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**No. 20**

Friday, January 10, 1997

8.30 o'clock a.m.

Prayers.

**Select Committee on Electoral Reform**

Hon. B. Thériault from the Select Committee on Electoral Reform presented the final report of the Committee which was read and is as follows:

January 10, 1997.

To The Honourable

The Legislative Assembly of

The Province of New Brunswick

Mr. Speaker:

I have the pleasure to present the Final Report of the Select Committee on Electoral Reform.

Your Select Committee on Electoral Reform was appointed by a Resolution of the House adopted April 19, 1996 to examine, inquire into and make recommendations to the House with respect to the document entitled *Electoral Reform in New Brunswick: A Discussion Paper*.

This report and the recommendations contained herein cover the work of the Committee from April 19, 1996 through January 7, 1997 and effectively concludes an examination of the aforementioned Discussion Paper.

Your Committee expresses appreciation for the invaluable assistance provided by the Chief Electoral Officer, Mrs. Barbara Landry, and her officials. The Committee appreciates as well the assistance from the Chief Electoral Officer for Canada, Jean-Pierre Kingsley, and his officials in relation to briefing sessions. Finally, I wish to thank the Members of the Committee and, on their behalf, to express the Committee's appreciation to the many legislative staff who assisted the Committee in its work.

Respectfully submitted on behalf of the Committee.

(Sgd.) Hon. Bernard Thériault,

Chairman.

The full report of the Committee as presented follows:

Mr. Speaker:

Your Select Committee on Electoral Reform begs leave to submit this their Final Report.

This Report is the result of your Committee's deliberations on the Government's Discussion Paper entitled *Electoral Reform in New Brunswick: A Discussion Paper*. The Discussion Paper examines the current electoral process and outlines recommendations for reform and administrative change while maintaining the protection of the rights of individuals and ensuring traditional democratic principles. As well, the Discussion Paper identifies the consolidation of the *Elections Act* and the *Municipal Elections Act*, and the development of a continuous Registry of Electors, as areas where reform and administrative change would improve the electoral process.

Your Committee expresses appreciation for the assistance provided by officials in the Elections Branch of the Department of Municipalities, Culture and Housing and Elections Canada. It also wishes to

acknowledge the efficient and dedicated service provided by the staff of the Legislative Assembly. Your Committee thanks individuals, groups and associations who provided additional input.

## PREAMBLE

Your Select Committee on Electoral Reform was appointed on motion of the House adopted April 19, 1996: to examine, inquire into and make recommendations to the House with respect to the document entitled *Electoral Reform in New Brunswick: A Discussion Paper*, to hold public hearings as it deems necessary, and to report to the House as soon as possible or following any adjournment, or at the next following Session, as the case may be.

The Committee held its first meeting on May 30, 1996. On motion, Hon. Bernard Thériault was elected Chairman, and Mr. Sherwood, Vice-chairman. Your Committee held briefing sessions with Mrs. Barbara Landry, the Chief Electoral Officer of New Brunswick and her officials on June 28, 1996, and with Mr. Jean-Pierre Kingsley and officials of Elections Canada on August 29, 1996.

## PUBLIC HEARINGS

Public hearings on the Discussion Paper *Electoral Reform in New Brunswick: A Discussion Paper* were held in the Legislative Council Chamber in Fredericton on September 10, 1996 and October 8, 1996. Your Committee heard 10 presentations, a list of which is hereto attached as Appendix "A". Your Committee met October 10, November 27, December 4 and 12, 1996 and January 7, 1997 and considered the submissions received and prepared recommendations for presentation to the House.

## I. EXAMINATION OF ELECTORAL REFORM IN NEW BRUNSWICK:

### A DISCUSSION PAPER

The current *Elections Act* was proclaimed May 19, 1967, and the *Municipal Elections Act* on June 14, 1979. Incorporating the numerous amendments required by changes to both Acts over the years has resulted in complex legislation not easily understood by the average New Brunswicker. The Discussion Paper notes that the present legislation is difficult to interpret, to apply and to administer.

The Discussion Paper proposes changes to the *Elections Act* and the *Municipal Elections Act* to improve and modernize the electoral process. Your Committee is in general agreement with the spirit and approach taken in the Discussion Paper which puts the elector first and suggests certain courses of action to simplify and standardize the election process. Making it easier for New Brunswick citizens to cast a ballot, giving the Chief Electoral Officer increased discretion in determining voting procedures, and opening the door for the use of new technologies, are this Committee's prime objectives.

The Discussion Paper on Electoral Reform identifies key problem areas which have historically been identified in past elections and sets options for electoral reform. These include:

A. The consolidation of the *Elections Act* and the *Municipal Elections Act* to create a common set of rules and procedure that would govern all provincial and municipal elections.

B. The development of a continuous Registry of Electors to serve for all elections and remove the necessity of a mandatory enumeration process.

C. Changes to other general administrative procedures to simplify and improve the overall electoral process.

The Committee agrees that a number of fundamental democratic principles must be respected and protected during the process of electoral reform:

A. The democratic right of each elector to cast his or her vote must be assured and protected;

B. The election process must be open and honest; and

C. The election process must be simple and accessible to all electors.

These fundamental principles form the basis of the Committee's recommendations.

## II. CONSOLIDATION OF THE ELECTIONS ACT AND THE

### MUNICIPAL ELECTIONS ACT

Consolidation of the *Elections Act* and the *Municipal Elections Act* to create a common set of rules and procedures that would govern all provincial and municipal elections is a primary objective of the discussion on electoral administrative reform.

## STUDENT ELECTORS

Concerns have been expressed regarding the domicile definitions for student electors. The *Municipal Elections Act* requires that a student elector vote where the student is domiciled, i.e. the permanent address of the student's parents. Under the *Elections Act*, a student has the option and may vote at a regular poll in the electoral district where the student is duly registered and in attendance at a recognized educational institution, or by write-in ballot in the electoral district in which the student ordinarily resides.

Your Committee therefore recommends:

***Recommendation 1***

That the two Acts be standardized to give students, who meet the six-month residency requirement in a municipality, the same choice now offered to students in provincial elections.

Your Committee makes the following additional recommendations:

***Recommendation 2***

That the provision in the *Elections Act*, which provides for the withdrawal of a candidate up to 48 hours before election day, be adopted for all candidates of municipal elections.

***Recommendation 3***

That the procedures dealing with the death of a candidate be clarified so that in all cases where a candidate dies after nomination day, the election would automatically be countermanded and a new nomination and polling date set to protect the right of representation for all electors.

***Recommendation 4***

That common terminology be adopted for all election officials and for similar procedures and processes to make the legislation simpler and easier to understand.

***Recommendation 5***

That the number and variety of oaths and forms required by legislation be reduced and simplified.

***Recommendation 6***

That the Chief Electoral Officer be provided the discretion necessary to redesign and simplify election forms.

***Recommendation 7***

That the present requirements for official election advertising be standardized and simplified, to present a more user-friendly format for the public, by using simpler language and more modern advertising techniques.

***Recommendation 8***

That the proposal that party logos for registered political parties be added to the ballot be abandoned.

***Recommendation 9***

That the Chief Electoral Officer provide for the placement of prominent notices on all privacy screens at voting booths to inform electors, who may have accidentally spoiled their ballot by marking them incorrectly, that they have the right to return to the poll clerk and request a second ballot.

***Recommendation 10***

That the Chief Electoral Officer provide adaptations for the ballot to assist the visually impaired.

***Recommendation 11***

That a Judge in charge of a recount, in the case of a municipal election, be given greater discretion in deciding whether only the ballots for the leading candidates or all ballots need to be recounted.

***Recommendation 12***

That a new form be designed for the Judge to record the results of a municipal recount.

***Recommendation 13***

That the same hours be set for both the advance and regular polls.

**Recommendation 14**

That the current regular polling hours of 10:00 a.m. to 8:00 p.m., for both the provincial and municipal elections be maintained with counting of results to commence immediately after the close of the poll.

**Recommendation 15**

That one other level of Deputy Returning Officer be utilized in the case of larger polls, or in every location which has more than five polls, at the discretion of the Chief Electoral Officer.

**Recommendation 16**

That provision be made for the holding of an advance poll in the Returning Officer's Office.

**Recommendation 17**

That the qualifications for poll workers be clarified to indicate that a poll worker cannot work at a poll where an immediate family member or relative is a candidate in the election.

**Recommendation 18**

That the Chief Electoral Officer develop rules for the layout of all polls.

**Recommendation 19**

That the use of cellular telephones and other electronic communication devices, not in control of the Chief Electoral Officer, be prohibited in the polling station during voting time.

**Recommendation 20**

That the media be permitted in the poll for the casting of the ballot for the candidates of the major parties and mayoralty candidates, if the candidates agree, and if previous arrangement has been made with the Returning Officer.

**Recommendation 21**

That the Chief Electoral Officer be given greater discretion to control signage display and the use of other electronic forms of advertising by candidates. It is further recommended that all loud speakers, and other forms of advertising be restricted so as they could not be heard or seen within 30 metres of the property on which the poll is located on advance poll or election day.

**Recommendation 22**

That the establishment of a blackout period of 24 hours preceding polling day be a standard for all elections.

**Recommendation 23**

It is further recommended that the matter of the publication of public opinion polls during an election period be referred to the Supervisor of Political Financing.

**Recommendation 24**

That the Chief Electoral Officer identify and review those election functions which could potentially be provided from Service New Brunswick Centres, such as the site for advance polls, or an office where an elector can add his or her name to the Continuous Registry of Electors.

**Recommendation 25**

That the Chief Electoral Officer be provided through legislation the flexibility necessary to conduct pilot projects to evaluate the suitability of new technology, such as electronic voting machines, and other areas of new technology that may become available.

**Recommendation 26**

That legislative amendments be drafted with a view to the future which will not restrict the use of new technologies in recording and documenting election activities.

**BY-ELECTIONS**

Presently under the *Elections Act*, a by-election is not required if a vacancy occurs after three and one-half years into a Government's mandate. The Discussion Paper proposes that this period be reduced to three years.

The majority of presenters and political parties who appeared before the Committee were opposed to this proposal. The Committee shares the concerns of many of the presenters that such a proposal could leave an electoral district unrepresented for as long as two years, particularly since the maximum life of a Legislature is five years.

Your Committee therefore recommends:

#### ***Recommendation 27***

That the provision in the *Elections Act* stating that a by-election is not required if a vacancy occurs after three-and-a-half years be repealed.

The *Elections Act* currently requires that a by-election be called within six months following the declaration of a vacancy. The Discussion Paper proposes that this time period be extended to one year from the current six months.

Your Committee recommends:

#### ***Recommendation 28***

That the *Elections Act* require that a by-election be called within one year following the declaration of a vacancy.

### **III. REGISTRY OF ELECTORS**

A continuous or permanent Registry of Electors is an automated listing of all eligible electors, maintained and updated using modern information processing techniques. The Chief Electoral Officer should be given a mandate to develop a permanent list of electors by constituting a Registry of Electors which would serve for all elections and remove the necessity of a mandatory enumeration process. Door-to-door enumeration for each election is the single most costly part of conducting an election. Existing legislation which requires that separate enumerations be conducted for both provincial and municipal elections raised concerns about duplication. One enumeration list could be used for both elections. Other factors requiring consideration are: demographic changes, security issues, especially in urban areas making enumeration more and more difficult with fewer available electors and difficulties recruiting qualified enumerators. These factors contribute to inaccuracies and omissions in the present enumeration process. The Discussion Paper notes that these factors, coupled with a short revision period, make it difficult to ensure that all eligible voters are on the list.

Significant benefits will result by adopting and using a continuous Registry of Electors. The responsibility for establishing a permanent list of electors, and for registering all eligible electors, should rest with the Chief Electoral Officer. It should be the responsibility of the Chief Electoral Officer to ensure the Registry is updated and maintained at a high level of accuracy.

Privacy remains an important factor in the creation of a continuous Registry of Electors. It is important that the use of the information in the Registry of Electors be restricted for election purposes only. The Committee agrees that the provisions for enumeration should not be eliminated entirely, but should be retained as an optional method to be used in exceptional circumstances, at the discretion of the Chief Electoral Officer.

Your Committee recommends:

#### ***Recommendation 29***

That the Province of New Brunswick, through the Chief Electoral Officer, establish a continuous or permanent registry of electors, using standard enumeration procedures to initially build the registry, and to verify its accuracy by such methods as may be determined by the Chief Electoral Officer.

#### ***Recommendation 30***

That the Province of New Brunswick build its own registry and that the Chief Electoral Officer be given the latitude to negotiate agreements with Elections Canada to ensure that the citizens of New Brunswick benefit from any cost sharing that might ensue.

#### ***Recommendation 31***

That the Chief Electoral Officer be responsible for ensuring the Registry is maintained at a high level of accuracy, and for determining the optimum maintenance levels, whether by continuous, regular, periodic updates, or just prior to a major electoral event.

#### ***Recommendation 32***

That the requirement that a witness must swear for an elector, before a Revision or Qualification Officer can add the elector's name to the voter's list at an Urban Poll, be removed.

**Recommendation 33**

That the name of an eligible elector, who can provide proper identification, be added to the Registry of Electors at an advance poll, regular or mobile poll, up to and including election day.

**Recommendation 34**

That proper identification, for the purposes of Recommendation 32, is defined as two identification cards, one of which must include the elector's signature, and one of which the address. The use of financial cards such as credit cards should not be permitted.

That the Chief Electoral Officer be authorized to require the production of such additional identification documents as may be determined by the Chief Electoral Officer.

**Recommendation 35**

That the Chief Electoral Officer be given the necessary discretion to determine whether an enumeration process will be required for exceptional cases, based on the quality of the current list of eligible electors.

**Recommendation 36**

That the currently mandated revision period be eliminated and the Chief Electoral Office provide for ongoing revision which could extend to a fixed date prior to the election event, when a final list of electors would be produced for use on polling day.

**Recommendation 37**

That the Chief Electoral Officer be provided with sufficient flexibility in legislation to provide for pilots in other areas as new technology becomes available.

**Recommendation 38**

That the new legislation set out the requirements to provide a copy of the Registry to all political parties and returning officers, but not the means by which it will be done.

**Recommendation 39**

That legislation provide for the protection of the information used in the continuous Registry of Electors to restrict its use for election purposes only, including partnership with Elections Canada for federal election purposes.

**IV. ELECTION CALENDAR FOR BOTH THE *ELECTIONS ACT*****AND THE *MUNICIPAL ELECTIONS ACT***

The Discussion Paper proposes that the election schedule period established by the *Elections Act* and the *Municipal Elections Act* be standardized. The provincial *Elections Act* schedule allows a minimum of 28 to a maximum of 38 days, while the *Municipal Elections Act* permits from 42 to 50 days. A major difference between the two schedules is the closure of the nomination period: 14 days before a provincial election, and 24 days before a municipal election.

The Discussion Paper proposes that the provincial election be run on a compressed election calendar of 25 to 35 days, while the municipal calendar could be shortened to 25 days. It further proposes a standardized time frame for the close of nominations: 17 days prior to polling day, for both electoral processes. (See table entitled *Proposed Election Schedule* on page 11 of the Discussion Paper.)

The proposed election schedule outlined in the Discussion Paper was opposed by the majority of presenters who appeared before the Committee. A number of presenters claimed that the present schedule for provincial elections is already too short.

Your Committee therefore recommends:

**Recommendation 40**

That the current election calendar of 28 to 38 days for provincial elections be retained and be adopted for municipal elections.

**Recommendation 41**

That a consistent nomination period closing 17 days prior to polling day be adopted in both electoral processes.

#### **Recommendation 42**

That the provincial election schedule be shortened by changing the Official Addition Day from 7 days after the event to 4 days.

#### **V. QUALIFICATIONS OF CANDIDATES / ELECTORS**

The primary qualifications for an elector are age, citizenship and residency. While the age of qualification is eighteen in both the *Elections Act* and the *Municipal Elections Act*, qualification in the areas of citizenship and residence are different in the two Acts. Under the *Elections Act*, an elector must be a Canadian citizen, or a British subject resident in the province prior to January 1, 1979. There is no similar requirement in the *Municipal Elections Act* which could result in an elector being on one list and not another because of the difference in citizenship requirement. The Committee agrees that an elector must meet the most basic of all qualifications: citizenship.

The Discussion Paper proposes that eligibility requirements in the provincial *Elections Act* be adopted for municipal elections.

Your Committee recommends:

#### **Recommendation 43**

That the citizenship requirements in the *Municipal Elections Act* be standardized to the requirements outlined in the provincial *Elections Act*, to achieve greater consistency between the two Acts and to facilitate development of the single registry of electors.

#### **Recommendation 44**

That residency requirements be standardized to a sixmonth period calculated prior to the date of election.

#### **Recommendation 45**

That all future municipal candidates meet the same basic citizen requirements for electors.

#### **Recommendation 46**

The Committee agrees to the \$100 deposit, refundable when the candidates receive 50% of the vote of the winning candidate; however, the Committee recommends that the nomination requirement for candidates at the municipal level be established at \$50.

The Discussion Paper suggests that the requirement for the number of signatures in support of a candidate's nomination be increased to 100 electors at the provincial level. For municipal elections, the number of signatures would be established at 100, where the population in a municipality is greater than 10,000 and at 10 signatures where the population is less than 10,000.

Your Committee recommends:

#### **Recommendation 47**

That the requirement for the number of signatures in support of a candidate's nomination be established at 25 for both provincial and municipal elections.

#### **VI. MOBILE POLLS AND SPECIAL BALLOTS**

The Discussion Paper proposes that electors who are unable to vote at a regular poll on election day be allowed to vote by special ballot.

Your Committee recommends:

#### **Recommendation 48**

That new special ballots be developed, to replace the traditional write-in ballots, for all students and other electors wishing to vote in the electoral district or municipality where they are domiciled.

#### **Recommendation 49**

That the Chief Electoral Officer protect the right of secrecy for those electors who are only able to vote at a mobile poll by the use of special ballots.

#### **Recommendation 50**

That the Chief Electoral Officer be given the discretion necessary to establish a process to test voting machines at mobile and advance polls, on a pilot basis, and to report on the acceptance of this method by electors.

#### **Recommendation 51**

That the Chief Electoral Officer revise the write-in ballot format by preprinting all candidate names, and the designation "Special Ballot" for use other than at advance and regular polls.

#### **Recommendation 52**

That the definition of a mobile poll be amended to include extended care units in hospitals.

Presently, the *Elections Act* requires election staff to go to the bedside of nursing home residents who are eligible and wish to vote. A mobile poll set up in a common area would alleviate the problem. Beds could be brought out to the polling station and the resident would be served. This would ensure that every resident who is eligible to vote is given the opportunity to do so, either at the bedside or in a common area of the nursing home.

#### **Recommendation 53**

That the legislation provide the Chief Electoral Officer with the necessary discretion to set up a mobile poll in a common area of a nursing home to permit residents who are able to vote at such a poll.

### **VII. OFFICE OF THE CHIEF ELECTORAL OFFICER**

In New Brunswick, the Office of the Chief Electoral Officer is a branch of the Department of Municipalities, Culture and Housing reporting to the Minister. New Brunswick is unique in that it is the only province which undertakes both the provincial and municipal electors at the provincial level. This may explain the reason the office resides under a government department.

In all other provinces, the Office of the Chief Electoral Officer resides under the administration of the Legislative Assembly. The method of appointment of the Chief Electoral Officer varies from jurisdiction to jurisdiction; many appoint the Chief Electoral Officer through the Lieutenant-Governor-in-Council. In several jurisdictions, the appointment is made by the Legislative Assembly.

#### **Recommendation 54**

That the Office of the Chief Electoral Officer reside under the administration of the Legislative Assembly.

#### **Recommendation 55**

That the Chief Electoral Officer be appointed by the Lieutenant-Governor-in-Council on the recommendation of a Select Committee of the Legislative Assembly.

### **VIII. CONTROVERTED ELECTIONS ACT**

The *Controverted Elections Act* establishes offences and penalties for corrupt and illegal practices or failure to comply with the provisions of the *Elections Act*.

The *Controverted Elections Act* which was first enacted in 1921 is now archaic and in need of review as demonstrated by applications commenced under the Act in recent years. In a recent judgment of the Court of Queen's Bench of New Brunswick, dated July 19, 1996 relating to an application filed under the *Controverted Elections Act*, Mr. Justice David H. Russell states "that the *Controverted Elections Act* as presently drafted is archaic and outmoded". He notes that the Act has been used in a limited way over the years and understandably it has not received a great deal of attention from legislators. Justice Russell states in his judgment that the Act should be given a thorough refurbishing.

Your Committee therefore recommends:

#### **Recommendation 56**

That the *Controverted Elections Act* be reviewed and appropriate changes proposed.

#### **Recommendation 57**

That proposals for changes to the *Controverted Elections Act* be developed and presented through a Discussion Paper to be submitted for review by a Select Committee of the Legislative Assembly.

### **IX. ABORIGINAL REPRESENTATION**



Your Committee considered the question of providing for Aboriginal representation in the Legislature through the creation of an Aboriginal constituency. The idea of providing for Aboriginal electoral representation in the Legislative Assembly is not a new one.

### ***Background Information***

In 1991, the Representation and Electoral Boundaries Commission was mandated, in part to recommend "the best approach to ensure that the Aboriginal peoples of the Province are given representation in the Legislature in a manner similar to the approach employed in the State of Maine."

Following an initial inquiry, the Commission's report, *Towards a New Electoral Map for New Brunswick* recommended that "...a joint committee of specified size and composition be struck [by the Select Committee of the Legislature] to consult with the Aboriginal community to further explore the representation issue and to make representations concerning the implementation of such recommendations."

The Report was referred to the Select Committee on Representation and Electoral Boundaries which recommended in a 1992 interim report that "...the Representation and Electoral Boundaries Commission not initiate further consultation with the Aboriginal community with reference to their representation in the Legislative Assembly unless the Native community requests such a consultation process." The Commission did not receive an explicit request for a consultation process and, therefore, in accordance with the recommendations of the Select Committee, it did not undertake such consultations.

The Select Committee's Final Report recommended "retaining in place the mechanism, should the need arise, to deal with the question of representation of the Aboriginal Peoples in the Legislature."

On September 10, 1996, the New Brunswick Aboriginal Peoples Council appeared before your Committee and submitted a brief advocating seats for the Aboriginal peoples. The Council suggested two steps to address proper Aboriginal representation and political participation:

1. Conducting a comprehensive study of the size of the provincial Aboriginal population; and
2. Creating a system of representation to reflect the will of the Aboriginal and nonAboriginal parties.

The Aboriginal Peoples Council presented two options for legislative representation:

1. Aboriginal Electoral Districts which would consist solely of Aboriginal voters. Elected Members from these districts would have the same powers in the Legislature as Members from other electoral districts.
2. Aboriginal Delegates appointed to the Legislature would open the door to an Aboriginal presence in the Legislature as opposed to Aboriginal representation in the traditional sense. These representatives, who would be appointed by the Aboriginal community, would act as diplomatic agents as much as delegates. Aboriginal delegates would not have voting rights but would participate in legislative and committee debates.

There were no other representations from Aboriginal organizations, Band Councils or individuals on the matter of Aboriginal representation in the Legislature. Your Committee is of the opinion that it should not proceed further on this matter in the absence of a broader indication of support from Aboriginal people.

### ***Recommendation 58***

Your Committee therefore recommends that no further action be taken at this time.

## **X. OTHER ISSUES AND RECOMMENDATIONS**

A number of Canadian jurisdictions currently have in place a mechanism that provides a source of assistance to the Chief Electoral Officer in performing the duties required of the Office.

This added support may be in the form of an ad hoc or advisory committee, or a commission.

Such an advisory committee would provide a collaborative environment where issues pertaining to areas of the election process could be analysed, and a medium for input and communication flow from all parties, giving the Chief Electoral Officer the additional background information needed before particular electoral issues are acted on.

The creation of such a Committee would prove beneficial to all participants in the electoral process.

Your Committee therefore recommends:

### ***Recommendation 59***

That an advisory committee on the political process be established.

The advisory committee would consist of the Chief Electoral Officer and two representatives from each registered political party that had official candidates in at least one half of all electoral districts in the immediately preceding provincial general election. Each of said registered political parties would be required, within 15 days after the commencement of the first session of the Legislature following a general election, to designate the party's representative on the committee by means of a certificate signed by the leader of the party and filed with the Chief Electoral Officer. Those appointed would serve until 15 days following the commencement of the first session following the next general election.

#### **Recommendation 60**

That a member of the Legislative Assembly, or a member of the House of Commons, an officially nominated candidate in a provincial or federal election, or an official agent or campaign manager of a candidate or of a political party would not be eligible to be a member of this committee.

#### **Recommendation 61**

That the Chief Electoral Officer serve as the chairperson of the committee, which would meet at the request of the Chief Electoral Officer as often as necessary for the proper exercise of the duties relating to the application of the *Elections Act*.

#### **Recommendation 62**

That the advisory committee assist the Chief Electoral Officer in reducing and simplifying the number and variety of oaths and forms used in the electoral process.

#### **Recommendation 63**

That the committee consider the advisability of:

A. Requiring that Deputy Returning Officers be appointed from a list of nominees submitted by the governing party, and that Poll Clerks be appointed from a list submitted by the Party which received the second highest number of votes at the provincial level in the last general election.

B. Requiring that persons appointed to paid positions within the office of the Returning Officer be appointed on a basis similar to clause A.

#### **CONCLUSION**

The Discussion Paper, *Electoral Reform in New Brunswick*, recognizes the need for fundamental reform of election legislation in this province. The *Elections Act* and related legislation are outdated, containing many provisions which must be improved and updated to meet the standards and criteria of the modern democratic process. Changes made to elections legislation must ultimately result in a greater harmonization of election procedures at the various levels of government.

The Committee was fortunate to have the assistance of Mrs. Barbara Landry, Chief Electoral Officer for the Province of New Brunswick, and other officials in her Office. As well, the assistance and advice provided by Jean-Pierre Kingsley, Chief Electoral Officer for Canada, and other officials in the Elections Canada Office, proved invaluable. The presenters who appeared at the public hearings or submitted written briefs played an integral part in contributing to the work of the Committee.

Your Committee is hopeful that the recommendations contained in this report will assist the government in making the needed changes to electoral legislation. The Committee is confident that the process of public consultation and discussion undertaken in pursuing these goals will ultimately result in an improved electoral process, one which is as open, and as fair as possible, for the people of New Brunswick.

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With leave of the House to dispense with Notice, Hon. Mr. B. Thériault moved, seconded by Mr. Sherwood:

THAT the recommendations contained in the Final Report of the Select Committee on Electoral Reform dated January 10, 1997, be concurred in by the House.

And the question being put, it was resolved in the affirmative.

Hon. Mr. Frenette announced that today the Order of Business would be consideration of the estimates of the Departments of Municipalities, Culture and Housing, and the Regional Development Corporation.

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## Second Reading

The following Bill was read the second time and ordered referred to the Committee of the Whole House:

Bill 38, *An Act to Amend the Workplace Health, Safety and Compensation Commission Act*.

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## Committee of Supply

The House, according to Order, resolved itself into a Committee of Supply with Mr. O'Donnell in the Chair.

And after some time, Mr. MacDonald took the chair.

And after some further time, it was agreed by unanimous consent to sit beyond 12.30 o'clock p.m. for the purpose of completing the estimates of the Regional Development Corporation.

And after some further time, Mr. Speaker resumed the chair and Mr. MacDonald, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had made some progress in the consideration of the matters referred to them, had passed several items and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

The following are the items reported:

### MAIN ESTIMATES - 1997 - 1998

#### ORDINARY ACCOUNT Voted

##### DEPARTMENT OF MUNICIPALITIES, CULTURE AND HOUSING

Resolved, That there be granted to Her Majesty a sum not exceeding \$189,166,800 to defray the expenses of the Ordinary Account program allocations of the Department of Municipalities, Culture and Housing for the fiscal year ending the 31st day of March, 1998.

##### REGIONAL DEVELOPMENT CORPORATION

Resolved, That there be granted to Her Majesty a sum not exceeding \$57,915,800 to defray the expenses of the Ordinary Account program allocations of the Regional Development Corporation for the fiscal year ending the 31st day of March, 1998.

#### CAPITAL ACCOUNT

##### DEPARTMENT OF MUNICIPALITIES, CULTURE AND HOUSING

Voted, Supply in the following amount and to defray the expenses of the following programs:

55 50 Housing 1,269,300

55 54 Local Service Districts 100,000

55 60 Canada/New Brunswick Infrastructure Program 200,000

##### REGIONAL DEVELOPMENT CORPORATION

Voted, Supply in the following amount and to defray the expenses of the following program:

14 53 Capital Development Projects 15,882,000

#### LOANS AND ADVANCES

##### DEPARTMENT OF MUNICIPALITIES, CULTURE AND HOUSING

Voted, Supply in the following amount and to defray the expenses of the following program:

WORKING CAPITAL - MAXIMUM BALANCES

1997 - 1998

Voted

INVENTORIES

Municipalities, Culture and Housing 200,000

The said items were concurred in by the House.

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Unanimous consent was granted to revert to the order of Statements by Ministers and Hon. Mr. King to delivered a lengthy statement.

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And then, 12.40 o'clock p.m., the House adjourned.

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The following documents, having been deposited with the Clerk of the House, were deemed laid before the table of the House, pursuant to Standing Rule 39:

Documents requested in Notice of Motion 47 - January 9, 1997

Department of Intergovernmental and Aboriginal Affairs Annual Report 1995 - 1996 - January 8, 1997

Department of Agriculture and Rural Development Annual Report 1995-1996 - January 9, 1997