



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Select Special  
Democratic Accountability  
Committee

Wednesday, August 26, 2020  
8 a.m.

Transcript No. 30-2-3

**Legislative Assembly of Alberta  
The 30th Legislature  
Second Session**

**Select Special Democratic Accountability Committee**

Schow, Joseph R., Cardston-Siksika (UCP), Chair  
Horner, Nate S., Drumheller-Stettler (UCP), Deputy Chair  
  
Allard, Tracy L., Grande Prairie (UCP)  
Ceci, Joe, Calgary-Buffalo (NDP)  
Dang, Thomas, Edmonton-South (NDP)  
Goodridge, Laila, Fort McMurray-Lac La Biche (UCP)  
Nixon, Jeremy P., Calgary-Klein (UCP)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)  
Rutherford, Brad, Leduc-Beaumont (UCP)  
Sigurdson, R.J., Highwood (UCP)  
Smith, Mark W., Drayton Valley-Devon (UCP)  
Sweet, Heather, Edmonton-Manning (NDP)

**Office of the Chief Electoral Officer Participants**

Glen Resler	Chief Electoral Officer, Election Commissioner
Steve Kaye	Director, Compliance and Enforcement
Pamela Renwick	Director, Election Operations and Communications
Drew Westwater	Deputy Chief Electoral Officer

**Support Staff**

Shannon Dean, QC	Clerk
Stephanie LeBlanc	Clerk Assistant and Senior Parliamentary Counsel
Teri Cherkewich	Law Clerk
Trafton Koenig	Parliamentary Counsel
Philip Massolin	Clerk of Committees and Research Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Michael Kulicki	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Jeanette Dotimas	Communications Consultant
Janet Laurie	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

## **Standing Committee on Democratic Accountability**

### **Participants**

Ministry of Justice and Solicitor General

Corinne Carlson, Barrister and Solicitor, Legislative Reform

Joan Neatby, Barrister and Solicitor, Legislative Reform



**8 a.m. Wednesday, August 26, 2020**

[Mr. Schow in the chair]

**The Chair:** Okay. I'd like to call this meeting to order. Welcome to members and staff in attendance for this meeting of the Select Special Democratic Accountability Committee.

My name is Joseph Schow, and I'm the MLA for Cardston-Siksika and chair of this committee. I'm going to ask that members and those joining the committee at the table introduce themselves for the record. We will go to those on the telephone or video conference after we've announced those around the table, so starting to my right.

**Mr. Horner:** Good morning. Nate Horner, Drumheller-Stettler.

**Ms Goodridge:** Laila Goodridge, MLA for Fort McMurray-Lac La Biche.

**Mr. Sigurdson:** R.J. Sigurdson, MLA, Highwood.

**Mr. Smith:** Mark Smith, MLA, Drayton Valley-Devon.

**Mr. Jeremy Nixon:** Jeremy Nixon, Calgary-Klein.

**Mr. Rutherford:** Brad Rutherford, Leduc-Beaumont.

**Ms Carlson:** Corinne Carlson, Justice and Solicitor General.

**Ms Neatby:** Joan Neatby, Justice and Solicitor General.

**Mr. Resler:** Glen Resler, Elections Alberta.

**Ms Renwick:** Pamela Renwick, Elections Alberta.

**Mr. Westwater:** Drew Westwater, Elections Alberta.

**Mr. Kaye:** Steve Kaye, Elections Alberta.

**Ms Sweet:** Heather Sweet, MLA for Edmonton-Manning.

**Ms Cherkewich:** Teri Cherkewich, office of Parliamentary Counsel.

**Dr. Massolin:** Good morning. Philip Massolin, clerk of committees and research services.

**Mr. Kulicki:** Good morning. Michael Kulicki, committee clerk.

**The Chair:** Thank you to those around the table. We've got a full house this morning.

On the phone, if you'd please announce yourselves.

**Member Ceci:** Hi. Joe Ceci, MLA, Calgary-Buffalo.

**Ms Pancholi:** Rakhi Pancholi, MLA, Edmonton-Whitemud.

**Mr. Dang:** Good morning. Thomas Dang, Edmonton-South.

**The Chair:** Thank you, members on the phone.

We have no substitutions this morning for this committee.

Based on the recommendations from Dr. Deena Hinshaw regarding physical distancing, attendees at today's meeting are advised to leave the appropriate distance between themselves and other meeting participants. Please note that the microphones are operated by *Hansard*, so members do not need to turn them on and off. Committee proceedings are being live video and audiostreamed on the Internet and broadcast on Alberta Assembly TV. Please set

your cellphones and other devices to silent for the duration of the meeting.

Up next is approval of the agenda. Does anyone have any changes to make for the agenda?

Seeing none, could I get a member to please move a motion to approve our agenda? I see Ms Goodridge. The motion would be that the agenda . . .

**Ms Pancholi:** Sorry, Mr. Chair. I was trying to make myself heard. Sorry, Mr. Chair.

**The Chair:** Certainly. Yes, Ms Pancholi. Please go ahead.

**Ms Pancholi:** I just wanted to ask that we could add an item to the agenda under other business.

**The Chair:** Sure. Go ahead.

**Ms Pancholi:** Just an update from research services on materials requested at the last meetings of the committee, so just a discussion at that point in the meeting.

**The Chair:** That sounds like it would be appropriate and in order.

**Ms Pancholi:** Thank you.

**The Chair:** All right. The agenda has moved an amendment, so we'll move that the motion by Ms Goodridge that the agenda for August 26, 2020, of the meeting of the Select Special Democratic Accountability Committee be adopted as amended. All those in favour, please say aye. Any opposed, please say no. On the phone? That motion is passed.

Moving on to number 3, approval of the minutes from the July 22, 2020, meeting, we have the draft minutes from our last meeting, which are posted to the committee's internal website for members to review. Are there any errors or omissions to note in the draft minutes?

Hearing none, would a member please move to adopt the minutes?

**Mr. Sigurdson:** So moved, Chair.

**The Chair:** Mr. Sigurdson has moved to adopt the minutes from the meeting, so the motion is that the minutes from the July 22, 2020, meeting of the Select Special Democratic Accountability Committee be adopted as distributed. All those in favour, please say aye. Any opposed, please say no. On the phone? Okay. That motion is passed.

We move on to item 4 of the agenda, which is technical briefings on the Election Act and Election Finances and Contributions Disclosure Act. We have two people here presenting: the Ministry of Justice and Solicitor General and Elections Alberta. Hon. members, at the committee's July 13, 2020, meeting the committee extended an invitation to Ministry of Justice and Solicitor General and Elections Alberta to provide the committee with a technical briefing in relation to the Election Act and the Election Finances and Contributions Disclosure Act. While the committee has not yet finalized its focus issues for the review of these two statutes, the subcommittee has made recommendations in its report back to the committee, which was provided to all committee members on July 28, 2020. At the subcommittee's direction a summary of these proposed focus issues was provided to our presenters today.

I would ask our presenters to introduce themselves if you have not already done so, which you have, so we can forego that. I would now invite Ms Joan Neatby from the Ministry of Justice and

Solicitor General to begin her presentation. We will then hear from Elections Alberta. This will be followed by a period where committee members can ask questions of our guests.

Ms Neatby, you have 20 minutes.

**Ms Neatby:** Thank you, Mr. Chair. Good morning. Thank you for inviting us to the technical briefing for the committee's review of the Election Act and Election Finances and Contributions Disclosure Act, or EFCDA, as we often call it. I plan to give the committee an overview of the two acts along with how they work together. The Chief Electoral Officer will discuss his recommendations and possibly some issues that arise in practice.

Alberta's provincial elections are governed by two pieces of legislation, the Election Act and the EFCDA. The Election Act sets out the rules for the running of the election itself such as eligibility of voters, the fixed election period, and procedures at polling places. The EFCDA sets out the financing rules for political participants such as registration, reporting, and contribution limits. The two acts work together. Both acts are administered by the Chief Electoral Officer. Justice and Solicitor General is responsible for the legislation, including bringing forward any amendments, but we do not work with the acts on a day-to-day basis.

First, I'll provide a summary of the Election Act. The Election Act sets out rules for elections of Members of the Legislative Assembly. It also applies to Senate elections if held in conjunction with a provincial election or as a stand-alone election. For today we'll leave the Senate rules aside.

The Election Act establishes the office of the Chief Electoral Officer. It provides for hiring staff necessary for running elections, including the appointment of returning officers, deputy returning officers, and a variety of other election officers. The act sets out each of their duties.

The Election Act establishes eligibility criteria of voters, called electors. An elector must be 18, a Canadian citizen, and ordinarily resident in Alberta on election day.

The CEO is authorized to collect information to maintain the register of electors, including by enumeration and obtaining information from various sources like the Chief Electoral Officer of Canada and tax rolls. Lists of electors, which are a subset of the register, are shared with political parties, independent candidates, and Members of the Legislative Assembly. Persons receiving those lists must take reasonable steps to protect them.

Under the Election Act a general election must be held during the three-month period between March 1 and May 31 every fourth year. As constitutionally required the Lieutenant Governor has the power to call an election at any time.

The corresponding campaign period begins February 1. The campaign period is important because it is the basis for a number of rules in both acts. For example, candidates can only accept contributions, incur expenses, and use lists of electors during the campaign period. Independent candidates cannot register or be nominated prior to the start of the campaign period. Separate reporting is required for the campaign period. There are different timelines and rules for by-elections and snap elections.

Candidates can start the nomination process as soon as they are selected for endorsement through their party's nomination contest or at the start of the campaign period, depending on the circumstances. There are provisions for dealing with nomination under both the Election Act and the EFCDA. Nomination requires the signature of 25 or more electors, payment of a deposit, and completion of the required paperwork. Nominations close 10 days after the day of the writ.

To be eligible as a candidate, a person must be a Canadian citizen, at least 18, and ordinarily resident in Alberta for six months. They

must not be an inmate or a member of the Senate or House of Commons or have been reported to the Speaker for noncompliance with the requirement to file returns or have committed a corrupt practice.

The Election Act sets out the voting process. In addition to election day there are five advance voting days running from the Tuesday through the Saturday the week prior to election day. Mobile polls may be established in treatment centres, supportive living facilities, shelters, and community support centres with 10 or more residents or clients. Electors voting at mobile polls are deemed resident in the electoral division in which the facility is located.

**8:10**

Special mobile polls, which are different from mobile polls, allow the CEO to set up vote-anywhere stations. In that case, an elector could attend at any vote-anywhere station in the province and vote. Of course, the elector could only vote for a candidate in their home riding. Special mobile polls can be set up in places like malls, work camps, and university campuses. Some of you may recall that a vote-anywhere station was set up here in the Federal Building for the 2019 election. The act allows the CEO to establish procedures to count these votes by machine or tabulator, and that counting happens centrally. The term "vote-anywhere" does not appear in the act but is commonly used to describe the new flexible voting options that were first used in the 2019 general election.

The Election Act sets out what ballots look like, who hands the elector the ballot, the presence of scrutineers and others at polling places, the process to follow if a person is not on the list of electors, and so on. The act does not require an elector to produce identification.

The next major topic is the counting of ballots after the polls close. There is an unofficial count and then a full recount of the ballots for each electoral division, which then becomes the official count. In the event of a tie a by-election will be held. The act provides for a judicial recount when there is a dispute as to the accuracy of the count. The act prevents government and provincial corporations like Alberta Health Services from advertising between writ drop and election day. There are exceptions for certain advertisements such as advertisements required by law or for public health and safety reasons.

Lastly, the Election Act sets out offences. For example, it is an offence to provide an elector with food or beverages for the purpose of influencing that elector to vote for or against a specific candidate. It is an offence to use information on the register of electors for unauthorized purposes. It is an offence to sign a false declaration. Those are just some examples of the variety of offences under the Election Act. The Election Commissioner will investigate alleged offences, and the act sets out consequences for contravention. As of November 2019 the Election Commissioner is a staff member in the office of the CEO. Currently the chief electoral officer performs the duties and functions of the Election Commissioner.

Turning now to election finances, the EFCDA is the act that governs two types of participants: direct participants in the political process, that being political parties, candidates, constituency associations, nomination contestants; and leadership contestants. For the purposes of this briefing I'm going to call this group "direct participants," but they're not called that in the act. The second group is third-party advertisers. These are commonly referred to in the media as political action committees, or PACs, but the term in the EFCDA is "third parties."

The EFCDA also includes financing rules for Senate elections, but we're not going to cover those rules in this presentation.

Registration is the first requirement. All the direct participants have to register with the CEO. Political parties and constituency associations apply for registration to the EFCDA and are required to provide specific information in order to be registered. Political parties must notify the CEO of any changes in this information. If a party did not run a candidate in the last general election or in the most recent election under the Alberta Senate Election Act, the CEO may cancel the party's registration. The party must notify the Chief Electoral Officer before they hold a leadership or nomination contest.

Nomination contestants and leadership contestants must register at the earliest of three events: announcement of their intention to run, when they incur campaign expenses, or when they receive contributions. The successful nomination contestant is automatically registered as a candidate when the party notifies the CEO of the results of the contest. Slightly different for independent candidates; they can register at the start of the campaign period. Participants are prohibited from collecting or spending without registration.

The next major theme is contributions. Only individuals ordinarily resident in Alberta may contribute to a registered party, registered candidate, registered constituency association, registered nomination contestant, or registered leadership contestant. The contribution limit is an aggregate limit. This means that an individual may only contribute a maximum of \$4,000, but now in 2020 it's \$4,243 in total per year to one or a combination of these five direct participants. Contributions up to a maximum are eligible for a tax credit. There are corresponding rules to prohibit direct participants from accepting amounts over the limit, contributions from prohibited donors, and so on. Anonymous contributions up to \$50 are allowed.

Every direct participant must appoint a chief financial officer before applying for registration. The chief financial officer accepts and records contributions and has other duties.

On the spending side parties and candidates are subject to an expense or spending limit during the election period, which is writ drop to election day. The spending limit doesn't apply during the whole campaign period. Spending limits are: for a party, \$2,121,368 for a general election or \$24,396 for a by-election or per electoral division; for a candidate it's \$53,034; for a nomination contestant, \$10,607. Those are the 2020 amounts. The amounts in the act are lower, but they increase for inflation after every election. Leadership contestants are not subject to a spending limit.

Expenses incurred by constituency associations are counted as expenses of either the party or the candidate for the purposes of the spending limit. Various expenses do not count for the purposes of the spending limit such as child care, audit fees, or a candidate's travel reasonably related to the election.

The next major requirement under the EFCDA's reporting: various financial statements and campaign returns are required to be filed with the CEO. Parties and constituency associations must file quarterly and annual contribution reports and annual financial statements. Parties must have their statements audited if they collect or spend more than \$1,000. Candidates, nomination contestants, and leadership contestants must file a campaign return and contribution reports. Contributors' names are included for contributions over \$250. The CEO publishes a form of these various reports on his website. Failure to file on time could result in a late filing fee or in a report to the Speaker, which could ultimately result in a candidate or contestant being barred from running in a subsequent election. There are various other offences and penalties throughout the EFCDA.

Our next topic for the EFCDA relates to rules applicable to third parties. A third party is any individual, corporation, or group other than a party or candidate, et cetera; the five direct participants.

Various entities are not entitled to be registered as a third party for election advertising, mainly those who do not live or carry out business in Alberta. A third party is required to register with the CEO as soon as they incur or plan to incur expenses of at least \$1,000 for election advertising or political advertising.

Those terms are important because they apply at different times. Election advertising is a transmission to the public by any means of an advertising message that promotes or opposes a registered party or the election of a registered candidate, including a message that takes a position on an issue with which a registered party or candidate is associated. There are various exceptions such as the publication of a column or a person's personal views on a noncommercial basis over the Internet.

Election advertising rules apply from December 1 in the year prior to the election day for a fixed election. Political advertising rules are similar but apply during all other times and apply more broadly. Political advertising rules apply to advertisements about a leader of a party, an MLA, or a leadership or nomination contestant.

There is no contribution limit for donations to third parties, but for election advertising there are restrictions on who can contribute. Essentially, those from outside of Alberta cannot contribute, nor can registered charities or prohibited corporations. Third parties are subject to a spending limit for election advertising but not for political advertising. The limit is, for a fixed general, \$159,103 from December 1 to the day before writ drop, plus the same amount from writ drop to election day, for a total of around \$318,000. No more than \$3,182 of each of those amounts can be spent to support or oppose the election of a candidate in an electoral division. For a snap general election the amount is \$159,103; for a by-election, \$3,182.

As I've mentioned, there's no spending limit for political advertising. Third parties must identify themselves in their advertisements.

### 8:20

Third parties also have to file various reports and financial statements. Third parties are required to file weekly reports of advertising contributions received during the election advertising period – names are included for amounts over \$250 – an election advertising return, including financial statements for the election advertising period, and the financial statement must be audited if expenses exceed \$100,000. In quarterly reports of contributions for political advertising, a separate financial statement is not required. Third parties are subject to similar rules for Senate elections and referendums.

Just a quick note on recent amendments. Many of the rules that I've talked about were introduced within the past few years, for example, providing an additional day of advanced voting, providing for vote-anywhere and special mobile polls, restricting government advertising during the election period, banning union and corporate donations, adopting the aggregate contribution limit, adopting the spending limit, regulating nomination contestants and contests, requiring weekly contribution reports, adopting the concept of political advertising, and adopting stated election rules, which were reintroduced.

Finally, I just wanted to identify some of the platform commitments relating to these acts. The UCP promised to make a number of changes, including establishing a fixed election date, imposing a \$30,000 contribution limit for donations to third parties, banning foreign funding to third parties, closing the AFL loophole, making it illegal for governments to advertise in the run-up to an election and to use tax dollars for partisan ads at any time.

That's it for my presentation. Thank you very much. We'll be happy to take questions.

**The Chair:** Thank you, Ms Neatby. I appreciate that presentation as I'm sure do members of the committee and all those in attendance.

I would now like to invite Mr. Glen Resler, the Chief Electoral Officer, to provide the committee with his presentation.

Mr. Resler, you have 20 minutes.

**Mr. Resler:** Good morning. It's a pleasure to be here today to provide the technical briefing on the Election Act and the Election Finances and Contributions Disclosure Act. Today I'm joined by Drew Westwater, our deputy CEO; Pamela Renwick, director of election operations and communications; on my far right Steve Kaye, director of compliance and enforcement. In the gallery we have Blair Edl, manager of compliance and enforcement; Doug McKenzie, director of election finances; and Kathleen Elhatton-Lake, general counsel.

Since the last amendment to both pieces of legislation in 2018 my office has released three reports that include recommendations for amendments to the legislation. The enumeration report provides recommendations specific to sections of the Election Act regarding the enumeration, the register of electors, and the list of electors. The 2018-19 annual report provides recommendations specific to the Election Finances and Contributions Disclosure Act. The third report, the election report, volume 1, provides comprehensive recommendations on the Election Act following the conduct of the 2019 provincial general election.

Across my reports I have made recommendations for redrafting both pieces of legislation with the goal to make them more accessible to participants and electors and to provide a much-needed opportunity to renumber the legislation. I have proposed that the legislation be combined so that common sections and procedures can be aligned. Drafting in plain, modernized language would also allow political participants to more easily understand the legislation that applies to them. This overarching recommendation is important because the legislation last received a significant update in the year 2000, now 20 years ago, with many sections unchanged since the inception of our office in 1980.

These pieces of legislation, however, received continual amendment. For example, I've listed on the screen the major amendments that have occurred to the election finance legislation in the past five years. With each new amendment to the legislation it becomes harder to understand and reference, with sections having up to seven decimal points. The Election Act has been amended 17 times in the last 20 years.

In the last election there were over 1,200 political participants that must comply with the legislation, who are subject to both fines and prohibition from participating should they not follow the requirements in the legislation. Having legislation that's easy to understand and accessible is crucial to allow for the equal opportunity of all Albertans to participate should they wish to do so.

As new electoral legislation is introduced such as the Alberta Senate Election Act, referendum act, recall legislation, citizen initiative legislation, the requirements for political participants become more complicated and strengthen our need to take a clear and consistent approach to the drafting of the legislation.

In the enumeration report I provided five recommendations to address both the costs and the challenges we observed when conducting the 2018 provincial enumeration. These include eliminating the requirement for a mandatory provincial door-to-door enumeration prior to a general election and adding the

flexibility to the legislation on the methods of the enumeration available to my office. This has the largest impact on cost, with an estimated \$5 million savings, by delivering a provincial mail-based enumeration supported by a provincial call centre alongside targeted door-to-door enumeration of new construction and high-mobility areas.

Flexibility is also requested in the type of elector contact information that is collected, so e-mail addresses could also be collected from electors. This would allow for savings in mailing and printing costs, if where-to-vote materials could be sent by e-mail.

Elector concerns with sharing information with political parties was also apparent. Two recommendations have been made to address this: to remove elector contact information from the list of electors, and to require parties and candidates to submit privacy policies that follow established guidelines before receiving the list of electors.

In the annual report I provided 26 recommendations regarding amendments to the Election Finances and Contributions Disclosure Act. These primarily related to contributions, expenses, and third-party advertisers. Since that time I've added another recommendation, requesting clarification that payment for party memberships for someone else is to be considered a contribution. Other recommendations include: aligning who may make advertising contributions to third parties; precampaign and election period should match; prohibiting political entities from contributing to third parties; applying expense limits to the entire campaign period for candidates, not just the election period; the period of regulation for political advertisers should be reduced to a finite time leading up to the general election; and to delete issue-related advertising from the definition of political advertising. The courts have struck down prewrit regulation of political issue advertising for infringing on the freedom of expression.

I have also provided a recommendation regarding the \$500 candidate nomination deposit. This deposit is collected at the time the candidate files their nomination papers with the returning officers. This deposit is forfeited if the candidate does not file their financial reports by the specified deadline. In addition, late filing fees are established in finance legislation as an automatic \$500 fee. Candidates that file late end up paying double the fee as they forfeit their nomination deposit under the Election Act, and then they're assessed another \$500 fee under the finance legislation. As the deposit is linked to their financial filing requirements, I have recommended that the deposit be collected by Elections Alberta at the time of the candidate registration. I would also recommend the forfeiture of the deposit as the late filing fee; therefore, the candidate is only subject to a single penalty, which is consistent with other political entities. This will save administrative costs, reduce debt collection costs, and remove an unfair burden to the late filers. Finally, the deposit would be excluded from being considered a contribution.

Decisions of the Election Commissioner and the Chief Electoral Officer can be appealed to the Court of Queen's Bench. Amendments to the legislation will make this process clearer and more efficient for all participants. The current lack of clarity contributes to confusion and prolonged legal expenses. This includes specifying that appeals of decisions must be based on the record of the decision as certified by the Election Commissioner, and this will reduce confusion for both appellants and the court and streamline the process. It'll make it clear that the court can remit a decision back to me to reconsider with directions. This will improve consistency and is consistent with administrative law principles. And specifying that the Election Commissioner must receive service of the appeal filed in the court within specified deadlines so



that the appeal is not filed with any notice to my office – I'd note that these changes should be mirrored in the Election Act also. The appeal provisions in both acts should be consistent.

8:30

I would also like to have the ability to disclose matters that are referred for prosecution on our website. Currently I cannot disclose, and this would be providing increased transparency to the public.

The report on the 2019 provincial general election contains over 100 recommendations for legislative amendments, many of which will lead to modernization of the voting process and offer opportunities for cost savings. These recommendations can be largely categorized into eight key areas: fixed-date elections; mandatory identification; flexible staffing provisions; flexibility for advanced voting; use of technology; increased accessibility of the special ballot; improving the collection, use, and protection of elector data; and establishing a threshold for completing the official count. Many of these recommendations provide increased flexibility in how an election is conducted in regard to technology that is used, the staff roles that are in place, and the use of voting opportunities by electors. These recommendations would increase my office's capacity to respond to unknown challenges that may arise during an election event such as responding to a pandemic. I will highlight some of these key components of these recommendations, and I encourage you to review the report for additional details and explanations.

Establishing fixed-date elections would allow my office to coordinate polling places, office space, supply shipments, and advertising space well in advance of the election. Office space could be leased only for the time frame that was necessary. In the 2019 provincial general election offices were leased commencing February 1, 2019, and that's to be prepared for the potential of the writ to be issued that day and also to allow returning officers to meet with candidates regarding their nominations. For every month's delay in the call of the election, we are paying over \$500,000 a month in lease costs alone.

A fixed-date election combined with a noninstructional day for all schools would also resolve the concerns of school boards, principals, teachers, and parents about safety presented by opening the schools on election day while classes are ongoing. Community schools are our most common location used as a polling place – and the Election Act does grant us access to these vital locations – but a noninstructional day will allow for increased access to more locations without the concerns for student safety. In consideration of the pandemic I think this is even more important as schools then would be even more reluctant to allow access while students are on the premises.

In the election report I also provide several recommendations as far as dates for the fixed-date election as well as items that should be considered in selecting a date. Important considerations include: the length of the election calendar, the day of the week for the election day, statutory holidays within the election period, other elections that may be held in conjunction with the general election, and minimizing office lease expenses.

Currently electors that are listed in the poll book at their current address do not have to provide identification to receive a ballot. Approximately 1.5 million electors voted without being required to show identification in the last election. This is inconsistent with the practice at the municipal and federal levels, in which all electors must show identification to prove their name and address before receiving a ballot. During the election many electors reported concerns with this practice, pointing out that all that was needed to impersonate an elector was a person's name and address. While we have not found instances of elector impersonation, it is vital that

electors and political participants trust in the integrity of the election. I recommend the introduction of a mandatory identification requirement while maintaining the capacity for vouching as an acceptable form of identification for those that are unable to provide regular forms of ID.

I've recommended increasing the flexibility of the staffing provisions in the legislation in two ways, by removing the threshold on polling subdivision size and by removing the prescriptive role requirements. The size of polling subdivisions has been capped at 450 electors since 1980. The size of the voting area was necessary and is necessary to ensure that appropriate staffing levels were maintained on election day as each polling subdivision requires two election officers to be assigned. But since 1980, as you can see in the chart, alternate voting opportunities have increased, and in the 2019 provincial election over 39 per cent of electors voted in advance, resulting in lower volumes on election day. In the last election, continuing to apply the 450 threshold to election day has led to those polls being overstaffed, with over 17,000 election officers required to provide service to 1.1 million electors on election day. In contrast, we had 1,500 election officers providing service to 700,000 electors at the advance polls.

The Election Act also has very prescriptive roles for election officers that limit the flexibility and modernization of the polls to allow for the vote-anywhere, first-come, first-served model that was used at advance polls. I released a directive to modify the requirements of the legislation. Incorporating this type of flexibility into the legislation rather than through a directive would allow for improvements and efficiencies to be made across all polling types. In the context of the current pandemic this would be essential to allow for modifying practices at the polls to ensure physical distancing and safety of our election officers.

My report also provides recommendations for amendments that would impact all voting options for electors. These changes are intended to provide flexibility, adaptability, and efficiency. Reviewed in the context of the current pandemic, it is even more crucial that we take a less prescriptive approach to the legislation. As seen previously, electors are increasingly choosing to use the alternative voting options of advance voting, special ballot, and mobile polls. Previous changes made to advance voting have been very successful, and my recommendations focus on fully integrating those concepts into the legislation as opposed to being provided through my directives. This would maintain the full five days of advance voting in all electoral divisions, with flexibility for days and locations based on community needs.

I would also introduce the use of vote tabulators at all advance poll locations. This would allow for the counting of vote-anywhere ballots in the electoral division and provide election night reporting for all polls. Special ballots allow voters an opportunity to cast a ballot any time in the 28-day election period. They can be completed in the returning officer's office or by a mail-in ballot. Currently only electors that are unable to vote at advance or election day polls may request a special ballot, and they only have the 28-day window to receive and send those packages back in the mail. Increasing the flexibility of this voting option could be achieved by removing the reason or excuse required to request a special package, a step that is vital in the case of running an election during a pandemic, where mail-in ballot use should be encouraged.

My report also explores options for resolving challenges with mailing ballots and receiving them back from electors within the 28-day period. In the last election just over half of the ballots made it back to me in time to be counted. Options include sending all packages either by expedited mail, sending packages out earlier than the writ day, or adding the telephone voting option for electors

to complete their special ballot in lieu of the paper ballot. My report goes in to more detail on these options and how it can be structured, maintaining both the integrity and the secrecy of the vote.

Mobile polls operate on election day in hospitals, supportive living, long-term care, shelters, and community support centres. These facilities all serve vulnerable populations, which need more flexible options for voting. Facilities and returning officers should be able to work together to determine the best voting option for the resident electors of that facility, whether that be on advance voting days, election day, or by a mail-in ballot process. I recommend that election day voting be maintained at the current requirement of voting at your assigned voting location although efficiencies can be gained by allowing a first-come, first-served model within the polling location rather than requiring specific polling station voting. This would eliminate the inconsistencies that we currently see, with some of the polling stations having long lineups while the neighbouring polling stations have none. I believe that this combination of voting options is a logical next step in modernizing our voting process.

8:40

I have also made recommendations to improve the election process for candidates and political parties. The Election Act allows for Elections Alberta to share the list of electors, additions to the list, electors who have requested a special ballot, electors that have completed the declaration, and electors that have voted. The provision for each, however, is different, with some data elements provided to parties and others to candidates. Some may be provided in electronic form; others have to be provided in paper only. I've recommended resolving these inconsistencies so that we may fully utilize the candidate party portal for data sharing throughout the event.

In closing, preparations for the anticipated 2021 Senate election and referendum, 2022 targeted enumeration, 2023 provincial general election are already under way. These events are impacted by changes to the legislation, and in-depth planning and development can only begin once amended legislation is in place. Until potential amendments are known, my office must plan under the current requirements with consideration for how plans will be adapted under new proposed changes. Amendments completed by the spring 2021 legislative session will provide ample opportunity to fully implement and plan around these changes. It coincides with the hiring of our returning officers and allows time for software development to be completed and adequately tested before the events. If amendments are postponed to later sessions, the changes will become more challenging and costly to implement as retraining and redevelopment of processes will need to occur.

That ends my presentation on technical briefing. Myself and staff are available for questions.

**The Chair:** Thank you for your presentation, Mr. Resler.

We'll now go to the floor for questions from committee members to our guests.

Before we do that, given that we do have a bit of a lag on the phone, I'll just assume that we're going to go back and forth from government to opposition side. I'll let the opposition decide how they want to inform the chair, whether it's just by speaking up after a government member speaks or alerting Ms Sweet, who is here in attendance.

With that said, we will go to questions. We'll set the clock for 60 minutes of questions, and we'll start with the opposition side. Does anyone from that side have a question?

**Ms Sweet:** Thank you, Mr. Chair. Thank you for the presentations. Sorry; I'm processing. It's a little bit early for me. I just want to go and look at the EFCDA and the fact that we hadn't seen in either of the presentations the impact of the changes on the Senate Election Act and the fact that there have actually been significant financial changes made under the Senate act that are in direct relation to the EFCDA. I'm curious as to why, when we're looking at the financial, with political advertising, election advertising, and contributions, the Senate Election Act and the changes made for the financial components weren't included in the presentation.

**Ms Carlson:** Sure. Mainly due to time constraints. The Senate financing rules are generally consistent, at least for third parties, with the third-party rules for elections. I mean, the numbers are different, but the rules themselves are generally consistent, and we just didn't have time to do them in the presentation.

**Ms Sweet:** I have one follow-up, or no?

**The Chair:** Yeah. Absolutely. A question and then a supplemental.

**Ms Sweet:** Yeah. Thank you, Mr. Chair. Just as a supplemental to that, I guess my concern is that if we look at a Senate election happening at the same time as we're looking at a provincial election, we're actually having those financial limits adding up together, with it potentially being the same individual doing political advertising or election advertising. So when we look at the writ drop and the election components to the maximum dollars, if we're not adding the Senate election components to the amounts, I don't think it's completely – it's an ability to completely explain to Albertans that actually the changes under the acts could potentially allow a lot more money to influence our provincial and/or municipal elections.

I'm just wondering if there's a way for us to get that information so that we could see if there was the same third party doing a contribution to a Senate election as well as a contribution to another election in the same period, if that would be allowed under the financial act, and then if we know what the totals would look like.

**Mr. Resler:** Yeah. Like, you're correct that contribution limits are separate. Like, there's a separate pot, if you want to call it, for Senate contributions, but it's not – we haven't gone through the Senate elections, so I'm not quite current on it. I'd have to look it up. But, yes, that's something that we recognize.

**Ms Sweet:** Okay. Thank you.

**The Chair:** Thank you.

We'll now go to Mr. Rutherford.

**Mr. Rutherford:** Thank you, Chair, and thank you for the presentations. You touched on at the beginning of your presentation, Mr. Resler, when you talked about combining the two acts as one of the overarching recommendations. I was wondering, just in the spirit of time – I don't know if you had more that you wanted to add to your comments there on why that would be necessary, in your view, and then how that would help people understand what is, I think, a complex piece of legislation.

Then if you could comment more broadly on the questions that come in to your office as well on trying to get some clarification on the act so we can get an idea of where in the act people are having trouble understanding it as well. Where are people getting confused, or who are the people phoning in? Is it political parties? Is it third-party advertisers? Is it individuals?

**Mr. Resler:** Thank you. When we look at combining the legislation, really, the focus there is to have a single point of reference for all election stakeholders that are involved, whether in the election events, whether they're voters, or whether they're political entities or third-party advertisers. There are different aspects. Say a candidate, for instance: they have to register under the Election Act, but then they also have a nomination process under the Election Act and a registration process under the finance legislation. Sometimes they miss that component, or if they're registered, they think they're already registered and placed on the ballot.

There's an opportunity to write the legislation in plain language. There's the ability to connect associated requirements so, an example as far as the candidate requirements, they can be combined in one section within the legislation. Also, to create logical sections within the legislation and organize it for ease of use. You know, there are multiple pages in which there are no headings and groupings, that type of thing, of the activities within the act, so it would make it that much easier to use.

When we look at who is asking for a clarification on the act, it's broadly as far as all stakeholders. Real strong, obviously, when new legislation comes into play. The nomination process took a lot of time as far as all the nominating contestants and the parties as far as clarification in how the legislation is going to be applied; electors, whether it's identification, voting processes, different concerns that they have. But it's, broadly speaking, everyone across the board on the legislation. Yeah.

**Mr. Rutherford:** I just have one follow-up. Did your office have trouble interpreting the act? Like, was it clear to you as to what the intent was?

**Mr. Resler:** There are some difficulties. Sometimes it's difficult. Like, we administer the legislation on a continuous basis, and we have trouble finding some sections of the act in it. We know the section is there. We just have to try to figure out where it is. But third-party advertising is probably one of the biggest areas in which we have to consistently look at the legislation, the wording of the legislation, and how it's being interpreted. That's something that we look at quite a bit.

**Mr. Rutherford:** All right. Thank you.

**The Chair:** Thank you, Mr. Rutherford.

I'll go to the opposition side. Is there anyone on the phone or in person?

**Ms Pancholi:** Yeah. Thank you, Mr. Chair. I'd like to ask a question of Mr. Resler if I can. Thank you to Mr. Resler and to Ms Neatby for your presentations today. I really appreciate that. Mr. Resler, I just have a couple of questions about the recommendations around enumeration and noting that in the enumeration report one of the first recommendations was eliminating the requirement for mandatory door-to-door enumeration. I was wondering if you could give examples of sort of the limitations or talk about what the limitations are on door-to-door enumeration.

**8:50**

I note that one of the other recommendations is about using other methods for enumeration, and I was wondering if you could give examples of what kinds of other methods would be used other than door to door and perhaps any information you have about how that's been successful in other jurisdictions.

**Mr. Resler:** Thank you. As far as legislation with other jurisdictions we are the last jurisdiction to complete a mandatory full, hundred per cent door-to-door enumeration. Other jurisdictions have moved away from enumeration, and they moved towards the ongoing maintenance activities of the register of electors. We have a permanent register of electors. We have data sources in which we update that on a continuous basis.

When we look at concerns, we have safety and security concerns. We have approximately 30 WCB claims. Three of them are very serious, with long-term impact. It ranges from dog bites, slips, falls, broken bones, enumerators being followed or confronted by people. When we look at the response rate at the door, it was about 57 per cent of households that actually participated in enumeration. We received information from over 800,000 electors collected at the door, and the majority of them were confirming the information that we already contained. We added 300,000 electors during that process. In comparison, on the voting days within the provincial general election, over 400,000 electors were added during the election, during the revision period and in-person registration at the polls.

I'd say that one of the major benefits historically with the enumeration process was to be able to add the youth component. That's not information that we had access to, and they are the toughest age group with which to engage. Recently we have now been provided access to Alberta Education data. We collect information on 16- and 17-year-olds. When they turn 18, they're automatically added to the register of electors. We send them out a birthday card, congratulate them on their birthday wishes, say that they're now eligible to vote, and we also provide them an opportunity to remove their name from the register should they not wish to be on it. The biggest benefit of that enumeration process – obviously, people move and such – was that youth group, and we now have a means by which to collect that data.

When we look at other alternative methods with which to enumerate, we do collect information from multiple data sources that are trusted sources, whether it's motor vehicles; vital statistics; Alberta Health, as far as change of address information; Alberta Health Services; 911, for address information; Elections Canada, which receives information from Revenue Canada and citizenship. We have multiple sources of information we can collect. We would supplement that with a mail-out voter registration, so a province-wide, mail-out voter information. We can target enumeration. We still intend to do door-to-door enumeration of targeted areas: if it's new construction; high-mobility, so high-rises; you know, areas that are dense walk-ups; and high transient areas. We would still look at engaging those areas that we know have a high turnover and moves that occur.

Did I answer all your questions on that?

**Ms Pancholi:** You did, actually. Thank you, Mr. Resler. I thought I was going to have to do a follow-up specifically, but then you answered it in the second part of your answer.

If I may, Mr. Chair, I just do have one more question about Mr. Resler's presentation. This goes to the recommendations around election finances. You indicated, Mr. Resler, in your presentation that you added – my guess is that the source of many of the recommendations here was from the annual report, but there was one that you said was a new one, and that was the first one under contributions, which is clarifying that payment for party membership for someone else is a contribution. Can you just provide some background, since it isn't included in the annual report, as to context or the concern that led to that recommendation?

**Mr. Resler:** The reason that the recommendation is put in, or why I've voiced it, is to add clarity. That is my interpretation right now of the legislation, that memberships are attributed to a single person, so if someone is purchasing memberships, they cannot purchase on someone else's behalf. They can't provide funds to someone else to purchase those memberships. I currently interpret the legislation that way, but there have been some questions on it, and I want to add clarity to ensure that that is the purpose of that section of the legislation.

**Ms Pancholi:** Thank you.

**The Chair:** Thank you, Ms Pancholi. Thank you, Mr. Resler.  
We now go to Ms Goodridge.

**Ms Goodridge:** Thank you, Mr. Chair, and thank you to both of you for your presentations today. I'm just going to go back to the subject that Ms Pancholi was just asking about, enumeration. It's something that I got to see very uniquely first-hand, having been elected in a by-election and then having a general election a short nine months later and seeing in my community of Fort McMurray, my hometown – it's a very transient community in certain neighbourhoods. We got to see first-hand that the people that lived there in July, when the vote happened, were not the same people that were voting, in a number of cases, in April in the general election.

Furthermore, one of the big pieces that really touched me was on the flexibility piece because there were entire polls that were burnt down. How do you enumerate somebody – they lived there, they're rebuilding their home, but an entire poll was destroyed by the fire. Trying to reach out to those people, you can't go door to door because they're not at their door, but that is their ordinary residence, so I was just wondering if you could maybe expand on some of what I'm assuming you probably learned through that by-election around contacting voters or how to do so when the legislation is so prescriptive, but then we have a natural disaster such as a massive forest fire that impacts how you can connect.

**Mr. Resler:** That was a unique situation, absolutely. It's also a concern of ours as far as the flexibility of the legislation in order to react to that. One of the other data sources that I failed to mention was municipalities. We do have contact with municipalities. We access information as far as addresses that even exist anymore, that type of information. You know, hopefully there's mail forwarding because a lot of the residents did not stay in Fort McMurray. They're in other locations on a temporary basis, and temporary could be several years. And some of them didn't come back. So we have to be able to engage in the polling locations themselves. We add additional staff as far as registration officers in order to accommodate change-of-address information, different locations, that type of thing.

Also, when we look at the vote-anywhere capacity, it was very beneficial in a sense in rolling that out because although a lot of those electors may not be residing in Fort McMurray, they're voting in other locations. They still feel that their ordinary residence is Fort McMurray, but they're living in Whitecourt, Slave Lake, Edmonton, wherever they may be. We have to be able to provide the ability for them to vote in their area without driving to Fort McMurray to vote, special ballots, that type of thing. So the vote-anywhere capacity made a big difference there.

**Ms Goodridge:** Thank you, Mr. Resler.

Just as a follow-up, Mr. Chair, I appreciate that because we did see a massive difference in voter turnout between the by-election and the general. I know that that's normally the case, but one of the

colloquial things that we heard regularly was that there were so many people that could vote because of the vote anywhere, so that really did make a big difference. Like I said, there is one poll in my riding that still – the people have not had an opportunity to move home yet. They're rebuilding. They're in the process. It's a large condo complex that has had all kinds of challenges in getting rebuilt. They're still not home, and we're more than four years past the fire. Now we've seen a large flood impact our communities. So being able to have that flexibility in the legislation: are there any other flexibility pieces that you think would help in terms of the enumeration?

**Mr. Resler:** The enumeration itself is mail based. We have a significant advertising campaign. There is to some degree a responsibility of the elector, so we have their ability to call us. Our call centre is seven days a week. They're able to call us. We're able to get information from them directly if they don't have that door for that location. So we can get the information from them.

9:00

I'd also like to note that we did a survey postelection, and one of the questions dealt with the vote-anywhere capacity. What we heard was that 30 per cent of the electors that were surveyed that voted in advance reported that they may not have voted without that vote-anywhere feature being available. That's quite a significant number.

**The Chair:** Thank you, Ms Goodridge.

We'll now go to Mr. Ceci on the phone.

**Member Ceci:** Thank you. I hope you can all hear me. Thank you, Mr. Resler, for your presentation, and Ms Neatby.

Mr. Resler, just with regard to the mandatory identification that you were speaking to in terms of your recommendations for the provincial elections, you talked about vouching being also available as a way to ensure that people who don't show up with identification can be allowed to vote. Can you just describe that process? I guess my interest is to make sure that there are as few obstacles as possible in the way of people who want to vote but don't have the necessary mandatory identification when they show up.

**Mr. Resler:** Thank you. When we look at mandatory identification and the vouching process, probably the most common occurrence for vouching is a husband and wife coming to the polling place to vote, and only one of them has identification. Then the other spouse is able to vouch. The process itself: whoever is providing the vouching has to be registered on the list of electors, and they have to show identification. So they would present themselves to vote, and then they're able also to vouch for one or more other individuals who are within that same polling subdivision.

We have had discussions of whether we can broaden the vouching process to the polling place, so then it's not limited to just that polling subdivision. You may have someone who is a neighbour across the street that you may want to vouch for or have the capacity to vouch for, but they're in a different polling subdivision. Same school they're voting at, but different polling subdivisions. That wouldn't be allowed. So there may be a broadening of that vouching process.

I wouldn't limit vouching as the only means. We have multiple types of identification that are available. We have over 50 pieces of alternate identification options and also the attestation process, when we're looking at the vulnerable communities, where there may not be identification or they may have one piece of identification but not the address, so they can prove their name, but

they don't have an address. They might have a postal box. A postal box doesn't tell me where you actually reside. I need that physical address. Attestation forms allow capacity for that, and we can get some addressing information, too.

**Member Ceci:** Great. Just to follow up, Mr. Chair.

**The Chair:** Certainly.

**Member Ceci:** So the attestation process – for instance, in the riding of Calgary-Buffalo there are several shelters throughout the riding. My interest is ensuring that people who are interested in voting in those locations have that opportunity if they show up on election day at a poll and that they wouldn't be prohibited under the kinds of changes you're recommending in the recommendations you've made.

**Mr. Resler:** Absolutely a concern for us also, and that's where my recommendation is to keep that attestation process. What we do is work with those locations, those community emergency shelters, that type of thing. We try to set up mobile polls. If we have a mobile set up for them, then they're deemed resident in that location, and they'd provide an attestation. So they vouch, in a sense, that they are a resident in that area at that address. That's a means by which to prove identification.

**Member Ceci:** Thank you. Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Ceci.

We'll move to Mr. Horner.

**Mr. Horner:** Thank you, Mr. Chair, and thank you both for your presentation, Mr. Resler and Ms Neatby. I'd like to keep going on the same theme. I was curious about the mandatory identification recommendation as well. For clarity of the committee: how does Elections Alberta verify the identity and address of Albertans at the polls, and is it generally from the cards that are sent?

**Mr. Resler:** The means by which we verify. If a person comes to vote and they're on the list of electors, no identification is required. They'll state their name; the poll worker will look it up on the list, find their name; the poll worker will ask: can you please confirm your address? There's a confirmation of a name and address component, but if you're already on the list, there's no need to show identification. If you're not on the list, identification is required.

So in order to complete a declaration of elector to get added to the list of electors, you have to provide identification that proves your name and your physical address. It could be one piece of identification, a driver's licence – and probably over 86 per cent of our electors have driver's licence information or an Alberta identification card, so that's the primary piece, but you could use a utility bill, you could use multiple types of government identification, a prescription bottle that proves your name, and then you have to prove your address. Multiple ways.

The majority of voters that come to the polls are already coming prepared to show identification because they have to for municipal elections and federal elections. They think that's the way it should be done. We used to, when I was first at Elections, get complaints that said: why is someone asking me for identification? They'd be quite angry at that. Now they're angry, saying: why aren't they showing identification? So the public opinion is starting to change on that.

It's consistent with other jurisdictions. Most jurisdictions across Canada have ID requirements, so that's not something where we're looking to recommend anything differently.

**The Chair:** A supplemental?

**Mr. Horner:** Yes. Thank you, Mr. Chair. I'm just curious: has Alberta ever had mandatory identification requirements?

**Mr. Resler:** No. In the past we used to have elector lists posted to telephone poles and post offices, so the complete lists were made public. We're getting into more privacy concerns, and that information is more controlled.

**The Chair:** Thank you, Mr. Horner.

We'll now go to the opposition side.

**Ms Sweet:** Thank you, Mr. Chair. I would just like to go back again to election financing. I'm noticing that one of the recommendations, creating an election financing – and consolidating all the different pieces in all the different legislation under one piece of legislation would help to be open and transparent about how much money everybody can spend and what that would look like.

I just want to clarify, again, because I think this is something that's important given that we had Bill 26 and Bill 27 just recently introduced and passed in the Legislature. If I understand the legislation correctly – and, again, I recognize it's in three different pieces of legislation – one individual from a third party could do \$30,000 for a Senate election, \$150,000 for a general election, \$500,000 for a referendum, for a total of \$680,000 as of right now. And then, of course, because of the municipal election changes, and we don't know yet because that will be happening in regulation and actually has not been confirmed in the act – which would mean that we have gone from the ability of a third party normally to go from \$150,000 for third-party advertising all the way up now to \$680,000 as a third party.

If I'm incorrect, which is fine – and maybe I am, and maybe I'm not – I guess this would probably justify why we should maybe have a financial act that actually dictates and is very clear about what third-party advertising can look like.

**Mr. Resler:** Could you repeat the numbers a little bit slower for me?

**Ms Sweet:** Oh, yeah. Sorry. In Bill 26 and then in Bill 27 a third-party advertiser can have three separate accounts. Depending on the items, if they're held together, like, if the elections are all held together, we would have a \$30,000 ability for the Senate election, \$150,000 for the general election, \$500,000 for the referendum question, and then potentially – I mean, it would be odd, but if we had a muni election at the same time, which would probably never happen, we could have more money in there, too. The grand total would be \$680,000. Prior to Bill 26 and prior to Bill 27 a third-party advertiser was only allowed to spend \$150,000 during a political campaign, provincial election. Would that . . .

9:10

**Mr. Resler:** Three hundred thousand dollars.

**Ms Sweet:** Oh, sorry. Three hundred thousand.

**Mr. Resler:** One hundred and fifty thousand twice because you have the prewrit and the writ period. You have the two pockets of money there. Prior to that, unlimited, if it's before December 1.

Yes. As far as numbers, you would hope that there would be different campaigns because they have different political purposes, as far as electing Senate candidates, the referendum, depending on what the questions are, and the general election. But they are separate funds to contribute towards – yeah – and spend.

**Ms Sweet:** And then one quick follow-up, then. There is nothing in any – my English is very great today. The legislation does not dictate, though, that they have to be different questions based on the election. So if you had a Senate election with a referendum and a provincial election all happening at the same time, there is nothing in the legislation that prevents the third party communicating maybe the same message through all different levels, correct?

**Mr. Resler:** It would depend. You have separate definitions. You have separate accounts in which the money is controlled. We would also look – obviously, I'm sure we would receive complaints if it's a single campaign in which all these are occurring. You know, as far as our compliance and enforcement side of things, or even Elections Alberta with the advertising guidelines, we would have to look to see what that messaging is and how it is applied. Potentially there could be overlap, depending on what the issues are, if it's one that crosses over multiple issues of campaigns, but it should be somewhat dictated towards the actual campaigns themselves.

**Ms Sweet:** Thank you.

**Mr. Resler:** Yeah.

**The Chair:** Thank you, Ms Sweet.  
We'll now go to Mr. Nixon.

**Mr. Jeremy Nixon:** Thank you, Chair, and thank you, Mr. Resler, for being here today. Just a couple of questions about the requirement for individuals to be an ordinary resident. I'm wondering if you can define that for me.

**Mr. Resler:** Ordinary residence is defined as a place where someone eats or sleeps regularly. Yeah. It's a place of residence to which you return when you're absent. Someone can go down south for the winter, but they consider their home in Edmonton, and that's the place to which they return and consider that their ordinary residence. So that would be deemed their residence for voting purposes.

**Mr. Jeremy Nixon:** So, then, currently there's no timeline associated with ordinary residence in regard to the definition?

**Mr. Resler:** No. That was a previous recommendation that I made to remove that six-month clause. It still exists for candidates but doesn't exist any longer with electors. So resident of Alberta, Canadian citizen over 18 years of age.

**Mr. Jeremy Nixon:** Okay.

**Mr. Resler:** That residency clause has been removed.

**Mr. Jeremy Nixon:** Okay. Sorry; can I make a short . . .

**The Chair:** Very briefly. I appreciate you . . .

**Mr. Jeremy Nixon:** I'm wondering if you can maybe explain why that clause was removed and if you've seen any concerns in regard to that. At this point I could basically come from B.C., stay at my buddy's house, and stay here forever and vote here. Is that accurate?

**Mr. Resler:** And then when you come from B.C., I'm going to ask you for identification showing that you have a residence in Alberta.

**Mr. Jeremy Nixon:** But my roommate can vouch for me.

**Mr. Resler:** Your roommate can vouch. You'll still have to prove who you are, but yes, they can vouch for you. It's consistent with

legislation of other jurisdictions. That's not anything different, but someone that is resident – obviously, we still operate on a trust basis, as far as that a person is going to be making a declaration. So they're going to sign a declaration stating that they are a qualified elector in Alberta. If a complaint is received or information that we're looking at shows difference, then they'll be potentially prosecuted.

**The Chair:** Thank you, Mr. Nixon.

I'll go to the opposition. Anyone on the phone or in person?

**Ms Sweet:** I am.

**The Chair:** Certainly.

**Ms Sweet:** Thank you, Mr. Chair. I just want to go back to the overall recommendations. If I have it correctly, your office has about 100 recommendations.

**Mr. Resler:** Over.

**Ms Sweet:** Oh. Over 100 recommendations. Great. That speaks to my question. When I look at the recommendations, it's hard to go through, as you've indicated, the different pieces of legislation and kind of where they all live and how they interact with each other. I'm wondering if there is a way, similar to how we've done with annual reports, to be able to identify those areas, even in the presentation that you've provided to us, the reference points of where those are in the legislation and what you would like to see changed. Is there a way for the committee to see that even just for my own reference so I can go back to the legislation and look at the different points? It doesn't have to happen today. Like, this could be something that maybe could be provided later. But if there are in excess of 100 recommendations, I have a lot of reading to do.

**Mr. Resler:** Yeah. The election report, volume 1, which is the bulk of the recommendations: that's over 100, just that one alone. The back of the report has the groupings, references to the legislation, so it's a little bit more detailed. In the body of the report itself we have the groupings – I think it's the eight groupings that we have – that kind of bring different areas together and where it impacts multiple sections. Those sections are listed in the left-hand column of it. You know, not all recommendations are quite detailed. Some are housekeeping. They're fine tuning, clarifications, that type of thing. That does a lot of the groupings. If you're looking for more information, you go to the back of the book, where it's detailed and provides additional information for yourself.

**The Chair:** Supplemental?

**Ms Sweet:** No. I think I'm good for now. Thank you.

**Mr. Resler:** If there's something specific, obviously we're able to provide the additional information for you.

**Ms Sweet:** Thank you.

**The Chair:** Thank you.

We'll now go to Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair, and thank you to both of you for presenting to us today. You know, one of the new rules that was made by the previous government was that move to an aggregate contribution limit, and that has created a significant conversation in my constituency by some of my constituents as well as by some of the candidates that were in the election. They've got questions

about, like: what level or election does that aggregate cover? Does it cover provincial? Does it cover municipal? What does it cover?

Then who's responsible for ensuring that an individual does not exceed that contribution limit? You know, we go to an individual and we ask them for a donation, and they're not sure if they're going to go over their contribution limit or not. Does it apply to the federal? Does it apply to the provincial? That's one question.

Then what are the consequences? That's the other thing that's in the back of their mind, isn't it? You know, am I going to go over that aggregate limit? Who does it apply to, and what's going to happen to me if I make a mistake? Can I sign that \$3,000 cheque to my campaign or a \$50 cheque, or is it a \$500 cheque? What can I afford to do? Maybe if you could address that so that we could get something on record and maybe help clarify it for me at least, anyway.

**Mr. Resler:** The aggregate contribution limit obviously applies with the legislation to provincial only, not municipal or federal. It doesn't cross over at all. The limit itself is a calendar limit, the \$4,000 limit. That applies to multiple political entities.

Who has the responsibility? Ultimately, the responsibility is up to the elector or the contributor. That is not necessarily an elector. It's the contributor who has that responsibility.

We do work with political entities: the parties, constituencies, candidates, leadership, that type of thing. We work with them when we get reports. When we get the quarterly reports, as an example, we provide a scan that crosses the multiple political parties or different political entities to determine if there's more than one contribution and whether they're going over the limit or not. We provide an advisory role at that time to say – we would go back to the parties and state, "These persons are over their \$4,000 limit; please rectify and provide us documentation that the funds have been returned and which entity it's returned to," because it could be a constituency, party, different parties. We look at the timing of those contributions.

9:20

At that point in time it's advisory, so there's no consequence in that sense. If the party chose not to correct it or potentially didn't correct it or if it goes into the published reports, the final filings themselves, then we're looking at overcontributions for which we'd look at enforcement activities. We'd investigate, determine whether it is the same person. Sometimes there are people with the same names even in the same household, a junior/senior type of thing. It's amazing how many people have the same name across the province that aren't related that you find out. We investigate, we look at it, we make a determination of whether it is an overcontribution or not.

Then the consequences, that we're looking at penalties. We have, with the merger of the offices, instituted a penalty framework, which we have just circulated to the political parties and will be posting on our website. That'll provide the public and the political entities how those penalties are going to be calculated. The base penalty starts at 10 per cent of the penalty limit. They can be substantial. Usually first-time instances, if it's not intentional – because sometimes, you know, you make your contributions and then you attend a golf tournament or a dinner which puts you \$10 over the limit, should you receive financial penalties for something that was inadvertent and you didn't realize? It becomes more of an advisory or educational role for our office to educate the person as far as their contribution rules. They may receive a letter or a reprimand in those instances.

**Mr. Smith:** So we're not going to be burdening – I mean, one of the realities is that political parties need funds, and one of the things about being an engaged citizen is that you want to encourage people to be a part of that political system and to be engaged even financially in that political system. We're not going to be levying large – what's the limit on those fines, and when would you enact a significant penalty? It's not after \$50 that you've gone over; that's probably a letter of reprimand. But if it's \$150? If it's \$500? How does that work so that as we start having conversations with constituents, we can give some guidance?

**Mr. Kaye:** The maximum penalty is \$10,000. We're guided by recent court decisions in how we conduct ourselves. This speaks to the penalty framework that we've come up with recently. The past practice was criticized by the courts. The recommendation from the courts was that we modify our penalty application process, so we've done that.

The theme is compliance, people understanding. We appreciate that they want to engage in process. We also appreciate that people do make mistakes. We do; everyone does. Our framework is really designed to account for situations like that and to ensure that if a situation does warrant a penalty, serious consideration is given to the seven or eight factors that the commissioner must consider before he issues a penalty.

**The Chair:** Thank you, Mr. Smith.

We'll go to the opposition.

**Ms Sweet:** Thank you, Mr. Chair. Kind of in the same vein of where we were already talking is – the payment for another member, the recommendation around paying for another member's party membership, is being considered a contribution. I guess my question around this is that my understanding has always been that you don't purchase a party membership on behalf of somebody else because you don't know whether or not they actually want to be a member of that party, so to be purchasing and signing someone up for a political party that is not yourself seems interesting to me. I'm just wondering what safety measures would be in place if there was a decision to actually allow or support other members buying party memberships and then saying that that's a contribution. Like, how do you prevent, then, someone from not signing up 100 people for a party, you know, to help support someone through a nomination process? Now we're almost giving permission to do it if we allow it to be considered a contribution, I would think. Maybe I'm misinterpreting the recommendation.

**Mr. Resler:** We're not allowing it as far as that process. That is my interpretation of the legislation. I'm just wanting to ensure, to add some clarity to that section, that it is clear to everyone involved in the process that party memberships are purchased by the individual and only for that one individual, right? It's just adding clarity to that. Currently, in my opinion, it's not allowed, a person buying multiple memberships for other persons.

**Ms Sweet:** Okay. Then if we looked at the recommendation, I think we would have to clarify the language maybe, because when I interpret it is as "then it would be considered a contribution," that would mean that, like, it would be a donation to the party on behalf of somebody kind of thing. Maybe I misinterpreted the recommendation. I obviously misinterpreted the recommendation incorrectly, so that's good to know. I'll take that one off my list.

**The Chair:** Thank you, Ms Sweet.

We'll now go to Mr. Nixon.

**Mr. Jeremy Nixon:** Thank you, Chair. I had the joy of being the executive director of the party when they made the changes to the aggregate contribution limits. Just kind of going off what Mr. Smith was talking about there, I'm curious. I personally remember the challenges within our own party and in our administration just in trying to figure out, between the party and the constituency associations and who is giving what and how much – you referenced, for example, somebody buying a ticket to a golf tournament or something and putting themselves over \$4,000. I'm wondering if you can talk a little bit about the administration and maybe the burden, that added challenge that the aggregated contribution system has made for you and your systems.

**Mr. Resler:** It is a challenge. When we say “our systems,” we never had a system before. As a result of the legislation we had to look at ways to administer that specifically, and that's where we moved to an online system in which the information is available for us to provide some calculations.

Probably the most challenging part of it is that when you look at the different political entities, there are different ways in which they manage their contributions. Some do it on paper. Some do it electronic. The information that they contain may be one string, one field in an Excel spreadsheet that has, you know, full name, full address. It's not parsed out for data matching. The names that they use: it may have my first name on one political entity with a party; it may have a middle name that's used on the other. You may use a business address, a residential address. So when you look at data matching, it can be difficult to determine whether it is the same person or not.

Because the information isn't necessarily shared – political parties don't share their membership or contributor databases with each other – we have to pull the information from multiple sources and do the data matching across all political entities and try to find the matches. Where they don't match, we delve deeper, sometimes within the same party. If it's not an elector or a party ID associated with the contributor, you may have multiple contributions to the same party, and they're not matched, so different information is collected. Even within party structures it can be complicated.

**Mr. Jeremy Nixon:** I'm sure that wasn't the case when I was executive director of the party. You've developed a system since, but this continues to be something that you guys have to manage and a burden in regards to bringing – short of us sharing our contribution, you know, those who contribute to our parties together, it's going to be something that you guys have to manage and take . . .

9:30

**Mr. Resler:** Yes, and we do provide additional information now because we have electronic within the party structure, so the parties and candidates, they can have the same information. If the CFO is entering the data on a continual basis, they will be able to see whether there are contributions already to the party and what contribution limit they're at and whether they have excess contribution room. So that provides some assistance. Most contributors contributed within the one party. It's a smaller part that contribute across all parties.

You do have a little more complication as far as nomination contests because that information we don't share with contestants. We still feel there's potentially a privacy issue of sharing party and candidate or constituency contributions with contestants because they may or may not be vetted and passed, too, by the party structure itself, right? You can have contestants who sign up, but

the party doesn't accept them or they don't pass the vetting process, so there are some rules we put in place for that.

**Mr. Jeremy Nixon:** Thank you.

**The Chair:** Thank you.

We'll go to the opposition.

**Ms Pancholi:** Thank you, Mr. Chair. I'd like to ask a question. Mr. Resler, I just want to ask for a little bit of information about recommendation 4 from the enumeration report, and that was the removal of the elector contact information from the list of electors. My question is, well, two parts. The first is about – is it correct, my understanding, that when door-to-door enumeration is taking place, electors have the option as to whether or not to provide, for example, their phone number? I note from the chart in the enumeration report that telephone contact information is something we collect in Alberta. It doesn't necessarily happen in other jurisdictions. Is that something that the elector has the opportunity to provide or not to provide when door-to-door enumeration takes place?

**Mr. Resler:** That is correct, but it isn't as simple as that. A lot of people feel the information on the most part is provided for Elections Alberta to administer, so if there's a reason for us to contact them, follow up, we're able to get that information. The sharing of political information: not everyone realizes. Their intention is: we do an enumeration; we come to the door; we're putting their name on the voters' list. That's their primary focus. We have a considerable volume of complaints from electors, and most of it deals with – whether it's robocalls; now we're getting automatic text messages – where did they get my phone number? How did they get my information? And they're very angry.

What we're seeing now – before they'd say: “Okay. Remove my phone number from the register.” We'd tell them to contact the political parties to get their number removed from that list, which political parties, by law, have to do within 15 days. But what the elector is doing now is that they're phoning us. They're angry; they want the information; that phone number removed, but now they're saying: “Remove me from the list of electors. Remove me from the register.” It's to the point where they don't even want to be included in the register.

That's a concern to me because that impacts at the polls. If they decide to vote, then that means they need to be registered again, it could be longer lineups, we're not capturing that part of the population, and potentially we're pushing them away from the political process. If, you know, you have other family members, you have children, that's the conversation that's being created, and it's creating potentially a larger part of the society who is withdrawing from the political process. The recommendation itself is looking at removing that contact information.

We requested that e-mail addresses be collected in the information. If that information was to be shared with political parties, I probably wouldn't ask for that e-mail to be collected because then, again, that's going to even broaden the complaint base that we're going to receive.

The primary purpose for the enumeration is to administer the voting process. We've moved to a part – like, if you're looking at robocalls, that type of thing, they're digital random numbers that are processed. You don't necessarily have the phone number; a computer is going through the process, and it's contacting the households of the different numbers that pick up. You can purchase contact information that is publicly available. You know, you'll still have the name and address – you can mail, you can go in person,



you can drop off leaflets, the door-to-door process contacting electors – so I don't think it prohibits candidates or parties in contacting the information, but it's kind of preserving the purpose of that enumeration process in compiling that voters' list.

**Ms Pancholi:** Thank you, Mr. Resler. I guess I understand what you've indicated there. My concern is actually related to the issue that, for example, Member Goodridge raised earlier with respect to, you know, her constituency. Of course, I understand it was a unique circumstance with the fires there, but in those situations, for example, where, you know, there is no physical home anymore, wouldn't that contact information in the form of a phone number still be important? I wonder if, particularly in areas where it is more difficult to, you know, physically get out to certain locations and rural areas, having additional contact information in the form of a phone number, isn't that useful in making sure that electors are still being able to be contacted?

As well, I guess I wonder about whether or not part of the obligation when doing, if we're still doing door-to-door enumeration, if that's still taking place, is the understanding that the enumerator gives to the person at the door saying how your phone number will be used. I mean, certainly we see under a significant amount of privacy legislation that you have to give clear indication to the person when you're collecting their personal information as to how that information is being used. Part of that might include enumerators being very clear when enumerating that: yes, your phone is going to be used for these purposes. I understand that's not going to eliminate all complaints and concerns about the use of phone numbers, but, you know, it is precedent that we have when collecting personal information to be very clear about how it's going to be used. I guess: what would your response to that be?

**Mr. Resler:** When we go door to door, most instances in which telephone numbers are declined are when the elector is asking: how is that information going to be used? The enumerators themselves may not be directly stating the purpose for which your phone number is being collected. In the future, if the legislation did not change as far as contact information, that might be something that we emphasize. I could probably guarantee that we will decline – what were we? About over 80 per cent with phone numbers previously. It will decline considerably as far as the collection of that information. Yeah.

**The Chair:** Thank you.

We'll now go to Mr. Sigurdson.

**Mr. Sigurdson:** Thank you, Chair. Before I begin, just first to both of you, thank you for your presentations, and thank you, everybody, for being here and answering these important questions.

Obviously, the Election Act and the EFCDA can require interpretation. That's something you mentioned before. You mentioned previously in your presentation that sometimes it's even hard for you to locate some of that information. From what I understand, candidates and political parties have the ability to contact Elections Alberta and ask for interpretation of these acts. I guess I'd just like to know if you can build or provide me some information on what process Elections Alberta follows regarding political parties and candidates when they're requesting or seeking any interpretation and clarification on these acts.

**Mr. Resler:** It happens all the time. That's something that we do encourage. We'd rather have compliance and conformity with the legislation than going out and getting into trouble. It's something that we have continued conversations about with the political entities, with the political parties themselves. We also invite or

provide the capacity to come out and speak, whether it's at annual conferences, candidate conventions, that type of thing. We come out, and we can speak and do sessions to the political parties and their memberships. With the conversation – and it's something that we look at always when there are misunderstandings or where they're looking for clarity as far as how that legislation is interpreted – we can provide some advice.

Ultimately it's up to them. If they want legal advice, they have to seek their own counsel. We don't provide legal advice in that sense, but we do provide as far as how we interpret the legislation. We provide guidebooks. We provide instructional materials for the different political participants to help interpret what is required under the legislation. So we work with that.

**9:40**

During the election process, for example, we have advertising guidelines, and they can be confusing because of the different types, whether it's social media, print advertising – there are different rules in how they're applied – and new types of advertising, where, you know, you may have advertising that you have to state contact information, but now we've moved to social media, where it might be a 15-second segment. Well, if you'd just read off your contact information, your 15 seconds are up. So there are different ways in which we can work with the political parties and provide that advice.

In the last election several parties provided us with their advertising materials and asked if they complied with the guidelines, and we provided approvals prior to them rolling out to their campaigns. You're dealing with volunteers, for the most part, who may not be familiar with the legislation, and those volunteers change. There's a continual educational process that we have to provide to those political participants, so we work with them to help them out.

**Mr. Sigurdson:** A supplemental. I guess I just want to touch on something that you mentioned there because, yeah, I think this is really critically important that candidates have the ability to be proactive so that they understand what's going on. You mentioned in your response there that sometimes you advise the candidates to seek legal advice, and I guess what I want to touch on there is that when you're providing clarification or people are phoning you for advice and they're getting that response back out of Elections Alberta, that clarification or that advice that you're giving, is that binding? Is that completely binding, that clarification? Like, is that the, I guess, gospel, when you're giving that response to that candidate? I'm just trying to understand why you would say that and then, you know, say that you may want to seek legal advice after the fact?

**Mr. Resler:** With any legislation you could probably have two lawyers and they have different interpretations of what that section says. Am I correct? Yes. They nod. You know, you may not agree with my advice as far as that interpretation, so then it gets into different interpretations. There may be challenges in court, and the court decides on the interpretation of the legislation or provides an interpretation. [A timer sounded] If we disagree, then we go back to Alberta Justice and ask for legislation to be changed, potentially.

But, yes, I would say, in the short answer, that when we provide advice, we usually provide it in writing. We'll ask for writing from the political participant who provides the information because we don't always get full information when the question is asked. They may ask a specific question but leave out some details, so we ask for it. Advisory services provide it probably with the parameters in

which the question is asked. So if there are other items that were left out, it could impact the interpretation. We would provide that in writing. If a complaint came in, they would gather information. They would, as far as the compliance side, ask what correspondence was provided and even from the political participant: “Did you receive advice from Elections Alberta?” “Yes. This is what they told me.” That would be taken into consideration when we review it. If we’re providing advice and you’d followed that advice, I would, when I review it, state that. We wouldn’t enforce or apply a penalty as a result of that because you’d complied with the advice we provided.

**The Chair:** That alarm-sounding beep concludes the hour of questions and answers. Given that we do have questions continually coming from both sides, I am inclined to extend this by 15 minutes unless there are any major objections from members of the committee.

All right. Hearing none, then we can go to the opposition side.

**Ms Sweet:** Thank you, Mr. Chair. I just want to follow up on one of the comments that was made around being able to disclose on the website around whether or not people have been penalized. I guess “penalized” would be the word to say. Currently, right now, there’s a privacy issue around being able to do that. Can you just clarify for me what that would look like and how you would determine whether or not you would disclose that information on the website versus not?

**Mr. Resler:** The recommendation I was looking at dealt specifically with prosecution matters. If there’s a determination made that we want to seek prosecution under an enforcement situation, right now we go to special prosecutions within Alberta Justice and Solicitor General, and they make a determination whether they continue that and take it to prosecution. So for someone that’s in the general public, if you raised the complaint with me, we’re reviewing the matter. If we issue a letter of reprimand or administrative penalty, I publish that information on the website, so we have full disclosure. If I don’t go the course of reprimand or administrative penalty, I go further, as far as escalating that into a prosecution. There is no disclosure, so we don’t have the capacity to disclose that. I forward it to prosecution. If prosecution determines that they’re not going to take it any further, the complaint dies, so no further action is taken, and there’s no information on what happened to that complaint, other than that it has been dealt with, you know, a form letter, in a sense, that the complainant would receive.

I think it’s important to have that disclosure and openness. If prosecution does nothing, I can’t take it back and apply an administrative penalty. I don’t have that capacity anymore. I would look at – the recommendation is having disclosure so the public knows that I determined that prosecution was the next available stream to deal with that complaint and our findings, so I would like full disclosure of that information.

**Ms Sweet:** Am I allowed one follow-up? Okay.

Then just real quick: if prosecution determines they’re not going to take the matter further, you have no authority, then, after that? If you’ve deemed it needs to be more serious than what you’ve initially – I don’t understand why, then, it wouldn’t be referred back to Elections Alberta to determine then if there should be further penalty.

**Mr. Kaye:** I’m just going to say that that probably warrants consideration. I don’t believe that exists in the legislation currently. The issue, because we don’t comment publicly on investigations

that we either are or are not conducting – to not be able to demonstrate that we have completed a full and fulsome investigation and referred the matter to the courts to prosecute is a bit lacking, but it’s not uncommon in the criminal world and in other aspects of enforcement for a prosecutor to make a determination based on the evidence, the public need for the prosecution, and the pros and cons versus prosecuting or not. That happens all the time with law enforcement. They’ll refer a case to prosecution, and they’ll just say that it’s not in the public interest to pursue this matter. That’s where that matter dies as well. So that’s not dissimilar for us to perhaps go back and revisit it. Or, potentially, in the case of law enforcement, if they can’t pursue something criminally, perhaps there’s a provincial statute that they could apply if prosecution indicates that they’re not going to pursue the matter. That is an option for law enforcement, but I don’t believe an option that exists for us.

**Mr. Resler:** I’d just like to follow up. One of our previous recommendations was to have the capacity within Elections Alberta to pursue prosecution on our own without having to go through Alberta Justice, so where we would hire an independent prosecutor to take that action so we’re not beholden to a provincial department.

**The Chair:** Thank you, Ms Sweet.

At this time I would like to pose a question, so I’m going to leave the chair and do so.

[Mr. Horner in the chair]

**The Acting Chair:** Go ahead, Mr. Schow.

**Mr. Schow:** Thank you, Mr. Chair. I have a couple of questions regarding potential barriers that exist in the current system that might prohibit or make it difficult for Albertans to seek election. I have a very specific interest in ensuring that we get as many people to the polls as possible, regardless of who they’re voting for, to improve our democratic process but also making sure that people feel comfortable and are able to run for office. I think it’s something that everyone should at least investigate.

First, as it relates to nomination contests, what actually constitutes a declaration of announcement for seeking a nomination contest? As an example for clarification, would it be considered an announcement if I were to post on my Facebook page that I’m considering running for a party nomination? Would Elections Alberta follow up with me?

9:50

**Mr. Resler:** We’d have to know that you made that Facebook post. We don’t have those types of powers. Those situations occurred, where we received a complaint: “Did you know that this person posted this or made this announcement in a setting? But I see on the website that they’re not registered.” We would follow up in those instances.

When you state that you intend to seek the nomination, if you raise or spend money, you are making a choice to run in that nomination. If you’re kicking the tires and you say, “I’m thinking of it; I’m doing that,” that’s a process of the individual that hasn’t quite made that intention yet, so that wouldn’t be a requirement. But once you’ve made that kind of firm decision towards it, then you would be required to register.

**Mr. Schow:** Thank you for that.

As a supplemental, if an individual who hasn’t made a formal nomination announcement is given a contribution cheque from a neighbour or a family member that wants to support them – say that cheque isn’t cashed but has been received. Would they be in

violation of the rules of a nomination contest for accepting that? You know, can maybe officials from Justice and in your office detail what would constitute an incurred expense for a nomination contest?

**Mr. Resler:** If they receive the cheque or cash, it's money. You're not in violation at that point, but it triggers the requirement to register. That's the trigger, same as an announcement: here's a cheque; I want you to run. You accept it because you've made that intention in a sense or your acceptance does show intention. That would trigger the registration process. I would say that within 15, 30 days you should be registered, right? So within a reasonable time frame.

The second part of your question I forgot.

**Mr. Schow:** It was just basically: how would you detail an incurred expense, or what would constitute an incurred expense? I think you kind of answered that question.

**Mr. Resler:** Yeah. An expense: it could be developing a website or doing something like that.

[Mr. Schow in the chair]

**The Chair:** We'll now go to questions from the opposition.

Seeing none, any questions from the government side?

Seeing none. Okay. That would conclude the lightning round of this question and answer. I would like to thank our presenters for their time today. I'd ask that any follow-up responses please be provided to the committee through our committee clerk. I would also ask that our presenters please remain for a few minutes for the next item of business.

Going on to (c), which is ongoing technical support to the committee. It is common in reviews of this kind for the committee to seek ongoing technical support from department officials with expertise on the subject matter as the committee receives information and deliberates on recommendations to include in the committee's report to the Legislative Assembly. For that we would need a motion.

Mr. Smith, do we have a draft motion that we'd like to put up here?

**Mr. Smith:** If I understand correctly, Mr. Chair, we're looking for a motion to accept the committee's report.

**The Chair:** No. This would be a motion to invite members from the department. You know, I have a draft motion here. I'll just read that out, and then we can have a conversation about it. The draft motion would be: that the Select Special Democratic Accountability Committee request that officials from the Ministry of Justice and Solicitor General and Elections Alberta work in conjunction with the Legislative Assembly Office staff as requested to support the committee during the review pursuant to Government Motion 25 and that officials attend committee meetings and participate when requested in order to provide technical expertise.

This is a debatable motion. Does anybody have anything they want to say on this or any comments? Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. It's a long motion, but I just would like to clarify. I was going to present a motion that basically said that members of Justice and Solicitor General and Elections Alberta attend subsequent meetings of the committee, including stakeholder presentations and deliberations, to provide tech support to the committee members. The rationale behind that was that if we do have stakeholders that present or if we are going to do a town hall at some point, we have the experts in the room to maybe be

able to answer questions for the committee if they so arise. I'm not sure if this motion addresses that specifically because it seems vague in the sense of that we will just ask the officials to show up whenever we so deem, and then I think we have to have a question about who then deems that they should attend or if they are attending every meeting.

**The Chair:** What you're saying is the spirit and the intent of this motion, but if I want to get some clarification as to how this would happen in practice from the clerk or research, that'd be wonderful.

Dr. Massolin.

**Dr. Massolin:** Thank you, Mr. Chair. I can just sort of relate to the committee from a historical perspective because, as you've indicated, this motion is a standard motion for this type of review. It's been adopted by other committees looking at statutes in the past. After it's been adopted, what happens typically is that the technical experts are available at the meeting to be called to the table to answer committee members' questions, for instance, and they're available especially during the deliberation process. I think that's when a lot of the questions arise to get clarification on the interpretation of the acts or whatever else the committee would want from a technical perspective. The other thing that this would enable is for the Legislative Assembly Office and its staff to work with the experts at the end of the table in terms of preparing research documents and other documents as well.

I've never seen it applied in the sense that Ms Sweet has indicated in terms of having the experts sort of respond to questions during a public consultation phase, but I suppose if the committee wishes that to happen, it could happen. In short, basically, I think it's up to the committee and within sort of the purview of what the experts can provide. Those are the determining factors as to how this rolls out.

Thank you.

**The Chair:** Does that satisfy your answer? Okay.

We do have a draft motion on the screen. Everyone has had a chance to look at it. If there's no further discussion, then we have a mover on the motion, which is Mr. Smith, I believe. Mr. Smith has moved that

the Select Special Democratic Accountability Committee request that officials from the Ministry of Justice and Solicitor General and Elections Alberta work in conjunction with Legislative Assembly Office staff as requested to support the committee during their review pursuant to Government Motion 25 and that officials attend committee meetings and participate when requested in order to provide technical expertise.

All those in favour of this motion, please say aye. Any opposed, please say no. On the phone?

That motion is carried.

Okay. At this point in time, at the discretion of the chair, I'd like to call a 10-minute break. We will return here at 10:10 to resume the rest of this committee.

[The committee adjourned from 9:59 a.m. to 10:09 a.m.]

**The Chair:** I'd like to reconvene this committee. Thank you, everybody, for coming back.

We are now on agenda item 5, business arising from the subcommittee on committee business, (a) report of the subcommittee on committee business. The subcommittee on committee business has provided the committee with a report containing their recommendations for the committee's focus issues in relation to the Election Act and Election Finances and Contributions Disclosure Act, as referenced in Government Motion

25. The subcommittee has also made recommendations on stakeholder and public consultation in relation to those two statutes as well as on citizen-initiated initiatives and recall. This report was posted on the committee's internal website for all members to view.

As for the recommendations relating to the focus issues of the review, I'd now like to open the floor to discussions of the subcommittee's recommendations relating to focus issues for the committee's review of the Election Act and election finances and disclosure act. Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair. I'd like to speak to recommendation 3.1 if that's okay.

**The Chair:** Certainly.

**Mr. Smith:** Okay. I'm pleased with the focus of the issues for the subcommittee. I especially like the idea of reducing the red tape and improving elections for both voters and for the candidates. If we're not here to discuss that, I don't know what we're – that's got to be the focus of this committee.

As we listened to the Chief Electoral Officer this morning, it appears that there are three reports that they have put forward with recommendations, and it appears to me that the subcommittee's previous scope focusing on the Chief Electoral Officer's single report was probably a little too narrow. I think we need to look at the other reports and encompass all those recommendations, so I'd like to put forward a motion to accept recommendation 3.1 from the subcommittee but also to recommend that they consider adding the additional reports from the CEO, the Chief Electoral Officer.

If I could, I'd like to put the following motion forward, motion 1 by Mark Smith: moved that

the Select Special Democratic Accountability Committee adopt recommendation 3.1 as set out in the subcommittee on committee business report dated July 28, 2020, and that the committee direct the subcommittee to consider the 2018 enumeration report and the 2019 general election report, volume 1, issued by Elections Alberta, for the purpose of considering whether to recommend additional specific areas of focus addressed in those reports.

That would be the motion that I put forward.

**The Chair:** Thank you, Mr. Smith.

This is a debatable motion, so we'll open the floor to discussion. As you get it up there . . .

**Mr. Kulicki:** Apologies. The clerk here is a little bit slow. If Mr. Smith wouldn't mind giving me, I think, the last part of that motion once again. I have it up to "and that the committee direct."

**Mr. Smith:** I'm just going to read the whole thing.

**Ms Goodridge:** . . . direct the subcommittee to consider the 2018 enumeration . . .

**Mr. Smith:** . . . report and the 2019 general election report, volume 1, issued by Elections Alberta, for the purpose of considering whether to recommend additional specific areas of focus addressed in those reports.

**Mr. Kulicki:** All right. If you just give me one minute, I think I can get that up on the screen.

**The Chair:** Yeah. While that's going up on the screen, is there anybody who'd like to add to this discussion?

**Ms Pancholi:** Mr. Chair, I'd like to speak if I may.

**The Chair:** Ms Pancholi, I actually see Ms Sweet first. Oh. No. Ms Sweet has given you the floor. Ms Pancholi, the floor is yours.

**Ms Pancholi:** Thank you. Sorry. Trying to hear it from Skype sometimes is a little bit difficult. I just want to clarify that Mr. Smith's motion is to direct the subcommittee to consider those additional reports rather than – I believe this is a recommendation from the subcommittee as to what the committee should consider. I actually want to say that I agree with Mr. Smith, the notion, I think, that he's getting at, which is that we heard today from Elections Alberta speaking to other reports, the enumeration report and the election report from 2019, and that those should be included in our focus areas. I agree with that suggestion. I just want to be clear that it's not that the subcommittee would consider those reports; it's that the committee would as part of the focus areas. So we're taking the recommendation from the subcommittee and saying that we're adding to it these additional reports and that it would be us as the committee that would be considering those additional reports, not necessarily the subcommittee.

**The Chair:** I see Ms Goodridge.

10:15

**Ms Goodridge:** Thank you, Mr. Chair. It is my understanding, based on reading through the motion, that it would be the committee tasking the subcommittee to consider the reports for the decision of the stakeholder list.

**Mr. Smith:** Yes. That would be correct.

**Ms Goodridge:** Makes sense?

**Ms Pancholi:** Okay. If I may, then, I thought we were discussing 3.1, which is the identified issues, which is first deciding on what those focus issues would be, and then we would use that to inform the stakeholder list. For the purpose of discussing what the focus areas for the review of the committee are, I would support a motion that would first indicate, under 3.1 of the subcommittee report, that the focus issues for the committee's consideration would include these additional reports that the Chief Electoral Officer has indicated in his presentation today. I thought we were just focusing first on 3.1, which would then, of course, inform which stakeholders we would include, and we would consider the subcommittee's report in light of those broader focus issues.

**The Chair:** Ms Goodridge.

**Ms Goodridge:** Yes. I just want to clarify for the record: the focus issues, not the stakeholder list. My apologies. I was getting ahead of myself.

**The Chair:** Thank you.

Any other discussion?

**Ms Sweet:** Again, I think this is where the subcommittee roles and responsibilities are getting confused. If we're all together as a committee right now, I think we have the capacity to say that we support recommendation 3.1 with the addition of the consideration of the 2018 enumeration report and the 2019 general election report, volume 1, issued by – I would like to make an amendment to say that we strike out "as set out in the subcommittee on committee," "to adopt recommendations as set out by the subcommittee," or whatever it is. Hold on; I have to read it again. "Dated July 18, 2020, and that the committee direct the subcommittee to consider": that we strike out "direct the subcommittee" and that the committee consider the 2018 enumeration report and the 2019 general election

report. I don't know why we would send this to the subcommittee to then say, "Well, let's send it back to the committee to consider it as part of" – I just don't understand why we can't just do it all here. We're here.

**The Chair:** Ms Sweet, would like to move an amendment, then, to this?

**Ms Sweet:** I move the amendment that we strike out "direct the subcommittee to consider the 2018" and that it instead say "and that the committee consider the 2018 and 2019 general election report" as the rest. The committee consider – sorry. Not – I need my glasses.

**Mr. Kulicki:** I'll have it on the screen here shortly. I think I'll have something that meets your intent here, Ms Sweet.

**Ms Sweet:** "And that the committee consider." Yes. Right. So you strike out "direct the subcommittee to."

**The Chair:** Is there any discussion on that while the amendment is being put up on the – we'll just wait for it to get put up on the board, and then we can vote on that amendment. There's a lot of pressure on my guy to the left. Oh, yeah. Typing in front of other people is very stressful.

**Mr. Dang:** Mr. Chair, could I just drop in to have clarification?

**The Chair:** Just a moment as we get this amendment up on the screen here, which I think it is now. We're just getting this up on the screen so we can actually see the motion as amended by Ms Sweet and have a conversation about that.

Okay. We have a motion, moved by Mr. Smith, amended by Ms Sweet, that

the Select Special Democratic Accountability Committee adopt recommendation 3.1 as set out in the subcommittee on committee business report dated July 28, 2020, and that the committee direct the subcommittee to consider the 2018 enumeration report and 2019 general election report, volume 1, issued by Elections Alberta, for the purpose of considering whether to recommend additional specific areas of focus addressed in those reports.

And Ms Sweet has moved an amendment striking out "direct the subcommittee to."

Would we like to have any discussion on the amendment, which I don't believe we do? Mr. Dang, you had a comment.

**Mr. Dang:** Yeah. Just for clarification purposes, if we don't adopt this amendment and it does direct the subcommittee to consider these items, does that mean that the subcommittee will have to report back and the committee will have to approve or accept the report from the subcommittee again at a later date? Essentially, are we creating additional work if we don't accept this?

**The Chair:** Well, the first part was a statement. The second part was more of an assertion. Yes, we would be directing the subcommittee to review this, and the report by the subcommittee would then be discussed by the general committee.

**Mr. Dang:** Okay.

**The Chair:** We have an amendment. We'll go ahead and vote on that, then. All those in favour of the amendment moved by Ms Sweet, say aye. Any opposed, please say no. On the phone? All right.

That amendment is passed.

We're now back on the main motion by Mr. Smith as amended by Ms Sweet. Any discussion or comments on this?

Seeing none, we'll then go to a vote. All those in favour of the motion by Mr. Smith as amended by Ms Sweet, please say aye. Any opposed, please say no. On the phone?

That motion is carried.

Is there any more discussion on recommendations relating to the focus issues of the review?

Hearing none, we'll move on to recommendations relating to stakeholder and other input. The subcommittee on committee business has also made recommendations in regard to hearing from stakeholders and other public input as part of its review pursuant to Government Motion 25.

I would now like to open the floor to a discussion of recommendations 3.2 and 3.3 for the subcommittee report. I'd like to recognize Ms Goodridge.

**Ms Goodridge:** Thank you, Mr. Chair. I would like to move a motion that the Select Special Democratic Accountability Committee adopt recommendation 3.2 as set out in the subcommittee on committee business report dated July 28, 2020, and that the committee agree to hold the stakeholders' meeting in respect of the Election Act and election finance contributions disclosures at the same time so that the stakeholders may make submissions in respect of both of these areas.

**The Chair:** Thank you, Ms Goodridge. We will just take a moment while that motion is put up on the screen.

**Ms Goodridge:** I just sent it to you by e-mail.

**Mr. Kulicki:** It's just going to go up on the screen right now.

**The Chair:** Okay. Do we need to read that again? We have a motion on the screen moved by Ms Goodridge. I'll give everyone a quick moment to read it, and then we'll have discussion if there is any. Does anybody have any comments, questions, or remarks about this motion moved by Ms Goodridge?

**Ms Sweet:** I just want to clarify. Recommendation 3.2 does provide the breakdown of each stakeholder. Okay; that's fine. Do we need a date for the motions for the stakeholders' meetings, or will this do for now?

**The Chair:** No. Those meetings will be called from the chair.

Any further comments or questions?

Hearing none, we'll put this to a vote, the motion moved by Ms Goodridge, that

the Select Special Democratic Accountability Committee adopt recommendation 3.2 as set out in the subcommittee on committee business report dated July 28, 2020, and that the committee agree to hold the stakeholder meetings in respect of the Election Act and Election Finances and Contributions Disclosure Act at the same time as the stakeholders may make submissions in respect of both areas.

All those in favour, please say aye. Any opposed, please say no. On the phone?

That motion is carried.

Any further discussion with regard to stakeholder and other input?

10:25

**Ms Sweet:** I'm just looking at 3.3. I think recommendation 2 will need have to have a date suggested – it's just a housekeeping piece – because we have "members of the public also be invited to participate in the review through providing written submissions to the Committee and that the period during which submissions be accepted is August 4 to September 11, 2020." Since we have not

accepted this, I believe that this has probably not happened yet, so we would need to amend, probably – I'm at the will of staff to tell us what the dates should be.

**The Chair:** Yeah. If you could just give us a moment, we'll get a draft motion on that. We have on the board here a draft motion, Ms Sweet, if you can maybe have a look at that and see if it's up to your standards and acceptable: September 25, 2020.

**Ms Sweet:** If that's what the recommendation is, sure, as long as there's enough time.

**The Chair:** Okay. Any other comments or questions on this?

Hearing none, we'll put it to a vote, the motion moved by Ms Sweet, that

the Select Special Democratic Accountability Committee approve recommendation 3.3 from the July 28, 2020, report of the subcommittee on committee business pertaining to public participation in relation to the committee's review pursuant to Government Motion 25, with the exception that written submissions be accepted until September 25, 2020.

All those in favour of that motion, please say aye. Any opposed, please say no. On the phone?

That motion is carried.

Is there any other discussion regarding 5(c), recommendations relating to stakeholder and other input?

Hearing none – sorry. I'd like to also at this time recognize Ms Janet Laurie with LAO communications to discuss the support that Legislative Assembly Office communications can provide to the committee as it seeks input from the public. Ms Laurie.

**Ms Laurie:** Thank you, Mr. Chair. My name is Janet Laurie with communications services. I just wanted to follow up with the document that we shared with the committee prior to the meeting. There are a number of low-cost, no-cost, and paid communications tactics that have been undertaken by previous committees of the Legislative Assembly. I'm happy to entertain any questions that committee members may have about specific initiatives, but we would otherwise simply be looking for direction from the committee regarding what it aims to achieve as that will impact the overall strategy and what initiatives we would recommend to inform the public on its behalf. I'm happy to answer any questions that people may have.

**The Chair:** Sure. Any discussion or questions around this?

**Mr. Rutherford:** Mr. Chair, sorry. You were about to say something there. If there's no discussion, I'd be prepared to move a motion on that.

**The Chair:** Sure.

**Mr. Rutherford:** I'd like to move that the Select Special Democratic Accountability Committee direct communications services of the Legislative Assembly Office to solicit submissions from members of the public through the no-cost and low-cost options.

**The Chair:** Okay. We'll just have a moment here while that motion is put up on the screen. We have a motion moved by Mr. Rutherford that

the Select Special Democratic Accountability Committee direct communication services of the Legislative Assembly Office to solicit written submissions from members of the public through the no-cost and low-cost options.

This is a debatable motion. Does anybody have any questions, comments, or remarks on this?

**Member Ceci:** I do, Mr. Chair.

**The Chair:** I recognize Mr. Ceci.

**Member Ceci:** Thanks. Just to the mover: would that direction to administration be that all the no-cost and all the low-cost options are utilized? That's my clarification.

**Mr. Rutherford:** Sure. Thank you, Mr. Chair. The motion lists out that the communication would be within the no-cost and low-cost options – right? – so then it would be within those parameters. I don't know.

**Member Ceci:** Yeah. My clarification was that all of the different approaches in each of those two areas would be utilized. Would all of them be utilized? That's my question.

**Mr. Rutherford:** Well, I couldn't say, Mr. Chair, that they would all be utilized other than that they could all be considered to be utilized.

**The Chair:** Any other comments on that or questions? Ms Sweet.

**Ms Sweet:** Yeah. Sorry, I think I'll clarify on behalf of my colleague. I believe what he's trying to get at is that it specifically speaks to only written submissions. I know that we are going to be talking about some other, like, town halls further in the agenda, I believe. This doesn't speak to whether or not we are going to do a virtual town hall or how that would work. This would only be specifically to the written submission component.

**The Chair:** I've been informed that that decision would actually come later.

**Ms Sweet:** Okay.

**The Chair:** Is there any discussion around this motion moved by Mr. Rutherford?

**Dr. Massolin:** Can I just clarify on that?

**The Chair:** Yeah.

**Dr. Massolin:** Sorry, Mr. Chair, to interrupt you there. I just wanted to clarify because the previous motion that was carried, that was adopted by the committee, accepted recommendation 3.3 from the subcommittee's report, and clause 2 of that – sorry. Clause 1 of the report says:

The Subcommittee recommends that

1. the Committee hold one virtual town hall meeting with members of the public to hear feedback on the focus areas being reviewed by the Committee.

The committee, if I'm not mistaken, has decided already to hold one virtual town hall meeting. Perhaps the committee could ask Ms Laurie, you know, if they're interested, about further details about this virtual town hall meeting in terms of how it might operate or whatnot.

Thank you.

**The Chair:** Thank you for that clarification.

Do we have any other discussion surrounding this? Ms Sweet.

**Ms Sweet:** Thank you, Chair. I think that that is the question, then. Because we've already passed through the committee that we will be doing a virtual town hall, if it is at the will of the committee, we could get updated on whether or not the town hall would also be a

no-cost and low-cost option. Then I would entertain an amendment once I've heard from communications around what that looks like.

**The Chair:** Ms Laurie.

**Ms Laurie:** Sure. The virtual town hall is definitely a paid-cost option. I guess what we would need in terms of organizing and budgeting would be more direction from the committee as to how you would envision that that would look. For example, if you had a virtual – if we provided numbers that any Albertan could call in, and we needed to be able to respond in that manner, there would be a greater cost to that as opposed to if we had a set number of people and we knew how many lines we needed to arrange for prior to. It's a matter of that we can accommodate the will of the committee, but in terms of budgeting purposes there could be a significant range in costs based on how you would envision that public meeting, that virtual town hall, occurring.

**The Chair:** Okay. Thank you for that clarification.  
Any further discussion on this motion?

10:35

**Member Ceci:** Just maybe I can take another run at my question if I can. Is it Ms Laurie? Is that the name? Sorry. Who's sitting at the table?

**Mr. Kulicki:** Yes.

**Member Ceci:** My question is with regard to the low-cost and no-cost. I have no problem with those or going in that direction, but would you take that to mean that you should utilize a committee website, you should update the committee website, you should do a social media post, you should do media relations, e-card, information cards, constituency newsletters, all of those, and all of those within the social media advertising and Google AdWords campaign as well if this were passed? Would that be your understanding of your direction?

**Ms Laurie:** I think the takeaway for communications services would be more so that all of those options would be available to us, and we would reflect on it and recommend the best strategy to accomplish. It may not necessarily be that we engage in every single one of those initiatives. Those are just things that we have engaged in in the past for other committees, so they would be at our disposal, if you will.

**Member Ceci:** Yeah. When would this recommendation be coming back to us in the committee?

**Ms Laurie:** We would hope to have further direction today, and we would be able to go away and prepare something for you that I would follow up with the chair and the committee clerk, I would envision.

**The Chair:** If I may, just some clarification from the clerk and research that this motion would effectively allow you to go and look into costs for things like town halls, given that they won't be happening likely for some time yet. So this motion allows you to go and do that research and then come back and report to the committee, at which time the committee will determine the course of action we want to take. Is that . . .

**Ms Laurie:** Yes.

**The Chair:** And it means that we could amend the motion to make that more clear.

**Mr. Rutherford:** Mr. Chair.

**The Chair:** Yes.

**Mr. Rutherford:** Thank you, Mr. Chair. Sorry. I'm just looking at what's written on that screen, and what I read out is different. I read out, just to sort of skip to the middle,  
direct communications services of the Legislative Assembly Office to solicit submissions from members of the public through the no-cost and low-cost options.

That specifically says on the screen "written submissions," so what I read out is broader for what I was submitting as a motion.

**The Chair:** So just for clarification "written" is in the motion on the screen, but you did not say the word "written." You just meant submissions.

**Mr. Rutherford:** That's right.

**Mr. Kulicki:** My apologies.

**Mr. Rutherford:** That  
the Legislative Assembly Office solicit submissions from members of the public through the no-cost and low-cost options.

**Mr. Kulicki:** Is that better?

**Mr. Rutherford:** Yes.

**The Chair:** So no correction now?  
Any further discussion on that motion?

**Ms Sweet:** With the change of removing "written," I would support this motion because it would then encompass the town hall.

**Mr. Jeremy Nixon:** Sounds great.

**The Chair:** Problem solved.  
Okay. Let's go on to a vote, then, if there's no more discussion on this motion moved by Mr. Rutherford. All those in favour, please say aye. Any opposed, please say no. On the phone?  
That motion is carried.

Is there any other discussion? Oh, I see Mr. Sigurdson.

**Mr. Sigurdson:** Thank you, Chair. I guess I'll bring this up. I've mentioned this before in a previous meeting. This committee has a lot to get through over the next couple of months and a very tight timeline to do so. We have a report due to the Assembly for recall and citizen initiative by November 13 as well as another report on the Election Act, EFCDA by January 13, 2021. With that staring us in the face, I think it's mindful that we need to consider respecting the subcommittee process. I think with what we've seen today and the efficiency that we had at our last subcommittee and the amount that we got in the report today and that we accomplished, I think we should continue with that efficiency.

I'd like to put forward a motion stating that we move that the Select Special Democratic Accountability Committee direct the subcommittee on committee business to provide the committee with the list of stakeholders as referred to in clause 2 of the recommendation 3.2 of the subcommittee on committee business report dated July 28, 2020, for its consideration and that the committee agree that all stakeholders to be invited to make submissions must be recommended by the subcommittee.

This will continue the practice of the subcommittee making recommendations to the committee but ensures that both sides have the ability to still discuss and make stakeholder recommendations through the subcommittee before presenting them to this

committee, which I think, like I said, through our last subcommittee meeting we had that efficiency. It was very effective. We got a lot of business done. I think this is a great path for the committee to support.

**The Chair:** Thank you. Just give us a moment while that motion is put up on the screen.

**Mr. Kulicki:** My apologies to the member, but the clerk, as I said, is a bit slow today. If you wouldn't mind just reading that into the record a little bit more slowly just so I can get that in.

**Mr. Sigurdson:** Sure. To move that the Select Special Democratic Accountability Committee direct the subcommittee on committee business to provide the committee with a list of stakeholders, as referred to in clause 2 of recommendation 3.2 of the subcommittee on committee business report, dated July 28, 2020, for its consideration and that the committee agree that all stakeholders to be invited to make submissions must be recommended by the subcommittee.

**Mr. Kulicki:** Thank you, Mr. Sigurdson. It'll just be one moment here while I get it on screen.

**Ms Sweet:** I appreciate the motion as proposed by the hon. Member Sigurdson. I just would like to refer everybody back to recommendation 3.2 for stakeholder participation. The subcommittee recommends under 3 and 4 that this already happen, so we actually don't need the motion. My understanding is that the committee has already passed that we should do this. I can read into the record that recommendation for stakeholder participation as of 3.2.

3. the Subcommittee await the technical briefings by the Chief Electoral Officer and the Department of Justice and Solicitor General prior to recommending the list of stakeholders to be invited to make oral presentations and/or written submissions.

And then

4. the Subcommittee be provided an opportunity, at a future meeting, to potentially propose that the Committee hear oral presentations from additional stakeholders.

So I believe we already have the authority to create the stakeholder list in the subcommittee unless there's something specifically that you would like highlighted.

**Mr. Sigurdson:** I think more of it is just to clarify "for its consideration." What I have here is: "for its consideration and that the committee agree that all stakeholders to be invited to make submissions must be recommended by the subcommittee."

**The Chair:** Mr. Sigurdson, if you'd be so kind as to just read that motion, either to yourself or out loud, just to make sure it's within the scope of what you had in mind.

**Mr. Sigurdson:** That is correct, Chair.

**Ms Sweet:** Now I understand. The way this is worded, Mr. Chair – "for its consideration and that the committee agree that all stakeholders be invited to make submissions must be recommended by the subcommittee." What we're saying is that the opposition can put stakeholders forward in the subcommittee for debate, but once the subcommittee has agreed and maybe dismissed any of our requests for stakeholders, we will not be able to debate or add at a committee meeting. This will override "all stakeholders," as in that will be the list if the subcommittee creates it. Is that the intent?

**The Chair:** Well, as we've discussed in previous meetings, if I may, any list produced by the subcommittee is debated by the general committee, and you have the ability to move an amendment on those, but that would be my understanding as to how this is worded.

**Ms Sweet:** Correct, but the way that this is worded is "agree that all stakeholders to be invited to make submissions must be recommended by the subcommittee." So if the subcommittee has not recommended the stakeholders, then it's not up for debate because the way this is worded is "must be recommended by the subcommittee." You're removing the debate out of the ability for additional stakeholders to be allowed with the way that this is worded.

10:45

**The Chair:** Dr. Massolin.

**Dr. Massolin:** Thank you, Mr. Chair. Just to clarify sort of the process here because it's a bit convoluted: basically, you know, this motion, I think the intent has been set out here so that it be up to the subcommittee then to come up with this list of stakeholders – that's certainly the case through the subcommittee process – but then, as the motion indicates, for its consideration. That means the committee's consideration, so the committee then would in turn have to approve that stakeholder list, I assume by motion – it doesn't have to, but it's usually done by motion – and that motion would be debatable and amendable.

Thank you.

**Ms Sweet:** So, then, can I ask a clarifying question?

**The Chair:** Certainly.

**Ms Sweet:** A point of clarity, then. How is this different from recommendation 3.2(3) and (4)? It's already indicated in the report that we've already approved that those things can occur. The wording of this is my concern, that if it already exists that the subcommittee can in future meetings potentially propose to the committee oral presentations from stakeholders and/or in writing, why do we need this motion? My concern with the motion is that it makes it so that all stakeholders to be invited to make submissions must be recommended. Like, if not, then this motion is redundant because it already exists in 3.2, so why do we need it?

**The Chair:** Any further discussion? Mr. Horner.

**Mr. Horner:** Just my understanding – and maybe Dr. Massolin can add – but the intent from what I heard was to keep with the tight timelines, make sure that we weren't coming back and forth, and moving process along, but, like he told us all, they could be debated and amended. More just to keep with the tight timelines of the process and move it along.

Just some comments.

**The Chair:** Any further discussion on this motion?

**Ms Sweet:** But, Mr. Chair, it already exists within what we've already approved through the subcommittee, that the subcommittee will already do this. My question is: why do we need this motion? What is it doing that is different from the recommendation that we've already approved as the committee? It's not undoing anything around the subcommittee because it's already recommended under recommendation 3.2 that the subcommittee has the capacity to do this. So this is changing something.



**The Chair:** This is clarifying that the subcommittee is exclusively responsible for producing stakeholder lists but that the committee would debate this with a motion and the motion could be amended. It just clarifies that the stakeholder list can be exclusively produced by the subcommittee.

**Ms Sweet:** Okay.

**Ms Pancholi:** May I speak, Mr. Chair?

**The Chair:** Yes, you may. Ms Pancholi, please go ahead.

**Ms Pancholi:** Thank you. I'd like to perhaps address or perhaps propose an amendment to the motion, then, because I agree with my colleague MLA Sweet that it really does appear – I mean, the language is very clear in the proposed motion that the stakeholders to be invited to make submissions must be recommended by the subcommittee. If that's not the intent, if we're not intending for the subcommittee to solely decide who will be invited, may I propose an amendment to strike out a portion of the proposed motion?

**The Chair:** Please go ahead with your amendment.

**Ms Pancholi:** It would read as proposed, but it would end after "July 28, 2020." So strike out "for its consideration in that the committee agree that all stakeholders to be invited to make submissions must be recommended by the subcommittee." Again, if it's about the timelines, the process is there. I agree that I think this has already been addressed by previous motions passed by this committee, but I do not think we should be passing a motion at the committee that allows the subcommittee to solely decide who must be invited to make recommendations as stakeholders.

**The Chair:** Thank you, Ms Pancholi. Just give us a moment while your amendment is put up on the screen.

We have an amendment now on the screen. Would anyone like to add anything to that amendment? Mr. Rutherford.

**Mr. Rutherford:** Sorry. Thank you, Mr. Chair. I would disagree that the previous motion has covered this. That recommendation, 3.2, talks about "a list of identified stakeholders be invited to make written submissions" as opposed to the current motion, that would designate that the subcommittee produce the list to the committee. I see a difference. I don't think it's redundant at all. That will be my comments to it.

**The Chair:** Thank you, Mr. Rutherford.

Any further comments? Ms Sweet.

**Ms Sweet:** I just want to highlight 3.2(3), where "the Subcommittee await the technical briefings by the Chief Electoral Officer and the Department of Justice and Solicitor General prior to recommending the list of stakeholders to be invited to make oral presentations and/or written submissions." Again, 3.2(3), (4) address all of this. I support my colleague's amendment because if it's truly about just ensuring that the subcommittee once again gets told again what their job is, even though it's very clearly here, then it doesn't need to have the submissions must be recommended by the subcommittee component, because then it still allows for debate.

**The Chair:** Other comments?

**Member Ceci:** Mr. Chair, can I get in?

**The Chair:** Yes. Mr. Ceci, go ahead, please.

**Member Ceci:** Thank you, Mr. Chair. I agree with my colleagues. I don't see the purpose of Mr. Sigurdson's motion, and I think it's confusing to all of us at this committee today for it to be brought forward. I agree with Ms Sweet that it's clear when you read 3.2(2), (3), and (4) of the subcommittee's recommendations what they intended. I think if we just stick with that, it'll be clearer for all those around the table. I think this, Mr. Sigurdson's recommendation, does tend to push things back to the subcommittee and give the view that there's less than transparency required in the information coming forward to the committee. I think if we just stick with the recommendations and not the additional motion by Mr. Sigurdson, it'll be clearer for all because there's far too much trying to parse what's meant by the mover's recommendations. If we stick with the amendment, it's clearer, and that's what I'll be supporting.

Thank you.

**The Chair:** Ms Goodridge.

**Ms Goodridge:** Well, I think this is about efficiency for the committee. We really do have a tight timeline, and this is about making sure that we have the capacity within our timeline that has been provided to us to be able to review all of the recommendations that are being given by these stakeholders and their reports and not simply have a list ad nauseum.

**The Chair:** Thank you.

Is there any further discussion on this? Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. I guess I'm just trying to understand what the intent of voting down my colleague's amendment would be. I think very clearly that this committee, the Select Democratic Accountability Committee: we're trying to be transparent and trying to have a process to review this legislation and have stakeholders present to us, and we want to have some of that conversation at least made clear to the public. I'm just trying to understand. Is the government trying to basically not have accountability here? Are they trying to take away the process from the record and put it into the subcommittee so that it's no longer in *Hansard* so Albertans cannot see the deliberations on this? Is that the intent?

**The Chair:** Thank you, Mr. Dang.

Any further comments? Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. I just want to follow up on Member Goodridge's comments. Again going back to 3.2, the recommendations for stakeholders, the subcommittee recommends that we only add "one stakeholder meeting for each area, four stakeholders for each area, five-minute presentation for each stakeholder, 20 minutes question-and-answer period." So it isn't going to be a list that is ad nauseum, nor is the time commitment requirement going to be ad nauseum because we already just, as I have indicated, under 3.2, approved the number of stakeholders, the time allocation, the criteria of where we will be looking at it, and then, of course, that the subcommittee will create those stakeholder lists according to subsection 3.2(1). Again, this motion is doing something that the government would like to see happen, and I would like the government to be open and transparent about what it is that they're trying to do here, when it very clearly, under 3.2, does everything that the government is arguing that it doesn't.

10:55

**The Chair:** I'm beginning to hear some repetition in the comments. Unless there's anything new, I'd like to, in the interest of time,

move on to a vote. If there's nothing else to add that would be new for the committee.

**Ms Pancholi:** Mr. Chair, I'd like to just make one more comment. I believe it's a little bit new if you wouldn't mind.

**The Chair:** Sure.

**Ms Pancholi:** Thank you, Mr. Chair. I just would like confirmation, then, because I have a feeling, of course, as to where this is going, without presuming the outcome of this vote. Mr. Chair and Dr. Massolin, would you be able to confirm, then, that if this motion as proposed by Member Sigurdson is passed, the committee still has the ability to make changes to those stakeholders who are invited and can decide to invite stakeholders other than those who the subcommittee has recommended?

**The Chair:** Thank you, Ms Pancholi. As I'd said earlier, the subcommittee will produce a list of stakeholders to the committee. The committee will then approve or not approve that list of stakeholders by motion. Given that it's a debatable motion, it can also be amended. So that is the process. If the stakeholder list comes back to us as a committee, we review it. In the event that members of the opposition or of the government side don't approve of those stakeholders, they can certainly move an amendment to the motion to approve the stakeholders list.

Hearing no other discussion on this, I'm prepared to call the question on the amendment as moved by Ms Pancholi. All those in favour of that amendment, please say aye. All those opposed, please say no. On the phone?

That amendment is defeated.

We are back on the main motion as moved by Mr. Sigurdson.

Hearing no other conversation on that motion, I'm prepared to call the question. All those in favour of the motion moved by Mr. Sigurdson, please say aye. Any opposed, please say no. On the phone?

That motion is carried.

Is there any further discussion on agenda item 5(c), recommendations relating to stakeholder and other input?

Hearing none, we are on to other business. Are there any other issues that members wish to bring forward? Ms Pancholi, you had something that you mentioned earlier on in the committee.

**Ms Pancholi:** Thank you. I just wanted to ask for an update on the research that we had requested at a previous committee meeting, an update from research services on the crossjurisdictional and research requests that were made. I'm certainly not expecting that they'd be done, but we hadn't set a date as to when that research would be completed, so an update would be appreciated.

**The Chair:** Yes. Just a moment, Ms Pancholi.

Sure. Dr. Massolin, go ahead, please.

**Dr. Massolin:** Thank you very much, Mr. Chair. In response to Ms Pancholi's question, here's the update. There are a number of research requests that the committee has made to research services. There are four crossjurisdictional analyses that have been requested, each on those four focus areas: the two acts, the two statutes, plus the citizens' initiatives, and the recall component of the committee's review. For those latter two, the citizens' initiatives and the recall, the work is under way, of course, and they will be posted and available to the committee in written form in mid to late September and then presented orally to the committee at the next subsequent meeting.

The two crossjurisdictionals with respect to the Election Act and the EFCDA are also under way. They will be available, just looking here, in mid November. The timeline is a little bit longer for that part of the review.

**The Chair:** Dr. Massolin.

**Dr. Massolin:** Yes.

**The Chair:** If I may interrupt, we are very near the end of the agenda, but our time has expired.

**Dr. Massolin:** Sure. Yes.

**The Chair:** I'd like to ask for unanimous consent from the committee to extend the committee meeting by a maximum of five minutes. I'll pose a question to the committee, one question only, and that is: is anyone opposed to extending this committee by five minutes so that Dr. Massolin can finish his report and then we can conclude this meeting?

[Unanimous consent granted]

**The Chair:** Dr. Massolin, please continue.

**Dr. Massolin:** Thank you. I will try to be as brief as possible in addition to what I've said. So, yes. As I said, the two statutes: they will be available to the committee in written form by mid November.

Then the additional research request was a summary of Alberta laws with respect to direct democracy, what is already in existence right now. That'll be available mid to late September.

There is something that we've called a literature review, basically scholarly commentary on referenda. That request will be available to the committee mid to late September as well.

I believe that's the list. Thank you.

**The Chair:** Thank you, Dr. Massolin.

Is there anything else in other business?

**Ms Pancholi:** Thank you, Mr. Chair. I'll be very brief. I have one more thing if I may.

**The Chair:** Go ahead, Ms Pancholi.

**Ms Pancholi:** Just further to the presentation today from the Chief Electoral Officer, I'm wondering if research services can provide the committee with a compiled list of all of the recommendations from the various reports that were presented as part of the presentation into one document, just for ease of reference, so we know what all the recommendations are, and cross-referencing the legislative changes they refer to. Just a request to put it all in one place.

**The Chair:** Is that acceptable?

**Dr. Massolin:** Mr. Chair, if it's the will of the committee, I don't think there's any need for a motion. Yeah. We can certainly put that together.

I should also mention that I missed one of the research requests. Very briefly, there is the University College London referendum report, a summary of that report. That's also under way, and that'll be available mid to late September as well.

And we'll compile the list if that's the will of the committee as well. Thank you.

**The Chair:** So we don't really need a motion for that?

**Dr. Massolin:** If it's the will of the committee, no, you don't.

**The Chair:** I don't see anybody objecting to that, so request granted.

Okay. If there's nothing else in other business – hearing none – the date of the next meeting will be determined after the subcommittee meets to consider the recommendations for a stakeholder list.

Can I get a member to move to adjourn the meeting? Oh, not all at once. Mr. Nixon has moved to adjourn the meeting. All those in favour, please say aye. Any opposed, please say no. On the phone? The motion is carried.

The meeting is adjourned. Thank you, everyone.

[The committee adjourned at 11:02 a.m.]









