



Legislative Assembly of Saskatchewan

BOARD OF INTERNAL ECONOMY

HANSARD VERBATIM REPORT



No. 3 — May 5, 2014

BOARD OF INTERNAL ECONOMY

Hon. Dan D'Autremont, Chair
Cannington

Hon. June Draude
Kelvington-Wadena

Ms. Doreen Eagles
Estevan

Mr. David Forbes
Saskatoon Centre

Hon. Jeremy Harrison
Meadow Lake

Hon. Nancy Heppner
Martensville

Mr. Warren McCall
Regina Elphinstone-Centre

[The board met at 17:18.]

The Chair: — Okay, I'd like to call this meeting to order, the Board of Internal Economy on May the 5th at 5:18. And with us today we have the Hon. Jeremy Harrison, Government House Leader; the Hon. Nancy Heppner, Minister of Central Services. We have MLA [Member of the Legislative Assembly] Doreen Eagles, the MLA for Estevan. We have with us, on the opposition side, MLA Warren McCall, the Opposition House Leader; and MLA David Forbes, the opposition caucus chairperson.

You have before you the agenda for this meeting . . . [inaudible interjection] . . . The member for Estevan is also a caucus Chair for the government.

Okay, before you is the proposed agenda. Would someone move we adopt the agenda as presented?

Hon. Mr. Harrison: — So moved.

The Chair: — Mr. Harrison. Secunder? Mr. McCall. All in favour?

Some Hon. Members: — Agreed.

The Chair: — Carried. In your package you will also have the minutes of the meeting from February 14th, 2014. Are there any questions related to the minutes of that meeting? If not, would someone move adoption of the minutes for item no. 2/14?

Mr. McCall: — Just one quick thing, Mr. Chair. I need this to prove for a lifetime that I actually do read the minutes, but you will note on page no. 4 that the vagaries of autocorrect have kicked up under item 6(b): "That such estimates be forwarded to the minister of fiancé."

The Chair: — That would be Greg Brkich.

Mr. McCall: — Let that one be entered into the records on my behalf forever, Mr. Chair.

The Chair: — Okay. Would someone move that we adopt the minutes as corrected? Mr. Forbes. Secunder? Ms. Heppner. All in favour?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay, I would like to table three items. First is a response to the budget by the Acting Information and Privacy Commissioner, Ms. Diane Aldridge. Second item is the budget response letter from Mr. Boda, the Chief Electoral office. And the third item is the letter from the Chief Electoral Officer, Mr. Boda, to the Board of Internal Economy, identifying Elections Saskatchewan's space requirements.

Okay, we will move on to item no. 4, discussion items, Elections Saskatchewan update. With us this afternoon, this evening, we have Mr. Michael Boda. Mr. Boda, if you would please introduce your staff with you, and you may commence with your presentation.

Mr. Boda: — Yes I'd like to introduce Jennifer Colin, she is our deputy chief electoral officer for corporate services and electoral finance, and is joining us. I would also like to introduce Lorne Gibson. Mr. Lorne Gibson you will have seen before; he is working with us on permanent register preparation, should that become a reality. And he is here to assist us. He's been working on operations at Elections Saskatchewan as well.

Mr. Speaker, did you want me to make a presentation? I'm happy to entertain your questions if there are any.

The Chair: — Okay. We might as well start then with questions. Does anyone have any questions related to Mr. Boda's presentation? This would be related to the quarterly report on operations, as well as the fiscal year 2014-15 supplementary costs relating to the implementation of legislative amendments for Saskatchewan's 28th general election. I am sure that there are questions.

Hon. Ms. Heppner: — Are we discussing the office . . . [inaudible].

The Chair: — Yes.

Hon. Ms. Heppner: — I do have some concerns about the cost analysis for the office refiguration at Hillsdale. I believe that an initial proposal was about \$560,000, and it's my recollection this board thought that estimation was too high. And it asked for updated information to come back to this board, and now we have a cost estimate of over \$1 million. So I think that, I don't want to speak for everybody here, but it causes me some concern.

In the letter to the Speaker, it also highlights that the revised budget from Central Services was for \$889,000. I do want to be very clear that that estimation from Central Services is not an approval that Central Services is in agreement with this plan. It's just a slightly lower cost estimation based on in-house employees doing this work instead of contracting out, would be the cost difference, not that Central Services is inside with a \$900,000 budget for this move.

I have a rough estimate to do most of the I think basic work in order to make that space usable from Central Services, and it's just over \$200,000. So I guess my question is, if we had indicated our concern with a cost estimate of 500-and-some thousand dollars, why it's coming back at over a million.

Mr. Boda: — Okay, to step back a little bit, you'll recall that Central Services had appointed a project planner on January the 20th, I believe it was, in order to work with Elections Saskatchewan in order to make a determination as to what would fit the needs of Elections Saskatchewan. And over the course, between January the 20th and into March, a team of planners from Central Services and from Elections Saskatchewan worked together considering what the needs of the institution are and consistently looking at what would be running in parallel with what would have been done in an executive government. And the planners worked together over that period of time.

Consistently the Elections Saskatchewan planners asked of

Central Services whether anything that was being asked about was inconsistent with executive government, and consistently the response was no, this wasn't inconsistent with anything that had been done in executive government. But that question was posed on a regular basis. And Elections Saskatchewan worked in good faith with Central Services planners in order to come up with a plan that was both consistent with executive government and would fit the needs of Elections Saskatchewan.

At the end of this process a budget was put forward. It was put forward by the architect and then it was evaluated by Central Services. They indicated how much money would be needed. At that point we went forward and I met with Ron Dedman, with Jennifer Colin to discuss that amount, and that is where it was clear that there were issues at hand. Ron Dedman was not in agreement with the amount that had come forward by the planners at Central Services and Elections Saskatchewan.

Frankly, there were some issues that were going on behind the scenes that we weren't certain of in terms of leadership. And there was a transition to a new deputy minister, at which time we were able — I believe it was 20 days later — to meet with the new deputy minister or the acting deputy minister to discuss the project. And there was an indication at that time that we indicated to him that we were willing to work with him if he didn't agree with that amount, but that we wanted to work hand in hand with Central Services in order to move forward to come back to you at the board. We did that. They came back to us with a revised budget after a good amount of prodding, and that amount we put forward to you as soon as we received it.

I understand that the indication was that they were bringing back an amount that was reasonable. And our understanding from interaction with Central Services was that the 200,000, which actually initially was 100,000, had been articulated without even considering what the needs of Elections Saskatchewan were. And the acting deputy minister indicated that it was an unreasonable amount of money.

The \$563,000 that was put forward was, if you see the correspondence that was put forward, it was very, very clear that that was simply an estimate and that we were relying entirely on what the planners at Central Services, working together with the planners at Elections Saskatchewan, came up with. Ultimately we came forward with an amount and then we tried to work with Central Services in order to figure out how realistic that was. And the numbers that came back to us were from Central Services, and we put them forward to you on April the 14th.

Hon. Ms. Heppner: — I guess my follow-up question is, is Elections Saskatchewan in the . . . Because Central Services' estimation was based on the requirements laid out by Elections Saskatchewan, if there is any thought or — what's the word I'm looking for — willingness to scale back on what's being asked for? I've seen the draft plans. There's a lot of walls and individual office spaces being put up. There's other things in there too. But is there any willingness to scale back on what is being asked for in order to get the cost down?

[17:30]

Mr. Boda: — I believe that we've already worked very

carefully with Central Services in order to limit the project. We've worked through it very carefully to see whether there is any inconsistency with executive government. And there is no inconsistency with executive government as to how things have moved forward.

In many ways what we've tried to do was establish a layout that would allow for the kind of uniqueness there is at Elections Saskatchewan, in that we have an accordion style of operating whereby we become . . . We are small and then we have to expand significantly, not just at head office but across the province. You'll know that we expand to 10,000 workers on election day, but at head office, certainly not 10,000 at head office. But we do have to expand significantly, and we have scaled back dramatically on the space that would be available at head office in that expanded environment.

But we do have room for additional workers there, but they do not by any means have full offices. They don't have full spaces. They are basically hoteling spaces that are very small, and we've allowed for those spaces to be there. That's the approach we've talked about since the beginning, and that's the approach that any election management body across the country and around the world pursues.

The Chair: — Mr. Harrison.

Hon. Mr. Harrison: — Yes, we've had some good discussions on this matter. What I would actually suggest, if the board is amenable, is that perhaps the board might want to go and take a look at the space itself. I think it would probably be useful for . . . I know the minister has been over and examined the space herself, and I think it might be worthwhile for the entire board to go and take a look and, you know, make our own judgments as to what we think would be appropriate.

The Chair: — If the board is willing, we can arrange a board meeting that would take place after session to view the property. I don't believe we need a motion for that, just I can call a meeting and we can go over there at the time of the meeting. Okay, well that's what we'll do. We'll arrange a meeting at another date because we do need another meeting of the Board of Internal Economy after session. And so we can do that shortly after session. Okay. Mr. Boda.

Mr. Boda: — I recommend that, since there are specific requirements to an election management body, that our staff attend as well so that we can help you understand what the needs are of an election management body.

The Chair: — Yes, that would be fine. I think that having some of your staff or yourself there, Mr. Boda, would be acceptable. And we'll obviously need some people from Central Services as well to explain costs and spacing. Okay. Yes, Mr. Forbes.

Mr. Forbes: — Just a couple of questions. One, so the difference between the 900,000 estimate that was in the reference in your letter and the 1.1 million is a contingency fund? Is that . . .

Mr. Boda: — I'll let Jennifer answer that. Ms. Colin.

Ms. Colin: — That's correct. The revised budget that was

provided back to us from Central Services that took into account using internal construction services group did not include any contingency fee, and it was recommended through previous communication with Central Services that an estimate for a project of this nature should include a 20 per cent contingency.

Mr. Forbes: — That would be the case in any estimate, really.

Ms. Colin: — That's correct.

Mr. Forbes: — That there should be an estimate or a contingency element to it. My second question was, so in this plan, once it's done and if . . . I shouldn't say if or when or whatever, but the ultimate goal is that the plan that's been developed, that would be suitable for how long? Or how long before we would have to look at renovations again?

Mr. Boda: — It was 1996 when Elections Saskatchewan moved into its current facilities. And my anticipation would be that this is a 25-year facility for the province.

Mr. Forbes: — Okay. So then that would be, other than minor maintenance, that would be it for capital costs and the building?

Mr. Boda: — Exactly.

Mr. Forbes: — Thanks.

The Chair: — Mr. Harrison.

Hon. Mr. Harrison: — Yes, thank you, Mr. Speaker. I want to first thank you, Dr. Boda, for the *Toward an Improved Legislative Framework for Elections in Saskatchewan* document that you had prepared and provided to the board in December of 2013. It's been the foundational document for legislative amendments that we've been working towards with respect to *The Election Act*. As you know, Dr. Boda, we've been working through that.

And I appreciate you being available over the weekend and your folks as well, and putting together comments on the draft bill, which you saw last Wednesday I believe, and had to us by Saturday morning, late Friday night, comments. We appreciate that very much. A comprehensive document, 28 pages long.

And I know you've had the opportunity to have discussions with the Ministry of Justice with respect to the draft bill, which isn't yet in possession of the House, I should add. That the bill has been given notice of but not introduced in the Assembly.

What we, as a board, wanted was for you to have the opportunity to make representations with respect to that draft piece of legislation, and keeping in mind of course the document that you had drafted for the board which was the guiding foundational document with respect to the proposed legislative amendments. The opposition also have the comments on the draft bill document. And there have been some discussions, and I know you've had good discussions with Justice.

So I know most of the recommendations that you provided were very much in the nature of improving, they were all, in your

view, in the nature of improving the draft legislation. But we felt it important that you have the opportunity to present to the full board prior to that bill being in possession of the House. So I would look forward to your comments and any questions that members may have on that.

Mr. Boda: — I just want to be clear. So you would like me to comment on the bill to amend, is that . . .

Hon. Mr. Harrison: — On the draft and on the comments that you provided to the Ministry of Justice and which the government provided to the opposition.

Mr. Boda: — I apologize. It just wasn't clear from before that I was to speak to that, but I can certainly do so.

The Chair: — Mr. Boda, you know, I think if you use your document here, *Toward an Improved Legislative Framework* would be a good basis to utilize your comments. Because not all of us have seen the bill before the House because it's not before the House, it's only been given notice of. So I don't want to pre-empt the legislature in presenting the bill here. So direct your comments basically to your 15 points and then what you would like to see.

Mr. Boda: — I can certainly do that and I can offer a comment along the way. So the foundation of the comments is on the 15 recommendations, but keeping in mind that there are . . . We're aware of what's been put forward and what hasn't been put forward.

In terms of the independent . . . The very first recommendation has to do with establishing an independent staffing model for Elections Saskatchewan. And that's something that we have been very clear about, the necessity for an election management body to be governed in a particular manner. And the current model for governance is not appropriate for an election management body, in which appointments are made through orders in council, and that alternatively the reporting on financial and human resources and administrative matters to a body that is dominated by executive government would not be appropriate as well. And around the world, it is electoral best practice for there to be independence within the governance of an election management body. So our argument is very clear in recommendation no. 1 as it's outlined in that *Toward* document that was put out earlier.

In terms of recommendation 2.2, it had to do with access for disabled voters related to homebound voting. And we were very pleased with the direction that this is moving. This is a first time for homebound voting, and as a result we found the discussions with the Ministry of Justice highly profitable. I believe the Ministry of Justice would say the same because there would've . . . There was always in generating legislation a disjoint between legislation and the implementation, and I genuinely believe that we were able to improve on what will become, should the bill pass, what will become homebound voting. So there are some very positive things there.

There are other options for accessibility for disabled voters that could be considered. And in our mind we would have had some problematic . . . we would have found highly problematic to introduce black markers for the use of individual disabled

voters, in that this fundamentally undermines the secrecy of the ballot. And that is a guarded principle in election management, and it is something that is extremely important. And so as a result, we have recommended strongly against introducing black markers on an individual basis. And I'm happy to talk more about that. We have had discussions at length about it and with international experts.

In terms of the permanent register, there are a number of issues . . . I'm sorry, in terms of the permanent register, we're quite happy with the direction that the legislation would be moving. We had recommended that in 2.3. There were a couple of issues that we had to offer clarification on. One had to do with gender. Another had to do with occupation, and then the need for clarification with respect to what's referred to as voter data, voter register, and a voter list. And again we found that very productive to work with the ministry in order to get that right, because it can be something that can fall off the rails very quickly.

Recommendations 2.4 had to do with advance voting for everyone. We had indicated that that should be expanded, and saw a very positive direction in proposed legislation.

2.5 had to do with streamlining the register for those not on the list. And again there was a response to that, taking away the need for a declaration when people actually were using their identification anyway. So there was no need for a declaration when you had the other process of using identification. So we were content with that.

We had made a recommendation on the use of address, post office versus a civic address, and noted that there hadn't been any reference to it in the proposed legislation and found that to be somewhat problematic, but not problematic if it was going to be dealt with in a regulatory environment. Our plan as Elections Saskatchewan will be to come forward with very specific recommendations on how identification should be managed that is currently in the regulatory framework. We will come back to you; we will be very thoughtful about it. We will offer a technical approach, but we want to come forward with respect to the regulations after the fact, and that's at a time when we'll bring forward other things through regulation.

2.7 recommended the depositing of your own ballot. And we saw that as a very positive direction within the legislation because that's something that you value in a democracy, that you're able to deposit your own ballot into the ballot box. And it is followed elsewhere.

Vote absentee in remote areas, another issue that appears to have been accepted and that will facilitate the ability for those we can't necessarily get to, to have an opportunity to cast their ballot. We definitely want that to be part of the process.

2.9 had to do with adjusting advanced voting days to better serve the rural communities and to be more efficient in administering elections when our services are not needed for five days in advance. Our operations people have looked at this very carefully, but it was chosen not to pursue that within the legislation.

There was the issue of, we made a recommendation on banning the use and not the possession of cameras, phones in voting locations. That was in the heading, but then within the text it didn't address the cameras. It talked about the phones and communication devices. And we recognized, in working with the Ministry of Justice, that we probably hadn't got it right. And we tried to work with the Ministry of Justice to ensure that we get it right so that election officials do have access to use their cell phones to contact the returning officer and other election officials.

At the same time, we don't want anyone to be using a camera within the polling site, unless they have specifically been given permission by the Chief Electoral Officer. And this relates to the use of, you know, media does want an opportunity at times to get in and take some pictures, but not taking pictures of people actually voting. And there are other needs for us to be able to promote Elections Saskatchewan's activities as well, to be able to take pictures. So currently we would like to be able to have that in place so that it's clear.

We spent time with the Ministry of Justice, working through our needs in terms of increasing the flexibility of hiring election officials. As you know, it's increasingly difficult to get election officials because we have 10,000 of them to hire on election day, and the capacity to hire individuals from a neighbouring constituency proves to be quite helpful.

So what we've done is gone through it, through the legislation with the ministry very carefully and made basically a justification saying that, if needed by the Chief Electoral Officer, that would be, it would be allowed for us to hire from elsewhere. Say for the returning officer, we've suggested that the returning officer remain coming from the constituency itself. But that, I'm hoping that that will be able to move forward because it will make the conduct of the election much . . . not much easier, but easier than it was before.

There was the issue of 16- and 17-year-olds being able to act as poll clerks, and that was not addressed within the legislation. Admittedly we were a little disappointed by that because we saw it as an opportunity to, first of all, access more election workers on election day, get 16- and 17-year-olds — who need to be on the list by the time they're 18 — more educated about the electoral process and to have them involved in the electoral process on election day. If we do not get them involved and understanding the electoral process and they don't get on, they don't vote when they're 18, we end up losing them from the voting process. And so it's something we are very cognizant of at Elections Saskatchewan, that it is essential that we have citizens coming on to the list and being involved in the democratic process.

We're pleased that we had recommended that we no longer support scrutineers to mobile polls. And we're happy to see that that was direction that the legislation was moving in.

There was another recommendation we had, had to do with the establishment of term limits for returning officers. And we were pleased to see that that was part of the legislative package. Increasingly it's essential that we be able to have a system of accountability within . . . among election officials, and that will facilitate the process for Elections Saskatchewan.

Our final recommendation was 2.15, which had to do with appointing election clerks in the same way as returning officers. And again we were pleased that that was accepted. We basically want . . . Part of this is avoiding nepotism and avoiding having a returning officer hire their best friend as an election clerk. We want the hiring of election officials to be based on merit, and we have been pursuing that model in all of our hiring so far here at Elections Saskatchewan during this cycle. So I hope that gives you some guidance on what our thinking was.

What I can simply say is that we are very pleased with the way by which we're working together. Our role is not to establish the legislation; our role is to offer technical expertise. And I thank you for appreciating that we put in a full weekend. We've put in some other weekends as well, but our point is, we want to be able to provide you with the best information possible so that you understand how it works across jurisdictions and from a best practice perspective. And that's our commitment to you.

The Chair: — Mr. Harrison.

Hon. Mr. Harrison: — Great, again thank you very much, Dr. Boda, and through you, your staff, who I know put in a long weekend on this, as did I. It was a very useful discussion, and I know Justice felt it to be very useful in having you review the draft legislation that they had put together. And you know, I'd also like to thank the opposition in that I think we've had a pretty unique process in coming to this bill.

You know, a lengthy bill, I think it was 86 pages in the side-by-sides that we had. And it was done in a very collaborative way between the government and opposition and the Chief Electoral office. And you know, not everybody necessarily got exactly what they wanted, but that being said I think we have a very, very good, strong bill that we're going to be able to introduce in the House and pass unanimously. So I won't prejudge that but we have worked very, very, we have worked very, very closely together in a way that I can't remember actually happening between kind of all of the stakeholders in the process. That's all I have.

The Chair: — Mr. Forbes.

Mr. Forbes: — Yes, I've got a question about the gender data. And it's very interesting because, you know, I've taken an interest in this because of the different issues around human rights and the gender identity and expression. Questions are happening essentially right around the world, but particularly in North America and in Canada. And it caught me of interest when we were reviewing the draft that it was in one place, where you're developing the list, you'd be asking for the marker, but it wasn't on the list that was provided to the parties. And so it seemed to be out of sync why it would be in one place and then not in another. Can you explain why?

Mr. Boda: — Sure. Ministry of Justice brought forward the question to us, and we took it very, very seriously. And the issue is that Elections Saskatchewan would recommend against removing any reference to gender. But at the same time it's not that we don't take the issue seriously; it's a question of it being an integral data point for identifying voters. So it's integral to us to be able to identify voters, to make sure when people have perhaps similar names, similar birthdates, that we have that data

point which allows us to distinguish between half of the population.

Another issue to think about though is that it's collected for the reason alone of creating a unique database. So it's not shared. It's for that database, and it's needed in order to maintain a register in collaboration with the national register of elections which has that. And it's our way of being able to connect back and forth. So it's not the only data point, but it is an integral data point in the overall process. But it's not, with respect to individuals, made public by any means.

Mr. Forbes: — I find it interesting, as I learn more about this all the time. And I'm curious that, so the person who's, when you go in to vote and you go in with your identification, and the person checking you off has access to that data, knows whether you've identified as a male or a female. Is that right?

Mr. Boda: — The person who's checking that off does not have access to that data.

Mr. Forbes: — So then why do you have it if you're saying you want to tell the difference between two people who have the same name and same birthdate?

Mr. Boda: — Yes, because we've done that check beforehand, that's first of all how it's figured out in advance before the list is printed out.

Because what you're dealing with, hundreds of thousands of names, we're dealing with that within the database. So that's only one of the points though. The other point is that we have to be able to connect with other institutions, by which we're assuming we're moving forward with a permanent register, that they have that data and that is how we connect with them. They don't have, for example, we are required to collect occupation, and there is no other institution in the country that collects occupation. No electoral institution and otherwise.

And our recommendation is that we would stop collecting occupation because occupation is not data that we would require at Elections Saskatchewan in order to create and manage the database. Occupation is not a thumbs-up or a thumbs-down. It's a what do I decide I'm going to be today? Am I going to be a banker and am I going to be an economist? Whatever.

Mr. Forbes: — Yes. Yes.

Mr. Boda: — So that's the point. It's a different kind of data which is something you can grab on to. Not everyone is required to provide their gender in the same way that, in terms of the occupation. In fact there are a good number of people who just simply, they're not happy about being asked about their occupation, and they do not provide it at all. But they don't have to provide their gender.

Mr. Forbes: — Yes, I'm just curious whether you've done a little thinking about, you know, if somebody comes up to your door and says, I'm here to collect names for the voters list, the permanent registry. And I want certain information, and one of them is your gender. And then you have to explain why because there might be somebody out there with your same name or the

same birthdate, and we want to be able . . . And I'm not sure that argument really holds a lot of water, and I'm wondering whether you might be opening up to a bit of a human rights . . . Especially if it's a challenge in terms of, you know, creating a situation where you're making a judgment based on gender. I'm just going to leave that with you.

It's something that I've been thinking about in the last few months, as I've been very aware of some of the issues have been coming up through human rights, you know, in terms of identity and expression. And that's good to know that the people in the voting station won't know because, you know, if people are passing judgment on — you have a male name but you certainly dress and act like a female — that would be really inappropriate. So I just want to leave that with you.

Mr. Boda: — I've taken your comments seriously, and I do know that other jurisdictions do have gender on the voter list. We do not. Our voter list is constituted of name, occupation — which we don't believe it should have — and the address.

Mr. Forbes: — Thank you. That's all I have.

The Chair: — Okay. I have a couple of questions. In your book on page no. 10, which is item 2.1, to quote, "In connection with these amendments, it is important that employees of the CEO, once removed from the public service, are not deemed to be employees of the Legislative Assembly." I wonder if you could explain that, please. That's the bottom of the left-hand column.

Mr. Boda: — Yes, the model that's being proposed, would be akin to the model that's currently in place for the Provincial Auditor, in which that legislation indicates that the employees are employed by the Provincial Auditor. However I do know in that legislation that it has some reference to the Legislative Assembly. So there is some confusion within that legislation over that particular issue.

The key within an election management body is that election management bodies need to stand outside of any framework which could be deemed, could be perceived to be directed by executive government.

Now I have no problem with executive government, not at all, and I have to be very, very clear about that. But it's an issue of public perception that the election management body has to stand outside of the structures of government. And as well, it does lead to . . . it can be easily manipulated in the long run if the Chief Electoral Officer is accountable to executive government in any way.

[18:00]

The Chair: — I guess a supplementary question to that. Are you thinking of Legislative Assembly as Legislative Assembly Service, which would be the Clerk and the librarians and Hansard, or are you thinking of Legislative Assembly as the Chamber? You're hired by the Legislative Assembly, but you're not part of the Legislative Assembly Service. So is there some confusion there, or do you feel that you should not be . . . your employees should not be responsible to the Legislative Assembly of Saskatchewan?

Mr. Boda: — I guess the issue is that if these employees are employed by the Legislative Assembly in general, that that would be an acceptable model. The question becomes whether or not the Chief Electoral office is responsible for its various policies to a Board of Internal Economy which is dominated by executive government. So de facto, through that context, the Chief Electoral Officer would be responsible to executive government. That's where the problem would arise. If it was to the Legislative Assembly directly, which is a public body which outlines . . . Everyone knows what goes on in the Legislative Assembly; that's a different environment.

The Chair: — Well under the current circumstances, you're hired by the Legislative Assembly of Saskatchewan.

Mr. Boda: — I am. But under the current circumstances, all of my employees are appointed through orders in council.

The Chair: — That's correct. That's correct. This body, the Board of Internal Economy, represents the Legislative Assembly, and ultimately our recommendations and decisions go back to the Legislative Assembly for approvals. On this body, we have two representatives from executive government. We have two representatives from the backbench of government, private members. We also have two members who are from the opposition. On this committee, two members from the same body — so two members of executive; two members of the backbench, private members of the government; two members of the opposition — have veto power. They have veto power by simply getting up and walking out. And that stops our quorum.

So the executive here does not control the Board of Internal Economy. The two members that represent the executive here cannot control the board. The board is its own creature by statute. The members make the decisions whether to remain seated here and allow the proceedings to go ahead, decisions to be made. And you were here one night when we lost quorum because a member got up and left, and there was no members left of Executive Council. So this committee is not controlled by the executive.

With the Provincial Auditor's office, those employees are still employees of the Legislative Assembly. They're not part of the Public Service Commission. They're not part of the Legislative Assembly Service, which is the Clerk's office and all the others. They are employees of the Legislative Assembly. If it was to be any different, who would those employees be responsible to? Are they simply out there in never-never land? Are they responsible to you? If they are, then you're responsible to the Legislative Assembly. Therefore your argument would be that the executive can control you; therefore it's in control of those employees.

So I'm not sure what kind of a model you're looking for, but the funds that you receive for your office come from the taxpayers of this province and are authorized by the Legislative Assembly. While your budgets are statutory, they still are appropriated by the Legislative Assembly. Therefore you and your employees, in my opinion, are responsible to the Legislative Assembly.

Mr. Boda: — Okay, I guess there's just a number of issues. I

guess one of the issues, when we're talking about the model that's used by the Provincial Auditor, the Provincial Auditor doesn't report to the Board of Internal Economy. It's to a public committee which . . .

The Chair: — The legislature.

Mr. Boda: — Which is different than the Board of Internal Economy. In terms of the model of the Board of Internal Economy, I think you're right that two members can stand up and walk out and nothing can move forward. But of course that doesn't happen very often at all. But it did happen in the case of the previous Chief Electoral . . . In advance of my time, it was 40 months whereby a Chief Electoral Officer was not appointed because this, the Board of Internal Economy was not able to come to agreement and that's how things move forward.

In terms of the model of the board, I've had the opportunity, a privilege actually, to sit down with Dr. Barnhart to talk about the founding of the board and how it was established. And I agree that there was intent that it would be two and two on the government side and two from the opposition. But I think there's an understanding that party discipline has changed over the years, whereby the two sides are quite firmly entrenched on both sides and that executive government does control the Board of Internal Economy in this context.

In addition, with respect to statutory funding, I admittedly, you know that I've been here since June of 2012. And I'm trying to understand what statutory funding means in Saskatchewan because it doesn't mean what I understand it to be, from my studies in political science and elsewhere, in that statutory funding means that the Chief Electoral Officer is able to utilize the funds that are necessary in order to conduct the events that are related to an election. But as you know, the Board of Internal Economy reduced Elections Saskatchewan's budget by \$800,000 this year, before it went to the committee where it was not voted on. And it was statutory funding. So I'm trying to understand how statutory funding works, and it's not consistent with the models that I have seen elsewhere.

So I would only suggest that I would be happy to sit down and talk through a model for independent election management with you, and one that is consistent with electoral best practice. In many instances, there's the utilization of what's called an election commission. An election commission stands outside of the executive government structure, the Legislative Assembly structure, and is established to guide that electoral process. And it is a model that could certainly be used.

At present in Canada the Chief Electoral Officer is a commission of one, and that's the arrangement that has been the tradition here. But that individual is accountable to a board to talk about budgetary issues etc. and to be held accountable publicly. And that is why it's so important to report to a public committee, in which the public knows what's going on at all times between the independent officer and the other members of the committee.

The Chair: — Okay, well I disagree with a number of your comments there. And I will start off with the reduction of your budget comment. It was a reduction of what you asked for, not a reduction of your budget that you had received the previous

year. In fact, in the time frames between elections, your budget is currently approximately four times or 400 per cent what was previous. So that's a very, very significant increase.

The other officers of the legislature, you know, look with envy at the budgets that you're receiving from this board, that their offices are not getting 400 per cent increases. And yet you claim you're getting a budget reduction which, if you look at the straight numbers, is not true. You've received significantly increased funding from this board from the legislature to carry out your duties. And to call it a reduction, it's a reduction from what you asked for, but not from your previous budgets.

Secondly, the appointment of an election commission. Who would make that appointment? If we look historically at these types of commissions, they're not appointed by God. They're appointed by somebody in government, which gives them the same possibilities of influence that you're decrying right now, that this body or that the Legislative Assembly itself is biased because the whole Legislative Assembly has 18 members of the executive in it.

Somebody has to make those decisions. The people of Saskatchewan elected the 58 members of the legislature to make those decisions. And while you might say that they're biased because of how the public voted, I think we've had some very good elections, going back to 1905. And I know from some of your previous comments, you don't seem to feel that we've had a proper election in Saskatchewan ever. I disagree. We've had very good elections in Saskatchewan. You know, members on either side of the table here may not have been happy with the results because they lost or their party lost, but the public was happy with the elections. And they were well served by the people they elected.

So coming here and saying that we don't know how to run an election, I think maybe goes back to your ivory tower, where you've never ran an election other than on your computer models. But we have all worked in elections here in Saskatchewan, and yes, none of them have been perfect. There have been flaws in every one of them, and there will be flaws in every one going onwards because we're dealing with people.

So when you say that your budget has been reduced, your budget has not been. It's been increased; you just didn't get what you wanted. The body that appointed you was the Legislative Assembly, chosen by the people. That's who you're responsible to and at the end of the day that's who we're all responsible to.

Mr. Boda: — Well perhaps I'll start with the last and move forward. I have to say that you're welcome to articulate your view of me in terms of being an ivory tower individual, however that's not what I came to Saskatchewan to provide assistance on. I think I bring with me background in conducting elections for the last 15 years internationally, not in universities — although I do hold a doctorate, that's true — but in working on the ground around the world in terms of conducting elections and offering advice, and being able to come back to Saskatchewan, the place where I grew up, in order to offer some recommendations on how we might improve our processes.

[18:15]

I don't think that I've ever said we've run bad elections since 1905, and indeed I don't believe that. And in fact Saskatchewan is heralded around the world as an excellent example of a democracy, as is Canada. What I have articulated was that I would be willing to assist in changing or facilitating a reform to an election management body that David Hamilton indicated was not up to standard, and that we would need to change the way that we conducted elections in order to be more consistent with best electoral practice. And so that is the direction that I understood I was being hired for in order to come in to Saskatchewan and facilitate that. And my goal is to work with government and opposition in order to move in that direction.

And part of that is what David Hamilton was articulating and what election managers consistently say, is that there needs to be a change in direction from focusing on elections as an event to focusing on it as a cycle. And so as a result, I'm not doing anything outside the box. I'm doing things that are consistent with the way election managers do it, and that is I'm planning in year one, two, and three, and then implementing in year four of an electoral cycle, which is why I articulated and put forward the budget I did.

And quite simply, the spending reduction that came about forced Elections Saskatchewan to push off spending until next year, which means that we're continuing down the same road as we have in the past, and that spending at the last minute leads to a lower quality of an election. And so that, that's the circumstance.

You asked about an electoral commission. I would be happy to look into, offer different models there are out around the world for commissions and how they are appointed. And they are appointed in ways that ensure that they're outside of politics and they're balanced. And that's what's important in terms of electoral administration, that is that we don't play a role in politics. We shouldn't. We won't. And we should stay outside of that.

So, Mr. Speaker, I thank you for your comments. I would think, given those comments, that there's perhaps more discussion, perhaps even one-on-one that we need to have in order to move forward in this regard.

The Chair: — I'll ask for other questions before I get carried away. Mr. McCall.

Mr. McCall: — Far be it from me to add to the carrying away, Mr. Speaker, but I do think points that you make stand. And in terms of, I think, the perspective that we bring to this process . . . And it's funny in this very meeting, you've got a couple of different examples of things that can go right or things that can go wrong. And I don't think anybody was well served by the process that led to the Hamilton commission, by the . . . There is the de facto veto that opposition members have in terms of walking out of the meeting, but I don't think, I don't think people send us here to go on strike, you know. I think they send us here to work together.

And if that's the only recourse by which you have to assert the independence of the Board of Internal Economy from the executive, it's sort of like, you know, in case of fire, blow up the building. It's not a sustainable, productive approach to

doing the public's business, particularly on the question of something like electoral management. And I guess we've seen what that results in previously, in terms of the kind of dysfunction that again invited the Hamilton report, and to which I think we are trying to respond to.

So in terms of *The Election Act* and that discussion, I'd attach myself to the comments of my colleague opposite earlier, in terms of, you know, it wasn't a perfect process, but I think it was on the whole . . . And there are lessons that we can learn from it certainly, but it was a collaborative, productive process, which is the expectation that I think people send us to this legislature to do our work in that spirit.

And you know, from our side quite frankly, for the record, we would've liked more time. We'd like to have the side-by-sides on the record here for discussion in this meeting to get a very precise undertaking from Dr. Boda and our Chief Electoral Officer on what those contain. But there are some time constraints, but I think on the whole what has been presented to us on that side of the equation has been done so in good faith, and I think will lend itself to an improvement for the electoral process for the people of Saskatchewan on the whole.

So I'm interested in hearing more of what Dr. Boda or other officials have to say in that regard, but if we . . . if the only sort of insurance policy for the Board of Internal Economy is that my colleague from Saskatoon Centre and I walk out of this meeting, again I don't know that that serves the cause terribly well, Mr. Speaker. And I don't know if that responds to the Hamilton report in anywhere near the fashion that it begs to be responded to.

So I'm sorry to go a bit of a ramble here, Mr. Speaker, but I think we've got a Chief Electoral Officer who's working in earnest, working to try and bring us up to standard in terms of best practice. We may not agree 100 per cent of the time, but I think that's being done in earnest. And I don't think it's being done from, you know, the remove of the ivory tower. I think it's being done from somebody that's got that interest, a long-standing interest in people in Saskatchewan being well served by their elections. So I'm glad to see that we've got that individual doing the job.

And I'd, you know, if that's, if the only sort of fail-safe that the opposition has is to boycott meetings, I think that would be a sad day for the work that we've been entrusted with around this table. But perhaps more discussion is warranted and can get us beyond that. But I wanted to get that on the record, Mr. Speaker, and I thank my colleagues for their indulgence in letting me get it off my chest.

But in terms of the question I want to ask Dr. Boda, in terms of the work that he's done to date with Justice, are there particular — setting aside the question of 2.1 and the other recommendations that were under consideration and how he's seen that translated into legislation — is there anything that stands out as a deal breaker or as absolutely intolerable? Or is it, as the case with, say the helpful suggestion around black marker or with the other general discussion points that have been touched upon, that some of these things are fair enough and can certainly be lived with as this proposed piece of legislation goes forward?

Mr. Boda: — Yes, I would leave you with one very important issue that we have been trying to work through with the Ministry of Justice. And I think it had to do with some initial confusion over the distinction between voter data, the voter register, and the voter list. And it is really essential that we get this right because there are fundamental privacy concerns at stake here.

And there are basically . . . the fundamental distinction is, is what's on the voters list and on who gets a copy of the register. And perhaps you already have been briefed on it, but it is a fundamental issue that what is being provided to our registered political parties and our independent candidates, there are fundamental privacy issues that are related to a date of birth and to a unique identifier, which is akin to a social insurance number. And we have to be very careful. We simply cannot be putting that out in the public.

There was some discussion about what might be referred to as the Ontario model. And it's an outlier; Ontario's legislation is older than ours. And in terms of the register that is provided to the political parties, it is a very minimal register. So it is not a lot of information. But bottom line is that's the fundamental issue I think that is outlying, but I know it's been . . . the Ministry of Justice is working on that.

The Chair: — Okay. Mr. Harrison.

Hon. Mr. Harrison: — Yes, thank you for that, Dr. Boda. I can assure you that I know the initial draft of the bill that you saw had the register and the list basically both being available to parties. Thank you very much for your input on that. The bill that the government intends on giving introduction of will not have the register being available to the parties.

Mr. Boda: — And with respect to the list?

Hon. Mr. Harrison: — Well I mean, we haven't put the bill in the House yet.

The Chair: — Okay. Are there any other questions? If not, thank you, Mr. Boda, and your officials for coming in this evening. And that is all the business we have to do today.

We do have further meetings this week. On Wednesday, May the 7th, we have a meeting at 6:30 p.m. in this room. And on Thursday we start at 2 p.m. and get into our final deliberations probably about 5:30, at which time, you know, possibly by 6 o'clock we'll be done. Possibly not. Depends. I don't want to prejudge that.

As well, we will make arrangements to have further meetings to tour the facility on Hillsdale and for other items that we will need to have on the agenda at that time.

So if someone would move that we adjourn.

Hon. Mr. Harrison: — So moved.

The Chair: — Mr. Harrison. Seconder?

Mr. Forbes: — Yes.

The Chair: — All in favour?

Some Hon. Members: — Agreed.

The Chair: — This meeting is adjourned at 6:27 to the call of the Chair. Thank you everyone.

[The board adjourned at 18:27.]