



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Select Special
Ethics and Accountability
Committee

Election Finances and Contributions Disclosure Act Review

Friday, September 23, 2016
9 a.m.

Transcript No. 29-2-16

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The 29th Legislature
Second Session**

Select Special Ethics and Accountability Committee

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Miller, Barb, Red Deer-South (ND), Deputy Chair

Anderson, Wayne, Highwood (W)
Clark, Greg, Calgary-Elbow (AP)
Connolly, Michael R.D., Calgary-Hawkwood (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W)*
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Horne, Trevor A.R., Spruce Grove-St. Albert (ND)**
Jansen, Sandra, Calgary-North West (PC)
Loyola, Rod, Edmonton-Ellerslie (ND)
Nielsen, Christian E., Edmonton-Decore (ND)
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Renaud, Marie F., St. Albert (ND)
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Sucha, Graham, Calgary-Shaw (ND)
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* substitution for Wayne Anderson

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Kevin Lee	Director, Election Finances
Fiona Vance	Legal Counsel
Drew Westwater	Deputy Chief Electoral Officer

Support Staff

Robert H. Reynolds, QC	Clerk
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9 a.m. Friday, September 23, 2016

[Mrs. Littlewood in the chair]

The Chair: Good morning. I'd like to call the meeting of the Select Special Ethics and Accountability Committee to order. Welcome to members and staff in attendance.

To begin, I will ask that members and those joining the committee at the table introduce themselves for the record, and then I will address members that are on the phone. I will begin to my right.

Ms Dean: Shannon Dean, Law Clerk and director of House services.

Ms Miller: Barb Miller, MLA, Red Deer-South.

Loyola: Rod Loyola, MLA, Edmonton-Ellerslie.

Cortes-Vargas: Estefania Cortes-Vargas, MLA for Strathcona-Sherwood Park.

Mr. Sucha: Graham Sucha, MLA, Calgary-Shaw.

Mr. Horne: Trevor Horne, MLA, Spruce Grove-St. Albert.

Mr. Nielsen: Good morning. Chris Nielsen, MLA, Edmonton-Decore.

Drever: Deborah Drever, MLA for Calgary-Bow.

Ms Renaud: Marie Renaud, St. Albert.

Mr. Lee: Good morning. Kevin Lee, director of election finances, Elections Alberta.

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

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

Ms Vance: Fiona Vance, legal counsel, Chief Electoral Officer.

Mr. Cooper: Good morning. Nathan Cooper, the MLA for the outstanding constituency of Olds-Didsbury-Three Hills.

Mr. Nixon: Good morning. Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre.

Mr. van Dijken: Glenn van Dijken, MLA for Barrhead-Morinville-Westlock.

Mr. Cyr: Scott Cyr, MLA, Bonnyville-Cold Lake.

Ms Jansen: Sandra Jansen, Calgary-North West.

Dr. Starke: Good morning. Richard Starke, MLA for Vermilion-Lloydminster.

Mr. Clark: Good morning. Greg Clark, MLA for Calgary-Elbow.

Dr. Amato: Good morning. Sarah Amato, research officer.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

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

The Chair: Is there anyone on the phone?

Official substitutions for the record. Mr. Cooper is substituting for Mr. W. Anderson. Mr. Horne is substituting for Mr. Connolly.

A few housekeeping items to address before we turn to the business at hand. A reminder again that the microphone consoles are operated by the *Hansard* staff, so there's no need for members to touch them. Please keep cellphones, iPhones, and BlackBerrys off the table as these may interfere with the audiofeed. Audio of committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Up next we have the approval of the agenda. Does anyone have any changes to make? Mr. Clark.

Mr. Clark: Thank you, Madam Chair. One of the things I'd like to suggest, if I may, perhaps under other business – this may not necessitate a change to the agenda – is that I believe it's in our interest to discuss the adjourned motion around a request for the Legislative Assembly to extend this committee, at approximately 1:30 this afternoon, just determine where we are by that point.

The Chair: Yeah. We do have that under discussion on the agenda.

Mr. Clark: Is it? Okay. Specifically, where do we anticipate discussing that? Discussion of committee mandate: is that what that is?

The Chair: Item 6.

Mr. Clark: Okay. Perfect. Thank you very much.

The Chair: Seeing no changes, would a member like to move a motion to approve the agenda?

Mr. Nielsen: So moved.

The Chair: Moved by Mr. Nielsen that the agenda for the September 23, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as distributed. All in favour? Any opposed? That is carried.

Next we have the minutes from the September 19, 2016, meeting of the committee. Would someone like to approve the minutes?

Mr. Nielsen: So moved.

The Chair: Moved by Mr. Nielsen that the minutes of the September 19, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as circulated. All in favour? Any opposed? That is carried.

Under outstanding business, item (a), purported questions of privilege arising from the September 19, 2016, meeting. Ms Jansen, there was a purported question of privilege. I would like to turn to that and begin by stating that I have had the opportunity to receive advice from counsel on this matter. The matter of continuing a committee meeting past the scheduled adjourned time is a matter of procedure, not a question of privilege.

The authorities are clear on this matter. Joseph Maingot, *Parliamentary Privilege in Canada*, second edition, at pages 13 and 14 states:

While it will be seen that the Member enjoys all the immunity necessary to perform his parliamentary work, this privilege or right, such as freedom of speech, is nevertheless subject to the practices and procedures of the House. Thus allegations of breach of privilege by a Member . . . that amount to complaints about procedures and practices in the House are by their very nature matters of order.

Beauchesne's Parliamentary Rules & Forms, sixth edition, paragraph 92 states that "a valid claim of privilege in respect to interference with a Member must relate to the Member's parliamentary duties and not to the work the Member does in relation to that Member's constituency."

Nevertheless, there was a ruling that occurred at the last meeting. Does the committee wish to pursue this matter?

Ms Jansen: I just want to make a comment first, Chair. Certainly, the point I was trying to make when we had this discussion earlier in the week was that certainly for those of us who come from out of town and some of us who are single parents, if there's the idea that we may go long, that's something that we might want to discuss earlier in the day. Having a discussion at 4 o'clock, when the meeting is supposed to end, about extending the committee when some of us have child care issues is problematic. That was one of the points that I wanted to make. At that point I need to leave, and I can't take part in the discussion anymore, and I'm on my way back.

Now, one of my colleagues across the aisle made a comment about, "Why don't you phone in?" which is ridiculous in the extreme, that I would have that opportunity at 4 o'clock in the afternoon, not knowing that we were going to go long. I just wanted to make that comment.

Now, in the interest of, you know – obviously, there was a ruling on Monday that, in fact, it did touch on my privilege. I'm fine with that. I'm happy to go forward. In the interest of time I'm happy to dispense with the motion so that the committee can move forward.

But I would like it noted that certainly for those of us who do have some of these issues, a discussion earlier in the day about the possibility of lengthening the meeting that day is important. Certainly, the argument was made across the aisle by Member Loyola that he had to leave and had events in his constituency, and his colleagues all agreed with him and voted as such but, you know, weren't prepared to offer me the same option until the chair who was subbing in stepped in and voted in my favour. So I would just like it to be said, certainly, that co-operation from both sides of the table would be much appreciated as we attempt to finish our agenda.

The Chair: Thank you, Ms Jansen.

Next we have Mr. Clark.

Just to be clear, this is a matter of procedure and not a question of privilege.

Mr. Clark: That's actually the nature of my question. Just very briefly, for the information of all members of the committee, perhaps you or perhaps Parliamentary Counsel could just clarify what the procedure is should the committee intend to go beyond the scheduled time. Procedurally, what is the appropriate way of making that happen or deciding not to make that happen?

Ms Dean: It's a decision of the committee. You know, typically there's polling to see if members of all caucuses can be present. Again, ultimately it's a decision of the committee.

Mr. Clark: May I just ask one more question? Is that by a majority vote, or is it unanimous?

The Chair: Yes, it is.

Mr. Clark: Majority vote. Okay. Thank you.

Mr. Nixon: So to Ms Dean: I'm just going to check to clarify. Historically, though, in your experience, there's been a little bit of

polling of committee members from all parties to try to see conflicts in schedules, those types of things?

Ms Dean: That's correct.

The Chair: Next we have Mr. Cooper's purported question of privilege. I just want to mention that Dr. Swann is not at the meeting, so we will have to defer this until the next meeting because he cannot speak to it.

Mr. Cooper: I was just going to say the same thing.

The Chair: Okay. Thank you.

Now we are on to deliberations on the Election Finances and Contributions Disclosure Act. We did receive research that had come from research services. Would research services mind just opening with that, please?

Dr. Massolin: Thank you, Madam Chair. Yes, we'd be happy to. I'll pass the baton to Dr. Amato for that.

Dr. Amato: I believe there are actually two documents, both pertaining to third-party advertising. The one that I prepared does three things.

The first is that it reviews the current provisions of the act with respect to third-party advertising.

Secondly, it answers a question that was posed to research services in terms of: what were the recommendations of Ontario's elections officer with respect to the government committee that is looking at elections financing and this question of third-party advertising in Ontario?

9:10

Finally, there is a review of some of the scholarship and commentary on super PACs in the United States. That section notes that whereas in Alberta there are contribution limits on third-party advertising, in the United States the significant difference with super PACs is that there are neither limits on contributions nor spending when it comes to super PACs. Their expenditures are independent expenditures – I'm putting that in quotations – and there's some discussion about what that means and also about the extent to which co-operation occurs also with parties and with candidates when it comes to super PACs. That's what's discussed in that final section.

I'm happy to answer any questions with respect to this should there be any.

The Chair: Seeing no questions, would someone like to move a motion?

Dr. Starke: Excuse me, Chair.

The Chair: Dr. Starke.

Dr. Starke: Thank you. You know, in reading through this a few times, I guess my concern is that this field is evolving extremely rapidly and that, indeed, in the next roughly six weeks, as the U.S. presidential election proceeds to its conclusion in early November, I think we're going to see a further evolution of how these political action committees interact with voters. I guess my question is: what, in comparison to the U.S. situation, which at least from your research appears to me that the Supreme Court of the United States has allowed for super PACs to operate in an almost virtually unfettered manner – I mean, they can raise as much money as they want from whoever they want, spend as much as they want, talk about whatever they want, campaign directly for or against a

specific candidate and not be issues based. I guess my question, then, is: what restrictions in comparison to that would be presently in place in Canadian law? In Canada and more specifically in Alberta are we in a situation whereby all of those activities could similarly occur as a result of the activity of we'll call them super PACs in Alberta and in Canada?

Dr. Amato: Well, from the research, the situation in Alberta is – well, first of all, I think that the reflection, the summation that you've just given of political action committees in the United States and super political action committees in particular as opposed to traditional political action committees is accurate. When it comes to the Election Finances and Contributions Disclosure Act in Alberta, the significant difference, once again, is that there are currently contribution limits in place, and that is a significant difference compared to the situation in the United States.

Dr. Starke: If I could just continue on with that, the only restriction right now, you know, compared to what I talked about with the situation in the U.S., is the contribution limitation, correct? There's no limit on spending, and – correct me if I'm wrong – there's also no limit on content, like if a super PAC were specifically formed to specifically advocate for or against a specific candidate or a specific party. That, under the current rules, would be acceptable in Alberta?

Dr. Amato: I would like to defer to the Chief Electoral Officer on this question, but I think there are differences, and perhaps they will elaborate.

The Chair: Mr. Resler.

Mr. Resler: Thank you. One other additional item as far as in the U.S. is that when you're looking at what's considered dark money, in a sense you don't even have disclosure as far as who's contributing the funds for these advertising purposes. When you look at the provincial legislation, when you look at the definition for advertising, it does include to oppose or support a party or a candidate, so that would be included, and also the issue based, taking a position on an issue with which a registered party or candidate is associated. Those would be allowed under the definition.

Dr. Starke: Under the definition currently. So those would be allowed.

Mr. Resler: Yes.

Dr. Starke: Again, just hypothetically, if we were having an election this fall and not the U.S. and there were super PACs in Alberta similar to what the U.S. established, they would fall under contribution limits that are presently in place.

Mr. Resler: Yes.

Dr. Starke: But they would not fall under any spending limits, and indeed those super PACs could take up positions for or against a specific candidate, for or against a specific party, and not just on specific issues. Is that correct?

Mr. Resler: Absolutely, and it would only be regulated during the election period.

Dr. Starke: The writ period?

Mr. Resler: Yes.

Dr. Starke: The regulation that would occur during the writ period would pertain to what?

Mr. Resler: To the writ period as far as being required to be registered, and for any advertising over the \$1,000 threshold they'd have to be registered and then disclosure as far as who is contributing to them. Anything done prior to the writ: unregulated and no restrictions as far as what is being discussed or whether there is any transparency.

Dr. Starke: Okay. Then one final question to the Chief Electoral Officer, Madam Chair, if I may. I'm interested in what your opinion is, sir, if restrictions that are being proposed by the committee in the Election Finances and Contributions Disclosure Act are placed on known and registered political entities, whether it be political parties or on candidates. You know, given the experience that you've seen in other jurisdictions, do you consider it more likely that those restrictions will result in those wishing to influence the political process, that used to do it via political parties, seeking the use of less regulated entities such as super PACs in order to express their political opinions?

Mr. Resler: Absolutely. The money will go elsewhere. With the restrictions that are being placed on the other political entities, third parties are the natural vehicle in which the money is to flow. That's why we've made recommendations to legislate third parties further. We want them to be regulated the same as political entities, to have the limits, to have the restrictions as far as who is eligible to contribute, and also to look at collusion aspects so that then the parties and candidates cannot collude with a third party to get that message across.

Dr. Starke: But, as you said before, currently none of these provisions exist within the existing legislation?

Mr. Resler: No.

Dr. Starke: Thank you, Madam Chair.

The Chair: Currently the committee does have motions 4, 5, and 6, that are on the list of deferred motions, that are regarding the research that was requested. Does the committee want to go to these deferred motions? Mr. Nielsen.

Mr. Nielsen: Thank you, Madam Chair. You know, based on some of the research that we've seen, some of the discussion that we're having right now, with regard to my current motion I don't think that the intention of it is as clear as I would like to see it.

The Chair: Are you speaking about Motion 4?

Mr. Nielsen: Yes, my motion on third-party advertising. I think it might be best that I would have a new proposed motion, so with unanimous consent of the committee I would like to withdraw my motion in order to bring forward a new one, which I think would better clarify some of the things that we've been talking about here just now.

The Chair: Perhaps we should have that read into the record first before the committee votes to allow it to be withdrawn.

Mr. Roth:

Moved by Mr. Nielsen that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to require disclosure of contributions for financing third-party advertising at all times.

The Chair: Those in favour of withdrawal of the motion, say aye. Those opposed, say no. That is withdrawn.

Mr. Nielsen, you have a new motion to make?

9:20

Mr. Nielsen: I do, Madam Chair. Thank you very much. I move that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to require (a) registration of third-party advertisers who have incurred expenses of \$1,000 or plan to incur at least \$1,000 for political advertising as defined by the act that takes place outside of the election period and (b) regular political advertising, contribution, and expense disclosure reports from registered third-party political advertisers.

The Chair: Mr. Nielsen, did you want to speak to your motion?

Mr. Nielsen: I'd just make sure that we have it all captured.

The Chair: Mr. Roth would like to ask you some clarification on your motion.

Mr. Roth: Mr. Nielsen, are you referring to the writ period when you say "election period"? Would that be a better way of . . .

Mr. Nielsen: No. I'd be referring to the period outside.

Mr. Roth: Okay.

Mr. Nielsen: Maybe I'll ask Parliamentary Counsel if we might need to . . .

Ms Dean: What's your intent? Is it the 28 days or the three-month period?

Mr. Nielsen: Okay. I guess we can just simply put "writ period."

Ms Dean: So the intent is 28 days, right?

Mr. Nielsen: Yeah.

Mr. Resler: The election period: that's how it's defined in the legislation, writ till polling day.

Mr. Nielsen: Yeah. That's what I thought. It's meant to line up with what the current language is in there.

The Chair: It would apply to the three months, Mr. Nielsen, your question?

Mr. Nielsen: Yes. So outside of what the election period is defined as currently, right now. Maybe I'll rely a little bit on the Chief Electoral Officer to make sure.

Mr. Resler: The election period is defined as the period commencing the day of writ for a general election and concluding at the end of polling day. So it's the 28- or 29-day period, really.

Mr. Nielsen: So with the current language I have here.

Mr. Resler: You're saying that outside of that election period is what you're looking at?

Mr. Nielsen: Yes.

Mr. Resler: Okay.

Mr. Nielsen: So I'm lining up with your – okay.

The Chair: Mr. Nielsen, did you want to speak to your motion?

Mr. Nielsen: Again, I don't think my first motion, based on the research that was provided, was very clear in its intent in terms of trying to start the discussion with regard to third-party advertising, so I'm hoping that this will now allow the committee to begin at least a debate at some point and see what we can come up with.

The Chair: Okay. Mr. Nixon.

Mr. Nixon: I was looking for a clarification on the process for today, Madam Chair, and I'll let somebody else speak to the motion. Are we following a set schedule on the motions that are already there, or are we allowed to start putting them back out randomly on the table? Like, what's the plan for today?

The Chair: The committee can bring forward the motions that it plans to discuss.

Mr. Nixon: Okay. Thanks.

The Chair: Mr. Cooper.

Mr. Cooper: Thank you, Chair. I am looking for some clarification. Is it the intent of the motion that if someone plans to spend \$1,000 outside of the writ period, they disclose all of the spending outside of the writ period? Is that the intent here?

Mr. Nielsen: Sorry. If I could just ask the member to repeat that. I was just getting into the conversation.

Mr. Cooper: Yeah. No problem. Is it the intention of the motion that outside of the writ period, if a third-party advertiser intends to spend more than \$1,000, they will disclose both their intention to spend as well as what they actually spend?

Mr. Nielsen: I think the intent is that, you know, if there is a plan to spend at least \$1,000, they register, obviously, as a third-party advertiser.

Mr. Cooper: A follow-up: is that okay, Chair?

The Chair: Go ahead.

Mr. Cooper: Are we speaking about disclosing what they spend outside of the writ or just inside the writ?

Mr. Nielsen: Outside.

Mr. Cooper: Okay. So what would that look like? Quarterly? Annually? What do you envision the disclosure looking like? What do you envision that process looking like? What would the additional costs be?

Mr. Nielsen: Initially this is just to get the conversation going. I didn't want to necessarily predetermine a position. I'd like to hear from other committee members as to what might be appropriate, what might look like a good way of going forward on that.

The Chair: Ms Jansen.

Ms Jansen: Yeah. I think my concerns were the same as my colleague's. When you use the wording "plan to incur," I think that opens up a whole line of questions then. I'm not really sure how you enforce that or what that discussion looks like. I find that very confusing.

Then the regular disclosure reports: you know, are those terms? Is it once a month? Is it once every six months? Is that something

you want to have a discussion about here? Did you have an idea in mind?

Mr. Nielsen: I guess I'm hoping for, you know, hopefully, some real-time reporting of what's going on. Certainly, I think that in terms of specifically starting somewhere, I was hoping for more input from the committee.

The Chair: Member Loyola, I have Member Cortes-Vargas on the list first.

Cortes-Vargas: Thank you, Madam Chair. I think we can definitely work on the wording, but to identify who we're speaking to, it's not someone that's just going to be doing third-party advertising under \$1,000. It's trying to bring clarity to that. Certainly, I mean, we could definitely add language, you know, pending a review from Justice, to make sure that the wording of identification is right. It's in order to not create burdens for someone that's not going to be making significant political advertising. That's my understanding of where Mr. Nielsen is coming from.

Outside of the writ period, getting as close as – that's what we should really discuss. It's important to understand and not find out a year later who has been contributing to third-party advertising. The sooner we know, the better, so what is the appropriate timeline? I mean, I think that's under discussion here. I'm just hoping that those are the concepts that we'll talk about today.

9:30

The Chair: Member Loyola.

Loyola: Yes. I couldn't agree more with my colleague. Moving into this discussion, I think that it's really important for us to highlight that Albertans, at least the ones that I've spoken to, have said that they want third parties to disclose who is giving them money and they want to know that well before the actual election day. That's what I've heard from Albertans that I spoke to on this issue. I'll ask the Chief Electoral Officer because my understanding is that under the current legislation they don't disclose this until well after the election day.

In terms of getting the discussion going, I couldn't agree more with my colleague, that we want it to be in real time. I would appreciate third parties disclosing, soon after the writ has been dropped, who has contributed to their advertising campaign up until that point. I'll even throw out a date: a week after the opening of an election. So a week after when the writ drops, a third party would have to disclose who has contributed to their advertising campaign because by that time they've already embarked upon their political campaign, I would assume, and Albertans want to know exactly who is contributing to their campaigns.

I'll ask the question to the Chief Electoral Officer: under the current legislation, am I correct in my understanding that third parties do not have to disclose until well after election day?

Mr. Resler: The reporting for third parties is the same as for political parties: six months after election day they report. They also have an obligation of annual reporting after that for those that are registered.

The Chair: I have Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I have some concerns regarding the words "plan to incur" expenses. This comes down to evaluating whether there is an intent to spend or not. I guess the question is – I've got a few questions. I'll lay them out here. How do you plan on creating a decision-making structure that says that they have intent? Is it just that they had ordered something and not

paid for it yet? You can see that there's a big foggy area here, and this actually is a huge problem for Canada Revenue Agency because intent is a big part of whether or not you get taxed a lot of times.

The next thing that I've got a question on: is the government planning on instituting this for nominees as well? I know that we're talking about third parties, but this does seem to fit along with the nomination process as well. They're in this limbo along with third parties.

If you do find that there has been intent, what penalty would be there? Would you deregister them before they've registered? Like, this seems to be a bit of a problem there. Would there be a financial penalty? What happens is that they've collected \$3,000, they've spent the \$3,000, then you hit them with a penalty for \$1,000 or whatever the number is, but there's no money left there. So I'm not sure how you would deal with that part.

When it comes to this plan, we've got the fact that this is the first time I've seen intent brought up in any of the conversations so far, so this is surprising for me. Do you even think that it's possible for you to go down this road?

Mr. Resler: It's the current legislation. The current legislation for the registration of a third party states: "when it has incurred expenses of \$1000 or plans to incur expenses of at least \$1000 for election advertising." That's the current legislation and how it's defined.

It's not unusual to have a planning process in place as far as the intention to advertise. If they know they are going to, then it's like a preregistration process. They're going to preregister because they plan to incur. It may not happen at all, and then they'll report that zero expenditures were spent. For those that incurred it – so it's after the fact: they're incurring it; they've decided; they've spent it – they're registering with us at that time. It's a registration process and a disclosure process under the current legislation.

Mr. Cyr: Can I do a follow-up?

The Chair: Go ahead, Mr. Cyr.

Mr. Cyr: Did I misunderstand you to say that this specific motion is already within the law?

Mr. Resler: No. The definition, as far as registration purposes, is already in existence during the election period, and the motion is for outside of the election period.

Mr. Cyr: Thank you.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. That actually helps a lot. If the wording "plan to incur" is already in the rules, I can see where the motion came from. My comment was going to be that I wonder if the "plan to incur" is even necessary if you incur the \$1,000: well, you did, and we know, and you've therefore registered. But, frankly, if it mirrors the existing legislation, that actually does help to answer the question.

I'm curious about the \$1,000 number, and I note that Ontario's limit is \$1,000. Now, that's for within an election period.

I also want to come back to the definition of political advertising as defined in the act. Part of that definition is: "takes a position on an issue with which a registered party or registered candidate is associated." It's kind of everything, really, right? Like, you know, parties are associated with anything that's in section 92 of the British North America Act, I imagine, if I have my constitutional

law correct. I'm not going to pass a judgment on whether or not that's a desirable thing, but it is very, very broad.

I guess I'm just curious if the mover of the motion has received any legal guidance at all on whether or not this is, in fact, overbroad, if you've sought any advice as to whether or not you feel this would sustain a legal challenge. We can never know until it actually goes through the courts, but that's a very big, broad definition, which, again, during an election period is one thing. Outside an election period – I'm just curious if we're straying into a place touching on freedom of speech. Frankly, I don't have an answer to that. I'm curious about it, I guess, and I'd be curious to hear from the mover of the motion or, frankly, anyone else on the government side or the committee as a whole as to whether or not this is something you have received any advice or you have even an opinion on.

Thank you, Madam Chair.

The Chair: Sorry. Mr. Nielsen and Member Cortes-Vargas, your hands popped up at the same time. Member Cortes-Vargas, did you want to speak?

Cortes-Vargas: I just want to be clear that it's not a restriction in any way. In order to impact freedom of speech, you would have to be restricting it. What is being proposed here is a disclosure that in no way would interfere with what you're saying. You're asking them. Instead of, you know, not knowing who's participating in the advertising, some political advertising, and not knowing who's contributing to that – that was the inference and the issues that we've seen arise in other jurisdictions, that we don't know who that is and, therefore, you're not sure who's influencing the process and where this advertising is coming from. The proposal looks at disclosure. From my perspective and from my understanding, if it's disclosure – and I would definitely refer to the experts on this matter as well. A disclosure I don't feel would fall under restriction of freedom of speech.

I would just like to say, like, that we're open to a review from Justice. I mean, it would have to be reviewed by the minister in drafting legislation. Maybe the recommendation could be adding that as well.

9:40

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Yeah. I certainly understand that, you know, we are in a little bit of new territory here. I think what we're trying to achieve is just to mirror some existing thresholds that already exist. Certainly, I think that what I've just heard – I mean, I would certainly be open to something in regard to a review by Justice if we want to be safe. I don't think that this would limit the ability for anyone or impact their free speech. I think Member Cortes-Vargas said it pretty good. All we're simply saying is, you know: disclose where the financial backing is coming from. I don't see how that would impede you from saying whatever it is that needs to be said. Again, certainly, if people would feel more comfortable with some kind of a review taking place first before it's committed, I'm certainly open to a potential amendment to that.

Mr. Nixon: I'd like to quickly go back to where Ms Jansen was trying to go, particularly around . . .

Cortes-Vargas: His mike is not on.

Mr. Nixon: What's that?

Cortes-Vargas: Your mike is not on.

Mr. Nixon: Sorry. How's that?

Cortes-Vargas: It usually doesn't happen.

Mr. Nixon: Yes. That's the first time I've ever been told by the NDP that they couldn't hear me.

. . . the word "regular." Now, when Ms Jansen asked that question, Mr. Loyola talked about contributions, but this is to do with expenses, so I think there's still some confusion on that.

I'll go through you, Madam Chair, to the Chief Electoral Officer to see if he could shed some light on that. A couple of questions: do we have anything in our system that comes anywhere near to real-time reporting based on what we're describing here? I would appreciate some explanation on how you think your department could be able to enforce the word "regular" and what that would look like and what negatives you could see with that as far as enforcement. Quite frankly, is it possible that you could be able to maintain that level of real-time reporting?

Mr. Resler: We do not have real-time reporting. The more regular reporting would be quarterly, that we have with the constituencies and the parties. We're moving that strictly to the parties. As far as real-time reporting, the only real-time reporting that I know of across Canada with the election offices is Elections Ontario. They have real-time reporting, and I think that is defined as: within 10 days of a contribution being deposited in a bank account, it has to be reported. How regular reporting is defined here: that's not a defined terminology. I don't know. Regular reporting, to me and under the current legislation, is annual reporting, so that would have to be defined. Real-time reporting – yeah. You'd have to automate that. You couldn't do it any other way.

Mr. Nixon: What I heard was that currently we don't have anything within our system to be able to do anything close to weekly reporting. That's what I heard there, and there would definitely have to be some sort of change to our systems and the costs that are associated with that.

Through you, Madam Chair, my question is to the mover. While I'm pretty close to understanding the intent of the motion, I think the "regular" is a bit of an issue that we're going to have to figure out how to define. You know, I guess I'd like a little bit more of an explanation of why a week, like, where we came up with that number, you know, maybe some hypothetical situations that could clarify for us why we would want to go through the role of building that all up rather than sticking with the same reporting that every other entity within our electoral system has, quarterly or yearly, depending on the situation.

The Chair: Mr. Nielsen, you wanted to respond.

Mr. Nielsen: Thanks, Madam Chair. I guess the reference to the – you know, hopefully, I understood what Member Loyola was trying to say. I think that once the writ drops, any sort of final reporting of anything that's happened outside of the writ period would need to be done a week after the writ has dropped, if I understood that right. I guess that in terms of the regular, again, I didn't want to start on a point in hopes of getting every member's participation in this, but maybe something quarterly. Maybe we can start there, then, if that'll help to move things forward in the discussion.

The Chair: Member Loyola.

Loyola: Yeah. Sorry if I confused the issue. I mean, I think that what we want here is transparency. We want third parties to be reporting, so, yes, we want them to report on expenses. I'd also like

for them to report on contributions. I was speaking more to the contributions side of it. I understand I may have confused the issue, but I was just speaking to what I have heard from Albertans. I think that I wasn't referring to expenses a week after, just contributions a week after. I mean, I'm open to any ideas that other committee members may have.

The Chair: Mr. Cooper.

Mr. Cooper: Thank you, Chair. Just from your perspective, Mr. Resler, and actually following up from Member Loyola, would this motion require disclosure of both expenses and contributions, or would that need to be specified, in your opinion?

Mr. Resler: By reading (b), reporting of "contribution and expense disclosure," yes, it would include both.

Mr. Cooper: It's got both covered?

Mr. Resler: And they currently report both.

Mr. Cooper: Okay. Perfect. I guess, you know, with the intent to spend – I know that it is currently \$1,000. Is \$1,000 the right number? I recognize that that question would have other ramifications inside the act, but while we're speaking about third parties, I just wondered if you would provide some context. I guess that how I arrived here is that I had an individual in the constituency of Olds-Didsbury-Three Hills who owned a private aircraft and chose under their own volition to pull a banner behind the aircraft. I can't remember – I literally can't remember – if it said "Vote Nathan Cooper" or "Vote Wildrose."

Mr. Resler: Nathan Cooper.

Mr. Cooper: It said "Nathan Cooper"? Okay.

The individual may or may not have chosen to circle a Premier's barbecue, but literally I was unaware other than that at one point in time he said to me: "Hey, I've got a banner. Do you mind if I fly it?" I said: "Sure. No problem." He certainly never intended to be a third-party advertiser, and as it turns out, I don't believe that the expense was over \$1,000.

Anyway, I guess that in situations like that – and for the record I appreciate your phone call seeking some clarification around this particular event – you know, is the \$1,000 threshold enough? Certainly, he never intended to be a third-party advertiser, and I would make the case that he never was. I guess that's where the heart of the question around a thousand bucks comes from.

9:50

Mr. Resler: Looking at the definition, if you're opposing or supporting a registered candidate, you are politically advertising for that candidate under the definition. The threshold would be the next test as far as the dollar value. Whether the \$1,000 threshold is appropriate, that's a policy decision. When you look across the country, other provinces have \$500 as a threshold. So the \$1,000 is more reasonable as far as: is it a higher amount not to catch, you know, the smaller expenses?

Mr. Cooper: All right.

The Chair: Any further discussion? Mr. Clark.

Mr. Clark: Thank you, Madam Chair. You know, where I'm struggling here – and, again, I want to be clear that as I look at and read again the super PAC problem in the U.S., I think that we all here want to avoid that problem. We don't want that. I certainly don't want that.

Where we have a case of an enthusiastic supporter dragging a banner behind an airplane, I mean, clearly, that's in support of a political candidate. Now, interestingly, they may not be helping as much as they think they're helping if, unfortunately, they're contravening rules, and I think that where we're supporting a specific candidate, that's one thing. What I wonder about – and perhaps this is captured under the \$1,000 limit; again, I don't know. There's an ability now for someone who has an interest in an issue to simply set up a website and advocate for a particular position.

In fact, I believe the ND caucus has set up such a petition website asking their own Education minister to support policy, which is interesting. Regardless, individual Albertans do this all the time. We've had a petition set up in support of LGBTQ rights, a petition set up as a result of all sorts of things. There's, I think, a website called Support Our Students, which was created by just an individual Albertan. I don't know how much they spent. I don't know what it cost to build the website, to promote the website. To me, this feels like fair political comment and ought not be restricted in any way.

I guess I'm just curious. If those are the sorts of things that are happening, will Albertans feel restricted in doing so because now they need to go through an Elections Alberta process? More to the point, is that something that could potentially trigger some legal challenge? I don't know. We can never predict what will (a) trigger legal challenge or (b) trigger a successful legal challenge, but I just want to put on the record that these are the things that are going through our minds as we talk about this sort of stuff.

I think it is important to restrict or to disclose third-party advertising from large organizations that would seek to influence the process in a big way like the super PAC in the U.S. I don't think that's where we want to be in Alberta, large amounts of money outside the now restricted political system. But I worry that we may be straying into a territory where we're constraining ordinary, everyday Albertans in simply expressing an opinion or trying to move the needle in a small way on their own initiative.

Again, I ask that question as a curiosity to put it on the record, but it gives me pause when we start to stray into this territory. Thank you, Madam Chair.

Cortes-Vargas: I just wanted to comment on that because I think there is an insinuation that political advertising – I think we just need a clear, defining role of what political advertising falls under. My understanding: letters to the editor, blog posts, all of those things that are not paid-for advertising wouldn't be considered. Those are usually the things that – folks that engage in that kind of work are not looking to pay for advertising. They're looking to submit a report on a different issue, they're looking to write a letter to the editor, and all of those things, in my understanding, unless they invested over \$1,000, wouldn't be considered political advertising. So I actually think that the reasoning that Mr. Clark was going on is actually unfounded in this situation.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Yeah, again, I do hear the concern that the member has, and I guess I'll say again that if there's some will for wanting to have this reviewed by Justice ahead of time, I'm certainly open to something like that. You know, hopefully, maybe, that might put people a little bit more at ease.

Mr. Nixon: I will attempt to put something forward that maybe goes to what Mr. Nielsen is saying. I will move an amendment – now, I lost the motion because we went up, so we'll try to see how good my memory is – that after the word "recommend" we put "subject to review by Justice" and then put the recommendation.

Then the word “regular”: you know, the Chief Electoral Officer, in my opinion, was pretty clear that he thought that would be annually, but I sense from the government members that they would like it to be more often. So I would amend that word “regular” to be “biannual political advertising” and then on in that way.

Mr. van Dijken: Biannual is every other year.

Mr. Nixon: Not biannual but semi-annual. Sorry.

Cortes-Vargas: Quarterly?

Mr. Nixon: We’ll do quarterly because it might actually pass. We’ll see what happens.

Ms Dean: Can I just offer some suggestions? It would be unusual for a committee of the Assembly to request the Department of Justice to review its motions. I’ll just offer that this subject area could very well be subject to a legal challenge. There is litigation that’s under appeal right now before the Supreme Court of Canada that’s not directly related to this, but it could touch upon some of the issues associated with this. I offer that as my opinion, but I just would exercise some caution, committee members, with respect to having the executive branch review your motions.

Mr. Nixon: Well, it’s a problem. I’m sympathetic to that, but the problem the government members have already pointed out, and I agree with them on that, is that because of what this motion touches upon, we don’t know – I mean, we’ve heard the list of questions already on what this might do as far as the rights of third parties and people. The indication from Mr. Nielsen with his motion was that he recognizes that it needs to be reviewed by somebody besides just the committee. I mean, I’m open to, if it shouldn’t be the executive branch, a discussion on who that should be, but if the fact is that the committee itself doesn’t feel that it has enough information to confidently make that motion without thinking that we’re stepping on those legal land mines, as Ms Dean points out, that’s troubling to me.

You know what? For my first amendment, then, I will move to add the word “quarterly” so that we don’t muddy the waters. Then, hopefully, we can continue to have a discussion.

Ms Dean: Striking out “regular” and replacing it with “quarterly”?

Mr. Nixon: Yeah, and then we’ll go from there.

The Chair: Discussion on the amendment? Dr. Starke.

Dr. Starke: Thanks, Madam Chair. Yeah, I’m in favour of this amendment. I think it provides some clarity. You know, whether it’s twice a year, four times a year, or annually: that can be debated considerably. It would strike me that these third-party advertisers are likely to operate on a provincial level and therefore are, in terms of the structure in comparison to a political party, somewhat analogous to a political party, which also has quarterly reporting requirements. So I think quarterly reporting would be reasonable, and it would provide for not necessarily real-time contribution and expense reporting but, you know, certainly very, very timely, I would say, contribution and expense reporting.

I would be curious, because I believe that this is, again, a new responsibility that would be placed on the Chief Electoral Officer, whether this would require – I guess it’s hard to say because we don’t know how many registered third-party advertisers there might be. But if we were to see large numbers of third-party advertisers,

this would necessitate, then, an increase in your staffing and your budget, correct?

The Chair: Mr. Resler, did you want to respond?

Mr. Resler: Yes. It would definitely impact, and I agree with your comments as far as the quarterly process aligning with the political parties. We have that process established already as far as web-enabled information. Because the definition is broad and includes issue advertising, you know, there will be numerous entities who won’t realize that they’re engaging in political advertising, so then there becomes that communication role, education role, enforcement role that will have to be engaged as a result.

10:00

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. You know, I’m excited by the proposal brought forward by the member for the amendment. Again, I wanted to start somewhere, and this has certainly led to this, so I’m happy to support this going forward and would certainly recommend that all my colleagues around the table support this as well.

Mr. Nixon: Well, with those nice words of support, I’ll just stop talking. I might talk myself out of my amendment.

The Chair: All those in favour of the amendment, say aye. Any opposed? That amendment is carried.

We are back on the amended motion. Mr. Nixon.

Mr. Nixon: Mr. Cooper is trying to get on the speakers list – I think that’s what he’s indicating – but I beat him there because you probably can’t see him through me. I apologize for that.

Through you, Madam Chair, I’d like to just build a little bit on Mr. Cooper’s comments around his extreme example of his constituents flying around with airplanes. What the Chief Electoral Officer pointed out in regard to unwittingly or unknowingly becoming a political advertiser at \$1,000 I actually think is correct. I think that’s possible. I’ve seen around my area many times where guys line up tractor trailers or combines and cover them in signage for one reason or another, for candidates or for a party. For property rights, in particular, for a while there they had them all over. I guess I’d like to hear some of his recommendations in regard to this motion of how we can either through this process or how his office is going to figure out how to address people that are, you know, not aware that they’d be coming into that realm of possibility.

Second, in his experience or his wisdom on the matter, is this enough to make sure that we’re not preventing people from participating as far as signage stuff during an actual election and that type of stuff? I don’t think that it’s the government’s intent to start to mess with the farmer that wants to, you know, put up an advertisement for a campaign similar to lawn signs, but in their circumstances they might have larger lawn signs.

Mr. Resler: You still have the threshold of \$1,000. In most of the examples you’ve provided, each individual would fall under \$1,000 if they’re just putting up a sign on the side of a combine or farm equipment, something like that.

An Hon. Member: What about flying an airplane?

Mr. Resler: Flying an airplane is a little more expensive.

The concern that I have and the recommendation that we had put forward was to remove issue advertising outside of the election period. That’s where you get into advocacy groups. That’s where

you get into the conversation where really the political advertising – it's similar to the recommendation that the CEO in Ontario has put forward to deal with: are you opposing or promoting a registered candidate or a party in between an election period? That would be my only concern.

Mr. Cooper: Quite likely, just for clarification's sake and not having a total grasp of all of the rules around this, how would this have an impact on organizations that are outside of Alberta yet engage in the political process inside of Alberta? This is the only example that I can think of, and I don't mean to be intentional. An example would be, say, Press Progress, who do a significant amount of engaging in the political process but I don't think are considered to be media. I don't know the answer to that. They're not based in Alberta yet engage, quite likely, in spending more than \$1,000 on their political positions.

The Chair: Mr. Resler, whenever you're ready.

Mr. Resler: As far as registration of a third party, the following are not eligible to be registered currently: a corporation that doesn't carry on business in Alberta, a person not ordinarily resident in Alberta, a trade union or employee organization that's not an Alberta trade union or employee organization. But they can still fall under political advertising as far as the definition.

Mr. Cooper: So if they don't have regular business in Alberta but they engage in the political process in Alberta and they are external – say, Vancouver or Ottawa or Montreal – will they not have to fall under any of the rules of disclosure that we're attempting to get included?

Mr. Resler: If they're advertising, under the definition they still would fall under the political advertising definition. They would still be restricted as far as their contributions, what funds were used to pay for that advertising. If their contributions or the funds came from outside of Alberta, that would be an illegal advertisement, so we'd prosecute on those grounds.

Ms Jansen: For instance, you have a group that purports itself to be media, and they're openly campaigning for a candidate, as we're seeing right now. A particular right-wing organization is doing this, openly campaigning for a particular candidate. It's difficult to tell where their money is coming from. It's clearly coming from donations; that's how they keep themselves running. How would you regulate something like that? I would assume just from what I've seen that this group is amassing significant funds and using them in this effort right now.

Mr. Resler: Currently, as far as the definition of political advertising, we're talking about promoting or opposing a registered party or the election of a registered candidate. So if we're looking at broadening this, does that include a leadership candidate or a leadership contestant, that type of thing? It all depends on what that definition is. If it applied to the candidate and they're promoting or opposing, they fall under those rules. So the contribution limits, who's eligible to contribute, the registration process: all would fall into place.

Mr. Cyr: I guess I've got a bit of a concern here. Any newspaper that endorses a political party or candidate suddenly falls under third-party rules is what you're saying?

Mr. Resler: Not a newspaper. A third party. So it's: what's the definition?

The exemptions under the legislation include

the publication without charge of news, an editorial, an editorial comment, an interview, a column, a letter, a debate, a speech or a commentary in a . . . publication, a radio or [TV] . . . a website or online discussion forum.

There are exemptions in the definition already.

The Chair: Mr. Clark.

Mr. Clark: Thank you very much. That's precisely the direction I was about to head in. We live in a new world here, and I guess what I'm really curious about is: are we entering into – let's say a newspaper columnist writes a column that endorses or goes against not even necessarily a political party but takes a stand on an issue that a party may engage in, and then that newspaper believes so strongly in that that they go advertise that on other websites, and they spend more than \$1,000 doing so. Let's say that that's the *Edmonton Journal* and they believe very strongly in the opinion or that's just their business model, how they advertise their wares. Does that make them a third party? I'm curious about that. The *Edmonton Journal* is a long-standing news organization with tremendous integrity. I don't know if there's a *Journal* reporter here or not. Regardless, you know, that raises an interesting question.

10:10

And then we have a new world where we have online news. So Rebel media: is it news? Is it advocacy? Is it lobbying? You know, would it fall under this definition? Those are interesting questions, and I'd appreciate the Chief Electoral Officer's perspective on that.

Mr. Resler: It's somewhat difficult to respond as far as hypothetical. What we would look at is that in the definition it's bona fide media, news, television. So we'd have to look at the specific source and how that it is defined.

Mr. Clark: Thank you.

Mr. Nixon: Just really quickly to Mr. Clark's point I guess the question is: who determines that?

On the opposite side of that, to Ms Jansen's point, you have groups on one side of the spectrum that have capabilities of doing something much more significant than individual members or individual Albertans. I agree with her point, but the opposite to her point would be stuff like what we saw with Bill 6, where we saw, you know, community groups or other groups of concerned ranchers and farmers putting together large advertising campaigns, particularly on social media, or covering combines and driving them. I can tell you that it doesn't take too much to spend \$1,000 on fuel just to be able to, you know, jump from town to town, right?

You know, I don't sense that it's the government's intent to stop certain groups like that from protesting against their actions or any other government's actions at that time. This is why – and I think Mr. Nielsen was pointing it out – we need this reviewed by somebody else because we don't have enough time to be able to sort all of those out, I would suggest. Second, because there are so many fluid legal issues to this, I certainly don't feel like we've been given enough information to help determine the final outcome of that, and I certainly don't feel confident – and Parliamentary Counsel seems to have already indicated that this could see some sort of a legal challenge. So how are we going to, you know, get that nailed down and figured out?

An Hon. Member: Move to adjourn debate.

Mr. Nixon: Yeah. Do we move to adjourn debate on this, or do we send it to somebody else? I'd like to hear the government members' thoughts on how to proceed on that.

The Chair: Mr. Nielsen.

Mr. Nielsen: Well, thanks, Madam Chair. You know, I still believe that we were heading in the right direction. I know that you were looking to amend that, and I'll state again that I'm totally open to that. I mean, you know, has it not been a standard practice before in the past? I still think it's okay. You know, we send it there, we cover our bases, and let them check it out, and then we can be secure in what we're moving forward here.

The Chair: Member Loyola.

Loyola: Yes. I'd like to propose an additional amendment.

The Chair: Go ahead.

Loyola: I move that we add after the word . . .

Ms Dean: We have an amendment on the floor.

The Chair: Oh. No. That passed.

Ms Dean: Sorry.

Mr. Nixon: It's so rare these days that it probably caught everybody by surprise. [interjections]

Loyola: Surprise, surprise.

I move that the words "pending a review from Justice" be added after the word "that." Or perhaps it would just be better if we put pending a legal review.

Ms Dean: That's better.

Loyola: That's better? Okay.

Mr. Roth: Sorry. At the end of . . .

Loyola: After the word "that." I believe there is only one "that," but at the beginning.

The Chair: Member Loyola, did you want to speak to your amendment?

Loyola: No. I think it's pretty clear, the intention of what we're trying to do here. I think that members on all sides understand what we're trying to do here, and I think that we're all in agreement. Hopefully, we can all agree on this and move it forward.

The Chair: Mr. van Dijken, you were first on the list.

Mr. van Dijken: I'll defer to my colleague Mr. Nixon.

Mr. Nixon: I mean, this is the intent of what I was trying to do earlier, so in general I support it. Rarely does Parliamentary Counsel steer me wrong, though. The concerns that Ms Dean brought up – would the change in wording address your concerns, or do you have a different recommendation on wording? I think you understand the intent of what we're trying to do. Is there a better way that we could do it?

Ms Dean: I do. My concern was with respect to the independence of the legislative branch and that this deliberative body should not be looking towards branches of the executive in terms of making its decisions. This is just providing language so that you can get more information with respect to any possible constitutional issues and you're not – yeah; I think this is fine.

Mr. Nixon: Okay. Well, then, I would speak, certainly, in favour of this amendment.

The Chair: Are there any further speakers to the amendment? Mr. Nielsen.

Mr. Nielsen: Yeah. Thanks, Madam Chair. I'm certainly happy to support this amendment. I think it will help address some concerns around the table and give us at least, you know, something to make sure that we're headed in the right direction and we're not missing any pitfalls. I'm happy to support this amendment and ask all to support it as well.

Dr. Starke: Madam Chair, I guess my concern here is that we would single out this one section for requesting a legal review on possibly whether it's constitutional, whether it would stand up in the courts. You know, a little bit earlier, a couple of meetings ago, the Chief Electoral Officer quoted a section from a decision by the Ontario Court of Appeal that indicated that regulatory entities should not get involved with the regulation of the operations of individual political parties. It was very clear. That's a ruling that's already on the books. Yet we're not specifically asking for a legal review of that proposal even though there's already a legal review or there's already, rather, a legal ruling on the books that indicates that what we are proposing may well be unconstitutional.

So I don't in principle oppose the idea of sending this for legal review. I think that's, you know, part of good legislation crafting. And I appreciate Ms Dean's comments with regard to staying away from a scenario where we're, you know, asking another branch – and I agree – for that legal advice or the legal review. I'm just a little bit concerned, though, that we're singling this out for legal review when there is relatively little precedent that we can draw on whereas for another decision that was made that very clearly puts us in a tenuous position as far as whether it's legal as not, we didn't request a similar review. Like I said, I'm not necessarily opposed to this amendment, but I am questioning why the committee didn't ask for a similar review when we were dealing with that other matter.

The Chair: Mr. Clark.

Mr. Clark: Thank you very much. I don't often disagree with Dr. Starke, and we don't often find ourselves on different sides of this. I think that with this one, given that we're treading new territory, it's entirely appropriate to ask for a legal review. It I hope will address the questions that I have around freedom of speech and some of the questions around news media – what is media? what's advocacy? – and those kinds of things.

Where I do agree with Dr. Starke is that the other motion he refers to probably ought to have had a legal review as well. I do agree with that. But given the subject matter at hand and the motion that we're talking about, perhaps it turns out that we are on the same side on this one. I think we should move forward with this one because I think it's important, and I would encourage the government perhaps to consider other areas of legal review as well.

This is the right thing to do. Thank you.

The Chair: Is there any further discussion on the amendment?

Seeing none, those in favour of the amendment, say aye. Those opposed, say no. That amendment is carried.

We are back on the amended motion. Mr. Roth, would you mind reading the amended motion into the record first?

Mr. Roth: Moved by Mr. Nielsen that

the Select Special Ethics and Accountability Committee recommend that pending a legal review the Election Finances and Contributions Disclosure Act be amended to require (a) registration of third-party advertisers that have incurred expenses of \$1,000 or plan to incur expenses of at least \$1,000 for political advertising, as defined by the act, that takes place outside of the election period and (b) quarterly political advertising, contribution, and expense disclosure reports from registered third-party political advertisers.

10:20

The Chair: Those in favour of the amended motion, say aye. Those opposed, say no. That amended motion is carried.

We will take – oh, Member Loyola, go ahead.

Loyola: Well, I was just going to ask. The comments that I made earlier alluded to a motion that I wanted to bring forward that is related. I was hoping that the committee would indulge me in bringing a new motion forward that is related, but it sounds like you want to call a break.

The Chair: Perhaps we'll call a break and then test the floor as to whether you would bring forward a new motion or go back to deferred third-party motions.

Loyola: Sure. Sounds good.

Mr. Nixon: Just before you call that break, Madam Chair . . .

The Chair: I think we've broken. We'll come back in 10 minutes.

Mr. Nixon: Okay. Sounds good.

[The committee adjourned from 10:21 a.m. to 10:31 a.m.]

The Chair: I'd like to call the meeting of the Select Special Ethics and Accountability Committee back to order.

At the last committee meeting there was a motion as amended that was on the floor that I believe perhaps was causing some of the discussion before break. I just wanted to test the committee to see if the committee wanted to move forward with contributions or to continue with third-party advertising.

Mr. Cyr: Madam Chair, can we move to Motion 3, which is my motion on free speech?

The Chair: Is that the will of the committee?

Mr. Cyr: Has anybody got a problem with that one?

The Chair: Dr. Starke.

Dr. Starke: Sorry, Madam Chair. Are we moving entirely away now from discussion of third-party advertising?

The Chair: It's at the will of the committee.

Dr. Starke: Okay. You know, we've explored some of these issues, and there are a number of other motions that I think would help tackle this issue, that is a difficult issue, one that we need to consider. So, no, I'd prefer we not move away from it. That's what I think.

The Chair: For the record there was – I think it was perhaps two meetings ago – that debate on Mr. Cyr's motion that actually was adjourned because there was discussion of it touching on third-party advertising. Would you like to open with that and then continue with the third-party section? Mr. Cyr.

Mr. Cyr: Yeah. Madam Chair, I would like to say that it would be nice to at least get through some of the old motions that have been sitting here for extended lengths and then move forward on new motions.

The Chair: Thank you. So we will pull up your motion on the screen and have Mr. Roth read it out for the committee. It is Motion 3.

Mr. Roth:

Moved by Mr. Cyr that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to make it clear that the sharing of political views via free social media is not prohibited during any election period for individuals.

The Chair: With that, I will open up discussion. Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. This one here we have debated quite a bit, actually, and I would love to hear if anybody has got a concern with this motion. If not, I'd like to go straight to a vote, if that's possible, for time's sake.

The Chair: Is there any further discussion?

Dr. Starke: Well, Madam Chair, I just want to clarify. I believe I asked this question the first time it came up, and I don't recall that there was an explanation that was satisfactory. That was with regard to the phrase "free social media." Most social media, you know, by its nature is free, but there is also the option to pay for either posts to Facebook, tweets, or other means of social media, where you pay to promote that specific thing. Is that, then, crossing the line? Perhaps the Chief Electoral Officer could offer some advice here. If those payments are made, does that then become paid political advertising? I mean, it is in a free forum, but you're paying to promote that particular post or that particular tweet.

Mr. Resler: You know, you still have the threshold of \$1,000. Free social media – political advertising is not prohibited to begin with. It's allowed. A registration and transparency process is what is regulated. So to say that it's not prohibited: I agree. Advertising or views of a political nature are not prohibited unless they spend over \$1,000. Then it becomes a registration and reporting aspect.

Mr. Nixon: Mr. Cyr, I'm sure, will jump back in, but let's say that my friend Mr. Cooper's team with the airplane takes a picture of his airplane flying over the Premier's event and turns that into a political advertisement of some sort that his team begins to push out through social media. Obviously, the expense and the contributions associated with that are being disclosed through our existing process. Then people all across his constituency – "Well, that's such a cool stunt" – and maybe all across the province virally begin to push the graphics, that type of stuff, that his team has built, which is well above \$1,000 in expenses.

I think what Mr. Cyr is attempting to do is to make sure that no candidate in Mr. Cooper's situation, in that example I made up – it's not a real example, for the record – would be in a position where they were now violating or where a third party would put out a graphic, attempting to influence the process, and where people are utilizing social media to share that graphic, to share that campaign, to push that forward without an actual expense from them but, clearly, you're above \$1,000 of initial costs. I think Mr. Cyr will speak to that, but I think that's his intent.

Mr. Resler: So is it addressing the reposting, redistribution? We go to the source as far as where those funds were originally expended.

That is a concern as far as – you mentioned it – the reposting, because then all of a sudden, if it was a registration issue, say the original person and additional, if they repost it to their membership and there are 2,000 members, then are we going to investigate 2,000 people? It's not our intention either to do something like that.

Mr. Nixon: But even building on that, through you, Madam Chair, to the CEO, there seems to me a possibility of some abuse or an ability to attack another candidate or a political party by doing that. You know, it's simple to say that we could track this in concept and a lot harder to be able to do that across the social media spectrum. Certainly, somebody could attempt to make it look like it's coming from one candidate's camp or something along those lines, and really it's coming from a third-party group trying to mess with that particular party or that campaign. I think we've seen examples of that with robocalls, or at least allegations of that, in the past. I think that is what Mr. Cyr's intent is. Maybe the wording needs to be changed, but it's just to make it clear that everyday Albertans participating or continuing on a campaign message is not an expense.

Ms Jansen: I think the only piece I struggle a little bit with is the "free social media." I think that there are groups out there who may want to consider themselves free social media when, in fact, they're anything but. I refer again to that particular supposed news organization that certainly, you know, could be construed as a lobby group, that has paid employees going out and taking pictures of politicians and then on their website is saying that you get a premium account for X number of dollars a month and is doing all that work and is raising funds.

Really, what they're doing is that they're vilifying a particular group, and they're able to do that because they have resources. They spend most of their time vilifying a particular group and the rest of their time promoting a particular group, yet they're considered free social media by some folks. What do you do in a situation like that? Obviously, when you have supposed media that operates full-time on social media, how do you govern something like that? I mean, I find it a little bit confusing because, you know, there are certainly groups that have the ability to send their paid employees out to make a full-time job out of targeting a particular party. I'm not really sure how you deal with groups like that. You're stumped.

10:40

The Chair: Mr. Resler.

Mr. Resler: Yeah. We're restricted with the legislation itself. Complaints received we're investigating, and we follow through in those means, but we'd be following the legislation.

Ms Jansen: So you would have to make a specific complaint about a particular group and then wait to have it addressed?

Mr. Resler: Yes.

Ms Jansen: Okay.

The Chair: Any further discussion? Ms Drever.

Drever: Yes. Thank you, Madam Chair. Well, since I am the social media queen over here, I'll just put my input in. I wanted to say that I am glad that we can agree around the table on this. I understand that Mr. Cyr wants to ensure that basic freedom of expression is protected, and I agree with him on that. I also understand that this is potentially already covered within the act, but if the member wants to make this more explicit, I just wanted to say that I can support this in that proposal.

The Chair: All those in favour of the motion, say aye. Those opposed, say no. That is carried.

We would be moving to Motion 5. Mr. Roth, would you like to read Motion 5 into the record, please.

Mr. Roth:

Moved by Mr. van Dijken that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to prohibit unions and corporations from making election advertising contributions to third parties.

The Chair: With that, I will open discussion on the motion. Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. I think we're moving along quite well today.

The limitations that we are putting towards political parties and the traditional political process that we have been able to enjoy in Alberta: with these new limitations we have to also recognize how that possibly has consequences in how our political process will evolve in the years to come. Recognizing that third parties, super PACs and the like, will become more and more engaged in the process as we limit political parties, we do not want to give them a leg up towards the process. With that, that's why we limit and prohibit unions and corporations from donating to political parties, and I felt it critical, then, to also extend that to third parties.

Mr. Nixon: Madam Chair, I note, at least on my notes, that it says that we requested some information from research on this. Have we already talked about that?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. Through you to Mr. Nixon, I think we've had an explanation of the research on super PACs, that information, but I think there is additional information with respect to the legal case law review that Mrs. Szabo did. Perhaps the committee would like to hear from her about that now.

Mr. Nixon: Please.

Mrs. Szabo: If you could just please repeat the question. I apologize.

Dr. Amato: Just summarize your research.

Mrs. Szabo: Summarize my research? Sorry about that. Okay.

I was tasked with looking at some of the case law in Canada on third-party advertising specifically. Essentially, there are two rights at play. There is freedom of expression under section 2(b) of the Charter as well as section 3, which is the right of voters to meaningfully participate in the democratic process. On the whole, the Supreme Court of Canada in Harper, the 2004 case, which is still a leading case, has stated that for the most part these requirements on third parties do infringe freedom of speech. Of course, they might be found to be justifiable under a free and democratic society. Also, section 3, which is the democratic rights provision, kind of counterbalances that infringed-upon freedom of speech in the sense that the courts recognize that voters have the right to hear from different people. Likewise, that right is balanced with the right of parties to express their views. In some respects these requirements are necessary to even the playing ground during the election period.

The case law distinguishes between the writ period, or, as it's also kind of called here in Alberta, the election period, and cases where

those requirements are placed on parties outside of that period. The courts recognize that the election period is a very special time. Presumably the Legislature has been dissolved and the electorate are focusing on, you know, some very critical issues. Requirements infringing on these third parties' rights to freedom of speech are important because this is the time when parties or voters are most vulnerable to undue influence, so to speak, from third-party advertisers and the like.

Falling outside that period, again, there aren't any applicable cases here in Alberta. My research looked at cases in B.C. They were pertaining to spending limits on third parties in that jurisdiction. You know, the Chief Electoral Officer has touched upon this before, but the issue in that jurisdiction was with the definition of political advertising. Or it wasn't political advertising; it's election advertising in British Columbia. In essence, it's very similar to our definition here for political advertising, and they had issue with the issue component in that definition. They found it to be overly broad because it captured a political expression, and that was an expression that was directed towards affecting an outcome in an election period.

That's just a general summary of my research. If the committee has any other further questions, then of course you're more than welcome to ask.

Loyola: I want to thank the member opposite for bringing this motion forward because I think it was a proud moment for all of us in this committee when the full Legislature backed our first motion to ban corporate and union donations. I think that this just follows up on that. I think it makes sense. It wouldn't make sense for the union to ban it on the political side. I think that makes perfect sense to continue it on to third parties. So I'm highly in favour of this motion and suggest that everyone support it.

The Chair: Ms Dean.

Ms Dean: Thank you, Madam Chair. I am presuming that we're talking about registered third parties in the language of this motion, so is the committee amendable to wordsmithing that motion?

10:50

Mr. Cyr: I'll make that amendment.

The Chair: All in favour of the amendment, say aye. Any opposed, say no. That amendment is carried.

We are back on the motion as amended. Any further discussion? I'll have Mr. Nixon, then Mr. Nielsen.

Mr. Nixon: Yeah. I think the intent of this is to continue on with the work we've done about both getting unions and large corporations out of the political process. I do know that according to an article I recently read, in the last Ontario election third-party advertisers spent \$15.4 million and basically outspent all the other political parties. You know, for example, a hundred unions could go and do \$15 million worth of advertisement because we've capped what people can put into it, but we haven't capped what they can spend similar to us. They could do that in the last week of a writ drop and significantly influence an election. I think that's Mr. van Dijken's intention, so I will support this motion.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I think Member Loyola said it pretty good. It's, you know, sort of that next natural progression with regard to this. First off, thanks to the research staff for doing a

fantastic job giving us that information to be able to move on these things. Just to quickly cover our bases, I'll ask the Chief Electoral Officer: as the motion is amended, we're solid here?

Mr. Resler: Fully supportive. That's our recommendation 49, so I have no objection or comment on that.

Mr. Nielsen: Thank you very much. I'm happy to support.

The Chair: Mr. Cooper.

Mr. Cooper: Thank you, Chair. I, too, will be supporting the motion. I just have a question of clarification. Perhaps it's better suited in deferred Motion 6, but I'll ask it now, and if it is determined that we should talk about it in a few minutes, I'm fine with that as well. Perhaps to the Chief Electoral Officer: should there be in place or are there in place things that would prevent third-party advertisers working together? For example, could you have – you know, we're going to talk about spending limits – like, 10 third-party groups that all share a similar goal or desire to pool their total amount and then spend \$1.5 million instead of whatever their allotted amount would be? Should that be allowed, or should it not be allowed?

Mr. Resler: It should not be allowed. We do have legislation that states: "A third party shall not circumvent or attempt to circumvent a limit set out in this section in any manner, including splitting itself into 2 or more third parties." It somewhat touches there. I think it can be strengthened to ensure that there is no collusion, but it's a start.

Mr. Cooper: Okay. Just one follow-up, then. You know, my example used was a little bit more specific to regular third-party groups, I guess, but in the case of a union would locals be considered as separate third-party entities, or would it be a single body, as in they would only have one limit and couldn't split it up amongst all the locals?

Mr. Resler: They're a single entity, but you have to remember that they also have their memberships. So that doesn't restrict them. They can go to their membership and ask contributions from their members that would fall into the individual limits – right? – no different than any other group or organization.

Mr. Cooper: Okay. So they couldn't, then, spread costs throughout all their locals?

Mr. Resler: No. It would be through the one body.

Mr. Cooper: It would be a single-entity third party?

Mr. Resler: Yes.

The Chair: Any further discussion on the motion as amended?

All those in favour of the motion as amended, say aye. Any opposed, say no. That amended motion is carried.

We are on to Motion 6. Mr. Roth, if you wouldn't mind reading that into the record, please.

Mr. Roth:

Moved by Mr. van Dijken that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to provide for a maximum election advertising contribution limit to third parties that is the same contribution limit that pertains to registered parties.

The Chair: Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. Just a couple of points here. I think the work that we did on Monday would speak to this motion. We amended the first motion on our adjourned motions to include registered third parties, so I'm not sure if the committee wants to deal with it here or separately or just withdraw and move toward getting Motion 1 addressed. Also, if research has anything that they can add into this discussion from the research that has been done, that would be appreciated.

The Chair: Up next I have Dr. Starke.

Dr. Starke: Yes. Thank you, Madam Chair. Well, that was sort of what struck me when this came up. I said, you know, that this is already part of Motion 1 that's been included via amendment. I think that the cleanest way to take care of this would be to withdraw this motion, if the mover is amenable to that, and then the limit, which is the \$4,000 limit that has been previously discussed, applies to registered third parties as it would to political entities. That would be my suggestion in this issue.

The Chair: Mr. van Dijken, did you want to move to withdraw?

Mr. van Dijken: Yes. I so move.

The Chair: All those in favour of the withdrawal of the motion, say aye. Any opposed? That motion is withdrawn.

There are five deferred motions. I think I will – okay. Member Loyola.

Loyola: In the spirit of what Dr. Starke brought up, in terms of the fact that we would like to continue on third party, I would hope that the committee would be amenable to continuing on the subject of third party. If I could please make a suggestion for a motion at this time.

The Chair: Is the committee amenable to that? Go ahead, Member Loyola.

Loyola: Thank you, Madam Chair. I would like to move that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to require an election advertising report from registered third-party advertisers within one week of the writ period being announced and subsequent weekly election advertising reports during the three-month period during which the general election must be held.

The Chair: I'm going to refer to Ms Dean for some counsel.

Ms Dean: I have some questions about the intent of the motion. You would like weekly reports during the three-month period?

Loyola: Yeah. My understanding is that under the current legislation, because we don't have set election dates, there is a three-month window from when an election must be called and held.

11:00

Ms Dean: That's correct, but I'm just a little – I think we're mixing concepts here because you're referencing the writ period being announced, and I would say that the correct way to describe that is that the writ is issued on a particular day, and then it's a 28-day period that follows. So are we talking about a 28-day period during which you would have weekly reports?

Loyola: That is my intent, yeah. Please feel free to help wordsmith it.

Ms Dean: I would change the wording so that it reads, "within one week following the issuance of the writ."

Loyola: Okay. And then "and subsequently" – get rid of "being announced" – "weekly advertising reports during ..."

Ms Dean: It's the balance of the 28-day period you're talking about. Is that correct?

Loyola: Yeah. So then we would take out "weekly advertising reports during ..."

Ms Dean: The election period.

Loyola: "... the election period." Correct?

Ms Dean: Yeah.

The Chair: Member Loyola, would you like to speak to your motion?

Loyola: Yes, please. Thank you, Madam Chair. I think that we can all agree that disclosing who funds third-party campaigns is a valuable tool for voters as they consider these ads and the wider issues during an election. However, I think that the current rules around disclosure for third-party election advertising aren't strong enough. The current rules do provide for disclosure, but much of the disclosure doesn't take place until well after the election, and by this point it's too late. The election is over. As I already shared with the committee, Albertans have already talked to me about wanting to know this information before election day, and I think that they couldn't be more right. I mean, they want to make sure that they have this information.

This proposal aims to ensure that any third-party advertiser who intends to spend \$1,000 on election advertising must disclose at the beginning of the writ and then throughout the election period who their contributors are and any prewrit advertising expenses that have been incurred up to that point. I would think that as ad campaigns are running and as they seek to influence elections, information about who funds them should be made available to members of the public before they cast their ballot. That way electors can be fully informed as they judge the content of the arguments put forth by a third party. Now, some may say that this is onerous, but I think that if a third party is going to spend thousands of dollars producing and publishing a campaign, then surely they have the capacity to file disclosure statements.

With that, I'll open it to comments of the other committee members. Thank you, Madam Chair.

Mr. Nixon: I think there's going to be a fair bit of discussion on this, but I think I'll start in the area of the reasonableness of attempting to do it at that level of real time. It seems to me that one of the main goals of this is to get transparency into the process, which I sympathize with and agree with, but the reality is that at the same time we also don't want to stop people from participating in the process or making it so hard to be able to participate in it. I find that trying to get this down to weekly is definitely not just flirting with it; I think you're at that point where it's tough.

I don't know if an organization could – I mean, large ones maybe could process their donations at that speed. I know that when I was the ED of a large nonprofit, we managed to be able to process our tax receipts within 24 hours, but I can tell you that the machine that was built to do that was pretty big.

I would point out also to the member, through you, Madam Chair, that this is the busiest time of the cycle, I assume, for Elections Alberta. There might be a lot of other stuff going on that they would have to address, so, you know, my first concern is the timeline.

The second thing is that I'm not even sure if there's a system in place that could with any reasonableness – that Elections Alberta could enforce this. I mean, quite frankly, Elections Alberta does not know when cheques are being cashed. As far as I know, they don't require bank statements or copies of those. The main goal of that is the transparency of the period.

You know, my first concern is around the time, so I'd like to hear from the Chief Electoral Officer, his thoughts on the time and the burden it will put on the Chief Electoral Officer and his team as well as the burden it will probably put on third parties participating in the process. Then I wouldn't mind hearing a little bit more from the government on why – I mean, how do we just keep pulling these time frames out of the air? Like, where did we come up with a week?

Let's start there, Madam Chair.

Mr. Resler: Again, we would have to automate the process in order to receive the information. We'd have to bring additional staff in dedicated just for this purpose. It's not something that can be accommodated within our own administration at that time period. We'd have to make it work.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Again, we're probably looking at several staff, probably increasing your department based on this motion by itself. Now, this would have to be on an electronic system. There would be no other way around it. We're also looking at financial statements every week being filed. I'm thinking that that's kind of the intent of the member here. Now, again, as you know, I draw on my Revenue Canada experience.

Mr. Cooper: Suffering.

Mr. Cyr: Or, as my colleague has pointed out, suffering.

I'll go with something like payroll, where you remit for the first and 15th periods, and if you're a bimonthly remitter, you have 10 days to file the remittance form with the information to Revenue Canada. With these being financial statements, they'd be done on the Friday automatically through the electronic system. I guess the question is: how exactly do you get that information in that fast? I don't see how this is even possible the way this motion is written.

Now, my other concern here is that it appears to be stricter for third parties and everybody else, and I would love to hear whether or not this is something that would be surely challenged in court.

What penalties if they were late would be attributed to this? Let's say, for instance, that they get two or three weeks behind. Are they going to be deregistered in all of this?

A lot of third parties are actually volunteer based. Are we wiping out all volunteer third parties going forward by making this motion? It does seem like we're going from trying to prevent big money to preventing third parties with this motion.

I would love to hear what the CEO has to say about that and possibly if legal counsel has got any idea of whether or not this could be surely challenged in court.

The Chair: Mr. Resler, did you want to respond?

Mr. Resler: I could comment as far as the offence section. Current third-party election advertising offences:

[If] guilty of an offence [you're] liable to a fine not exceeding

- (a) \$10 000 if the third party is a person;
- (b) \$100 000 if the third party is a trade union, employee organization, corporation or other organization.

Those are the limits that are currently in the legislation. As far as if they're in breach of the legislation, you know, enforcement would be engagement, contacting the organization. But the process itself takes time. It's not an immediate process. It could be several weeks later.

11:10

Cortes-Vargas: I have a couple of questions for the CEO if the chair will indulge me.

The Chair: Go ahead.

Cortes-Vargas: Okay. I'm wanting to just get clarity. How long postwrit is the current requirement of disclosure for third-party advertising?

Mr. Resler: It's the same as for parties: six months after polling day, election day.

Cortes-Vargas: After polling day. So under the current system someone could make significant investment in political advertising – I believe you stated the amount that was spent in Ontario before, Mr. Nixon. Someone could spend that amount of money and could potentially influence the electoral process and the results, and Albertans are finding this out six months afterwards.

I think, you know, I mean, what we're trying to do here is to find a solution to that, so I think the premise of that is what people can agree on. How we go around doing and finding a solution is what we're debating. Is there something that you would find a reasonable approach in order to address this issue, which is that the voters should know who's influencing and who's participating in third-party campaigns?

Mr. Resler: Really, that is a policy question that this committee is tasked to make a decision on, you know. We work with what is provided to us. There isn't anything, I think, across the country more current than – I'm not sure. Are, like, third parties in Ontario – yeah. There are no restrictions. Like, Ontario doesn't even have the real-time reporting applying to third parties at this time either.

Cortes-Vargas: No. I know that. Yeah.

The Chair: Dr. Starke.

Dr. Starke: Yeah. Thank you, Madam Chair. I guess my concern with this particular motion is: exactly what constitutes an election advertising report? You know, that would also help a lot in terms of determining whether this is an onerous requirement or something relatively simple.

I note that in the decision, the Harper decision, that's referenced in our research material, on page 2 of the research that was provided on the review of third-party advertising requirements, federal provisions were upheld for a number of things, including a requirement for the third party to – and I note the bottom bullet there – “file an advertising report.” So this idea of having some form of election advertising report is not a totally new concept. It appears that it's already part of the federal legislation.

In that regard, I'd like to address a question to the Chief Electoral Officer. What is the nature of that report? Is he familiar with how long they take to prepare? And then with regard to this specific motion, you know, to file weekly election advertising reports, my concern, quite frankly, is that the third parties who are wanting to – and, I think, legitimately wanting to – participate in the electoral

process because they have an interest are going to be spending all their time during the election writing reports and preparing reports.

I mean, we don't have to prepare a weekly report as to how many doors we knocked on or, you know, who gave us money. We file that six months after polling day. I mean, surely the influence of the electoral process is the greatest on the candidate and on the party. I think that, in this instance, requiring a weekly report during the course of the actual campaign, quite frankly, is considerably greater than what would be reasonable. And, you know, then, like I say, it begs the question: well, if third parties have to do that, how long before candidates have to do it or political parties have to do it? I mean, anybody, I think, would concur that the election period is a pretty hectic one. The last thing that I think we need to do is to add additional tasks, including the preparation and filing of reports on a weekly basis during the course of an election.

I guess, again, my question to the Chief Electoral Officer: could you maybe inform the committee a little bit more as to exactly what an election advertising report is? You know, how large a document is this? Is this something fairly straightforward that could be knocked off in half an hour, or is this going to take some staff member two or three days to come up with?

Mr. Resler: We currently have an election advertising report that is filed, so part of the third-party advertising requirements. It is pretty much a one-page document. It'll have the detail as far as the contributions. All contributions over \$250 must state who the contributor is and the dollar amount, and then it'll have the expenses. Really, the expenses is a summary number of what election-related expenses or political advertising expenses occurred. That's done six months post. When I see the motion here, an advertising report would be similar. What is the detail of the contributions? What are the total expenses at this time?

Dr. Starke: I guess maybe, then, my next question is back to Member Loyola, and what the rationale is that he has for, you know, requiring a significantly more stringent reporting requirement on third parties as compared to candidates or political parties. To me, we've talked before about having some degree of symmetry between the requirements for third parties and the requirements for political parties and candidates and constituency associations. So what is the benefit of requiring this level of reporting, and if you're requiring it of third parties, why would you not also consider requiring it of candidates and political parties?

The Chair: Member Loyola, do you want to respond?

Loyola: Yeah. I think that we can all agree on the significant impact that super PACs can have on an election process, and I think that Albertans have expressed that they're concerned with exactly that. They may not have phrased it exactly in those terms, but they're – again, I go back to the Albertans that I have spoken to on this issue. I'm happy to say that those are people who support different political parties, not just the governing party.

I'd be open to suggestions from colleagues around the table if a week is too much. Two weeks? Would that be all right? A week after the writ has dropped and two days before the election day? But Albertans have made it absolutely clear to me and, I believe, to others that they do want third parties to disclose who is contributing to the election campaigns, number one, and then how they go about spending that money. I think that's something that Albertans have asked for. We must comply. As the Chief Electoral Officer has stated, it is a matter of policy. However we direct the Chief Electoral Officer to go, he will comply with that.

Again, I reiterate: this is something that Albertans have asked for, and we must move in this direction, in my humble opinion.

The Chair: Next I have Mr. van Dijken, then Mr. Clark, then Ms Renaud, and then Mr. Nixon.

Mr. van Dijken: Thank you, Madam Chair. I believe the motion that's before us is definitely in the realm of overkill in the democratic process. I believe the fact that we are singling out registered third-party advertisers is essentially discriminatory against those third-party advertisers. We talk a lot about aligning and being sure that the limitations for political parties, political candidates, and third-party advertisers be in alignment and not causing one entity to be put in a place of disadvantage, I guess. That's probably not the right wording. But I have a lot of difficulty with this motion based on that, and to think that we would then move into weekly reporting for political parties, political candidates during a writ period to me is significant overkill in the protection of the democratic process.

11:20

I honestly believe that the movement that we're making towards lower contribution limits put on individuals will take care of a lot of the super PAC kind of worry that might be out there. I think that this is possibly a motion that does not recognize that the lower contribution levels – any one individual that possibly would be able to give \$4,000 to a super PAC is not going to skew the electoral process in a way that I would be uncomfortable with, an individual having the ability to put undue influence on the results of an election.

I think that this motion – I understand the intent, but I think the fact is that we put our Elections Alberta people, during possibly the busiest time of their existence, into another aspect of trying to monitor things. This is going to be difficult if not impossible to get any kind of good results from. The CEO did mention that results possibly would show up several weeks later.

So I think we're definitely into an area of trying to micromanage to the point where we're not doing any good here. I would encourage everyone to recognize that overkill is not necessarily in the best interests of the political process when it starts to put up more and more roadblocks within that process.

Thank you.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. I wonder if this is a double-up on what will already be disclosure from third parties. Remembering that the motion we passed previously has words to the effect of "or intend to spend over \$1,000," the expectation would be that those organizations very likely would be captured under that intend category if they had not already previously advertised. Given that we're now regulating disclosure or intend to regulate disclosure of third parties outside of the writ period, outside of the election period, I have a strong suspicion that we're very likely to already know who is doing the advertising, who is donating.

I also want to just get some perspective on the scale of the issue here. Now, I acknowledge that elections going forward are likely to be different than previous elections given the donation limit reduction, spending limits, and the disclosure rules we're talking about here. Of the 10 listed third parties and nine active third parties in the last election, only three spent any money. I don't think a single one spent much more than \$10,000 that I could tell. My numbers may be somewhat off, but the scale of that advertising was relatively low in the last election.

The other thing I wanted to emphasize at least my understanding of – perhaps we'll have the office of the Chief Electoral Officer confirm this – is that third-party advertising by definition during an

election period would be issue advertising, not promoting a certain party because if it did promote a certain party, I presume that would count against that party's campaign spending limit if perhaps someone were to hire an airplane to fly around with a banner just in a strip, grabbing a hypothetical out of nowhere. I presume, given that we've got some spending limits imposed now upon parties and individual candidates, that that third-party advertising would not be a way around those spending limits, so that therefore would limit third-party advertising to issue advertising.

The other point I will make and allow Elections Alberta to respond to is that question of: third-party advertisers must already disclose in the ad who paid for the ad. Now, that may be organization X, Y, Z, and I know what you're driving at is: who paid the money into that organization? My point being: I think that we're already going to know that from the intent to advertise or intent to spend more than \$1,000 portion, and therefore I'm not convinced this is necessarily a relevant provision and certainly runs the risk of burdening third parties to the point of perhaps them making a legitimate claim that they're being unduly burdened, and therefore it's a restriction on free speech.

I'll go back, if you don't mind, to the Chief Electoral Officer on just that question of issue versus elections advertising.

Mr. Resler: During the election period both issue advertising and promotion and opposition of a party or a candidate are legitimate activities.

Mr. Clark: Sorry?

Mr. Resler: Both activities. So if you promote or oppose a candidate or party or you have issue advertising, both of them are allowed during an election period. Those expenses aren't attributed to a candidate. It's a legitimate third-party advertisement.

Mr. Clark: I'm curious on your thoughts on how that would interact with spending limits for candidates.

Mr. Resler: Well, they'd be subject to the spending limits and the contribution limits, so the amount of funds expended during that period are subject to that limit, right?

Mr. Clark: Again, someone is flying an airplane in support of a candidate: does that count against the candidate's spending limit or the third party's spending limit?

Mr. Resler: Just to clarify, is there a spending limit motion? Did we pass one already? No? Okay. Unlimited spending. Got it confused in that. It would not apply to the candidate because they're their own entity. They're a third party.

The Chair: Next I have Ms Renaud.

Ms Renaud: Thank you, Madam Chair. I think it's really important to remember or to focus on the fact that we're talking about election advertising during the writ period. I think I heard almost everybody across the way talk about the need to go further than what Bill 1 presented when we had that discussion in June of 2015. It's important that money should not be able to determine the outcome of an election; rather, ideas, candidates, and the wishes of the electorate are first and foremost. I think it is very important that we know during that very intense period where the money is coming from and where it's going. I do agree that perhaps once a week is a bit much, but perhaps a week in we have a clear idea of what is being used, what's being planned, and where it is coming from. Let's be clear. If we want to be transparent, let's be transparent.

Mr. Nixon: I think Mr. Clark, first of all, has a point, that the previous motion we just passed probably is going to end up covering this anyway – quarterly, obviously, not weekly – but we've got to find balance on this issue. So while we want to make sure that we want to bring transparency into the system – I agree with that, have spoken in favour of that many times – we've also got to make sure that people can still participate in the system. I know the argument from some government members when this has been brought up in the past is that we're not restricting free speech, and they're probably right, but they're definitely chilling free speech. They're definitely making it harder if we go too far with the rules for people to participate in free speech.

The word "super PAC": you know, we have third-party groups in here that are nowhere near super PACs often that rely very much on volunteers who are not working each day to try to process what's coming in. I would submit to the committee that I don't know about any invoices they might be receiving or that type of stuff through the process that would be coming in in a week. I can't think of any business that would be able to comply with that, so you wouldn't be getting real-time information, period.

Then in addition to that, we've already established that the impact on Elections Alberta during their busiest time of the cycle – and they have some important duties during an election; I think that's fair to say – means that they're not even going to be able to get that information processed in anywhere near that level of real time to get it to the public anyway. How many people are they going to hire to do it? But I still suspect, you know, that it's going to get out of control. Anybody with accounting experience is going to recognize that a week just is not reasonable. There's not any cycle that I could think of associated with finances that is a week long.

11:30

I guess the question then becomes the number. It sounds to me like the government is insisting that it would have to be some sort of update during the writ period, which is basically four weeks. I think that if we look at the last one that we passed and if we adjust this one slightly to match that to go with quarterly, then the information that the government members are trying to get to the public is already going to be out there because they're reporting quarterly anyway. So we would know throughout the year who is participating. You know, with that third-party group, somebody could go look at their last report and go: "Oh. Okay."

You're right. We wouldn't notice if somebody all of a sudden added another \$4,000 to that total during the writ, but by lowering the amount, I don't understand what the major concern is. It's not like somebody can come rolling in and spend a million dollars in a week individually inside a PAC anymore. We're stopping that from being able to happen anyway.

I'm looking at it trying to figure out a way to amend it to make it better, but I can't even figure it out. I think that while I get the transparency intent, this is just going to punish a bunch of good people trying to participate in the process. I don't think that's your intent, but I think that's what's going to happen.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I'm still trying to work out what exactly it is you're trying to do with the information that you're trying to get. Are we looking to stop third parties from spending money? What is the intent? I hear "transparency," but transparency happens also six months afterwards. I don't see how a one-page document being filed weekly is going to add to transparency.

These third parties: we still have to possibly come up with, if there is going to be a limit, how much they can spend. If, let's say for instance, we picked the party limit, the spending cap on them, that's \$2.2 million potentially through a 28-day period. That's a lot of money, and that seems to be a remarkable amount of entry into an electronic system that Elections Alberta would be trying to bring forward. Unless they were somehow integrating communication between the accounting program and Elections Alberta, the volume of transactions that would be going through this, potentially, could be staggering.

I would like to hear what exactly the intent with this is. Is it actually to find wrongdoing? Is that what the intent is? I'm not seeing transparency being brought through by this motion.

Ms Jansen: I don't in principle have a problem with the idea of an election advertising report. From what I'm hearing I have a couple of concerns. Is this covered already? Do we actually need to have that in here? And the second one is: if we do have to have it in here, if this is providing something that the other item we talked about isn't providing, are we perhaps being a bit prescriptive? If we are being a bit prescriptive here, then maybe there's an opportunity to find a little middle ground on this.

I would ask if the Chief Electoral Officer could comment on whether there's anything in this particular motion that adds anything that we haven't covered so far.

Mr. Resler: The difference is the frequency of reporting. The quarterly reporting in the motion prior – say we have a March 1 election. The quarterly reporting for December 31 would probably be 15 days after, so on January 15 they'd have to report that last quarter. Any activity from January 1 to March 1 would be captured in that first week and then weekly after, so potentially there could be additional information.

The Chair: Member Loyola.

Loyola: Thank you, Madam Chair. I think I've made it abundantly clear that I am completely willing to have someone make an amendment. I'd be happy with third-party advertisers doing an advertising report within one week following the issuance of the writ. Therefore, I would recommend that if someone wants to make an amendment, simply just strike out "and subsequent weekly election advertising reports" during the election period because, as Mr. Resler has just pointed out, based on the quarterly reporting we could be missing substantial – well, there's a period of time where substantial contributions could be made to a third party that would not be captured under quarterly reporting before an election is called. That way at least one week after the writ is dropped we would have an additional report that I think Albertans would appreciate having.

Again, I hear my colleagues across the floor saying that, you know, weekly afterwards is too much. I've said it before, and never let it be said that the Member for Edmonton-Ellerslie is unyielding. I hear you, and I'd be open to an amendment to strike the words that I previously mentioned.

The Chair: Mr. Cooper.

Mr. Cooper: Thank you, Chair. I appreciate the comments from Member Loyola. I hope that when we talk about other issues that perhaps the opposition has strong feelings about, including – oh, I don't know – contribution buckets, the same sense of co-operation and bipartisan support for motions will . . .

Loyola: If it makes sense.

Mr. Cooper: Trust me. It makes sense.

The other thing I might just quickly add is that during debate around Bill 1 the opposition certainly did make comments about the legislation not being robust enough. If I recall correctly, much of that discussion was not around third-party advertising but around the backstopping of loans by unions or corporations or individuals, so to compare the two might be a bit of a stretch although I do agree that at that time we had lots of discussion about ensuring that Bill 1 closed loopholes. Again, the loopholes didn't benefit the opposition but benefited other political parties that aren't in the opposition. So, you know, on issues of benefit we see the government not being as co-operative as on other issues like we're seeing today.

With respect to third-party advertising and Member Loyola's comments around super PACs, while I can't be certain, my sense is that the committee has some desire to put spending limits toward third-party advertisers during a writ period similar to a political party. So to make the comparison that, you know, super PACs are going to ruin the electoral process here in Alberta or have significant influence is highly unlikely. Will there be additional monies that used to go to political parties that now will go to super PACs? I withdraw my super PAC comment because I don't believe that there's going – they're not going to be able to exist during a writ period. It's quite likely that they will have a spending limit during a writ period, so super PACs won't exist in Alberta because of the legislation that is likely to be passed. I think it's a bit of a challenge.

11:40

Now, one question that I had, you know, on this motion – and I appreciate that he may be willing to get a subamendment. I don't think that I'll be proposing one because mine would be that they report quarterly, like the last one, and I don't have the sense that that would pass because you want reporting one week after. One of the challenges we've heard about is other organizations or political parties or candidates having to do the same. Frankly, there were weeks during the campaign where we didn't process donations that we had received in that week, let alone being able to report on them. Clearly, this is far too onerous.

The last comment that I'll make this time is around PACs. Just seeking some clarification around PACs personally supporting one candidate or another and adding to Mr. Clark's comments on whose spending limits or contribution limits those would apply to, what if there is a close relationship between a third-party advertiser or a PAC and a candidate? You know, let's say, Vote Nathan Cooper PAC. In fact, this is actually hypothetical; I really don't have any close enough supporters that would be willing to do that. Are there appropriate safeguards that wouldn't allow a third-party advertiser to essentially be an extension of the political campaign if, in fact, we're going through the work on the one side to try to limit spending, limit contributions, but then essentially a third-party advertiser could provide a candidate with an additional, say, bucket?

The Chair: Next I have Member Cortes-Vargas.

Mr. Cooper: Oh, sorry. That was a question of the Chief Electoral Officer. Are there the appropriate safeguards that would prevent that from happening? I think that was the actual question. I know it was a long way to get there.

Mr. Resler: Currently there is no provision restricting – in your instance it would be promoting a registered candidate, and that's where we've recommended that anticollusion provisions be in place, so deeming rules to prevent that from happening.

The Chair: Member Cortes-Vargas.

Cortes-Vargas: It's okay, Madam Chair.

The Chair: Mr. Sucha.

Mr. Sucha: Member Loyola covered most of what I was planning.

The Chair: Next I have Ms Renaud.

Ms Renaud: Thank you, Madam Chair. I'm not going to really speak to the what-ifs or the assumptions but sort of focus on the fact, and the fact is that to focus on registration disclosure will enhance transparency. So I would like to move an amendment that we remove the words "and subsequent weekly."

Ms Dean: The whole thing?

Ms Renaud: Yeah. "Subsequent weekly election advertising reports."

Ms Dean: And all the words that follow.

Ms Renaud: Yes, that we remove the words "and subsequent weekly election advertising reports" and all the words that follow.

The Chair: I'll open it up for discussion on the amendment. Dr. Starke.

Dr. Starke: Thanks, Madam Chair. I'm in favour of the amendment. Actually, it was my intent to move a virtually identical thing, you know, following up on Member Loyola's professed malleability. I think this improves what has already been identified as being an overly onerous situation. I'm still not in favour of the requirement, quite frankly, but let's deal with this amendment first because I do think it removes something that is overly onerous. My concern again is that the logic will extend to candidates and political parties. That's my concern here, that if you require it of third parties, then how long before you require it of candidates? How long before you require it of political parties?

I'm in favour of the amendment to at least reduce the burden and reduce the requirement for weekly reporting.

The Chair: Mr. Clark, did you want to speak to the amendment?

Mr. Clark: Yes, please, to the amendment.

The Chair: Go ahead.

Mr. Clark: Again, I think this amendment polishes a bad idea. I do share Dr. Starke's concern that this logically would extend to political parties and candidates as well.

The other thing I do want to flag and that was raised earlier by, I believe, Mr. Cyr or Mr. van Dijken, you know – and I mean this with all sincerity – is that I have a tremendous amount of faith in the work of Elections Alberta. I have absolute faith that Elections Alberta can do anything given enough resources. The answer is going to be: "Of course. Of course we can handle this. We will need more FTEs. We will need more money." There are a lot of things that we've done on this committee with, I would say, the best of intentions but have definitely added to the workload of Elections Alberta. I think there comes a point at which we have to ask ourselves: are we solving a problem we have, or are there other ways of solving that problem?

I come back to my point from earlier on, which is: have we already required a third party who intends to advertise during a writ

period, during an election period, to disclose prior? I believe that that previously passed motion would do exactly that, so I worry that we're piling too much onto Elections Alberta.

Having said that, I will vote in favour of this amendment because I do think it makes this a little bit better, but I'm still not convinced that the idea itself is necessary. Thank you.

Mr. Nixon: Similar to Mr. Clark's comments, I will speak in favour of the amendment, but I'm still against the motion. There's an old trapper friend of mine who lives west of Rocky Mountain House and who I have coffee with occasionally who says this saying all the time, "Don't go on a skunk hunt," which is why I didn't try to amend this myself. The problem with going on a skunk hunt is that everybody ends up smelling like a skunk.

The reality is that this makes the motion better, and I suspect it's going to get forced through, so we may as well support it. But I want to echo the concern that if we're moving towards doing this across the political spectrum, we're getting dangerously into the realm of grinding the process to a halt with so much paperwork. To Mr. Clark's point, you know, at what point do we start to take the taxpayers' money into consideration on this and stop randomly coming up with ideas that there seems to be no legitimate argument for us needing?

I will support the amendment, for sure, but my intent would still be most certainly to vote against this motion.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Yeah, I think this amendment addresses some of the concerns with regard to, you know, the possible onerous task of reporting, but at the same time I think it addresses Mr. Loyola's concern about giving Albertans, I guess, maybe one sort of final report of what's been going on in case something hasn't been captured that, as Mr. Resler has indicated, could be a possibility. I don't think it's a bad thing that Albertans get to know what's been going on behind the scenes and who's backing that, and I certainly think that they would appreciate that information to make an informed decision.

The Chair: If there's no further discussion, I'll put the question. All those in favour of the amendment, say aye. Those opposed, say no. That amendment is carried.

We are back on the motion as amended. Dr. Starke.

11:50

Dr. Starke: Yeah. Thank you, Madam Chair. I still have concerns and, I guess, perhaps just a practical question on this. The report that this motion suggests would be required of registered third-party advertisers would be filed within one week following the issuance of the writ, but I think it's fair to say that for most reports there's a cut-off date as far as, you know, the date that the report is submitted. I think it's not realistic to say that this covers all of the contributions and expenses if this is an election advertising report – let's call it that – that covers the entire period since our last quarterly report, which we've discussed and we've decided would be a good idea. Now, there has to be a cut-off date, and I think it would be reasonable to expect that it takes a week or so to prepare this report and to gather the data required. So in point of fact, this would basically cover the period since the last quarterly report and the dropping of the writ.

Well, you know, again, I don't know that this accomplishes very much, and I don't know that it's reasonable to say: well, you don't have any time to prepare the report; the report has to be done up until the date of filing. Again, I come back to: I'm not sure that this solves a problem that exists.

I think, quite frankly, that if we want to reduce the influence of third-party advertising, there are better ways to do it in terms of passing some form of spending limit, which was sort of hinted at by the Chief Electoral Officer and certainly is something that is being looked at in other jurisdictions. I would be more in favour of limiting that overall level of influence by doing that rather than, you know, having an unlimited situation that is then purportedly controlled by virtue of filing a report with the Chief Electoral Officer.

What I'm saying is that I think there are better ways of accomplishing, ensuring that the exact scenario that the Chief Electoral Officer said would absolutely happen with the restrictions on parties and candidates on spending – I think there are better ways of limiting the influence of third parties, which we now recognize could very well become an issue because of some of the other measures that we have decided to recommend.

I would not be in favour of this, but I would be interested in hearing a comment either from the mover of the motion or from the Chief Electoral Officer as to what they would consider to be a reasonable period as a cut-off time prior to the issuance of the report.

The Chair: Member Loyola, did you want to respond?

Loyola: Yeah, most definitely. I mean, if you want to stipulate a cut-off date, it would be the day of the writ, I would say. If one week is not enough, we can extend it to 10 days. I'm open to any suggestions from members around the committee room. Those are my comments regarding your questions.

The Chair: Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. I guess I may not completely understand what's entailed in an election advertising report. I suspect it's different than a political advertising report, but I could be corrected on that. I have no idea how we're going to have an election advertising report within one week of issuance of a writ when there's possibly hardly any election advertising being done. You know, I need clarification on how we can have an election advertising report, so advertising that's taking place during the writ period, actually completed one week into the writ.

Mr. Resler: It wouldn't be completed. It would be at a point in time. If you were looking at the submission one week after the writ, the time lag between the quarterly and the cut-off date – you know, if we use the example of quarterly reporting, right now it's 15 days post the end of the quarter. So there are 15 days in which to provide that information, and that has been complied with by the constituencies and the parties. The information that you would gather would be new contributions and potentially some expenditures that occurred, so if there was an advertisement that went out early on.

Mr. van Dijken: So, for clarification, it's not just an advertising report; it's a contributions disclosure report.

Mr. Resler: From, previously, contributions and expenses. If this is similar to what was prepared on the quarterly basis, it's a continuation of that. That's what I was understanding.

Mr. van Dijken: Can we possibly take a look at the last motion? I've been trying to scare it up on the website, but I see that it's not there. If we could take a look at the last motion and see if we've got that covered off in the last motion, the motion that Member Nielsen had put forward. The question, then, is: is the intent of the new

motion to fast-track the quarterly political advertising contribution and expense disclosure report? Is that the intent of the new motion? The fact that we're giving this disclosure with regard to who's contributing to third parties is already covered off in this motion. I'm not clear that we're adding anything of value in the new motion. I would suggest we're social engineering to the point of micromanaging a situation that does not require it. If it ain't broke, don't try to fix it, that kind of thing. What is the true intent of the motion, then?

The Chair: Member Loyola, did you want to respond?

Loyola: Yes. I think that the Chief Electoral Officer has made it abundantly clear, twice already, that there is a window of time before an election would be called where a quarterly report would not capture the contributions and expenses of a third party as we move into an election. Correct me if I'm wrong, please, Mr. Resler, but I believe I've heard you say it twice already on the record, and that's what we're after, okay?

Mr. Resler: A reporting period that would be one week after the writ would in essence be an interim report to catch up from the last quarterly. It would close the gap between those two periods.

Mr. van Dijken: Can I just follow up?

The Chair: Go ahead, Mr. van Dijken.

Mr. van Dijken: Yeah. We've also heard from the Chief Electoral Officer that one week is very difficult to try and work with. I'm not sure, then, that we're being fair to third parties if we're limiting this angle to just third parties. I believe we are opening ourselves up to action where third parties would defend that they're being unduly discriminated against. I honestly believe that this motion is an overreach for one particular group of individuals within our political process and is not fair to that group of individuals.

With that in mind, we need to vote down this motion. Thank you.

The Chair: I just want to bring the committee's attention to the fact that it is noon. We are currently scheduled to go until 2, so my question to the committee would be: would they want to take a half-hour lunch or a one-hour lunch?

Some Hon. Members: Half an hour.

The Chair: I will call lunch, then. Mr. Cyr, you are next on the list when we come back.

[The committee adjourned from 12 p.m. to 12:32 p.m.]

The Chair: Thank you very much. I will call the Select Special Ethics and Accountability Committee meeting back to order.

Currently we are on Member Loyola's motion. I think we are at Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Bear with me just for one second. I'm just getting my thoughts here. Okay. All right.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I am still trying to work out exactly how the process works. I'm sorry; we've probably discussed this process. I'll just lay it out the way I understand it, and if the CEO could correct me if I'm incorrect on this. What happens is that the government issues the writ, and then political parties and, I'm presuming, third parties trigger an automatic

financial statement up to the date of the writ. Then they would have 15 days from that point to file those financial statements?

Mr. Resler: If we were using the 15 days as the amount of time that's required. Once the writ is issued, they have one week to report. It would probably be 15 days prior to the writ day as far as being the cut-off, then, if we were using the 15-day threshold. Right?

Mr. Cyr: I'm still unclear on this cut-off. I hear that the member is concerned that there is a time frame where we're not reporting. I'm still trying to work out exactly why there's a time frame. Why is there a cut-off above . . .

Mr. Resler: It's just to accommodate time in order to report. If we have October to December as the quarterly report, it's due January 15, so they have 15 days to prepare and report it. A writ is issued on March 15. There would be quarterly reporting, then, at that time, so it wouldn't matter. If it was March 1, the period could be February 14, 13, that type of thing. So January 1 to February 13 would be the period in which it would have to be reported on that interim report because of the issuance of the writ, so whatever that cut-off period is, right? It's kind of fast-tracking the next quarterly report up until that period. Otherwise, you'd have to wait till mid-March, that type of thing, to get that information.

Mr. Cyr: So this week, from what I heard from the government side, never ever gets reported, this lapse in time?

Mr. Resler: You would catch up on that information on the disclosure, right? Like, we'd have to look at the legislation, whether the quarterly reporting applies during an election period. You know, are they required to report during that time? Or you'd catch up on the next because then you'd have a campaign reporting period, another statement, and then your quarterly reports would follow, continuing. You always have to report all the information. There are no gaps in there.

Mr. Cyr: Do you feel that this is closing a perceived gap, or do you think that we're potentially just creating more grief for both the third parties and your office? What I have heard from you is that there is no loss of information. It's just when it's reported is the question.

Mr. Resler: It's like in an interim report. It's bringing that information up sooner.

Mr. Cyr: Do you feel that there's a value to this week and all the work that's going . . .

Mr. Resler: That's a policy decision. I can't comment on that.

Mr. Cyr: Okay. Thank you.
Thank you, Madam Chair.

The Chair: Next I have Mr. Clark.

Mr. Clark: Thank you. Just a quick question to the office of the Chief Electoral Officer. Is this provision or anything similar in place in any other jurisdiction in Canada that you're aware of?

Mr. Resler: Not that I'm aware of.

Mr. Clark: So we're breaking new ground here, then.
If I may, Madam Chair.

The Chair: Go ahead.

Mr. Clark: Yeah. Given that we're breaking new ground on this, it reinforces my concern with it. I feel like this is not in place where spending limits and donation limits have been imposed, including the federal government. I don't know specifically why the government feels that we need to be so far outside the norm of the rest of the country on this particular issue. I can't get my head around why they feel that that's necessary in Alberta, when other jurisdictions in Canada have decided it's not necessary. So I have a difficult time supporting it for that and many other reasons.

Thank you.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. You know, I appreciate the Chief Electoral Officer sort of running through how there could be that gap, you know, from my motion there, and I think this one will certainly address that potential gap that could happen, for instance, from December 31 and where that next reporting would be and allows at least something to be shown for Albertans to look at before the actual election day happens. So I'm definitely in support of this motion. It covers that small, little area there. You know, from the last report to when an election could be called, there's nothing for Albertans to inform their decision.

The Chair: Mr. Nixon.

Mr. Nixon: Through you, Madam Chair, to Mr. Resler. I don't want to put him in a position to try to make a budget, he and his team at the side of the committee table, but, you know, before we vote on this, a little idea of what you think the increased costs are going to be to police this plus the one that just passed previously. As well, you say that you're going to have to automate it or put some sort of a system in place, so I assume that system does not exist, or if it does, please let us know and what you anticipate in time commitment and rough capital cost and an idea of what that will be. Sympathetic, we understand that we're not, you know, holding you to a number, but what do we think the financial impact is of this decision?

Mr. Resler: The quarterly process already exists for constituencies and parties. We have automated that process. It is a similar process. It only includes contributions. We'd have to set up third parties. We'd set them up in a similar manner. The contribution part is already built, so that isn't an issue. There are changes. You could, I'd say, probably easily accommodate it within \$50,000 or some as far as system changes, but it all depends on volume. It's additional work as far as on a quarterly, and then during the election period there'd have to be someone dedicated.

12:40

Mr. Nixon: So in regard to the election period, obviously your busiest time of the cycle, without a doubt, I'm assuming that you would have to take on additional staff outside of what you normally would for an election period to be able to manage that situation on top of what – it's not like you could build that into your system because it's happening at a different time in the cycle. It's when you're maxed out with your team, I assume, so you would definitely be having to add capacity on the employment side to be able to deal with this during an election.

Mr. Resler: If we're looking at the exact same complement of third parties as we have now, where you only have 10, it's not as big an issue and only \$60,000. If you get into an Ontario situation where you're dealing with millions of dollars, then the scale will correlate with the staffing requirements.

Mr. Nixon: The last one, Madam Chair. The idea that is being presented by the member opposite who's brought forward the motion is that he wants to make sure that during the writ period, so sometime during the election, the bulk of the influence of that third party has been made clear to the electorate, to the people that are participating in the system. I think that is the intent. What type of a process would be put in place on your side to make sure that – usually, in my experience, you've got to review the documents. They've got to have a chance to be able to review the documents to make sure they got it right. It's not like there's somebody running around that just has this all inside their head. They've got to process the paperwork.

So, you know, you're a week in. They have now been required to report up to that week, so I guess that's a cut-off at that point. That document comes to you electronically, by mail . . .

Mr. Resler: Electronically.

Mr. Nixon: Electronically? Okay. At that point how long will it take you guys realistically to review that to be able to put it out to the public in a usable format?

Mr. Resler: Using the quarterly process currently in existence, right now we do that within 24 hours.

Mr. Nixon: Okay.

Mr. Resler: I'd say that within 48 hours maximum.

The Chair: Seeing no other speakers to the motion, would the committee like to vote on the motion? All those in favour of the motion, say aye. Those opposed, say no. That motion is carried.

Currently we have two motions that have been deferred, and we also have three motions that have been put on notice.

Oh, Member Loyola.

Loyola: Yeah. Madam Chair, if the committee is willing, I do have another motion. I mean, if I could just read the motion into the record, I'd at least like to have that at one point.

The Chair: Perhaps what you could do is read that into the record, and then we can have a further discussion about motions that are on notice versus ones that are deferred and what the committee would like to do with all of the work that has been done so far.

Loyola: Okay. I move that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to create a spending limit of no more than \$150,000 by registered third parties . . .

Now, we can look at how we want to do this as it pertains to the previous motion.

. . . during the three-month period during which the general election must be held, of which no more than \$3,000 shall be incurred to promote or oppose the election of one or more candidates in a given electoral division.

The Chair: Member Loyola, is that correct?

Loyola: Yes, it is, Madam Chair.

The Chair: Okay. Currently we're putting motions onto the paper that are on notice because we do have three former ones from the Wildrose committee members. I think Mr. Nixon and Mr. Cyr have three other motions. Are there other motions that committee members would like to put into the record at this time? Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I'd like to put a motion forward.

The Chair: To read a motion, Mr. Cyr?

Mr. Cyr: Right. On notice. That the committee consider and debate the issue of government advertising during election periods before the committee adjourns on September 29, 2016.

The Chair: The 28th is the deadline, Mr. Cyr.

Mr. Cyr: Sorry. After "government advertising" . . .

The Chair: Mr. Cyr, do you mean for it to say, "before the committee reports on September 28, 2016"?

Mr. Cyr: Okay. Yeah. That's fine. And can you put after "government advertising" "and government announcements and new spending announcements"? Sorry. You can take out "government announcements."

An Hon. Member: I would leave it in.

Mr. Cyr: You think so? Fair enough. We'll leave it in there. I like it now that I see it. It does reflect what I was intending. That the committee consider and debate the issue of government advertising and government announcements and new spending announcements before the committee reports on September 28, 2016.

The Chair: Mr. Cyr, do you have further motions to read as well?

Mr. Cyr: I do, but I'll let my colleagues go.

The Chair: Dr. Starke.

Dr. Starke: Thank you, Madam Chair. I'd like to read into the record a proposed motion, should we get to it. I would move that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended in section 44.1(g) after "registered candidate" to delete the words "including advertising that takes a position on an issue with which a registered party or registered candidate is associated."

The Chair: We may have to get you to repeat that.

Dr. Starke: I can do that. Actually, just take out "the words." Just go to "after." There we go. And then after that say: delete the words "including advertising that takes a position on an issue with which a registered party or registered candidate is associated."

Thank you, Madam Chair.

12:50

The Chair: Mr. Cyr, are you ready with your next motion?

Mr. Cyr: Yes, Madam Chair. Thank you. All right. I'd like to move that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended in section 49.1 to say that a third party that contravenes this act is guilty of an offence and liable to a fine not exceeding

- (a) the lesser of \$10,000 or the amount spent on election advertising if the third party is a person;
- (b) the lesser of \$100,000 or the amount spent on election advertising if the third party is a trade union, employee organization, corporation, or other organization.

The Chair: Mr. Cyr, can Ms Dean ask you a question?

Mr. Cyr: Absolutely.

Ms Dean: In part (a) you refer to a person. Do you mean an individual?

Mr. Cyr: Sorry. It is an individual, so if you'd like to put – fair enough.

Mr. Nixon: I've got two, Madam Chair. The first would be by me, of course, that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to clarify that a CFO or candidate for a party, constituency association, leadership contestant . . .

Actually, you could probably take out "or candidate," but we'll finish first.

. . . nomination contestant, or third-party advertiser cannot be charged with an offence related to accepting an overcontribution unless there is clear evidence that they were aware that it was an overcontribution before they accepted it.

The Chair: You have a second one?

Mr. Nixon: Yup. I'll just let the clerk typing it catch up. He's going very fast, I must say. It's very good.

Moved by me, of course, that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to clarify, one, that it is illegal to deposit a contribution cheque which comes from someone other than the contributor and, two, that political parties need to specifically disclose to their auditors any deposits to their accounts originating from other than individuals.

I'll just read it, if I can, Madam Chair, to make sure that we got it.

The Chair: Go ahead.

Mr. Nixon: Yeah. I think we got it.

Ms Dean: Madam Chair, are we missing a word after "originating"?

Mr. Nixon: "Originating from other than individuals." No. That's right.

Ms Dean: From persons other than individuals?

Mr. Nixon: Well, it could be wordsmithed. Not "from persons." We can discuss it if we get a chance to debate it. That's the way we would like it, though.

Ms Dean: Okay.

The Chair: Are there any other motions to be read into the record?

Seeing none, I will move the committee to discuss what the committee would like to do with what work has been done thus far. There are motions that have passed, and there are motions that have been read into the record, including three that have been printed on the sheet that you have. The committee needs to discuss if they would like to have all of the passed motions prepared by the Legislative Assembly Office by the end of today if you have not finished debating the rest of it. If the committee doesn't finish its work today, the committee has the option to have an appendix done by the end of today. Currently we have a draft of the PIDA report that would be deposited, but right now the committee does have a number of passed motions that could be appended as an appendix. The committee could decide today if they want to see that appended

to it. You could continue to pass further motions today because the committee is scheduled to go till 2 o'clock, but you would need to decide if you want to see all of those motions appended as an appendix to the report.

Ms Dean: Madam Chair, I think what you're posing to the committee is that you're seeking some guidance in terms of how the report will be put together for staff seeking guidance so we know how to proceed. Right now it's 1 o'clock, and there's one hour remaining, so you're just looking for direction in terms of how we proceed from here.

The Chair: That's correct.

Dr. Starke: Well, Madam Chair, I guess I'm not entirely comfortable with the notion of bundling the passed motions together as an appendix to the PIDA report. The PIDA report is certainly the one that has to be passed and should be passed. The work on that was completed.

My concern remains that – and I think this has been expressed before – whether it's in the form of an appendix or an interim report or anything else, that goes through as a recommendation from the committee to the Legislative Assembly, and there will not be an opportunity in the meanwhile for opposition members to prepare and discuss a final minority report. The motions that have been passed after the deliberation and discussion of this committee are part of the public record. They are in *Hansard*. You know, if there is additional action that is to be taken before the publishing of the committee's final report, I guess it could be done on the basis of those motions. I think that's risky on behalf of the government, but they may choose to do so.

1:00

That being said, I as a committee member don't feel that it would be appropriate to file an unfinished business report without the opportunity for opposition members to prepare a proper minority report. I think it's quite clear that it's very difficult if not impossible to file a minority report without actually seeing the content of an interim or a partial report that would be submitted on behalf of the committee and, I assume, would be discussed and either passed or not passed at our Tuesday meeting.

Those are my comments.

The Chair: Dr. Starke, just for the record, if the committee were to ask for it to be appended as an appendix, all of the parties around the table would be able to do a minority report. You would have the option, too, after it was posted today at 4 o'clock, that you then could have it appended with the appendix on Tuesday. That would be up to your caucus.

Mr. Nixon: I think a little bit that we're putting the horse before the cart here, because the motion that's further on in our agenda to discuss the future mandate of this committee or the recommendation of the committee to the Legislature in regard to the future of the committee, I would suggest, has significant bearing on the question that you're asking. If we're recommending that we're going to continue our work, then certainly I don't see why we would send the amendments that we're working on, you know, in the context that you're saying. If we're recommending to the Legislature that we don't continue our work, then I'm not a hundred per cent sure how I feel about sending uncompleted work there. I think Dr. Starke articulated pretty good why we would feel that way.

But we need to discuss: what's our recommendation on our mandate? Until we decide that, then we can't decide what you're asking us, Madam Chair.

The Chair: If it's the will of the committee, the committee could discuss item 6 at this time, the mandate. Mr. Clark.

Mr. Clark: Thank you. I would like to take you up on that offer. I would, however, like to ask a question which perhaps may help frame that debate. When you talk about a report being issued to the committee by the end of today, is that simply a list of the motions that have been passed verbatim? Is that what it is, or is it like what we've seen on whistle-blower protection, where there's some context and some discussion?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I think what is being proposed here is that the draft report would include the section on the whistle-blower act, which has been approved by this committee, but in addition to that, if the committee agrees, it would include an appendix, which would include the resolutions of the committee on the election financing act.

Thank you.

The Chair: Ms Miller.

Ms Miller: Yes. I just wanted to make a comment, that I would have really loved to have seen a final report rather than an appendix, and I'm just kind of disappointed that it's not going to be a possibility.

Mr. Cooper: Just for clarity's sake, are we currently discussing the mandate or the report, or are we doing that in conjunction?

The Chair: It's up to the committee. It's a discussion of what to do with the report at this point, yes.

Mr. Cooper: Okay. Well, that being said, I believe that the committee should request an extension in our mandate similar to the one that we proposed in May.

The Chair: Currently I think the committee is on an amendment to a motion. I think the amendment is by Dr. Starke, and the motion is by Mr. Clark.

Would the committee like to move to that motion and amendment? Mr. Roth, would you mind reading that for the record, please.

Mr. Roth: Moved by Mr. Clark that

the Select Special Ethics and Accountability Committee include a recommendation in its report that the Assembly appoint a select special committee during the fall 2016 sitting for the purposes of reviewing the Election Act and the Conflicts of Interest Act and that these reviews be completed by March 31, 2017, and that this committee comprise membership similar to the Select Special Ethics and Accountability Committee's and have complete access to the use of the submissions, research documents, and other information collected by the Select Special Ethics and Accountability Committee.

An amendment was moved by Dr. Starke that

the motion be amended by inserting the words "the Election Finances and Contributions Disclosure Act" before the words "the Election Act."

The Chair: With that, I will open discussion on the amendment. Mr. Cooper.

Mr. Cooper: Thank you. I guess that from my perspective – and I wouldn't speak for all members of our caucus, but I guess that we would have some agreement – you know, we would like to see the elections financing and contributions side of the discussion wrapped up prior to March and potentially mid- to end of November, to try and get that done in a bit more of a prompt timeline. If there's not agreement around that potential, I mean, we certainly could go till March 31.

I think that there is a lot of good work to be done. And, you know, frankly, grandstanding in the press by the Government House Leader has probably not been that productive with respect to the goals of the opposition. The opposition has lots of very, very important questions to ask, which is exactly why in the first six months of the mandate of this committee we recommended meeting more often, so that we wouldn't get into this spot that we're currently in.

In light of trying to get that work accomplished, we would be happy or I would be happy that the elections financing side gets done by mid-November so that the process can continue, and then the rest of the work can be completed by the end of March. I guess part of my concern or challenge – and I'm sure that Mr. Nixon will highlight that – is that if we're going to be essentially submitting a report that's not complete, many of the motions that have been passed have complementary motions that are yet to be passed. So it's difficult to know exactly where the committee would land without having the fulsome discussion on all of the content before us.

I would prefer us recommending a mandate. Now, I read in the newspaper this week that it didn't seem like the Government House Leader had much desire for that to happen, but I think that a strong recommendation from the committee may be able to help in that process.

The Chair: Mr. Clark.

Mr. Clark: Thank you very much. Picking up on what Mr. Cooper said, I would also support, of course, this amendment in particular, which, frankly, was my original intention. Thank you again to Dr. Starke for catching that and adding it in. I think it's important – I'll say it this way: future motions passed by this committee may impact passed motions that we have already addressed, because we may find that once we pass motions in the future, either with some that we have seen read into the record today or ones we've yet to see, we may find that that requires us to change some of the work that we've done previously.

I would support Mr. Cooper's idea as well that we perhaps build in some wording here to accelerate or at least prioritize the work of EFCDA, to get that finished certainly before the end of this calendar year. I think that's absolutely possible even though we're heading into session, recognizing, of course, that we can't do this until the Legislative Assembly is actually sitting. I'd certainly be willing to work some evenings to get that job done because it's important that we get this right. There are no elections in the offing, in the immediate future. One never knows about by-elections, but I think we do have the time here, and we owe it to Albertans to get this right.

1:10

I won't comment on, you know, commentary that's been in the media, but I'll say this. My experience on this committee has been almost – almost – universally positive. I think this morning's work was very effective, and I actually think that that is a much, much more common occurrence. I would hope that other members agree with me. Certainly, as we went through the whistle-blower

protection act – and I suspect that the Conflicts of Interest Act will be similar. I don't know what's coming up in the Election Act, and obviously we have some differences of opinion on EFCDA.

But I come back to the question, that was asked earlier on in the committee of Parliamentary Counsel, as to the ambition of the committee and whether or not something like this has ever been done, where four acts have been reviewed in a single year, and the answer was: no, they haven't. I think now that we've been through this process, we can understand why that is.

I would advocate in the strongest possible terms that we do include EFCDA in our request to the Assembly – I think that at this point we have no choice – and I would certainly entertain a subamendment to put a time frame on when this committee would perhaps provide an interim report that would be specific to EFCDA, and then we could continue on with our work on the Conflicts of Interest Act and the Election Act. I also think we should – again, perhaps a separate subamendment or an amendment to make sure that we've included Bill 203 as well, which was referred to this committee by the Legislative Assembly and, I think, ought to form part of what we consider in a future committee.

Finally – apologies for taking up quite so much of the time here – not only do I think it is important that the committee membership be similar but that the makeup of opposition versus government seats be identical.

The Chair: I think that currently we're just on the amendment about the EFCDA.

Mr. Clark: Thank you. I'll make that point later. Thank you, Madam Chair.

Mr. Nixon: Just building quickly on Mr. Clark's point, I also would probably support an amendment to do something similar to what Mr. Cooper put forward, making separate deadlines to get the election finance portion done, because I believe we're close. I did note the Government House Leader's comments in the media this week, and I was pretty disappointed, you know, by his reference to this committee being disgusting. I have to agree with Mr. Clark. I don't find anybody on this committee or the committee disgusting. I think that there's been a lot of good work that's been done by this committee, and I think it was great that there were so many members of the media here today to see how much work is actually being done by the committee.

The fact is that there's no general election, that I'm aware of, between now and the middle of November or around then as to when Mr. Cooper would be proposing the timeline, so I can't imagine why we would be in a massive rush to send an unfinished report to the Legislature when, clearly, we just need a little bit more time to be able to finish that.

I also think that the other two acts that were put on this committee's mandate are important to go through. We haven't been given an opportunity to do that. From the very beginning the opposition has raised concerns – Parliamentary Counsel echoed those concerns – as far as undertaking four acts at once. It's never been done in this type of a period, and I think we see that, quite frankly, it turned out to be impossible.

I think the government members have strongly indicated that they want to continue with the committee. They want to see that the opposition is working with them. We've passed lots of motions today. We're certainly excited to work with them, but we're not going to do a rubber stamp in a 24-hour period trying to get a report out because I think that's a disservice to Albertans.

Through you, Madam Chair, to the government members: are they prepared to support us in recommending an extension to make sure the committee finishes our work?

Cortes-Vargas: I'm just wanting to get some clarity from the opposition members. With the proposed amendment, then, would the work being undertaken on the Election Finances and Contributions Disclosure Act be set as a priority if the committee would be reconstituted?

Mr. Cyr: I'm glad to see that the government side of the committee is open to this amendment. I'm sure that we can work out something. I have brought up at the last two meetings the concerns that we were rushing things in this last act. I do believe that a final report and a minority report, specifically on this act, are important for all parties.

Now, I do have concerns that our committee, even if we put this recommendation forward, won't be reconstituted. If that's the case, then I am echoing Member Starke's concerns as well as Member Cooper's concerns that putting forward just the motions doesn't show the exact intent of all of it together. I am certain that this could potentially be misleading. Should the government decide to move forward with legislation in the fall, then what happens is that they get to cherry-pick – and I will use that word – which parts they liked of the committee and which ones they didn't like, and we won't have the actual context of what it is the committee had intended or the opposition's concerns with specific motions being out.

So I believe that this is a compromise. I think that prioritizing this one here is absolutely a must. I actually, to be blunt, am very proud of the work we have done on the whistle-blower act that we've reviewed. I think that there have been some really good things that this committee has moved forward, and I do think that we can continue to work together to bring Albertans' concerns and thoughts forward into the different acts.

Thank you.

The Chair: Mr. Nixon.

Mr. Nixon: To answer the member's question, I was actually trying to figure out how to do a subamendment to show that.

The Chair: Under counsel from Ms Dean she was saying that you would be able to pass this and then bring forward another amendment if you would like to do that.

Mr. Nixon: That's fine, but the problem, Madam Chair, from my perspective, is that if we set a date – you know, quite frankly, we on the opposition side have no control over when meetings are called or the timelines or that type of stuff, so we could be picking a date, and we don't know if you're going to call a meeting during those four weeks or five weeks or, like, what the timeline is.

Respectfully, I think the amendment and the motion are pretty close to what we need, with the recognition that, clearly, we have to get the Election Finances and Contributions Disclosure Act done first. I don't see why there's much more than a few weeks left of work associated with that. I don't know if we want to put a date on it. I mean, the government could try, but we would have to pass this first, to Parliamentary Counsel's point. I think that just by passing the March date with the understanding that we're going to continue to work on election finances first, you know, I don't see why we would need any more detail than that. I think it kind of handcuffs the committee chair and stuff trying to be able to pull that off. Again, there is no election between now and even March, so the urgency I'm not understanding.

The Chair: Is the committee prepared to vote?

Oh, Dr. Starke.

Dr. Starke: Thank you, Madam Chair. Well, certainly, I think it's important that this amendment does pass. I'm glad to see that this amendment includes the other provision from the main motion with regard to passing along all of the information and all of the work that's been done thus far. In no way should that work be lost. While I think we may need to discuss a little bit a new deadline for specifically this part, this particular piece of legislation, I would be fine with setting a deadline that is ahead of March 31 because, clearly, this is the one that is the closest to being completed.

I do think, though, Madam Chair, that it is absolutely imperative that I go on the record to respond to comments made by the Government House Leader earlier this week because many of those comments were directed directly at me as well as members of our caucus that sit on this committee.

1:20

The Government House Leader's comments were completely out of line and completely offside and certainly could have – and we discussed this possibility – constituted a point of privilege that could have been brought up today because, in fact, the activities of the Government House Leader are entirely analogous to the situation that occurred on February 17, 2015, in which the Member for Edmonton-Calder, Mr. Eggen, brought forward a point of privilege discussing the interference of Executive Council with the activities of the Standing Committee on Legislative Offices.

I'd like to specifically cite two citations from *Beauchesne's*.

The Chair: Dr. Starke, currently we're on the amendment to the motion.

Dr. Starke: I know that, but the comments that the Government House Leader made were directly with regard to this particular extension.

The Chair: Did you want to raise a point of privilege after the motion?

Dr. Starke: No. I would like to be able to have the opportunity as a committee member to read comments into the record, and that has been allowed by government members. In some cases even government members who have been absent from the meeting have had comments read into the public record.

The Chair: Is it related to the amendment?

Dr. Starke: Yes, it is. Absolutely, these comments are related to the amendment.

The Chair: Go ahead.

Dr. Starke: Thank you. Section 760, paragraph (1), of *Beauchesne's* starts with a very simple statement, and that is: "Committees are regarded as creatures of the House." The Government House Leader has no business directing the activities of this committee, and his suggestions on Tuesday that this committee could simply be scrapped because of the work that was being done by opposition members are completely and totally out of line. They are, in fact, in contravention of section 761 of *Beauchesne's*, which I will quote. It states: "It is the duty of all committees to give the matters referred to them due and sufficient consideration."

Now, the Government House Leader's comments interfere with the deliberations of the committee, and they are completely out of

order. I was absolutely disgusted that he should make those sorts of comments.

This committee has done a lot of very good work. It has done the due and sufficient consideration that we are required to do as committee members, and we need to have the opportunity to finish that work. That work can be finished if the Assembly makes the decision to reconstitute the committee when the Assembly reconvenes on October 31. That is what I want to see happen. I also want to see this committee complete the work on the Election Act and the Conflicts of Interest Act, which we indeed have started in terms of gathering information and gathering submissions.

Madam Chair, I absolutely support the amendment. We need to include this piece of legislation in our request for a mandate extension. Thank you.

The Chair: Member Cortes-Vargas.

Cortes-Vargas: I'm just kind of surprised that he can read into the record a point of privilege without actually calling it that because it doesn't allow for debate at that point.

Mr. Cooper: Point of order.

The Chair: Mr. Cooper.

Mr. Cooper: Thank you. I just would like to point out to the chair a time when Mr. Nielsen wasn't present and Mr. S. Anderson read at length a statement from Mr. Nielsen that basically was supporting – and I believe I could find a quote directly from there – his union brothers and sisters. So to make the allegation against Dr. Starke – we can have debate right now. This is a matter of debate. His comments were a matter of debate, and Member Cortes-Vargas's comments make accusations against another member, and they should likely be withdrawn.

Cortes-Vargas: I'm just going to say that I do want to comment on some of the items of debate, but I would say that when that happened, the example that he's using, they were on the subject matter. They were on that subject matter, and it was to do with what we were debating.

That being said, I'm happy to withdraw, but I would like to make some more comments.

The Chair: Go ahead.

Cortes-Vargas: I actually don't believe that it is a point of privilege. I think Minister Mason was observing what was happening at the committee. He wasn't directing anything.

Dr. Starke: There was no point of privilege.

Cortes-Vargas: You were inferring that you could have been calling a point of privilege, so I'm responding to the insinuation that that would . . .

The Chair: I think I'm going to take the discussion back to the amendment at hand: inserting the words "the Election Finances and Contributions Disclosure Act" before the words "the Election Act." Who was next to speak to that? I have Mr. Clark.

Mr. Clark: Thank you. I will mercifully be brief, which is a rare thing for me. It sounds like we have agreement here that we want to add the Election Finances and Contributions Disclosure Act to the mandate of this next committee. I think we ought to do that. There may be more amendments coming.

I'll also say this in the interests of an olive branch to the government. I trust that the government does actually intend to move quite quickly to finish our work on the Election Finances and Contributions Disclosure Act. Speaking at least for myself and, I wonder, perhaps also for members of the opposition, I suspect we also want to get through that fairly quickly. I would hope that we can agree here now to add this and then continue on our broader discussion about exactly what that might mean and then at some point come back to that earlier conversation about exactly what it is we're going to achieve here with regard to an interim report within the next 34 minutes. I would hope that we can agree on the need to include this and then move on.

Thank you.

The Chair: Mr. Nielsen.

Mr. Nielsen: Well, thank you, Madam Chair. You know, I mean, there's certainly, I think, no doubt that some of the items that we've discussed throughout this committee have been contentious, and there's definitely been disagreement there. You know, that's fair enough; I suppose that's what this process is about. I was hoping that this committee would get through the Election Finances and Contributions Disclosure Act because, quite frankly, the clock is ticking. Tomorrow a wealthy individual can cut a cheque for \$15,000 and donate that to a political party. That's wrong, and I think most Albertans would agree.

Should it be the will of the House that this committee gets reconstituted, we will try, I guess, to pick up from where we left off. I don't know if I'm necessarily in full support of waiting for it or when that mandate comes and that something could be done in the meantime. I just thought I'd put that out there for folks to be aware of because even at this point it's still a long way to the fall, and a lot of money can be raised in that time.

The Chair: Mr. Cooper, are you speaking to the amendment?

Mr. Cooper: Yeah, I'll speak to the amendment in terms of the debate that's currently taking place. The legislation has not yet been passed. This committee doesn't pass legislation, so all the way up until the point of time at which the legislation is passed, that same donor could donate \$15,000 unless you're aware of the government's intention to make the legislation retroactive, which speaks directly in contravention to the chief government whip's comments at this committee in the past.

Cortes-Vargas: I mean, we can go back and forth with points of order if we're going to continue allegations, if that's how we'd like to spend the rest of this afternoon, but I in no way insinuated that.

Dr. Starke: Are you saying that you want to make a point of order?

Cortes-Vargas: I'm just saying that I've seen this committee deteriorate to wasting half an hour to decide whether to adjourn or not adjourn, from 4 o'clock to 4:30. I don't think we need to go down that path today.

The Chair: Is the committee ready to vote on the amendment?

Mr. Sucha: You know, I have to kind of reiterate the comments that were made by Mr. Nielsen. To talk about the assumption that this legislation is already down the pipe would be, from my perspective, false. Now, the thing that's underlined importantly to note, as Mr. Nielsen has alluded to, is that still a wealthy donor can back a political party. The government has made a commitment that they want to have this report and that they want to draft legislation around this report.

The Chair: Mr. Sucha, I just want to make sure that you're speaking to the amendment.

1:30

Mr. Sucha: Yeah. Absolutely. With the Election Finances and Contributions Disclosure Act needing to be done in a timely fashion, it's important to note that we could roll into another calendar year where a wealthy donor could continue to influence a political party. You know, we have on our side and from my perspective I have a sense of urgency that I would like to get through this portion of our mandate.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I will caution the government side. We've seen what happened when you rushed with Bill 6. These are exactly the circumstances that are duplicating themselves. The fact is that by extending this by two months or three months, it doesn't seem to be a hardship at this point to make sure we get it right. To say that suddenly we're going to break the electoral system by waiting seems totally out of context.

I encourage you to support this because we do need to move this forward. I have brought forward, twice now, that I don't want to see this Ethics and Accountability Committee's hard work on this specific act be thrown into some addendum that nobody will ever read.

Thank you.

Mr. Nixon: I think we should vote. But just real quick to Mr. Sucha's comments, with all due respect, through you, Madam Chair, the government, who controls this committee as far as the members, could have called a committee meeting more than six times in the first seven months and not put us in this rush. So blaming the opposition for the jam that we are in because the government can't schedule a meeting properly is disgusting. That's disgusting. The House leader of the NDP calling us disgusting is inappropriate, but that is disgusting. Let's vote. You could have scheduled a meeting at any time. Stop misleading people about silliness that was done by that side of the argument.

The Chair: All those in favour of the amendment, say aye. Those opposed, say no. That amendment is carried.

We are back on the motion as amended. Member Loyola.

Loyola: Yeah. I'm glad to speak to this, but I do so with mixed emotions, especially after the last comment made. I'll be ambivalently supporting this motion, but I do think that we need to reflect over the coming months on how this committee worked. I'm not sure that the committee should be reconstituted, but I think it's appropriate for us to close the loop and report back to the Assembly that while we were asked to review four pieces of legislation, we didn't complete that work, and if there was a desire to do so, well, then we need to be reconstituted, of course.

Obviously, to complete this mandate, we would need more time; however, it's not up to us to decide. We were asked to do a job. We didn't complete it. I mean, there are accusations being thrown left, right, and centre. I'm sure that members on our side can talk about how it was difficult to establish meeting times, that there was a desire to do so. I think that it needs to be evaluated on how we did on this committee genuinely, right? I think there were lots of times where work could have been done, but things were being held up.

Those are my comments.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. That's really interesting. I'll call it an interpretation of what's happened. Some might call it revisionist history.

You know, let me say this. I don't blame the government, I do not blame the government members, I do not in any way blame the chair, I don't blame my fellow opposition members for the position we find ourselves in because this stuff takes time. It just does. I come back again and again to the fact that no committee of the Legislative Assembly of Alberta and, to the best of my knowledge, no committee anywhere else in the country or perhaps even anywhere else in the Commonwealth has ever reviewed four pieces of legislation, five if you include Bill 203, in a year. It isn't possible. It can't be done in a thoughtful and thorough way.

So I find it a bit rich for the government side to now start trying to wiggle out of this commitment that their government made in conjunction with the Official Opposition in good faith, in the interests of Albertans, to review four essential pieces of legislation.

We have work here to do, and that work is difficult. It takes time. But anyone who has ever built anything knows that when something gets difficult, you don't just quit. You don't just say: "Gee, that was too hard. We're just going to kind of take the easy way out." That's not what we do. That's not what Albertans elected us to do. That's not what I'll stand for.

So please don't try to spin this as somehow a dysfunctional committee because, frankly, folks, this morning was a reflection of what 51 of the 52 weeks of this committee was. When we reviewed whistle-blower protection, it went really well. If I'm not mistaken, that report was passed unanimously, by all members of this committee. We're going to have differences of opinion on important matters of campaign finance reform and probably electoral reform, and who knows what's going to happen on conflict of interest? But I think we owe it to Albertans to reconstitute this committee in its current form and try again and keep going. It's going to take a little bit of time, but, man, is it worth it.

Thank you, Madam Chair.

The Chair: Ms Renaud.

Ms Renaud: Thank you, Madam Chair. I just wanted to make a quick comment. I've been listening and actually quite patient. Let me speak to the revisionist history, or maybe it's selective recall or partisan posturing. But the first six months of this committee we spent a lot of time actually identifying stakeholders, listening to them, gathering information and reviewing it. So when we look at our history, let's actually look at what it was and speak to the facts.

Thank you.

Mr. Nixon: Well, I'm glad the last member who spoke brought that up. Here are the facts: six meetings in seven months, over half of the mandate of this committee. This is what's getting silly and causing the opposition great frustration.

Then in the spring session opposition members – all of the opposition, from every side of the political spectrum over here – unanimously brought up concerns about the timeline of this committee and the fact that the chair would not call a meeting. What did the members opposite and their Government House Leader, again, at that time do? The media made fun of us, just like the other day, when he called our committee disgusting. It's highly inappropriate and disappointing that he would do that, but those are the facts. The members opposite want to talk about the facts? They didn't call a meeting.

Now, the Premier and the Leader of the Opposition put together this committee to do democracy differently, they said, to get all the parties around and to work together, and from my perspective a lot

of the time that happened. But in the last several weeks, the government members, who seem to have a blind intention to push this through . . .

The Chair: The members around the table are discussing something other than the motion, so if we could get back to the motion and speak to the motion.

Mr. Nixon: This is directly relevant to this motion. It's why we need to get it passed, Madam Chair. It's directly relevant to it.

The Chair: Are you ready to call the question, then?

Mr. Nixon: No, I'm not. I'm ready to continue with my comments, and then we'll see if somebody else has some comments.

The Chair: Go ahead.

Mr. Nixon: The government continually blaming every opposition party, not one opposition party but every opposition party, that we caused the problem of why this committee couldn't report on time: that's wrong. The fact is that, one, it was an impossible mandate, which has been pointed out not just by opposition parties but by Parliamentary Counsel during the thing. It's never happened before. It was impossible. That got pointed out early in this process. The government members didn't want to play with us on that to make that work.

Then the government members did not call a meeting. There's no way around that. That's not the opposition's fault. So I suggest that we all vote for this, send it to the Legislature, that we get back and do the work for Albertans, that we stick to the point that the leaders of all of our parties had when they put this committee together, and that is to get all parties working to fix our electoral system.

Yes, we're going to disagree on stuff. I know it seems to drive the government members bananas when we disagree with them. I didn't get sent here to rubber-stamp everything that they say, and they didn't get sent here to rubber-stamp everything that we say. That's our job. So sometimes people get frustrated in committee. Well, that's what Albertans sent us here to do. Shutting down this committee and trying to give a blank cheque to whatever the NDP government has planned for the fall session would be highly inappropriate, and we should definitely recommend to the committee we continue the good work for Albertans.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Since it's been brought up as part of the discussions, I guess I'll make a comment on this. With regard to the timeline, you know, to say that the committee should have been meeting more early on, the fact of the matter is that public consultations were sought, okay? We were reaching out through social media to get responses back from Albertans about what they wanted to see election finances go to, so to sit here and say that we should have been meeting before we even had that info or even the research requests by our legislative staff I think is a little bit reckless. To suggest that we could have been meeting more often earlier I think is not something that this committee could have considered at the time.

1:40

The Chair: Dr. Starke.

Dr. Starke: Well, thank you, Madam Chair. I've been hearing a few comments about the review of the activities of the committee. This has been a very interesting committee to be involved with, and

I feel fortunate to have had that opportunity, but I would like to point out a couple of things.

I've talked to a few folks in the last week about this since our Monday meeting, and to most folks that I talked to I said that we had four pieces of legislation and that we had 12 months to do it in. I said that that means you've got roughly three months per piece of legislation. If you're not getting it done at that pace, you're leaving it to the end. I used the comparison of a student who is given a term paper on the first day of the semester, a term paper that is due on the last day of the semester, but doesn't get to work on it until the last two weeks. Now, I had a lot of people tell me that that's a situation they're familiar with, but it's not a good way to do business.

I'd like to just point out for the record and for the committee that from the period of September 29 to July 6 this committee met 11 times, for a total of 24 hours. Those discussions were on a variety of things, but they were primarily on the Public Interest Disclosure Act. Since July 26 we have met nine times, for a total of 42 and a half hours. Certainly, in the period of time that those meetings were called – July, August, and early September – those are typically times where committees do not sit for the Legislature. But members of the opposition indicated very clearly back in May that they were prepared to sit and prepared to debate and be here, and we were, including Mr. Clark and Dr. Swann, who are single members of one-member caucuses, for whom they could not get substitutes. Their attendance was also extremely regular and often in person.

It's simply a matter, quite frankly, that the mandate was not realistic from day one. To suggest that somehow it was members of the opposition being obstructionist that prevented the mandate from being completed is, in my view, not reflective of reality, and I'm quite upset that that suggestion was made. I think very good work was done here by all committee members. Like I say, we spent 42 and a half hours in deliberation. You know, quite frankly, I think that's been time well spent. We've been fulfilling the requirement under paragraph 761, and we should continue that work. Quite frankly, I'm hopeful and I'm cautiously optimistic that the Assembly will see the merit of reconstituting the committee and allowing it to complete its work.

Thank you.

The Chair: Further discussion on the amended motion?

Cortes-Vargas: You know, I'm evaluating the things that have happened in this committee, and it has been a very interesting experience. I think that when we've gotten down to discussing the issues, it's been extremely productive, but I think the members opposite also have to recognize that it takes a full committee of members to make a committee functional. There have been times – and it really reminds me of comments made by the Speaker of the House of Commons, Speaker Lambert. I'm just going to quote:

One of the chief difficulties with the business of Parliament over the past 10 years [is] the somewhat indiscriminate use of appeals against Speaker's rulings, not on points of jurisprudence or points of procedure but for political effect.

I mention this because I will say that there was a walkout at one point. We spent two hours on Monday challenging an allegation that I consider bogus.

Some Hon. Members: Point of order.

The Chair: Member Cortes-Vargas, I would ask you to withdraw that.

Cortes-Vargas: I will withdraw that.

I believe that the things that have happened here have been done deliberately to keep the system that is currently in place at play. I think those things have been done and the use of points of order has been done for those reasons, and I think they need to be evaluated when we consider, you know, what took place in order to get to the place that we are now, that we weren't able to complete more than one.

In the first one, that we completed, there was just less at stake for the opposition. When it comes to money, I think politicians are going to be a lot more sensitive, and the first one . . .

Dr. Starke: Madam Chair, a point of order.

The Chair: Member, I would caution you under Standing Order 23 . . .

Cortes-Vargas: Madam Chair, I'll withdraw my comments.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I think that in an effort to help me get fully onboard with this and get it through, I'd like to propose an amendment, and I may need counsel just to help me with the positioning of this. I would like to see the words "at the request of the Legislative Assembly" inserted. Sorry. It's right near the top, and I'd need to have it moved down once we get caught up.

The Chair: Where are you asking for it to be added?

Ms Dean: What's the intent of this?

The Chair: Mr. Nielsen, what is your . . .

Mr. Nielsen: The intent is that I'm not fully comfortable with my recommendation to the Assembly that this be reconstituted, but if the House decides, then I am . . .

Dr. Starke: That's inherent. That's implied.

Mr. Clark: It's inherent in the whole thing. It's the only way it could happen.

Mr. Nielsen: I would be happier with that in there.

Ms Dean: It's in there.

Mr. Clark: "A recommendation . . . that the Assembly appoint."

Mr. Nielsen: But I am not comfortable making that recommendation.

The Chair: Mr. Nielsen, did you want to go ahead with your amendment?

Mr. Nielsen: If we can make this work. Again, I'm not exactly sure where this needs to be put in. I think it would go in after "committee." We can feel free to debate it.

Ms Dean: Mr. Nielsen, this is a recommendation that the Assembly appoint a committee, so it would be the decision of the Assembly. I'm not quite sure what the additional words are that you're looking for.

Mr. Nielsen: Again, you know, I have reservations as a committee member making the recommendation. I would almost rather, you know, the Assembly reviewed everything that's taken place, and if they feel then that this committee should be reconstituted, based on that and not necessarily my recommendation – because that's what

it comes out to. If this motion is passed, it's recommended by all members of this committee. [interjections] You guys should know, right?

Sorry. I assumed there was some extra advice.

An Hon. Member: I think you got advice.

Mr. Nielsen: I do believe I was asking counsel. Thank you, though. I appreciate it.

1:50

Ms Dean: I'm sorry. What was the question, Mr. Nielsen?

Mr. Nielsen: Where I was hoping to get those words that I was . . .

Ms Dean: Well, I don't think that that amendment would be in proper form because it's already inherent in the actual motion that this is a decision of the Assembly.

Mr. Nielsen: Okay. All right. Well, thank you very much, then. I respectfully withdraw.

The Chair: Are there any further speakers to the motion as amended?

Seeing none, all in favour of the motion as amended, say aye. Those opposed, say no. That amended motion is carried.

At this point the committee would need to reach a decision on what you would like to do with the passed motions.

Mr. Nixon: Given the motion that we just passed, I would say, then, that we need to send the whistle-blower stuff to the Legislature – it's done; there was good work done on that – and this motion, obviously, because we need to send that to the Legislature to continue the committee. The remainder of the stuff that we've done on the election finance side, because we know it's not complete, would remain out of that report and then, hopefully, be part of whatever the committee does next if it's reinstated by the Legislature.

The Chair: Mr. Nixon, are you moving a motion?

Mr. Nixon: Sure.

The Chair: Go ahead.

Mr. Nixon: Absolutely. I'm moving that we send the actual completed act to the Legislature, the recommendation for an extension and that we not add an appendix for the stuff that's on election finances.

Ms Dean: Just for clarity, the report of this committee would be the PIDA segment in addition to this recommendation?

Mr. Nixon: That's correct.

The Chair: Is there discussion on the motion? Moved by Mr. Nixon that

the report of the Select Special Ethics and Accountability Committee include the section on the Public Interest Disclosure (Whistleblower Protection) Act and the recommendation of the committee concerning the reconstitution of the committee.

Is that correct, Mr. Nixon?

Mr. Nixon: That certainly reflects what I believe I am trying to put forward, so I think it speaks for itself. I'm ready for the question if nobody has anything else to say.

The Chair: Is there anyone that would like to speak to the motion?

An Hon. Member: Question.

The Chair: Those in favour of the motion, say aye. Those opposed, say no. That motion is carried.

Dr. Massolin, would you like to speak to minority reports on PIDA?

Dr. Massolin: Well, I think, Madam Chair, that the committee has had an opportunity to submit a minority report or reports on the whistle-blower act, so that is it. Thank you.

The Chair: Thank you, Dr. Massolin.

If there is nothing further on that, then we'll move on to item 7, other business. Is there any other business that committee members would like to bring forward at this time? Mr. Nixon, did you have something to add under other business?

Mr. Nixon: I think my question is appropriate under other business, but you can let me know if I'm wrong. I'm sure you will. Given what's taken place today, the motions that we've passed, are we still meeting on Tuesday? Do we still need to meet on Tuesday? I think it would be fair to have that discussion while the committee is here.

The Chair: On Tuesday we would be able to meet to approve the final version of the report.

Mr. Nixon: Of the . . .

The Chair: Of the PIDA with the motion . . .

Mr. Nixon: Okay. So we still need to meet Tuesday.

The Chair: . . . and with appendices of any minority reports.

Mr. Nixon: That's fine. I just wanted clarification on if we were still meeting Tuesday. Thanks. We've been getting agendas, like, 12, 14 hours before the meeting, so it's always nice if we can get a little advance notice.

Mr. Sucha: I'll entertain sort of the feeling around the floor here as well that since PIDA kind of passed unanimously as well, if there aren't going to be any minority reports coming to the committee, is it really necessary for us to meet on Tuesday?

The Chair: What the committee could do is move a motion that would ask the chair to finalize the report. Mr. Cyr, do you want to move that motion?

Mr. Cyr: I'll move that motion, Madam Chair.

The Chair: Okay. Moved by Mr. Cyr that the Select Special Ethics and Accountability Committee authorize the chair to approve the section of the committee's report respecting its review – sorry; we're just wordsmithing here.

I'm just going to start from the beginning. Moved by Mr. Cyr that the Select Special Ethics and Accountability Committee authorize the chair to approve the final form of the report.

Dr. Starke: I guess just more of a procedural matter, will there then be an opportunity for the committee to review what that finalized report looks like? I mean, I understand the idea of authorizing the chair or chair and committee staff to prepare a finalized report, but I would think that before we can then send that to the Legislative Assembly, we need to have a look at the final report and approve it.

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. Typically in this situation what would happen would be that we would draft the final report. I think you've seen most of it given that it's already been approved, you know, with the whistle-blower act. The remainder of the report would be posted on the committee's internal site, I think, as well, and then the chair would have the final approval authority for that if this motion were to pass.

Thank you.

Ms Dean: Perhaps Dr. Massolin can just advise us of the timing of the posting of that report so committee members know when to expect it.

The Chair: Dr. Massolin.

Dr. Massolin: Yes. Thank you, Madam Chair. We could get that posted by the end of business today.

Thank you.

The Chair: Dr. Starke.

Dr. Starke: Yes. Thank you. Just, then, another question: if there are sections or if there is something in the report as it becomes finalized that we do not concur with, what is the mechanism by which we could, you know, have a discussion or perhaps have that aspect of the final report amended?

2:00

The Chair: Dr. Massolin.

Dr. Massolin: Well, thank you, Madam Chair. You know, I appreciate the question, but I think the only thing that would be new, really, in a substantive way would be the insertion of the motion that the committee agreed to pertaining to this reconstitution of the committee or at least the recommendation to the Assembly to strike a new committee to take up the work. I really think that's the only thing that's new because you've already approved PIDA.

Dr. Starke: Uh-huh.

Dr. Massolin: Thank you.

The Chair: Mr. Clark, did you have something?

Mr. Clark: No, not on this. I just have something else I'd like to bring up under other business.

The Chair: Those in favour of the motion, say aye. Any opposed, say no. That motion is carried.

Mr. Cyr, did you have something to add?

Mr. Cyr: No. I was just panicking. Sorry.

The Chair: Sorry. We are under other business. I have Mr. Clark on the list. Did you have other business that you would like to bring up after Mr. Clark?

Mr. Cyr: It's just that Dr. Starke brought up a good point. I didn't realize that there may have been new stuff being added after we had seen the old report, but it has been clarified, so thank you very much.

The Chair: Mr. Clark.

Mr. Clark: Thank you. As it is exactly 2 o'clock and as we appear to conclude the work of this committee, I just want to take this opportunity very briefly to thank my fellow committee members, to thank you, Madam Chair, and to especially thank research services, Parliamentary Counsel, *Hansard*, security staff, and everyone, Elections Alberta and all of the stakeholders, our staff who sat diligently around the table listening to us and our tremendous and insightful comments, which are the result almost entirely of their work. I say with all sincerity that I hope we have the opportunity to continue that. It has been a remarkable experience. In particular, I just want to say a big thank you to all the folks – research services and *Hansard* and Parliamentary Counsel, in particular – who have really gone above and beyond to help support this committee.

Thank you very much.

Mr. Sucha: You know, Madam Chair, I'd be remiss to not thank you and, of course, my family who has had to tolerate my being away this whole summer to attend to this, as I'm sure all the other hon. members would like to do as well. So thank you to all of our loved ones for putting up with our shenanigans.

The Chair: I just want to make sure the committee knows that it is past 2 o'clock and no one has actually moved to go past 2 o'clock.

That being said, Mr. Cooper.

Mr. Cooper: Thank you, Chair. I'd just like to echo the comments around the table and also just ensure that we look forward to the continued debate. We look forward to continuing to work on these important issues and seeing Albertans well represented in this conversation.

With that, I'll move a motion to adjourn.

The Chair: I would like to first actually thank Mr. Glen Resler, Mr. Drew Westwater, Mr. Kevin Lee, and Ms Fiona Vance for their support, incredible expertise, and patience. Thank you.

With that, I will move a motion to adjourn. Oh, I don't make that motion. Sorry.

Moved by Mr. Cooper that the September 23, 2016, meeting of the Select Special Ethics and Accountability Committee be adjourned. All those in favour, say aye. Those opposed, say no. That motion is carried.

[The committee adjourned at 2:03 p.m.]

