



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Democratic Accountability
Committee

Recall and Citizens' Initiatives
Public Presentations

Monday, October 19, 2020
7 p.m.

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

Select Special Democratic Accountability Committee

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Select Special Democratic Accountability Committee

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7 p.m.

Monday, October 19, 2020

[Mr. Schow in the chair]

The Chair: Okay. Good evening, everyone. We are live.

I would like to welcome all those who are joining us for the first of two virtual public meetings to be held as part of the Select Special Democratic Accountability Committee's review pursuant to Government Motion 25. The topics to be discussed during the meetings are citizens' initiatives and recall.

The topics of the next virtual public meeting, which will be held in the weeks to come, will be the Election Act and the election finances and contributions act.

Before we begin, I'd like to invite members of the committee to introduce themselves, those who are here at the table. We'll start to my right.

Mr. Horner: Good evening. Nate Horner, MLA, Drumheller-Stettler.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont.

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

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

Ms Fir: Tanya Fir, Calgary-Peigan.

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

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

Mr. Dang: Good evening. Thomas Dang, Edmonton-South.

Member Ceci: Joe Ceci, Calgary-Buffalo.

The Chair: I also believe we have Ms Rakhi Pancholi on the phone. Is that correct?

Ms Pancholi: Good evening. Rakhi Pancholi, Edmonton-Whitemud.

The Chair: Thank you, Ms Pancholi.

I know it is counterintuitive for members here in person, but the microphones are quite sensitive given the technology that we're using for this town hall, so rather than lean into your microphones, which actually might cause a lot of disruption in the connection, just try to stay back from them as they are quite sensitive.

Please note that tonight's meeting is being broadcast on Alberta Assembly TV, live streamed on the Assembly website, and also broadcast on various social media channels, including Facebook, Twitter, and YouTube. The meeting will also be transcribed and available through *Hansard* and the public record.

Based on the recommendations from Dr. Deena Hinshaw regarding physical distancing, attendees at today's meetings are advised to leave the appropriate distance between themselves and other meeting participants.

As mentioned, tonight's meeting will focus on the topics of citizens' initiatives and recall. The committee was tasked by the Legislative Assembly to review a series of questions in relation to these two topics, which are posted to the committee's website. As part of the process of soliciting feedback from Albertans, the committee decided to hold this virtual public meeting. Tonight's presenters will be making their presentations via teleconference. I would ask that before they begin their presentations, they introduce themselves for the record.

The format of tonight's meeting will be very straightforward. Tonight's presenters have preregistered to make a two-minute presentation to the committee on the topics of citizens' initiatives and recall. After each presentation committee members will have the opportunity to ask each presenter questions, and there will be two minutes allotted to each caucus after each presenter has given their remarks.

At this time I will ask the committee clerk to call the first presenter.

Mr. Roth: Thank you, Chair.

Operator, can we please get Mr. Eric von Stackelberg?

Mr. von Stackelberg, are you there?

Mr. von Stackelberg: Yes.

Mr. Roth: Okay. Can you please identify where you're calling from?

Mr. von Stackelberg: My name is Eric von Stackelberg, and I'm calling from Parkland county.

The Chair: All right. Mr. von Stackelberg, the clock is starting now. Go ahead, please.

Eric von Stackelberg

Mr. von Stackelberg: Okay. Thank you for this opportunity. I have forwarded some comments on specific questions, but in my two minutes I would like to focus on what I think matters to Albertans. First, I recognize that people don't like to be accountable, but well-implemented recalls, referendums, and citizens' initiatives that focus on accountability rather than political theatre can work to your advantage and benefit the electorate you represent.

Recall is an indicator of discontent with a representative. If you make the signature requirement too high, it becomes political theatre rather than democratic accountability. Consider 5 per cent, not 40 per cent like B.C.

Referendums, both mandatory and optional, serve as feedback mechanisms to break deadlocks and reduce special-interest politics. Regularly scheduled referendums enable your elected representatives to focus on the general will of the many rather than catering to special-interest groups that benefit the few. This demonstrates accountability and is much more useful than costly theatre around something that is outside our control.

Citizens' initiatives are a structured outlet for those issues that are difficult and might otherwise be ignored. If 25,000 Albertans can agree that one specific issue is a priority, our elected representatives should be listening.

If you choose political theatre instead of accountability, then we will have to find another way to make our will known, and that list of 200 nonviolent techniques currently making the rounds comes closer to being used and will result in chaos. We need accountability, not political theatre.

The Chair: Thank you, Mr. von Stackelberg. I appreciate your comments.

Mr. von Stackelberg: Recalls, referendums, and citizens' initiatives can help give that to all Albertans. It makes our democracy run better . . .

The Chair: Mr. von Stackelberg.

Mr. von Stackelberg: . . . and makes your jobs easier. Thank you.

The Chair: Thank you, Mr. von Stackelberg.

We will now go to questions. As I said, we have two minutes from each side of the table here today. We'll start with the opposition. Is there someone on the opposition side who would like to ask a question to Mr. von Stackelberg?

Okay. Hearing none, anyone from the government side like to ask a question to Mr. von Stackelberg? I see Mr. Nixon.

Mr. Jeremy Nixon: Sure. Thank you, Mr. von Stackelberg, for joining us today and for your feedback. You referenced political theatre a few times. I'm wondering if you can kind of expand upon what you mean by political theatre just so we're aware of the specifics around what to avoid based on your advice, please, sir.

Thank you.

Mr. von Stackelberg: I'm going to focus on, for instance, with recall, the 40 per cent like in the B.C. example. If we have a general election and the voter turnout of a general election is 60 per cent and you're expecting the citizens to, on their own dime, come up with 40 per cent, that's really about theatre, and it's not really democratic accountability, from my perspective.

The Chair: Okay. Thank you for that.

We have another minute of back and forth with Mr. von Stackelberg and the government caucus. Anybody else like to ask a quick question?

Mr. Rutherford: Thank you, sir, for your presentation. Just a quick question: do you think that this should extend to municipal officials as well as provincial? I'd just get your thoughts on that.

Mr. von Stackelberg: Yes, I do. I think it extends very well to all elected officials because it gives validation. Also, I have forwarded some specific responses to each of the questions, and that includes the final question in regard to all municipal officials.

The Chair: Okay. Thank you, Mr. von Stackelberg. The time has expired for questions.

We're going to have to recess broadcast for a moment. We are experiencing some technical difficulties, and one of our hon. members is unable to hear. Mr. Roth?

Mr. Roth: She can hear now.

The Chair: She can hear now. Okay. Then we'll proceed.

I apologize. Just give me a moment while I consult with Mr. Roth.

We are having some technical issues. Given the technical issues we're just going to have a brief recess. We'll start with five minutes and see if that's sufficient to sort out these issues. We'll try to come back here at 7:15.

[The committee adjourned from 7:09 p.m. to 7:10 p.m.]

The Chair: Okay. It would seem that our recess will be cut short because we are now back online. Exciting times.

I want to thank Mr. von Stackelberg for his comments and taking questions from those members of the committee.

We'll now go to our next presenter.

Mr. Roth, would you please queue up the next one.

Mr. Roth: Certainly, Mr. Chair.

The next presenter is Jennifer Cote. Operator?

Ms Cote: Thank you. Can you hear me?

Mr. Roth: Yes. Jennifer, can you please state your name for the record and where you're calling from, please?

Ms Cote: Absolutely. My name is Jennifer Cote, and I'm calling from Sturgeon county.

The Chair: Okay. Thank you, Ms Cote. You do have two minutes. When the two minutes expire, I will interject. You may start now.

Jennifer Cote

Ms Cote: First of all, I want to thank committee members for inviting Albertans to participate in this important conversation. I want to start by saying that recall legislation and citizen-initiated referendums are both fantastic democratic tools that not only allow citizens to play a direct role in the democratic process but also potentially encourage more accountability on the part of elected officials.

In reviewing transcripts pertaining to any previous meetings on these topics, I note fulsome discussion on related facts such as cost, thresholds, and increased accountability. What I didn't see mention of is public education and engagement and how critical these two pieces are to the success of both recall legislation and citizen-initiated referendums. A well-functioning democracy relies on an educated and engaged citizen base. Introducing these tools will require widespread, aggressive information and education campaigns.

That being said, I also believe these tools really ignite interest and a desire to be involved in local and provincial politics, which is positive. I think there's a bit of apathy surrounding citizen involvement in local and provincial governments right now, mostly because people feel that citizen concerns just aren't heard. The act of citizen education and engagement in types of tools like this will only work . . .

The Chair: It would appear we've lost Ms Cote. We're just going to keep sorting this out. She has about 30 seconds left.

Ms Cote: Where did I leave off?

The Chair: Oh, there you are, Ms Cote.

Ms Cote: I don't know where I left off.

The Chair: You were talking about municipalities.

Ms Cote: Oh, okay. I think that these are fantastic tools to get citizens interested and involved in municipal and provincial governments. Again, I think the key to both of these tools is education and engagement.

Thank you.

The Chair: Okay. Thank you, Ms Cote.

We did have some connection issues there, so rather than go right to questions back and forth, is there anything that members would like to just quickly clarify from Ms Cote, not on the time, anything that wasn't quite understandable?

Mr. Sigurdson: Sorry. If I could ask Ms Cote – she was breaking up a little bit – just about the education piece right before we lost her. If she could just kind of pick up there and clarify what she was talking about, the education piece in her presentation.

Ms Cote: Absolutely. Thank you. What I was saying is that tools, to be really successful [inaudible] . . .

The Chair: Yeah. Again more technical issues.

We're just going to have to take a brief recess here while we sort these out. Again, we'll try to reconvene this meeting in five minutes, at 7:20.

[The committee adjourned from 7:14 p.m. to 7:22 p.m.]

The Chair: Okay. We are now back live and direct, technical difficulties hopefully all behind us. I'm excited to proceed with this meeting.

Ms Cote, Mr. Nixon did ask you a question, if you'd maybe clarify a little bit about the education portion. While you were answering, we lost you. If maybe you could just start over again, and once that's done – we'll be getting more clarification out of the way – then we'll go to the two minutes for caucuses of the NDP and the UCP. Ms Cote, if you could, please.

Ms Cote: Just to clarify, do you want me to take it from the top?

The Chair: No. We heard most of it. Mr. Nixon asked you to clarify a little point there that might have been a little choppy, the education portion, I believe.

Mr. Nixon, correct me if I'm wrong.

Mr. Jeremy Nixon: Sigurdson.

The Chair: Sigurdson. I apologize. I'm struggling with names today.

Mr. Jeremy Nixon: I'll take credit for his great question.

The Chair: Go ahead, please.

Ms Cote: Okay. I'll start from the education. A healthy, functioning democracy relies on an educated and engaged citizen base, and I think introducing these tools will require widespread, aggressive information and education campaigns. That being said, I also believe that tools such as this will reignite interest and a desire to be involved in local and provincial governments and politics, which is always a positive thing. I think there is a bit of apathy surrounding citizen involvement in our local and provincial governments, mostly because people feel their voices simply aren't heard. I think that with active citizen education and engagement, tools such as these will only work to strengthen our democracy.

Thank you.

The Chair: Thank you.

Are there any other points of clarification that members from the committee might have for Ms Cote before we go to questions?

Okay. Hearing none, we will now go, then, first to the government caucus. You have two minutes for question and answer with Ms Cote. We'll start with Mr. Smith.

Mr. Smith: Thank you, Mr. Chair. Thank you for your presentation. You suggested that we need widespread, aggressive educational campaigns to help the citizens of Alberta to participate and engage in the issues. Could you explain maybe, from your perspective, who would be doing this education campaign? Are you expecting the government to do that, or would this be third-party people? Who would be responsible for that educational campaign?

Ms Cote: I think that maybe there's a bit of confusion. What I mean is that if we're going to roll these tools out, which I think we should, I think there has to be an educational piece to it. I think people of Alberta need to be clear that these tools are there for them to access, and they also need to understand how to use them.

The Chair: Excellent. We have about a minute left. Anyone else from the government caucus who wants to ask a question? Mr. Horner.

Mr. Horner: Yes. Thank you, Ms Cote. Thank you for your presentation. One thing that I didn't hear in your presentation was any recommendations in regard to thresholds. I'm just curious if you'd like to comment on where you think that should be. We've heard from a lot of different stakeholders, and they think that that's where the real balance needs to be struck between holding politicians to account or making it doable but not so doable that it is egregious. Just your thoughts.

Ms Cote: Wonderful. Thank you. I think that for a citizen-initiated referendum, anywhere between 5 to 8 per cent of last election turnout would be reasonable. For the recall, I think it should be a little bit higher, in the vicinity of 25 per cent.

The Chair: Thank you very much.

We don't have enough time for another question, government caucus.

Now, Mr. Dang, start your two minutes.

Mr. Dang: Thank you, Mr. Chair. And thank you for your comments today. I wanted to get some clarity, I guess, on the public engagement piece again and what you mean by education. I'm just wondering if you think it should be education on the issues and policy paid for by the government or a group, or do you mean education on the process paid for by the government or a group?

Ms Cote: Thank you for your question. I think the education component has to come in on the process side, again so people understand that these tools exist and how to use them in effective ways.

The Chair: Okay. About a minute and 20 left as well. Any other questions?

Ms Sweet: Thank you for your presentation. I just wanted to go back to your threshold comment. Can you please just clarify if you're talking about the constituency itself for recall legislation, or are you talking about the province?

Ms Cote: So if we're talking about provincial elected officials, then I think it should be 5 to 8 per cent of the constituency. For municipalities, again, I think it should be 5 to 8 per cent of the municipality.

The Chair: Okay. Still about 45 seconds remaining. Any other questions from the opposition?

Okay. Hearing none, Ms Cote, thank you very much for taking the time this evening to present to us. You're welcome to stay on the line, but we will now move to our next presenter.

Mr. Roth, you can go ahead and please introduce that person.

Mr. Roth: Thank you, Chair.

J.D. Lavender, are you on the telephone?

Mr. Lavender: Good evening.

Mr. Roth: J.D., is that you?

J.D. Lavender

Mr. Lavender: Yes. This is J.D. Lavender, a lifelong, Alberta born and bred resident of St. Albert.

Members of the committee, first I just want to say thank you for engaging in what I think is going to end up being an incredibly powerful tool in the hands of the citizens. I just want to point out that at no point in history have we been this divided, and I think the opposition and the government will both agree that we need to find ways to engage the citizenry and restart the communication. My thought is that citizens' initiatives give that voice to both sides of the House.

In this case, where we have, you know, such an overwhelming Conservative majority, I think the threat is that voices that didn't necessarily get their MLA elected feel like they're left out and that they have to wait until the next election to use their vote. A citizens' initiative, in this case, can play both ways. No matter what side of the political spectrum you're on, you can engage the people, you can put topics in front of them, and you can force our MLAs to, you know, put it out in front of the people and make motions on it and pass and fail. So on that point I encourage you to do whatever you can to get that power back into the hands of the people.

As far as the sessional paper, I only really have a comment on the advertising and the money. I would strongly encourage that, you know, we have safeguards around foreign money coming into Alberta to potentially influence some of these citizens' initiatives. And as far as starting a petition, it would have to be a naturalized Canadian citizen who has lived in Alberta for at least 12 months.

The Chair: Thank you, Mr. Lavender.

We will now go to the question-and-answer portion of this. Being as we started with the government side before, we'll now start with the opposition side. You have two minutes. Would anyone from the opposition like to ask any questions of Mr. Lavender? I see Mr. Dang. Go ahead, please.

Mr. Dang: Thank you, Mr. Chair. Perhaps I could just get some clarity on the last point you made there. You mentioned that you think that somebody should be a citizen or a resident of Canada for 12 months. Is there a reason you chose 12 months? Should they be residing in Canada or Alberta? Maybe you could just elaborate on that a bit.

7:30

Mr. Lavender: I would say that this is our democracy. The citizens who are, you know, working towards gaining citizenship: I wouldn't necessarily exclude them, but I would definitely have that bullet point that you have to have some skin in the game. You have to be a tax-paying, productive member of society, and I think that that would encourage people to, instead of pursuing some of these arguments on social media, get involved in the process.

The Chair: About a minute left for the opposition side. Ms Sweet, please.

Ms Sweet: Thank you for the question. When we're talking about citizen initiatives, can you just please clarify for me: do you believe that the question that is being proposed to the citizens is driven by the question being created by the government, or should the question be created by the citizens themselves?

Mr. Lavender: That's a good question. Thank you. Ultimately, I would say that it has to come from the citizens themselves. It's the citizen's voice that is the most important in our democracy. While the government might have the best intention, I believe it has to come from the ground up.

The Chair: Okay. Thank you.

We're just about out of time for the opposition.

We now have the government. Two minutes. Would anyone like to ask a question from the government caucus? Mr. Sigurdson, please go ahead.

Mr. Sigurdson: Thank you, Mr. Lavender, for your presentation. I guess I'll touch on a couple of your statements just about accountability or surrounding accountability, when it comes to that. Do you think that any question from the public through a citizens' initiative should be able to be asked or petitioned at that time? Any question.

Mr. Lavender: I don't believe you can put any limits on it. I mean, I believe, you know, the safeguard there is that if it's a question that contravenes the Constitution or the Charter, then of course we can't look at that, but it should be organic, from the citizens. What are they talking about at the water cooler and the hockey rink and on social media? Take that energy off those platforms and direct it into the process.

The Chair: With about a minute remaining, Mr. Horner.

Mr. Horner: Yeah. Thank you, Chair. Thank you, Mr. Lavender, for your presentation. I wanted to ask you about a comment you made about needing safeguards or a firewall around foreign money being used in advertising these citizen-initiated referendums. Seeing as how we're a provincial jurisdiction within a country, would you consider foreign money to be within Canada but not from Alberta? How do you differentiate between organizations that exist in multiple provinces? Just some thoughts on that.

Mr. Lavender: A very good question, a very important question. Absolutely, Canada would count as foreign interests. This is an initiative by Albertans for Albertans to be raised to the Alberta Legislature. So the answer is no. You know, Canadian corporate interests would not be able to fund Alberta-specific referendums.

To your second point, you run into the same problem with international corporations. We all know that . . .

The Chair: Mr. Lavender, I'll let you just finish your thought very briefly, but, please, if you could wrap it up.

Mr. Lavender: I would believe, again, you can't have any foreign interests influencing the referendum.

The Chair: Excellent. Thank you very much, Mr. Lavender, for your time and for presenting to this committee. You're welcome to stay on the call, as I said to the previous presenter.

We'll now move to the next presenter. Mr. Roth, go ahead, please.

Mr. Roth: Thank you, Mr. Chair.

Mr. Josh Andrus, are you on the line?

Mr. Andrus: I am on the line, yeah.

Mr. Roth: Okay. If you could please introduce yourself and indicate your location for the record, please.

Josh Andrus

Mr. Andrus: My name is Josh Andrus. I'm presenting on behalf of Project Confederation. I'm in Lethbridge presently, and I will be presenting on citizen-initiated referenda today.

Project Confederation is an independent, third-party organization seeking a fair deal for Alberta. We have reached out to thousands of our supporters regarding citizen-initiated referenda, and based on this

feedback, we have a series of recommendations to bring forward. We agree with the Premier's statement that citizen-initiated referenda are an important part of the fair deal process. Citizen-initiated referenda are also a campaign promise that the United Conservatives made during the last election, and Albertans are expecting the party to deliver on these promises.

Obviously, politicians have a vested interest in this issue. Some will be hesitant to give voters additional policy input on decisions that citizen-initiated referenda would allow for. Politicians who respect the view of their constituents should have no reason to worry and should trust that Albertans will make the right decisions.

Getting the signature threshold right is crucial. Project Confederation recommends a threshold of 5 per cent of voters who voted in the previous provincial election regarding the number of total signatures. It is important to remember that the threshold simply allows the voters to have their say, so we should err on the side of giving Albertans more say and better democracy in general. A six-month window for the collection of signatures is recommended. If the window is too short, it could be affected by poor weather or seasonal events such as harvest or summer vacation. The last thing we would want is to make the collection window so short that successful signature collection would be dependent on when it was held rather than on the popularity of the issue.

We would also like to recommend that the government set up a petition review process to work with organizations and citizens to ensure that ballot questions are easy for the voter to understand.

Finally, we would like to recommend that citizens should have the ability to bring forward initiatives of a constitutional nature. Constitutional discussion should not be exclusive to the sitting government.

I'd like to thank you for your time and consideration and wish you the best as we move forward into the next stages of the process.

The Chair: Thank you, Mr. Andrus. That was right on time.

I have two hands up already from the government caucus. We'll start from that side. Mr. Rutherford, please go ahead.

Mr. Rutherford: Thank you for your presentation. Just a quick question. You said: 5 per cent of Albertans. I was wondering if you would put any geographical requirements on that. Five per cent from each constituency or just 5 per cent of the total electorate in the province? How would you see that?

Mr. Andrus: We had a conversation about this earlier today, and I think it's probably best to not have the geographical requirement. Some organizations, obviously, will have the ability to reach out to multiple constituencies to get the required threshold, but then on an individual basis it's harder for smaller organizations, who don't necessarily have the reach, to get the item in question on the table within the six-month window or whatever the window turns out to be. That's essentially why we decided not to go with that recommendation.

The Chair: We have about a minute left. Anyone else from the government side who would like to ask a question? Mr. Smith.

Mr. Smith: Thank you for your presentation. You said that you believe that we should be putting constitutional issues on the plate as far as citizen-initiated referendums are concerned. Do you think there needs to be a higher threshold attained if it's going to be a constitutional issue?

Mr. Andrus: It's something we haven't really discussed, and it didn't come up in the feedback, but from a strategic point of view and just in general it is a bigger issue, so I think the threshold should

probably be a little bit higher. You know, these are issues that force the government to take action on interprovincial relations, and having a higher threshold would make sense, I think.

The Chair: Okay. That's just about the amount of time we have for the government caucus.

We'll go over to the opposition. Mr. Dang, please go ahead.

Mr. Dang: Thank you, Mr. Chair, and thank you for presenting. I think my question revolves around a slightly different aspect. I'm just wondering what your perspectives would be if groups were to enter into these campaigns to cause a citizens' initiative. What's your view on third-party fundraising or financial contributions, if there should there be limits on those types of things or limits on spending and aspects like that?

Mr. Andrus: My area of expertise isn't necessarily campaign fundraising. We're largely supported through smaller grassroots donations from local Albertans, so I don't anticipate it being something that would impact us in general. I haven't given it that much thought, but I appreciate the question.

The Chair: We still have about a minute and 20 left. Anybody else in the opposition? Seeing none, okay.

Mr. Andrus, I appreciate your time in joining us this evening and your presentation. You're welcome to stay on the line.

We will now go on to our next presenter. Mr. Roth, please.

Mr. Roth: Thank you, Mr. Chair.

Mr. Vitor Marciano, are you on the line?

Mr. Marciano: I am.

Mr. Roth: If you could introduce yourself and where you're calling from, and then you're good. Thank you.

Mr. Marciano: Sounds good.

Vitor Marciano

Mr. Marciano: My name is Vitor Marciano. I'm from Edmonton, Alberta, and I've been involved in Alberta politics and dealing with these issues for, oh, roughly 20 years.

On the topic of citizens' initiatives, Alberta should have citizens' initiatives. They perform a valuable tool to compensate for the limitations of party-based democracy, where political parties may strategically choose to avoid issues that significant proportions of the population would like dealt with.

7:40

I think we should actually have all three types of initiatives mentioned in the sessional paper; however, the rules should be different for the different types of initiatives. There should be different signature amounts and different entry fees for policy proposals, legislative proposals, and constitutional motions that would need to be approved by the Legislature.

Policy proposals, which should leave a lot of latitude to the Legislature to put into effect, should only need a small number of signatures. My point of view is a little bit higher than some of the other groups I've spoken of. I think that if you're going to do one of these things, you'd need to have about 10 per cent, and you would put that in front of the voters in a municipal or general election as a separate issue. Legislative proposals will obviously need to be properly, legislatively drafted. They'd probably need a higher voter threshold, somewhere in the range of 15 per cent. Then constitutional motions, which would actually force the hand of the

Premier and involve a relationship with the Prime Minister and other Premiers: those votes should probably have a 25 per cent threshold before the entire voting population gets to make a decision on it. The way to properly formulate these is to use the powers and the offices of the nonpartisan Legislative Counsel office. We have, actually, a wonderful group of people in the Legislature who could actually provide the support for groups to do this sort of thing.

On the separate issue of recall, I believe we should have recall in Alberta. I think it's simple enough to start with the B.C. law and run with it for a few years. About the only change that I would make off the B.C. law is extending the signature period from 60 days to 90 days. I think that over time Albertans would develop their own culture on how to approach these issues. I don't believe we should have recall for trustees. I do believe we should have recall for municipal politicians.

The Chair: Excellent. Thank you for that.

We will now go to – who started last time? Okay. Sorry. I lost track. We'll start with the opposition this time. Mr. Dang, please go ahead.

Mr. Dang: Thank you, Mr. Chair, and thank you for the presentation. You gave quite a thorough presentation there. You spoke quite a bit about how you thought the process should look. I'm wondering if you thought about the groups that may be creating these initiatives. Who should be funding them? How should they be funded? What should their spending limits be and issues of that respect? Additionally, I guess, should Parliamentary Counsel be expected, should the government be expected to pay additional resources to fund the Legislature to do that work as well?

Mr. Marciano: Well, in the first place, I believe that you should have an entry fee to get in, and the entry fee should have a differential that represents the amount of different work that the Legislative Counsel office would have to do to prepare these things. Right off the bat you can use the entry fee as a winnowing-out process. Then on the actual issue of setting fundraising targets or setting spending targets, because I'm setting the thresholds high enough so that, you know, at the bare level of policy you'd still require 10 per cent of the voting population, I don't think you'd need to worry about spending thresholds. What will end up happening is that the numbers are hard enough to hit so that groups will only find funding if they have a broad range of popular support to move forward with the project.

I don't think we need to get into an environment where we're heavily regulating the initiative. By the time you get to something that's really quite binding like a constitutional motion and you're hitting the 25 per cent threshold, you know, nobody is going to spend their money to try to hit a 25 per cent threshold unless they believe they can hit a 25 per cent threshold. If they can, these are issues that should go in front of the voters.

The Chair: Okay. There are about 15 seconds remaining, so we'll move over to the government caucus. Just a moment as we reset the timer. Go ahead, anyone.

Ms Goodridge: Thank you for your presentation, Vitor. You briefly started talking about how you believed that it shouldn't be used for trustees. I was wondering if you could elaborate a little bit on why you believe that.

Mr. Marciano: It's really simple. The minister, the Education minister, has the ability to fire trustees. He has the ability to fire school boards. There's an actual authority that people can petition to get rid of a bad actor and a bad player. That authority isn't

available at the level of the MLA or at the level of a municipally elected official. The recall gives an accountability measure that's available that otherwise wouldn't be available whereas at the school board trustee level the accountability measure is that the public can put pressure on the Education minister to solve the problem.

The Chair: We have about a minute and 10 left. Mr. Horner.

Mr. Horner: Thank you, Mr. Marciano. A couple of quick questions. I was wondering about your opinion on e-signatures when it comes to these petitions and also your thoughts on a successful petition for recall. What, in your mind, is the next step? Is the actual elected MLA removed, or does it simply trigger a recall election, in your mind?

Mr. Marciano: I am totally against e-signatures or e-voting or phone voting. I think items of this magnitude need to have the paper ballot. I think that's one of the things that Canada does really well. Every time we use paper ballots – there's nothing like saying that my pile of paper is bigger than your pile of paper; therefore, I won. You actually have something to check against. That's part of it.

The second question: I'm sorry; I've already forgotten what it was.

Mr. Horner: Next steps on recall: are they removed, or does it simply trigger . . .

Mr. Marciano: Oh. Recall should always trigger a by-election. The voters should have the ability to recall someone, but the person should have the ability to then win the support of the voters and get re-elected. Recall should not fire a candidate. Recall should just trigger a by-election. Therefore, possibly somebody who got challenged by 40 per cent of the voters might end up winning with 60 per cent of the voters.

The Chair: Okay. Thank you, Mr. Marciano. I greatly appreciate your time presenting to us this evening. You're welcome to stay on the call, but we will now go to our next presenter.

Mr. Roth, please.

Mr. Roth: Thank you, Mr. Chair.

Mr. Brent Rathgeber, are you on the phone?

Mr. Rathgeber: I am, sir.

Mr. Roth: If you could please identify yourself for the record and where you're calling from, please.

Mr. Rathgeber: Brent Rathgeber. I'm calling from Edmonton.

The Chair: Okay. Mr. Rathgeber, you can go ahead, and we'll start the time when you begin.

Brent Rathgeber, QC

Mr. Rathgeber: Thank you, Mr. Chairman. It's certainly an honour for me to be back at the Alberta Legislature, even if it is only virtually, but I am honoured to make a presentation. I submitted written submissions on October 8. I hope that the committee members have had an opportunity to peruse them.

The reason that I'm speaking here tonight is because I believe in parliamentary democracy. Having served both in your House and also at the House of Commons in Ottawa, I genuinely believe that there are democratic deficits, but I also believe that the government is accountable to the elected Assembly, and the members of the Assembly are accountable to the electors that put them in office.

As a result of those thoughts and those beliefs, in June of 2015 I tabled in the House of Commons Bill C-697, which I have provided to you, An Act to Establish a Process to Recall Members of Parliament. It's based loosely on the B.C. legislation but improves it in several aspects, in my view. It reduces the threshold from 40 per cent to 25 per cent. I think 40 per cent is unattainable and has never been attained in British Columbia.

Secondly, it states explicitly that a recalled member may run in the subsequent by-election if he or she believes that they still have the support of the plurality of the electoral district.

Finally – and I think this is critical and is missing in the B.C. legislation – where fixed election dates exist or in Alberta, where a fixed window exists, there can be no recall in the 12 months following an election or in the 12 months preceding the next fixed election date. The purpose is not to re-fight an election that's just been fought or to have a pre-election when another one is imminent. Those are my thoughts on recall.

I am not a huge fan of citizens' initiatives. I encourage the members to tread carefully. These questions tend to be hijacked by special-interest groups and lead to sometimes confusing if not polar opposite accounts, and there are also some constitutional issues.

The Chair: Mr. Rathgeber, if you could . . .

Mr. Rathgeber: As members know, only the Crown can spend money. A private member's bill cannot bind the Assembly to spend money . . .

The Chair: Mr. Rathgeber.

Mr. Rathgeber: . . . so the statement would apply to citizens' initiatives. Thank you, Mr. Chair.

The Chair: Absolutely. Thank you for that, Mr. Rathgeber.

We will now go to two minutes of question and answer, with the government caucus first.

Mr. Sigurdson: Thank you for your presentation. Being the fact that you've actually tabled a bill on this – and I know it's been a little bit of a discussion, and I've heard from some of the residents that have asked questions. I think they all agree on accountability. When talking about recall, can you comment on whether you think there should be a different threshold maybe for any sitting politician, MLA who's committed a criminal act and whether they should be more easily recalled in that situation?

Mr. Rathgeber: Thanks for the question, Mr. Chair, through you to the member. I don't. I think it would be difficult to make that determination. Who gets to decide whether a member has committed an offence or has performed poorly? That decision is ultimately up to the electors who elected him or her, so the same threshold should apply to any member that a significant proportion of the electorate wants to recall.

7:50

The Chair: All right. We have about a minute left.

Mr. Smith: Thank you, Mr. Rathgeber, for your presentation. I just want to ask a quick question here. Do you believe that we should be able to recall somebody for any reason, or should it only be for something like malfeasance?

Mr. Rathgeber: No. I think the same answer to the last question: the citizens will determine whether or not a member ought to be recalled. If the member is simply lazy or not attending sessions, that's not malfeasance; that's just negligence. If the citizens believe that they're not being properly represented because their member is

not representing them and if 25 per cent can sign a petition, that member gets recalled. Like I said, he or she can run in the by-election if they think they still have the support of the riding.

The Chair: Okay. Thank you very much.

We now go to the opposition side. I see Mr. Ceci.

Member Ceci: Thank you. Just briefly, Mr. Rathgeber, one of the other presenters before you talked about the limitations to party-based democracy and was speaking around citizen initiatives. I gather you don't see the same difficulties around our party-based democracy.

Mr. Rathgeber: Oh, I see lots of deficits with party-based democracy in that party members, MLAs tend to be more loyal to their whips and to their party leaders than they are to their constituents. I see that as a major problem, but I see the solution to that as being recall, not citizens' initiatives, which – arguably, you as members of the Alberta Assembly are surrendering sovereignty if you allow citizens' initiatives to put binding questions on the ballot and agree to be bound by them.

The Chair: About a minute remaining if anyone from the opposition would like to ask another question.

Ms Pancholi: Can I ask a question, Mr. Chair and Mr. Rathgeber, if you can hear me?

The Chair: Yes. Please go ahead.

Ms Pancholi: Thank you, Mr. Rathgeber. I just had a question about – you expressed some concerns about the role of special-interest groups in citizen initiatives. I'm wondering what your thoughts are with respect to third-party advertisers in recall elections. What role should they have, and should there be any spending limits on third-party advertisers?

Mr. Rathgeber: There should be, and they should be comparable to the spending limits in a general election. There have been many instances, both in Washington state and in California, where special-interest groups have been able to essentially take over a question and force their will upon the constituents by their amount of advertising. So I think there have to be spending limits in place, and I think they need to be comparable to those in a general election.

The Chair: Okay. Thank you. That's about all the time we have this evening with you, Mr. Rathgeber. Thank you very much for your time and for your service to both the province and to the country as an elected official.

I would like to now move to the next presenter.

Mr. Roth, please go ahead.

Mr. Roth: Thank you, Mr. Chair. Mr. David Blain, are you on the phone?

David Blain

Mr. Blain: Hello. I'm David Blain from Calgary, Alberta. When it comes to democratic accountability, my priority is to make sure that the election outcomes reflect the will of the people and represent unrepresented and underrepresented groups in the Legislature. If we were to use a low-magnitude proportional representation system, we would improve both the fiscal and the societal outcomes versus single-member districts.

My goals are to make sure that the election outcomes are more closely aligned with the vote, empower voters' choices so they

don't lose their vote, ensure voters are represented locally based on how they vote, increase the representation of indigenous people and women in the Legislature, improve the decorum and level of cooperation and collaboration in the Legislature, and reduce the rural and urban divide within Alberta. I would get rid of first past the post, adopt a single-member transferable vote, and I would also set aside seats for indigenous people comparable to their population. That's about 6 and a half per cent of the seats.

There was a study done by Carey and Hix of about 600 elections in 80 countries over 75 years, and it identified that small-member districts produced superior fiscal and societal outcomes and that increasing the district magnitude beyond that sort of level 8 impairs the fiscal outcomes and produces only marginally better results.

I believe that elected-member recall should not be allowed if these members are elected in a proportional representation type of vote. The voters have elected these members in a fair and democratic manner. Members should automatically be recalled for a criminal offence.

The Chair: Mr. Blain, your time has expired.

Mr. Blain: Thank you.

The Chair: We now have two minutes of questions from both the government side and the opposition side. We will begin with the opposition side. I see Mr. Dang.

Mr. Dang: Thank you, Mr. Chair, and thank you for your comments. I guess I just have a few questions about process for you. I think that in terms of some of the things you brought up – you spoke a lot about what you think is a fair system. Would you consider that in the perspective of citizen initiative or recall it would be fair if there is significant third-party funding or advertising, if there are third parties influencing the outcomes of these elections?

Mr. Blain: No. I don't think we should allow any corporate money into that. Only residents of Alberta and citizens are allowed to vote, so I think they should be the only ones that should fund it. I don't see a need for member recall if we've actually elected the members democratically. In terms of . . .

The Chair: About a minute left.

I believe Ms Pancholi has a question.

Ms Pancholi: Yes. Thank you, Mr. Blain. I appreciate your comments and particularly your concern about ensuring that underrepresented individuals have a voice. I appreciate those comments. I'm wondering, Mr. Blain, if you have thoughts specifically around citizen-led initiatives and that perhaps that would be one way to have underrepresented groups have a voice. Is that something that you would be supportive of?

Mr. Blain: I do support ballot questions and citizens' initiatives, and I think the key is a couple of things. I'm fine with electronic initiatives in terms of signatures. That's done in the federal system in terms of petitions to the Parliament. I think the spending on these is the really, really critical item in my mind, and all the money that's used to spend and who's sponsoring it needs to be on the table before anybody gets to vote on it. It should only be the Alberta people. Like, we shouldn't have something like Bombardier or SNC-Lavalin in to do this.

The Chair: Thank you, Mr. Blain. That is all the time we have for the NDP caucus.

We now go to the government caucus. Mr. Rutherford, please.

Mr. Rutherford: Thank you, Chair, and thank you for your presentation, Mr. Blain. I just wanted you to finish off your thought on the automatic recall. I think you had talked about criminal convictions or a criminal charge. If you want to just expand on that, that would be helpful, please.

Mr. Blain: I don't think that on a criminal charge it would be right to actually recall the person. It may be appropriate to suspend them, but I wouldn't even do that. I think that our law is: innocent until proven guilty. I think that once there's a criminal offence, they should be out – I think it's just that simple – automatically and an election called.

The Chair: Okay. You have about a minute and 20 left.

Anyone else like to ask a question from the government caucus?

Mr. Rutherford: Just to expand on that, what about ethical violations? Like, where do you see the automatic recall stopping, just in your opinion, please?

Mr. Blain: Ethical gets pretty tough. In Ottawa they hand out \$500 fines for ethics breaches. I think they should be more than that. I think they should be significant fines. But I think it needs to be a criminal matter to be automatically taken out. If you're duly elected, then I think that's fine. But ethical violations, I think, need to have a more significant penalty than a \$500 fine. You know what I mean? They should be suspended for a period of time at the least and have a higher fine.

The Chair: Okay. We have about 20 seconds left, so I don't think we have enough time to get another question before time disappears.

Thank you, Mr. Blain, for your time.

Mr. Blain: Thank you.

The Chair: Thank you, Mr. Blain.

We will now go to our next presenter, whom, Mr. Roth, you can introduce.

Mr. Roth: Thank you, Mr. Chair. Marcey Kliparchuk, are you on the line?

Ms Kliparchuk: Yes, I am.

Mr. Roth: Okay. If you could please introduce yourself for the record and let the committee know where you're calling from.

Marcey Kliparchuk

Ms Kliparchuk: Okay. This is Marcey Kliparchuk from Edmonton, Alberta. I'm in support of the recall legislation, but I think it's extremely important to lower the threshold. Between 1997 and 2015 no recall attempts were successful in B.C. I think something like 15 or 20 per cent in support is much more reasonable.

8:00

The *Calgary Herald* says that voters can make their opinions known, but Canadians are frustrated. Albertans are frustrated. I urge you to, you know, figure out how to bring back democracy. I thank you for your work in this. I thank all the people who are thinking about how to make things better.

I know that myself, like tens of thousands of people across Alberta and Canada, have written countless letters and e-mails all the way from the mayor to the Premier to the Prime Minister about how COVID measures are harming Canadians far more than COVID itself.

MPP Hillier has recorded numerous videos showing there's no need for fear about COVID. He's telling us that the numbers are in but the government is failing to let people know there's new information, that the mortality rate is .13, akin to a seasonal flu. Children are being traumatized, families destroyed. People are being bankrupted. Suicides and overdoses are off the chart. In his video *Counterfeiting COVID Fear* he shares that up to 90 per cent of PCR tests are false positives. He shares research that shows we're not going to catch COVID from surfaces, yet we're making kids sanitize and clean everything with toxic chemicals.

On change.org a petition called Let Kids Be Kids: Open Schools Normally shows that the data warrants that schools should open normally instead of all these measures that are psychologically traumatizing children. The damage is going to take generations to repair. We went from locking down everything for two weeks so we didn't overwhelm the hospitals to trying to track down every single case . . .

The Chair: Ms Kliparchuk, your time has expired, your two minutes.

Ms Kliparchuk: Okay.

The Chair: I appreciate your presentation here.

We will now go to questions, beginning with the government caucus, two minutes of question and answer. I would ask if we could keep the discussion within the scope of citizens' initiatives and recall. That would be beneficial to everyone and to everyone's edification.

Mr. Smith: Thank you for your presentation, Ms Kliparchuk. Could you maybe tell us a little bit about – you talked about recall, but what do you think about citizens' initiatives?

Ms Kliparchuk: I'm really uneducated on some of these issues. I just found out – I came across this article today. I don't know a lot about the citizens' initiatives. I know a little bit more about the recall legislation. I put it in your hands, you know, whatever measures you can, to get the democracy back to the people because things are broken, and right now people don't really have a way to fix them. Again I just thank you for your work, and I urge you to please do what you can to figure out how to put the power back in the hands of the people and to make the government representatives accountable.

The Chair: Thank you.

We do have about a minute left for questions from the government caucus. Mr. Horner.

Mr. Horner: Thank you, Chair, and thank you, Ms, for your presentation. I heard a lot of frustration in your call. I know you said there that you'd like to see the thresholds lowered. We're looking at different jurisdictions, different thresholds for recall. B.C. is 40 per cent of the eligible voters. What do you think would be an acceptable threshold? You've said lower, but do you have a specific range?

Ms Kliparchuk: Well, I would say 20 per cent because I think it's very – like, originally I was even going to say 15. I think it's very difficult to get people involved, and a lot of people don't know about the issues. A lot of people, you know, are just not politically active, so I think that even if you got 15 to 20 per cent of the people, that would be representative of a lot of people.

The Chair: Okay. Thank you very much. Time has expired for the government caucus.

Members of the opposition, does anyone on your side have a question for Ms Kliparchuk?

Hearing none, Ms Kliparchuk, thank you very much for your time and for your passion. We appreciate you joining us on the call. You're welcome to stay on the call, but we will now go to the next presenter.

Mr. Roth.

Ms Kliparchuk: Thank you.

Mr. Roth: Thank you, Mr. Chair.

Bruce Jackson, are you on the line?

Mr. Jackson: Yes, I am. Can you hear me?

Mr. Roth: Yes. For sure. If you could please introduce yourself for the record and let the committee know where you're calling from, please.

Bruce Jackson

Mr. Jackson: Thanks. My name is Bruce Jackson, and I live in Athabasca, which is about five kilometres north of the geographical centre of Alberta, so everything south of us is southern Albertan in my mind. Northern Alberta is a long ways to the border up by Fort Smith there.

The Chair: You're welcome to start now.

Mr. Jackson: Okay. What I want to talk about is primarily getting honesty and integrity and responsibility to the electorate back amongst the people that run for the Legislature and Parliament in our country. In my mind and my observation of politics over 55 years in Alberta – I was one of the first persons to be watched because I asked Peter Lougheed to take Alberta out of Confederation, and the RCMP monitored my phone for six months.

Party politics is perceptions, and most of the perceptions that are emerging in Alberta and Canada currently amongst the people are clearly coming out of the libertarian platform schools sponsored by the Koch Brothers in the States. I've been studying Nancy MacLean and many people that are aware of the dark money and how politics has been influenced all over North America and around the world. We're going into a time where public interest, the commons of the people, is being taken away from us. It's another enclosure movement so that the power and the people in power can have control over the citizens.

One of the things I put in my thinking was not only preferential ballots but allowing permanent residents that come to Canada from other countries – they are the ones that are doing the work, they're the ones paying taxes, but they don't have a voice in the political system. We need to open up our democracy to all the citizens that are participating in making this Alberta one of the best places in the world to live.

The Chair: Thank you, Mr. Jackson.

We'll now go to the question-and-answer portion of your presentation. We'll start with the opposition caucus. Mr. Dang, please go ahead.

Mr. Dang: Thank you, Mr. Chair, and thank you for the presentation. I think you mentioned a bit about wanting to bring some of the accountability back to the electorate and all that as well. I was just wondering if you had a thought process on what that looks like in terms of third parties and special-interest groups and then whether they should have a say in the citizens' initiative process,

whether special-interest groups should have a say in the recall process as well.

Mr. Jackson: The recall process probably won't work because, like, in rural Alberta the ridings are too big to effectively even think about making a recall.

If we go to a two-part boundary riding so that every riding was matched, rural and urban areas, whether it required somebody from Edmonton driving out to Athabasca to be half-representing Athabasca and half-representing Edmonton centre, to combine to have one riding – the issues that face people in rural Alberta and rural MLAs: they don't have a chance to even really truly engage the people. Whereas MLAs that live in the city – they have access to an MLA, and you can go into their offices almost any time, and there's nobody there and nobody calling. I would really hope that you would assign other people from the cities or the other ridings to be involved in working with people, those of us living outside the centres of power.

How do we make our voices felt? Having citizens' petitions, like the federal government, would be a great start. It's a good start just having this opportunity to speak with people who are . . .

The Chair: I hesitate to interrupt, Mr. Jackson, but our time has expired with the opposition caucus questions.

We'll now go to the government caucus and begin with Mr. R.J. Sigurdson.

Mr. Sigurdson: Thank you, Chair, and I'd also like to thank you for your presentation. I want to touch a little bit on what you were mentioning about being from a rural community like Athabasca and being an MLA of a rural riding. I want to touch on that, specifically citizen-led initiatives. We've heard a lot of thresholds come out about overall thresholds, but of course we know the province has become more and more urban centric, and we definitely wouldn't want that to overpower when it comes to citizen-led initiatives. What are your thoughts on that exactly? Do you think it should be regionalized? Like, these thresholds that we put in place: should

they require that a percentage of signatures is attained in both rural Alberta as well as urban to make sure that there's a healthy balance across the province?

8:10

Mr. Jackson: Regionalized for – yeah. Like, I'm not thinking clearly enough right now to answer that question. If you have people – it's easy to get 70 per cent of a population's signatures in a city riding. Try to get – we got 1,700 names on a petition for closing Alberta parks in our communities. It took three communities and about 55 people to do it, and it took us six weeks.

The Chair: Okay. Thank you very much. That's about the time we have. We have about 15 seconds left, so I think we'll just at this moment take the time to thank you, Mr. Jackson, for taking the time to join us this evening. We're grateful for your input on these two topics.

Our last presenter now. I'll lead that over to Mr. Roth.

Mr. Roth: Thank you, Mr. Chair.

Susan Kobek, are you on the line?

The Chair: It would appear that Ms Kobek is not on the line, and she was scheduled to be our last presenter.

With that said, that does conclude the presentations for this evening. We have heard from those who have registered to present, and we have reached the end of this first virtual public meeting, that has been a very beneficial thing to all of us. I'd like to thank those who have tuned in and participated.

The committee will be hosting another virtual public meeting in the coming weeks in relation to its review of the Election Act and the election finances and contributions act. If you are interested in registering to present at that meeting, please check out the Select Special Democratic Accountability Committee's page located on the Legislative Assembly of Alberta's website.

This meeting is now adjourned.

[The committee adjourned at 8:12 p.m.]

