



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Democratic Accountability
Committee

Thursday, October 29, 2020
8 a.m.

Transcript No. 30-2-9

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Select Special Democratic Accountability Committee

Schow, Joseph R., Cardston-Siksika (UCP), Chair
Horner, Nate S., Drumheller-Stettler (UCP), Deputy Chair

Ceci, Joe, Calgary-Buffalo (NDP)
Dang, Thomas, Edmonton-South (NDP)
Feehan, Richard, Edmonton-Rutherford (NDP)*
Fir, Tanya, Calgary-Peigan (UCP)
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)

* substitution for Heather Sweet

Office of the Chief Electoral Officer Participants

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

Support Staff

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Stephanie LeBlanc	Clerk Assistant and Senior Parliamentary Counsel
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Standing Committee on Democratic Accountability

Participants

Ministry of Justice and Solicitor General

Clara Cerminara, Barrister and Solicitor, Legislative Reform

Kelly Hillier, Barrister and Solicitor, Legislative Reform

8 a.m. Thursday, October 29, 2020

[Mr. Schow in the chair]

The Chair: I'd like to go ahead and call this meeting to order and welcome everybody to the main event. Good morning, everyone, staff and members in attendance for this meeting of the Select Special Democratic Accountability Committee.

My name is Joseph Schow. I'm the MLA for Cardston-Siksika and chair of this committee. I'm going to ask that members and those joining us at the table introduce themselves for the record, starting to my right.

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

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

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

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

Ms Fir: Good morning. Tanya Fir, Calgary-Peigan.

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

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont.

Ms Cerminara: Clara Cerminara, barrister and solicitor with the legal services division with Justice and Solicitor General.

Ms Hillier: Kelly Hillier, also barrister and solicitor with Alberta Justice and Solicitor General.

Mr. Resler: Good morning. Glen Resler, Chief Electoral Officer, Elections Alberta.

Ms Renwick: Pamela Renwick, director of operations and communications with Elections Alberta.

Mr. Westwater: Good morning. Drew Westwater, Deputy Chief Electoral Officer, Elections Alberta.

Member Ceci: Good morning. Joe Ceci, Calgary-Buffalo.

Mr. Feehan: Good morning. Richard Feehan, Edmonton-Rutherford, substituting for Heather Sweet.

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

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

Ms Robert: Good morning. Nancy Robert, research officer with the Legislative Assembly Office.

Mr. Roth: Good morning, everybody. Aaron Roth, committee clerk.

The Chair: Thank you, everyone, for the introductions, and, as noted, Mr. Feehan is substituting for Ms Sweet.

Pursuant to an August 24, 2020, memo from the hon. Speaker Cooper I'd remind everyone that outside those who have an exemption, those observing the proceedings of the Assembly or its committees are required to wear face coverings. Based on the recommendations from the chief medical officer of health regarding physical distancing, attendees at today's meeting are reminded to

leave the appropriate distance between themselves and other meeting participants.

Please note that the microphones are operated by *Hansard*. Committee proceedings are also being live streamed on the World Wide Web and broadcast on Alberta Assembly TV. Please set your phones or other devices to silent for the duration of the meeting. Mine is there; please put yours there if it's not already.

We will now move on to item 2 of the agenda, which is approval of the agenda. Does anyone have any changes they'd like to make?

Seeing none, would a member please move a motion to approve our agenda? I see Ms Goodridge to move that the agenda for the October 29, 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. That motion is carried.

Actually, just as a point of note, there's no one on the phones, so I won't be asking for that.

Next up we have approval of the minutes from the previous meeting. Draft minutes were posted for the consideration of committee members. Are there any errors or omissions to note?

Seeing none, would a member please move a motion to approve the minutes? Mr. Rutherford has moved that the minutes for the October 19, 2020, meeting of the Select Special Democratic Accountability Committee be approved as distributed. All those in favour, please say aye. Any opposed, please say no. That motion is carried.

On to item 4 of the agenda, which is the committee's review pursuant to Government Motion 25, including an issues document and the committee's review on citizens' initiatives and recall.

I'd like to thank the officials from Elections Alberta and the Ministry of Justice and Solicitor General for joining us today to provide technical expertise should we require it.

At our last meeting the committee requested an issues summary document, which organizes the issues identified by stakeholders and members of the public who participated in the review. I would now ask Ms Robert to provide us with a brief overview of this document.

Ms Robert.

Ms Robert: Thank you, Mr. Chair. Again, good morning, everyone. Okay. Research services prepared two issues documents, actually, one with respect to citizens' initiatives and one with respect to recall. The documents each compile the major issues and proposals that were raised by members of the public in their written submissions and during the public meeting and also any issues and proposals raised by stakeholders during the stakeholder oral presentations.

First, with respect to citizens' initiatives the issues in the document are organized into eight different categories, the first being general support for or concern with citizens' initiatives. One of the things that's raised in that category: you may recall when Dr. Zoch from the National Conference of State Legislators and Dr. Renwick from the University College London talked about guideposts or different best practices. Those would be included in that category.

Section 2 relates to issues and recommendations made with respect to the types of citizens' initiatives that should be permitted in Alberta, so policy proposals or legislative proposals or constitutional amendments.

Section 3 relates to petition threshold and eligibility to start or sign a petition, so any recommendations that were made in that regard.

Section 4 relates to proposed time frames for collecting signatures on these petitions.

Section 5 has to do with the registered participants in the initiative process and who should be registered to participate.

Section 6 relates to the processes that occur following the petition process, following signature collection.

Section 7 relates to the referendum process, should it get to that point.

And then section 8 relates to issues and recommendations that have to do with financial issues: the appointment of a financial agent, financial obligation of participants, that type of issue.

The document is in three columns. The first column is just a general issue, the second column is the actual proposal, and the third column is any comments or information that the committee may wish to refer to, research and comments made by stakeholders or members of the public with respect to the rationales offered for a particular issue or proposal.

I'll leave it there for citizens' initiatives and just move quickly through the issues document on recall.

It's organized the same way. There are 12 different categories. There's one for the application process for recall petitions; one for the roles of participants in the process; one with respect to the recall petition period; a category with respect to the requirements for a successful petition; one for the important administrative considerations if you're having a petition processed in the province; category 6 is recall elections, what issues are proposed related to that; section 7, financing rules in general, adopting financial obligations in the EFCDA and other such issues and recommendations; section 8 relates to eligible contributors and contribution limits; section 9 relates to expense limits for registered political parties and third-party advertisers; section 10 relates to advertising and third-party advertising and equal opportunities for those things; section 11 relates to the recall of elected municipal officials; and section 12 is issues and proposals related to the recall process generally.

I'm going to leave it there, but I would be happy to try to answer any questions anybody might have. Thank you.

The Chair: Thank you, Ms Robert. Thank you for all your diligent work on behalf of the committee.

Are there any questions or comments for Ms Robert? Okay.

Seeing none, we'll now go on to item 4(b), which is organizing deliberations. It may be useful for the committee to develop a plan to organize our discussions. As members will recall, Government Motion 25 specifically mandated the committee to consider certain questions listed in Sessional Paper 192/2020 as part of our review of citizens' initiatives and recall. These questions will inform the scope and the subject matter of the recommendations that the committee may wish to put forward.

Also, we heard in our last meeting that committees undertaking similar reviews have decided to use the issues document to organize the deliberations process. Regardless of whether or not this committee chooses that route, it is important to remember that recommendations from the committee need to relate to the questions contained within Government Motion 25.

With those comments in mind and before we go to any questions, I would maybe make a suggestion that we break up our conversation or break up our deliberations between the two sections of citizens' initiatives and recall, not mixing the two, and that we begin with citizens' initiatives and conclude with recall. Having said that, it is only a suggestion, and we'll move forward at the will of the committee. Does anyone have any thoughts or comments as to how we should organize our deliberations?

8:10

Mr. Smith: That seems like a logical way of moving forward. I mean, we don't want to be flipping back and forth. Citizens' initiatives: why don't we start with that and then move on to the recall.

Ms Pancholi: Agreed.

The Chair: Does anyone else have any way that you want to break this down even further, or are we just going to do it like that? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Perhaps I would suggest that for citizens' initiatives at least, we can break it down into six further sections if that'd be acceptable: types of initiatives, number of signatures and form of initiative petition, collection of signatures on initiative position, spending contributions and advertising for initiatives, eligibility to start or participate in a citizens' initiative, and process and administration for citizens' initiatives.

The Chair: That sounds reasonable. Does anyone on the government side have any comments to make on that?

Mr. Sigurdson: I think we can all agree that that's a great organization to proceed with citizens' initiatives.

The Chair: It's 8:11 in the morning, and we already have some consensus. This is wonderful. Okay. Well, then let's move ahead in that regard, so we'll, then, begin with what would be, I guess, citizens' initiatives 1, which would be types of initiatives.

I would also lay out – as the chair I have certain levels of latitude – that we'll go back and forth with motions rather than just everyone shouting them out all at once. I will begin with one side, and once a side has moved a motion, then the other side will get to respond to that motion. Then we can continue discussion going back and forth. Does anyone have any objections to that process?

Seeing none, okay; we'll go ahead. I don't really have a coin to flip, so we will start with whoever puts their hand up first and wants to go first with their first motion. Ms Pancholi, please.

Ms Pancholi: Thank you, Mr. Chair. Perhaps I'll begin by – since we did all provide our motions 48 hours ahead of time, I think we've all kind of got them before us. I'll bring forward motion 53, and I'll just wait till we get to that.

The Chair: The motion is on the screen. If you could maybe read it, Ms Pancholi, and then add any comments or remarks on that.

Ms Pancholi: Sure. Motion 53 is: Member Pancholi to move that the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that provides that only legislative or policy proposals may be the subject of a citizens' initiative petition.

I think this is pretty much consistent with what we heard, Mr. Chair, from the people who presented and the written submissions, that we should have a process that addresses certain kinds of citizens' initiatives. This is to address the types of initiatives that we've heard about, and it simply talks about how legislative or policy proposals should be the ones that can be brought forward as a result of a petition from citizens. I open that up for discussion.

The Chair: Thank you, Ms Pancholi.

Did anyone have any other comments from the government side? Mr. Sigurdson?

Mr. Sigurdson: Thank you, Chair. I guess I'm in a little bit of disagreement here. I think I saw a little bit of both sides when we were hearing from stakeholders on the written submissions, and I think there was a consensus on the other side that they wanted to leave this as broad as possible. I think we want to solicit as much feedback as possible from Albertans on the widest variety of issues, so I don't think that we should be limiting this. I think we should keep this as broad as possible so Albertans have the best opportunity to speak on issues that they feel are important to them.

Thank you, Chair.

The Chair: Ms Pancholi.

Ms Pancholi: Thank you. Just for a clarification from Member Sigurdson, I'm just questioning what he thinks is not captured by this and how this isn't broad enough and in terms of how this limits it in a way that goes beyond what we heard from those who participated or provided submissions. I believe that legislative and policy proposals capture what is within the scope of the authority of government to do, which is obviously to introduce legislation and obviously to develop public policy. So it's really a question about what would not be captured by this that the member is concerned about.

Mr. Sigurdson: Thank you, Chair. It just narrows it. I mean, I think it's narrowing the scope of what Albertans would be able to propose as citizens' initiatives, so I'm just not in agreement with it. I think that in any way that we narrow the scope, Albertans are going to feel like this will become just nothing more than political theatre. I think we ought to keep this broad and open for them on any issues. To me, it just appears as though this amendment is narrowing the scope, so I would like to keep it as broad as possible.

The Chair: Any other comments? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Perhaps Mr. Sigurdson can provide one example of a thing that would be a policy proposal or a legislative proposal that would not be permitted under this that he would expect he supports.

The Chair: Ms Goodridge.

Ms Goodridge: A constitutional proposal.

The Chair: Any other comments?

Ms Pancholi: Well, certainly, a legislative proposal. I mean, again, it's what's within the scope of the provincial government to do. We're talking about – of course, we don't have the authority within the work we do here or within the Legislature to mandate what happens outside of our province. Certainly, when we talk about legislative proposals, within the scope of the authority of the provincial government it would be understandable. But constitutional proposals: I would submit that the province of Alberta does not have the authority to change the Constitution.

There's a specific process, of course, that's within the Canadian Constitution about how that can be amended. If we're really talking about citizens' initiatives as a means by which to give individuals the right and the opportunity to direct and change or influence provincial policy, then constitutional provisions fall outside of that. It's really, actually, I think, in my view, creating an expectation from citizens that the provincial government cannot fulfill. It's simply giving them, I would say, the charade that they are able to influence constitutional outcomes through the provincial government alone.

We know that no single province has the ability to make constitutional amendments, so I would argue that it's an exercise in futility to give citizens the impression that they are somehow going to be able to change the Constitution through a citizens' initiative when the province of Alberta and the government of Alberta do not have the authority to do that.

The Chair: I have Mr. Horner, then I have Mr. Smith, but in between that, if someone from the opposition wants to chime in.

Mr. Horner, please.

Mr. Horner: Yes. Thank you, Chair. Based on a lot of the feedback we heard from a lot of the stakeholders, I think this is about giving a forum to Albertans to express their feelings on a wide variety of things; for example, to express their feelings regarding equalization or other problems they feel they're facing as Albertans. I think it was made abundantly clear that this is about hearing their concerns, so I would hate to limit that. Just my comments.

Mr. Feehan: I'm curious about the desire of this government to spend money on something that we can't actually follow up because we don't have the legal authority to do so, which seems like a little bit of a waste of money. I guess I'm just wondering: when we get to the recall legislation, are you going to include the ability to recall Members of Parliament as well? Again, it's outside our jurisdiction, yet it seems to be where you're going with this.

The Chair: Mr. Smith.

Mr. Smith: Thank you, Mr. Chair. One of the realities – and this has been an interest of mine for probably 30-plus years. This is called a citizens' initiative, and it should reflect the needs, the desires, the interests, the concerns of the citizens of the province. As far as the Constitution is concerned, I mean, all of us around this table understand that the Constitution isn't necessarily as black and white as sometimes you're painting it today. There are areas of jurisdiction where there's grey, where we're not a hundred per cent sure exactly where that line goes. We're looking at the carbon tax right now that's going before the Supreme Court. It shows you that there are grey areas here, that the Constitution needs to be addressed.

8:20

When those issues are of importance to the citizens of Alberta, especially in some of those areas where there's grey on the Constitution, this allows the citizens to be able to move and to give direction to the government as to how they would like to see those things addressed. You know, I just see it as a valuable tool. It's one that is only going to move forward if we do our job properly here with our recommendations as we go through the day so that we'll have the checks and balances necessary to ensure that this represents a real will of the people. To limit that because we have this idea that there's a black and white delineation between provincial and federal rules and guidelines as far as the Constitution I think just isn't accurate.

The Chair: I would say that as much as I love a spirited debate and a robust debate, I want to make sure that we aren't spinning our tires and being overly repetitive, so if we start getting to that point, I will begin to call questions.

Please, Mr. Dang, go ahead.

Mr. Dang: Thank you, Mr. Chair, and I'll certainly take that under advisement. I think that when we're looking at this and certainly given Ms Pancholi's comments here, when we look at the comments that were given in submission from Dr. Renwick of the

UCL and Mr. Kurek, who's the MP for Battle River-Crowfoot, they noted that citizens' initiatives provide process for policy change. We know that this was something that was actually raised as a concern by Mr. Rathgeber as well, who was concerned that citizens' initiatives can be too complicated. As Mr. Smith already rightfully noted, there are complicated issues in the Constitution that are very difficult. You know, on both the pro and con sides the experts we heard from and the stakeholders that were brought to this table have actually said that we should be looking at ways to have meaningful policy change.

I think that given the scope of what this Legislature and what this government are able to actually accomplish, we may actually be misleading Albertans by allowing them to think they can influence policy and legislative change and agenda and issues we can't actually act on. I would suggest that the government should rethink whether we should be allowing these issues to move forward in citizens' initiatives if we actually have no scope. I think that's something that's particularly concerning in how we present ourselves to Albertans.

The Chair: Thank you.

Anyone from the government side?

Seeing none, Ms Pancholi.

Ms Pancholi: Thank you. I appreciate the comments from Mr. Smith. I simply want to highlight, though, that citizens' initiatives are one of the many tools, as Mr. Smith mentioned, to effect change but also to hear the voices of citizens. We know that this is a heightened tool. It's a tool to get that more direct influence from individuals and citizens, but it's certainly by no means in our democratic institutions and our systems. The only way – in fact, the very premise of our democratic system is that we have regular elections and that, you know, citizens choose parties and representatives that reflect their views. With respect to constitutional change through citizens' initiatives we're essentially saying that we want to spend money, give hope to individuals that they can make a change that they cannot through this process.

As Mr. Smith noted, there are a number of ways, and the constitutional – I have to be clear. The amendment of the Constitution is quite black and white. It is set out in the Charter as to how you amend the Constitution. That process is black and white, and it can't be initiated or achieved by one province alone. There are many ways in which the interpretations of the Constitution can be subject to critique and evaluation and change. As we know, the court system is a very dominant way in which the interpretation of the Constitution is challenged. What I'm saying is that there are methods already for citizens to express their views about constitutional issues through their federal and provincial representatives that are more effective. There are court challenge systems. There are many other ways for citizens to have their voices heard.

Allowing for constitutional questions and issues to be put forward through a citizens' initiative, which cannot effect the change that they are seeking, I think is giving a false sense of autonomy to our citizens when we're saying: you can change this through a citizens' initiative. I think that's leading citizens astray. I think it's not being honest with them about the ability in how the Constitution can change, and there are many different ways, as we talked about, to do that. I think that if we want citizens' initiatives to be an effective tool for citizens to be able to express their views and make changes with respect to legislation and policy, we should not be offering a false impression that they can change that through a citizens' initiative, because they can't.

That is simply my position on that.

The Chair: Thank you.

I am beginning to hear us repeating ourselves in several of our comments. Unless anyone else has anything else they wanted to add that would be new to the committee, I'm prepared to call the question on motion 53.

Seeing none, okay. All those in favour of motion 53, moved by Ms Pancholi – I don't have to read the whole thing out again, do I? Yeah. Thank you. I'll save some time. All those in favour of motion 53, moved by Ms Pancholi, please say aye. Any opposed, please say no. In my opinion, the noes have it.

Mr. Dang. A recorded vote has been requested. If you are in favour of motion 53, please raise your hand: Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. If you are opposed to motion 53, please raise your hand: Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford.

Mr. Roth: Mr. Chair, total for the motion, four; total against, seven.

The Chair: Thank you, Mr. Roth.

That motion is defeated.

I will now move on to a motion of the government. I see Ms Fir. Please go ahead.

Ms Fir: Thank you. We want to allow Albertans to petition on the widest variety of topics, and I think this more stringent process should be followed for topics outside of the jurisdiction of the province. I move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted to allow the following to be the subject of a citizens' initiative petition: (a) proposals within the jurisdiction of the Legislature of Alberta and (b) proposals relating to matters outside the jurisdiction of the Legislature of Alberta, provided that a more stringent process is followed for the approval of petitions in relation to these matters.

The Chair: That motion is on the screen, Ms Fir. You can go ahead and elaborate on your reasoning or rationale behind the motion.

Ms Fir: Again, as I mentioned, we want to allow Albertans to petition on a wide variety of topics, and again a more stringent process should be followed for topics outside of the jurisdiction of the province.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I won't belabour the point, but I think certainly that this proposal is ridiculous because in section (b) it suggests that we have issues outside the jurisdiction of the Legislature of Alberta. Frankly, as we've already mentioned before, this government, this Legislature, this committee does not have the authority, does not have the scope to make those changes, and it is misleading to Albertans if we suggest that and if we continue to push forward with this. I won't belabour the point, and I would suggest that we all vote against this.

Thank you.

The Chair: Thank you.

Ms Goodridge.

Ms Goodridge: Just really quickly, I can appreciate the comments from the hon. member in the opposition on this. However, it's a people's petition. It is not the government's petition. I think it's critically important. I know that when I was knocking on doors through my many elections, I've heard from many people that expressed serious concern with the equalization process, and I

believe giving them an ability to voice those concerns is critically important for the state of this province.

Mr. Feehan: I'm just wondering if perhaps Member Fir could speak to the part of her proposal that indicates that there would be more stringent processes being followed to allow petitions in these matters outside of provincial jurisdiction.

The Chair: Mr. Smith.

Mr. Smith: Yeah. When we're looking at a more stringent process, I think we're probably looking at – if it's something to do with outside of the Alberta legislative authority, we would be looking at a higher threshold.

Mr. Feehan: And that is? My question is: what is that higher threshold?

Mr. Smith: Well, I think that's something that we'll be talking about a little later as we go through this committee, and we need to have that discussion as a committee about what we think are reasonable thresholds. But if you're looking at something that is looking at an equalization or something like that that might be a constitutional issue, yeah, I think it's reasonable to have a higher threshold. I think that's why that's put in there.

The Chair: Thank you.

Mr. Feehan: Does this proposal also allow citizen petitions with regard to issues on the municipal docket?

The Chair: The government side? Mr. Sigurdson.

Mr. Sigurdson: Yes. This, I do believe, with the wording, the way that it's proposed, would include municipal and provincial issues together, yes.

8:30

The Chair: Opposition side?

Mr. Smith, did you have a comment?

Mr. Smith: I was just going to say that, I mean, the MGA is obviously under provincial jurisdiction, so you're probably correct.

The Chair: Okay.

Seeing no one else who'd like to speak on motion 76 – oh. Ms Pancholi.

Ms Pancholi: Just because I know, I think, that that issue is something that we discuss – I believe we discuss it a little bit later on. I just want to be clear that I think that we will have a discussion about that issue, about whether or not municipal representatives should also be subject to what we're talking about here. I simply don't want to get into that debate right now, but I don't want to let it go without saying that we're accepting what's being proposed. I believe that's one of the subject matters for . . .

The Chair: My understanding: having read through the proposed motions, I think what you're referring to is actually recall specific. I could be wrong. I don't believe there are any motions so far as citizens' initiatives – let me start over. I don't think there are any motions here regarding initiatives that actually relate to municipal. It's strictly recall, so if you'd like to have that conversation now, it's a great time.

Ms Pancholi: Okay. I believe – and I don't want to speak on behalf of my colleague Mr. Feehan – that the question is whether or not

citizens' initiatives can also affect, then, the municipal. If that's the question – okay. And I believe the government's position is that, yes, it would be able to affect the Municipal Government Act and other issues like that because it is subject to provincial legislation. Is that correct? I just want to make sure I understand.

Mr. Smith: That would be my understanding although I'm not a lawyer. You are; I'm not a lawyer.

Ms Pancholi: It's the government's motion. That's why I'm asking.

Mr. Smith: Yeah. A proposal within the jurisdiction of the Legislature of Alberta: would municipal governments be within the jurisdiction of the Legislature of Alberta? I would argue that they probably are. At that same point in time I can't think of an issue off the top of my head where that might be the case, but I suppose there may be an issue somewhere down the line, maybe 100 years from now, where the citizens would want to have some sort of a say on that.

The Chair: Any other comments?

Ms Pancholi: Actually, I think the clarification about the municipal for the recall was more the issue, so I appreciate that we'll get there.

The Chair: Just here to help, you know.

All right. Seeing no other comments on motion 76 moved by Ms Fir, which is on the screen, all those in favour of this motion, please say aye. Any opposed, please say no. That motion is carried.

Member Ceci: Recorded.

The Chair: A recorded vote. Maybe just for clarification, will a recorded vote be asked for every one, or should I call it on a case-by-case basis?

Mr. Dang: I think you can probably do it case by case.

The Chair: Okay. That's fine.

A recorded vote has been asked for. Again, all those in favour of motion 76, please raise your hand. Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford. All those opposed, please raise your hand. Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci.

Mr. Roth: Mr. Chair, total for the motion, seven; total against, four.

The Chair:

That motion is carried.

Okay. Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I would like to move at this time motion 55. I move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation prohibit the issuance of a petition in respect of proposed legislative changes that are contrary to provisions of the Constitution Acts, 1867 to 1982.

I think it's pretty clear in the wording of this motion what the intent is. I think that clearly we should not be asking questions that violate the laws of this land and should not be encouraging Albertans to do that. I think that certainly when we move forward with these types of citizens' initiatives and certainly under the government's proposal here, we still want to ensure that we are within the scope of what would be legal in Canada. I think that that's something that – even if we want to ask questions regarding

issues that are constitutional, we should not be contravening the Constitution itself.

The Chair: Thank you.

Anyone from the government side?

Mr. Jeremy Nixon: I agree to an extent, that we should impose reasonable limits here, so I'd actually like to propose an amendment to Member Dang's proposal there. I move that

the motion be amended by striking out "provisions of the Constitution Acts, 1867 to 1982," and substituting "sections 1 to 35.1 of the Constitution Act of 1982."

Having reasonable limits in regard to making sure we're protecting vulnerable people: I think we heard that from stakeholders as something that was important, and it's something that's important to me, so that's why I would be proposing this amendment.

The Chair: Okay. We're just going to get that up here on the screen. Just give us a moment.

Okay. We now have a motion moved by Mr. Dang with a proposed amendment by Mr. Nixon. Any comments or remarks regarding Mr. Nixon's amendment from the opposition side? Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I thank the member for bringing forward a focused attention on vulnerable rights. I think we heard that from the presenters who came forward who said that one of the risks of citizen initiatives, of course, is the possibility that a majority could then overrule protected minority rights, and that's a very real risk. It's why we have the Charter of Rights, that we recognize that there are minority rights that need to be protected even if it's not the will of the majority per se, so I appreciate that.

I would like some clarification from the member, if I can, with respect to what provisions outside of sections 1 to 35.1 of the Constitution Act, 1982, he feels should not be captured by this because I'm conscious, of course – I'm aware that, for example, equalization falls under section 36, so it would not be captured by what the member is bringing forward; similarly, changes to the Canadian Senate, which is part of the Constitution Act, 1867. Those things would still be subject to a citizens' initiative if we vote in favour of the member's amendment. But certain other things that are also protected under the Constitution Act, 1867, would also then be subject to referendum – and I'm wondering if the members have given thoughts to that – such as, for example, separate school rights. Those are currently protected under section 93 of the Constitution Act, 1867. Is the member in support, then, of the possibility of citizen-led initiatives on separate school rights? I'm just looking for clarification.

Mr. Jeremy Nixon: Sorry. You just gave a number of examples, so it sounds like I don't have to give too many examples, equalization being one of them. I think that we belaboured this debate in the previous motion, so I'm not going to get too much into it. But I think it's important that we allow for citizens to be able to have their say on these issues, and that can also help the provincial government in regard to informing their negotiations with the federal government on these issues.

The Chair: Okay. I don't see any other comments on – oh. Mr. Feehan would like to make a remark on the amendment.

Mr. Feehan: I just want absolute clarity on your most recent comments, Member Nixon. You're asserting that what you want to

make sure we make possible is a citizens' initiative or referendum on minority rights. Is that right?

Mr. Jeremy Nixon: Sorry. Ask the question again.

Mr. Feehan: You're wanting to make possible citizens' initiatives on minority rights?

Mr. Jeremy Nixon: Sorry. The amendment here is to make sure that we're protecting under sections 1 to 35.1.

Mr. Feehan: And you're okay with the sections beyond section 35 that speak to minority rights. It's okay for us to have initiatives on those.

Mr. Jeremy Nixon: I'm not suggesting that, no. I'm suggesting that we want to give citizens as much breadth in regard to the conversations that they can have to help inform the government in discussion of these issues with the federal government.

Mr. Feehan: Including those sections of the Constitution beyond section 35 that address minority rights?

Ms Goodridge: If it would be possible, if you could cite the exact section beyond that where minority rights are in the Constitution.

Mr. Feehan: I think the example of separate schools was given. I'll stick with that to not complicate the matter.

The Chair: Any other comments?

8:40

Mr. Smith: I think that the issue here – and I think it really comes down to, perhaps, a different position, fundamental position that we may have. One is that on your side you believe that you can't really trust the people . . .

Mr. Dang: Point of order, Mr. Chair.

Mr. Smith: . . . that there are issues that shouldn't be brought up.

The Chair: A point of order has been called.

Mr. Dang, please.

Mr. Dang: Thank you, Mr. Chair. Under 23(h), (i), and (j), he's clearly inciting false motives and also trying to incite disruption in this place.

The Chair: Would you like to defend that, Mr. Smith?

Mr. Smith: No. I retract.

The Chair: Mr. Smith has retracted.

Mr. Smith: May I continue?

The Chair: Yes, please.

Mr. Smith: Okay. On our side we would argue that there should be a wide latitude for the citizens to be able to deal with all sorts of issues, that at the end of the day the common sense of the common people – we have faith that the people understand the concept of minority rights, that they understand the concept of the rights for people to have separate schools, and that as they move forward, they will make wise choices. That's the whole idea of a democracy, that we trust the people to be able to make the decisions that will govern them.

Moving forward, I would argue, in support of this amendment, that it finds that balance, and I think you've brought that idea up. We all understand here that we want to see the people's minority rights respected in this country – I think this amendment does that by citing sections 1 through 35.1 – yet at the same time we have faith that the people, as they deal with issues, will make wise choices.

The Chair: Ms Pancholi.

Ms Pancholi: Thank you. I simply want to point out that this is, I think, exactly the challenge around allowing citizen-led issues around constitutional issues, because there aren't bright lines in the Constitution where you can say: this is minority rights, and this is not. The example I gave of separate school rights: those are minority rights. That's the very reason why separate school rights exist, because the denomination – and, of course, in the Constitution it's focused on Roman Catholic and Protestant, but that faith is in the minority, which is why they have those separate school rights.

Again, in my view, this is why trying to say that certain sections of the Charter or the Constitution are exempt from citizen-led initiatives just calls into question why constitutional issues are not as easily carved into minority and nonminority rights. The Constitution is a complex document, and it has lots of historical background as to why certain rights are protected. So if the goal of the amendment is to ensure that minority rights are protected, then I'm simply suggesting that this amendment might not necessarily achieve what I believe the member is trying to do. If it does, by all means, that's fine, but it does still open up, then, that there could be a citizen-led initiative on something like separate school rights, which are minority rights.

The Chair: Thank you, Ms Pancholi.

Anybody else have any other comments or remarks?

Seeing none, I'm prepared to call the question on the amendment moved by Mr. Nixon, which is on the screen. All those in favour of the amendment, please say aye. Any opposed, please say no. That motion is carried.

Mr. Feehan: Recorded vote.

The Chair: A recorded vote has been requested by Mr. Feehan.

All those in favour of the amendment, please raise your hand. Mr. Horner . . .

Mr. Smith, are you abstaining, or are you voting?

Mr. Smith: Oh, I'm sorry.

The Chair: . . . Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, and Mr. Rutherford.

Any opposed, please raise your hand. Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. I see your hand way up this time. That's good.

I know there's a lot going on at the table. I just want to make sure members have the opportunity to actually vote. Of course, you do have the ability to abstain if you so choose.

Mr. Roth: Mr. Chair, total for the amendment, seven; total against, four.

The Chair: Okay.

That amendment is carried.

We are now back on the main motion moved by Mr. Dang, amended by Mr. Nixon. Are there any further comments? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. My only comment would be: very briefly, I think that even with these unfortunate amendments, we should still support this motion as it does still protect some rights.

The Chair: Okay. Thank you.

Anyone else?

Seeing none, I'm prepared to call the question on the motion. All those in favour of the motion moved by Mr. Dang, amended by Mr. Nixon, please say aye. Any opposed, please say no.

That motion is carried.

We are now going to the government side. Are there any further motions regarding types of initiatives? I see none on the government side.

Opposition side, are there any further motions that you would like to move at this time? I see none.

Okay. We will now move on to the number of signatures in form of initiative petition. Given that the last motion was moved by the opposition, we'll now go to the government side. It's my understanding there are no government motions for this section.

Would the opposition like to move any motions at this time? I'll give you guys a minute to just kind of figure out where you want to be. Just take a moment.

Mr. Dang: You got flip updates.

The Chair: No. There are a couple of pages up here. I get it.

Mr. Ceci, please.

Member Ceci: Thank you. If motion 62 can be found by the clerk and put up on the . . .

The Chair: Currently under review are motions 59, 60, 61, and 82.

Member Ceci: Oh. Sorry.

The Chair: Not a problem. Take your time. Well, don't take your time, but, yes.

Yes, Mr. Dang. Please go ahead.

Mr. Dang: Thank you, Mr. Chair. I'll move motion 59 at this time, just to get us moving here.

The Chair: All right. Okay.

Mr. Dang: I would move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that, in respect of a policy proposal that is the subject of a citizens' initiative petition, requires the following: (a) before any canvassing in respect of the petition begins, the legislation should provide for the preparation of a report setting out the implications of the policy proposal; and (b) each canvasser in respect of the petition must provide a copy of the report referred to in clause (a) to an individual that they are canvassing before they collect that individual's signature on the petition.

I think that this is something that we heard from a couple of different stakeholders, including, I believe, Dr. Renwick from the UCL and also from some people opposed to citizens' initiatives, including, I think, Mr. Rathgeber. Otherwise, certainly education is a big piece of citizens' initiatives, and it's very difficult for citizens, if they're not fully informed, to make decisions on difficult issues. I think this addresses some of Mr. Rathgeber's concerns and would be a welcome addition in terms of allowing people to have all the information before they engage in signing a petition.

The Chair: Thank you, Mr. Dang.

The motion is on the screen. Anyone from the government side like to comment on that?

Mr. Sigurdson: I understand the intent here, but I just don't feel I'm in support of this right now. It looks a little cumbersome right off the start. I mean, first, the motion is not specific enough to specify the scope of the report or who even should be preparing the report, to start off with. It just seems overly onerous because we're asking the canvassers to provide a copy of the report to a signatory before even signing it, especially if there's no guarantee it will even be read before they sign it. I mean, this just seems a little cumbersome. It would be really awkward for a canvasser to watch a potential signatory read the entire thing before they sign it. You're talking about just kind of a very awkward situation here, so I'm not really in support of this motion right now, Chair.

Thank you.

The Chair: Thank you.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I would suggest that perhaps the member is thinking of it in a more complicated manner than it needs to be. As we have all gone door-knocking as politicians, it's very common to bring a pamphlet with you in some form. I think that's sort of the intention here, that there would be some sort of brochure or informational piece provided to voters and signatories before they are signing. Yes, it may not mean that they read it every time. I guarantee that not everybody I give one of my door-knocking leaflets to reads it every single time, but certainly I think that there is value in trying to provide education alongside of these. It mitigates many of the concerns that we heard from the no side.

The Chair: Thank you. It's certainly my experience that people whose doors I knock on read every single word of the pamphlet that I give them.

Please, anyone from the government side to comment on that? Mr. Horner.

Mr. Horner: Yeah. I would just comment that I believe Member Dang is right. I think that if the person that's knocking on someone's door wants their petition to be successful, they probably would want to try to educate, but I think it's a little onerous to demand that here and now. I think it's a good idea, but I don't think it's something that we should mandate.

8:50

The Chair: Any further comments?

Seeing none, I'm prepared to call the question on motion 59 as moved by Mr. Dang. All those in favour of the motion, please say aye. Any opposed, please say no.

That motion is defeated.

Mr. Dang: Mr. Chair, before we continue, I just want to point out that I think motion 82 is actually a government motion at this time. If they would like to move it under this section.

The Chair: Sure. I'll leave it to the government side if they'd like to move that motion, but it's a valid point. Thank you for bring that to my attention, Mr. Dang.

Mr. Horner: Can I?

The Chair: Sure. If you'd like. Of course, Mr. Horner.

Mr. Horner: Just for Member Dang, I don't believe we'll be moving that motion forward, so continue.

The Chair: Yes. There are still motions 60 and 61 from the opposition side. I see Mr. Feehan.

Mr. Feehan: Thank you. I'd like to move motion 60 on behalf of MLA Sweet that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that requires a citizens' initiative petition to contain the signatures of at least 10 per cent of the electors of each electoral division who are, at the time of signing the petition, eligible to vote in that electoral division in order for the citizens' initiative petition to be considered by the Legislative Assembly.

I think it's fairly straightforward. We want to ensure that there's at least 10 per cent of the electors in each of the electoral divisions and that the people signing the petition are eligible to vote at the time of the petition signing.

The Chair: Thank you, Mr. Feehan.

Anyone from the government side?

Mr. Smith: Yes. Thank you. I would like to propose an amendment.

The Chair: Sure. Go ahead.

Mr. Smith: I think you may have it on file here, but I'll read it anyhow.

The Chair: If I may, Mr. Smith, I think it's worth mentioning that I do know that motions and amendments can be brought from the floor. It is the standard practice of this committee that they're brought forth before the committee. If you're going to bring forth an amendment or a motion that has not already been presented, let us know. Otherwise, we'll just assume that the motion is in order, just for clarity's sake.

Does that work for everybody? Okay.

Go ahead.

Mr. Smith: I'm going to read through it anyhow if I may.

The Chair: Yeah. Please.

Mr. Smith: I move that

the motion be amended by striking out "requires a citizens' initiative petition to contain the signatures of at least 10 per cent of the electors of each electoral division who are, at the time of signing the petition, eligible to vote in that electoral division" and substitutes "considers implementing regional signature threshold requirements and requires a citizens' initiative petition to contain the valid signatures of between 5 per cent to 25 per cent of the electors of the province of Alberta."

I think this goes back to the conversation that we had a little earlier, where we would want a higher threshold if it was something to do with a constitutional issue. This amendment allows for that to occur.

Mr. Feehan: My first question is just for clarity, I think. You're eliminating the need for each region to be involved. Instead, you're watering it down so that only regions need to have a minimum number of signatures. So if there are some areas that have a lot of people concerned about something and they're subsumed in a region with other areas where people do not wish for it to go forward, one area can kind of overwhelm the desires of the other areas. Is that correct?

Mr. Smith: No, I don't think that is correct.

I'm assuming I can answer, Mr. Chair?

The Chair: Yes, you can.

Mr. Smith: Okay. We would agree that citizens' initiatives should consider imposing some form of geographic threshold, but we think that B.C.'s legislation goes a little too far. We want it to have a little more flexibility.

Mr. Feehan: I just want some clarity on this. Perhaps Member Goodridge will be able to address this with me. My concern is that we now have a situation where, for example, a region that includes a city could quickly overwhelm a nonurban area by simply voting for it in great numbers when they have more numbers than a rural area. That kind of imbalance would happen because you're not asking every area to participate in the petition equally.

The Chair: Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I'm going to use an example that I think would be applicable. If someone were to, say, start a citizens' initiative in the community of Calgary regarding a Calgary Olympic bid, in my riding, in the far northeast of the province, there might not be a lot of interest in whether Calgary were to have an Olympic bid, yes or no, but there would probably be a lot of interest in Calgary and the surrounding areas. I think this amendment made by Mr. Smith allows for some flexibility for some of those regional initiatives that might possibly come forward, and it allows for a little bit of flexibility in ensuring that we still allow some of these more regional-specific initiatives to be brought forward by the people of Alberta. These are the people's petitions, not the government's petitions.

The Chair: I'll go to Ms Pancholi. I'll allow Ms Pancholi and then put you on the list as well.

Ms Pancholi: Thank you, Mr. Chair. I'm not sure that I have a concern with this so much as I'm not clear how we would decide when – like, I don't disagree with the example that Member Goodridge just gave and some need for balance, necessarily, about regional, but I'm just not sure how we would decide: what's a regional issue? What would the appropriate threshold be? Would that be based on if it does emerge in an urban area versus a rural area? I think we're trying to in this committee provide some clarity to the Legislature, at least, of course, and to the government as to how to draft that. I'm not necessarily objecting to this so much as I'm just not sure that we're giving clear enough direction as to what that would look like and how that would be determined.

The other piece that I'm wondering about is the higher threshold for constitutional initiatives. I think we had perhaps anticipated that that would be brought forward specifically, but if the government's motion 82 is not being brought forward, again, I'm not sure how this wording, the amended motion, would capture that higher threshold for constitutional provisions.

Those are my two questions.

The Chair: Would anybody on the government side like to respond to that or have any other comments they'd like to make? I see Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. It's very important to highlight that I believe that the regional thresholds are important, but there is some value in giving some flexibility to the legislative drafters to use their discretion when it comes to this. The amendment made by Mr. Smith I believe provides that. Allowing for some issues to have higher thresholds than others allows for a little bit more flexibility in general.

The Chair: Next on my list from the opposition is Mr. Feehan. Do you want to go ahead, or do you want Mr. Dang to?

Mr. Feehan: No. Sorry. Go ahead.

Mr. Dang: Sure. Thank you, Mr. Chair. I guess, just for clarity's sake, I'm concerned that the motion just isn't very clear in specifying what Ms Goodridge has been saying in terms of the report. Maybe some clarification from our research and counsel. In a report would we be able to reflect that? It doesn't say that this would be a regional threshold on a petition-by-petition basis right now, for example. I mean, I think that when we're looking at these types of issues, it's going to be muddled by this sort of presentation. It doesn't even clarify whether it should be the government that should set these thresholds or the Legislature that should set these thresholds or Elections Alberta that should set these thresholds, right? Like, none of these things are actually clarified, so it creates a complicated structure, when we bring this back to the Legislature, that isn't actually proposed. It proposes a complicated structure without actually specifying what that structure should look like.

So I'm concerned about that, and perhaps we would require additional clarity around what that should look like.

The Chair: Ms Robert.

Ms Robert: Thank you, Mr. Chair. I guess what I could say is that when we prepare these reports, we have to put the recommendation in as it's written – obviously, we can't modify that – but we do provide contextual information in terms of the type of discussion that the committee held when it came to the decision. So it would be possible to include, you know, that the committee discussed leaving some latitude for the drafters of the legislation. We certainly could include that type of information in the contextual part of the report if that helps.

The Chair: I'll go to this side, and then I'll go to Ms Pancholi. Mr. Sigurdson.

Mr. Sigurdson: Yeah. Thank you, Chair. I appreciate that. I'll make it quick. I mean, I think the intent of this is real simple. It just says in the amendment: "considers implementing regional signature threshold requirements." That's the first. Then we're just stipulating that those should be between 5 to 25 per cent. I mean, I think this is fairly clear as a recommendation in a report. We can definitely thank you for the input on the fact that we can put context to it, but I think it's a pretty clear amendment.

9:00

The Chair: Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I just want to be clear. I think we have some agreement in principle to this. It's just clarity around what we're directing or what we're recommending, of course – we're not directing – to the government. When I read that, the question I have is – and it's an open discussion – is it on a petition-by-petition basis, so the petition itself is looked at and said, "Oh, this looks like a regional issue; therefore, the threshold will be this"? Or will it be based on that an initiative comes forward and then afterwards we're looking at the numbers that come forward and saying, "How many from all across the province received it?" It's really about a process and who is making that decision. Who decides it's a regional issue? Again, not saying we object to that, but is it Elections Alberta? Is it that the citizens themselves have to identify that they believe this is a regional issue? That's sort of one of the questions I have.

I don't think we object to this. It's just that right now I think there is some question about: how will a citizen who's trying to do this know what they need to get? How will they know how many signatures and from where they need to get? That's the clarity we're trying to provide, and if we don't have answers to that, I think maybe, I guess, it might be enough to say what Ms Robert has suggested, but I think that more questions have been opened up. I think we agree in principle. Just trying to get clarity on that.

The Chair: Maybe I could direct a question to Ms Robert. In drafting the report, you obviously take this, depending upon the will of the committee, word for word the recommendation that we make. So far as the government is concerned or whoever would be drafting legislation, can you maybe help us understand – or maybe we turn this over to Justice, and they can help us understand the process. If someone could bring some clarity to what this would look like and how you would interpret this in the future at the point in time when legislation will be drafted, that would be wonderful.

Ms Hillier: Good morning. My role is to design the legislation, and my interest in doing that, subject to directions, of course, from the Minister of Justice, is to make sure that the legislation is operational, that it works as clear as possible for the participants and for the Legislature and also for the Chief Electoral Officer so that in the administration in particular, starting with this issue, the Chief Electoral Officer would know what he's looking for and how that applies and how to operationalize it in every respect, not just with respect to this.

Often when we're designing legislation and it's being drafted, we go through the always detailed and sometimes difficult exercise of walking through scenarios: what do you do in this scenario, and how do all the parts of the legislation work out? In order to then put that into specifics, the legislation will need to be drafted to set out in which case does every one of those apply. So in which case is it five, or how is that determined, or in which case is it 25? And how does the CEO determine that in order to determine whether the petition is successful, which, of course, would mean as to how the petition moves to the next stage?

I express no opinion on what policy is, just that in terms of figuring out how to draft it, that's what I will need to do.

The Chair: If I understand this correctly, if I may, we make the recommendation, Ms Robert writes the report, you write the legislation in conjunction with the minister and the department, and you will implement the legislation as initiatives come forward.

Mr. Resler: And potentially challenge some of the drafting, yes, to make some more clarity.

The Chair: Isn't their job exciting? Okay.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. With your indulgence, perhaps I'd ask Mr. Resler a question just for some clarity as well.

The Chair: Please.

Mr. Dang: Perhaps, Mr. Resler, for context for this committee and perhaps into our recommendation: what would the administrative process be like for you in terms of administering petitions and then receiving the petitions? Would it be necessary or beneficial to have "What is a regional petition?" for example, in advance of it being approved and sent out and all those things, and what would that administrative process look like?

Mr. Resler: I think the legislation itself would define, as discussed, when those regional situations apply. I think that's something that, working with Justice, the legislation would define, and then it would be informative to the electors themselves that bring these initiatives forward.

Mr. Dang: Okay. Thank you, Mr. Chairman, and thank you, Mr. Resler. I guess, just for the committee's sake, then, perhaps maybe even just as an idea we would say that it should be defined in legislation, what is a regional thing. Maybe we don't need to put that in as an amendment right now because that would be a bit of work, but we can certainly use that as a conceptual piece. I'd take feedback from the government on that.

The Chair: Is there any objection to that from the government side? So much as it would be put in the report, correct? Yeah. Okay.

Seeing none, I do see us – I think we've talked a lot on this, and I'm ready to call the question on the amendment moved by Mr. Smith. Sorry; lost track there. All those in favour to the amendment to the motion moved by Mr. Feehan, please say aye. Any opposed to the amendment, please say no.

That amendment is carried.

We are now back on the main motion moved by Mr. Feehan, amended by Mr. Smith. Any further comments on this?

Hearing none, I'm prepared to call the question. All those in favour of the motion moved by Mr. Feehan, amended by Mr. Smith, please say aye. Any opposed, please say no.

That motion is carried.

Are there any further motions that anyone would like to bring to the floor? I see Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. It is a little bit confusing keeping up with which motion is with which, but I think this would be the right time to introduce motion 61. I'll give you a moment.

The Chair: We'll just get it up on the screen here, and then we'll let you go ahead.

Ms Pancholi: The motion is that Member Pancholi, myself, to move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that requires a citizens' initiative petition to, in form, require each petitioner to provide on the petition information in support of their current residency in the electoral division of which they are eligible to vote.

It's a bit wordy, but what it's intended to state, essentially, is that, you know, it's typical in legislation where you have forms that are expected to be filled out that it identify the electoral division that the person signing the petition is from. Simply, it's to help verify which electoral division they are a resident and eligible to vote in, so it's for clarity. It's simply a procedural thing to make sure that we always know where that person lives and where they're eligible to vote.

Ms Goodridge: I think this sounds like a great motion and that we should support it.

The Chair: Consensus. I love it.

Further comments?

Let's vote. All those in favour of motion 61 moved by Ms Pancholi, please say aye. Any opposed, please say no.

That motion is carried.

Okay. That concludes the number of signatures and form of initiative petitions.

We'll move on to item 4 in citizens' initiatives which is collection of signatures on an initiative petition. Given that Ms Pancholi moved the previous motion, we'll now go to the government side in government motions. I see Mr. Rutherford.

Mr. Rutherford: Mr. Chair, thank you. For motion 80, I would like to move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation restrict the canvassing of petitioners' signatures to the 90-day period immediately following the date on which the proposed citizens' initiative petition is approved.

The Chair: Okay. We've got it on the screen. Do you want to go ahead with that?

Mr. Rutherford: Yes. The simple rationale is that this follows the B.C. model. It has been successful with the HST on the 90-day period and that petitioners should not be permitted to be prec canvassing before approval, so it has to be within that 90-day window after the petition is approved. I know that some people had written in or given us advice on potential timelines longer than that; I think up to 18 months was one of the suggestions. It's my feeling that this 90-day window is concise and that the question should be put to Albertans in a simple time frame and that it shouldn't be allowed to drag on for extended periods of time.

9:10

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

Mr. Dang: Thank you, Mr. Chair. I won't argue over, like, minutes and days here, but I think that certainly it's important that we do have a restriction. I know that the concern that we had from the B.C. proposal was that 18 months was too long in many cases and had a significant risk of running across governments and elections. I mean, I think 90 days, while a tight time frame, is still reasonable.

The Chair: Any further discussion?

Seeing none, I'm prepared to call the question. All those in favour of the motion moved by Mr. Rutherford, please say aye. Any opposed, please say no.

That motion is carried.

I will now go to the opposition side, if they have any motions for this section.

Seeing none. Okay. Any further motions from the government side? I see Mr. Sigurdson.

Mr. Sigurdson: Thank you, Chair. I'd like to move motion 81. When we have it up, I will actually read through it. Motion 81, to move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted to include the following in respect of canvassing for signatures for a citizens' initiative petition: (a) a requirement that only an individual who is a registered elector during the 90-day period when signatures are permitted to be collected for the citizens' initiative petition is eligible to canvass for signatures in respect of that petition, (b) a prohibition that a canvasser must not, directly or indirectly, accept an inducement in respect of their canvassing of signatures for a citizens' initiative petition, and (c) a prohibition that no person may, directly or indirectly, provide an inducement to a canvasser in respect of their canvassing of signatures for a citizens' initiative petition.

I think we can all agree that the rationale behind this is that this is about making sure that this is a grassroots initiative, that people aren't accepting or being paid to go out and canvass for petitions. I

think we can all get behind the fact that any of these initiative petitions should be done from a grassroots-only angle.

Thank you, Chair.

The Chair: Thank you, Mr. Sigurdson.

I see Mr. Ceci.

Member Ceci: Can I direct a question to Mr. Resler?

The Chair: Yes, please.

Member Ceci: I'm just looking at the term "registered elector" and wondering the relevance in this motion for that term and if a more appropriate title for that elector would be "eligible elector."

Mr. Resler: I was looking at that, specifically, myself. When we look at – because we're specifically dealing with canvassers. If canvassers – I don't know what the legislation is – have to register or apply in a sense to Elections Alberta, then the registered elector can work easily for us. It does restrict someone who is an eligible elector but not registered. There is a restriction, but it's something that we can easily administer in this case.

Member Ceci: Just so I understand, the canvasser would have to go through a process to access information – would they? – so they would know that the person they're talking to is a registered elector?

Mr. Resler: They would have to confirm with Elections Alberta that they are registered in that sense, potentially. Part of our recommendations for canvassers is also to have identification requirements so that when they go door to door, there is identification. That way there is that engagement with our office.

Member Ceci: Lastly, can you just define what an eligible elector is?

Mr. Resler: Eligible elector: so a Canadian citizen, 18 years of age and over, resident of Alberta.

Member Ceci: I would like to put an amendment, then, if I may.

The Chair: Of course.

Member Ceci: It's number 110. Is it on the screen now?

The Chair: Yeah.

Member Ceci: Okay. I'll just read it. Member Ceci moved that the motion be amended by striking out "a registered elector" and substituting "an eligible elector."

From sitting here and listening this morning, it seems that the intent is to try and, through citizens' initiatives, understand what the will of citizens is on specific issues that get put before them by people who initiate citizens' initiatives. I think we want to facilitate with ease that opportunity to collect that information, and I would purport that Albertans who are over 18 and residents of this province should be able to easily give their views with regard to citizens' initiatives in the information collected on forms. I hope this is supported and unanimous. I think we're going in the same direction, but we're making it more simple and easy for Albertans.

Thank you.

The Chair: Mr. Nixon.

Mr. Jeremy Nixon: Thank you, Chair. Based on what we just heard from Mr. Resler, I think this is a reasonable amendment, and I support it.

The Chair: Any further comments?

Okay. Hearing none, I'm prepared to call the question on the amendment moved by Mr. Ceci. All those in favour, please say aye. Any opposed, please say no.

That amendment is carried.

We're now back on the main motion moved by Mr. Sigurdson. Any further comments?

Seeing none, I am prepared to call the question on the motion moved by Mr. Sigurdson, amended by Mr. Ceci. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Are there any further motions to come from the floor?

Seeing none, I'm prepared to go to the next section of this, which would be spending contributions and advertising for initiatives. The last motion was moved by Mr. Sigurdson. We will now go to Mr. Feehan. Please go ahead.

Mr. Feehan: Thank you. I'd like to move motion 64 on behalf of Member Sweet that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that prohibits the government, during the canvassing period in respect of that petition, from advertising in relation to a subject matter that is the subject matter of a citizens' initiative petition.

The Chair: We do have that up, so you can go ahead now and explain the rationale behind your motion.

Mr. Feehan: I think it's just very important that if, as the government says, they're trying to get information from citizens and citizens' opinions on legislation, there should not immediately be government influence on the direction of that petition. The government should stay out of it until the time at which the petition is in front of them and should not be using the resources of government. I know that Member Sigurdson, on the other side, has already in the last section identified that we don't want people with lots of extra dollars coming in and being able to do things because they have a lot of resources. He mentioned particularly, for example, paying people to be canvassers as an issue. This would be the same thing, saying to the government: you can't simply use your sort of huge amount of resources to influence a petition.

The Chair: Okay. Thank you for that, Mr. Feehan.

I see Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I appreciate the intent of this motion, that it's to prevent any government interference in our democracy, in the grassroots democracy. I really do appreciate the intent. However, I believe that this could be problematic. One example that came to mind is if we were in a pandemic, such as we are right now, and someone were to put forward a citizens' initiative on public health measures. I don't think that a government would necessarily want to all of a sudden stop doing any advertising on public health initiatives even if there happened to have been a citizens' initiative brought forward on that. I just think that perhaps this could create some problems, so I would recommend voting against this.

Mr. Feehan: I just want to clarify that the motion doesn't say that the government can't speak to issues like public health issues but speaks to "subject matter that is the subject matter of a citizens' initiative petition." In other words, they cannot take a side with regard to the petition itself. It doesn't indicate that they can't talk about, you know, general public health issues and so on.

9:20

The Chair: Anyone from the government side like to make comment? Mr. Horner.

Mr. Horner: Yeah. Just to echo what Ms Goodridge said, governments advertise for any number of things, and it could be by just circumstance that a petition would be on the same theme. We wouldn't want to limit a government's ability to advertise public health orders, you know, much like we're in right now. I'm with Ms Goodridge that although this is well intended, I think it's problematic.

The Chair: Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. Since there does seem to be support for the concept of it, perhaps we could be open to discussing an amendment to the wording. I believe we can consider amendments, if the committee concurs, to achieve the objectives. I think the intent behind the motion was to limit the government weighing in on a specific petition matter. You know, maybe the phrasing "in relation to a subject matter that is the subject matter" might be too broad. Certainly, we could be open to considering an amendment. I sense there's agreement on the idea that the government should not be weighing in on one side or another of a citizens-led initiative when a petition is before. I don't know if I need to seek permission first to make an amendment or if we could propose . . .

The Chair: You would need an amendment, and then you would need a majority of support from the committee for that amendment.

Ms Goodridge: I was just wondering if perhaps we could hear from Ms Robert as one of the subject matter experts.

The Chair: Ms Robert.

Ms Robert: Thank you, Mr. Chair. I'm sorry, Ms Goodridge. I'm not quite sure what you're asking me to offer.

The Chair: Maybe I could actually ask a question to members of the department because I understand that legislation sometimes – sometimes – can be interpreted in different ways. Is there a way to write legislation that would not prohibit the government from advertising about government issues while also ensuring that the government doesn't weigh in on petitions even if there is some level of overlap? My concern would be: is there a way to word a motion like that?

Ms Hillier: The first thing I would say is that, to some degree, yes, although you are completely correct about the interpretation, that no matter what we write, it's subject to interpretation. The goal is to be as specific as possible. Off the top of my head and subject to considering it – so don't hold me to this – something to the effect that the government would continue its usual business or anything that was in the usual course of business. Of course, that leads you into the possibility of being in court arguing about: what is the usual course of business?

The other thing I would caution you about that is that it also does mean that if the government is starting a campaign on anything or is expected to, one of the ways to stop them would be to start an initiative. So in terms of designing the legislation, I would end up having to do a series of rules in order to try to pinpoint all the situations. But it is possible, yes, to design the legislation to limit to a certain degree. Absolutely.

The Chair: Sounds complex.

Ms Hillier: It is.

Mr. Resler: I just wanted to draw attention that under the Election Act section 134.1 already contains a clause as far as restrictions on government advertising, and it does provide a subsection as far as allowing advertising if “it relates to important matters of public health or safety” or “is a continuation of earlier publications or advertisements . . . required for ongoing programs of a department or a Provincial corporation.” So there are enabling situations where the government advertising can continue as the normal course of business and as far as public health or safety. That might be similar.

The Chair: Thank you, Mr. Resler.

I do see a lot of hands jumping up here.

Ms Pancholi: I’d be interested to hear from I believe – I’m sorry. I don’t have my glasses on, so I can’t read your name from far away. I think it’s Ms Hillier. Is that right?

Ms Hillier: It is. That’s correct.

Ms Pancholi: So just feedback on that, and then if I may, Chair?

The Chair: Certainly.

Ms Hillier: Absolutely. As you just pointed out, we absolutely have other precedents that do that. The only thing I would point out is that in terms of most issues, actually, in dealing with initiatives, there is a difference between the process for citizens’ initiatives and the process for anything else that we currently have. As opposed to an election, which is called and is called for a specific period of time and the rest of the time there is no ongoing election, the difference with an initiative is that it’s subject to a citizen starting a petition. It can be struck at any time as opposed to an election, which is a fixed period of time. In other words, the government knows that during an election process these rules apply. I would have to design rules that say that at any time this process can be kicked off for a citizens’ initiative, which just makes designing it slightly more complicated.

The Chair: We’ll go to Ms Pancholi and then Mr. Horner.

Ms Pancholi: Thank you, Mr. Chair. I think that in order to address that and taking in the feedback that we received here – legislation is always complex and open to interpretation, and that shouldn’t prevent us from, I think, taking action in a certain direction. The motion that was proposed by Member Feehan on behalf of Member Sweet is limited to the canvassing period in respect of that petition, and with the assistance of Parliamentary Counsel I have a proposed amendment to capture, I believe, some of what we’re talking about. May I bring that forward, Mr. Chair?

The Chair: This would be an amendment from the floor?

Ms Pancholi: It would be.

The Chair: The process would be that you’d read it. Members would then vote as to whether or not they’re going to allow it to proceed. If they allow it to proceed, then we can debate its validity. You can go ahead and read a draft amendment from the floor. Go ahead, please.

Ms Pancholi: Okay. Thank you, Mr. Chair. Again, this is in line with, I believe, what people are saying, that they don’t want the government weighing in during a petition period on that specific issue. This is for the motion that has been brought forward on behalf of Member Sweet. The amendment is to strike out “in relation to a

subject matter that is the subject matter of a citizens’ initiative petition” and substitute “in favour of or in opposition to a citizens’ initiative petition.”

Mr. Dang: Mr. Chair, if I may suggest something.

The Chair: Certainly.

Mr. Dang: Perhaps we could recess for two minutes. I would like to request a recess for two minutes, if that would be the will of the chair.

The Chair: Certainly.

The committee will reconvene at 9:33. I’ll give you three.

[The committee adjourned from 9:29 a.m. to 9:33 a.m.]

The Chair: Okay. The time is 9:33. We’ll reconvene the committee.

Just for the committee’s edification, we will take a break at 10 minutes to, so we’ll go for another handful of minutes here. But it is my understanding – actually, I don’t want to presuppose anything.

Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. There’s a conversation about whether or not the current provisions of the Election Finances and Contributions Disclosure Act might already address this. So I might turn this point to the Chief Electoral Officer and Alberta Justice for their view as to whether or not the existing provisions, were they to apply to citizen-led initiatives – of course, we know that they currently do not – which do have restrictions on government spending money during an election period, if those same rules were to apply to the canvassing period of a citizen-led initiative – and I appreciate that it seems like I’m asking a legal opinion right now. Would that cover off the concern that you’ve heard addressed here, which is that we don’t want government to be using its funds to weigh in in favour of or against a citizen-led initiative during the canvassing period? I don’t know if Mr. Resler or Ms Hillier . . .

Ms Hillier: I will say that – of course, I don’t have that provision right in front of me, but I would like to reserve that we will review. It’s more the context of the policy, whether that is the policy that the committee is recommending, and the exact wording we would look at to tailor to the operations of citizen initiatives in that specific act.

Ms Pancholi: Thank you.

Sorry. If I may. Thank you. Of course, we haven’t gotten to a discussion or our debate yet on the issue of whether or not those provisions in the existing Election Finances and Contributions Disclosure Act would apply to citizen-led initiatives.

Actually, this might be a question for the chair, then: can we express – I am willing to withdraw this amendment if we can have that discussion under that section. I’m just trying to capture whether or not there is some consensus around the committee that we do want to in some way take action to limit government spending in favour of or against citizen-led initiatives, in which case we can make sure that’s captured when we get to a further discussion down the road. That’s not really a motion, but I’m just looking to see if we can have that discussion down the road.

Ms Goodridge: Strike a deal?

Ms Pancholi: Yeah. Not a deal, just: do we debate it here, or do we debate it then? I’m just not sure what’s the best way to approach it.

The Chair: Welcome to this episode of *Let's Make a Deal*.

If I understand this correctly, Ms Pancholi, you're asking me if this is a conversation that can be had with a later motion.

Ms Pancholi: Yes. I suppose.

The Chair: You know what? Maybe we'll kind of let this conversation continue a little bit, and then we'll see where we go with it.

Ms Goodridge: Can I ask that we direct a question to Mr. Resler to answer as he is the expert on elections?

The Chair: Yes.

Mr. Resler: I just wanted to raise one other thing although I was the one that raised this section of the legislation. As Justice mentioned, it is a specific point in time, so it's dealing with an election period, a by-election, or a referendum period. There is some latitude as far as if it's required by law, employment, advertising, public health and safety, and continuation of program areas. We did encounter, even in our situation – you have situations. You know, you don't know when a by-election is going to be called necessarily, as an example. Advertisements could already be running, so then you have the issue that you're in breach already when the point in time arises because it's already there. So there is that. With an initiative, you really don't know the subject matter. You don't know the timing of it, so there is kind of that grey and crossover in which situations, problems could arise in that sense.

The Chair: I'll go to Mr. Horner.

Mr. Horner: Yeah. Well, I think Member Pancholi is right. There is general concern for this. I'm wondering if that could be put in the context piece, Ms Robert, in the report, that there was discussion and concern in that regard to go with our recommendations.

Ms Robert: Thank you. If the amendment is not gone forward with and the original motion is carried, it will be the decisions of the committee to get to that motion that would be included in context. I guess what I mean by that is that decisions that are not made by the committee are not generally included, if that makes sense.

Mr. Horner: It does.

The Chair: I actually believe I did skip the NDP on the last question, so I apologize for doing that. Please go ahead, Mr. Dang.

Mr. Dang: Sure. Thank you, Mr. Chair, and thank you, Mr. Resler. It looks like we're keeping our friends from Elections Alberta and Alberta Justice busy today. I guess, for clarity's sake, I think that we agree that provisions need to be made in regard to government advertising and spending in terms of taking a position on citizens' initiatives, which is fine. I think that we recognize that there are concerns with how it is implemented currently in the EFCDA. However, those are administrative concerns that Elections Alberta already deals with in many cases. Perhaps at this point we could look to moving on and revisiting this in a future motion, I would think, that I anticipate will be coming shortly.

The Chair: The process for that would be – we don't have an actual amendment right now that has been formally put to the floor. So we wouldn't need a request – Member Pancholi could just withdraw that, but in order to withdraw her initial motion, we would need unanimous consent from the committee. This is correct?

What would you like to do, Ms Pancholi?

Ms Pancholi: Thank you, Mr. Chair. I'll withdraw my amendment. I didn't move the original motion, so I don't think I can do that.

The Chair: Yeah.

I'm losing track. Sorry. Who moved the original?

Some Hon. Members: Feehan on behalf of Sweet.

The Chair: Okay. That makes sense.

This is motion 64. I really did lose track. I apologize to the committee.

Mr. Feehan, what would you like to do?

9:40

Mr. Feehan: Well, I think I would like to recommend that we withdraw my motion 64 for further consideration and then return to the committee at a later date.

The Chair: Okay. There is a request from Mr. Feehan to withdraw his motion. This requires unanimous consent from the committee. I'll ask one question: is anyone opposed to Mr. Feehan withdrawing his motion? Hearing none, that motion is now withdrawn.

Given that I suspect we might have some longer conversations and some future motions, maybe we'll recess now for 10 minutes. Is everyone okay with that?

Some Hon. Members: Let's move 86 first.

The Chair: Move 86? Okay. That sounds good to me. Let's move 86 first. Then we'll do that. I can't move that, of course, because I'm the chair, but I do recognize Mr. Nixon.

Mr. Jeremy Nixon: Thank you, Mr. Chair. I'd like to move motion 86, that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that includes financing, advertising, and disclosure rules that apply to the spending of monies in respect of the citizens' initiative process that are consistent with the financing, advertising, and disclosure rules under the Election Act and the Election Finances and Contributions Disclosure Act that apply to elections.

The Chair: That motion is on the screen, so have at it. Did you want to elaborate on the rationale?

Mr. Jeremy Nixon: I think the rationale has been pretty much made clear here.

The Chair: Sounds good.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. It sounds good.

The Chair: I am prepared to call the question on motion 86, the fastest one to date. All those in favour of motion 86, moved by Mr. Nixon, please say aye. Any opposed, please say no.

That motion is carried.

Okay. Now we will recess for 10 minutes. The time is 9:42, so I guess we'll come back at 9:52.

[The committee adjourned from 9:42 a.m. to 9:52 a.m.]

The Chair: The time is now 9:52, which means we are back at it. We are still on spending contributions and advertising for initiatives. The last motion was moved by Mr. Nixon, I believe it was.

Mr. Sigurdson: Yeah, it was.

The Chair: Thanks for that clarification. I appreciate it. So we are now on to, if any, NDP motions. Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I would like to move at this time motion 67. I would move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that third-party advertising be prohibited in respect of citizens' initiatives petitions.

I think it's pretty clear. We heard basically from almost every presenter and expert that we shouldn't have third-party advertising and then indeed also from the public consultation that third-party advertising should be prohibited. It's not in the interest of Albertans to have special-interest groups driving citizens' initiatives. It's contrary to the intent of citizens' initiatives, and I think it would create a disadvantage for average Albertans who wish to proceed with a citizens' initiative if it can be dominated by third-party advertisers. I think it's pretty clear that we heard uniformly that this should be a grassroots approach and not a corporate approach.

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

Mr. Rutherford: Thank you, Mr. Chair. I have a few issues with this motion and how broadly it stops people from being able to voice their opinions. I think that we should be supporting reasonable limits on third parties and that there should be parameters for which they have to register and limits that they can raise money and spend, but to broadly say that there cannot be third-party advertising I think is just too sweeping of a proposal.

The Chair: A response to that, Mr. Dang?

Mr. Dang: Thank you, Mr. Chair. I guess my question to Mr. Rutherford is that he had mentioned that he's concerned that it limits the ability of people to be involved in the process, and I suggest that it doesn't. It limits the ability of third-party advertisers or special-interest groups to be involved in the process. Certainly, individuals are able to spend as they please and individuals are able to speak as they please and would not have any restrictions on their involvement in citizens' initiatives. I think that's the intent of this process, to create citizens' initiatives, not special-interest group initiatives.

The Chair: Mr. Sigurdson.

Mr. Sigurdson: Yeah. Thank you, Chair. I guess that maybe I'll ask for a little bit of clarification on this. I definitely do not want to limit freedom of speech. I know that we just passed motion 86, and this kind of goes into the wheelhouse here. I think we have limitations already on third-party advertising. I would just like to direct a question to Mr. Resler to see if he can explain what the limitations are on third-party advertising. I'm sure there are restrictions already in place that would apply to this type of advertising.

Mr. Resler: Restrictions as far as third-party advertising: it requires a registration process, a disclosure process as far as contributions. If you're looking at political advertising, third-party advertisers, right now there is no spending limit or restriction of that sort. There is a restriction during the election period as far as election third-party advertisers. That is restricted as far as who may contribute, so it has to be from within Alberta, and there is a spending limit on that.

Mr. Sigurdson: Thank you, Mr. Resler.

I guess what I'm saying is that it's kind of a free speech issue. I think we support some limitations and restrictions, but I don't believe that we could ban them outright.

Thank you, Mr. Chair.

The Chair: Thank you. Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. Again, as much as we are paralleling and setting up parallels between the rules and restrictions around election financing and the disclosure that applies during election periods, I think there are some limits where there aren't direct parallels between the election process and citizen-led initiatives. Again, if the purpose and intent behind a citizen-led initiative is to let individual citizens have their voice be heard and be able to express their views to try to direct policy or legislative change, I think that by allowing third-party advertisers, we're actually watering down that voice of that grassroots, citizen-led initiative. We are actually allowing – because let's be clear. When we're talking about third-party advertisers, we are talking about special-interest groups. We're talking about well-funded organizations, and that is not the same thing as an individual citizen's voice.

In an election period we understand there are political parties who are part of that election process who obviously have significant funds to leverage, so maybe having another voice in third-party advertising – we believe there should be limits on it – you know, might be fair. But we're talking about citizen-led initiatives, individual citizens who have come together, put their names and signatures to try and bring something forward. To allow third-party advertising is essentially allowing large special-interest groups who are well funded to be swaying public opinion, which we believe is inappropriate in a citizen-led initiative.

The Chair: Any further comments?

Mr. Rutherford: I just wanted to add, Mr. Chair, that for individuals to be able to put forward an initiative and then to speak their mind on it, I understand that and I think we all agree that a person has a right to do that, and if they start combining with like minds, then they become a special-interest group – is that what I'm hearing here? – in that they can come together to be able to propose an initiative to Albertans and that we have spending rules around that, which I think is important. I think that some of the comments that it's swaying as opposed to informing people's positions is an important distinction. Just placing your position out there and then trying to inform the public as to why you think a vote should go a certain way should be allowed.

The Chair: Seeing no more comments, I'm prepared to call the question on this motion, moved by Mr. Dang, which is motion 67. All those in favour of the motion, please say aye. Any opposed, please say no. That motion is defeated.

Mr. Dang: A recorded vote.

The Chair: A recorded vote has been requested by Mr. Dang. All those in favour of the motion, please raise your hand. Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. Any opposed to the motion, please raise your hand. Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford.

Mr. Roth: Mr. Chair, total for the motion, four; total against, seven.

The Chair: That motion is defeated.

We will now go to the government side motions. I would like to recognize Mr. Horner.

Mr. Horner: Thank you, Mr. Chair. I would like to move motion 85, that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted to require a person to register with Elections Alberta as a third-party advertiser before being authorized under that legislation to spend monies in support of or in opposition to a citizens' initiative petition.

The Chair: That motion is on the screen.

Mr. Horner, would you care to elaborate if you so choose?

Mr. Horner: I just think that it's important for those wishing to spend in respect of a citizens' initiative to register with Elections Alberta. I think that we've had general agreement on that up till now.

10:00

The Chair: Okay.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I guess I just have some questions in context to a clarification that I'd like from the government members here. I know we spoke a little bit earlier around how there should be reasonable restrictions and limitations. I just don't see any of those reasonable restrictions and limitations prescribed in this motion. I'm guessing that when we talk about those things, we'd be talking about things like spending caps that already exist for third-party advertisers during campaign and precampaign periods and things like that. Are those the types of things that should be included as context, or does the government not intend to have things like spending caps and contribution limits for third-party advertisers?

The Chair: Ms Robert, maybe if I understand Mr. Dang's question, if there is contextual background to this motion in the event that it does pass, is that information that could be put within the report so the government that reads the report understands that there are concerns surrounding the concerns Mr. Dang brought up?

Ms Robert: If there is some consensus among the committee about those concerns, yes.

The Chair: Okay.

Anyone from the government side like to respond? Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. Just a quick question to Mr. Resler. If you register as a third-party advertiser with Elections Alberta, can you just summarize quickly what parameters you have to work with, then?

Mr. Resler: The registration process is really separate from the contribution limits, expense limits, advertising restrictions. The registration process is the name of the organization, addressing, banking information, chief financial officer information, and signatories. That's the basic process, and then there's the public disclosure side of it.

Mr. Rutherford: Okay. And then you would have to follow, I imagine, the rules set out for third-party advertisers that are already set out.

Mr. Resler: Yes.

Mr. Rutherford: Okay.

Mr. Resler: As defined in the legislation.

The Chair: Mr. Horner.

Sorry. NDP have any questions, opposition? We'll come back to you.

Mr. Dang: Sure.

Mr. Horner: If I can, Thomas, I'll go.

Mr. Dang: You go first.

Mr. Horner: Thank you, Chair. I would just say that this is a more narrow motion, I guess. I do believe there are motions coming up in this section, maybe proposed by Member Dang himself, that might address this that you'll find we're agreeable on going forward.

Mr. Dang: Thank you, Mr. Chair. Yeah. I certainly think that we can have more discussion around this, but I certainly think that when we look at motion 85, I'm still concerned that this leaves it fairly broad. I would encourage us to perhaps look at additional motions later that may bring in additional restrictions as well.

The Chair: All right. Seeing no further discussion on this motion, I'm prepared to call the question on motion 85, moved by Mr. Horner. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We're now back to the opposition. Any motions you'd like to bring forward? Mr. Feehan.

Mr. Feehan: Thank you, Mr. Chair. On behalf of Member Sweet I would like to move motion 68, which is to move that the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that corporations and individuals who are not residents of Alberta be prohibited from contributing to citizen initiative campaigns.

I know that there is a friendly motion coming forward to actually include the word "unions" between "corporations" and "individuals," and I'd be happy to include it now if that's legitimate to do so.

The Chair: Yeah. It would need to be amended, but I do believe there is an amendment that was put forward in advance. Would anyone like to move that amendment potentially?

Ms Goodridge: Yes, Mr. Chair. I would like to move the amendment that this motion be amended by adding ", unions" between "corporations" and "and individuals."

The Chair: We have an amendment on the floor moved by Ms Goodridge. Just give us a moment while it gets on the screen. I'd hate to get ahead of Mr. Roth here. He does work diligently for us.

Okay. It's on the screen. Is there any discussion on this? None? Oh, go ahead.

Mr. Dang: Actually, I'll wait for the main motion.

The Chair: Sure.

Well, then, we'll vote on the amendment moved by Ms Goodridge. All those in favour, please say aye. Any opposed, please say no.

That amendment is carried.

We're now back on the main motion moved by Mr. Feehan. Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I guess I just have a question perhaps for Ms Robert around the wording of this, if it's clear enough. I believe the intent is that when we say, "contributing to citizen initiative campaigns," that includes third-party advertisers that would be on for or against advertising during a citizen initiative campaign. Is that clear enough in this wording, I guess?

Ms Robert: Thank you, Mr. Chair. I actually might ask that you perhaps ask the Department of Justice this question since they're going to be the ones ending up drafting this, if that's okay.

Ms Hillier: The question – when I read it, that is not what I took, and if something else is meant, it is perhaps a point where it's important for me to understand exactly what the committee is recommending so that you get what you ask for. When I hear "contributing," I do not equal that to the third party that's registering with the Chief Electoral Officer. I look at that as in you've got a third party or a proponent who is canvassing for money or is asking for money, and who can contribute to one of those organizations or people is limited, therefore, by this motion. That's what I took. If it's meant to be something different, then I would need it to say that or at least to have the background in the report say that, that that was the committee's intention.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Perhaps I would ask the will of the committee for an amendment to add after "citizen initiative campaigns," "and registered third-party advertisers for these citizen initiative campaigns," whatever Parliamentary Counsel thinks is the best wording for that.

The Chair: May I quickly ask Ms Robert if this is something that could be added contextually if it's the consensus of the committee.

Ms Robert: Yes.

The Chair: Okay. So we don't necessarily need a motion or an amendment for this, but the question is: is there consensus within the committee that this is a concern that we'd like to put in the context of the report? Does anyone object to that?

Hearing none, then I'll ask Ms Robert to include that in your report, if you may.

Mr. Feehan: Can I just ask Ms Hillier: if you do have something written in this context, does that give you the direction you need?

Ms Hillier: Yes. I note that it's there.

Mr. Feehan: Okay. That's all I want, to be sure.

Ms Hillier: And I will bring it forward when I ask the Minister of Justice for instructions.

Mr. Feehan: Great. Thanks.

The Chair: Any further comments or questions on this matter?

Hearing none, I'm prepared to call the question on motion 68, moved by Mr. Feehan and amended by Ms Goodridge. All those in favour of the motion, please say aye. Any opposed, please say no. That motion is carried.

Mr. Dang: Recorded vote, please, Mr. Chair.

The Chair: Sure. A recorded vote has been requested by Mr. Dang. All those in favour of this motion, please raise your hand. Okay. It is Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford, Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. It is unanimous.

Mr. Roth: Mr. Chair, total for the motion, 11; total against, zero.

The Chair:

That motion is carried.

That was an opposition motion. We'll now move to the government side. Does the government have any motions they'd like to bring forth at this time? I believe there are opposition motions left remaining. Go ahead, Mr. Ceci or Ms Pancholi.

Member Ceci: Is it 70?

Ms Pancholi: I would say it was 69.

Member Ceci: Go ahead.

Ms Pancholi: Okay. Although, actually, sorry. If we've passed 86 – my apologies. One moment, Mr. Chair. We passed 86.

Mr. Dang: Mr. Chair, perhaps I could just ask for clarification from the table. If 86 has been passed, does that mean 69 would be out of order?

Mr. Roth: Eighty-six?

Ms Pancholi: I believe we voted on 86 already.

Mr. Dang: Does that mean 69 is out of order, then?

Mr. Roth: Yeah.

Ms Pancholi: Yeah. So go with Joe.

Member Ceci: Then 70. I'm prepared to start, Mr. Chair.

The Chair: Oh, I apologize. I'm just kind of . . .

Member Ceci: Yeah. There's a lot of paper. I know.

The Chair: I'm trying to do everything. You'd think I'd have this down, you know, with three kids. I'm just not a great multitasker.

Anyways, all that aside, Mr. Ceci, please go ahead.

10:10

Member Ceci: Thank you. With regard to number 70 – Mr. Clerk to put it on the screen – I move that

the Select Special Democratic Accountability Committee recommend that citizen initiative legislation be enacted that provides that (a) the contribution surplus that remains in respect of a particular contribution be donated to a registered charity and (b) contribution surpluses referred to in clause (a) be prohibited from being transferred to a registered political party or third-party advertiser.

I'll just quickly say in defence or argue in support of this motion that I've brought forward that overages – that's how I kind of think of these things – at the municipal level now, if a person chooses not to run again, go to charities. I think that's a good thing. In years past – it's a bit of a transgression, but municipal councillors could walk away with any overages to their political campaigns, and regrettably many, many, many chose to do that when those monies were given for other reasons, obviously.

Charities can benefit from this kind of thing and should benefit from this kind of thing, and it makes people who are out

there collecting with regard to donations, with regard to citizens' initiatives be more refined in terms of asking for the monies they need to effect the movement they're trying. That's the first part.

The second part, I think, makes a lot of sense. You know, we want this to stay at the citizen level and not to bleed over into registered political parties potentially benefiting from something like this. I hope that is clear enough for folks and puts a good boundary around surplus contributions.

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

Mr. Jeremy Nixon: Yes. As parliamentary secretary of civil society and charity I wholeheartedly support this motion and encourage everybody to vote yes.

The Chair: Any further discussion?

Hearing none, I'm prepared to call the question. All those in favour of motion 70, moved by Mr. Ceci, please say aye. Any opposed, please say no.

That motion is carried.

Do we have any further motions? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. At this time I'd like to move motion 75, which is that I would move that the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that imposes reasonable campaign spending limits in respect of citizens' initiative petitions.

Mr. Chair, I would hope that, with the consensus of the committee, we can contextually include also that this would mean to encompass third-party advertisers during a citizens' initiative period as well.

Ms Goodridge: I believe that we should support this amendment.

The Chair: What's that? Sorry.

Ms Goodridge: I believe that we should support this amendment.

The Chair: The motion, rather?

Ms Goodridge: Sorry. Yes. Apologies.

The Chair: Okay. Any further discussion?

Hearing none – we're ripping through these – all those in favour, please say aye. Any opposed, please say no.

Motion 75 is carried.

Okay. That concludes section 4, spending contribution and advertising initiatives.

Section 5, eligibility to start and participate in a citizen initiative. Mr. Dang had the last motion, so I'll now go to the government caucus.

Mr. Jeremy Nixon: I'd like to move motion 79, that the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that establishes that only a registered elector in Alberta is eligible to sign a petition.

I think this is pretty obvious, and I know there's an amendment coming. I'm supportive of that amendment.

The Chair: Okay. I'd hate to presuppose anything, but is there an amendment?

Ms Pancholi: Thank you, Mr. Chair. I'd like to propose a friendly amendment to move that the motion be amended by striking out "a registered elector" and substituting "an eligible elector."

The Chair: We're all friendly here. Awesome.

Just wait for the moment when we get that amendment onto the screen.

I actually just think it's very difficult to type in front of people, so that is what I don't envy about your job.

Mr. Dang: Especially when everyone is staring.

Ms Goodridge: Especially when you bring it to everyone's attention.

The Chair: Well, let's be honest. The whole world is watching this, and the whole world is watching Mr. Roth type.

Okay. The amendment is on the screen. Is there any discussion on this? I don't see it.

Then I'm prepared to call the question on the amendment. All those in favour, please say aye. Any opposed, please say no.

That amendment is carried.

We are now back on the main motion. Is there any further discussion on this?

Hearing none, all those in favour of motion 63, moved by Mr. Dang and amended by . . .

Some Hon. Members: Seventy-nine.

The Chair: Oh, for heaven's sake. Sorry.

On motion 79, as moved by Mr. Nixon and amended by Mr. Dang . . .

Mr. Horner: Amended by Pancholi.

The Chair: Yes. I remember Member Pancholi saying that it was a friendly amendment. Now it's coming back to me.

Mr. Smith: Would you like to try typing?

The Chair: I'll leave that to Mr. Roth.

Okay. All in favour of the motion moved by Mr. Nixon and amended by Ms Pancholi, please say aye. All opposed, please say no. Success.

That motion is carried.

We'll now go to the opposition caucus. Mr. Dang, please.

Mr. Dang: Thank you, Mr. Chair. I'd like to move motion 63 at this time. I move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that establishes that only an eligible elector is eligible to initiate a citizens' initiative petition.

The Chair: The motion is on the screen. Would you care to expand upon that?

Mr. Dang: I think this certainly encompasses what we've been talking about all day.

The Chair: Mr. Nixon?

Mr. Jeremy Nixon: I can support that.

The Chair: Okay. Any further conversation on this?

Hearing none, I'm prepared to call the question on motion 63, moved by Mr. Dang. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Are there any further motions for eligibility to start and participate in a citizens' initiative? I want to make sure. You're okay? Okay.

All right. Moving forward, we are now on the final part of citizens' initiatives, which is process and administration for citizens' initiatives. The last motion was Mr. Dang's, so we'll now go to the government caucus. Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I would like to move motion 84 that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that provides that once the Chief Electoral Officer verifies that a citizens' initiative is successful, a proposal and petition are submitted for review and consideration to a committee of the Legislative Assembly, comparable to similar requirements established under British Columbia's citizens' initiative legislation and processes in respect of the following: (a) recommendation of the proposal for consideration by the Legislative Assembly or referral to the Chief Electoral Officer for an initiative vote; (b) initiative voting process, the initiative vote itself, and the effects of a successful initiative vote.

The Chair: Care to go ahead?

Ms Goodridge: I think it's an encompassing motion that gives some leeway to the committee of the Legislature such that they have discretion in how to proceed, similar to what had been proposed in B.C. and has been working in the B.C. model.

The Chair: Anyone from the opposition caucus? Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I'd say that I think we agree. I think this is certainly something that we support as well. I think it was a very good piece of information that we got from the public consultations and the presentations, about this need for a proposal to go through this sort of initial process. So, yeah, we agree.

The Chair: All right. Then I'm prepared to call the question. All those in favour of motion 84, moved by Ms Goodridge, please say aye. Any opposed, please say no.

That motion is carried.

That's three in a row. In the sports world we call that a streak, a win streak.

All right. We now go to the opposition caucus for any motions they may like to bring forward. Mr. Feehan, please.

10:20

Mr. Feehan: With respect to motion 56, on behalf of Member Sweet I move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that requires a citizens' initiative petition in respect of a legislative proposal to include, as a part of the petition, a draft bill proposing to effect the legislative objectives of the citizens' initiative petition.

The Chair: We'll continue on. Any other comments or questions on this motion, motion 56? Mr. Horner, did you have a comment?

Mr. Horner: I was just under the understanding that it would be made redundant if 84 passed. I'm just looking into that.

The Chair: Yes.

Mr. Dang: Thank you, Chair. I think that this is more supplemental to 84. I think this one requires that some additional information be provided as part of or after the petition is successful, because it requires draft legislation that reflects the legislative objectives.

Mr. Smith: Mr. Chair, can we maybe get Ms Robert? Would this be redundant or not?

Ms Robert: If it's okay, I'll let Parliamentary Counsel take my spot.

The Chair: Of course.

Ms LeBlanc: Thank you. The question is whether 56 would conflict with 84, which the committee has already passed. Mr. Chair, of course, it's your decision here, but they are different subject matters. One factor the committee may want to consider is that the committee has already approved the proposal of proposals outside of the jurisdiction of Alberta. With that draft bill, I don't know what format that would take if you're talking about something that's not a legislative proposal within the jurisdiction of Alberta, but I don't think that that makes the motion problematic necessarily. It's just a factor for the committee to consider.

The Chair: Maybe I could ask for some clarification, then, from Mr. Resler or from Ms Hillier about a draft bill. I would want some clarification on process in the event that a petition is brought forth or, rather, is initiated, maybe some understanding of who would write the draft bill. That would be something that I would maybe ask a little bit of clarification on.

Go ahead, Ms Hillier.

Ms Hillier: There are issues, I would say, that the committee should consider if you're asking the proponent of a citizens' initiative to draft a bill. The one thing I would point out is that we have quite a group of experts where it takes years and years and years to produce a bill that is suitable to be introduced to the Legislative Assembly. Those people would not in that circumstance be involved at all. There would be no guarantee that the bill you're presented for the initiative would comply at all for being introduced to the Assembly. It is possible to design the legislation so that the petition goes forward and, if it's approved, that it's forwarded. It's Leg. Counsel who drafts the bill for consideration by the committee based on the petition. But that is a policy question as to process that I leave to the committee.

The Chair: So if I understand this, you are saying that a petition would be successful, and then you'd draft a bill – that's the process you understand – whereas this motion is suggesting a draft bill and that then a petition is distributed. I'm looking for clarification if I could.

Mr. Feehan: Yeah. I'm sorry. I'm just considering what you're saying and asking for consideration on here. I don't know if any of my other colleagues have a thought about what I've just asked them.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I think that certainly we saw in other jurisdictions, such as in the United Kingdom, I believe, when we heard from UCL, that they do have some provisions around this and certainly in some of the American jurisdictions as well. When we heard from the National Conference of State Legislatures, NCSL, I believe that they also mentioned that there were provisions around

including draft legislation at certain points when it was triggered, so I think this is sort of trying to encompass that. Of course, what we agree to today is a recommendation and certainly something that I think could be clarified by the government as they draft legislation based on our recommendations, right?

The Chair: Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I think I kind of understand the idea behind the motion after a little bit more explanation, but I believe that the information given from Parliamentary Counsel indicates that this could potentially be problematic, and it is not following suit with B.C.'s model, to my understanding of how B.C.'s model functions. Sorry. I didn't want to put words in your mouth.

Ms LeBlanc: No. I think others at the table would probably be more familiar with B.C.'s model than I am. I do believe a draft bill is part of the B.C. process. I'm looking to my colleagues at the end of the table maybe for some assistance with that. Also, I'm not sure that the B.C. model allows for proposals outside of the jurisdiction, so that would make what the committee is considering today a little bit different. But as motion 56 refers to solely legislative proposals, that wouldn't encompass any of the other proposals that are also being contemplated.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I think certainly my thought process around this is that we want to ensure that in the case where citizens are successful with their initiative, there is a mechanism, I guess, for them to move forward, and having the draft bill provides that. We saw that in other jurisdictions. This is presented in a similar way. In particular, there were a number of state Legislatures that, when they do have citizens' initiatives, do this. I mean, I think that's sort of the perspective I see this from.

Supplemental to that, of course, again, this is a recommendation to the Legislature, and given that there has been quite fulsome conversation around this, I think some of that could be captured contextually. Then the Legislature and the government, if and when they were to propose a bill based on our recommendations, would be able to take that into account.

The Chair: Mr. Horner.

Mr. Horner: Yeah. Just a question for Member Dang, just for my own clarification. The draft bill: does that come after a clear proposal? Is that after a successful petition? Is that the next step, or is the draft bill required as part of that proposal in the petition stage?

Mr. Dang: Thank you, Mr. Chair, and thanks for the question. Reading this as it's written, I think that it's as part of the petition, right? I mean, I think that, as written, it would be before. I'm not opposed to it coming after a successful proposal. Just having a recommendation that says that there should be actual action taken if this is successful: that is what the intent is – right? – to make sure that it's not just left hanging after a petition is successful, that there's some sort of mechanism for the voters' will to be enacted.

Ms Pancholi: Just to clarify, it's our understanding that the draft bill, confirming what Parliamentary Counsel said, is part of B.C.'s model for citizen-led initiatives. I understand the context that Parliamentary Counsel has provided around the fact that we have gone beyond what B.C. allows by allowing for constitutional provisions, but it is part of that process.

I'm wondering if anybody at the table can confirm the response for Mr. Horner's question, whether or not it comes as the initial part or if, once the petition has been successful, a draft bill must be provided. I'm looking to see if perhaps, I think, Mr. Resler knows the answer to that.

10:30

Ms Renwick: I do. I'm just looking at Elections BC's information, and the draft bill is provided as part of the application. Before the initial petition has gone out for signature, the draft bill is brought forward by the proponent.

The Chair: Okay. Any other comments?

Mr. Smith: Would that not, then, simply make this redundant because we've already passed motion 84, that says to follow the B.C. initiative legislation? So do we actually even need this if that is the case?

The Chair: That's a very good question.

Ms Pancholi: If I may, I believe that 84 talks about what happens at the point that a citizens' initiative is already successful. It talks about – it's a point-in-time question, really. I think 84 focuses on what happens once the petition is successful. Then it goes to the committee, and that's the process.

This addresses a little bit earlier on. We're kind of doing things out of order, I would say, a little bit. Not to presuppose any motion that the government might bring forward, but, for example, were motion 78 proposed, I think we could say that it's captured by that. I think it's just the timing of how we brought forward the motions today.

The Chair: I'm prepared to rule that this is in order. I mean, if that wasn't obvious already, then we were having that conversation. But as far as supporting or not supporting, that would be for the will of the committee.

Mr. Dang, go ahead.

Mr. Dang: Thank you, Mr. Chair. Maybe just for the benefit of the committee, I think that certainly this is similar, I guess, to another motion that may be presented. I wouldn't, again, presuppose anything that would come from the committee, but I think motion 78 would imply that this would happen, but this is fairly explicit, and I think that we could see that as my colleague Ms Pancholi was saying, it does deal with when and where we see this draft bill piece, right? If the intent is to follow the B.C. model closely, then I think that this is something that's valuable in terms of having that explicit mechanism of action again.

The Chair: Are there any further comments on this?

Hearing none, I'm prepared to call the question on motion 56. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Okay. We are now moving on to any government motions.

Ms Fir: I'd like to move motion 83, that the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that provides that the Chief Electoral Officer will determine whether a citizens' initiative is successful.

The Chair: That motion is up. Do you care to expand upon that?

Ms Fir: Just that the Chief Electoral Officer is the best position to determine if a citizens' initiative is successful.

The Chair: Okay. Any comments from the opposition side? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I would just comment that I think that generally we have no problems with this. We agree in principle, but I would suggest that the Chief Electoral Officer's submission during the consultation process, I believe submission 53, should be contextually included because the petition verification process, I think, is quite fulsome that they use already.

The Chair: Sure.

Mr. Resler, do you have any comments on that?

Okay. Any other comments on this motion?

Hearing none, I'm prepared to call the question. All those in favour of motion 83 moved by Ms Fir, please say aye. Any opposed, please say no.

That motion is carried.

Okay. Any motions coming from the opposition side? Ms Pancholi, please.

Ms Pancholi: Give me a moment. I'm scrambling through my papers here. Here it is, Mr. Chair. Thank you. I'd like to move motion 57.

The Chair: Okay. Go ahead.

Ms Pancholi: Thank you. I'll read it into the record. Member Pancholi to move that the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that (a) establishes a process similar to British Columbia's process of requiring a successful citizens' initiative petition in respect of a legislative proposal to, immediately after being presented to the Assembly, be referred to a standing committee for consideration and (b) establishes a standing committee specifically for the purpose of reviewing a draft bill that is attached to a citizens' initiative petition.

Some of this, Mr. Chair, has been captured a little bit by conversations that we've been having since we've sort of been doing these motions a little bit out of order. Some of this, I will acknowledge, has been – I think (b) in this motion has probably been captured already by government motion 84. But (a) talks about that process before the petition has been deemed to be successful. It simply says that we are, which I think we already have some sense of consensus around the table around, going to follow the B.C. model. Again, I appreciate that there might be some redundancies here within the motions, but that's only because of the order. We want to make sure. We haven't yet passed a motion that says that we want to follow B.C.'s model for the initiation of the process, and that's really the point of this.

The Chair: Thank you, Ms Pancholi.

I'll just consult with Mr. Roth on this just for a moment, if you will.

After consulting with my better half, it is a recommendation that this motion, in fact, is out of order, so we will not be moving this motion 57.

Given that it's not in order, I will allow the opposition to move another motion if you would like.

Ms Pancholi: Thank you, Mr. Chair. This has gotten a little confusing. I now see that, I think, the entirety of 57 was captured by 84, and the intent that I was trying to do to establish a motion that would pass that would address the initiation of a citizen-led initiative process should have been done in motion 73.

The Chair: This one might be out of order as well.

Ms Pancholi: It might be out of order as well?

The Chair: Yeah. By passing motion 84, it is possible that motions 73 and 58 are out of order.

Ms Pancholi: Okay.

The Chair: You know, I'll just consult here for a moment. Before we get into that conversation, we'll make sure.

Okay. Just for the edification of the committee, motions 73 and 58 and 57 are out of order because motion 84 has passed, which leaves remaining – I'll just throw it out there: 74, 72, 71, and 66 are the motions that would still be in order.

Mr. Ceci, do you have a motion you'd like to move?

10:40

Member Ceci: Yes – thank you, Mr. Chair – motion 66. I move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that prescribes a minimal filing fee for citizens' initiative petitions.

At least when I worked at the city of Calgary, there was a minimal filing fee for things like the Subdivision and Development Appeal Board. If you wanted to go before that board, I think it was \$50 at the time. It started off at \$25. It's not onerous, but it prevents, in that case, people from filing all sorts of appeals, and then all the work that's necessary to get prepared for those appeals is done, and they abandon their appeal. If there's a small filing fee, a minimal filing fee, it makes sense. We don't want it to be onerous, of course, but we do want people to – and I would take the counsel of Elections Alberta or other departments in the government of Alberta with regard to what minimal really means. I don't mean thousands; I mean a few hundred or less. That would be my submission.

The Chair: Mr. Horner.

Mr. Horner: Yeah. Thank you, Mr. Chair. I think that's completely reasonable, and I'm prepared to support that motion from Mr. Ceci.

The Chair: Okay. Any other comments?

Seeing none, I'm prepared to call the question on motion 66 moved by Mr. Ceci. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Are there any other motions from the government side?

Okay. Moving to the opposition again.

Member Ceci: If I could, I would like to move motion 74. I'll just read it quickly. I move that

the Select Special Democratic Accountability Committee recommend that citizens' initiative legislation be enacted that restricts the holding of referendums on citizens' initiatives to be in conjunction with a provincial general election or as a stand-alone vote to ensure the separation of issues.

If you look at the submissions and the compilation, the Summary of Issues and Proposals: Citizens' Initiatives, prepared by research services for us and you flip to pages 15 and 16, there's an indication there that we had four submissions with regard to this issue. If you look over on the third part of the three columns, the AUMA weighed in, as did RMA, to express concern with respect to the government's stated intention to hold a referendum on equalization and on Senate election during the

2021 municipal elections. They go on to argue that they think the proper place for these kinds of initiatives and referendums coming from initiatives is at the behest of the provincial government, at the same time as a provincial government – they are quite strong in their wording, and they believe that local issues should be the focus during local elections. They are concerned about increased costs to municipalities, especially in these times, the requirement to host elections even if local positions are acclaimed. So it goes on.

We heard from Dr. Zoch as well, and the penultimate thing she said is that these are usually tied to an election where the President or legislators are also being elected. Research services has a number of notations there. I didn't look them all up again, but when I did review them, they seemed to me to be heavily in favour of the RMA and AUMA position.

You know, I can remember petitions being held in Calgary, one in particular that we wanted to hold on the VLT situation in Calgary. That was very interesting in terms of what resulted. VLTs were maintained in Calgary as a result of that.

I think it's important to adhere or listen to the views of the local representatives, especially in these times when there are so many local issues that are coming forward and need local attention, that citizens' initiatives that may be initiated that don't really have a perspective in that local election should not be entertained. That would be my motion 74.

The Chair: Okay. Before I go to Mr. Rutherford, Ms Robert has just a point that she'd like to make.

Please go ahead.

Ms Robert: Thanks, Mr. Chair. Actually, I'm hoping that I can get some clarification so I know that I'm understanding what the intent of the motion is so that I can write about it properly. Is the intent of the motion that a citizens-initiated referendum can only be held at the same time as a provincial general election or by itself? Is that the intent?

Member Ceci: Yes. Not in conjunction with municipal or local elections.

Ms Robert: Okay. Thank you.

The Chair: Mr. Rutherford.

Mr. Rutherford: Mr. Chair, thank you. I just want to speak against this motion, simply because I do believe that there are times when a citizens' initiative could have an effect on municipalities. In conjunction with that, they could occur at any time within a 90-day window. If this happened shortly after a provincial election, you would then potentially have to call a stand-alone election to fit this motion when you could use the municipal election that was already occurring. I think it's too prescriptive as to when these things can be put to the voters of Alberta and that we shouldn't be leaving out municipal elections as an option.

Member Ceci: You know, RMA and AUMA, the presidents, don't come to these – and that's who we heard from with respect to these, Barry Morishita and Al Kemmere. They don't come to these positions on their own. They come as a result of a process at conventions, usually, where motions are put forward and the people in attendance get to make a decision, yes or no. These are not individual views; these are the associations' views after an appropriate convention motion being put there and argued and decided on. I think that that holds a lot of weight – it should hold a lot of weight – that these are an order of governments that believe

strongly that if the province wants to do these things, have at 'er; just don't do them to potentially muddy up the process that is a long-standing one across this province.

Thank you.

The Chair: Thank you.

Seeing no further comments, I'm prepared to call the question on this motion, motion 74, moved by Mr. Ceci. All those in favour, please say aye. Any opposed, please say no.

Member Ceci: A recorded vote.

The Chair: A recorded vote has been requested by Mr. Ceci.

All those in favour of this motion, please raise your hand: Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. All those opposed to the motion, raise your hand: Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, and Mr. Rutherford.

Mr. Roth: Mr. Chair, total for the motion, four; total against, seven.

The Chair:

That motion is defeated.

Are there any further motions to be brought forth at this time?

Seeing none, this actually concludes citizens' initiatives. We will now go on to recall. Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I don't believe we agreed on an order at the beginning of this meeting for recall. I would like to suggest that perhaps we break them into sections and use a similar process.

10:50

The Chair: Yes. I believe that both sides of the table have been provided with a general order sheet or a table of contents, if you will, and unless there are any objections from the government side, I'm happy to oblige that request.

Seeing none, we'll proceed as we have already.

The first order on the recall docket, if you will, is relating to the British Columbia recall framework. These would be motions 38 and 87. Mr. Ceci moved the previous motion, so we we'll now go to the government. I'd like to recognize Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. For motion 87 I would like to move that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that adopts British Columbia's framework for the recall of Members of the Legislative Assembly with variations to that framework consistent with the recommendations of this committee.

The Chair: That motion is now on the screen if you'd care to expand upon that.

Mr. Rutherford: I think we have agreed in citizens' initiative deliberations that the B.C. model is one that we should be basing some of our work on. I think that can continue in recall as well in that the motion allows for variations upon the wish of this committee to amend that going forward. I think it just sets the initial parameters to work within.

The Chair: Okay. Are there any comments from the opposition? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Just that I think generally this is a fairly good idea. If it's what we've been talking about in the other section, I think that's a good consensus.

The Chair: Okay. With that said, we will now call the question on motion 87, moved by Mr. Rutherford. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

With that motion, it is my understanding that motion 38 is out of order, so we will now move on to item 2, which is number of signatures and forum of petition and other required information for a recall. This would be motions 39 and 97.

Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. Yes. I'd like to move motion 39.

The Chair: Okay. Go ahead, Ms Pancholi.

Ms Pancholi: Motion 39 states that Member Pancholi to move that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that provides that a recall petition is considered to be successful only if it contains at least the number of signatures of the electors eligible to vote in the electoral district to which the recall petition relates in an amount equal to the sum of (a) the number equal to the percentage of eligible votes that the Member of the Legislative Assembly to which the recall petition relates received in the election in respect of which they were elected, and (b) the number equal to at least 5 per cent, but no more than 10 per cent, of the number referred to in clause (a).

This is responsive, a little bit, to some of the feedback that we received during submissions and presentations around: the 40 per cent threshold of eligible voters was too high to some. This is intent – the formula that's created there is meant to create some equity, I suppose, particularly for rural ridings, where 40 per cent is a very high threshold for turnout even in a general election in some areas, so to require 40 per cent for a recall vote might be difficult to attain. So to provide some balance between the two, we've suggested this as the threshold for a successful recall petition.

The Chair: Okay. Are there any comments or questions from the government caucus? Mr. Horner.

Mr. Horner: Yeah. I would just comment that I believe it's a little too prescriptive, and I'm not prepared to support this motion. I think there's a motion coming up soon that will address most of the members' concerns and, I think, our feeling. Just my comments.

Mr. Feehan: Well, I'm concerned. I think the very nature of this motion is that, indeed, we are being prescriptive. We are deciding what percentage of the population; we're just now deciding what the measure of that will be. It's no more prescriptive than any other measure of a percentage that might come forward in future proposals. In this particular case we're actually making the proposal reflective of the actual vote that took place. Therefore, it is those citizens that actually made the decision to put someone in place that will also get to make the decision to have that person removed. It makes sense to do that and not suddenly move from the pool of people who actually participated in a previous election to a different pool of people. We're staying with the same group of people in this particular case and doing a selection from within that same pool.

The Chair: Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. My issue is in section (a) primarily, that if you have two Members of the Legislative Assembly, you know, let's say, that they did the exact same thing

that is going to cause the recall to happen, it would be harder to remove one member in a riding where there was a higher vote turnout for that person than in another riding where there wasn't the same turnout, but the proportion of electors that might want to see that MLA recalled may be somewhat the same. I think it sets too specifically differences in how you recall a member, and I think it should be consistent. A particular voter turnout several years later, depending on the transgression of the MLA, may be different in the reflection of the population at that point.

The Chair: Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I'd just say in response to that that I think the reality is that it does take a different number of voters for MLAs to get elected in different ridings. We know that turnout is different from riding to riding and the population is different from riding to riding, so how many voters are required to win in one riding might be different than in another. So there is already an inherent difference between electoral districts in terms of how many votes you need to win. I'm sure that every member around this table received a different number of votes, and for some that might have meant more of a win than others based on percentage because our ridings are different.

I think this is actually meant to reflect the fact that there are distinctions between ridings and what is required should not be based on whether you live in an urban or rural riding. It should be based on the actualities of your district and how much it took for you to be elected, and it shouldn't presuppose that MLAs in rural areas can't get recalled because the threshold is higher, for example, than their voter turnout.

The Chair: Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I believe that this gets into a really complicated situation where you are then dealing with places where there are different voter turnouts depending on that particular election that was preceding it. I think about what would happen in the case of a by-election where typically voter turnout results are substantially lower compared to a general election, and having been elected in a by-election in the middle of the summer where it is difficult to bring people to get out to vote, that could potentially become very problematic compared to someone that was elected in the general election. I believe that this particular motion is just problematic from those senses. There are systems in place in our process that do allow for by-elections, and generally speaking by-elections tend to have substantially lower voter turnouts, so I think that this could become problematic.

The Chair: Seeing no more, I am prepared to call the question on this motion – Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I guess my response is that the nature of the dynamic range here, which is that it changes from riding to riding, is that it attempts to address those exact concerns, right? Like, in ridings where there was a lower turnout such as in a by-election, that means that fewer people were involved in the process, and the number of people involved in the process should be reflected when you move forward with this, when you move forward with a recall-type petition.

I think, certainly, when we look at, for example, in Edmonton, some ridings saw as high as 60 or 70 per cent turnout, and those 60 or 70 per cent of people should have the opportunity to be reflected in this process. Then in some ridings where there are substantially fewer people that turned out, then that's a similar thing, right? In terms of another motion that may be proposed at a future date, I

think that a fixed number would actually be less reflective of our actual process. It would be a less accurate representation of how our democracy functionally works here in this province, and I think that's something that this would attempt to address and make more equitable across all ridings.

11:00

The Chair: I'm actually going to vacate the chair for a moment as I'd like to add some comments to this discussion, so if I could do that.

[Mr. Horner in the chair]

The Deputy Chair: Go ahead.

Mr. Schow: I think that this motion has a number of variables at play that are not being taken into consideration. One is the strength of your campaign. One would be the timing of your campaign, whether it's a by-election. Another would be voter interest at a specific time, whether, you know, the government of the day is widely unpopular or popular. A lot of these factors affect voter turnout. If a recall election is dependent upon voter turnout, not necessarily the number of voters in that electoral district, it could be beneficial or could be very harmful, and I think it creates a level of inequity across the board. Having a number that is even across the board would be, in my opinion, more appropriate because that way you wouldn't be having people taking advantage of areas where turnout is lower, you know, and then also presuppose the interest isn't that high in the specific elections.

I think that having this variable number would actually be doing a disservice to Members of the Legislative Assembly because, as Ms Goodridge had pointed out, by-elections are a great example of where this would be quite harmful. I saw the numbers that turned out for her by-election. If this was dependent upon her by-election right now, the required signatures would not be very many, but that would be very harmful, so I would be not in support of this motion.

The Deputy Chair: Mr. Roth informed me that I'm to stay in this chair till we get to the question, so I'll look to the opposition if they have any further comments.

Ms Goodridge: One last point is that, then, if you look at the extremes on the other side and if you look in the last provincial election and the riding of Grande Prairie-Wapiti, where 80.2 per cent of eligible voters showed up to vote, if they were to choose to recall our amazing Minister of Finance – and I cannot foresee any purpose why anyone would care to do so – the threshold to try and do this under this particular motion would be virtually impossible.

Mr. Feehan: I just beg to differ with your math on this. If we go to a set amount of the whole of the eligible voters, it's always going to be higher than the actual number of voters, which is always less. In this case you mentioned somewhere around 80 per cent. Then if we use the same percentage, the maximum could only be 80 per cent of what you're proposing in the case of that particular member.

I think that really what this comes down to is the members of the government seeking to have as high a number as possible to effectively undermine this legislation, and I think that we're trying to ensure that the legislation is reflective of the actual people who participate in electoral processes. If in a particular area 30 per cent of the participants believe it's worth while for them to go out to cast a vote to put somebody in place, then that same 30 per cent should

be consulted about bringing a petition for a recall. It's just reflective of what actually happens in a riding.

The Deputy Chair: Thank you, Member Feehan.

Mr. Dang: A point of order, I guess, Mr. Chair.

The Deputy Chair: Interesting. Okay. Go ahead.

Mr. Dang: Thank you, Mr. Chair. I guess just before you move on to the question, as I anticipate this debate is coming to a close, I would like some clarity from the chair as to who should be allowed to vote on this as I believe Mr. Schow and yourself, Mr. Chair, have both participated in this debate but also presided over part of this debate. The government majority exceeds us even with both of these people, but I would suggest that perhaps Mr. Schow and Mr. Horner should both refrain from voting in this.

The Deputy Chair: Thank you, MLA Dang.

We'll refer to the clerk here.

I've been informed by the clerk that I will only vote in case of a tie. MLA Schow will be allowed to vote. That's clear?

Any other comments before we call the question?

Okay. Seeing none, for motion 39 as moved by Member Pancholi, all those in favour, please say aye. All those opposed, please say no.

Mr. Dang: Recorded vote, please.

The Deputy Chair: Asked for a recorded vote. Will all those in favour please raise their hands? Member Pancholi, Member Dang, Member Feehan, Member Ceci. All those who voted no, would they please raise their hands? MLA Schow, MLA Smith, MLA Sigurdson, MLA Goodridge, MLA Fir, MLA Nixon, MLA Rutherford.

Mr. Roth: Mr. Chair, total for the motion, four; total against, seven.

The Deputy Chair: Thank you.

The motion is defeated.

I'll now vacate the chair.

[Mr. Schow in the chair]

The Chair: Okay. We'll now move on to the government caucus for any motions. I recognize Ms Fir.

Ms Fir: Yes. I'd like to move motion 97, that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that requires the following to be met for a recall petition to be considered successful: (a) at least 40% of registered electors of the electoral division of the Member of the Legislative Assembly who is the subject of the recall petition have validly signed the recall petition; (b) only the physical signatures of individuals who were registered electors during the 90-day period when signatures were permitted to be collected are counted as valid for the purposes of determining whether the recall petition has been successful.

The Chair: That motion is on the screen if you care to expand upon that.

Ms Fir: We thought that 60 days was too short; 90 days makes it a bit more accessible.

The Chair: Okay. Does anyone from the opposition caucus care to – Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I have some considerable concerns around this. I think that, certainly, using a fixed number such as this makes it inequitable in certain ridings to have recall petitions initiated and successful. I think that when we look at, for example, rural communities, it makes it less accessible for the voters and constituents to successfully perform a recall petition. I think that's something that's disappointing, and I think that the government caucus has used their majority to impose this. But it's a disappointing development nonetheless.

Mr. Horner: Just a comment. I think that perhaps if this motion were to succeed, we could put something in the context in regard to that this is the upper limit in a recommendation, and if we're pushing this forward that . . .

Mr. Dang: It says this is the lower limit. The motion as written is the lower limit.

Mr. Horner: Correct. Okay. Let me think about that.

Mr. Feehan: I'm very concerned about the choice of 40 per cent of the registered electors of the electoral division being the number that's mentioned. That would certainly in a number of cases be more than the actual number of people that actually participated in the previous election. The standard that the government is putting here is one that is higher than we normally achieve demographically in many ridings in this province. You are effectively excluding those ridings that don't regularly go over 40 per cent, and in the case that you do pick 40 per cent, you are effectively saying that every single person who voted in the last election now needs to want to recall.

Essentially, you're putting a hundred per cent standard in in terms of the effective turnout of people who appeared in the last election. All of them, without exception in some cases, because they didn't achieve 40 per cent of the registered electors in the actual election, would have to have recall. This standard is so unreasonable as to effectively nullify all of this legislation. I'm not sure why we would even have this legislation if we want to make the bar so high that even a few, two or three, people refusing to sign this would effectively result in there not being a recall possible.

11:10

The Chair: Is there anyone from the government caucus who would like to comment on this? Mr. Horner.

Mr. Horner: Yeah. I would just comment, you know, that we're kind of modelling after B.C., but by extending it to 90 days, we've made it a lot more accessible. Then MLAs as representatives: they do represent all of their constituents, not just the ones who vote. That's my comment.

The Chair: My understanding is that Mr. Resler has some comments he'd like to make.

Mr. Resler: I just have a question for clarification. In sub (a) at what point in time is a person a registered elector? So if it's a registered elector, the time that the petition or the recall is taking place, then we have to provide the list of electors. So then I'd have other comments if that's the case.

Member Ceci: Just to follow up, we did a lot of registered and eligible before. Would it make more sense to say "eligible elector"?

Mr. Resler: Or it could be registered at the most recent provincial general election. Or not even that.

Ms Renwick: No. It's missing a point in time in which you would like to calculate the 40 per cent. So is it 40 per cent of the registered electors at the time of the last election or at the time that the recall petition is submitted?

Member Ceci: Thank you.

In addition, I'd just like to agree with my colleagues who say that the 40 per cent threshold is too high. Looking down at the summary of the submissions that we've all received, Elections Alberta's submission was that in the past 23 years 26 recall petitions have been started in B.C. but none have been completed, suggesting that the threshold of 40 per cent may be too onerous.

I did pick up on what Member Horner talked about, you know, extending the time frame for the collection of signatures to 90 days. But even with that and knowing that in many, many areas the number of people who went out to the polls is often quite low – civic elections sometimes it can get to 17 per cent of the eligible electors in that ward going to the polls. I just don't know how you get to 40 per cent. I would argue that this is unusually onerous and would likely prohibit anybody from getting recalled successfully. I don't think that's the intent of what we're trying to do here. I don't think we're trying to put roadblocks in place to protect people in their seats. I think we're trying to put a process in place that is reasonable and follows not jurisprudence but some kind of others in North America. The feedback we've got is that that 40 per cent amount is too onerous.

The Chair: Okay. I did see Mr. Dang and Ms Pancholi, who both had comments. Ms Pancholi, would you like to go first?

Ms Pancholi: Yeah. Just simply that I think we will be dealing with a question that Mr. Resler raised about the point in time. I think we have a motion on that, so we will deal with that. That's all I wanted to raise. I think it's coming up.

The Chair: Did you have the same comment, Mr. Dang? Okay.

Well, seeing no more comments, I'm prepared to call the question on this motion moved by Ms Fir. All those in favour, please say aye. Any opposed, please say no.

Mr. Feehan: Recorded vote, please.

The Chair: Yeah. Mr. Feehan has requested a recorded vote. For the motion: Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford. Against the motion: Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci.

Mr. Roth: Mr. Chair, total for the motion, seven; total against, four.

The Chair:

That motion is carried.

We are now on to collection of signatures for recall.

Mr. Dang: Mr. Chair, just a point of clarification.

The Chair: Yes.

Mr. Dang: Are there a number of motions that are now out of order because of the last one?

The Chair: I will consult with Mr. Roth. My help to the left here, Mr. Roth, has suggested that we recess for a couple of minutes while they just sort out what motions are still in order for the remainder of the meeting. How much time do you think you need, Mr. Roth?

Mr. Roth: Five minutes.

The Chair: Five minutes. We'll reconvene at 11:21.

[The committee adjourned from 11:16 a.m. to 11:25 a.m.]

The Chair: We are back in action here. After consultation with the clerk and Parliamentary Counsel, motions 40 and 95 are now out of order after passing motion 97.

Remaining for collection of signatures for recall are 46 and 96. I'm going to ask for forgiveness from the members of this committee, but who's up now? Okay. Perfect. That would mean that the opposition caucus is up. Mr. Feehan.

Mr. Feehan: Thank you. On behalf of Member Sweet I'd like to move motion 46, which is to move that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that adopts a process for verifying the signatures contained in a recall petition that is similar to the process for verifying signatures in respect of the registration of a political party.

The Chair: Would anyone else like to speak on that? Mr. Horner.

Mr. Horner: Yeah. I think we're generally fine with that.

The Chair: Okay. Any other discussion? None.

I'll call the question. All those in favour of motion 46, please say aye. Any opposed, please say no.

That motion is carried.

Are there any other motions for this section? Mr. Smith, please.

Mr. Smith: Thank you. I'll be speaking to motion 96. I'll just wait until it's up on the screen. I move that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that establishes the following in respect of canvassing for signatures for a recall petition: a requirement that only an individual who is a registered elector at the time of the recall petition of the electoral division of the Member of the Legislative Assembly during the 90-day period when signatures are permitted to be collected for the recall petition is eligible to canvass for signatures in respect of that petition; a prohibition that a canvasser must not, directly or indirectly, accept an inducement in respect of their canvassing of signatures for a recall petition; and (c) a prohibition that no person may, directly or indirectly, provide an inducement to a canvasser in respect of their canvassing of signatures for a recall petition.

I think we've had some talk about this earlier in the day. This is just about ensuring the integrity of the process as far as canvassing is concerned and making sure this stays grassroots.

The Chair: Thank you, Mr. Smith.

I believe there might be an opposition amendment.

Mr. Dang: Thank you, Mr. Chair. I think that at this point I'd like to move amendment 115. I would move that the motion be amended in clause (a) by striking out "a registered elector at the time of the recall petition of the electoral division" and substituting "an elector eligible to vote in the electoral division."

I think this is in line with what we spoke about in the citizens' initiatives section, so I would encourage all members to vote for it.

The Chair: Any comments?

Hearing none, we'll call the question. All those in favour of the amendment, moved by Mr. Dang, please say aye. Any opposed, please say no.

That amendment is carried.

We're back on the main motion. Any further discussion?

Hearing none, all those in favour of the motion, moved by Mr. Smith, amended by Mr. Dang, please say aye. Any opposed, please say no.

That motion is carried.

That concludes section 3.

We're now on to spending contributions and advertising with regard to recall. This is in regard to motions 47, 51, 52, 100, 101, and 102. The previous motion was moved by Mr. Smith. We will now go to the opposition caucus. Ms Pancholi, please.

Ms Pancholi: Thank you, Mr. Chair. I'd like to move motion 47. I'll read that. It says Member Pancholi to move that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that prohibits third-party advertising in respect of recall petitions.

Mr. Chair, I think we've made our position quite clear on this issue already. We believe that if this is really just like citizen-led initiatives, if recall is about expressing the will of individuals and the electors and the people, it should not be influenced and it should not be led behind the scenes by special-interest organizations with deep pockets who are basically trying to potentially relitigate elections for their own purposes. We think that, really, third-party advertisers, PACs, should not have a role to play in recall elections. We still maintain they should not have a role to play in citizen-led initiatives. For this reason, we believe that if this is really about the will of the people, we don't need the influence of any third-party advertisers in this process.

The Chair: Thank you, Ms Pancholi.

Any further comments? Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. While I appreciate the intent of the motion, similar to the conversation we had about the citizens' initiative piece, I believe that preventing third-party interference – I believe that it's problematic to completely ban it. I believe that, instead, we should be having reasonable spending limits for third-party advertisers.

The Chair: Okay. Any further conversation?

Seeing none, Mr. Dang, did you want to . . .

Mr. Dang: Yes. Thank you, Mr. Chair. I have some concerns around what a reasonable spending limit for third-party advertisers would look like administratively. I understand, of course, that we have some . . .

The Chair: Mr. Dang, I will jump in here. We are not talking about spending limits. That might be a future motion.

Mr. Dang: Sure.

The Chair: But finish your comments. I just want to make sure that they are germane, and I'll probably give a caution as well to both sides on that.

Mr. Dang: I would encourage the explicit prohibition of third-party advertising due to the fact that, unlike in a general election, we don't have fixed election periods, and because of that, it's much more difficult to regulate third-party advertising in advance and then during a third-party campaign for a recall. I think that's a particular concern for myself. I think that we should be encouraging this to be as grassroots as possible, especially when we're talking about something as serious as recalling a member of the Legislature.

The Chair: Okay. Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I believe that it is unconstitutional to completely restrict these, but I do agree in principle with the idea of having some restrictions on this.

The Chair: Seeing no more comments or questions, I'm prepared to call the question on motion 47, moved by Ms Pancholi. All those in favour, please say aye. Any opposed, please say no.

Mr. Dang: A recorded vote.

The Chair: A recorded vote has been requested by Mr. Dang.

All those in favour of this motion, please raise your hand: Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. All those opposed to this motion, please raise your hand: Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford.

Mr. Roth: Mr. Chair, total for the motion, four; total against, seven.

The Chair:

That motion is defeated.

We'll now move to the government caucus. Are there any motions you'd like to bring to the table? Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. Motion 101: I move that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that includes financing, advertising, and disclosure rules that apply to the spending of monies in respect of the recall process that are consistent with the financing, advertising, and disclosure rules under the Election Act and Election Finances and Contributions Disclosure Act that apply to elections.

It's a pretty straightforward motion, I believe. I just moved it because it sets parameters around spending and it also applies the rules that are currently in existence.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Just for clarification, would this motion, if passed, put motions 51 and 52 out of order, I guess, basically?

The Chair: Excellent question.

Mr. Dang: Maybe, Mr. Chair, if I can elaborate while the table considers this.

The Chair: Certainly. Please go ahead.

Mr. Dang: My concern or hesitation would be that I hope that we can be as explicit as possible around the types of contributions we don't want. I know that all members have seen other motions to the effect of things like restricting corporate and union donations as well, which, I mean, of course, are covered under the EFCDA. I'd like to be as explicit as possible for the benefit of the Legislature and the government when they see this report, and I think certainly Albertans would be happy to know that we are ensuring this is an individual contribution and not something that's coming from corporations or unions.

11:35

The Chair: Okay. Any comments from the government caucus?

Hearing none, I will wait to hear from the Clerk's office and Parliamentary Counsel. The recommendation that I have is actually inconclusive, and when we get to motions 51 and 52, we will call upon Mr. Resler to consult as to whether or not the contents of those motions are covered in this motion.

Given that there are no more questions or comments, I'm prepared to call the vote on motion 101, moved by Mr. Rutherford. All those in favour of this motion, please say aye. Any opposed, please say no.

That motion is carried.

We'll now go to the opposition caucus. Do you have any motions? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. At this time I'd like to move motion 51, then, which is that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that prohibits any individual not resident in the province of Alberta, a corporation, or a union from making a financial contribution in respect of a recall petition. I think that this is fairly self-explanatory. We want to be very explicit that in the case of a recall . . .

The Chair: Just a moment.

Ms Goodridge: You're reading 52.

Member Ceci: I think he said 51.

Ms Goodridge: He said 51, and then he read 52.

Mr. Dang: Sorry. I read down a line. Whew.

Mr. Dang to move that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that provides for the following as it relates to all financial contributions to a proponent of a recall petition or to the Member of the Legislative Assembly who is the subject of the recall petition: (a) establish a limit on the amount that can be financially contributed to the proponent or the member and (b) clarify that in respect of a person the limits referred to in clause (a) apply to that person separate and apart from the contribution limits that apply to the person in respect of any financial contributions that they make to a political party.

I also think that this one is quite evident in how it's presented. I think that certainly we think that there should be separate limits for contributions to regular political parties than those for recall campaigns as they are not regular, partisan donations. I look forward to hearing from the government on this as well.

The Chair: At this time I'd like to actually ask Mr. Resler if he'd be able to weigh in as to whether or not any contents of this motion are covered in the previous motion that was just passed, from your perspective.

Mr. Resler: If you're following the EFCDA as far as contribution limits like for a candidate, where it's restricted to an individual ordinary resident in Alberta – I'm just trying to decipher this one. So then it's a stand-alone limit for a recall contribution. Is that what's being stated?

Mr. Dang: Yeah. I believe the intent would be basically – so there's, of course, the \$4,000 limit for general contributions but then a separate, stand-alone limit for recall.

Mr. Resler: To the political entities, and then for recall would be a stand-alone contribution limit.

Mr. Dang: Yeah.

Mr. Resler: Okay.

The Chair: From your perspective are you seeing overlap in this motion and the previous motion?

Mr. Resler: The previous motion didn't touch base on the contribution limit as far as whether it's stand-alone or not. That would be my question.

The Chair: All right. Based on that answer, then, I believe that this motion is in order. Is there anyone from the government caucus who'd like to make any comments?

Okay. I'm prepared to call the question on motion 51, moved by Mr. Dang. All those in favour, please say aye. Any opposed, please say no.

Mr. Dang: I'd like a recorded vote, please.

The Chair: Sure. All those in favour of this motion, please raise your hand: Ms Pancholi, Mr. Dang, Mr. Feehan . . .

Mr. Ceci, are you voting on this?

Member Ceci: Yeah.

The Chair: . . . Mr. Ceci, Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford.

Mr. Roth: Mr. Chair, total for the motion, 11; total against, zero.

The Chair:

That motion is carried unanimously.

We are now on to government motions. Are there any government motions here?

Okay. Seeing none, any motions from the opposition caucus?

Mr. Feehan: Yes.

The Chair: Mr. Feehan.

Mr. Feehan: Motion 52, Mr. Chair. On behalf of Member Sweet I'd like to move that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that prohibits any individual not resident in the province of Alberta, a corporation, or a union from making a financial contribution in respect of a recall petition. I think the explanation of it is pretty straightforward, that we just want to keep this to Albertans and not allow foreign-funded influences.

The Chair: I will again ask for clarification, Mr. Resler, if this motion has overlap with motion 101.

Mr. Resler: I believe it would because if you're looking at contributions to political entities, only a person ordinarily resident to Alberta may make a contribution.

The Chair: So it's effectively saying the same thing as motion 101, just in part? Okay. At that recommendation, I will rule that this motion is out of order, so motion 52 is out of order. Remaining are motions 100 and 102.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. In that case, I would move motion 102, that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that provides that only the following persons may advertise in respect of a recall petition: (a) the proponent in respect of that recall petition and (b)

the Member of the Legislative Assembly who is the subject of the recall petition.

The Chair: Go ahead.

Mr. Dang: Yeah. Thank you, Mr. Chair. I think that this one is pretty self-evident as well. I think that it restricts the people who are advertising for recall, and I think that certainly the proponent in respect of the recall petition would have reason to advertise. They would be the ones trying to recall a Legislature member, and certainly if any member here or otherwise was recalled, they would certainly want to be able to advertise against the recall as well, so I think that certainly we should be allowing these two, but we should be generally restrictive in terms of otherwise during the recall petition.

The Chair: Any other comments or questions regarding this motion? Mr. Horner.

Mr. Horner: Yeah, just a clarification about third parties then in regard to this motion.

Mr. Dang: Thank you, Mr. Chair. I think that, given what's already been passed by this committee and given the other motions that we've accepted, if a proponent of the recall was a third party, then that could be there, but otherwise if it was just generally, I think a third party should not be allowed to advertise because we want to focus this on the subjects of the recall.

The Chair: Any other comments or questions on this? Mr. Horner.

Mr. Horner: I guess my comment would just be that I think what we've stated here in previous motions is that we believe third parties should be able to advertise, that it may be unconstitutional to limit that freedom of speech, but that it be regulated. In that case, I think I would not support this motion.

The Chair: Okay. Any further comments? Hearing none, I'm prepared to call the question on motion 102. All those in favour, please say aye. Any opposed, please say no.

Mr. Dang has asked for a recorded vote. All those in favour of the motion, please raise your hand: Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci. I just want to make sure Ms Pancholi gets to vote. All those opposed, please raise your hand: Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, and Mr. Rutherford.

11:45

Mr. Roth: Mr. Chair, total for the motion, four; total against, seven.

The Chair: Thank you.

That motion is defeated.

Are there any other motions for this section? I see Mr. Nixon.

Mr. Jeremy Nixon: Thank you, Mr. Chair. I'd like to move motion 100, that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that provides that any person who wishes to spend monies on advertising during the period in which signatures are permitted to be collected for a recall petition must register with Elections Alberta as a third-party advertiser before being authorized under that legislation to spend monies, except for the following individuals: (a) the individual who applied for the issuance of the petition, (b) the Member of the Legislative Assembly who is the subject of the recall petition.

I think registration will be pretty important in order to be able to regulate third-party spending.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. While I'm disappointed – I think this does not go far enough – I think that certainly we do need some regulation. Some regulation of this is better than none, and I think at this time we would reluctantly have to move forward with this.

The Chair: Any further comments or questions?

Hearing none, I'm prepared to call the question. All those in favour of this motion, please say aye. Any opposed, please say no.

That motion is carried.

That concludes section 4 of recall.

We'll now move on to section 5, eligibility to start and participate in a petition for recall. This is concerning motions 42, 43, 89, 90, 91, 92, and 94. I'll let everyone kind of flip to your pages, wherever those pages might be. It is the opposition who will start this here. I see Mr. Feehan.

Mr. Feehan: Thank you, Mr. Chair. On behalf of Member Sweet I move motion 42, that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that establishes that only individuals who were eligible to vote in the election for which the member to whom a recall petition relates was elected are eligible to sign that recall petition.

The Chair: Any further comments on this?

Mr. Feehan: If you weren't part of the initial voter pool, then you shouldn't be part of the withdrawal.

The Chair: Just a point of clarification: if you're an eligible voter on the day of the election or an eligible voter on the day of signing the petition?

Mr. Feehan: Correct. You had to be eligible at the time that the MLA was elected in the first place.

The Chair: Any further comments or questions? Mr. Horner.

Mr. Horner: Yeah. I think we're prepared to support this motion.

The Chair: Okay. Any further comments?

Hearing none, I'm prepared to call the question on motion 42 moved by Mr. Feehan. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We'll move on to the government side now. Any motions from the government caucus? Ms Fir.

Ms Fir: Motion 90. I move that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that prohibits more than one recall petition to be issued in respect of a particular Member of the Legislative Assembly at any one time.

The Chair: Sorry. What number is that again, Ms Fir?

Ms Fir: Motion 90.

The Chair: Just wait while we get it up on the screen here. Okay. Any further comments on that?

Ms Fir: It just makes sense to only have one active petition to limit confusion and reduce administrative burden.

The Chair: Okay. Any further comments from the opposition?

Ms Pancholi: We just had a friendly amendment on this one. No? Is that not this one? Ninety. Okay. Never mind. Got it. I withdraw. Sorry.

The Chair: No problem.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I'd just say that I certainly think it would be confusing if there were multiple recall petitions for one MLA at once, so I support this.

The Chair: Seeing no more questions to this, I'm prepared to call the question on motion 90, moved by Ms Fir. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Ms Pancholi, please go ahead.

Ms Pancholi: Thank you. I'd like to move motion 43.

The Chair: Yes. Go ahead.

Ms Pancholi: I'll read it in. Member Pancholi to move that the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that limits the right to apply for the issuance of a recall petition in respect of a member to only an individual who would be eligible to vote in an election in respect of the member's electoral district if the election were held on the day that the individual applied for the issuance of the recall petition.

The rationale is that only a person living within that constituency for the MLA who they're seeking to recall can initiate the process, so it shouldn't be able to be initiated by somebody living outside the riding.

The Chair: Any further comments to this?

Hearing none, I'm prepared to call the question on motion 43, moved by Ms Pancholi. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Would anyone from the government caucus like to move a motion? I see Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. Up next, I would like to move motion 91, that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that prohibits more than one recall petition to be issued in respect of a particular Member of the Legislative Assembly per term.

The Chair: Any further rationale?

Ms Goodridge: I believe that a recall is a last-resort measure, so proponents must be really sure that they can achieve the necessary support. This will prevent having members subjected to endless recalls throughout their term.

Member Ceci: It just sort of seems to me that it flies in the face of the dialogue or the discussion that happened around citizens' initiatives, that we want to allow people to, you know – I know we're on recall now, but the argument around citizens' initiatives was to make it as open as possible so as many people could get together who wanted to bring forward initiatives. Recall: if it's unsuccessful the first time and people choose to go at it again, I don't see why we would restrict them if their member is that

unpopular that they want to do this again, so I'm going to vote against this.

The Chair: Any further comments? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Perhaps I can ask for some clarification from Ms Goodridge as well. I just want to clarify. This will prohibit more than one recall petition, period, right? So you couldn't reinstate a petition even if you failed to gather the number of signatures within the 90-day period. That's my understanding of how I read this. It's not that it prohibits successive successful petitions, but even if one petition fails, then no more petitions can happen.

Ms Goodridge: That is correct.

The Chair: Any further comments?

Hearing none, I'm prepared to call the question. All those in favour of motion 91, moved by Ms Goodridge, please say aye. Any opposed, please say no. Okay. That motion is carried.

Mr. Dang: Can I have recorded vote, please?

The Chair: Mr. Dang has requested a recorded vote. All those in favour of the motion, please raise your hands: Mr. Horner, Mr. Smith, Mr. Sigurdson, Ms Goodridge, Ms Fir, Mr. Nixon, Mr. Rutherford. All those opposed please raise your hand: Ms Pancholi, Mr. Dang, Mr. Feehan, Mr. Ceci.

Mr. Roth: Mr. Chair, total for the motion, seven; total against, four.

The Chair:

That motion is carried.

We are now on to the opposition caucus for any motions you may have.

We have a government caucus one?

Mr. Horner: Yes, I could. Thank you, Chair. Motion 92 – I'll read it aloud – that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that prohibits recall petitions from being issued (a) 18 months immediately following a general election or, if applicable, a by-election in the relevant electoral division and (b) 12 months immediately preceding the first day of a fixed election period during which a general election must be held.

I would just comment that I believe there's an amendment coming that we are supportive of, upon reflection.

Ms Pancholi: How about I move that amendment?

The Chair: Giddy-up.

Ms Pancholi: Amendment 113, which is that we move that the motion be amended in clause (b) by striking out "12 months" and substituting "6 months."

This is to align more with the B.C. recall legislation.

11:55

The Chair: Okay. I have an amendment on the floor, moved by Ms Pancholi, to the motion moved by Mr. Horner. Is there any further discussion on this amendment?

I don't see any. Let's go ahead and vote on it. All those in favour of the amendment moved by Ms Pancholi, please say aye. Any opposed, please say nay. Threw a little curveball in there, didn't I?

The amendment is passed.

We are now back on the main motion moved by Mr. Horner, amended by Ms Pancholi. Any further discussion on this motion?

Seeing none, I'm prepared to call the question. All those in favour of motion 92, please say aye. Any opposed, please say no.

That motion is carried.

At this time I will look at the clock here, and we are five minutes from adjournment, but we are also just so close to getting through all of this. Though I don't speak for my colleagues who live proximate to the Legislature, it would be preferable to maybe finish this this morning, but I would need unanimous consent from this committee to proceed overtime. I suspect we don't need a lot, but I figure we could maybe put a hard cap at 1 o'clock. Hopefully, we don't have to go anywhere near that, but I would need unanimous consent, so I will request unanimous consent to go – I will ask anyways. I need unanimous consent to go past our allotted time of 12 o'clock. If there's anyone opposed to that, please say so now. Okay. That is not passed.

We will now go through whatever is left here. Are there any other motions for eligibility to start and participate in a petition for recall?

Seeing none, we're now on to item 6, other administrative matters and next steps after a successful recall petition, motions 41, 44, 45, 93, 98 and 99.

Mr. Jeremy Nixon: I'd like to move that

the Select Special Democratic Accountability Committee recommend that recall legislation be enacted that

- (a) sets out the requirements that must be met for a recall petition to be issued to an applicant and
- (b) sets out the process by which a recall petition is to be issued to an application, including empowering the Chief Electoral Officer to
 - (i) review an application for the issuance of a recall petition to determine if the requirements are met and
 - (ii) if those requirements are met, issue the recall petition to the applicant.

The Chair: I'm just asking for some clarification on clause (b). It says "an application." Do you actually mean "an applicant"?

Mr. Jeremy Nixon: Yeah, "applicant" makes more sense there, doesn't it?

The Chair: We can make that adjustment, can we not?

Mr. Dang: Mr. Chair, anticipating that we won't finish this motion today, I'd like to make a request of the committee.

The Chair: Sure.

Mr. Dang: I was wondering if the committee may be interested in starting, as it looks like we won't need the full time tomorrow, maybe an hour or two later, 9 or 10 instead of 8.

The Chair: You would need unanimous consent for that. I will ask the question. Is there any interest in changing the start time for the meeting from 8 a.m. tomorrow morning to 9 o'clock or 10 o'clock? If there's anyone opposed to that, please say so now.

Some Hon. Members: Opposed.

The Chair: Okay. We will change the wording in that motion now moved by Mr. Nixon. Any other comments on this motion? Okay. Mr. Dang.

Mr. Dang: Yeah, Mr. Chair. I think that looking at this, the requirements are something that our caucus would generally support. I don't think that there is a particular issue. However, given the time I don't necessarily think that we should be going on this right now, and we should refer it to tomorrow until we have more time for a fulsome discussion on this.

The Chair: The time is now 12 o'clock, which means that this meeting is adjourned.

[The committee adjourned at 12 p.m.]

