



First Session - Thirty-Sixth Legislature

of the

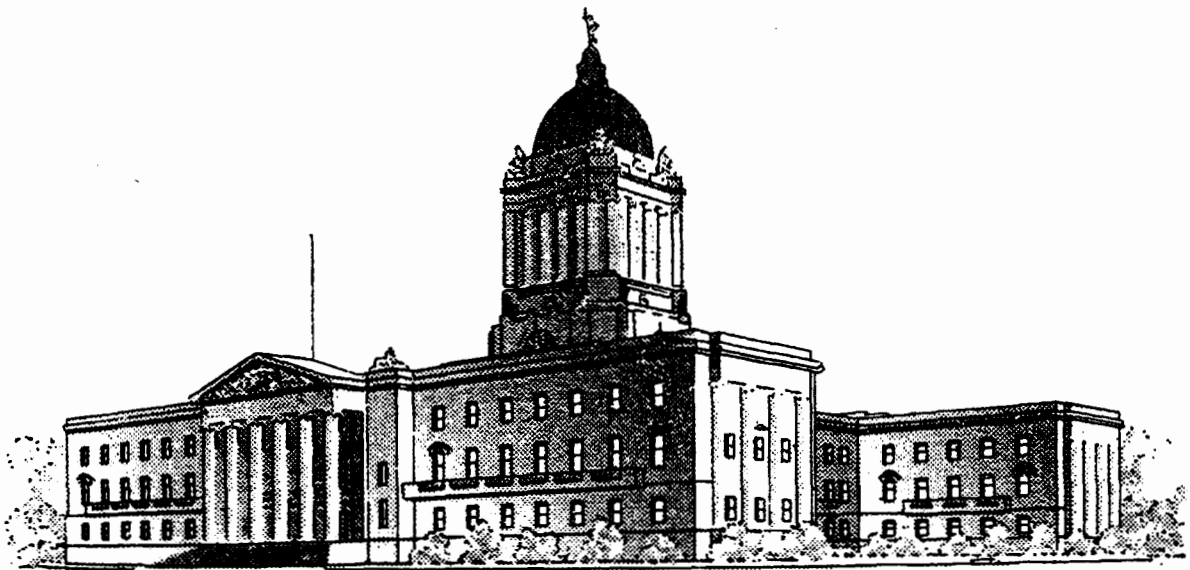
Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson
Mr. Denis Rocan
Constituency of Gladstone



Vol. XLV No. 3 - 10 a.m., Thursday, June 29, 1995

ISSN 0713-9586

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE
ON LAW AMENDMENTS

Thursday, June 29, 1995

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Denis Rocan (Gladstone)

VICE-CHAIRPERSON — Mr. David Newman (Riel)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Filmon, Praznik

Ms. Barrett, Messrs. Dyck, Mackintosh, Martindale,
 Ms. McGifford, Messrs. Newman, Penner, Pitura,
 Rocan

MATTER UNDER DISCUSSION:

Bill 35—The Elections Amendment, Local Authorities
 Election Amendment and Consequential Amendments
 Act

* * *

Mr. Chairperson: Will the Standing Committee on Law Amendments please come to order. Prior to commencing with the business before the committee, the committee should proceed to elect a member to fill the vacant position of the Vice-Chairperson. Are there any nominations for a Vice-Chairperson?

Mr. Frank Pitura (Morris): I nominate David Newman.

Mr. Chairperson: Mr. David Newman has been nominated. Any more? Seeing none, Mr. David Newman, you are elected Vice-Chairperson of the Standing Committee on Law Amendments.

**Bill 35—The Elections Amendment, Local
 Authorities Election Amendment and
 Consequential Amendments Act**

Mr. Chairperson: We have before us the following bill to consider, Bill 35, The Elections Amendment, Local Authorities Election Amendment and Consequential Amendments Act; Loi modifiant la Loi électorale, la Loi sur l'élection des autorités locales et apportant des modifications corrélatives.

It is our custom to hear presentations from the public for the detailed consideration of bills. At this point there are no persons registered to speak to Bill 35. Does the First Minister have an opening statement?

Hon. Gary Filmon (Premier): I have no opening comments, Mr. Chair.

Mr. Chairperson: Okay. Does the critic have an opening statement? None? Mr. Mackintosh.

Mr. Gord Mackintosh (St. Johns): Just to put on the record that we have reviewed the bill and we have addressed some issues that have been raised within our caucus and are satisfied that it meets the concerns that have been expressed to us and is in line with the recommendations of the Chief Electoral Officer.

Mr. Chairperson: The bill will now be considered clause by clause. During the consideration of the bill, the Title and the Preamble are postponed until all clauses have been considered in their proper order by the committee. Does the committee wish to proceed clause by clause? [agreed]

Clause 1—pass; Clause 2(1)—pass; Clause 2(2)—pass;
 Clause 2(3)—pass.

Clause 3.

Ms. Diane McGifford (Osborne): I still have a

question about Access to lists in municipal office, 37(1.1). It seems to me that the situation is that a person who is a stalker or harasser can still go into an electoral division and request the voters list and find the information that he or she wishes to that way. A person who deliberately intends or is harassing or stalking someone would actually do that. So it seems to me that all protections still are not in play.

Mr. Filmon: Lists that are available in the municipal offices are the lists that have had the names removed when people have requested, so those who for personal security purposes have asked to have their names removed, their names will not appear on the lists that are in the municipal office.

That is my information and I believe that it is covered by Section 5 which is the Personal security protection on lists and records. It says "Despite any other provision of this Act, the name, address or other personal information of an eligible voter shall be omitted or obscured from the voters list, and from any other record prepared under this Act that is available to the public."

Ms. McGifford: I understand that, but it still puts the onus on an individual to know, for example, that she is being stalked and therefore has to have her name removed. A person may not be aware that she is being pursued or that he is being pursued. So I just want to make the point. I understand, too, that 51.1 may provide the balance, but still I do have a concern there.

Mr. Filmon: If I may, the principle of this act is that there is still a list prepared, but anyone who has any concern on a personal security basis that they may be stalked, that they may have somebody harassing them, that they may have somebody attempting to access them for improper reasons and locate them for improper reasons, that person can then knowingly ask for their name not to be included in any public list of voters. But there will still be general public lists of voters prepared as is the requirement basically in a free and democratic electoral process.

So it is really an onus on the individual who believes that they are being stalked or who believes that they are at risk in some way to ask for their name to be removed from the public list. That is really what this act

provides for. It is the balance between the need to have in a democratic society an open electoral process in which people's names are on the list. They have been enumerated and then that is how they are identified as voters. But those who have a concern for their own personal security can have their name removed from the list. So they obviously have to know that they are at some risk in order to ask for that.

Ms. McGifford: Will people be told at the time of enumeration that they do have the right to have their names removed from the list and yet be enumerated?

* (1010)

Mr. Filmon: Under Section 5 51.1(2) says "The Chief Electoral Officer shall take such steps as the Chief Electoral Officer considers appropriate to inform the public of the protection for personal security that is available under this section." So there will be a process by which—it may be ads taken out in the paper, radio, television, whatever process the Chief Electoral Officer deems as appropriate to ensure that those who have a concern for their personal security are aware of this provision.

Ms. Becky Barrett (Wellington): Could the minister explain what "information omitted or obscured" means? Will that mean that there will be a complete elimination of the line or would it be a whiteout of the name with the address still available?

Mr. Filmon: I am informed that the degree to which their identity is obscured is up to the individual. An individual may choose simply to have their address taken off the public record or they may choose to have all information, name and address, taken off the public record. They will make that request.

Mr. Chairperson: Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass; Clause 11(1)—pass; Clause 11(2)—pass; Clause 12—pass; Clause 13—pass; Clause 14—pass; Clause—15; Clause 16(1)—pass; Clause 16(2)—pass; Clause 16(3)—pass; Clause 17—pass; Preamble—pass; Title—pass. Bill be reported. This completes consideration of Bill 35.

Committee rise. Thank you very much.

COMMITTEE ROSE AT: 10:13 a.m.