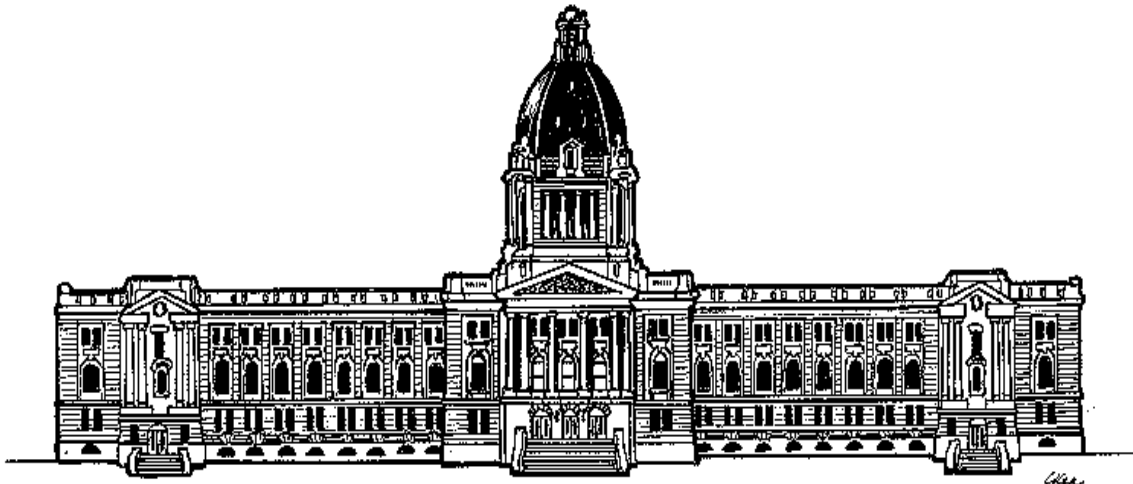




# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE**

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

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Mr. Wayne Elhard  
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Ms. Deb Higgins  
Moose Jaw Wakamow

Hon. Laura Ross  
Regina Qu'Appelle Valley

[The committee met at 15:49.]

**The Chair:** — Well good afternoon, ladies and gentlemen. This is the Standing Committee on Intergovernmental Affairs and Justice. My name is Warren Michelson. I am the Chair of this committee. And also on this committee is Greg Brkich, Michael Chisholm, Wayne Elhard, Laura Ross, Frank Quennell, and Deb Higgins. Today we have two substitutions: Mr. Wyant will be sitting in for Wayne Elhard, and Mr. D'Autremont will be sitting in for Mr. Brkich. Welcome to the committee. And we have a number of other members in the Chamber this afternoon.

And welcome to Minister Hickie. Minister Hickie, you've got some officials. I would ask if you would introduce them at this time.

**Hon. Mr. Hickie:** — Certainly, Mr. Chair. Good afternoon, everybody. To my very far left is the deputy minister, Van Isman. Next to Mr. Isman is Rod Nasewich, the director of policy and legislation, and to my immediate left is John Edwards, executive director of policy development. Thank you.

**Bill No. 162 — *The Local Government Election Amendment Act, 2010***

**Clause 1**

**The Chair:** — Thank you, Minister Hickie. I would ask the officials when they are answering questions if they would just state their name for the record at the beginning.

We are here in consideration of Bill No. 162, *The Local Government Election Amendment Act, 2010*, clause 1, short title. Mr. Minister, if you've got any opening remarks, please proceed.

**Hon. Mr. Hickie:** — Well thank you, Mr. Chair. I'll try to make these as brief as I can. I know there's questions that the members want to ask.

Mr. Chair, as you know, this Bill will amend *The Local Government Election Act* that provides a legal framework for fair elections in municipalities of all types, including cities, urban, rural, and northern municipalities. It also governs school board elections, which are usually conducted by municipalities on behalf of school divisions.

Mr. Chair, I want to take some time to outline the other provisions contained in this Bill because so much focus has been on the voter identification ID [identification] provisions. All of the amendments contained in this Bill are important in improving local elections practices and addressing issues raised by stakeholders.

First one, Mr. Chair, is four-year terms of office. The amendments fulfill government's commitment to increase the term of office for municipal and school board elections to four years. Mr. Chair, in 2008 SUMA, the Saskatchewan Urban Municipalities Association, passed a resolution requesting amendments to extend the terms of office for urban municipal officials from three to four years. SUMA felt increasing the terms of office would help the councillors to govern more

effectively after having been oriented to the role and better enable a council to fulfill its mandate, in particular infrastructure projects within the term. Longer terms would also save on the costs of elections and would make local government terms of office consistent with those for provincial and federal governments. The province believes there is merit in having consistent terms of office and consistent practices and requirements for all elections — federal, provincial, and local — wherever this is possible and appropriate. This is a matter of principle, Mr. Chair.

Following the SUMA resolution in 2008, Mr. Chair, Municipal Affairs consulted with the municipal and education sectors regarding the terms of office issue to gauge the support for four-year terms of office. It took some time for all stakeholders to consider this issue and canvass their membership, but nearly all were in favour of the change. In March 2010, the Saskatchewan Association of Rural Municipalities, SARM, passed a resolution supporting four-year terms for rural elections while retaining the current staggered election dates. As a result, Mr. Chair, the amendments to extend terms of office to four years apply to all municipalities beginning with the general municipal elections in the fall of 2012.

Current urban, rural, and school elections. In addition the amendments in this Bill will provide for the first time a common election date for urban, rural, and school board elections. Again this was requested by some in the sector and in consultations ensured it was supported by the municipal and education sectors. It will save on costs and reduce confusion for the voting public.

Issues from the sector as a result of recent elections. In addition to consulting on terms of office and concurrent elections, the ministry canvassed municipal organizations for other possible changes to the LGEA [*The Local Government Election Act*]. A number of provisions in this Bill address issues raised by the sector that were felt needed clarification or amendment as a result of recent local elections. These include clarifying the restrictions on canvassing and campaigning at or near polling places. The existing wording of this provision could be interpreted as applying to the entire campaign period when it is intended to apply to the hours the polls are open on election day. The amendments make this clear.

Second point, ensuring that the activities and timelines associated with such matters as revising voters lists and vote recounts, among others, must occur during business days and harmonizing timelines and retention periods for election processes and materials so they are consistent for urban and rural elections.

City clerks requests. Mr. Chair, the Saskatchewan Association of City Clerks also ask for a number of amendments to improve local elections processes and enhance accessibility. These include moving the call for nominations up by one week to allow more time for a second call for nominations to occur. Some municipalities have found it difficult in cases where there is a second call for nominations to have the ballots printed in time.

Allowing special polls in places such as personal care homes to

be held other than on election day and only for the residents of those facilities. Previously an advance poll had to allow other voters from the community who were not residents of the facility. Some facility operators expressed concern about sickness, infection of their residents.

And providing for alternate methods of voting such as mail-in ballot system. Previously a mail-in ballot system was only allowed for personal care facilities and urban municipalities and not at all in RMs [rural municipalities].

SARM and RMAAS [Rural Municipal Administrators' Association of Saskatchewan] requests. SARM and the Rural Municipal Administrators' Association requested the municipal residency requirement to vote in rural municipalities be changed to three months from six months, consistent with the municipal residency requirements in urban and northern municipalities and cities. The amendment in Bill 162 will do this.

A number of other changes, Mr. Chair, are housekeeping in nature to improve consistency between urban and rural municipal elections.

Voter ID provisions. Now I want to speak to the voter ID provisions in Bill 162. At the outset here, I want to reiterate the voter ID provisions in Bill 162 were part of my ministry's consultations with all municipal and education sector stakeholders on proposed amendments to the LGEA that began well over a year ago in spring of 2010. Municipal Affairs has a long-standing practice of undertaking extensive consultations with all of the stakeholders on all aspects of legislation and regulatory changes. These consultations include the sharing of drafting instructions, email correspondence, and in-person meetings to discuss wording and work out details and issues before amendment proposals are finalized for introduction in the legislature.

Mr. Chair, in early 2010, both the Saskatoon and Regina city councils passed resolutions supporting amendments to election legislation to require voters to produce identification as well as provide for four-year terms of office and make changes to address some of the issues that I previously noted regarding nomination timelines and campaigning near polling places. The city of Saskatoon passed this resolution on January 18th, 2010, and the ministry received correspondence to this effect on January 22nd of 2010. The city of Regina also passed its resolution on January 18th, 2010, and the ministry received correspondence to this effect on January 19th of 2010.

The cities of Saskatoon and Regina are members of SUMA. And I want to note here that when SUMA was consulted on the draft LGEA amendment package in May and June of 2010, SUMA did not raise any concerns with the voter ID provisions. SUMA did raise concerns with two other proposals, and these were addressed and not contained in Bill 162.

Like the cities of Regina and Saskatoon, government believes voter ID requirements will improve the integrity of local elections processes. After every municipal election, Municipal Affairs receives allegations of election irregularities brought forth in confidence by citizens. Some of these have included allegations of voter ineligibility and fraud. Presently voters sign

a declaration form at the polling place, but this does not establish the person's identity and does not safeguard against personal voter fraud, nor I might add, does it reduce the uncertainty of a challenge to a voter's eligibility at the polls by a candidate's representative or an election official.

Voter ID is required for federal elections, and I note that in the recent federal election held a couple of weeks ago, voter turnout increased across Canada, and the turnout in Saskatchewan was the fourth highest in Canada at over 64 per cent.

Because it was mentioned during adjourned debates that the federal legislation was being challenged in British Columbia Supreme Court, I want to note the federal voter ID requirements were upheld by the BC [British Columbia] Supreme Court in a decision one year ago on May 5th, 2010. In the ruling, the judge mentioned that the voter ID requirements are reasonable to maintain confidence in the electoral system.

Mr. Chair, local elections are no less important than federal or provincial elections. There is merit in the election legislation of all three orders of government working together to ensure the integrity of the overall democratic process. As this committee knows, voter ID requirements are being developed for provincial elections legislation at the same time as these amendments to the LGEA. The amendments to the LGEA will provide consistent requirements for all elections, federal, provincial, and local. Again, this is a matter of principle.

So what do the voter ID provisions in the Act do? They require voters to show one piece of government-issued photo ID with name and address, such as a driver's licence, or two other pieces of identification or information containing the person's name and residence before being issued a ballot. Other provisions in the Act that allow for the types of acceptable ID and other pieces of information that can be shown in matters related to the content of the information, how it is to be used, as well as alternate approaches to establish ID in residents to be operationalized in the regulations.

In addition the Bill provides for the voter ID provisions to only come into force upon proclamation. This is to allow time for the regulations to be developed and for further consultations with the sector to ensure all appropriate forms of ID, including those issued by local governments and authorities, are accommodated and that the various circumstances and concerns that might arise with the voting public are addressed.

[16:00]

Again, we consulted with the municipal sector stakeholders and all the amendment proposals for the LGEA back in spring, summer of 2010. SUMA did not raise any concerns with the voter ID provisions.

When SUMA did make its concerns known about the voter ID provisions in mid-April this year, when Bill 162 was in adjourned debates in the Legislative Assembly, ministry officials met with officials of the association to discuss the concerns and how they could be addressed. This was the first time the ministry had been made aware of SUMA's concerns about the provisions in the Act. The ministry has been engaging this sector, including SUMA, in consultations on the regulations

that I mentioned are needed to operationalize the Act. These consultations began back in 2011, January of this year, and I'll discuss these consultations and what we've heard so far in a bit more detail in a moment.

Accordingly in reviewing with SUMA its concerns about voter ID that it raised in this letter of April to me, with copies to the opposition, it became clear to both the ministry and SUMA that the various issues raised by the association can be resolved through regulations as well as through public education and the training of election officials. SUMA has confirmed this understanding twice by letter, one dating April 27th of this year and one dating May 9th also of this year.

I would like to read the following excerpts from the first letter dated April 27th, 2011 from Mayor Allan Earle, president of SUMA:

SUMA's Chief Executive Officer and your Deputy Minister met on Tuesday, April 26th, to discuss my letter and SUMA's concerns regarding Bill 162. Based on the outcomes of that meeting, SUMA believes that concerns raised in the April 19th letter can now be effectively addressed through further collaborative work on the associated regulations. Therefore, SUMA is prepared to withdraw its concerns . . .

The letter continues that this is pending agreement on the following principles: that the ministry and SUMA will continue to collaborate on reworking the draft regulations; that the regulations will be constructed to limit the disclosure of personal voter information to candidates and their aides at the polling stations; that the list of potential ID will be restructured to ensure the integrity of the voting process; that the ministry and SUMA collaborate to develop and support a plan for training deputy returning officers regarding the new process; and that the ministry work with SUMA to develop and support a plan of public education regarding voter ID requirements for urban elections.

Municipal Affairs is prepared to work with SUMA and the rest of the sector on these principles: collaborating on the regulations, training for elections officials, and developing a public education plan regarding voter ID. That is why we are amending the legislation in 2011 so that we have sufficient time before the next general municipal elections in fall of 2012 to develop an Act and enact the regulations, train election officials, and develop a plan to inform and educate the public.

I want to also read from the second SUMA letter dated May 9th, 2011, again from Mayor Allan Earle, SUMA president:

On behalf of the SUMA Board of Directors, I would like to thank you for your immediate attention regarding our concerns with the voter ID provisions within Bill 162 . . .

I am satisfied that your ministry fully understands our position and I look forward to working with you and your officials to address these concerns within the regulations needed to implement this provision.

In addition, I believe SUMA may have misunderstood the process to affect any change regarding this provision. I

have since been informed by SUMA staff that this matter has been dealt with and that SUMA is content with the outcome.

Again, since the voter ID provisions in the Act will not come into force until the regulations are developed, this gives us an opportunity to address SUMA's concerns and those of other stakeholders and interest groups.

We continue to emphasize that the regulations can and will address issues regarding members of the voting public who do not have or who are unable to obtain photo ID prior to election day in situations where an individual is unable to produce any identification at the poll. The regulations propose to do this a number of ways.

One, by providing a variety of other forms of non-photo identification and information to show that establishes a person's name or name and residence. These will primarily be local, federal, or Saskatchewan government issued or authenticated, such as health card, birth certificate, vehicle registration, old age security, and social insurance cards, veterans' military identification, student cards, First Nations or Métis Nation citizenship certificate and/or cards, and statements of benefit issued by government or government agency. We aim to be inclusive with this list so as not to disenfranchise those who do not have photo ID while ensuring only appropriate forms of ID are included. The list on the ministry's website is for consultation purposes only. It continues to be a work in progress, and we welcome any suggestions for changes.

The regulations will also allow municipalities to issue their own valid forms of voter ID for use within their municipality. We have had a favourable response to this from the sector. Forms will be provided under the regulations for administrators of shelters and other facilities to attest to a person's identity who may not have a fixed or permanent address or who may not have any other form of ID. The regulations will allow a person with ID to be able to vouch for a person who is unable to produce identification.

The regulations also propose to address concerns for northern and rural stakeholders regarding persons whose ID does not show civic address or legal land description. In this situation, a person's mailing address or box number will be sufficient to establish residence provided it is consistent with the voters registration form that will continue to be used to establish voter eligibility, so people won't be turned away if their ID only shows a mailing address. This accommodation is important in local elections for voters in rural and small urban municipalities and those who are eligible to vote in more than one municipality.

In Saskatchewan, most municipalities do not use enumerated voters lists. Rather, voters sign a voters registration form at the poll on election day declaring their eligibility to vote in the municipality. This does not change with the voter ID requirements. What voter ID does is establish that you are the person who you are presenting yourself to be.

Mr. Chair, at least five other provinces have voter ID requirements for local elections including British Columbia, Manitoba, Ontario, Quebec, and New Brunswick. These

jurisdictions have developed methods of establishing identity for those without photo ID or without a fixed address.

We are confident the regulations can and will resolve the various issues that may arise with voters. We are also confident the voter ID requirements will in no way violate the privacy of the voting booth, the confidentiality of a person's vote, or raise any possibility of intimidation.

I've indicated the ministry continues to refine and consult with stakeholders in the necessary regulations. I want to take a moment to discuss these consultations, when they began, and what they have heard so far. The consultations on the LGEA regulations began in late January 2011, and they continue to remain open. To date, the cities of Regina, Saskatoon, and Moose Jaw responded favourably to the draft regulations, as have the associations representing city clerks, urban municipal administrators, school boards, and school business officials. These groups also include over 20 First Nations, Métis associations, tribal councils, friendship centres, and urban housing authorities, over a dozen post-secondary student associations and institutions, universities, regional colleges, and about 20 associations and advocacy organizations representing seniors, women's and homeless shelters and facilities.

We have had some constructive input from some of these organizations that reinforces the need for the regulations to be inclusive and flexible, to allow various forms of non-photo ID, and vouching for individuals who are unable to produce identification. And we are not finished our consultations with these groups or with the municipal and education sector regarding the proposed regulations. We're also committed to working with the sector to develop a training and public education plan so that election officials and the voting public understand the new requirements and their responsibilities.

In closing, I'd like to take the opportunity to thank all those individuals and organizations who took the time to provide input, advice, and feedback in the development of this legislation. We intend to continue working with these individuals, organizations, and municipal leaders to ensure that we have fair, open, and transparent local elections.

Thank you, Mr. Chair. And the preamble was to address the majority of concerns raised during the adjourned debates, so we're prepared to take questions now.

**The Chair:** — Thank you, Minister Hickie. In consideration of Bill No. 162, are there any comments or questions? Ms. Higgins.

**Ms. Higgins:** — Mr. Minister, this is for my clarification. On the Municipal Affairs website, there was voter identification (ID) regulations. There was a consultation paper. When you look at the documents that were attached, it said: voter ID, drafting instructions, proposed regulations regarding voter identification; voter ID, consultation response form; voter ID, frequently asked questions; provincial voter ID consultations; and voter ID interactive consultation form.

So I would assume by that, being the papers were . . . press releases and the consultation paper all covered the identification regulations for the provincial plus the local, are they going to be

the same? And are you making the same requirements for both pieces of legislation?

**Hon. Mr. Hickie:** — Thank you, Mr. Speaker. Thank you for the question. The link to the website for Justice is there for sure.

Moving on, the regulations for identification under the LGEA, we want to be as inclusive as possible. So like I've stated in the preamble, the consultation to this up this point is to be inclusive. We're looking for all kinds of suggestions on ID that could be utilized for the purpose of identification at the booth, recognizing that municipal elections really have to be pretty broad. Because there are times in this province where you can go to more than one place based on if you own land someplace — a cottage someplace, your house is somewhere else — so we want to look for inclusivity. And what you see already on the website and the inclusion of that is not exhaustive by any means. That's why we want to go back out to all the sector, all the sector where consultation's taken place so far, consulted so far, and ensure that we are meeting their needs as well. Because we do recognize that some municipalities will have their own particular form of ID. They may issue . . . They have the right to do that if they so want to.

Plus we also want to make sure that, you know, as time goes on between now and when the Act is proclaimed, we may have other kinds of identification that could be utilized that isn't already on the list. So it's very inclusive that way.

**Ms. Higgins:** — So the question was, are the regulations and the requirements for the municipal election identification and provincial election going to be similar?

**Hon. Mr. Hickie:** — Similar, yes. I can't speak for the Ministry of Justice for provincial elections Act. We do know that we will be as inclusive, if not more so, if it's possible, based on what the stakeholders require from us. Again we will look at that stakeholder group that we consult with, and we're looking at all kinds of ideas for the municipal local government elections Act.

**Ms. Higgins:** — There was a . . . I mean there's a great deal that is covered in this Bill, a fair bit of fine tuning when it comes to elections at the municipal level, but yet the only consultations that were done was on the identification piece, public, on the website. I didn't see any other consultations. There's draft regulations for the identification and that's it. And in the consultation paper that was on the website, all it addresses is the identification requirements and options that may be out there. So did I miss something? Was there consultations somewhere else?

**Hon. Mr. Hickie:** — Thank you for the question. There were extensive consultations both on the Act and then subsequent now to the regulations. So on the Act, the following groups were consulted: SARM, SUMA, the Saskatchewan Association of Northern Communities, rural municipalities administration of Saskatchewan, urban municipalities administrators association of Saskatchewan, Saskatchewan Association of City Clerks, city managers group, and Provincial Association of Resort Communities of Saskatchewan. We also, the ministry also consulted with education sector organizations such as the Saskatchewan School Boards Association, the Saskatchewan association of school board officials, and the Ministry of

Education for the Act.

Now for the regulations, we had a total of 72 groups that were consulted with. And what I should do is probably read into record these. That way you'd have them.

**Ms. Higgins:** — Well sorry. Like I was looking online, and the only consultation online that I found was for the identification. It didn't cover all of the areas that the Bill actually addresses.

**Hon. Mr. Hickie:** — I'll let John Edwards discuss this particular question.

[16:15]

**Mr. Edwards:** — For *The Local Government Election Act*, our normal practice is to do a round of consultations after each three-year cycle for urban and school elections. We go out to the municipal and school sector organizations, our stakeholders, and basically ask what the election experience was. Were there problems? Were there things that need to be approved? With the passage of time, are there things that need to be looked at to refine and update the Act? That was done in November, December of 2009. So that's standard practice.

In response, we received replies from a number of different organizations basically saying, well we'd like this; we'd like that. We suggest that various initiatives be included in the Bill. We go back to our office and essentially prepare side-by-side drafting instructions that reflect the requests, and those are then distributed back out to the local government sector stakeholders that the minister listed. That's generally not done on the website. It's done through correspondence, emails, and personal meetings with the stakeholders. And then in reply, we get some feedback from the various organizations about what they are supportive of or the items that they're not supportive of. Obviously that's their first opportunity to see the whole package of proposals that have come from the various organizations, and then we'd have some discussion with organizations as required to respond to points they may raise.

**Ms. Higgins:** — So then why was the consultation for the voter identification done so differently from what the rest of the amendments . . . how they came forward?

**Mr. Edwards:** — We did the same sort of process with a long list of stakeholder organizations in regard to the regulations for the voter ID. We did that because we wanted to cast the net more broadly and get more input, including from the public, not simply the stakeholder organizations that generally provide the bulk of the input for *The Local Government Election Act*.

We were aware, in terms of the provisions relating to voter ID, that a number of other jurisdictions have had already experience with voter ID requirements. And through our research, we found that there were a number of different questions or concerns that appeared to emerge with these in terms of ability to vote. So in response to that, we felt that it was probably wise to do a broader round of consultations.

**Ms. Higgins:** — So a question: I mean I understand the minister took the time and effort to read the various letters from SUMA in particular into the record. I guess my reaction to the

initial letter was if the consultations had been that extensive, I was surprised it was a fairly strongly worded letter, I must say, which raised a number of concerns with us because it was pretty unusual to see that strongly of a worded letter. So was there maybe not the consultation you had hoped, or were people focusing on other pieces of the legislation maybe that were a priority for them? And I understand SUMA had passed the resolution a couple of conventions ago. I think it was turned down first by the former minister. They didn't go with a four-year term.

So you know, was it maybe paying attention to one piece of the legislation over and above the other, or were maybe the consultations maybe not as thorough as you had hoped they were?

**Hon. Mr. Hickie:** — Thanks for the question. The broad-based consultations took place and the extensive consultations to SUMA, I guess I'll go back. I was equally surprised by the letter as well because there was significant time that started back in 2010 where the consultation process was ongoing. SUMA officials meet regularly with the officials from Ministry of Municipal Affairs and myself as well when I took over in June of last year. There was no issues regarding the ID piece at all in fact, or the other points that they raise in the letter in April.

The big concerns they had were the residency requirement was one, I believe. And another one that we . . . Regarding some financial statements or audits or something, you had to produce your finances or financial statement. It was in the Act. Now we got rid of those. They didn't like that, so we listened to them, and we got rid of those. It was pretty easy to do that. And they wanted the mail-in ballots as well. So I mean, we added stuff. We talked about things back and forth, not me personally, but the officials did. Now we also had a conventions information booth set up, and there are regular meetings between the CEO [chief executive officer] of SUMA and the ministry officials, the deputy minister.

So there were extensive consultations on the Act. And as regulations started to come out, the letter was a surprise, like I've already stated. But they've also acknowledged misinformation on their part, misunderstanding the process. And knowing full well that the Act is a very high level guiding document, and within the regulations, we'll make sure that there's provisions to address their concerns as the letter indicated, those five points. We're going to work with them in a collaborative effort.

And also on the regulation piece, we do recognize municipal elections are different than provincial elections. And we wanted . . . And there is a requirement to have some flexibility in regulations to make changes quicker than have to amend the entire Act for things like ID that might change. Municipal sectors might come forth and say, we need, we'd like to have this included. We think this is more on an ongoing basis with this discussing of the Act and this kind of issue.

So the consultations were extensive, in fact, and the letter was a surprise. But they acknowledged to be misinformed, misunderstanding the process. And immediately upon getting the letter, my deputy and John met with SUMA, and they

discussed the issue. And it's been rectified now to the satisfaction of both the ministry officials, and hence myself now, and SUMA and their officials and their CEO.

**Ms. Higgins:** — You often use Ontario, well Ontario's always used in both the examples of this being a requirement at the provincial level and at the municipal level. You, I believe in your fairly lengthy preamble at the beginning, used Ontario. Does not the province of Ontario provide free of charge all of their citizens a photo identification card?

**Mr. Nasewich:** — It's Rod Nasewich here. Yes, my understanding is their health card has photo on it. So they don't issue a voter identification card per se but that their health card, that does go to everyone, has a photo on it and that is used in a lot of instances for people to show their ID.

**Ms. Higgins:** — Last evening we were looking at, or yesterday in committee we were looking at a variety of cards that are listed in the list as being acceptable. The Saskatchewan health cards expire. All of the ones that we seen yesterday expire at the end of this year. Is there any indication that that would be improved to be used as a type of identification for voter ID with a photo, whatever was required by the legislation or regulations?

**Hon. Mr. Hickie:** — Thank you, Mr. Chair. Thanks for the question. You know we haven't had any specific dialogue with Health on that issue, but one thing that by having this process now in regulations, if things change where the health card is more adaptive, has a picture, maybe even an address at some point, that will be indicated. Of course we can change the regs to reflect that as a photo ID piece.

So talking about the specifics about the expiry of the health card, we haven't had those discussions with Health, but we have lots of other . . . We're looking for lots of other inclusive forms of ID. You know what struck me with the federal election — and we've talked about it this morning in my office with the officials — was that they had a library card, which was interesting, as one form of ID along with a second piece that will show your residency.

The critical point here is the residency piece. And we'll allow a little bit of latitude there as well looking at, you know, box numbers and such as well to be allowed in the municipal elections Act. And so we're looking for the residency requirement. And even if people haven't got identification, let's say you're in a shelter or in a seniors' facility, we're going to allow for some forms, certification that the administrator of that facility can attest that you in fact have resided there and you are a resident.

So you know, the photo ID piece which has been dwelt on by a lot of people, and I point no fingers, I understand where it would be the point you want to hang on to. It's one. It's one piece. If you haven't got a photo ID, we'll look at other things such as the seniors group that we consulted with asked about. Well can we use our Blue Cross medical insurance? Can we use our CAA [Canadian Automobile Association] card? Why not? I think that we're going to be looking at all those issues. As long as you have the second piece of identification that shows it's your same person with your residency. That's the critical piece

— the residency part.

**Ms. Higgins:** — My library card doesn't even have my name on it. So, I mean, my library card . . . while the legislation says I may be able to use it, it's not going to work.

Which brings up a number of concerns because yesterday in committee we had a woman who took all of the identification that's appropriately flagged in legislation and in the regulations for the federal election, but yet she was not allowed to vote. So what safeguards or what's out there for people to ensure that they will be able to vote? This is a pretty broad list of cards that you're allowing, and many of them have a name on them. Some don't. Very few have an address on them, and even fewer have a picture. And there is probably not a huge percentage of people in this province outside of the driver's licence, and then we get into the whole issue of not an actual address but a post office box. So how is that all going to be addressed?

I mean it's almost getting so broad, you wonder if it's worthwhile going through all the work or whether you need to do the work, have a card in place and then move ahead with the requirements for voting.

**Hon. Mr. Hickie:** — Thank you for your question. You know, the issue of the whole reason of moving forward on the identification piece was to ensure that we have an integral, an integrity part of the municipal elections. Officials have heard that over the years after every municipal election that there were people, from citizens raising concerns about eligibility of voters, in some cases people who were deceased who were actually voting. So we do know that people have to go and sign that voter declaration form for municipal elections. So that's one piece that's critical.

What's important here is that when you sign that form, when Darryl Hickie goes to that booth and signs that form for municipal elections, I'm proving to those officials that I am that person. It's all about the integrity of the process. Now having said that, recognizing for sure what the member recognizes, while regarding some cards don't have your name on it in some jurisdictions, in some municipalities they do. Again, the broad consultations that are going on in the communities, in some communities your library card does have your name on it, not focusing just on that one, but various cards in some communities, in some municipal areas have your name, some don't.

So again we'll have lots of different, we'll have lots of different required ID. Lots of cards can be used. You can show identification with two pieces, one with your name on it, one with the residency or photo ID with your address on it. So the regulations are pretty broad in that aspect, but there again too this isn't all. We're not done yet. We're going to go back to the groups we consulted with and ask them if there's anything we may have left out because in some cases they may have an idea for, like I say, the seniors have some really good ideas for us.

So you know, if we have a Provincial Library card, let's say it hasn't got an address, but has your name on it, maybe we can use that still. Maybe we don't. Who knows? Like, things will work out. We have a ways to consult still. The most important thing is to have two pieces of ID, one with a name, one with



your residency on it. And that just proves that the person at the booth is the person they say they are.

Now to address your issue on the training part of it, the lady that . . . I came in yesterday afternoon, late, and I did hear some of the concerns and that bothered me. So what we're going to do is that once we have the regulations finalized and upon proclamation, we'll be starting with training of election officials as well and public education. We will make sure that we do everything in our power that the officials who are at the . . . the deputy returning officers do in fact have the right training so people aren't turned away. But there again too, it goes back to the point of if you sign the voter declaration that you are who you say you are at the booth, that's what the most important part of this piece is on the voter ID piece.

**Ms. Higgins:** — Sorry, there was a piece that I wanted to ask you about on the SUMA letters and I forgot. Sorry, I need to backtrack here a wee bit. On the April the 27th letter, after the discussions with officials, “. . . our understanding that our interest in making changes to the provisions could not be accommodated within the remaining . . . days.” Okay, that was a bit of a frustration. But there goes on to say in the letter, based on the outcome of the meetings:

SUMA believes that the concerns raised in the April 19 letter can now be effectively addressed through further collaborative work on the associated regulations. Therefore, SUMA is prepared to withdraw its concerns regarding Bill 162 pending your agreement on the following principles.

And then there are five principles that are listed. I guess I could read them into the record.

**Hon. Mr. Hickie:** — They already have been.

**Ms. Higgins:** — Okay, and you've agreed to all those principles with SUMA, stated in the SUMA's letter?

**Hon. Mr. Hickie:** — I will let the officials, the deputy will actually address the meeting that took place to give you a little more insight in this, but absolutely. These are the provisions that we're going to look to ensure that the regulations are suitable to SUMA. Even though the Act is the defining legislation and the Act has the wording as such, the regulations are going to operationalize, we'll operationalize the Act.

But SUMA's raised these concerns. So again, when we got the first letter, I was concerned, as you were and your people were on your side. And so we wanted to get to the bottom what happened here. So in the second letter you mentioned here, SUMA says okay, we have some concerns. We want these addressed if we can, moving forward.

There's five points. And, you know, it says here that, in the last paragraph:

Assuming you are in agreement with the principles above, SUMA is satisfied that the interests of urban governments can be addressed and we offer our support for the passing . . .

So that agreement between the deputy was made with the CEO. And I'll just pass it on to Mr. Isman now for follow-up on that from the meeting that took place to address their concerns.

[16:30]

**Mr. Isman:** — Thank you, Minister. Van Isman. Yes, those five points are much of the context of the discussion that I had with SUMA's CEO, Mr. Mougeot, at the meeting on April the 26th.

**Ms. Higgins:** — Sorry, could you repeat that.

**Mr. Isman:** — Certainly. The five points that SUMA had put down there are consistent with the course of the conversation that I had with SUMA's CEO on April the 26th.

**Ms. Higgins:** — Is there . . . Could you kind of clarify the voters list changes that are also in the Bill? Sorry. I'm kind of jumping all over, but there's just some bits and pieces that I have questions on.

**Hon. Mr. Hickie:** — Just give me a second. Thank you for the question. So there are some other corrections and clarifications that were in regards to the Bill . . . the Act, sorry. And in regards to enumerators, advanced poll lists, it was a housekeeping matter that involved . . . Both are required, utilized only — only I say — if a voters list is used. Most municipalities don't use a voters list so these don't apply, but the legislation now makes this clear.

So I know in my preamble I was talking about some specific identification purposes that could be utilized by a municipality. We do know that some . . . There is a chance that some municipalities may want to issue their own particular, their own voters lists, their own particular identification per se. So we want to make sure that again we're looking at all the different possibilities that could come up here. So even though they're not required to, but we want to make sure that we have it so in case they do decide to have a voters list, it's in there . . . [inaudible interjection] . . . Inclusivity . . . [inaudible interjection] . . . Inclusivity? To make it more inclusive, to make sure there's more . . .

**Ms. Higgins:** — Now a couple of times you have talked about declarations. So you're talking about the integrity of the system and if you have photo ID and identification, I guess, one piece that has also photo plus address then you're . . . One piece. If you don't have an address on the photo ID, then you need something else that states your residency. So then there would no longer be a declaration?

**Hon. Mr. Hickie:** — Thank you. No, there's still a declaration that's still required. The most important part of this is that the declaration's still there because most municipalities, like I said, don't have voters lists. So they're declaring that they are . . . And I'll use myself. Darryl Hickie lives at an address. But then to prove that I am the person that I say I am, I am producing that one piece of photo ID with my address or two pieces of ID, one with my name and one with my name and address, utility bill per se, maybe my pay stub from the Government of Saskatchewan.

So it's just again to show that there's integrity because we have heard from officials after every municipal election — I'll talk about just municipal elections — that there were allegations of people voting that shouldn't be voting in that particular area. Saskatoon and Regina identified that as a concern within their growing populations in their ward system that they wanted to ensure the person that shows up to the poll is who they say they are. That's all it is. Therefore the declaration is signed because there isn't an official voters list like we had . . . an enumerated list like we had in the federal election recently. So this will accommodate the declarations there and then you actually say who you say you are by producing the identification.

It's just all about integrity. It's the integrity of the process. So we're looking to that as just another means to ensure that all three orders of government are linked together so that all three have integrity attached to them to a process to do the best we possibly can as a government to remove allegations of any kind of fraud or impropriety.

**Ms. Higgins:** — Then when you're talking about all three levels of government being linked together, are you looking at moving towards a permanent voters list?

**Hon. Mr. Hickie:** — Thank you. Thank you for the question. Within the municipal sector, we don't have purview over that particular question. But we do know that the officials have indicated that upon some consultations with the Act and the regulations, up to this point there's not a lot of strong willingness to do that because municipalities are responsible if they wish. So if they want to do that though and have their own voters list, they could, like I stated already. Most don't. So in that particular . . . And on your question, a permanent voters list, it wouldn't fall under the purview of LGEA or this particular municipal elections.

**Ms. Higgins:** — As the critic for Municipal Affairs, I have been questioned a couple of times actually about what access citizens in a community have to the voters list or the list of people that have declared they live in that community and are eligible to vote, if there is any opportunity for the public to view it.

**Hon. Mr. Hickie:** — Thanks for the question. The municipal sector has informed the ministry that they don't want to be responsible to make a voters list. It's additional cost to them. So what we've also heard is that there most likely, if there was to be any kind of list developed, based on what we've heard so far, the resounding response would be no, we'd rather not have a voters list, and we'll still go on with what we're doing right now.

**Ms. Higgins:** — Well no, if you . . . Even if you don't have a voters list and you have to make a declaration, you must sign in, I would assume, to get your ballot the same way you would in a provincial or a federal election. So is there an opportunity for citizens . . . I mean the federal lists are open to the public. The provincial lists are open to the public. So why would not a municipal declaration list or sign-in sheet, whatever you want to call it when you're picking up your ballots, why would not that be open to the community as a, I think, a safeguard and almost a double-check as to who votes, who doesn't vote?

**Hon. Mr. Hickie:** — Sorry. I just went to the Act. So after the

municipal elections are done, those declared forms, declarations are stored and put in packets and returned to the . . . The deputy returning officer holds those.

Now the municipal sector, as I've already stated, doesn't have a strong interest in working or trying to compile a voters list. But as I mentioned about the consultation process, what we just talked about today is that what's going on right now, here in this Chamber, is a consultation process. And we're going to take that particular point forward, and we'll put that back into the mix when we go back out to the municipal sector to see if in fact we might have, based on some comments you've raised and some of the . . . And there's some valid points there for sure for the public that maybe they might want to reconsider that. So like I say as it stands now, no, the deputy returning officer maintains those and they aren't for public consumption. But like you mentioned, because we do have the orders of government falling into place, we may have to consider doing that. And we will definitely consult with the municipal sector on that point. So thank you for that.

**Ms. Higgins:** — For a bit of background, the concern that was raised with me was in a small hamlet. Elections were held. Say one Mr. Darryl Hickie was running for councillor. We all went out and voted but Darryl Hickie brought in all of his family from . . . questionable whether they lived in the area or not, and had them vote. But you know, that's the kind of thing . . . And I'm not saying that it happens. And we all know that you will get many concerns that will be brought to you, and you're only hearing one side of the issue. So I mean that's all part of it too. And we always have to take that into consideration. But when you stop and think about it, the federal lists are accessible. The provincial lists are accessible. Why on earth wouldn't municipal?

And whether they don't develop a list or not, there still should be a list, a sign-in of people who received ballots that should be open to, under certain circumstances . . . I don't mean staple it up on the telephone poles like we used to 40 years ago or 30 years ago, my mother used to tell me. But you know, it's about accountability and it's about citizens feeling secure with the knowledge that the election, everything was up and up and that there needs to be accountability. And it's as important in small communities as it is large ones, as it's provincially or federally. It's important to people.

**Hon. Mr. Hickie:** — Good points altogether again. We look at the issue of the integrity of the process. What's been going on for a number of years, with just the declaration signed, raised . . . There were allegations of fraud, ineligibility. So by having the voter ID provision like we've talked about today already within the regs — and the list is not exhaustive by any means as of yet; still going on — that the people at the polls taking that declaration would then confirm that it is in fact Darryl Hickie who . . . And everyone I brought in to vote for me would be residing in the area they're supposed to, based on the residency requirement shown in the identification. So that's one aspect to look at.

But again municipalities are required to, if they wish to, to provide the voters list and have the additional costs associated with that. So if there was a challenge to the actual vote, there would be provisions already standing that I think I'll let John

Edwards talk about, to make those kind of requirements to challenge that.

But again we haven't had this voter ID provision for the municipal elections. So by doing that with a declaration signing, we're just proving that the person who signs the declaration is who they say they are again, and they live in the area, the ward, or the riding that the election's taking place. So I'll pass it off to John to finish up on some of the answer.

**Mr. Edwards:** — The emphasis in the absence of municipal voters lists — and that's been their consistent choice for about as long as I've been involved in municipal work — has been to focus on scrutiny at the polling place to ensure that the candidates' agents have an opportunity to assure themselves of the eligibility of voters, to ensure that the returning officer is confident that the person is. That's why the voter ID provision is being introduced because it goes hand in hand with that. The point that you raise about scrutiny after the fact I think is probably one that is worth pursuing with the sector, and we can certainly do that in the next round of consultations that we have regarding this Act.

**Ms. Higgins:** — Well first off, I think what I need to say is that I appreciate the response to questions and, you know, the ministry's been fairly upfront about any of the questions that we've put forward. And I also want to congratulate you and well I think it's just that the steady work that the ministry has always done with partners, that you've taken into consideration concerns of clerks in municipal elections and other concerns that have been brought forward to you by the city and the RMs . . . I mean the municipalities. That is important because it is frustrating to see the provincial piece go forward without any consideration to the Chief Electoral Officer and the recommendations that were put forward after the 2007 election.

[16:45]

So I just want to say to the ministry it's much, I mean you know, it's a much better way to work when you're taking into consideration your partners because they are partners. So I mean that's appreciated and I do appreciate the questions.

Now unless some of my colleagues have any questions, I believe that's it. I still . . . There is some frustration, and I want to put this point on the record. There is still some frustration that you would not have gone to a type of provincial identification card that was provided by the Government of Saskatchewan for everyone. Because there is still a concern that this will turn people away from voting, and at this point in time when we all know that we need to encourage voters, need to encourage participation in the democratic process. We all know of instances in the federal election where they have the same requirements that we're putting in place in the province of Saskatchewan where people have been disenfranchised and have not had an opportunity to vote for one reason or another.

So I would truly like to see the province go to something more standardized instead of the whole grab bag full of cards that may or may not be municipal, provincial, federal, whatever. Because it's going to be, it's going to be frustration for voters and that's definitely not what we need to have at this point in time.

Thank you very much. Thanks to the minister and thanks to the officials for the answers to questions. Thank you.

**The Chair:** — Thank you, Ms. Higgins. Sure, Mr. Hickie.

**Hon. Mr. Hickie:** — Thank you. Point well taken from the member. You know, we do see now that SGI [Saskatchewan Government Insurance] is working on that whole photo ID piece to coincide with driver's licence to be one piece. But the regulations we're going to work on now is to include what we have in front of us today. So we'll make sure that the regulations are . . . Hence the need for regulations for inclusivity for ID because they can be opened and added to as time goes on. If the government decides to go that way — and again we do hear that maybe some municipalities do want to have their own identification — so if that happens, the Act would have to . . . The regulations would accommodate them as well.

So thank you very much for the point, and the government will be starting that with the SGI photo ID already. So we'll see what happens. Thank you.

**The Chair:** — Thank you, Mr. Hickie. Are there any other comments or questions from the committee? Seeing none, we will proceed with the voting of the clauses. This Bill has 68 clauses. Is leave granted to review portions of the Bill in parts?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 68 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 162, *The Local Government Election Amendment Act, 2010*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 162, *The Local Government Election Amendment Act, 2010* without amendment. Mr. Chisholm. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you, committee. Mr. Minister, is there any closing remarks you might like to say?

**Hon. Mr. Hickie:** — You know what, Mr. Chair? I think this has been a very helpful process, and I thank the members opposite for their questions. And we'll take, again, we'll take some of the concerns that the members brought up, actually move them forward in the consultation to our municipal sector. So thank you very much for that input, and thank you to the committee for this afternoon's work.

**The Chair:** — Thank you, Mr. Minister. And thank you to your officials for being here, and thank you to the committee members as well. This concludes our business for today. I would ask a member to make a motion that we adjourn.

**Hon. Ms. Ross:** — I make that motion that we adjourn.

**The Chair:** — Ms. Ross. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — This committee now stands adjourned. Thank you.

[The committee adjourned at 16:51.]