 of the MEA. An elector is entitled to know if a particular candidate is running under the banner of a municipal political party or elector organization when casting his or her ballot.

Municipal political parties recognized elsewhere in Canada

18. Two provinces in Canada have granted formal status to municipal political parties or elector organizations. These provinces are Quebec and British Columbia.
19. Saskatchewan also recognizes the existence of voters' organizations for the purposes of municipal elections.

Municipal political parties in Quebec

20. As of December 31, 2012, there were 118 municipal political parties in Quebec. These parties were organized in 82 of Quebec's 179 municipalities. As of September 3, 2013, there were 153 government authorized municipal political parties in Quebec. Attached hereto and marked as **Exhibit "C"** is a press release retrieved from the Elections Quebec website dated September 3, 2013.

21. Under Quebec law, authorization for a municipal political party is obtained through Le Directeur general des elections du Quebec. The application must be accompanied by a schedule containing the names, addresses, membership card numbers and expiry dates, as well as the signatures of electors of the municipality who are in favour of the application and who are members of the party. A minimum number of signatures is also required. In the case of a municipality with a population of 100,000 or more, 100 signatures are required. In the case of a municipality with a population of 50,000 or more but less than 100,000, 50 signatures are required. In the case of a municipality with a population of 5,000 or more but less than 50,000, 25 signatures are required. Attached hereto and marked as **Exhibit "D"** are the requirements for a municipal political party in Quebec as retrieved from the Elections Quebec website.

22. Quebec also provides that affiliation with a municipal political party can appear on the municipal election ballot beside the name of a candidate. Attached hereto and marked as

Exhibit “E” is correspondence received from the Directeur general des elections du Quebec.

Municipal political parties in British Columbia

23. In British Columbia, municipal elector organizations are recognized under the *Local Government Act*. British Columbia’s largest city, Vancouver, also recognizes municipal electoral organizations under its separate *Vancouver Charter*. I have reviewed the relevant provisions of the Act and the *Vancouver Charter*. Both enactments establish certain requirements which must be met in order for an elector organization to be recognized as such.

24. Elector organizations are allowed to nominate candidates and have the name of the organization appear on the ballot paper under both the Act and *Vancouver Charter*. Under both the Act and the *Vancouver Charter*, the elector organization is required to have a membership of 50 members. Furthermore in order for a candidate to be nominated on behalf of the elector organization, the organization must be in existence 60 days immediately prior to a solemn declaration for nomination being obtained by the candidate. While these requirements are reasonable, nothing like them can be found in the MEA or COTA.

25. In Saskatchewan, section 60(1)(d) of the *Local Government Election Act* provides that a voters’ organization name can appear beside the name of a candidate on a municipal election ballot.

Party affiliation on other ballots

26. Provincial and federal elections are held in Ontario as well. Each election is governed under different election legislation.
27. Nevertheless both the Ontario *Elections Act* and the federal *Canada Elections Act* permit party affiliation to be included on the respective ballots. Of course, there is no disputing that political parties are allowed at both the provincial and federal level and are duly recognized by statute.
28. The ability to include a party affiliation on a federal election ballot was first statutorily recognized in 1970. In 2007, amendments to Ontario's *Elections Act* were easily made to permit party affiliation to be included on a provincial election ballot. This demonstrates that amendment to the MEA can also be easily made.
29. Similarly the statutes which govern provincial elections in Canada's other provinces permit party affiliation to be included on the respective ballots.
30. For the purposes of this affidavit, I have not examined the election laws in Canada's 3 territories.

Ontario amendment in particular

31. With respect to the Ontario *Elections Act*, the 2007 amendment was proposed as part of Bill 218, An Act to amend the Election Act and Election Finances Act and to make related amendments to other Acts. While the original Bill 218 did not contemplate the ability to include party affiliation on the provincial election ballot, Bill 218 was amended at the committee stage to permit party affiliation to be included on the ballot. Attached hereto and marked as **Exhibit "F"** is a copy of the Explanatory Note for Bill 218 retrieved from the Ontario Legislative Assembly website.

32. On May 17, 2007, the Honourable Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal), explained before the Standing Committee of the Legislative Assembly (the "SCLA") that the purpose for including party affiliation on the provincial election ballot was as follows:

If passed, this bill would also eliminate confusion at the ballot box. Candidates' party affiliation would appear on the ballot if they are endorsed by a party. Candidates not endorsed by a party could be identified as independents, at the candidate's request. This means that people who may want to vote for a particular policy belonging to a political party but who may not know their local candidate's name, especially if he or she is a new candidate, would now be able to do so because they could easily identify the party. This will help voters make more informed choices at the ballot box.

Attached hereto and marked as **Exhibit "G"** is a copy of the transcript of the Standing Committee of the Legislative Assembly for May 17, 2007 as retrieved from the Ontario Legislative Assembly website.

33. Ontario's Chief Election Officer, John Hollins, testified before the SCLA on May 17, 2007 as well. He stated that including a candidate's party affiliation on a provincial election ballot would "...be well received by electors. We receive constant questions from them as to why it is not currently on the ballot."
34. During the debate on third reading of Bill 218, the Hon. Bountragianni reaffirmed her explanation of the purpose for including party affiliation on the provincial election ballot. Norm Miller (Parry Sound-Muskoka) agreed with the addition of party names to ballots, expressly stating: "In closing, I'd just like to sum up. There are a number of changes in this bill that I support, that our party (the Ontario PC Party) supports, like the party name on the ballot." Attached hereto and marked as **Exhibit "H"** is a copy of the transcript of the house proceeding of the Legislative Assembly for June 4, 2007.
35. The idea of including party affiliation on the provincial election ballot, however, was not new in 2007. In 2004, Bill 76, An Act to amend the Election Act, was introduced by Richard Patten (Ottawa Centre) as a Private Members' Bill. One of the two purposes of this Bill was to include party affiliation on the ballot. Patten explained as follows:

This bill puts into action recommendations from the Standing Committee of the Legislative Assembly, which approved placing political affiliation on the ballot as

far back as 1989, almost 15 years ago. The committee's report on election laws and process was tabled as a draft bill and was also not debated because of an election call. The Chief Election Officer of Ontario has tabled numerous reports in the Legislative Assembly that have recommended the need to include candidate's political affiliation on the ballot. These reports from the Chief Election Officer have consistently said that placing political affiliation on the ballot aids in making an informed decision at the polls.

Attached hereto and marked as **Exhibit "I"** is a copy of the transcript of the Ontario Legislative Assembly proceedings dated May 20, 2004.

36. Patten further explained that his Bill would provide the Ontario Legislative Assembly with the opportunity to follow the recommendations of the Ontario Chief Election Officer in order to stop restricting the elector's access to basic information about a candidate's political affiliation.

37. Patten justified the purpose of his Bill on the grounds that "[t]he rise of the mobile society has resulted in people moving often and not necessarily residing in the same riding for too long. Mobility, however, does not change one's belief or one's values. Providing political affiliation on ballots will allow them to identify with a candidate and associate themselves with the party that they feel may best represent their views. Finally this bill will help recent immigrants, especially those who speak different languages, to make a more informed choice at the ballot box."

38. In supporting Bill 76, Caroline Di Cocco (Sarnia-Lambton) said that it is important for voters "...to have an opportunity to know the different aspects of the candidates when they go in to vote and that the voter has the best information about the candidate when they go in to vote." According to Di Cocco, "the philosophy of the party will also impact and give an indication to the voter of the views or the general philosophy they have."

39. Michael Prue (Beaches-East York) explained during the debate on Bill 765 that:

[t]here is not question that the voters have a right to know every aspect about the person who will represent them in this Legislature. They have a right to know where they live, they have a right to know their political views, they have a right to hear them, they have a right to read the literature and they also, I would suggest, have a right to know which party they represent.

40. Lastly, Norm Sterling (Lanark-Carleton) also supported Bill 76. He said:

I want to indicate my support for Mr. Patten's bill. This is not a new idea. This is an idea that has been around a long time. Face it, folks: People in this Province and in Canada vote first on the basis of a leader; second, on the basis of a party; and third, on the basis of the candidate. We'd all like to believe that they're voting for Norm Sterling, Richard Patten or whoever.

The only way you can find out the party affiliation is to go and look at a list and then match the name with the list. This is about information, informing the voter

as to who he's electing and what party he's affiliated with. Therefore, I support the bill.

Prohibition is a Constitutional breach

41. There is no justification for denying the rights of individuals to come together and to create a municipal political party or elector organization in Ontario.
42. There is no justification for restricting individuals from freely expressing their political views through a municipal political party or elector organization.
43. Lastly, there is no justification for denying municipal political parties or elector organizations, like the Toronto Party, from having their party affiliations appear on municipal election ballots beside the names of their nominated candidates.
44. Accordingly, the Toronto Party believes that s. 41 of the MEA, the MEA, in general, and COTA, in general, breach sections 2(b), 2(d) and 3 of the *Canadian Charter of Rights and Freedoms*.
45. While as set out in the correspondence of the Hon. John Gerretsen referenced above that civic parties can exist in Ontario, this kind of mere acknowledgement has no meaning or value when absolutely no statutory mechanism exists to give life and legitimacy to such a recognition. The correspondence of the Hon. John Gerretsen also does not conform with the view taken by the Ministry of Municipal Affairs and Housing (the "**Ministry**") in its

own 2014 Candidates for Ontario Municipal and School Board Elections Guide (the “**Candidate’s Guide**”). The public position of the Ministry is as follows:

There is nothing in the Municipal Elections Act, 1996 that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidates’ names on them) must be divided between the campaigns.

Attached hereto and marked as **Exhibit “J”** is page 7 of the 2014 Candidates’ Guide for Ontario Municipal and School Board Elections published by the Ministry of Municipal Affairs and Housing.

46. The Ministry’s public position does not acknowledge the ability of “groups” or “slates” or individuals to form civic parties. Instead, the Ministry’s statement merely recognizes the *ad hoc* ability of two or more candidates to identify themselves as a “group” and “slate” and that they can have their *names* appear on the same sign. There is no express approval for the name of the “*group*” or “*slate*” because the Ministry does not publicly endorse the idea of civic parties. Otherwise its Candidate’s Guide would expressly state that “like-minded candidates can campaign on the same platform or identify themselves as a group or slate or a candidate of a civic political party or elector organization.” But even such a statement is insufficient.

47. Civic parties or elector organizations are also not referenced in the MEA or any provincial legislation.
48. The Toronto Party can have no legitimacy without any formal statutory recognition or the ability to have its name appear on a municipal election ballot. A Toronto Party candidate who represents to an elector his or her party affiliation loses legitimacy when the elector fails to see the Toronto Party affiliation beside the candidate's name on the municipal election ballot. Legitimacy, credibility and trustworthiness are extremely important traits to the body politic.
49. For the same reason, the individual directors of the Toronto Party also lose credibility and legitimacy when holding out the Toronto Party as a civic party. The net effect of the non-recognition of civic parties in the MEA and the inability to include party affiliation on a municipal ballot is to cause otherwise honest individuals associated with the Toronto Party to appear dishonest and untrustworthy. No legislation should ever leave this impression, particularly if the government purports that the activities engaged in by these otherwise honest individuals is legitimate.
50. The illegal and illegitimate existence of the Toronto Party also prevents it from any kind of legitimate role in municipal affairs.
51. Even though politics is fundamentally an organized activity, the right to form organized civic parties or elector organizations is completely absent in Ontario's laws. Accordingly,

no group of people in Ontario, other than the organizers of the Toronto Party, has stepped forward to call themselves an electors organization or civic party.

52. The prevailing view among many political experts is also that civic parties in Ontario cannot legitimately exist. Otherwise commentators such as Michael Taube, former speech writer for Prime Stephen Harper and current journalist with the Washington Times, would not write as follows: “There is no reason why Toronto couldn’t – and shouldn’t – join the real world and support municipal political parties.” Attached hereto and marked as **Exhibit “K”** is an article entitled “Toronto should establish parties at municipal level” published April 13, 2012 by the National Post.

53. The Toronto Party’s view that the formalization of civic parties is fundamental to civic democracy is shared by others. In a recent newspaper article appearing in The Toronto Star, John C. Barber, wrote that suppressing municipal politics has long been the special passion of Queen’s Park, and that Toronto needs political parties. He stated further as follows: “The arguments in favour of allowing political parties to operate at the municipal level are so familiar – tantamount to the arguments in favour of democracy itself – that they need no airing.” Attached hereto and marked as **Exhibit “L”** is John C. Barber’s article, “To avoid ‘bloodbath’ mayoral race, Toronto needs political parties”, dated November 3, 2013.

54. Various University professors have also publicly stated that civic parties have a positive role to play in municipal politics and that the ability to include party affiliation on a municipal election is extremely important. On October 14, 2010, Maclean’s published an article entitled “Canada’s lousy mayors” (the “**Maclean’s Article**”). In this article

Professor Myer Siemiatycki, an expert on municipal politics at Ryerson University, Professor Kennedy Stewart, Simon Fraser University, and Professor Patrick Smith, Simon Fraser University, all supported the notion of civic parties. Among other things, the article states that Professor Siemiatycki says that cities have grown “way too big”, and the issues “far too significant” to be left to the vagaries of individual candidates running on their own reputation and name recognition. Attached hereto and marked as **Exhibit “M”** is a copy of the Maclean’s article entitled “Canada’s lousy mayors” retrieved from the internet on December 8, 2013.

55. The Maclean’s Article also said as follows:

Against this backdrop of candidates – whose fitness for office you “really have scratch your head and wonder about,” says Myer Siemiatycki, an expert on municipal politics at Ryerson University – experts have begun quietly pushing for the introduction of political parties in Canada’s municipal arena, as in Vancouver. The deceptively simple reform could help voters determine who and what they are voting for; it would also go a long way to sidelining the inept, and injecting professionalism and organization into the unruly field. “The bottom line is parties are active gatekeepers in terms of who’s going to be able to get a nomination,” says Siemiatycki. Otherwise, the municipal arena has a tendency to turn into a free-for-all.

Rather than encouraging mature conversations and debates, crowded mayoral fields force candidates to out-shout their opponents, says Siemiatycki, noting

Toronto mayoral candidate Rocco Rossi's Mafia-themed campaign posters, designed to grab attention, he says, and little else. "When people walk into the ballot box they see nothing but a long list of names," says Kennedy Stewart, a professor at Simon Fraser University's school of public policy. Voters, he says, need help sorting through the "lists and lists and lists". The party is a shorthand for the ideas and policies a candidate represents.

The problem is twofold, says Siemiatycki: "Because elections aren't voter-friendly, we have very low voter turnout." And even once the election is over, the system hardly encourages an effective or efficient council. It's tricky to work out consistent alliances to push policies through council. Rather, says SFU municipal expert Patrick Smith, you have a "whole bunch of loose fish wandering around" cobbling together coalitions – or not. With a party system, mayors can whip their caucus into line, weakening narrow turf wars. Without it, that "how-does-this-affect-my-ward?" mindset, says Winnipeg councillor Jenny Gerbasi, can make it next to impossible to get mega-projects off the ground. "Council", she says, "can lose sight of the bigger picture."

56. Lastly, civic parties encourage accountability in a variety of ways. Party leaders can be removed or have their performance reviewed while in office, and civic parties can provide a voice of opposition to the policies of other levels of government. Attached hereto and marked as **Exhibit "N"** is a copy of an article entitled "Rising power of metro areas makes mayors a challenge for the prime minister" dated January 12, 2014, published by the Vancouver Sun.

Issue of public importance

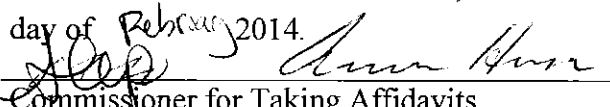
57. The Constitutionality of the MEA and COTA as it relates to the recognition of municipal political parties or elector organizations and the ability to include party or elector organization affiliation on a municipal ballot is a matter of significant public interest for the reasons set out below.
58. Under the MEA, an individual cannot declare that they are seeking a particular municipal office until they are nominated. They cannot raise money and are prohibited from incurring expenses to promote themselves for public office.
59. The nomination period also extends with respect to the 2014 municipal elections from January 2, 2014 to September 12, 2014. Thus even though some individuals may register for nomination to seek public office on January 2, 2014 there is no statutory requirement to do so until the close of the nomination period.
60. Once again, The Toronto Party has been actively recruiting candidates to run under its party banner for the 2014 municipal election. However until such time as its status as a legitimate statutorily formally recognized political or elector entity is resolved prospective candidates have turned down invitations to run under The Toronto Party name. This was the case in the 2010 Toronto election as well even though 11 individuals eventually decided to run as "Toronto Party" candidates.

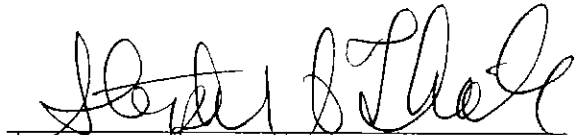
61. The Toronto Party intends to run a Mayoral candidate in the 2014 election. However, until such time as the Toronto Party achieves formal recognition its prospective candidates are less than enthusiastic with the prospect of running for Mayor under the name "Toronto Party" or at all.
62. The issue of whether municipal political parties or elector organizations are entitled to formal recognition is also a matter of significant public importance because of the widespread prohibition of municipal political parties or elector organizations in Canada. As stated above, only Quebec and British Columbia formally recognize municipal political parties or elector organizations. No other jurisdiction in Canada provides the statutory mechanism necessary for the formal recognition of municipal political parties or elector organizations. Saskatchewan's legislation is restricted to permitting the name of voters' organizations to appear on the municipal election ballot. Voters' organization is undefined in the Saskatchewan legislation. Therefore, if Ontario's legislation is determined to be unconstitutional, then the legislation of at least six other provinces is also likely to be unconstitutional.
63. Although the Ontario court has no jurisdiction to declare the legislation of other provinces unconstitutional, there will be sweeping ramifications felt across Canada with respect to the issues required to be determined in the Toronto Party's application.
64. The Toronto Party, as a municipal political party or elector organization, has a genuine interest in the constitutionality of the *Municipal Elections Act, 1996* and *City of Toronto Act, 2006*. As the entity whose name is prohibited from appearing on a municipal election

ballot, it is directly impacted by the legislation. As an entity which seeks municipal law reform it also possesses a genuine interest in the constitutionality of Ontario's municipal election law legislation.

65. The application being brought forward by The Toronto Party is a reasonable and efficient way to place the justifiable issues before the Court.

66. I make this affidavit in support of an application to challenge the Constitutionality of the MEA and COTA and for no improper purpose.

Sworn (or Affirmed) before me at the City of
Toronto in the Province of Ontario, on the 28th
day of February 2014.

Commissioner for Taking Affidavits
(or as may be)


Signature of Deponent

Stephen Thiele

**THIS IS EXHIBIT "A" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**



A Commissioner for taking Affidavits, etc.

Minister of Municipal Affairs
and Housing

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel. (416) 585-7000
Fax (416) 585-6470
www.mah.gov.on.ca

Ministre des Affaires municipales
et du Logement

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www.mah.gov.on.ca

RECEIVED
GARON ROBERTS LLP



2006 DEC 18 A 9:38

06-30622

December 14, 2006

Mr. Stephen Thiele
Co-founder
The Toronto Party
40 King Street West
Suite 3100, Scotia Plaza
Toronto ON M5H 3Y2

Dear Mr. Thiele:

Thank you for your letter, faxed to me on November 15, 2006, requesting that the *Municipal Elections Act, 1996* be amended to permit the formation of parties at the municipal level.

Currently, the *Municipal Elections Act, 1996* does not prevent candidates from working together nor does it prevent the formation of civic parties. However, you are correct in that the act would require amendments to permit formal civic or political parties to directly engage in campaign activities.

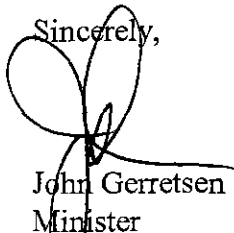
In order to allow for fund raising and spending by municipal political parties, the Act would require revision. In addition, further prohibition on donations by federal and provincial parties to municipal candidates are contained in the *Municipal Elections Act, 1996* as well as in the Ontario and Federal statutes that control those elections.

While the considerations noted above do not rule out the potential for political parties at the local level, they do ensure that considerable study will be required before changes could be proposed.

The *Municipal Elections Act* is normally reviewed between elections and the possibility of allowing for the formation of political parties at the local level will be part of that review.

Again, thank you for taking the time to share your ideas with me.

Sincerely,



John Gerretsen
Minister

c: Mr. John Tory, MPP, Leader, Official Opposition
Mr. Howard Hampton, MPP, Leader, New Democratic Party
Mr. Ernie Hardeman, MPP, Oxford

**THIS IS EXHIBIT "B" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**



A Commissioner for taking Affidavits, etc.



From: <info@thetorontoparty.com>
Subject: Party Affiliation
Sent date: 11/05/2013 03:41:09 PM
To: <elections@toronto.ca>
Cc: <lawmaltz@on.aibn.com>, <gtighe@gardiner-roberts.com>, <john.c.barber@gmail.com>

Dear Elections Office:

I am the President of The Toronto Party for a Better City.

In discussions with members of The Toronto Party, we intend to run a Mayoral candidate in the 2014 election. However, we would like our political party's affiliation to accompany our candidate's name on the ballot.

We would also like to use funds raised by The Toronto Party to support the electoral bid of our candidate.

Will the City of Toronto permit our Mayoral candidate (and all other candidates for municipal office) to use The Toronto Party affiliation on election ballots, and will the City of Toronto permit The Toronto Party, like any other political party in Ontario and Canada, to fundraise money to support our Mayoral candidate (and other candidates)?

I look forward to a prompt reply.

Yours,

Stephen Thiele, President
The Toronto Party for a Better City

44

From: "Arthur Flach" <aflach@toronto.ca>
Subject: Re: Fwd: Party Affiliation
Sent date: 11/05/2013 04:38:07 PM
To: <info@thetorontoparty.com>

Dear Mr. Thiele:

Your email has been forwarded to me for response.

Neither the City Clerk nor we have the authority to provide legal advice, opinion or interpretation. Nor does the City Clerk have enforcement powers.

Having said that I can suggest that you refer to the Municipal Elections Act, 1996 (MEA) section 41 in regards to the rules regarding names on the ballot.

As for fundraising rules and contributions in general, what is allowed, not allowed and restricted is prescribed throughout the MEA with significant content starting at section 61.

Should you have any other questions regarding this you may seek advice from your own legal counsel.

I hope this helps.

Regards,

//af

Arthur Flach
Manager of Elections Services

Toronto Elections
City Hall - 1 North
100 Queen St W
Toronto, ON M5H 2N2

tel:416.392.7488

email: aflach@toronto.ca
Website: www.toronto.ca/elections

>>> <info@thetorontoparty.com> 05/11/2013 3:41 PM >>>

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(u2)

From: <info@thetorontoparty.com>
Subject: Re: Fwd: Party Affiliation
Sent date: 11/05/2013 07:59:01 PM
To: "Arthur Flach" <aflach@toronto.ca>
Cc: <lawmaltz@on.aibn.com>, <gtighe@gardiner-roberts.com>,
<john.c.barber@gmail.com>

Hi Arthur:

Thank you for your reply.

However with due respect to the office of the City Clerk my questions are not about legal advice, particularly that with respect to an individual candidate being permitted to use a party affiliation after his or her name. This is a matter of procedure by which elections are operated through the Elections Office of the City of Toronto.

I will ask the question again: The Toronto Party for a Better City wishes to run a Mayoral candidate in the 2014 municipal election and would like to have included on the ballot our party's affiliation, The Toronto Party, next to his or her name. Will the City of Toronto elections office permit this? The answer is either "Yes" or "No".

I look forward to your response to "all".

Cheers,
Stephen Thiele, President
The Toronto Party for a Better City

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From: "Arthur Flach" <aflach@toronto.ca>
Subject: Re: Fwd: Party Affiliation
Sent date: 11/06/2013 09:02:32 AM
To: <info@thetorontoparty.com>

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The answer is that the MEA does not permit this and that we will comply with the legislation; so we will only be including the names of certified candidates, ordered alphabetically.

FYI, you can view a sample ballot provided by the MMAH here:

[http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/017-9500P~1/\\$File/9500P_Form2.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/017-9500P~1/$File/9500P_Form2.pdf)

If you have any further concerns or questions about the provisions of the MEA, you can contact the MMAH:

<http://www.mah.gov.on.ca/Page7030.aspx>

Regards,

//af

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Manager of Elections Services

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tel:416.392.7488

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H6

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To: "Arthur Flach" <aflach@toronto.ca>
Cc: <lawmaltz@on.aibn.com>, <gtighe@gardiner-roberts.com>, <john.c.barber@gmail.com>

Thanks, Arthur.

I appreciate the clear response.

Cheers,
Stephen

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However with due respect to the office of the City Clerk my questions are not about legal advice, particularly that with respect to an individual candidate being permitted to use a party affiliation after his or her name. This is a matter of procedure by which elections are operated through the Elections Office of the City of Toronto.

I will ask the question again: The Toronto Party for a Better City wishes to run a Mayoral candidate in the 2014 municipal election and would like to have included on the ballot our party's affiliation, The Toronto Party, next to his or her name. Will the City of Toronto elections office permit this? The answer is either "Yes" or "No".

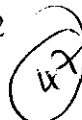
I look forward to your response to "all".

Cheers,
Stephen Thiele, President
The Toronto Party for a Better City

On Tue, 05 Nov 2013 16:38:07 -0500, Arthur Flach <aflach@toronto.ca> wrote:

Dear Mr. Thiele:

Your email has been forwarded to me for response.



Neither the City Clerk nor we have the authority to provide legal advice, opinion or interpretation. Nor doe the City Clerk have enforcement powers.

Having said that I can suggest that you refer to the Municipal Elections Act, 1996 (MEA) section 41 in regards to the rules regarding names on the ballot.

As for fundraising rules and contributions in general, what is allowed, not allowed and restricted is prescribed throughout the MEA with significant content starting at section 61.

Should you have any other questions regarding this you may seek advice from your own legal counsel.

I hope this helps.

Regards,

//af

Arthur Flach
Manager of Elections Services

Toronto Elections
City Hall - 1 North
100 Queen St W
Toronto, ON M5H 2N2

tel:416.392.7488

email: aflach@toronto.ca
Website: www.toronto.ca/elections

>>> <info@thetorontoparty.com> 05/11/2013 3:41 PM >>>
Dear Elections Office:

I am the President of The Toronto Party for a Better City.

In discussions with members of The Toronto Party, we intend to run a Mayoral candidate in the 2014 election. However, we would like our political party's affiliation to accompany our candidate's name on the ballot.

We would also like to use funds raised by The Toronto Party to support the electoral bid of our candidate.

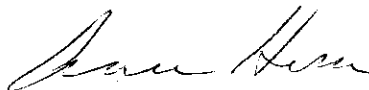
Will the City of Toronto permit our Mayoral candidate (and all other candidates for municipal office) to use The Toronto Party affiliation on election ballots, and will the City of Toronto permit The Toronto Party, like any other political party in Ontario and Canada, to fundraise money to support our Mayoral candidate (and other candidates)?

I look forward to a prompt reply.

Yours,

Stephen Thiele, President
The Toronto Party for a Better City

**THIS IS EXHIBIT "C" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**



A Commissioner for taking Affidavits, etc.



Québec's municipal political parties are raising less money, posting a smaller surplus and experiencing a substantial drop in assets

September 3, 2013

Quebec City, September 3, 2013 — The Chief Electoral Officer of Québec, Jacques Drouin, is announcing the publication today of an information and education document entitled *Statistiques sur les rapports financiers des partis politiques municipaux* (statistics concerning the financial reports of municipal political parties), which is available in French on the website of the Chief Electoral Officer, at www.electionsquebec.qc.ca. Among other things, it confirms that municipal political parties are raising less money, posting a smaller surplus, and experiencing a substantial drop in assets, if we compare their position in 2012 to the position in 2008, another pre-electoral year.

The Act respecting elections and referendums in municipalities (AERM) stipulates that municipal political parties must file their annual financial report with the treasurer of their municipality on April 1 of each year. The Chief Electoral Officer receives copies of the reports and retrieves data, which is disclosed in the aforementioned *Statistiques sur les rapports financiers des partis politiques municipaux* document, including general information concerning political parties, as well as financial data for 2012. And this year there is a new twist: certain data are presented in such a way that they can be compared over a four-year period, thus making it possible to monitor changes in some revenue and expense items during a four-year electoral cycle.

Please note that the document being published today does not provide information concerning municipalities with a population of under 5,000, which are subject to Chapter XIV of the AERM.

Some data concerning municipal political parties

Of the 179 Québec municipalities subject to the rules respecting financing, a total of 82 had at least one political party at the end of last year. As of December 31, 2012, there were 118 municipal political parties in Québec. Last year, 11 new parties obtained authorization, while 31 parties requested a withdrawal of authorization, thus putting an end to their existence. As of now, there are 153 authorized municipal political parties in Québec.

Revenues of municipal political parties

In 2012, a total of 66.2% of all revenues of municipal political parties came from the municipality itself, which reimbursed a portion of election expenses and all auditing costs. In municipalities with a population of 50,000 or more, parties are also eligible to be reimbursed for research and secretarial costs pursuant to the Cities and Towns Act. It should also be pointed out that in Quebec City and Montreal, political parties are entitled to an allowance similar to the one paid to provincial political parties by the Chief Electoral Officer.

Another source of revenue for municipal political parties comes from contributions collected under the supervision of the official representative in accordance with the rules of the AERM. In 2012, contributions totaling a little over \$1.1 million were collected, i.e. 28.7% of all revenues of municipal political parties. This represents a 47% decline compared to 2008, the pre-electoral year that preceded the general elections of November 2009, but an increase of 6.5 % in total contributions from 2011.

It should be noted, moreover, that the average contribution has plunged dramatically over the past five years; whereas the average contribution of over \$100 to a municipal political party was \$525 in 2008, it dropped to \$300 in 2012.

A key goal of the reform of political party financing adopted at the end of 2010 was to reduce the cash inflows of municipal political parties. It should not be forgotten that anonymous donations are among the contributions that are absolutely forbidden, and that admission fees for political activities can no longer exceed 3% of all contributions collected without a receipt by a party in a given year. A review of the financial returns of municipal political parties shows that these cash inflows have in fact practically disappeared.

It may be recalled that the legislative framework concerning contributions was amended in 2013, and as of June 21 of this year, the maximum allowable contribution for an elector is \$300, down from \$1,000 prior to that date. Another municipal financing reform must be tabled after the upcoming general elections, involving more sweeping changes than those made on an interim basis in the context of this year's municipal general elections.

Revenues, expenses and net assets



The 2012 financial reports for municipal political parties reveal that their revenues totaled nearly \$4.1 million, with their expenses reaching \$3.8 million. On December 31, the parties had \$1.3 in total net assets. These figures are comparable to the figures for 2011. However, it is worth stressing that in 2012, a total of 22 political parties out of 149, i.e. nearly 15% of all parties, reported an accumulated deficit.

One sign of the change in financial position of municipal political parties since 2008 may be seen by comparing the excess of income (revenue) over expenditure (expenses). This surplus, which was \$1.1 million in 2008, shrank to \$287,000 in 2012. In the same vein, a comparison of parties' net assets reveals that they dwindled from \$3.5 million in 2008 to only \$1.3 in 2012.

Statistiques sur les rapports financiers des partis politiques municipaux includes a set of tables with information concerning each municipal political party that filed a financial report in 2012, along with consolidated data by administrative region and population stratum. This document is accessible on the website of the Chief Electoral Officer of Québec at <http://www.electionsquebec.qc.ca/francais/municipal/financement-et-depenses-electorales/rapports-financiers-municipaux.php>

Categories : [Municipal](#), [Municipal financing](#), [DGE](#)

**THIS IS EXHIBIT "D" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**

A handwritten signature in cursive script, appearing to read "Cham Heng", written over a horizontal line.

A Commissioner for taking Affidavits, etc.

Home > Municipal > RAPEQ > How to request an authorization > Political party > Conditions required



LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

Conditions required

See field: [provincial](#)

Various conditions must be met to form a political party.

Authorization form

It is first necessary to complete [an application for authorization](#) that contains the following information among others:

- the name of the party;
- the address of domicile of the leader of the party and his telephone number;
- the name, address and telephone number of at least two officers of the party other than the leader;
- the address to which the party's communications shall be sent;
- the address where the books and accounts regarding the party's funds, expenses and loans will be kept;
- the name, address and telephone number of the official representative, his delegate, the official agent and his deputy;
- the name of the auditor of the party;
- the address of the party's permanent office, if any;
- the name of the municipality in whose territory the party intends to carryout its activities.

Schedule

The application for authorization of a political party must also be accompanied with:

- a [schedule](#) containing the names, addresses, membership card numbers and expiry dates, as well as the signatures of electors of the municipality who are in favour of the application and who are members of the party. The minimum number of signatures is as follows:
 - 100, in the case of a municipality with a population of 100 000 or more;
 - 50, in the case of a municipality with a population of 50 000 or more but less than 100 000;
 - 25, in the case of a municipality with a population of 5 000 or more but less than 50 000.

Verification of the information provided

The information contained in the application is checked from the Directeur général des élections du Québec, especially the members who support the application. To do this, a form is mailed to every member whose name appears on the appendix to the application for authorization. The time it takes to authorize a political party depends on how promptly members reply to our request for confirmation.

Period for processing

The time required to do the verification depends on the number of members required, which depends on the number of inhabitants in the municipality in which the party intends to conduct its activities. The period for processing of a request for authorization from a municipal political party may vary from a few weeks (for a municipality with fewer than 50,000 inhabitants) to approximately two months (for a municipality with 100,000 inhabitants or more). The authorization could thus be granted when the number of electors required confirm that they are members of the party.

**THIS IS EXHIBIT "E" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**

A handwritten signature in cursive script, appearing to read "Ken Ken", written above a horizontal line.

A Commissioner for taking Affidavits, etc.

Thiele, Stephen

From: Mireille Loignon <Mloignon@dgeq.qc.ca>
Sent: November 25, 2013 11:47 AM
To: Thiele, Stephen
Subject: Rép. : Municipal Political Parties

Mr. Thiele,
 Hello,

In fact, the Act respecting Elections and Referendums in Municipalities makes provision for the name of the political party or the name of the recognized ticket is mentioned under the name of candidate, when applicable.

Identification of candidates

196. The ballot papers must allow each candidate to be identified.

Content on obverse. The ballot papers must contain, on the obverse,

- (1) the name of each candidate, his given name preceding his surname;
- (2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs where such is the case;
- (3) a circle for the elector's mark opposite the particulars pertaining to each candidate.

Space of circle. All circles, as the space between consecutive circles, must be of the same size.

Same name. Where several independent candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where such is the case, above the indication of his political affiliation.

Alphabetical order. The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.[...]

If the candidate is an independant candidate, there are no mention under the name on the ballot paper (at the municipal level).

Best regards,

Mireille Loignon
 Agente d'information
 Coordonnatrice des Préposés aux renseignements Directeur général des élections du Québec mloignon@dgeq.qc.ca
 1 888 353-2846 (1 888 Election)

>>> "Thiele, Stephen" <sthiele@gardiner-roberts.com> 2013-11-23 08:18

>>>

Bonjour:

Je m'appelle Stephen Thiele.

I am a lawyer in Toronto.

I am conducting research in respect to municipal political parties for a Constitutional challenge to Ontario's municipal elections laws.

I understand that in Quebec, there is a process for authorizing municipal political parties. However, I am not familiar with Quebec election laws.

I have a specific question that I hope you can help me with.

Can the name or abbreviated name of a municipal political party appear on the election ballot? If yes, is there a statutory provision which permits this?

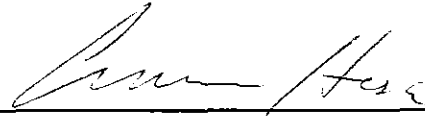
Merci beaucoup.

Stephen Thiele

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AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**

A handwritten signature in cursive script, appearing to read "A. H. H.", written in black ink.

A Commissioner for taking Affidavits, etc.



Explanatory Note

Extracted from Chapter 15, Statutes of Ontario 2007.

This Explanatory Note was written as a reader's aid to Bill 218 and does not form part of the law. Bill 218 has been enacted as Chapter 15 of the Statutes of Ontario, 2007.

The Bill amends the *Election Act* and the *Election Finances Act* and makes related amendments to other statutes.

The following is a summary of the amendments to the *Election Act*:

The English titles of the Chief Election Officer and Assistant Chief Election Officer are changed to "Chief Electoral Officer" and "Deputy Chief Electoral Officer". Complementary amendments are made to other statutes.

New section 4.0.1 gives the Chief Electoral Officer the powers of a Commission under Part II of the *Public Inquiries Act* for the purpose of carrying out investigations and examinations under the Act. New section 4.0.2 requires the Chief Electoral Officer to report to the Attorney General any apparent contraventions of the Act.

Section 4.1, which allows the Chief Electoral Officer to test alternative voting methods and equipment at by-elections if authorized by an all-party agreement, is rewritten to permit the Chief Electoral Officer to proceed without such an agreement. The Chief Electoral Officer issues a detailed direction, which is provided to the Speaker and the leaders of the registered parties and posted on the Internet.

Amendments are made throughout the Act to enhance identification requirements at various stages of the electoral process. The Chief Electoral Officer is required to post on the Internet information about what documents constitute appropriate identification. (Section 4.2 of Act)

The Chief Electoral Officer's existing practice of consulting with an advisory committee representing all the registered parties is codified in new section 4.3.

Section 13 is amended to clarify the criteria that govern the selection of polling locations.

Section 17.1.1 is added, requiring the Chief Electoral Officer to establish and maintain an electronic system to allow electors to verify and confirm information about themselves in the permanent register of electors. Existing section 15.1, dealing with electors' applications to have their names added to or removed from the register, is rewritten as section 17.1.2.

Additional techniques are made available for the updating of the permanent register of electors. Section 17.14 is added, requiring the Chief Electoral Officer to conduct targeted registration programs in the years in which regular general elections are to be held under subsection 9 (2) of the Act.

Section 18.3, dealing with applications to be added to the voters' list on polling day, is rewritten as section 47.1.

Section 28.1, dealing with the endorsement of candidates by registered parties, is added.

Section 32 is amended to ensure that scrutineers in a by-election need not reside in the electoral district where the by-election is being held in order to be able to challenge an elector's right to vote.

Section 34, dealing with the form of the ballot, is rewritten for greater clarity. The only change of substance is that the name of the registered party that endorses a candidate (as described in section 28.1) will also appear on the ballot. A candidate who is not endorsed by a registered party is entitled to have the words "Independent/Indépendant" appear on the ballot.

Existing section 40 requires that the polls be open for voting during an 11-hour period; this is extended to 12 hours.

Section 44, which deals with advance polls, is rewritten to provide for 13 advance polling days in regular general elections held under subsection 9 (2) of the *Election Act*. In by-elections and in general elections that are not held under subsection 9 (2) of the *Election Act*, there will continue to be six advance polling days.

Section 47, which deals with procedure at the polling place on polling day, is rewritten and clarified.

The Chief Electoral Officer is required to have a survey of electors conducted after each general election and to include the results in the annual report that is to be made under section 114.3. (Section 67.1 of Act)

New section 98.1 provides that the Chief Electoral Officer's consent is required for prosecutions under the Act and imposes a two-year limitation period.

New section 114.1 authorizes the Chief Electoral Officer to implement public education and information programs and provide the public with information about the electoral process. Also included is a requirement for a program of public education in preparation for the referendum that is to take place in October, 2007 under the *Electoral System Referendum Act, 2007*.

New section 114.2 requires the Chief Electoral Officer to provide information packages for new electors to school boards, for distribution to students who have reached voting age or will soon do so.

New section 114.3 provides for an annual report to the Speaker of the Assembly.

The following is a summary of the amendments to the *Election Finances Act*:

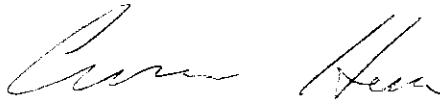
Section 37 of the Act provides for two blackout periods during which no political advertising is permitted: first, the period that begins when the writ is issued and ends on the 22nd day before polling day, and second, polling day and the day before polling day. Section 37 is amended to eliminate the first blackout period with respect to regular general elections held under subsection 9 (2), so that in those elections political advertising will be prohibited only on polling day and the day before polling day. In by-elections and in general elections that are not held under subsection 9 (2), political advertising will continue to be prohibited in both blackout periods.

The Act is amended to regulate political advertising by third parties during election periods, imposing registration and reporting requirements. Sections 37.1 to 37.13 and section 46.0.1 are added, and related amendments are made to other provisions of the Act.

58

Legislative Assembly of Ontario

**THIS IS EXHIBIT "G" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**

A handwritten signature in cursive script, appearing to read "C. H. H.", written above a horizontal line.

A Commissioner for taking Affidavits, etc.

(60)

ELECTION STATUTE LAW
AMENDMENT ACT, 2007
LOI DE 2007 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS

Consideration of Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts / Projet de loi 218, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.

DEMOCRATIC RENEWAL SECRETARIAT

The Chair: We're excited to have you with us, Minister. You're doing some interesting things, so we'd love to hear from you. Please take us through your proposal.

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): Thank you, and good morning. I'm really pleased to have this opportunity to speak about Bill 218, the Election Statute Law Amendment Act, 2007. This legislation, if passed, would make it easier for Ontarians to exercise their right to vote, improve the voters' list and enhance the integrity of the electoral process.

The changes we have proposed include practical, cost-efficient steps to modernize elections in Ontario. These are changes that will make a difference. If passed, they would be in place for the October 10 election.

This is about ensuring that our electoral processes keep pace with the needs of Ontarians. We are aware of the demands facing Ontarians and we are committed to providing public services that are easy to access. We are also working to improve our current democratic system using a number of initiatives, such as this legislation.

If passed, Bill 218 would make it easier for Ontarians to vote by more than doubling the number of advance polls in regularly scheduled general elections, increasing the number of advance polling days from six to 13 at returning offices. There would also be 10 days of advance polls at other locations. In by-elections and other general elections, there will continue to be six advance polling days.

Ontarians lead very busy lives. This legislation, if passed, would extend the polling day by one hour to 9 p.m. so people would have more time to vote on election day. This decision was based on our understanding of when Ontarians were most likely to vote. Polls would close at 8 p.m. in northwestern Ontario due to the time zone difference, but all Ontarians get an additional hour to vote.

It would establish additional accessibility criteria for selecting polling locations. Criteria for selecting polling locations will include convenience, capacity, familiarity and lack of geographic barriers. The need for compliance with the Human Rights Code and applicable standards adopted under the AODA, the Accessibility for Ontarians with Disabilities Act, 2005, will be emphasized. Elections Ontario would continue to be able to locate polling stations in apartment buildings, schools, municipal and provincial buildings. The increased number of advance poll days will make it easier for Ontarians with disabilities to vote by providing increased flexibility.

This legislation would allow the Chief Electoral Officer to pilot new voting or vote-counting technologies in by-elections, some that could make it easier for Ontarians with disabilities to cast their ballots. This legislation would allow the piloting of new technologies at the Chief Electoral Officer's

discretion. It would remove the current requirement for only major party consent. More specifically, the CEO would be permitted to test alternative voting methods and equipment at by-elections without having to obtain the agreement of leaders of parties with 12 or more MPPs, which is the way it is now.

We think that the piloting of new voting methods, including technologies to improve accessibility for the disabled and online voting, is important. As long as the rules requiring consent from parties have been in place, no piloting has occurred, so we've changed the rules to allow the CEO to do this.

Testing of new voting or vote-counting methods or equipment may be undertaken during by-elections if the CEO informs the Speaker and political parties and publishes the information on the Internet no later than 21 days before polling day. In addition to describing the new method or equipment in detail, the CEO must indicate which sections of the act will be affected. He must report to the Speaker about his testing within four months of the by-election polling day.

If the bill passes, the Chief Electoral Officer would be required to consult on administration of the Election Act with an advisory committee representing all of Ontario's registered political parties. The CEO would consult with parties about options for testing.

0910

If passed, this bill would also eliminate confusion at the ballot box. Candidates' party affiliation would appear on the ballot if they are endorsed by a party. Candidates not endorsed by a party could be identified as independents, at the candidate's request. This means that people who may want to vote for a particular policy belonging to a political party but who may not know their local candidate's name, especially if he or she is a new candidate, would now be able to do so because they could easily identify the party. This will help voters make more informed choices at the ballot box.

I would like to address concerns that were expressed during debate on this bill that there would be confusion between parties because of their names or acronyms. Under the Election Finances Act, the CEO is required to refuse to register a new party if the resemblance between the names or abbreviations of party names is likely to cause confusion.

This legislation also proposes a new security provision to ensure the integrity of the electoral process. We would improve security by requiring voters to present proof of identity and, in some cases, proof of residence, in order to vote. Identification would also be required to change information on the voters' list or add a name to the voters' list on polling day.

We no longer live in a world where the poll clerk or scrutineer knows everyone who shows up to vote by name. Identification is an appropriate safeguard in today's world. I don't think Ontarians will find it unreasonable to be asked for ID to do something as important as voting; you need your ID to rent a DVD these days.

The same day that we introduced this bill, I happened to be at a citizenship ceremony in my riding, Hamilton Mountain. When I told the new Canadians what I was doing, and I had to flee pretty quickly to come and introduce a bill, they found it hard to believe that identification is not required even now. For many of them, the reason they came to this country was because there wasn't democracy in their country. I guess you could say we sometimes take things for granted.

(62)

Concerns were raised in debate that we were toughening the rules for electors who are not on the voters' list, while electors on the list would simply have to present their Elections Ontario voter information card. Bill 218 would require all electors to provide identification in order to vote. If a person is on the voters' list, even if he or she shows up with an EO voter information card, he or she would be required to provide proof of identity.

Let me be clear by saying that the CEO would determine what document or class of documents constitutes proof for the elector on the list and would continue, if this bill is passed, to determine the documents for an elector who is not on the voters' list on polling day. The CEO currently requires an elector who is not on the polling list to show one identification document that includes his or her name, address and signature. If they do not have the necessary documentation, they have the option of showing two identification documents, one that includes the elector's name and signature and the other that includes the elector's name and address. The CEO will post information about what documents constitute appropriate identification on Elections Ontario's website.

In this province, ID is required to rent a DVD but not to vote. Casting a vote is a serious act that deserves to have this new security provision.

Bill 218 would improve the voters' list. We want to ensure that Ontarians who should be on the voters' list are on the list. Elections Ontario would be required to update the permanent register of electors for Ontario through targeted registrations, using any method deemed appropriate by the Chief Electoral Officer, including enumeration, to ensure it is current. Voters would also be able to confirm online that they are on the list.

I believe that targeted registrations could be even more effective than targeted enumerations. Enumerations require workers to go door-to-door, which is not necessarily the most effective way to reach electors. Targeted registrations build on existing information in the permanent register of electors and allow more techniques to be used.

The Chief Electoral Officer can tailor his approach to communities that are less likely to be accurately included on the voters' list, which allows him to use methods that actually connect with these voters, such as by e-mail or phone. Apartment buildings -- and I know, Mr. Prue, you were concerned about this -- or any other communities with high tenancy turnovers or many new electors should and can be targeted. I'm sure that all of us support initiatives that would bring more Ontarians to the polls.

During debate, there were some misconceptions about enumeration and targeted registration that I would like to address. Under the proposed amendments, the Chief Electoral Officer would retain the same authority as he has currently to undertake enumerations. The Chief Electoral Officer can still choose to use enumeration if he believes that it is the best method to accurately register any of the targeted communities, such as some apartment buildings, or to update the permanent register of electors at any other time. In fact, he has more tools at his disposal for ensuring that the permanent voters' lists are accurate than ever before.

The proposed amendments do not require the CEO to undertake less expensive methods first. He is an independent officer of the Legislative Assembly who will make his own decisions about what is most appropriate. Election activities are funded through accountable warrants.

As we are all aware, the citizens' assembly submitted its final report this week. The report, entitled One Ballot, Two Votes: A New Way to Vote in Ontario, recommends that Ontario adopt a new mixed

(63)

member proportional system. The government will hold a referendum on this recommendation in conjunction with the next general election on October 10, 2007.

This bill amends the Election Act, which would now require the Chief Electoral Officer to conduct a neutral public education campaign to provide electors across Ontario with the following information:

- the date of the referendum;
- the content of the choices in the referendum;
- the referendum process; and
- the question electors will be asked to vote on.

Comprehensive public education is critical to ensuring Ontarians have the information they need to make their choice in a referendum on electoral reform. It is crucial that this information be neutral and non-partisan to allow Ontarians to make up their own minds on this important issue. These proposed amendments will enhance the integrity and accessibility of the electoral process without risking disruption to the October election.

Thank you for your consideration, and I look forward to your questions and discussion.

The Chair: Any questions or comments?

Mr. Norm Miller (Parry Sound–Muskoka): Thank you for your presentation. From my perspective, most of the changes look like they're positive and an improvement. I have just a couple of questions. There's a change to the blackout period for advertising. Can you explain what the logic is behind that?

Hon. Mrs. Bountrogianni: The blackout period was there during the times when we didn't have fixed election dates. This was there so that the government would not have an unfair advantage with respect to planning advertising. We all know when the election date is now, and there really is no reason for the blackout. We can advertise right up until the writ is dropped.

It didn't make any sense to have the blackout period. British Columbia did the same when they went to fixed election dates.

Interjection.

Hon. Mrs. Bountrogianni: The only blackout period now is the day before and the day of the election. That still remains. But the initial blackout period near the beginning, the first 10 days or two weeks of the election, is no longer there.

Mr. Miller: You said that there are 13 advance polls for general elections. I think more advance polls make sense. There's more opportunity for people to vote. Why only six, then, for by-elections? Is it the time frame that's involved with by-elections?

Hon. Mrs. Bountrogianni: Again, it's the sheer number of people who vote on a general election versus a by-election.

Mr. Miller: I know our critic has a couple of amendments that he'll be presenting.

Interjection.

Hon. Mrs. Bountrogianni: I was just told there is a technical answer to that -- not my specialty. Our legal adviser, if you wish, Jonathan, can address it.

The Chair: If you could introduce yourself.

Mr. Jonathan Batty: Yes. Members of the committee, my name is Jonathan Batty. I'm counsel to the Democratic Renewal Secretariat for the minister responsible.

If I may, the reason that there are 13 advance polling days for a regularly scheduled general election as opposed to for a by-election or a snap general election is that the close of nominations for by-elections and snap general elections is a week later than it is for regularly scheduled general elections.

Mr. Miller: So there's just not time available.

Mr. Batty: Exactly. You've got to have a couple of days between the close of nominations and the opening of advance polls.

Mr. Miller: Thank you. Our critic Norm Sterling has a couple of amendments, which he'll be presenting, one that sets limits on the amount of the third party advertising. He's got an amendment to set limits on that. Also, he has an amendment to require the Chief Election Officer, if he's going to do some testing of pilot methods of voting in by-elections -- that there be the majority of a committee representing the three parties to approve that. I think it's the other amendment that he has. I'm sure he will more fully explain those couple of amendments in clause-by-clause.

0920

Hon. Mrs. Bountrogianni: He was nice enough to give me an advance copy. He told me that he wouldn't be here today, but he would present them during committee. I have instructed my legal staff to look them over and we'll take it under advisement.

Mr. Miller: There's also a component of this to do with education for the upcoming referendum. I had the opportunity to go to BC and it was something that was stressed, that they didn't have enough education on both sides of the question in their case, with their experience.

Hon. Mrs. Bountrogianni: Just to clarify, even though the education campaign and the authority to have an education campaign by the CEO is in this piece of legislation, the regulation for spending limits is under the referendum act, which of course has passed, and that regulation will be filed soon. Perhaps Mr. Sterling's concerns may be addressed when he sees that regulation, but we'll still look at what he's recommended.

Mr. Prue: Just a couple of questions. I just want to be clear on the enumeration. This will not allow for a general enumeration -- that's my reading of the bill -- is that correct? It will allow only for spot enumerations at the call of the CEO.

Mr. Batty: No. The Chief Election Officer's current powers of enumeration are not being diminished. In fact, his powers of getting people onto the permanent register are being supplemented. So he has more powers. He can, in fact, under these new powers, conduct enumeration activities in a small or a large fashion, as he determines necessary, to get people --

(65)

Mr. Prue: Does he have the authority to ask for an enumeration for all 103 or 107 ridings across Ontario, and to do an enumeration as was done 20 years ago?

Mr. Batty: Under the existing act, he has the power to do an enumeration in all or part of an electoral district. Theoretically, he could require that for every electoral district in Ontario. Those powers, and the structure of those powers, are not being changed. He still has that capacity under the statute.

Mr. Prue: In terms of the identification, we have -- if anyone has gone to many of the northern aboriginal communities, you will see that there is a dearth of identification. There are no birth certificates -- hardly anyone has them; they don't have drivers' licences because there are no roads; they don't have passports; they often don't have health cards because they don't really need them. What kind of identification do you expect to be produced in these aboriginal communities, where there is no identification?

Hon. Mrs. Bountrogianni: The Chief Election Officer will determine what identification is necessary, but even now, if you're not on the voters' list, you do need to show identification and if you don't have identification, for whatever reason, you can sign the statutory declaration saying who you are. Basically, you're trusted on that particular day, but if it ever comes to light that you are not who you are, then there can be some accountability. That's the answer to that question. If, for whatever reason, there cannot be identification, it won't be very much different than how it is now for people not on the voters' list. That just gets transferred to everybody.

Mr. Prue: Okay. So you're telling me that you do not anticipate any problems for people who show up and who do not have identification? I'm thinking that in cities, it might be the homeless; in aboriginal communities, it's virtually everyone; in the case of some people who do not drive -- the obvious piece is a driver's licence, with both a picture and an address on it, but it's problematic if they don't drive. I just want to make sure because Jean-Pierre Kingsley, when discussing the same thing in Canada, said it would literally disenfranchise 1.2 million people, asking for what we're asking for here.

Hon. Mrs. Bountrogianni: Mr. Prue, I guess on this point, we'd have to agree to disagree. Voting is very important. Having your identification to say who you are is very important. There are, even now, measures there so that if it's absolutely impossible to have your ID -- there are processes there for those people, but they do have to sign a statutory declaration so that we can be certain that fraud will not occur or that if fraud does occur, there is something on paper that the public can address later.

I have to also say that the Chief Election Officer's communication powers are expanded with this piece of legislation. He's very limited right now, with respect to what he can communicate to the public. I'm sure that's a good question to ask the gentleman when he's here: some ideas he may have on communicating this new directive as well. One of my own colleagues actually suggested having it right on the voter card that you have to bring ID. A lot of people don't have Internet in the communities that you are concerned about. There may be other initiatives for people to ensure that they have ID.

Your point is a good point. Obviously, those aren't the people we're concerned about. We're concerned that people aren't who they say they are, or aren't who they even --

Mr. Prue: I share that concern.

Hon. Mrs. Bountrogianni: As I said, that part doesn't change. Even now, if you're not on the list and you have to show ID and you don't have it, there's a statutory declaration.

Mr. Prue: My last question, if you will permit me, has to do with the blackouts. I don't understand the rationale for the blackouts. I understand what you're doing, but the blackout in that first period was, I guess, to let parties get ready, get the campaign up and going. Do you not see that the extension, so that you can literally advertise throughout the pre-election period, from the day it's called right through to the day before, will pretty much give advantage to parties that have a lot of money versus those that don't? That's one of the examples that has been given in the past for reducing the period, to level the playing field a little bit more in the very expensive area of television, radio and newspaper advertisements. What is the rationale for opening it up? Is it to not have a level playing field, or is there some other rationale?

Hon. Mrs. Bountrogianni: Absolutely, the reason for this is to have a level playing field. That's the reason for having fixed election dates. In the past, there were no fixed election dates, so that, in this case, it would be the McGuinty government that would know -- actually, only one person would know -- when the election would be, and they could plan around that. Mr. McGuinty has the integrity to take that away from his sitting government and from future governments because he believes it's unfair. The blackout period just doesn't make sense now. We're talking about 10 days, and you're quite right, people are advertising even now. Actually, our party isn't, but there is a party that is advertising even now, and they can right up until two days before the election. We're talking about 10 days here; it just did not make sense. Other jurisdictions that have fixed election dates have gotten rid of them, and we're doing the same.

Interruption.

The Chair: The shot was from the grassy knoll, so you're all right.

Mr. Prue: All right, okay.

The Chair: Thank you. Any other quick comments over here?

Ms. Mossop: Thank you. I think we'll pass on it, in consideration of the time, and thank the minister for everything.

Hon. Mrs. Bountrogianni: Thank you.

The Chair: Thank you very much, Minister.

Hon. Mrs. Bountrogianni: Thank you very much and thanks to my staff -- my ministry staff and my political staff. It's been quite the journey.

The Chair: Thank you, staff people, as well.

0930

OFFICE OF THE CHIEF ELECTION OFFICER

The Chair: We'll call on Mr. John Hollins, Chief Election Officer. Welcome, sir. I think you probably know the routine here: You've got some time, and then we'll ask a few questions.

Mr. John Hollins: I have been here before, yes.

The Chair: Okay.

Mr. Hollins: Mr. Chair, members, thank you very much for inviting me here today. Anything to do with elections is something I live 24/7. We see this as a great opportunity moving forward, certainly for not only the electors of Ontario but also for our staff. Like any professionals, when there's change, it's an opportunity.

The formal part of my presentation will be short, and then I'll entertain questions.

I'm pleased to respond to your invitation to appear before you with comments on the proposed new section 114.1 and the bill as a whole. As I understand it, this new section will give me formal authority to provide ongoing public education and information programs about the electoral process, similar to the authorities afforded the Chief Electoral Officer of Canada and the Chief Electoral Officer of Quebec. This is also where I will be directed to educate electors and prepare them for the referendum in October.

Currently, we conduct our education and outreach programs leading into an election and fund them from our election event budget, to ramp up and ramp down for the election as one event. Why does this matter?

Basically, before an event -- and this is actually what is happening now -- we are going into meetings with stakeholder groups saying: "These are the products and services we can offer. We need to understand your organizations a little bit better in the short term. What communication channels do you have so that we can work with you to reach your membership?" Then immediately after the event, we host debriefings with all of these stakeholders. We get the feedback, and we compile a list of the gaps. We then have had to sit in hiatus until the next event comes. Feedback from these groups has always been, "We'd feel better if we had a permanent presence with you, if we had an ongoing relationship so that it wouldn't be just a matter of, 'It's your electoral event,' it's our community." So we've never been able to translate to them the sense of community and our complete understanding. In other words, we're very reactive to the direction that they give us so that we can provide an electoral event -- being elections. Until now, there has been no authority to sustain these relationships.

Likewise, looking at the electorate as a whole and Ontarians in general, we contact them in the month before the event to get them ready to register and vote. We have one month to educate them on the electoral process, their right to vote and how to be a candidate. We also try to engage them within this very short period of time through some key messaging: When you don't vote, you let others speak for you.

Section 114.1 is important. I believe that by making election education a part of the entire cycle of the process, we are helping to make elections part of everyday citizenship, with the potential to engage a broader elector base with the message that voting matters -- every day. Section 114.1 gives us the authority to sponsor, through ongoing education, this level of engagement. Additional directives on education packages for the election and referendum programs reinforce this authority.

The new section 114.2 requires the Chief Electoral Officer to provide information packages for new electors and opens the door for us to distribute to students through their school boards. We welcome this. Our biggest criticism has been the lack of participation in electoral events in the 18 to 24 demographic, as is the major criticism of the list -- the 18 to 24 demographic. That's our weakest spot.

It is critical that we have the authority to prepare new electors to register and vote when they are eligible and to understand this process, and not just before an event.

What else? The biggest item for me is the ID requirement -- the amendments made throughout the act to enhance identification requirements at various stages of the electoral process. Certainly, the electorate is looking for assurance that only qualified electors vote and that they only vote once. This can only help the integrity of the electoral process, and that's a win. I know I asked for this, but I admit I am going to proceed with caution if this is passed, because we have to make sure that the need to produce proof of identity, as well as proof of residence, and to do so at the poll, does not make it difficult or disenfranchise eligible electors in the province of Ontario. This includes electors who, because of their situations, such as disability or lack of a permanent residence, do not have or cannot provide the ID needed to be able to receive a ballot.

For section 4.2 to be responsive as well as effective, I will need to conduct a thorough consultation with stakeholders representing Ontario's diverse communities to ensure inclusiveness in my determination of the documents or class of documents that will be accepted as proof of identity and residence.

I'd like to just touch on a few more highlights of this bill. The authority proposed under section 4.1 to test voting methods and equipment at by-elections does not come lightly. As we continue to introduce pilot projects into by-elections to test new electoral processes, this will enable us to introduce emerging technologies and alternative voting methods, which will hopefully lead us into cost-saving partnerships with municipalities. Further, this will position us to provide first-hand information to the Legislature on these emerging technologies and alternative voting methods while providing much-needed experience for our staff.

Our advisory committee of political parties will be pleased to see their value codified in a new section 4.3. This has emerged as an essential means to educate and brainstorm with parties between events with political stakeholders of this process. The consultation is and will continue to be a non-partisan forum in which all registered parties can contribute to the strength of the electoral process.

Section 13's amendment to clarify the criteria around selection of polling locations does not cause any challenge that did not always exist. By this, I mean the availability of locations that actually meet accessibility standards. Returning officers will continue to secure accessible sites wherever possible under the full set of rules guiding the selection of the sites.

Our technology platform can support the proposed section 17.1.1, which requires me to establish and maintain an electronic system to allow electors to verify and confirm information about themselves in the permanent register of electors.

Section 17.14 gives us authority to deliver on our pre-existing mandate to maintain and update the permanent register, allowing us additional techniques for the updating of the permanent register as well as the ability to conduct targeted registration programs in the years in which regular general elections are to be held.

Looking at section 18.3, I would like to tie this back to my earlier comments about ID. The requirement to present identification means more time for each elector in front of a deputy returning officer. We are already taking the necessary steps operationally to ensure that traffic flows through the polls and electors continue to receive excellent service.

(69)

I can tell you that section 34, which would add the name of the registered party on the ballot, will be well received by electors. We receive constant questions from them as to why it is not currently on the ballot.

Extending the polls another hour, as proposed under section 40, is a great first step towards my personal vision of allowing Ontarians to vote anywhere, any time. Anything that increases opportunity and ease for the elector is a good thing, and I can tell you that with peak hours starting at 5:30 p.m. on election day, the longer hours will help prevent lineups in the evening. Likewise, with section 44, we are looking at 13 advance polls for a scheduled general election. Simply put, this means more options for our electors.

Accountability is an important factor in ensuring the integrity of the electoral process, so the proposed requirement of the Chief Election Officer, under section 67.1, to survey electors after each general election and to include the results in the annual report that is to be made under section 114.3 is essential.

You'll notice I have not spent time discussing the proposed legislation around the referendum. Here, my position is very basic. The Office of the Chief Election Officer must retain its neutrality, its independence and its non-partisanship. The legislation -- as it stands, with the directive to educate electors on the process aspects -- does not appear to compromise my office. It is important that any ensuing action maintains this integrity.

Before concluding, I'd like to look at a few of the amendments proposed for the Election Finances Act.

The elimination of the blackout period in section 37, at the start of the writ period of a scheduled election, is a sound move. Campaigns now know the date in advance for a scheduled election and can plan towards it. We'll just need to make sure stakeholders understand this waiving of the blackout at the start of the period does not extend to unscheduled elections.

0940

We welcome the proposed amendment under section 37.1 that will regulate political advertising by third parties during election periods, imposing registration and reporting requirements.

I'm not sure "welcome" is the word I will hear from my election finances division when they have to action this legislation -- it adds another reporting level -- but we all agree this is essential and must be implemented to ensure the fairness of the process.

In conclusion, if I use the three pillars of a fair election -- accessibility, integrity and participation -- I believe this bill is a step in the right direction and I hope a foreshadowing of more change in the future towards modernizing Ontario's electoral process. Thank you.

The Chair: Thank you, sir. Why don't we say five minutes for each party? We'll start with the government.

Mrs. Linda Jeffrey (Brampton Centre): It's nice to put a face to a name. I've spoken about you in the Legislature, so it's nice to see you here speaking about the legislation.

I wanted to ask you about something you spoke about earlier on in your presentation, which was the weakness for the youth vote, the 18 to 24 part of our voting public that's going to be voting in the next

election. Because there seemed to be so much interest in the student assembly process and the schools have participated in the citizens' assembly process, I wondered if you'd had any ideas on how you are going to engage the youth vote differently from past elections, if you would be using some different mediums, or if you had any thoughts about how you were going to crack that barrier.

Mr. Hollins: That's a very good question, something we spent a lot of time on. There's actually a couple of things we're looking at right now. We have a very strong partnership with Kids Vote Canada. I don't know if you're aware of that. We actually created them back in 2003 here in Ontario, and through this election we're partnered very closely with them. That's good and that's effective. We believe that's effective more in the long term, however.

We looked back to the last federal election and we said to ourselves, "This is the first time Kids Vote should have some kind of a return on investment," because Kids Vote was out the previous federal election working in high schools and public schools. Some of those students had now become voting age. If you look at the federal statistics, they went up 5%, but they went up something like 40% in that particular demographic. So we were thinking, and the conclusions we've drawn are, that the Kids Vote system is now rooted and we're starting to reap some of those benefits. That relationship is something that we believe has good value in the long term, so we're strong in that particular area.

I also mentioned in conjunction that that demographic was a challenge. This actually goes back to something that has been said repeatedly -- that the stronger the list, probably the better the turnout. If you compare the two in that age group, definitely that should be our target.

We've done some work with Elections Canada about how to get this group, how to really focus on them. We meet a lot with electoral jurisdictions around Canada and discuss this as probably our highest-ranking concern. Elections Canada derives a lot of names of 18-year-olds to 24-year-olds and generally waits until they get what they call a complete set of qualifiers before they'll add them to the list. Going forward to this election with this target registration opportunity, we will now have those names in advance so that we can create them as targets. So we can now go outbound and try to find these people, and with some of the new techniques, outbound calling and things like this, we believe this will be a much better opportunity for us to strengthen that part of our voters' list. Once we have them in that circle, that will include them in things like the mailing out of your "vote at" card, where you go to vote, which we believe is also good.

We do other things like liaison officers on campuses, and we're working with student groups. This time, we're actually working with them right now on many issues, not just "engage and participate" but also ideas -- a big issue right now on the campuses that we're discussing with them under the proposed legislation. I hope that answers your question.

Mrs. Jeffrey: That's great. Thank you. Do I have more time?

The Chair: You have another minute.

Mrs. Jeffrey: A quick question: What do you think the impact will be with the referendum, along with the vote? You're anticipating a higher turnout, or will there be more interest?

Mr. Hollins: I always anticipate 100% turnout. It's just my nature, and it's probably why I'm in this business.

Do I think there will be an increase over the last election? I sure hope so, and I'm doing everything in my power to make sure there is. Will the referendum bring that? I hope it does. I don't know, when I look at other jurisdictions, that it has.

The Chair: Mr. Miller.

Mr. Miller: We're going to have to switch to the Australian system -- the mandatory vote -- to get close to your 100%.

Mr. Hollins: That's what I say when I meet up with the Australians, that they haven't met my goals yet.

Mr. Miller: No, and I don't know what their percentage is. They don't get 100% either, even with the mandatory vote.

Certainly, the education component of this is very important, with the goal of increasing voter participation. First of all, do you have the money to do that part of your responsibility if this bill passes? And are you going to be in public schools and high schools as well?

Mr. Hollins: Good questions, because these are the very things I'm thinking now, and that we're working on, since the bill was proposed. As far as the schools, yes, with Kids Vote we will be in the schools. We will have a very big presence in the schools. We had a good one, I thought, in 2003 and I think it will be even better this time. I've seen some of the plans. The partnership that we use will now allow me to blend my own communications. I say "my own communications" in the sense of we communicate the election, and we do it on a level of what we call engage and inform. I'll tell you what to do, but engage you and try to get you interested and try to get you out to the polls. We want you to participate.

Something I always found interesting, and I'll share with you, is that when we get pollsters, and we use them all the time to measure our success -- we're doing well, we're doing poorly and work it out from there -- they always say the one unique thing is this: When they poll, and they do a telephone poll following an election -- in Ontario last time, a 56% turnout -- and they say this is accurate within one or two points, they phone all the people and they say that our turnout on election day was 92%. Apparently elections are the deepest rooted guilt in people. They just can't come to face the fact that they didn't turn out and vote. So whomever in their mind they're beholden to -- if it's their parents, their grandparents or whoever -- that guilt, I guess, just comes up at that point when they're actually confronted.

So in the education piece, for us, we try to work that out on the inform and engage to get them to the polls. Now, looking at the actual referendum piece, we've had to decide where is the high ground -- it's certainly not taking a yes or no position, of course -- and where is the value, again. We see it in a couple of areas. One, work with the Kids Vote, get it into the schools. We can do that with them, and there's an advantage. We can blend it with our own advertising. Our general advertising runs about \$6 million an event, about 75 cents per elector. So we can blend in there and get actually a huge advantage. Normally, our byline would be "Election day, October 10," and now it will be "Provincial Election and Referendum Day." Just little things. We mail out the NRC card, there will be referendum things in there. In our householders, there will be referendum things. So there will be a piggyback.

Mr. Miller: As for the election, in terms of increasing participation, I would assume it's something -- you're either going to try to hit every child once or it's going to be an ongoing annual education campaign. I would assume that's what you would be planning.

Mr. Hollins: Yes, we would like to use the children as -- informing them on how to make decisions and make them feel it's important to participate and hopefully take that home to the dinner table, generate conversation and bring the whole family back to the poll, if possible.

Mr. Miller: I would think that makes sense. I grew up with a father who was an MPP, so it just happened, and probably for most of the people around this table it did, so it seems: "Just don't miss voting." But obviously there are a lot of people who don't participate, and that's something that's important.

In this bill, you like most of the changes, I gather. Are there things missing that you would like to see that aren't in it?

Mr. Hollins: We don't have all day to go over all the things that I think are missing.

Mr. Miller: Okay, give me the top two or three things that are missing.

Mr. Hollins: I think the most important thing -- there are two things, actually: One, I honestly believe that the legislation that I operate under was written in 1969 for a very different Ontario than I face today. If I were recommending anything, it would be to create a committee to review the complete legislation and rewrite it for this century.

0950

The second thing would be access to databases. I believe there's a target in the 18 to 24-year-old area. I think that those databases are available through school boards, and I don't have access to those. I think that would significantly help me with my greatest challenge.

Mr. Prue: I have a couple of questions.

You will be responsible for the referendum. The government has yet to set an amount of expenditure for informing the public of the referendum. It has been proposed by some groups that \$13 million, or about \$1 a person, is necessary to do the job. What do you think you're going to need to do the job?

Mr. Hollins: Honestly, at this point, I don't know. I know that I have staff huddled in a room trying to sort these particular issues out. At the same time, we're not looking so much at dollars at this point; we're looking at value and return on investment. I had mentioned, how much can we blend into our own advertising and what's the value there? How much earned media can we, as a spin-off, get? Then from there, how do we supplement that package with all the other things we think are the right things to do at the right times? Does that mean I have a dollar figure? At this point, I definitely do not. I know they'll propose a budget, and I've asked them to do that once we actually have legislation, as opposed to a bill, and then I can go forward with that and secure the resources that will be required. Of course, I know that when you do a request for proposals and things, sometimes the numbers will move because the suppliers -- I'm only guesstimating at this stage who they're going to be.

Mr. Prue: Much has been made of trying new voting technologies. I am one who always wants to see, at the end, a hard copy of the vote. Some people are talking about computer voting. I know how

easily some guy ripped me off in computer and identity fraud, and I am extremely suspicious. Are you looking at computer voting at all? Maybe I'm wrong, but I think it's easily rigged.

Mr. Hollins: We're actually looking at every system that's operating on this planet today, and I don't mean that facetiously. I was in Scotland two weeks ago. My deputy was the lead person in France a month ago. We're very conscious of what's going on across the planet. If we were legislators, as opposed to officers of the assembly, we would have concerns in many areas. We actually focus on the ability to facilitate anything that the Legislature might propose for us. There are pros and cons to absolutely every system I've seen.

I believe where you're going is, you're entrusting this guy with something on technologies but where's his head at? -- and I get that.

I share your position on hard copy. I've sat through too many recounts to not want that piece of paper.

Mr. Prue: Exactly.

Also in terms of hard copy, I just witnessed what happened in the city of Kawartha Lakes, where 40% of the mail-in ballots were deemed to be ineligible. Is there something that can be done to facilitate that? You don't want 40% of people who vote in good faith to have their votes not count.

Mr. Hollins: What would I have done?

Mr. Prue: Yes, what would you have done?

Mr. Hollins: I would probably have put in place a body that regulates the systems that are used by municipalities so that you have consistent rules followed whenever somebody implements a system, and that helps protect them not only from the vendors, but it also positions them for a partnership to go forward. Each of the 400 and some municipalities out there now are kind of hung out to dry to be not only creative and come up with good systems and respond to the electorate -- with limited direction.

Mr. Prue: If I have time, I just have two more small questions.

The Chair: Go ahead.

Mr. Prue: The one-hour extension: Many people have told me that they believe that the hour should be in the morning. I'm thinking about people who live in Hamilton or Barrie who commute to Toronto. Even though they might get three hours to vote at the end of the day, most of that three hours will be spent in gridlock trying to get back to vote. Would it not make equal sense or maybe even more sense to allow it in the morning before they get the kids off to school or they begin their long commutes?

Mr. Hollins: I'll give you my statistics. My opinion will be somewhat anecdotal based on my own experiences. The complaints we got last election from people who didn't vote -- and this was through our polling -- were that they came home, "We have kids. We have dinners. We have responsibilities. You're not the highest thing on my priority list. I know you wish you were, and I'd like you to be, but I just run out of time and I can't get to your poll." That was our biggest complaint from people. The second complaint that we got was the fact that "I got to the poll and there was no party name beside the names and that made it very difficult for me to make a choice. In some cases, I just handed my ballot in and didn't mark it." That's the feedback that we've received from people.

The anecdotal would be, in travelling the world and watching hours in societies that are similar to ours, where people get up and do a 9 to 5 job -- I would suggest that if the answer was to go earlier, don't open at 9 but open at 8 isn't the answer. Open at 5 or 6 in the morning; that's the answer. In the jurisdictions where I've seen they've gone earlier, where they've moved to earlier starts, they've gone to the 5 or 6 o'clock model. I think the US uses pretty much a 6 a.m. model, and they get voters 6 to 7:30, and then they get them 5:30 to whenever they close. That seems to be the model. However, there is a solution to this, and that's don't pick a day that everybody's working. Like some countries do, make it a national holiday or a provincial holiday. Food for thought.

The Chair: A quick follow-up, Norm?

Mr. Miller: Yes, I just want to echo what Mr. Prue said to do with municipalities. I know I had one of the municipalities in my riding of Parry Sound-Muskoka wish that the province gave direction for mail-in ballots, because they had huge percentages of ballots that were invalid. The clerk who was involved with running the election said they wished the province would set some rules and give direction on how to do those.

Mr. Hollins: We don't disagree. We're not empowered to do that. We're kind of a phone call away, but that phone call isn't always made.

The Chair: It's interesting, Mr. Hollins, that you talk about just recently being in Scotland. Mr. Prue's first question was about computers and balloting. I guess they're still trying to sort that out over there, aren't they?

Mr. Hollins: I'll have to be honest with you. The computers in Scotland worked absolutely excellently. I was very impressed.

The Chair: Is that right?

Mr. Hollins: Yes. The ballot design and the directions that they gave the voter were extremely confusing. I'll give you an idea. Have you all voted on a composite ballot before? That's two ballots on the same sheet of paper. They gave two ballots on the same sheet of paper and then they said, "You have two votes." So everybody marked two votes in column one and nothing in column two -- over-vote, under-vote, 100,000 rejected ballots. So it was ballot design coupled with bad direction. It was administration.

The Chair: With the regional representation over there it would have been even more confusing: seven districts with the seven --

Mr. Hollins: I asked voters, because I was in about 25 polls that day. I said, "Do you find this confusing?" "No." They actually understood the system. I was quite impressed. You'd say, "Okay, so you've got a mixed-member system. What does that mean to you?" I was amazed how many people said exactly what it meant: "Here's the logic in this, and we think it's a good move in the right direction" type of thing. Others were blatantly against it, but by the same token, they were there to participate.

The technology was brought in to deal with STV, which is where you vote by ordinals. Voting by ordinals in New Zealand, Australia, Germany or, let's say, Ireland -- historically, it takes two weeks to count those ballots. So they had the ordinal system, and they had those ballots wrapped up in about three hours, no problem at all. The issue became bad ballot design, coupled with bad direction.



The Chair: Thank you, sir. I appreciate your --

Mr. Brad Duguid (Scarborough Centre): Chair, just a quick question. How are you going to find time to keep coaching the Nats with an election coming next fall?

Mr. Hollins: I've talked to the team, and I've figured that if we can train from 4 to 5 in the morning, it'll work.

Mr. Duguid: You may have to.

The Chair: They can vote coming out of the showers.

Thank you very much, Mr. Hollins.

Mr. Hollins: Thank you very much.

SUBCOMMITTEE REPORT

The Chair: We have one other item. We'll now ask Ms. Mossop to read the second portion of our subcommittee report.

Ms. Mossop: Your subcommittee met on Monday, May 14, 2007, and agreed to the following:

(1) That any member of the standing committee on the Legislative Assembly or their designate and two staff may attend the 2007 annual meeting of the National Conference of State Legislatures, subject to approval by the House.

(2) That the subcommittee be authorized to approve a committee budget for the delegation attending the conference for submission to the Speaker and the Board of Internal Economy for their approval.

The Chair: Any discussion? All in favour? Carried. I'll send a letter to the House with respect to that.

The next meeting of the committee is Monday, May 28 -- of this year, obviously -- following routine proceedings for clause-by-clause consideration of Bill 218. Just a reminder: Pursuant to the order of the House, amendments to Bill 218 must be filed with the clerk of the committee by 12 noon on Wednesday, May 23, 2007.

The committee is adjourned.

The committee adjourned at 1000.

CONTENTS

Thursday 17 May 2007

Subcommittee reports M-399, M-408

**Election Statute Law Amendment Act, 2007, Bill 218, Mrs. Bountrogianni /
Loi de 2007 modifiant des lois en ce qui concerne les élections,
projet de loi 218, M^{me} Bountrogianni** M-399

76

Democratic Renewal Secretariat M-399

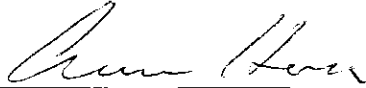
Hon. Mrs. Bountrogianni, minister responsible for democratic renewal

Mr. Jonathan Batty, counsel

Office of the Chief Election Officer M-403

Mr. John Hollins

**THIS IS EXHIBIT "H" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**



A Commissioner for taking Affidavits, etc.

The House met at 1845.

ORDERS OF THE DAY

ELECTION STATUTE LAW AMENDMENT ACT, 2007 / LOI DE 2007 MODIFIANT DES LOIS EN CE QUI CONCERNE LES ÉLECTIONS

Mrs. Bountrogianni moved third reading of the following bill:

Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts / Projet de loi 218, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.

The Acting Speaker (Mr. Michael Prue): Mrs. Bountrogianni.

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): I'm pleased to lead off third reading debate on Bill 218, the Election Statute Law Amendment Act, 2007.

I would like to thank, first of all, my colleague and parliamentary assistant the member from Brampton Centre, Linda Jeffrey, for all her work on the democratic renewal file and particularly her work on all the legislation that has been introduced and debated in the Legislature.

As minister responsible for democratic renewal, I'm proud of this bill because it is about one of our most fundamental rights, the right to vote. This legislation, if passed, would make amendments to the Election Act that would make it more convenient for Ontarians to exercise their right to vote. At the same time, it would enhance the integrity of the electoral process.

Nos élections ne sont pas restées au diapason de la réalité de la vie des citoyens. Les initiatives de renouveau démocratique entreprises par le gouvernement McGuinty sont conçues pour assurer que les processus électoraux répondent aux besoins des Ontariens et Ontariennes. C'est justement le but qu'atteindra cette loi proposée si elle est adoptée.

A number of the voting improvements in the legislation were recommended to Mr. John Hollins, Ontario's Chief Election Officer. In fact, the CEO endorsed these changes at the standing committee on the Legislative Assembly on May 17. He said, "If I use the three pillars of a fair election—accessibility, integrity and participation—I believe this bill is a step in the right direction."

We are committed to providing public services that are easy to access, as well as improving our current democratic system. The passage of this legislation would represent real progress in making it easier than ever for all Ontarians to exercise their democratic right to vote by providing new, flexible voting options.

I'm confident that all members on all sides of the House would support initiatives that would help encourage more Ontarians to vote. That is one of the driving forces behind this legislation.

The changes proposed in Bill 218 include practical, cost-efficient steps to modernize elections in Ontario. If passed, they would be in place for the October 10, 2007, election.

We understand that Ontarians lead very busy lives. That's why this legislation, if passed, would extend polling hours by one hour at the end of polling day. Polls that regularly close at 8 p.m. would now close at 9 p.m. so that people have more time to vote on election day. Due to the time zone difference, polls in northwestern Ontario that close at 7 p.m. would close at 8 p.m. To clarify any misconceptions in this House, voters in northwestern Ontario would also get that additional hour to vote.

At committee, the CEO said, "Anything that increases opportunity and ease for the elector is a good thing ... the longer hours will help prevent lineups in the evening."

Le projet de loi 218 permettrait aussi plus facilement aux citoyens de l'Ontario de voter lors d'une élection générale ordinaire, en augmentant le nombre de jours de vote par anticipation de six à 13 aux bureaux du directeur du scrutin et de six à 10 à d'autres endroits.

Comme l'a dit le directeur général des élections, « En quelques mots, cela signifie plus d'options pour nos électeurs. »

1850

The accuracy of the permanent register of electors would be improved if this legislation is passed. The legislation would require Elections Ontario to undertake new targeted registration to update the permanent register of electors, thereby improving the voters' list. A number of criteria are provided for targeting these efforts at people who will most likely be left off the list. These include mobile populations, first-time voters and electors who are new citizens. The CEO said that this delivers on Elections Ontario's pre-existing mandate to maintain and update the permanent register of electors.

Le directeur général des élections serait désormais autorisé à mettre à l'essai de nouvelles technologies lors d'élections partielles futures. La loi, si elle est adoptée, éliminerait l'exigence actuelle que le directeur général des élections obtienne la permission des principaux partis politiques pour mettre à l'essai une nouvelle technologie. C'est une façon raisonnable et mesurée d'assurer que nos élections se déroulent dans un environnement aussi sûr et accessible que possible.

The CEO said at the standing committee that this proposed authority "does not come lightly. As we continue to introduce pilot projects into by-elections to test new electoral processes, this will enable us to introduce emerging technologies and alternative voting methods, which will hopefully lead us into cost-saving partnerships with municipalities. Further, this will position us to provide first-hand information to the Legislature on these emerging technologies and alternative voting methods while providing much-needed experience for our staff."

If this legislation is passed, this bill would also eliminate confusion at the ballot box. Party names would appear on ballots in the next election. Candidates' names on ballots would be followed by their political affiliation where the candidate has been endorsed by the party. Independent candidates' names would be identified as independents if requested by the candidate. This would help voters make more informed choices. The CEO said that this measure will be "well-received by electors." He said that Elections Ontario receives "constant questions about why party names are not on the ballot."

This legislation would establish additional accessibility criteria for selecting polling locations. Criteria for selecting polling locations would include convenience, capacity, familiarity and lack of geographic barriers. This ensures that all possible steps are taken to make polling places as accessible as possible for all Ontarians.



If this bill passes, the CEO would be required to consult on administration of the Election Act with an advisory committee representing all of Ontario's registered political parties. While the CEO is independent of any political party, he would benefit from the advice and insight of the parties. The CEO describes the advisory committee as "an essential means to educate and brainstorm with parties between events or elections with political stakeholders of this process. The consultation is and will continue to be a non-partisan forum in which all registered parties can contribute to the strength of the electoral process."

Nous serons plus à même de protéger l'intégrité des élections si la loi est adoptée. Tous les électeurs seraient tenus de présenter une preuve d'identité et, dans certains cas, une preuve de résidence. Le directeur général des élections aurait le pouvoir de déterminer les types d'identification acceptables.

"The electorate is looking for assurance that only qualified electors vote and that they only vote once," said the CEO at the hearing on Bill 218. "This can only help the integrity of the electoral process, and that's a win." Although this is a change that the CEO requested, he told the committee that he will proceed with caution if the legislation is passed. He will ensure that the requirement of identification "does not make it difficult or disenfranchise eligible electors. This includes electors who, because of their situations, such as disability or lack of a permanent residence, do not have or cannot provide the ID needed to be able to receive a ballot." The CEO also said that he will conduct a thorough consultation with stakeholders representing Ontario's diverse communities to ensure inclusiveness in his determination of the documents or class of documents that will be accepted as proof of identity and residence.

Cette loi est une première étape mesurée vers d'autres initiatives potentielles de réforme à long terme du fonctionnement des élections dans la province.

This legislation strikes a balance between real improvements to the process and preventing any disruption of the upcoming election. This legislation would do more than just modernize Ontario's electoral process. On May 15, the Citizens' Assembly on Electoral Reform submitted its report, One Ballot, Two Votes: A New Way to Vote in Ontario, recommending that Ontario adopt a new mixed member proportional system. A referendum on this recommendation will be held in conjunction with the next general election on October 10, 2007.

If passed, this bill would require the Chief Electoral Officer to conduct a neutral public education campaign to provide electors across Ontario with the following information: the date of the referendum, the content of the choices in the referendum, the referendum process and the question electors will be asked to vote on.

Il est essentiel de mettre en place des activités d'éducation publique pour que les électeurs ontariens obtiennent les renseignements dont ils ont besoin pour faire un choix éclairé lors du référendum sur la réforme électorale. Il est indispensable que ces renseignements soient neutres et impartiaux pour que les Ontariens et Ontariennes puissent se forger leur propre opinion sur cette question importante. Le 10 octobre, chaque électeur de la province aura la possibilité de faire son propre choix dans le cadre d'un référendum.

We believe that Ontarians should be able to exercise their democratic right to vote. We believe that it shouldn't be a chore to get on the voters' list. We believe that busy people should be able to more easily vote in advance polls or at the end of a hard-working day. We also believe that people should have to show identification in order to protect the integrity of the electoral process. Taken together with other key democratic renewal initiatives, including the successful completion of the citizens'

assembly process and our recently passed referendum legislation, the provisions to modernize elections in Ontario will contribute significantly to our renewed vision of democracy. This vision is of democracy that is inclusive, participatory, transparent and accountable. I'm proud to stand in support of this bill and urge all members of this House to join me in supporting the bill.

Before I finish, I would like to just take a moment to thank all of the members in this House for the high level of debate that we have heard on this bill as well as the other democratic renewal bills that have made their way through the legislative process. I would particularly like to thank everyone for their reasoned arguments and support on democratic renewal initiatives. I would also like to thank the member from Lanark–Carleton, Mr. Sterling, as the critic for the official opposition, and the member from Beaches–East York, Michael Prue, for all his well-thought-out debates and arguments, and last but certainly but not least, my colleagues on this side of the House for their support.

The Acting Speaker: Further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to add some comments today on Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts. Our critic, Mr. Sterling, the member from Lanark–Carleton, would be here, but I understand he has an important meeting with some Senators at the Scotiabank Place this evening, so he's unable to be here. I'm pleased to add some comments coming largely from him.

As we have said in all previous debates on this bill, we agree with large portions of it. We agree with longer voting hours, more days of advanced polls, the requirement for third party advertisers to register, the addition of party names to ballots, requiring voters to show identification in order to vote. Also, personally, I feel that the public education component of the bill that gives powers to the Chief Electoral Officer to develop programs to educate more people, especially those coming of age to be able to vote, in terms of giving them knowledge about the electoral process, is especially important and hopefully will result in greater participation in the electoral process by more people. We are very relieved to see the minister finally deal with the need for public education regarding the referendum, even if the details are very sketchy. We have concerns about a couple of aspects of the bill and, more importantly, we have serious concerns about the timing of the bill and the lack of due process.

The bill was introduced on April 25, less than six months before the next election. Many parts of this bill are the result of a report released by the Chief Election Officer in September 2004. What took so long?

1900

As far as the provisions for a public education campaign, we've been calling for this since the beginning of the discussions on a possible referendum. The select committee on electoral reform recognized that poor public education was a problem in the British Columbia referendum and recommended that Elections Ontario be given this responsibility when we reported in November 2005. This should have been included in either the bill which established the citizens' assembly—that was Bill 213—or in Bill 155, which set the referendum. Again, what took so long?

The late introduction of this bill suggests that the government did not want to see much debate or consultation on this bill. That is a concern.

This bill is supposedly about improving our democracy, yet it was introduced in such a way as to avoid democratic debate as much as possible. Time allocating a bill about electoral reform is the ultimate arrogance and disrespect for our democratic system and traditions.

This is not the first time we have seen the McGuinty government obstruct the democratic process around a supposed democratic reform bill. They time allocated Bill 155, which established the rules for the upcoming referendum on electoral reform. Bill 62, which changed the rules for political parties to register, was neatly tucked into schedule 11 of the 200-plus-page budget bill. This shows a complete lack of respect for the Legislature and those of us elected to this Legislature.

Beyond that, we have concerns about the contents of this bill. In the rushed committee process, we tried to improve the bill with what I believe were constructive amendments, but the government barely even considered our suggestions.

First of all, we offered up two alternatives, both of which would limit spending by third party advertisers during an election. Candidates and parties are restricted in how much money they can spend on election advertising. Why shouldn't third party advertisers face similar restrictions? In the last election, we saw groups putting forward campaigns like the "Not this time, Ernie. Not this time" ads, and those groups were rewarded after the election with various pieces of legislation that have passed through this place, and I think the public should, at the very least, be aware of that. That's why I think it's important that third party advertising be disclosed and also why the amendment put forward by the member from Lanark-Carleton to limit the spending should have been approved by the committee. Unfortunately, the government defeated it.

I raise this issue because this government, in the recent budget, decreased their requirements for party registration so that a political party need only run members in two ridings to be allowed to register. They claim they did this to comply with a federal court decision regarding federal party registration rules. The court decision was, in part, based on the fact that third party advertising is restricted during federal elections. Because of that, small political parties successfully argued that their right to freedom of speech was being impeded. In Ontario, however, we do not currently restrict third party advertising, and as such, those smaller political parties could advertise without having to become registered political parties. The precedent didn't apply in Ontario, so why change the rules? Given that the government has changed the rules regarding party registration, we suggested adopting a limit on election ads by third party advertisers similar to that which limits spending during federal elections. We introduced two possible amendments to achieve that and distributed our motions to other members of the Legislative Assembly committee well in advance of the meeting. The member for York South-Weston gave our amendments fair consideration and voiced his support for one, but of course the government members of the committee voted against both.

Another part of this bill that we have some concerns about is the unbridled power being given to the Chief Election Officer to try alternative voting methods in by-elections. I fully respect the Chief Election Officer, but I have concerns about anyone having the authority to make changes to our voting system without any checks and balances. We proposed that any such trials should be approved by a majority of the Chief Election Officer's all-party committee, a very simple suggestion, but of course the government members voted against it. It was a very typical response from this government: If it wasn't their idea, they won't support it. Then they wonder why this Legislature has become so adversarial and why we are desperately in need of parliamentary reform.

I want to point out that these amendments drafted by the member for Lanark–Carleton were drafted and moved in a spirit of constructive criticism. That is the job of the opposition in our system, but this government is very rarely willing to listen.

The McGuinty Liberals talked a lot about democratic reform during the last election. They promised consultation and committee hearings on all major pieces of legislation. This bill was officially sent out for consultation, but let's look at how that was done. One day of committee hearings was mandated, but because of the timing of this bill, that hearing was only advertised on the parliamentary channel and committee website, and presenters were only given approximately a day and a half to let the clerk know if they wanted to present. Is it no wonder that there were no presentations from the public on this bill? We had the Chief Election Officer come about the bill, and the minister. The Chief Election Officer certainly was very frank and gave lots of good insight into what could be done to improve the process for how elections are run in this province. However, I think the point is that if there had been some time and advance warning given, we would have had many members of the public and other people who are interested and experts who could have come before the committee and made some good recommendations.

In this case, they may have followed the letter of their promise but they most certainly broke the spirit of that promise. They promised to give MPPs more independence and power by allowing more free votes. To quote from their campaign platform, "We will make sure all non-cabinet MPPs are free to criticize and vote against government legislation, with the exception of explicit campaign promises and confidence matters." I'm sorry; my reaction to that is, "What a joke," because that has certainly not happened in the last four years. Let's see. I remember one bill on which government members broke ranks and that was on a local issue, Bill 186, the Regional Municipality of Peel Act. The members for Brampton Centre, Bramalea–Gore–Malton–Springdale and Brampton West–Mississauga voted against this legislation. I believe that was the only government bill that government members were free to vote against, if their constituents wished.

I would say that the opposition has demonstrated that John Tory and the PC Party want to change that. Mr. Tory has pointed out that he would like to see substantial parliamentary reform, and he has demonstrated that by allowing the opposition to have free votes. Where there's a difference of opinion or where members wish to represent their constituents, he has allowed that to happen. When he does allow that to happen, the government members ridicule the opposition members. I say, this place would be a much better place if more members represented their constituents and if there were more free votes.

Another example of a broken Liberal promise to improve accountability and transparency in the Ontario government is their promise to open up government contracts to public scrutiny. Not only did they promise to do this in their 2003 election platform, but in her last two annual reports the Information and Privacy Commissioner has called for public access to this information. Yet when opposition parties file freedom of information requests for such contracts, we are stonewalled.

In general, the Liberals talked a lot about democratic reform and about respect for MPPs and for this Legislature, but their actions have spoken louder than their words. I hope that Ontarians remember their actions as they start to hear the next round of election promises.

1910

In the few minutes I have left, I would like to talk about a couple of aspects of the bill which I do believe are positive and about what the opposition would like to see. First of all, the part of the

bill—the new section 114.1—to do with public education, I believe, is very important. It authorizes the Chief Electoral Officer to “implement public education and information programs” and “provide the public with information about” the “electoral process.”

Also, the new section 114.2 requires the Chief Electoral Officer to provide “information packages for new electors ... to school boards for distribution to students who have reached voting age or will soon do so.”

I believe that we need to increase participation in the electoral process and we need to have more people who vote and are involved in the electoral process. I believe that giving these powers to the Chief Electoral Officer to implement public education programs is a positive thing. We need to get people interested at a young age. They need to learn about the electoral process in public school and high school, and be involved. So I'm pleased to see that change.

Before I close, I would also like to just briefly give my opinion with the fact that we need parliamentary reform around this place. I believe we need to enhance the role of the individual MPP. We need to see more free votes around this place. We need to make this place less adversarial and more civil. I know that's the desire of John Tory, the Leader of the Opposition, as well.

I believe we need to see more work for all-party committees. There was the select committee on alternative fuels back in the last PC government that I thought did a very effective job, made up, as I say, of all parties. They came up with many recommendations to do with alternative fuels. A few of the recommendations, like removing the provincial sales tax on, I believe, biodiesel and some other alternative fuels, were acted upon. I think the work of committees like that can really make a difference.

I also believe we need to change the rules, some of the standing orders in this place. For my 25th anniversary trip this past winter with my wife, Chris, I had the privilege of visiting London, England. I dragged her into Westminster for a Monday evening debate. We're still married. At that debate, I was interested to learn some differences between Westminster and this place, including the fact that for question period—which tends to be more about the sound bite for the evening's newscast—there at Westminster, the questions are submitted three days in advance to the minister. I believe the Speaker just stands up and says, “It's question 22.” The opposition member doesn't actually get to deliver the question. Hopefully, when the minister has had the question for three days, he may give a more thoughtful answer, and it's not about just gotcha politics where you're trying to surprise the minister. So hopefully you get a more thoughtful answer. In the supplementary, that's where the opposition member can ad lib it a little bit. I think that would make sense. It would make this place less confrontational and less about the sound bite for the evening news and more significant, more real.

I was interested to see in the debate, in that one evening session I was at, that there was an opposition member speaking, and the government minister was able to politely interrupt the opposition member and correct some of the facts right in the middle of the speech, which our rules certainly don't allow—

Interjection.

Mr. Miller: —except in the form of heckling, the government whip is letting me know.

(85)

I was surprised in my brief time there. I think we can learn a lot from Westminster, and I believe we could make this place function in a more civilized manner and be less partisan, and probably gain more respect from the general public.

So I would like to see parliamentary reform around this place. I think it would be a very positive addition.

In closing, I'd just like to sum up. There are a number of changes in this bill that I support, that our party supports, like having the party name on the ballot. There were some minor changes to the titling: the title of the Chief Electoral Officer. There's the ability for the Chief Electoral Officer to test alternative voting methods in by-elections. As I say, we wanted that to be balanced with just an all-party committee of one member from each party to agree to that alternative testing method. There's room for additional techniques to update the voters' list, to improve the permanent register of electors, and the Chief Electoral Officer, at committee, did talk at length about that.

The voting time will be lengthened by one hour when the next general election happens. I think that allowing more time is always a positive thing.

This bill also makes more advance polls. There'd be 13 advance polling days, except in by-elections, when the timing of elections doesn't allow for it.

As I mentioned, the Chief Electoral Officer is given the responsibility of doing more public education for people when they come of age to vote, and he's also responsible for public education for the upcoming referendum, and I certainly see that as being very important.

I had the pleasure of sitting on the select committee on electoral reform. We visited British Columbia, and one of the points they made was that there wasn't enough public education leading up to the referendum in British Columbia on the recommendation from their citizens' assembly, which was the single transferable vote system.

I think some of the details of how the Chief Electoral Officer is going to educate the public on both the Yes and No sides are not spelled out, but it is important that that happen for both sides.

As I mentioned, there are also changes to the blackout period leading up to a general election and there are some rules to do with third party advertising in an election, although, as was pointed out, we wanted to see spending limits on that third party advertising. I think we made some very rational amendments, which unfortunately the government, en bloc, voted down.

We will be supporting this bill, even though the government voted down our constructive amendments.

All that being said, we do agree with the majority of this bill; much of it is really just common sense. But we are perplexed as to why the government waited to introduce this bill as late in their term as possible, forcing it to be time-allocated and democratic debate to be cut off.

I'd just like to conclude now and let the Legislature know that the PC Party will be supporting this bill.

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure to have a few minutes in what appear to be the literal dying days of this government to speak to one of the very last things that they're going to try to deal with in this Legislature, which is Bill 218, the Election Statute Law



Amendment Act. I say that because the rumours are fast and furious around here today—and I'm sure everybody around here has heard them—that this is the last debate that will be happening during this government's time in office, right now, as we speak. It's history in the making, if you will.

You might be happy to know or it might be interesting for you to know that it's almost three years to the day—it's a couple of days out—since I was actually sworn into this House, since I was given the opportunity, the pleasure, the honour to represent the people of Hamilton East and to bring the concerns and issues of the people of Hamilton East and the broader community of Hamilton to this Legislature. I hope that I've been able to, at least in some ways, raise the issues and concerns of my community here over those last three years.

I look forward to talking to people—as I do every single day that I'm in my own riding, in my own home community, but certainly over the next couple of months in a much more concentrated way—about the possible opportunity of being able to continue in this honourable role, because it really is a significant opportunity, it's a significant honour, and it's a very positive way for me to give back to my community.

Positive, though, is not how I'm feeling right now in terms of the way that this government has decided to cut and run, when push comes to shove. There are a number of things that this government could still be here to accomplish over the next couple of weeks. In fact, the standing orders—and I'm not quite sure of the exact date in the standing orders; I'm sure my friend from Niagara Centre knows the exact date—require this House to sit until pretty much the end of June. That is not happening now—my understanding is and rumour has it—and we'll find out very shortly. In fact, I'm tense with anticipation and anxiety to see whether those rumours are true.

1920

There are many things that this government could have kept us here to do. One only needs to look at the order paper to identify not only government bills but particularly private members' bills as well that could have had some attention over these next three weeks. Unlike in the fall—it wasn't in the fall really, it was the beginning of winter, in December, when the government decided to add on eight extra days of time here in the Legislature to give itself a big pay raise. Unlike that time, now the government is cutting and running with that pay raise to try to get a couple of extra weeks of downtime in before the election takes place in the fall. From my perspective, that's problematic. I really think it's a sad state of affairs when the Liberal government—although there are a number of pieces of legislation that are sitting on the order paper waiting to be debated and waiting to make real positive change in this province, they're not going to see the light of day because Liberal members really don't want to be here.

Why don't they want to be here? Well, certainly they wanted to be here long enough to pass Bill 218, which is the bill we're discussing tonight. I'm going to be spending a few minutes on that just briefly, but in terms of the context, they want to be here for this—which is great, and that's fine and the debate is good and it's positive—but they don't want to be here particularly tomorrow. Why not?

Mr. Peter Kormos (Niagara Centre): Why not?

Ms. Horwath: Why do they not want to be here tomorrow? Well, of all things, tomorrow is an interesting day because there is a particular committee—

Interjection.

Ms. Horwath: “Tomorrow, tomorrow”—I don’t sing very well. My friend who represents the riding of Hamilton West actually is the singer in the community. She is sitting here now. She has actually got a very good singing voice and I certainly don’t. I cannot carry a tune.

Nonetheless, the bottom line is that tomorrow there is a committee being held and it’s called the estimates committee. What’s happening at that committee? That’s the committee where the opposition parties have an opportunity to talk about particular budgets of particular ministries in a very focused, direct way. Intensive questioning goes on. The minister responsible for that particular ministry is brought before the committee with a number of support staff and they are basically grilled. They are put on the hot seat. They’re raked over the coals—the Michael Colles, should I say? And that’s the crux of the matter. Estimates committee tomorrow was supposed to be about the minister responsible for citizenship and immigration coming to respond to the opposition parties about the slushgate or the Collegate issue that has caused such a stir and that has, I’m sure, many more interesting tidbits that need to be pulled out from underneath the little rocks that they’re hiding under. Unfortunately, my understanding is that the government doesn’t want to do that so the government is going to pull the plug tonight—this very eve—so that tomorrow we won’t be able to undertake that exercise with that minister.

I might be wrong. I could be a cynic. I could be totally miscalculating this and miscalcating it. Of course, it’s my first time ever that I’ve gone through this process of the actual winding down of a government—like the day they pull the plug—so I wouldn’t recognize it necessarily. But my esteemed colleagues who have been here much longer than I—particularly my House leader, the member for Niagara Centre, Mr. Kormos, knows what the signs are, knows how to read the tea leaves. Okay, maybe he doesn’t read tea leaves, maybe he goes to the casino and reads the cards—I don’t know. But nonetheless, the bottom line is, there is absolutely no doubt—or very little doubt—in my mind that the government is going to pull the plug.

I think it’s fairly sad that on the very night that we’re talking about electoral reform, more or less, about a bill that is supposed to change the way Ontarians experience the voting system, experience their right to vote, at the same time that this government is bringing forward a bill for final reading and for approval by this House on the issues that are important to people around the voting system in the context of a government that ran on the issue of transparency, accountability and blah-blah-blah, the bottom line is that this very government is pulling the plug to prevent transparency, to put a veil over the issue of the Minister of Citizenship and Immigration in regard to that particular scandal, that particular slushgate, Collegate—and I’m not talking about the toothpaste now—that occurred a couple of weeks ago.

It’s unfortunate, because the very cynicism that electors in this province have and that the government purports to want to address in bills like 218 and in bills like their proportional representation initiative they undertook—those very precepts are ones that everybody supports. But then they turn around and do things like pull the plug on the transparency and the due process that bring to light what this government’s been doing under the cover of lack of scrutiny, and that scrutiny is supposed to take place tomorrow. Unfortunately, this government has decided that they can’t take the heat. Whether the minister himself can’t take the heat or whether the Premier doesn’t want to take the heat in question period tomorrow, the day after that and the day after that for the next three weeks, I don’t know. That’s for them to answer, and I guess at some point, the people of Ontario are going to have a great opportunity to speak to every one of the MPPs in this Legislature about whether those values they purport to have actually translate into reality, when you see the kinds of shenanigans that go on around here.

Nonetheless, on Bill 218 itself, there were a number of issues I was concerned about, personally. The first one that jumped out at me, and it's still there, was that there was very little change to the bill after it went through the committee process, notwithstanding the fact that there were some good comments and opportunities for changes. One that really makes me concerned is the one around the provision of identification, which is required as of this new bill passing sometime, likely tonight.

The reason I say this is because I hearken back to my by-election and the real attempt that was made by one of our inner-city churches. I believe it's a United Church. It's called the Centenary United Church, right downtown. I'm sure MPPs who represent the Hamilton area know very well the Centenary United Church. It's right on Main Street; it's right in the middle of the commercial—not really so much in the institutional sector of our downtown on Main Street, wedged around city hall and the convention facility. The good people of Centenary United worked very hard during the by-election to spend time talking to and—what's the right word; encouraging, I guess is the right word—encouraging people whom we would typically label to be disenfranchised. These are low-income people. Many of them were living in shelters. Those who weren't living in shelters were very, very low-income people. Many of them had a number of different barriers in terms of their ability to fully participate and engage in all number of community activities the rest of us take for granted, whether those are cultural activities, political activities, employment activities or social activities. The bottom line is, many of these people were and continue to be very much considered the disenfranchised. I don't like putting on labels, but certainly that's how we could consider those people in terms of their ability or opportunity to engage.

What the minister, the volunteers and the activists in that church did was, they went out on purpose and made a huge effort to get those people involved in that by-election—to invite them to come to the church, to invite candidates to have a debate, and walked through the process of what it takes to actually cast a vote with them. Many of those people had not voted in some time; others had been diligent, in terms of their efforts to vote whenever there was an election. But I've got to tell you, what this bill will do—and it's very odd—is make it more difficult for those very people to actually cast a ballot.

1930

Why do I say that? Because what it does is, it says that the—

Interjections.

Ms. Horwath: I think some of the government members are making fun of people who live in poverty in our community in Hamilton. It's very disheartening and difficult for me to ignore when Liberal members are making fun of people who are living in poverty in my community. But, of course, why would I be surprised, because they've really done nothing for those people anyway?

But the bottom line is, what this particular bill does is that it asks people who don't get the voting card, who don't get the card that you're registered on the voters' list, don't receive that, to bring two pieces of identification to the polls to be able to identify themselves as voters. A lot of people in lower-income communities, particularly the ones I know of, have difficulty in providing that. Many of them don't have a driver's licence. Lots of them don't have their birth certificates. Most of them don't have a social insurance card. Some of them have an OHIP card. Of course, that's one of the things they need the most. In fact, just serving the people in my community at my constituency office, I know very well that many people don't have these official pieces of identification. So all the work that was done by people like Bill McKinnon and the minister there, Wayne Irwin, and others around

trying to organize these people would come up with a little bit more of a barrier in terms of providing opportunity for those residents of our communities to be able to vote, and that concerns me.

A government that's saying they want to make it easier for people to vote is perhaps putting up barriers for particular constituencies of people; I think particularly the people in my community and, unfortunately, there are many thousands of them who are not in the same situation as many of us are. So that's my first concern.

But then, on the other hand, if you have the card, if you receive a card or obtain a card in some way, then you can automatically vote. You don't even have to show any ID. You can just go and vote. That's one of the things that really concerns me in terms of the way this bill is written. So you get to wonder a little bit what's really the motivation in terms of this initiative.

I'm a little bit concerned about both on the one side the opportunities for people who are extremely disenfranchised to be able to exercise their vote, to exercise their franchise and then, on the other hand, the extent to which—again, I come from a community where I've seen it happen. I've seen it happen at municipal elections, and I've seen it happen in my by-election and I don't expect it to stop happening. Sometimes it's unfortunate, but sometimes it happens, that that voting card is brought forward to the polls without the people who are really necessary in terms of who it is that owns that ID.

But I have to say that the other issue is proxy voting. Again, this is where people who are bringing forward the—

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): On a point of order, Mr. Speaker: All Ontarians must show two pieces of ID at the ballot box.

The Acting Speaker: It's not a point of order. Please continue.

Ms. Horwath: The other issue I'm a little bit concerned about is the extent to which some people need to have four pieces of identification to vote. So you'll need not only your own identification, but then you need to bring two pieces of identification from the person you're proxy voting for. From my perspective, that's another barrier for people in terms of the ability to get that vote recorded.

So when we talk about concerns, whether it's from Ontario, whether it's in terms of the country or even internationally in terms of identity theft and in terms of those issues around your own identification and the extent to which that identification could be misused, I get a little concerned about the extent to which you'll really have to explain to people and then convince them that providing not only their signature but then handing over two pieces of ID for you then to take from your relative or friend and go and vote on their behalf in the situation of proxy voting, it's problematic. It's problematic, and I'm a little concerned that the government didn't really think that out very well in terms of asking people to relinquish their ID and have it taken out of their home to the polls in order for the proxy voting to take place.

Although there are a number of other issues in this bill, the one I'm really concerned about is the extent to which the government purports to, in this bill, have a goal of making it easier for people to cast their ballot. But when you look at the detail in the bill, I have real concerns that the exact opposite is what is written down in black and white. I have to say I'm not surprised, though, because there are many pieces of government legislation over my three years here that I've seen where the

government talks the talk on the one hand, but when it comes to walking the walk, it certainly doesn't measure up. Similarly, it's the same situation with Bill 218, unfortunately.

But I wanted to end off by saying that notwithstanding the fact that this bill is here and it's likely to be the last bill that is passed by this Legislature, it has certainly been quite a positive experience for me to learn from my colleagues, particularly in the NDP caucus and particularly colleagues that we know are not going to be running again, like Ms. Martel, the member from—how soon we forget—Nickel Belt. I have to say that she has been a very diligent member in this House, and a lot of the work that has been done by her has been followed up by others in our caucus as well.

So as we go through the next couple of months in terms of the pre-election period after tonight, when the government pulls the plug and decides that they're going to cut and run to avoid the questions that are going to come to estimates committee tomorrow, as well as avoid any further question periods, so they can get their early vacation, the bottom line is that there are many, many people who can simply look on the Internet and read the Hansards. If they really want to know what this government has been doing, as opposed to what they say they've been doing, then it's a matter of reading the Hansards, and I would ask the residents of Ontario, if they're really interested in an issue, to make sure they take the time to review not only what the government says it's doing but what the critics, in their very important roles, whether it's government critics or critics from the New Democratic Party caucus—what they reveal, I guess is the best way to say it, about the real activities of the government, as opposed to their spin, as opposed to their ribbon cutting, their photo ops and their enlisting of Hollywood stars to come and get the cameras rolling and give them a big boost.

The bottom line is that the government is going to be judged very, very shortly in the province of Ontario, and I certainly look forward to doing my part in my community to unveil exactly what they haven't done.

The Acting Speaker: Further debate?

Mrs. Linda Jeffrey (Brampton Centre): I'm extremely pleased to stand here to talk about the third reading of Bill 218. The changes we propose, although they sounded a little different by the tone of the last speaker, actually include some practical steps to modernize elections in Ontario. These changes are going to make a real difference in addressing some of the barriers that we've identified and the flaws that we believe may have been contributing factors to the decline in voter turnout.

If passed, these changes would be in place for the October 10 election. The legislation would enhance participation in Ontario's elections. Higher voter turnout would be encouraged by giving the Chief Electoral Officer the explicit authority to undertake election-related public education campaigns and communications. The Chief Electoral Officer would be able to make the electoral process better known to the public.

As the honourable Minister Bountrogianni described moments ago, Mr. John Hollins, Ontario's Chief Electoral Officer, spoke about these changes at the May 17 hearing of the standing committee on the Legislative Assembly. On the topic of elector education, the CEO said that he would support Elections Ontario's efforts to improve education and deliver the message that voting matters to a broader base of Ontarians. He said that the changes in Bill 218 "would give us the authority to sponsor, through ongoing education, this level of engagement."

This legislation, if passed, would make it easier for Ontarians to vote by doubling the number of advance poll days in regularly scheduled general elections. We're going to increase it from six to 13.

There would also be 10 days of advance polls at other locations. We would extend the polling day by another hour at the end of the day so people would have more time to vote on election day. This decision was supported and recommended by Mr. Hollins, the CEO, and he believes this is a great first step toward a future of allowing Ontarians to vote anywhere, any time.

Presently, polling stations need only be centralized and convenient. This legislation will also allow us to expand on the current criteria for selected polling locations, which will include convenience, capacity, familiarity and the lack of geographic barriers. Elections Ontario would continue to be able to locate polling stations in apartment buildings, schools, municipal and provincial buildings. Simply put, this means more options and convenience for electors.

1940

Another barrier to voter turnout is the voters' list. We want to ensure that eligible voters are on this list. This initiative is time-consuming, but it's paramount to improving confidence in the elections process. The accuracy of the permanent register of electors would be improved if this legislation was passed. Elections Ontario would be required to update the permanent register of electors, and the CEO would have the flexibility to conduct targeted registration programs in the years in which regularly scheduled general elections are to be held. The CEO would also be required to provide new voter information to school boards for distribution to those students approaching that critical voting age.

The permanent register of electors is clearly a list that's constantly in flux. Therefore, we've provided a number of criteria for targeting and capturing those individuals most likely to be left off the register or improperly left on it. This would include transient mobile populations, registering electors who are new citizens and young people approaching the voting age. As stated earlier, Elections Ontario would be required to provide new voter information to school boards, and these packages would give students and their parents a better understanding of our electoral processes. We believe that the participation of young Ontarians is essential to the health of our democracy. A number of techniques will be carried out in a targeted registration program. Enumeration can be used for part or all of a riding. As well, other methods will be available to the CEO so that he or she can determine the most effective way to target populations. The CEO would have the freedom to decide which technique is more likely to achieve our collective goal of improving voter turnout.

This legislation would also require Elections Ontario to conduct a neutral public education campaign for the upcoming referendum on electoral reform. One of the things we learned from the referendum in British Columbia was that many voters weren't quite sure what they were voting for. We want to make sure all Ontarians understand what they're voting for at the polls leading up to our province's first referendum since 1921. That's why this legislation will empower CEO John Hollins with the freedom and the explicit authority to undertake a comprehensive, non-partisan public education and communications program.

In the remaining moments I have, I'd just like to acknowledge a visit by a delegation from the United Kingdom Branch of the Commonwealth Parliamentary Association from May 29 to May 31. We had Austin Mitchell, Ann Cryer, Jeffrey Ennis, Roger Godsiff and Dennis Rogan visit us. They came to find out about our legislation because they're somewhat jealous of the process that we've gone through. They want to find a way to improve voter turnout and they haven't been successful. So they came here to ask questions, to find out how we did it and how best they could try to introduce legislation into their House in order to find a way to improve voter turnout. They asked some very penetrating questions, they held me to the hot seat and they visited many people in the Legislature. They were very impressed with the thoroughness and the kinds of amendments we made to the

(92)

legislation that would certainly improve the accessibility, the voters' list. They were actually very interested in a lot of municipal elections. We had a lot in common, and they were very interested in what we had to say about elections. I will be forwarding the bill to them should it receive approval today. I look forward to their comments and seeing if this ground-breaking legislation that was introduced by Minister Bountrogianni will find its way into the English Legislature sometime in the future. This could be the birth of some very serious legislative changes in another chamber.

This legislation lays the groundwork for future changes once the current electoral reform process is complete. It's another example of how this government is working hard to reform and modernize our political institutions and processes. Our government continues to be a leader in advancing our ambitious democratic renewal agenda, and I believe that this bill is a step in the right direction. It promotes Mr. Hollins's three pillars of a fair election: accessibility, integrity and participation. I know that all members in this House are interested in improving voter turnout, voter participation. We wouldn't be here otherwise. Everybody here has experienced that apathy at the door. We all want to change that. We have a lot of young voters who are going to participate on October 10. We want to get them engaged, excited, enthusiastic about government and legislation and the policies that we bring to this House, because we want to build a better province, a stronger province, one that will be strong enough to withstand anything that is thrown at it, whatever comes. I have every confidence that people here in this chamber understand its importance, and I urge them to support this piece of legislation.

The Acting Speaker: Further debate? There being no further debate, and the time having elapsed—there were only a few seconds, but I just thought I'd see if anyone else was interested—it is now incumbent that I call the question.

Mrs. Bountrogianni has moved third reading of Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. There will be a 10-minute bell.

The division bells rang from 1946 to 1956.

The Acting Speaker: All those in favour will please stand and be recorded by the Clerk.

Ayes

Arthurs, Wayne	Gravelle, Michael	Ouellette, Jerry J.
Balkissoon, Bas	Hoy, Pat	Parsons, Ernie
Bentley, Christopher	Jeffrey, Linda	Qaadri, Shafiq
Bountrogianni, Marie	Lalonde, Jean-Marc	Racco, Mario G.
Brownell, Jim	Leal, Jeff	Ramal, Khalil

(93)

Caplan, David	Levac, Dave	Ramsay, David
Crozier, Bruce	Marsales, Judy	Ruprecht, Tony
Delaney, Bob	Mauro, Bill	Sandals, Liz
Di Cocco, Caroline	McNeely, Phil	Smith, Monique
Dombrowsky, Leona	Miller, Norm	Smitherman, George
Duguid, Brad	Milloy, John	Van Bommel, Maria
Dunlop, Garfield	Mitchell, Carol	Watson, Jim
Flynn, Kevin Daniel	Mossop, Jennifer F.	Wilkinson, John
Gerretsen, John	Oraziotti, David	Zimmer, David

The Acting Speaker: All those opposed will please stand and be recorded by the Clerk.

Nays

Bisson, Gilles	Horwath, Andrea
Hampton, Howard	Kormos, Peter

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 42; the nays are 4.

The Acting Speaker: I declare the motion carried.

**THIS IS EXHIBIT "I" TO THE
AFFIDAVIT OF STEPHEN THIELE
SWORN FEBRUARY 28, 2014.**



A Commissioner for taking Affidavits, etc.

The House met at 1000.

Prayers.

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

ELECTION AMENDMENT ACT, 2004 /
LOI DE 2004 MODIFIANT
LA LOI ÉLECTORALE

Mr Patten moved second reading of the following bill:

Bill 76, An Act to amend the Election Act / Projet de loi 76, Loi modifiant la Loi électorale.

The Deputy Speaker (Mr Bruce Crozier): Pursuant to standing order 96, Mr Patten, you have 10 minutes to lead off.

Mr Richard Patten (Ottawa Centre): I'm extremely pleased and honoured this morning to be able to bring forward my private member's Bill 76, An Act to amend the Election Act. It is a very straightforward, simple piece of legislation.

The bill in front of us today amends the Election Act, and it does two things: First, it requires that a candidate's nomination paper be accompanied by the endorsement of the registered party; and second, it provides for the inclusion of party affiliation on the ballot.

Many Ontarians have advocated for these changes over the years, including past and present members of the Ontario Legislature. In fact, the proposed changes mirror closely the intent of a bill introduced June 11, 2003, by Sean Conway, the former member for Renfrew-Nipissing-Pembroke. Mr Conway's bill was not debated because of an election call, but it was widely supported by the members of the last Parliament, and I'm hopeful that there will be support for this bill from all sides of the House today. Mr Conway has said that he believes this bill will become an important part of the democratic reforms of our government and will champion these initiatives and help increase voting participation. I'm grateful for his support.

I also want to acknowledge and thank Mr Rossano Bernardi, a recent graduate of Algonquin College and Carleton University. He travelled by bus from Ottawa all evening and has joined us in the gallery today. This young gentleman sent me a letter in which he proposed changes to the act to allow placing party affiliation on the ballot, so I'm grateful to him. He spent a considerable amount of time and effort researching and writing his proposal because he firmly believes this change would benefit our democratic system in Ontario. It's important for us, therefore, to move forward on behalf of Rossano and his generation.

This bill puts into action recommendations from the standing committee on the Legislative Assembly, which approved placing political affiliation on the ballot as far back as 1989, almost 15 years ago. The committee's report on election laws and process was tabled as a draft bill and was also not debated because of an election call. The Chief Election Officer of Ontario has tabled numerous reports in the Legislative Assembly that have recommended the need to include the candidate's political affiliation on the ballot. These reports from the Chief Election Officer have consistently said that placing political affiliation on the ballot aids electors in making an informed decision at the polls.

It was recommended that section 27 of the Election Act be amended so that a candidate's political affiliation is designated on the ballot, and to review the wording of section 34 with regard to the form of the ballot. Today we have an opportunity to follow these recommendations in order to stop restricting the elector's access to basic information about a candidate's political affiliation.

It should also be said that the electoral law of Canada and, in effect, every province, with the exception of Newfoundland and Ontario, provides for the political affiliation of candidates to be listed on the ballot. Federally, amendments to the Canada Election Act in 1970 allowed the placing of political affiliations on the ballot for all subsequent elections. The office of the Chief Electoral Officer of Canada has indicated to us that these amendments have worked well. In other provinces, such as BC and Alberta, where we've contacted their offices recently, the chief electoral officers indicated that placing party affiliation on the ballot has improved clarity and choice for voters. So, in effect, Bill 76 will ensure that Ontario is in step with electoral practice in Canada and our changing demographics and living patterns.

The bill is addressing many issues regarding elections in Ontario. Bill 76 addresses the issue of confusion in situations where candidates have a similar name or the exact same name; placing party affiliation on the ballot solves this problem. It acknowledges today's reality of voter mobility. The rise of the mobile society has resulted in people moving often and not necessarily residing in the same riding for too long. Mobility, however, does not change one's beliefs or one's values. Providing political affiliation on ballots will allow them to identify with a candidate and associate themselves with the party that they feel may best represent their views. Finally, this bill will help recent immigrants, especially those who speak different languages, to make a more informed choice at the ballot box.

I want to continue by recognizing the importance of democratic renewal in our province. As you know, our nation, a confederation, was born in 1867, based on the democratic system of responsible government, which was adopted by all of our provinces. However, there have been few changes to our democratic system since then. Parliamentary rules and the electoral system that elects the members still very much resemble those of the 19th century in Britain. Our government believes the time has come to bring these 19th-century traditions in line with the 21st century in Ontario.

1010

Today marks an important day in Ontario, one on which this democratic institution has an opportunity to improve the electoral system by ensuring that it is more clear to the people in our province. This government will propose bold initiatives to strengthen our democracy so we can improve the way it serves its citizens. Bill 76 is one small step in this process.

Let me say at this point that the minister responsible for democratic renewal, the Honourable Michael Bryant, will direct the newly created Democratic Renewal Secretariat to bring some real change in proposals to this Parliament. His parliamentary assistant, Caroline Di Cocco, will work closely with the secretariat to achieve this goal, and she will elaborate on that this morning when she speaks to this bill.

I stand today guided by the resolve of my party's commitment to improve democracy in Ontario and grateful for the unwavering leadership our Premier has shown in supporting real democratic reform. The Premier has talked about the need for better accountability, for better dialogue with Ontarians and a more transparent delivery of government services. This is democracy in action.

I will continue my remarks on a more personal basis. I know that the health of our democracy is an issue that is near and dear to the heart of each and every member in this House. I recall writing, four years ago, about my concern for the state of democracy in this place, and I'd like to quote a passage of what I wrote at the time:

"It is perhaps a measure of the well-being of our democracy that we rarely, if ever, think of it as being in any peril. By and large, we think of the health of our democratic institutions as stable and solid, if nothing else. On the rare occasions that our thoughts do such take a dark turn, we tend to imagine the loss of our democracy through a singular but cataclysmic event that would shake us to our foundations, something that would overturn our world, like an invasion or an occupation by a hostile, undemocratic enemy or a radical military coup from within. But what if our democracy started to slowly slip away in front of us and we did not even take notice?"

The reality is that the government of Ontario is less accessible and far less accountable than it was 10 years ago or than it has been since. I'm delighted to be part of helping to propose changes. Honestly, I've been thoroughly disheartened by the reality of the state of our democracy in Ontario.

Early in my career, working with the international branch of the YMCA, I travelled and lived extensively in Africa, the Middle East, Asia, South America and the West Indies. Those travels illustrated to me the meaning of having a thriving democracy, as well as the value of keeping it healthy and vital.

Today, while on the government side, the sanctity of the democratic process is further confirmed to me. Keeping democracy healthy is something that never happens naturally or on its own. It must be nurtured and occasionally even fought for. Sometimes democracy can be seen to be slow, burdensome, a difficult exercise. Without doubt, it has its frustrations. Be that as it may, if there is a clear, indisputable responsibility for those holding office, it is to fight for a healthier democracy.

In closing, I know there are some strong defenders of the status quo. I would of course defend their right to their position and their opinions, because we need to have a full debate about democracy and its renewal. However, I hope they will eventually realize that Ontario politics, government and democracy are not working as well as they could or should be, and need change. So I say to them that we truly have an opportunity to do something for the people we serve and that these amendments will be made in the name of a better democracy. That is why I am asking all members to support this bill.

The Deputy Speaker: Further debate?

Mr Tim Hudak (Erie-Lincoln): I'm pleased to rise to address Bill 76 in the name of the member for Ottawa Centre. I congratulate the member for bringing this bill forward, because I think it will spur some interesting debate in the Legislature this morning.

I think we all support similar themes: strengthening our democracy and strengthening the participation of citizens at the ballot box and in the electoral process. I take a different view of the means and methods of getting there, one quite contrary to the member for Ottawa Centre and the contents of Bill 76. I'll point to a couple of sections that I take particular umbrage with.

I believe that what weakens our system of democracy in Ontario and Canada is the growing strength of the leader's office and the party apparatus at the expense of the individual member. I hope that as the Attorney General moves forward on his democratic renewal process, he will choose to strengthen the role of individual MPPs and their ability to represent the constituents of their ridings and to

express a greater latitude in their views than what comes out of the Premier's office or out of cabinet, and that then, in turn, the Attorney General would try to take steps away from the growing strength of the party apparatus in the leader's office.

I fear that Bill 76 takes us in the opposite direction, for a couple of reasons. First and foremost, the amended section 27 of the Election Act, further amended by section 9.2 of Bill 76, would have the party's leader endorse a particular candidate. I think this is tremendously dangerous. We see it happening right now at the federal level, with Paul Martin appointing a series of candidates or threatening to appoint candidates in various ridings. I don't think that plays well with the themes of democracy, and it has caused many problems.

There's an article from British Columbia: "Grumbling grows for Martin's Recent Practice of Appointing Candidates in British Columbia." A Toronto Star editorial of April 26 says, "The riding executive makes a legitimate point in describing the appointment as undemocratic. Citizens in any riding should have the right to choose their candidate. If Cunningham" -- one of the leading Paul Martin acolytes in British Columbia who's been appointed to run by the Prime Minister -- "is the best person for the job, why is he shying away from competing against Kuo and Lee on his own merits?" The Star goes on to say, "This process subverts grassroots democracy. It is, therefore, incumbent upon all parties to fix the flaws in the nomination process."

So I strongly reject the notion of having the party leader sign off on individual candidates in the riding, which Bill 76, if I read it correctly, purports to do.

There's a recent lesson too in Hamilton East. I expect there has been debate within the Liberal caucus office, after a couple of drinks in the evening, when members can sometimes be a bit more honest with themselves. I was in that room myself not too long ago.

Interjection.

Mr Hudak: Sure. Sometimes we have those discussions late at night, and you say, "Did we make the right decision?" In Hamilton East, McGuinty and the geniuses in the Premier's office appointed Mr Agostino despite the fact that there were other Liberals who were interested in running. You can't argue that he anointed the candidate, and that was an issue in Hamilton East. I heard when I was knocking on doors, and you certainly saw in newspaper coverage, that there was some upset in Hamilton, on top of the Sheila Copps-Valeri debacle, that they didn't like the way the candidate was appointed by the leader's office. I think it is tremendously dangerous, and a local candidate should be on the ballot by his or her own merits in winning the party's nomination.

Of course there's the sad saga of Rob Foster in the town of Lincoln, a candidate who wanted to run for the provincial Liberals in 2003 in the riding of Erie-Lincoln as my opponent and was basically told, if I recall the story correctly, either by the leader or the Liberal Party of Ontario, that they had another favoured candidate and threatened to veto.

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): How do you know all this?

Mr Hudak: I am quite confident that my sources are correct. Rob Foster chose not to run, in favour of Vance Badawey, the eventual candidate. My view is that the local Liberals should have chosen their candidate. That's why I have great concern about that particular section.

Hon Mr Gerretsen: How were you chosen? Tell us how you were chosen.

Mr Hudak: I ran a competitive race and was fortunate enough to win the nomination in 1995, and --
Interjection.

Mr Hudak: You're getting me off my script here. John Fairlie, an accountant in Wainfleet, was the individual in that nomination.

Do you know what? I think there's a lot more we can do to strengthen the role of MPPs. The American and British systems, warts and all, I think members would agree, have a greater latitude for individual members to stray from the party line coming from the leader's office. Under the British system, with a larger number of members of Parliament and fewer cabinet positions on a per capita basis, members have a greater individualist streak in Great Britain. I think that's healthy, and I hope that if we do make changes to our electoral process here in Ontario, we'll do more to strengthen the individualism of MPPs of all three parties.

1020

Hon Mr Gerretsen: Hear, hear.

Mr Hudak: There we go.

The notion, therefore, of having the leader of the party sign off on the ballot and then putting the party on the ballot as well, I think, takes us away from grassroots democracy. The more we can do to strengthen the name and the role of an individual MPP so that when citizens are casting their ballots, whether it is in Beamsville or in Kingston and the Islands, they'll be voting for Mr Gerretsen or his opponents as opposed to voting for a Liberal Party or a leader -- the more we can do to strengthen the local candidate's name and choice on the ballot, the better it is for democracy in Ontario and in our country, Canada. That's why, while I commend the member for Ottawa Centre for bringing this forward, I strongly reject this notion of strengthening the party and the leader's office at the expense of individual MPPs and individual choice for a candidate at the local level.

Ms Caroline Di Cocco (Sarnia-Lambton): I am pleased to stand today to speak on Bill 76 that the member from Ottawa Centre, Richard Patten, has brought forward. I have to say that that member has been, for the time I've known him in opposition, an incredible voice for the ideals of our parliamentary system and for democracy in Ontario. One of the first discussions I had with Richard Patten had to do with democratic protection and enhancement of our system, and the ideas he brought forward in a paper I know, as parliamentary assistant, certainly are in the mix of the progress we're going to be making to enhance this Parliament and this Legislature.

It is important that the voters have an opportunity to know the different aspects of the candidates when they go in to vote. I think that is what the intent here is, that the voting public has the best information about the candidate when they go in to vote.

Our Election Act is 30 years old and needs a great deal of revamping. I believe that in the last election there was a list of candidates and the parties, but it was put outside the voting booth; it wasn't on the ballot. So there is a need that we put on the ballot not only the name of the person but also what flag they are flying under when it comes to the party. The philosophy of the party will also impact and give an indication to the voter of the views or the general philosophy they have.

I've heard many people say that parliamentary democracy is tremendously flawed, but then the other part is "until we take a look at everything else that's out there." Parliamentary democracy is an important part of what I call good government. That's what helps to develop good government.

Our government has, in this mandate, put together a secretariat. That secretariat is going to be an ongoing enhancer of our democratic system. Yes, we do need to have a promoting of a stronger system here in Ontario. Again, it's ongoing. It is about more accountability. It is about the role we have as private members in this House, which is three-pronged: It is about our role of representing our constituents, which is important to each member in this Legislature; it is about the legislative role we have to better promote the issues that are dear and near to our hearts, such as the member from Ottawa Centre has done today; and then there is the scrutiny role on behalf of the people of Ontario, a scrutiny role that each one of us brings to bear on the executive in government. That is how come our parliamentary democracy is held as one of the best democracies in the world.

In enhancing the role of the private member, it's important that we develop a standard in this House. I say this because I was probably at the depths of my despair when I saw the budget being taken outside of this place. I felt it was undermining the whole understanding of what democracy is about, about the people's representatives being able to scrutinize how the people's money is being spent. To me, that was another erosion of democracy, which we must protect at all cost.

One of the important parts of our role in this House is on committees. There's a lot of work that needs to be done to change the culture of sometimes very parochial debate that I see, to be able to raise the standard of debate in this House so that we can actually discuss, with intelligence and substance, those things that are important to the constituents we are here to serve. Too many times, we have had a culture that has probably undermined that process.

I would like to say that this bill is a step toward enhancing democracy, but we also need to do so much more. Speaker, how does one change a culture of how things are done? You know, in your chair, that there are many times when there is disrespect for the work that's done here. The way we conduct ourselves in this House provides a view to the citizens about the type of work we do. It also enhances or deteriorates the credibility of who we are as the people's representatives here.

In the time I have, I would like to talk about the bigger picture of what democratic renewal is about. It's about trying to restore a sense of trust, integrity and ethics in how we conduct ourselves. Those are the altruistic reasons why we have to change the culture here. I would suggest we sometimes get involved in some inappropriate behaviour. I'm sure that when the students come in here they say to themselves, "Is this how our representatives behave?"

In conclusion, I would like to say that I am really pleased to speak in favour of this bill. I do believe it will do a great deal to provide good information to our voters.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join the debate today with respect to the member Mr Patten's bill to amend the Election Act. Having run and been elected three times, I certainly know a little bit about how the ballot can be configured, if you wish, in terms of people coming in.

I remember running in 1999. An individual by the name of Tracogna came in at about the last minute, obviously supported by a union -- he was a union business agent. I don't even believe he resided in the riding, but he came in, came up with some kind of address they accepted and ended up on the ballot. My name is Tascona and the other person's name was Tracogna. I can tell you we weren't too happy

about that, but there wasn't anything we could do about it. So I guess dealing with making the ballot fair is an issue, but there are people who can come in. If you wanted Jim Gerretsen to run against John Gerretsen down in Kingston and the Islands, I guess that could happen. What's the solution?

I can tell you that this bill deals with much more than putting the party banner beside your name. This bill is an erosion of my rights as an MPP. It increases the power of the leader. It smacks of the federal system. Quite frankly, I'm outraged because of what I've seen coming out of the federal Liberal party, with respect to their appointment of people parachuted into ridings because the leader wants them.

1030

What we have here, under section 9, basically makes sure that's the system we're going to be inheriting. I'll read it for the listening public to see what kind of democracy this is. This erodes the members' power and increases the power of the leader. It says:

"(9.1) Where the candidate, with his or her consent, has received the endorsement of a registered party, the nomination paper shall be accompanied by a statement certifying that the candidate has been endorsed by the party."

Fair enough. Fair enough that they know you're a member of a particular party.

It goes on to say:

"(9.2) The statement referred to in subsection (9.1) must be signed by the party leader as registered under clause 10(3)(c) of the Election Finances Act or by his or her agent."

What that is leading to basically is that if you want to run for any party, you'd better have that signature of your leader. Right now, we don't have that, and I don't support what is going on here.

Hon Mr Gerretsen: You don't have that?

Mr Tascona: The member from Kingston and the Islands is mouthing off on the other side as I'm trying to speak.

I think this is a fundamental issue of democracy in terms of the party process. It has nothing to do with this place; this has to do with nomination and fairness with respect to the person who wants to run, regardless of what the party apparatus thinks of that individual. What happened to fairness in the nomination?

When I was studying politics at McMaster University for four years, we talked about the party elite -- this was back in the early 1970s -- how they take over the nomination process and how it's an elitist system. An elitist system is basically created where the party apparatus says to people, "You're not going to be running. We don't care whether you're a good Liberal or not; you're not going to be running here because we want Joe Blow to run. He has been doing things for us, and we think he's a better candidate than you. We've done polling and we think that person should be there. We don't care what you've done in the riding. We don't even care whether you live in the riding or whether you've done anything for this riding. We're here in Toronto, at Queen's Park, and because we're the power, we think Joe Blow should be running."

A classic situation -- and I have nothing against the man -- is Ken Dryden. He just got appointed to run in York Centre -- a good candidate. I know Art Eggleton was running. He had the nomination and

he decided to step aside. They just shoved someone in and appointed him. I don't know whether he even lives in the riding. I think fundamental politics and democracy are that if you live in the riding, if you support that party, you should be allowed to run for that nomination -- no questions asked. What I see here -- and it should be under the title "restriction," where it says "signed by the party leader."

I say to Mr Patten: Where are you getting this from? Why is this coming out? I don't see anything democratic about this. I think it's kowtowing to the leader. I'll say this to my leader: If they think I need his signature to run, I'll run as an independent. I don't care. There are other people around here who would probably run as independents too, if they say, "Oh, I have to have your signature to run." After having gotten the support of the nomination from the people within the riding in a fair, democratic process, they're saying, "We don't want you to run. I'm not going to sign your papers if you run and win."

That's what happens out there. That's why you get people appointed. That's why people turn off the system at the local level. I can tell you, there are a lot of greenhorns around here on the Liberal side. You just wait until they turn on you and say, "You should have voted on that bill, buddy. You should have been there for us on that. You lose your PA." They don't want you to run next time. You can laugh all you want, but that's reality. That is the reality of how the party apparatus runs.

Hon Mr Gerretsen: Is that what happened?

Mr Tascona: Like the member for Kingston and the Islands -- he's just happy. I was with him when we used to go up north and do hearings, and we were doing a lot more hearings than the members are doing now. But I can tell you I have real difficulties with that part of the bill.

The other part of it, in terms of putting down party affiliation -- I've run three times. I haven't run with any party affiliation. I've run on my own name and whatever. People knew who I was running for. But the bottom line is, you can have some issues. There's no doubt, if someone puts another candidate there -- with the same name, certainly -- you may want to look and say, "Maybe the party affiliation can be in there." But you could get games within the party affiliation. You could have the Liberal Party put down as a candidate for that, and then you could have something that would maybe be mirroring close to that -- easier with respect to the Progressive Conservative Party, because you could have someone put down as the Conservative Party, depending on what the name games become. That's what the nonsense becomes.

This doesn't enhance democracy. I don't know why Mr Patten is putting this forth. Quite frankly, the way I look at it, if you're running and your name is on that ballot, that should be good enough. I've run municipally and I've run provincially. For him to say, "OK, we want to make sure you've got the party affiliation right beside there," to me smacks of -- dealing with the Liberals these days, something's up here. Something is definitely up with respect to wanting to change the ballot system we've had for many years.

I can tell you, Mr Speaker, that there's something fundamentally wrong here with respect to democracy, where you can't run unless the leader signs your papers. That's what I object to with respect to this bill. I also wonder why we now want to change the ballot that has always been in place. These are fundamental issues that have been going on. Anyone who has been involved in party politics for years -- we're probably going to be put in a situation very shortly, if we decide to adopt the federal riding boundaries. I put that to the members right now. If we adopt the federal riding boundaries, you're going to see a number of individuals from within the same party facing off with each other because their boundaries cross. The most famous ones who went at it were Sheila Copps and

Tony Valeri. There was also John Bryden in Hamilton, in that particular area, and I think down in Niagara, and there are other areas that are going to cross over. You're going to have situations where the leader says, "No, I'm not going to sign your papers. I want Gerretsen to run. You run somewhere else." That's the problem with respect to that situation.

Maybe this is leading up to the changing of the boundaries. Maybe Mr Patten is ahead of us here. He's setting the table to make sure that the leader has have the control over the system, with the blessing of the party.

I don't know why a private member is coming forth with this bill anyway. We've been promised a package of democratic renewal by the Attorney General for ages. Where is it? It's not here. We've got a member coming forth here who I would say is walking in lockstep with the leadership, making sure that the leaders are even stronger than they need to be. God knows, they're strong enough as it is in terms of determining all the policy within this place, but to say, "I can't run unless the party leader signs my nomination papers" -- I can't think of anything that's more offensive to the democratic process and the nomination process that we have in this province. When those boundary changes come and you say, "Oh, jeez, now I'm into someone else's area," don't feel so smug over there that you've got your seat, because you may not have your seat. You may be looking for another area. It may not be that easy in terms of making sure that you can get that nomination, especially if the leader won't sign your papers and says, "You'd better get over to another area; otherwise, you're not running. Thanks for your service for the last four years, and adios."

Mr Patten has put forth a bill here that I don't support. I hope nobody supports it. If you want your leader to determine your political future, you can't run and speak your mind in this House without putting your future in jeopardy come ballot time, the next time you go for the normal nomination. With respect to the party affiliation on the ballot, that has got to be looked at a lot closer, to make sure there is no gerrymandering, no situations where the public is misrepresented. The only way I can see that there's no misrepresentation is if they know who's on the ballot and they know who they're voting for.

1040

Mr Michael Prue (Beaches-East York): I come to this debate with very mixed feelings about this bill, I have to tell you. There is no question that the voters have a right to know every aspect about the person who will represent them in this Legislature. They have a right to know where they live, they have a right to know their political views, they have a right to hear them, they have a right to read the literature and they also, I would suggest, have a right to know which party they represent. In that regard, this is a good thing that is being put on the ballot. It will also, I think, limit the confusion. The confusion almost always -- I can't even think of a case when it hasn't revolved around the Liberal Party, because what you see is case after case of parachuted candidates who cause turmoil within the riding association, who then run as independent Liberals. I think the most clear one we saw in the last provincial election happened in Scarborough Centre in the celebrated case of Mr Duguid versus Mr Manios, which, had it not been such an overwhelming Liberal majority elected, certainly would have cost Mr Duguid and the Liberal Party that seat.

We also see that there is the problem of putting the onus on the party to act fairly, and I think this is probably the Achilles heel of this particular bill. It will vest more power in the leader and more power in the party apparatus at the upper levels to determine who gets the nod and who does not get the nod; who gets their nomination form signed and who does not. Quite frankly, I think it takes away democracy from the local riding associations.

So there are good aspects to the bill and bad aspects to the bill. I would suggest, though, that this bill isn't in fact -- and I know Mr Patten has been wanting this bill for a long time. It is premature, given the commitment of the Premier and the Liberal Party in the last election to thoroughly look at how democracy takes place in this Legislature and in this province. There is a promise here of democratic reform. There is a promise here that the Attorney General will be going out to the people and we'll be seeing mechanisms that will help make this Legislature more democratic and give greater power to individual members and to the electorate that sends them here.

We need to see the entire package. This, in fact, may be one small part of the package, and, depending on how the package unfolds, it may be a good part. But we need, first of all, to underline that we respect democracy in this province.

I want to tell you -- and I'm delighted that the Minister of Municipal Affairs is here today -- one of the saddest days I have experienced in this Legislature was the day that the Minister of Municipal Affairs refused to recognize the democratic will of the people of Kawartha Lakes. Those people had gone through great and terrible expense and a lot of time in order to exercise their rights as electors and their rights as free and democratic people in this province. They went to the Legislature and they got the approval of the Legislature and the approval of the then Minister of Municipal Affairs to put a ministerial-sanctioned question on the municipal ballot. That question was approved, first of all, by the minister. Then it was vetted by the "yes" and "no" sides, who agreed on the actual wording. It was put on the municipal ballot. There were monies allowed for both sides to get their message out. The people in Kawartha Lakes voted in a democratic fashion, a great many turned out to vote, and the majority voted that they wanted to de-amalgamate their forced city.

After having gone through that entire process, they came to the minister with the results, only to have the minister say that it would cost too much money. With the greatest of respect, if the democracy of the people of this province is not respected, I don't know how any other democratic reform that is being suggested can possibly hold any water.

I went down to meet some of those people in Kawartha Lakes who had come together with people from across Ontario, people from Ottawa and Sudbury, Toronto, Flamborough, Dundas, Aldershot, and other locations as well, and there was a sense of frustration in the room. They felt that the people are not being listened to by their politicians when initiatives are put forward, when they want to have referenda, when they want to be able to have a say on how they are governed or the forms in which they are governed at a municipal level. They are simply roughshod told that it cannot happen. I hope that when the minister comes forward with his new bill that the actual democracy at the local level will be paramount.

Of course, this bill is here because there are problems with independent Liberals. I have already alluded to the great battle of Duguid versus Manios. But this again was caused by the appointment of Mr Duguid over Mr Manios, who had for several years been signing up members, who had the support of his local riding association, who had been the previous candidate, and who saw himself shunted aside. He was not willing to accept that.

The same thing happens in other ridings and quite conceivably could happen in almost any riding. We saw what happened in Hamilton East; that has already been spoken to. There was no chance, quite literally, for people who were unhappy there to run as independent Liberals, because the nominations were closed and an hour later the by-election was called. There was no chance for the dissidents to organize.

Now, we do know that the party name on the ballot, would solve the age-old problem that we see not so much in Ontario but in Quebec, and that is people running with the same names. It is not and has not been unusual in Quebec to see people with identical names on the ballot, with nothing to differentiate, in the past, which party they belonged to or whether one was an independent and one was running on behalf of a party. It was very common to find that someone with an identical name was brought in to run in those circumstances.

Also, in Toronto we saw an incumbent, Mr Peter Tabuns, who is presently the NDP representative federally in the riding that I represent, lose the municipal election when a person was parachuted in with the name Larry Tabin and was able to garner off just the number of votes to make sure that he lost the seat. That's in the days when the top two were elected. He came third, and Larry Tabin had more than sufficient votes to have made up the difference.

I have to go back to the problem here. The problem is that the leader's signature will give even more authority to the leader to parachute candidates, and we have seen the Liberals very famous for that both federally and provincially. I might suggest, if this were to pass today, that you may want to amend it or have it amended in committee to include the president of the local riding association "in conjunction with" -- and both signatures must be on there -- the leader or agent. Because if you leave it solely in the hands of the leader and/or his or her agent, then you are going to set up a system that we are trying to get away from.

The real problems here, I would suggest, which must be dealt with by the Attorney General, are proportional representation and the freedom of members of this House to vote however they wish except in matters of confidence and the budget, so that it doesn't matter if you vote against your party; the government would not fall, and you would see a great many backbench government members not toeing the party line, especially on bad law. We need to give power to our committees, and most of all we need to give power to the democratic nomination process that would render all of this somewhat moot.

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): C'est avec plaisir que je viens appuyer mon collègue d'Ottawa-Centre et un projet de loi qui ne fait certainement pas sa première apparition dans cette assemblée.

Nous sommes maintenant plus de 12,5 millions de citoyens et citoyennes en Ontario. Nous avons beaucoup de nouveaux arrivés. Les nouveaux arrivés ne connaissent pas toujours les candidats locaux, nouveaux arrivés, parfois, qui ne parlent que la langue russe, asiatique, arabe, qui ne peuvent pas lire notre langue canadienne.

Laissez-moi vous dire que j'ai vécu l'expérience personnellement dans le passé lorsque les mêmes noms ont apparu sur le bulletin. En 1999, par exemple, mon opposant était un autre Lalonde, et on était censé avoir un troisième Lalonde sur le bulletin. Mais dans ce temps-là j'ai approché le directeur en chef d'Élections Ontario pour regarder s'il n'y avait pas une possibilité de rajouter le nom du parti. Il m'a dit, « Monsieur Lalonde, ne procédez pas à changer votre nom », parce que j'étais sur le point de faire changer mon nom à Jean-Marc Libéral Lalonde. Nous savons que chacun des partis politiques a un programme. Les nouveaux arrivés en Ontario qui ne connaissent pas les candidats vont se baser sur le programme électoral du parti.

1050

J'ai vécu de belles expériences aussi dans la dernière élection. Sur la frontière de deux circonscriptions, j'avais un Lalonde sur le côté de Stormont-Dundas-Charlottenburgh et j'avais un Lalonde sur l'autre côté de la rue, qui était moi. Je peux dire que, du fait qu'on n'avait pas le nom du parti sur le bulletin, j'étais avantagé parfois, et c'était parfois désavantageux.

Laissez-moi vous dire que j'ai eu la chance de voyager à travers le monde comme observateur d'élections. La dernière observation pour laquelle j'étais envoyé par les Nations Unies avec une équipe de résidents de différents pays, je me suis rendu au Cambodge. Au Cambodge, nous avons 43 partis politiques. Ce n'est pas les noms des candidats qui apparaissent sur les bulletins, ce sont les noms des partis, puisque les gens ne peuvent pas connaître les candidats.

Mais nous ici, on devrait regarder peut-être un peu différemment.

J'ai de bons exemples ici qui démontrent que parfois nous ajoutons le logo du parti en plus du nom du parti, qui est en caractères gras, et le nom du candidat, qui apparaît en caractères très petits. En plus de ça, nous rajoutons la photo du candidat, parce que parfois les candidats vont cogner de porte en porte et on ne peut pas se rappeler le nom du parti. Mais encore une fois, la grande importance de ça, c'est la plateforme, les politiques du parti, qui compte.

En 1999, lorsqu'est survenue l'élection, on m'a dit, « Jean-Marc, tu vas faire face encore cette fois-ci à deux autres Lalonde. Il faudra participer le plus tôt possible à apporter des changements à l'Assemblée législative. » Savez-vous, monsieur le Président, que nous sommes la seule province au Canada où le nom du parti politique n'apparaît pas sur le bulletin? Aussi récemment qu'hier, nous avons fait des recherches. Nous sommes la seule province au Canada où le nom du parti n'apparaît pas sur le bulletin.

Nous avons même la région du Yukon, qui n'est pas une province, mais un territoire: le nom du parti apparaît sur le bulletin. Les deux seuls autres territoires qui n'ont pas le nom du parti, c'est parce que nous n'avons pas de parti politique à l'intérieur de ces deux territoires. Ce sont le territoire du Nord-Ouest et le territoire du Nunavut. Ce sont les deux seuls dans le Canada actuellement qui n'ont pas le nom du parti sur le bulletin.

Mais j'ai été plus loin. Lorsque je me suis rendu au Vermont, aux États-Unis, on m'a démontré que oui, encore là, le nom du parti apparaît très clairement sur le bulletin. J'ai regardé en Australie, par exemple : le nom du parti apparaît plus gras que le nom du candidat. Si je regarde un pays asiatique, nous avons encore là le nom du parti qui apparaît.

Puis, pourquoi ici en Ontario ne pouvons-nous pas avoir le nom du parti?

J'ai été encore plus loin. Sur 62 pays que j'ai ici devant moi, tous les noms des partis apparaissent en premier lieu au lieu de celui du candidat, ce qui démontre encore clairement l'importance que le citoyen, le votant, va aller appuyer la politique d'un parti. Si je regarde ici-même à Toronto, nous avons parfois quatre ou cinq circonscriptions différentes qui font face à une autre circonscription. Je pourrais vous raconter très longuement de mon expérience dans le passé, mais je vais donner la chance à d'autres de mes collègues.

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): I'm proud today to stand in support of Bill 76 and to support my colleague from Ottawa Centre. A question was put forth in the House today as to why Mr Patten was putting forth this bill. Well, first of all, Mr Patten has a bright idea. He has a bright idea that builds on what we campaigned on, that being democratic renewal.

He also presented something in the House today that builds on something that I, throughout my career in education, supported and encouraged in young people, and especially students. When my colleague from Ottawa Centre today introduced Mr Bernardi to the House, it was exciting to see education in action, from a proposal that he put forth that the member from Ottawa Centre could bring into the House. I saw exactly what I had encouraged my students to do.

Before I forget, I would like to say too that I am giving a minute of my time to my colleague opposite from Lanark-Carleton.

I would also like to say that the amendments to section 27 in the bill seem to have created a little consternation and some problems across the House here. The member from Erie-Lincoln mentioned that there's danger in this section. I see no danger at all. This bill has nothing to do with the nomination process, a process that I remember going through in November 2001, when I would have been excited and proud to have had my leader's endorsement on the nomination paper. It's just asking for a signature on the paper. I don't see it as any more than that. It endorses. It doesn't reflect in any way on a process to get there.

I also would like to say that with regard to this being premature -- this was a comment by the member for Beaches-East York -- I don't think it's premature at all. We did announce in the election campaign that we wanted democratic renewal. It has already been mentioned in the House by the Honourable Michael Bryant and by his parliamentary assistant, Caroline Di Cocco, from Sarnia-Lambton, and we will bring into this House the processes that will make it very clear how we want to reform democracy in this province.

If I have anything to say here, I'm proud of the fact that the member from Ottawa Centre has jumped the queue a bit, jumped into the process and given this House the chance to vote and express their thoughts on a bill that's going to modernize democracy. It's going to give a chance to those people, for example, in Glengarry-Prescott-Russell, who had confusion in the last election. We just had that mentioned here by the honourable member and my colleague from across the boundary, from Stormont-Dundas-Charlottenburgh. There was confusion there, and this will eliminate the confusion. With the name and the party on the ballot, it will eliminate that confusion.

I'm very happy to support this. I'm very happy that we had input from a constituent in this province who took the time, and I encourage other constituents to take the time, to bring something positive before their member to have endorsed here in the House.

I would like to conclude by saying that I support this bill.

The Deputy Speaker: Just a tiny bit of housekeeping: Do we have unanimous consent for the member for Stormont-Dundas-Charlottenburgh to give a minute to the member from Lanark-Carleton? Agreed. Thank you.

Mr Norman W. Sterling (Lanark-Carleton): Thank you very much. I appreciate the bipartisan offer.

I want to indicate my support for Mr Patten's bill. This is not a new idea. This is an idea that has been around a long time. Face it, folks: People in this province and in Canada vote first on the basis of a leader; second, on the basis of a party; and third, on the basis of the candidate. We'd all like to believe that they're voting for Norm Sterling, Richard Patten or whoever.

The only way you can find out the party affiliation is to go and look at a list and then match the name with the list. This is about information, informing the voter as to who he's electing and what party he's affiliated with. Therefore, I support the bill.

The Deputy Speaker: Thank you. Mr Patten, you have two minutes to reply.

1100

Mr Patten: I want to thank everybody who participated in this debate this morning. I'd like to thank my colleagues for their support and for the points that were raised.

There was a point raised relating to the authorization of the party leader, or his or her agent. This is already required under the Election Finances Act, so it doesn't change anything.

What some members seem to be concerned about is when leaders have the opportunity to nominate members in their particular parties. Some parties have it; some don't. We have a very limited access, where our leader has the opportunity to do that in five ridings only, and for other parties it's all ridings etc.

What this is attempting to do is that if we're going to have party affiliation on the ballot, we have that authorized by the party, by an authorized signatory. It could be the leader or his or her agent. The member for Beaches-East York suggested that perhaps it should be the leader and the president of the party. I like that suggestion. I have no trouble with that suggestion. That would be a very good suggestion that I would certainly entertain in committee that might deal with the worry or the fear.

However, having studied the bill, having looked at this, this does not add anything new to the act. It's just that when you put a party affiliation down, how do you distinguish between people saying, "I'm running for the New Democrats," and "No, I'm running for the New Democrats"? Obviously, we need to have somebody with authority in the party as a signatory and who can speak on behalf of the party, and that is the leader or his or her agent. That's all that really is. So some of the cynicism about this propagating some sense of strengthening the leader's role really does not hold water upon examination.

I want to wind up by saying that for sure this is simply a small step along the bigger and longer road to democratic reform, but I hope the House might consider this as a signal that we collectively support democratic reform, and one way in which we can do that is by supporting this bill today.

KEVIN'S LAW (CHILD AND FAMILY
SERVICES STATUTE LAW
AMENDMENT), 2004 /
LOI KEVIN DE 2004 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES SERVICES
À L'ENFANCE ET À LA FAMILLE

Mr Jackson moved second reading of the following bill:

Bill 78, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario / Projet de loi 78, Loi modifiant la Loi sur les services à l'enfance et à la famille et la Loi sur les coroners pour mieux protéger les enfants de l'Ontario.

**THIS IS EXHIBIT "J" TO THE
AFFIDAVIT OF STEPHEN THIELE
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Campaigning

Signs

The *Municipal Elections Act, 1996* does not regulate signs. Your local municipality may have rules in place about when you can put up campaign signs, and how signs may be displayed on public property.

It is your responsibility to ensure that your campaign signs are removed after voting day. Your municipality may require a sign deposit or have penalties for failing to remove your signs. You should contact your local clerk for more information.

If you are entitled to have your nomination fee refunded (see page 3), the clerk cannot make removing your signs an additional condition for receiving your refund.

Getting information out

The municipal clerk is not responsible for providing your contact information to voters. It is up to you to provide voters with information about you as a candidate and about your campaign.

All candidates' debates

The *Municipal Elections Act, 1996* does not require candidate debates to be held, and the municipal clerk is not responsible for organizing meetings or debates. Debates could be organized by community groups, media outlets, candidates or any other interested person.

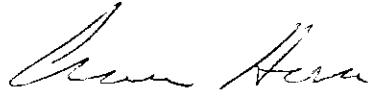
Joint campaigns/Running on a slate

There is nothing in the *Municipal Elections Act, 1996* that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidate's names on them) must be divided between the campaigns.

For information on campaign finance rules please see pages 12-21.

111

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NATIONAL POST

April 13, 2012

Michael Taube: Toronto should establish parties at municipal level

By Michael Taube, Special to National Post

Michael Taube: Mayor Rob Ford is frustrated by the antics of City Hall's left-wing contingent, and wants to acquire more political allies. The...

COMMENT

Mayor Rob Ford is frustrated by the antics of City Hall's left-wing contingent, and wants to acquire more political allies. The easiest way is staring him in the face.

In recent weeks, left-wing city councillors have turned the tables on the mayor and defeated his subway plan, among others, thanks in large part to TTC chair Karen Stintz. Meanwhile, a legal challenge brought forward by lawyer Clayton Ruby on behalf of his client, Paul Magder, over a potential conflict of interest (\$3,150 given to the Rob Ford Football Foundation) threatens to throw Ford out of office.

With the looming possibility of becoming a lame duck mayor, Ford has gone so far as to give out his phone number over the airwaves, encouraging residents who support subways to contact him.

The strategy was highly unorthodox, but if you'll pardon the pun, he was on the right track. It is time Toronto established political parties at the municipal level.

While it's nice to say our local representatives are independent thinkers and free from the shackles of partisan politics, nothing could be further from the truth. Many past and present Toronto councillors and mayors have either been political party members or openly supported a party. The vast majority of those who run municipally have either a centre-left or centre-right political bias. As well, informal alliances of like-minded councillors are formed every four-year term like clockwork.

To deny these truths is to deny political reality. Besides, the concept is nothing to be ashamed of. This is how politics operates in a democratic society.

Some Canadian cities already have municipal political parties. Each party selects a candidate for mayor. Potential councillors run on party tickets, either at-large (Vancouver) or in a borough/ward (Montreal). Independents frequently run, too. The political party that wins the mayoralty and most council seats forms a majority government. If that doesn't happen, a minority government is created.

There is no reason why Toronto couldn't - and shouldn't - join the real world and support municipal political parties. For Ford, this political system could have helped prevent his transit plan's untimely demise.

In the 2010 election, Ford earned 47% of the popular vote. Although some commentators believe Ford became mayor in spite of being a fiscal conservative, I strongly doubt that. But even if that's the case, his populist message still could have resonated in a right-leaning municipal party.

Ford's popular support could have also helped elect more councillors who supported subways. Stintz and her band of political cronies wouldn't have been able to take control of City Hall and get their LRT plan passed. And Torontonians, who overwhelmingly favour subways, would have gotten exactly what they voted for.

If Ford ever wants to proceed with my suggestion, there are only two ways to get it passed: He could try to convince councillors to overhaul the current system or he could go to the people, and make this a ballot question in 2014.

The first option is unrealistic. The populist approach, on the other hand, is what got Ford elected, and could change City Hall for the better.

National Post

Michael Taube is a columnist and former speechwriter for Prime Minister Stephen Harper.

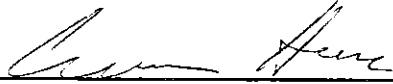
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Opinion / Commentary

To avoid 'bloodbath' mayoral race, Toronto needs political parties

Without political parties the upcoming mayoral election is bound to resemble a kindergarten.



MARK BLINCH / REUTERS

Mayor Rob Ford has predicted a "bloodbath" in the 2014 election campaign - and nothing, it seems, will prevent him from enjoying that pleasure.

By: John Barber Published on Sun Nov 03 2013

Choosing a metaphor in apparent accord with his particular psychology, Mayor Rob Ford has predicted a "bloodbath" in the 2014 election campaign — and nothing, it seems, will prevent him from enjoying that pleasure. Bizarrely indifferent to his own disgrace — he actually believes he has "no reason to resign" — Ford is far beyond shameless. But his determination to run again is not necessarily stupid. He knows that the bloodier the campaign gets, the better his chance of winning again.

At least half a dozen serious candidates are already testing the waters or actively preparing campaigns, and the increasingly apparent chance of a fluke victory in such circumstances will no doubt encourage all manner of political adventurers to jump in behind them. As a result, it is entirely probable that Toronto's next mayor will be chosen by no more than a quarter of those who bother to cast votes, a group that in itself comprises less than half the eligible electorate.

When the counting is done, maybe one in eight Torontonians will have chosen the new mayor. And if Rob Ford manages to hold onto half the vote he won in 2000, it will probably be him.

It would be more democratic for the premier of Ontario simply to appoint a new mayor right now. But Toronto prefers its bloodbaths.

That is not the only way to describe what looms next year. Those whose thinking is more vulgar than violent might describe it as the very definition of what happens when an intimate activity

normally confined to two people in private is practised simultaneously and sloppily by a multitude.

To get a sense of just how sloppy, consider the current campaign to replace New York Mayor Michael Bloomberg. There are only two serious candidates in the contest to lead that great world capital, and in case any voters remain confused about who they are and what they stand for come election day Nov. 5, their party affiliations will be printed clearly on every ballot.

Bill de Blasio is a Democrat and Joe Lhota is a Republican. Voters will make a clear choice between the two, and the result will be democratically inviolable. In a functional democracy, the majority rules.

Toronto's bloodbath alternative virtually guarantees the opposite will happen: that no choice will be clear and no legitimate mandate will result. A reformer's only hope is that it finally produces a result so absurd it awakens more voters to the need for change.

The arguments in favour of allowing political parties to operate at the municipal level are so familiar — tantamount to the arguments in favour of democracy itself — that they need no airing. Surely it's up to those who favour the continued suppression of municipal parties to do the explaining now.

What we tend to get instead are bromides about the virtues of non-partisanship that were first heard way back when, in the old boroughs. They might have made sense then, but obviously no longer in 21st-century Toronto, home of what is simultaneously one of the continent's largest and most juvenile urban governments.

The real truth is expressed in the iron fist of the Municipal Elections Act, which among other restrictions bans political parties from financially supporting municipal candidates and bans candidates from contributing to parties — effectively staunching the life blood of any potential party system before it can even begin to flow.

Don't believe the guff that Ontarians "prefer" non-partisan municipal politics. Without those explicit, closely targeted bans against basic forms of political expression and association, municipal political parties would form naturally — as they have in every grown-up, genuinely democratic city you can name.

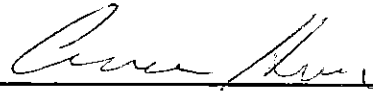
We know that suppressing municipal politics has long been the special passion of Queen's Park. In recent years all three parties have taken turns tightening the screws to curtail alleged municipal misconduct — to the point that one judge, reading the Municipal Elections Act on its face, concluded he had no choice but to throw Rob Ford out of office for the political equivalent of jaywalking.

Ford fought back, but most municipal politicians are as content with the status quo as their provincial masters. They rely on party-supplied volunteers and voter lists to get elected, but remain junior associates, happy to reap the benefits of party affiliation without having to wear the colours. They are the natural spawn of provincial paternalism.

So in the end, "bloodbath" is the wrong term. Nor is the upcoming mayoral election likely to resemble any kind of decent orgy. It will be worse: a kindergarten.

John Barber is a freelance writer. john.c.barber@gmail.com

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MACLEAN'S

We hope you enjoy this clean reading mode:

Canada's lousy mayors

When municipal politics matter more than ever, why do so many cities end up with bad mayors?

by [Nancy Macdonald](#) on Thursday, October 14, 2010 1:20pm -

 'A depository for the truly mad'

O'Brien, Ottawa; McCallion, Mississauga; Robertson, Vancouver; Sean Kilpatrick/CP/ Vince Talotta/Toronto Star/ Jonathan Hayward/CP

In a sign of the season, in Ottawa this week, incumbent Mayor Larry O'Brien apologized for his first two years in office—a “complete disaster,” the mayor bluntly admitted. “I probably made every single major political mistake that was possible—I even made quite a few mistakes that, quite frankly, were impossible to replicate,” he continued. O'Brien couldn't say whether he was Ottawa's worst-ever mayor because, as he explained, he doesn't know all of them. But the gaffe-prone mayor did want Ottawans to know how “sincerely sorry” he was for the way he'd run city hall.

120

What was remarkable was that this was not an exit speech, but a campaign speech. A year ago, the pugnacious ex-businessman was unsure voters would ever forgive him his bribery and influence-peddling charges. O'Brien was found not guilty, but the legal sideshow nevertheless garnered embarrassing headlines all over the country. Now, here he was again, having launched a re-election bid last month, complete with a recycled promise not to increase taxes. This notwithstanding the fact that taxes have jumped fully 14 per cent since he took office on a "zero-means-zero" tax increase pledge in 2006.

O'Brien does have competition. A record 20 Ottawans have paid \$200 to run for mayor on Oct. 25, including O'Brien's main contender: ex-MPP Jim Watson. But Watson, a former Ottawa mayor himself, has failed to excite Ottawans; although he's leading in the polls, the race is such a dog's breakfast that a disgraced mayor no one thought would show his face now stands a fighting chance come Oct. 25.

It's a similarly uninspiring race in Calgary, where the city heads to the polls on Oct. 18. The mysterious businessman who fled Kenya to avoid corruption charges has dropped out, true, as has the urban chicken advocate. That leaves 15 candidates, including Ric McIver, the front-runner, and a fiscal hawk and self-described "economic refugee" from David Peterson's Ontario in the '80s. Those who know McIver know he has his own eccentricities: dubbed "Calgary's Rob Ford," he once refused to support a motion to open a line of credit, putting the city close to bankruptcy; outgoing Mayor Dave Bronconnier called him "Dr. No." The real Rob Ford, of course, gunning for the mayorship of Toronto on Oct. 25, has dominated the conversation in that city's campaign: his decade-old DUI, his views on same-sex marriage and "Orientals," a dismissed domestic-assault charge, an ejection from a Leafs' game for public drunkenness: the list goes on, eclipsing serious debate on the future direction of the city, which is deeply in deficit.

In suburban Mississauga, Ont., meanwhile, "Hurricane" Hazel McCallion, who last month announced her intention to seek a 12th term as mayor on Oct. 25, while calling for "change," has stared down her own share of controversy this

year, with allegations of conflict of interest stemming from a development deal involving her son Peter. McCallion, who turns 90 next year and once complained her local ER was “loaded with people in their native costumes,” has again refused to run a campaign: no platform, no literature, no signs, no apparent road map for what promises to be a challenging term in office. After 30 years of hurtling growth, Mississauga’s vaunted debt-free status could be ended by 2012, when the city expects to tip into the red. There is little available land left to turn into a mall or a new housing development, and much of the city’s infrastructure is in need of repair. “We’ve asked Hazel for a debate, but she’s refused,” says mayoral hopeful Ram Selvarajah.

Municipal politics in Canada, comedian Rick Mercer one said, is a “depository for the truly mad.” Silly season, it seems, is upon us once again, as a stable of irascible populists, blowhards and eccentrics vie this month for the keys to some of Canada’s biggest cities. Voters, meanwhile, swamped with candidate lists, unsure of who stands for what—let alone the ins and outs of every candidate’s stance on the issues—too often simply choose to tune out. Just 39 per cent of eligible voters cast a ballot in Toronto in 2006; in 2004, only 19.8 per cent of Calgarians bothered.

And who can blame voters? In London, Ont., incumbent Anne Marie DeCicco-Best—who once attempted to brand her city “All mixed up,” a slogan designed to showcase its cultural diversity—is again leading former MP Joe Fontana. After losing badly in the last election, Fontana said: “There is a benefit in not winning and that is because I am going to cancel my subscription to the *London Free Press*. I debated the *Free Press* more than the mayor.”

Or consider Amherstburg, Ont.’s mayor, Wayne Hurst. His re-election platform includes a pledge for a downtown public marina, but he refuses to divulge how it will be financed. “I don’t need to tell you how I’m going to pay for it,” says Hurst, who’s seeking a fourth term. “It’s my vision. I have a vision and I see it taking place in downtown Amherstburg.” A nice vision it may be, but it’s an odd one, considering Amherstburg couldn’t afford the marina it owned: months

122

ago, it closed on the sale of the municipally owned Ranta Marina for \$584,000, following years of controversy.

Against this backdrop of candidates—whose fitness for office you “really have scratch your head and wonder about,” says Myer Siemiatycki, an expert on municipal politics at Ryerson University—experts have begun quietly pushing for the introduction of political parties in Canada’s municipal arena, as in Vancouver. The deceptively simple reform could help voters determine who and what they are voting for; it would also go a long way to sidelining the inept, and injecting professionalism and organization into the unruly field. “The bottom line is parties are active gatekeepers in terms of who’s going to be able to get a nomination,” says Siemiatycki. Otherwise, the municipal arena has a tendency to turn into a free-for-all.

Rather than encouraging mature conversations and debates, crowded mayoral fields force candidates to out-shout their opponents, says Siemiatycki, noting Toronto mayoral candidate Rocco Rossi’s Mafia-themed campaign posters, designed to grab attention, he says, and little else. “When people walk into the ballot box they see nothing but a long list of names,” says Kennedy Stewart, a professor at Simon Fraser University’s school of public policy. Voters, he says, need help sorting through the “lists and lists and lists.” The party is a shorthand for the ideas and policies a candidate represents.

The problem is twofold, says Siemiatycki: “Because elections aren’t voter-friendly, we have very low voter turnout.” And even once the election is over, the system hardly encourages an effective or efficient council. It’s tricky to work out consistent alliances to push policies through council. Rather, says SFU municipal expert Patrick Smith, you have a “whole bunch of loose fish wandering around” cobbling together coalitions—or not. With a party system, mayors can whip their caucus into line, weakening narrow turf wars. Without it, that “how-does-this-affect-my-ward?” mindset, says Winnipeg councillor Jenny Gerbasi, can make it next to impossible to get mega-projects off the ground. “Council,” she says, “can lose sight of the bigger picture.”

Canada's cities inherited the non-partisan civic tradition from 1890s America. The U.S. was then trying to eradicate corruption from local government. By the 1960s, many U.S. municipalities had abandoned the no-party model. Tokyo, Stockholm, Rome, Berlin and London, too, have parties. Canada, though, never bothered to revert back. The exceptions are Montreal and Vancouver. Both have party systems. In Vancouver's last election in 2008, two bike-friendly local businessmen—one representing the Non-Partisan Association, the party on the centre-right, the other representing Vision Vancouver, the city's centre-left choice—faced off. There were no cartoonish ad campaigns, no talk of strategic voting. Vancouver has no problem with entrenched incumbency: the city's longest-serving councillor was first elected to the 10-person body eight years ago. Of Toronto's 44 councillors, 14 have been there for 20 or more years. In Calgary, 86 per cent of incumbents were returned to office in the 2004 election, and 71 per cent in 2007.

Parties encourage accountability. If voters don't think they're going in the right direction, they can throw the bums out—as Vancouver voters did in 2008, returning an almost entirely fresh slate: Mayor Gregor Robertson's Vision team. On the nuts-and-bolts level, parties also provide organizational structure: maintaining membership lists, identifying the vote, canvassing, and getting out the vote on election day.

Siemiatycki says cities have grown “way too big,” and the issues “far too significant,” to be left to the vagaries of individual candidates running on their own reputation and name recognition. Canada is among the world's most “hyper-urbanized” countries, he adds: some 80 per cent of us live in cities, and one in three live in the urban areas of Toronto-Montreal-Vancouver—well above the concentration of big cities in the U.S., China or Britain. The sheer concentration of people translates to huge sums of money. Ottawa's operating budget is \$2.5 billion. Toronto's tips \$9 billion. Some voters, says Smith, may want to cut it to \$8 billion, and lower their taxes; others may want to increase it to \$10 billion. These, he says, are “ordinary, mature debates that should go on in a democracy.”

124

Ottawa's O'Brien has admitted to *Maclean's* he should "probably have had five years' experience in municipal government before running for mayor." But O'Brien's mistake wasn't his alone. Supports available to federal and provincial politicians—party research staff, the organization of government, with allies lined up behind their leader—are unavailable to municipal politicians, putting neophytes like O'Brien at a real disadvantage. While we all enjoy the spectacle of Rosie the Clown taking the stage on election night—or "Bubbles," the cat-loving candidate with Coke-bottle glasses and an iPod full of Rush tunes, who is currently running for mayor of Orillia, Ont.—in this global age of cities, and in this hyper-urban country, the joke's on us.

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Rising power of metro areas makes mayors a challenge for the prime minister

Big-city mayors such as Vancouver's Gregor Robertson have far more clout in Ottawa than in the past and they aren't afraid to use it

BY PETER O'NEIL, VANCOUVER SUN JANUARY 12, 2014



Prime Minister Stephen Harper (left), with Vancouver Mayor Gregor Robertson in 2009, must face big-city mayors who today have far more political clout than in the past.

Photograph by: Ian Smith, Vancouver Sun

OTTAWA — Prime Minister Stephen Harper, despite a formidable B.C. opposition in Parliament that includes 15 MPs from three parties, has to deal with what is often a more troublesome resistance movement on the West Coast — one that's headquartered at Vancouver City Hall.

On issues as varied as oilsands pipelines and the costly new seniors' residence in the city that got federal funding last week, the Harper government is confronted with an often-critical political machine led by Mayor Gregor Robertson and his Vision Vancouver political party.

Like the "Ford Nation" phenomenon in Greater Toronto and the Mayor Naheed Nenshi dynamic in Calgary, Vancouver's potent municipal political movement is a challenge that Harper and other federal political leaders have to deal with.

While in many cases federal leaders are focused on courting these emerging political forces, relationships — especially between Ottawa and Vancouver — can get downright nasty.

"The city is letting politics cloud its judgment," said Wai Young, the Tory MP for Vancouver South who announced last week a \$2.5-million federal contribution to a proposed seniors centre in Killarney.

Young, who has been in a war of words with Vancouver since the Vision-dominated city council and park board last autumn officially accused Ottawa of foot-dragging on the funding, said in an interview Friday that Robertson is putting politics ahead of the needs of her riding's many seniors.

The level of mistrust was underscored in another way last week, after a protest stunt during Harper's speech to the Vancouver Board of Trade.

It didn't take long for federal Tories to connect the dots and point out that one of the two protesters who got within inches of Harper (and exposed a huge gap in Harper's security bubble), was a colourful Robertson/Vision Vancouver supporter in the 2011 municipal election.

Comedian-activist Sean Devlin, the subject of national media profiles due to his ability to draw attention to causes, was hired by Vision to produce slick mock anti-Robertson ads in 2011 that really flattered the mayor.

He also organized a creative "time-raiser" (as opposed to fundraiser) to recruit Vision volunteers.

Vision councillor Geoff Meggs, who was in the audience when Devlin walked to the stage with the other protester before the gathering of shocked businesspeople, said any attempt to link Devlin to Vision or the mayor reflects a "neurotic conspiracy theory."

Meggs said the Harper Conservatives should recognize that Devlin's protest stunt, which focused on Ottawa's inaction on climate change and Harper's reluctance to take questions from the media or ordinary Canadians, reflect legitimate public grievances.

"His behaviour was utterly peaceful and his views are widely shared," Meggs said.

Federal finger-pointing at City Hall "misses the fact that the opposition is very broad and very deep among not just elected officials but the public in the Lower Mainland to the expansion of tanker movements and coal exports.

"If there are folks in Ottawa that think there's somehow a conspiracy behind this they're missing the point."

Devlin said Friday that he has no current role with Vision, has no plans to work with the party in the November municipal elections, and that he didn't tell anyone at Vision of his protest plans.

"They didn't know anything about it," Devlin said, adding it "had absolutely nothing to do with" past contract and volunteer work for Vision.

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Cities and mayors weren't always such prominent players in Canadian politics, but the global trend toward urbanization — and the increasing fiscal and political clout of cities like Toronto, Calgary and Vancouver — has changed that.

Vancouver political consultant Marcella Munro, who has worked for Vision as well as the federal and B.C. NDP, traces the evolution to actions in the 1990s by Liberal finance minister Paul Martin.

Martin, as finance minister and later prime minister, courted mayors as political allies (he named then-Vancouver mayor Larry Campbell to the Senate in 2005) and gave cities a direct share of the federal gas tax to fund infrastructure.

"That's why you're getting more high-profile, charismatic leaders at the city level," she said. "A generation ago, maybe people didn't see the mayor's role as being that substantial."

Now Robertson and his political allies are taking on issues like climate change, and loudly opposing the proposed Northern Gateway and Kinder Morgan pipeline proposals that are a key part of the Harper agenda.

"Cities always had a small role in these things but now they see themselves as a force to be reckoned with," Munro said.

University of B.C. political scientist Richard Johnston says mayors can't go too far in playing the opposition role, since cities need to work with Ottawa to win infrastructure funding and city-friendly policies.

But he agreed that municipalities are increasingly powerful, though he noted that Robertson has less political clout than Toronto's Rob Ford and Calgary's Nenshi because, unlike them, he doesn't represent the entire metropolitan area.

"In terms of delivery of services and encounters with the future of Canada — ethnic diversity and all that stuff — cities are where it's happening," he said.

"Finally our metro places are attaining a weight — both absolutely and relative to the rest of Canada — that the feds can't ignore them."

This dynamic is evident every time Liberal leader Justin Trudeau's heads west. His visits often coincide with rumours that he is trying to convince Robertson and Nenshi to switch to federal politics.

It was also apparent during the height of Ford's recent struggles. The Harper government has long taken a hard line against illegal drugs and crime, but had to handle the situation delicately because the Tories target the same pool of voters that makes up the remarkably loyal "Ford Nation" constituency.

In the 2015 election, decisions made by voters in the many ridings surrounding downtown Toronto and Vancouver could very well determine who becomes prime minister, Johnston said.

"These are the decisive battlegrounds."

129

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TORONTO PARTY FOR A BETTER CITY

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ATTORNEY GENERAL OF ONTARIO et al

Applicant

Respondent

ONTARIO SUPERIOR COURT OF JUSTICE <i>Proceeding commenced at Toronto</i>	
APPLICATION RECORD	
GARDINER ROBERTS LLP Lawyers Suite 3100, Scotia Plaza 40 King Street West Toronto, Ontario M5H 3Y2 Gavin J. Tighe (LSUC #34496Q) Tel: (416) 865-6664 Fax: (416) 865-6636 Lawyers for the Applicant,	