

Legislative Assembly of Alberta

The 29th Legislature Fourth Session

Standing Committee on Legislative Offices

Election Commissioner Search

Thursday, April 5, 2018 5:01 p.m.

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Legislative Assembly of Alberta The 29th Legislature Fourth Session

Standing Committee on Legislative Offices

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5:01 p.m.

Thursday, April 5, 2018

[Mr. Shepherd in the chair]

The Chair: All right. Welcome, everyone. I'd like to call this meeting of the Standing Committee on Legislative Offices to order.

My name is David Shepherd, MLA for Edmonton-Centre and chair of this committee. I would ask that we introduce ourselves for the record before we get started with our agenda. I'll start to my right.

Mr. Malkinson: Thank you very much, Mr. Chair. I am Brian Malkinson, MLA for Calgary-Currie, deputy chair.

Mrs. Aheer: Leela Aheer, Chestermere-Rocky View.

Mr. Gill: Prab Gill, MLA, Calgary-Greenway.

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

Westlock.

Mrs. Pitt: Angela Pitt, MLA, Airdrie.

Ms Sorensen: Rhonda Sorensen, manager of corporate communications, LAO.

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

Mr. Reynolds: Rob Reynolds, Clerk of the Assembly.

Ms Scarlett: Cheryl Scarlett, director of HR, IT, broadcast services, and financial management and administrative services.

Ms Woollard: Denise Woollard, MLA, Edmonton-Mill Creek.

Mrs. Littlewood: Jessica Littlewood, the MLA representing the beautiful rural constituency of Fort Saskatchewan-Vegreville.

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

Mr. Nielsen: Chris Nielsen, MLA for Edmonton-Decore.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Excellent. Thank you.

Before we turn to the business at hand, just a few operational items. The microphone consoles, as always, are operated by the *Hansard* staff. Please ensure that your mobile devices are turned off or set on silent. Unless we move in camera, the audio and video of today's proceedings will be streamed live on the Internet and broadcast on Alberta Assembly TV. Meeting transcripts may be obtained through the Legislative Assembly website.

We have the agenda that was distributed. Do we have any concerns with that, or is there a member that would move acceptance?

Mr. van Dijken: Having just come out of the House, I have not seen an agenda. Do we have any available?

The Chair: Do we have copies of the agenda? We'll take a moment to circulate copies of the agenda.

Okay. Do any members have any concerns or additions they would like to make to the agenda?

Mr. Malkinson: I'm still giving everyone a moment to take a quick look at it, but to me it seems reasonable, Mr. Chair.

The Chair: Okay. Thank you.

If there are no concerns or additions, do we have a member that would move adoption of the agenda as distributed? Mr. Horne. Thank you. Mr. Horne moves that we adopt the agenda. All those in favour? Any opposed? That motion is carried.

Then we have the question of the minutes from our meeting yesterday, April 4, 2018. Are there any concerns or revisions regarding those minutes?

Mrs. Aheer: The draft media advisory: what is that in relation to?

The Chair: On the agenda?

Mrs. Aheer: Yes.

The Chair: In normal practice when we are dealing with the appointment of a new officer of the Legislature, if there is an announcement and a motion that's moved, then there is often a media advisory which is released, alerting the media that that officer has been put in place.

Mrs. Aheer: By "draft" does that mean that it comes to us first before it goes out?

The Chair: Yes. I believe we would have the opportunity to review and discuss that in camera.

Mrs. Aheer: Thank you so much for the clarity.

The Chair: Are there any questions or concerns regarding the minutes? If not, do we have a member that would move adoption? Mr. Nielsen. Thank you. All those in favour? Any opposed? That motion is carried.

That brings us, then, to our ongoing consideration of the recruitment of the Election Commissioner and further deliberations. At this point I believe it would be appropriate for the committee to move in camera so that we can maintain the confidentiality of the candidates as we move on with the selection process. Do we have a member that would so move? Thank you, Mr. Nielsen. We have a motion that the committee go in camera. All those in favour? Any opposed? The committee will move in camera.

[The committee met in camera from 5:05 p.m. to 6:37 p.m.]

The Chair: Okay, members. We have *Hansard* back in the room. We are back on the record.

We have reached, then, the draft committee report item on our agenda. Having moved back on the record, we now have a draft committee report for consideration. Does anyone have a motion in this regard? Ms Woollard.

Ms Woollard: Thank you, Chair. After a very interesting search process involving a lot of very qualified candidates, I'm happy to proceed with the motion. I'd like to make the motion that

the Standing Committee on Legislative Offices approve the draft report dated April 2018 and recommend to the Legislative Assembly that the Lieutenant Governor in Council appoint Mr. Lorne Gibson as Election Commissioner for a term of five years commencing May 15, 2018, and authorize the Speaker to enter into a contract with Mr. Gibson for the term of the appointment. Thank you.

The Chair: Excellent. Thank you, Ms Woollard.

All right. We have the motion on the floor. Do any members have comment? Is there any discussion?

Ms Woollard, did you have further comment?

Ms Woollard: I probably should add that I really do think that he is a very, very well-qualified candidate who will do a very good job in this position. I think we're going to be very happy that we have him onboard.

Thank you.

The Chair: Thank you, Ms Woollard.

Mrs. Aheer.

Mrs. Aheer: Thank you, Chair, and I want to thank everybody who's been part of this committee. It's been a real honour to do all of this with all of you.

One thing I'd like to bring forward is that this side of the committee would like to bring forward a minority report. We would like to make sure that there's an understanding of the concerns that we've had, and we want to make sure that the minority report reflects the opposition concerns in that report.

The Chair: Okay. Duly noted. Did you have any comment regarding the motion?

Mrs. Aheer: With regard to the motion not specifically, other than to add the minority report.

The Chair: All right. Thank you, Mrs. Aheer.

Do we have any other members who wish to make a comment at this time? I see Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I will not be supporting this motion as put forward. Through the work that this committee undertook in this search process, I felt that there were better qualified candidates that should have been put forward. There are a number of very public and controversial stories out there in regard to Mr. Lorne Gibson in his previous role here in Alberta as Chief Electoral Officer.

In an effort to improve democracy and make it more transparent and more fair, I fear that the public may view this appointment in a negative light, thus actually creating more distrust in our electoral system here in Alberta, which is exactly not the intent of what we're supposed to be doing here today. I think that given the public information and the news stories, there has been a negative relationship with government in the past. I fear there could be a perception that the public will see that as bias moving forward, again, not meant to be the intent of what this legislative office is meant to do. Despite the fact that this job was previously undertaken by the current Chief Electoral Officer and in a manner without complaint, this is an office of redundancy and competition from where it was once currently held. I cannot in good conscience support this motion.

Thank you, Mr. Chair.

The Chair: Thank you, Mrs. Pitt.

I have Mrs. Littlewood, then Mr. Gill, then Mr. Malkinson.

Mrs. Littlewood: Thank you very much, Chair. The extensive history of experience that Lorne Gibson has I think speaks for itself. He worked as the Chief Electoral Officer in Alberta from 2006 to 2009. He had eight years as the Deputy Chief Electoral Officer with Elections Manitoba, from 1998 to 2006, and he worked for the public service in Manitoba for 17 years before that and has an extensive body of work when it comes to research in the field. He has worked for governments across the country. You know, just a short list of them is the Yukon, the Northwest Territories, Elections Saskatchewan, for Canada. He has a large body of work of research

and also of teaching. I see his dedication to serving the public, and I think he'll be a great fit.

I very much appreciate the work of Glen Resler, but we know that this is something that needs special attention, with its own office. I look forward to seeing with Lorne Gibson a complement to the work that Mr. Resler is doing. I think that he will be a great fit in this role.

Thank you, Chair.

The Chair: Thank you, Mrs. Littlewood.

I have Mr. Gill, then Mr. Malkinson, then Mrs. Aheer.

Mr. Gill: Thank you, Mr. Chair. Thank you for the opportunity. I would echo Mrs. Pitt's comments regarding the appointment of Mr. Gibson. I will not be supporting this motion. As Mrs. Littlewood said about his experience, yes, he does bring a lot of experience. However, he also brings lots of, for lack of a better word, stigma and baggage. I mean, we have seen the lawsuit news and all the other things that he has previously been in the news for. Also, on top of that, I think we had better candidates than Mr. Gibson.

6:45

I also must add that when Mr. Resler came into this committee and he was asked clearly if his office was capable of handling everything, his answer was – and I believe it was on the record – that his office is capable of handling everything.

The existence of this office and the creation of this office is just nothing but a redundancy, so I will not be supporting this motion. Thank you, Mr. Chair.

The Chair: Thank you, Mr. Gill.

I have Mr. Malkinson and then Mrs. Aheer.

Mr. Malkinson: Thank you very much, Mr. Chair. I was listening to the comments made earlier that, you know, perhaps this candidate is biased, and I think that's simply not true. I mean, he has been working with conservative governments in Saskatchewan – that would be Brad Wall's government in Saskatchewan – for the last number of years. There's no proof at all that he is biased, and to suggest otherwise is, I think, a smear against the man's character.

You know, previously here in Alberta I think he clearly showed that he will not bow to political masters regardless of who is applying the pressure or what party that is. I think all parties would agree that that is exactly the type of person that we want in this position, and that is why I am happy to support his candidacy. He's deeply informed on matters related to democracy. He's highly informed, and I believe he is going to excel in the role.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Malkinson.

Mrs. Aheer.

Mrs. Aheer: Thank you, Chair. I need to echo Mr. Gill and Mrs. Pitt in their concerns, but also we're starting on something here where the whole premise of it was to have that transparency and that accountability. To start off, at the very beginning of something that the government obviously feels is necessary, with a person that comes with a stigma and baggage like this, especially when other candidates did not come with that, it just seems to me that regardless of his background or his obvious qualifications other opportunities were there to pick other people.

I've said this before. This isn't just about politicians. This is actually about, you know, the moms and dads and friends and people that give their time and energy into political campaigns. These are the regular people on the street – my 21-year-old son, for

example – who would be going out and campaigning, and now we have a person who is going to be responsible for having conversations with regular, everyday Albertans who care deeply about this province and about who their electorate is. When you put together other candidates with Mr. Gibson, there's a concern because of the history here – and, I mean, all of that is public record – that we have somebody who has controversy and frustration from before, based on past articles and what he wrote and what was written about him.

I can't stress enough how important it is that – again, I have to agree with Mr. Gill. Mr. Resler is a completely competent human being and very easy to work with. I fear for our folks that are on the ground, the people that dedicate their time to getting us elected, for the ability for Mr. Gibson to be able to work with these people in a way that is conducive to them and the work that they're going to be doing. We want to make sure that the person that is doing this job has the ability to work with everyday Albertans.

Like I said, there's a difference – there's a huge difference – between a laundry list of things that you say that you did and actually what the mechanism was and how you carried out that job. There's a difference between being a contracted person that does individual contracts from time to time to time or having the longevity of being with government and other groups to make sure that that transparency and that accountability come forward. At the end of the day, that's what we're looking for, but you are dealing with people that are going to need to have the understanding of the complexity of what we deal with every day, which is hard for even us.

Again I will restate my concern, and most of it comes from the fact that we had other candidates that I felt, personally, would have filled that space better if we were going to have this position. If we have to fill this, if this is what we're going to do, there were certainly other candidates that I believe would have worked within the capacity of what we're looking for here much better.

So I will not be supporting this motion.

The Chair: Thank you, Mrs. Aheer. I have Mrs. Littlewood.

Mrs. Littlewood: Thank you very much, Chair. I couldn't have said it better myself. He has obvious qualifications as part of restoring that confidence that we've been looking for for the last few years with the Election Act and the elections disclosure act. You know, many of the suggestions that he had made were adopted by Glen Resler because they were good things to revamp the system in a way that would actually restore that confidence that Albertans were looking for. Talking about training all of those great people that work in elections and work in associations, someone that taught for 18 years as a professor and as a sessional lecturer has really extensive experience working with all sorts of people.

Also, just the possibility of making those associations across the province more robust I think is something that I wouldn't want to pass up. I think that's incredibly invaluable. You know, he created the strategic plan for Elections Saskatchewan for 2014-2016. Other governments of different stripes across the country, including a conservative government in Saskatchewan, trust him, so I think he very easily brings that trust with his reputation that he's built over 40 years. That he is actually offering that to us I think is incredible, and I definitely do not want to pass that up. I think he would be a great addition to our officers of the Legislature.

Thank you.

The Chair: Thank you, Mrs. Littlewood. I have Mrs. Aheer.

Mrs. Aheer: Thank you. To your point, what you're saying is exactly right, and it's true, but other candidates had all of that plus the public trust already. We have concerns about the history in the news about Mr. Gibson, about what happened here when he was the electoral officer. We have other candidates that not only fulfill, Mrs. Littlewood, what you were suggesting but also come without the baggage. It's what you said plus that. I don't disagree with what you're saying about his background and all of those things, but again there's a huge difference when you're contracted to do a job and you fulfill that job because of the contract, because that's what you're contracted to do, versus being hired into the public sector and you are fulfilling that mandate for a term period as the electoral officer.

As a contracted person, you're right: it doesn't matter what your stripe is or any of those kinds of things, and partisanship wouldn't matter. It really doesn't, because you're contracted as a person individually to come in and do a job regardless of your stripe, so you're not going to come in with any partisanship. You can't. Within the contract it wouldn't be allowed. Technically speaking, within this contract it's not allowed. However, in this particular job he's going to be here for a long, five-year stint. It's not just a contract. It's a hugely different thing. As a private-sector person going in to fulfill a contract, you're going to fulfill that no matter what

On top of that, again I reiterate that there were other candidates that fulfill all of the things that you listed, not specifically – obviously, Mr. Gibson has specific things to him – but a lot of those qualities that you've just suggested about Mr. Gibson plus the fact that they don't have historically the concerns that we've had here in Alberta with Mr. Gibson in the past.

Thank you so much, Mr. Chair.

6:55

The Chair: Thank you, Mrs. Aheer. I have Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I think that Mrs. Littlewood very articulately stated one of the reasons why this motion shouldn't be supported. There's been some confusion as to what the job is and what the qualifications should be. This is an investigation position, and while Mr. Gibson does have a lengthy record of elections experience across this country and it's very clear that he's wanted in many different provinces for various contract work, the position that is being sought here is of an investigative manner. There was most definitely another candidate that portrayed exactly those qualities that didn't have some of the baggage that previously exists with Mr. Gibson moving forward.

For those reasons of confusion during this process, I think that all members should not support this motion at all. Thank you.

The Chair: Thank you, Mrs. Pitt. I have Mr. Gill.

Mr. Gill: Thank you, Mr. Chair. If I heard Mrs. Littlewood correctly – correct me if I'm wrong – I think she said that Mr. Resler took some advice from Mr. Gibson regarding some changes or something. Was that correct – Chair, I didn't understand – something along those lines?

Mrs. Littlewood: I could be wrong. I mean, I know that when he brought forward his – I'm sorry, Chair. Do you mind if I respond?

The Chair: Please respond.

Mrs. Littlewood: I could be mistaken because I am trying to pull it from recollection. Mr. Resler brought forward a number of recommendations. I guess that he may or may not have – I mean, the recommendations that came from Mr. Gibson were a matter of public record, so I don't know if he used those that were a matter of record in informing his recommendations to the committee. I could have that wrong.

Mr. Gill: That's fine. I was kind of confused because we all know that Mr. Resler on the record has said that his office is fully capable of executing all the new legislation and everything like that. So that's why I was kind of confused. Like, why would he say that? When he's saying that his office can perform all the duties, why would you say that, you know, he brought the recommendation from Mr. Gibson's advice? But that's not a big deal.

Mrs. Littlewood: Chair, just purely about . . .

The Chair: Are you finished your remarks, Mr. Gill?

Mr. Gill: No. I'm just going to . . .

Mrs. Littlewood: I'll just respond if you want me to.

Mr. Gill: No. That's okay.

Mrs. Littlewood: I mean, it was . . .

The Chair: Sorry. If we can just take a moment. I'd prefer to try to control crosstalk. But certainly, Mr. Gill, if you would like to invite Mrs. Littlewood to respond, that's . . .

Mr. Gill: Sure. Please.

Mrs. Littlewood: Yeah. I was merely talking about the recommendations about the Election Act that took place two years ago.

Mr. Gill: Okay. Awesome. Thank you.

Thank you, Mr. Chair.

Also, as we know, Mr. Gibson was let go by the Saskatchewan government as well. I just wanted to point that out to the committee. Thank you.

The Chair: Thank you, Mr. Gill.

I have Ms Woollard.

Ms Woollard: All I wanted to say was that I also, in reading up on Mr. Gibson, saw a report. I don't know the exact number, but by far the majority of the recommendations he made at the end of his term as Chief Electoral Officer were put into practice, were accepted by the Alberta Legislature, by the new Chief Electoral Officer. So those were put into practice.

The Chair: Thank you, Ms Woollard.

Do any other members have comments regarding this motion? Mr. van Dijken.

Mr. van Dijken: Yeah. Thank you, Chair. I reflect on the act. The position of Election Commissioner was brought forward out of the act to strengthen and protect democracy. I reflect on the work that we've done as a committee here, as the Legislative Offices Committee, and I believe that our role was to work diligently to find an individual that we could be confident in, that Albertans could feel confident that that individual was here to strengthen and protect democracy. You know, as much as I agree with the qualifications as an elections consultant – Mr. Gibson has done much work with

regard to elections consulting and in that type of work – I do fear that Albertans may look upon this in a negative fashion based on some of the history that has occurred in the past between the government of Alberta and this individual.

I believe that what we need to do here is to find an individual that Albertans can feel confident in, that that individual will help to strengthen and protect our democracy here. Other individuals that we had come before us came forward without the history within this province, negative history, blemishes or however you want to describe that, and I believe carried as much capability and ability to fulfill the role.

I believe that Mr. Gibson absolutely would make an excellent elections consultant. But to come in and be the commissioner, the policeman of elections in Alberta – it does concern me that we have before us an individual where there is a certain amount of cloudiness as to how this is all going to work out. If this goes forward, I hope for the best, that we can feel confident in that Albertans will be able to reflect on this and recognize that this has gone well.

It does make me nervous, going forward, with recommending this individual, and I will not be supporting this motion. Thank you.

The Chair: Thank you, Mr. van Dijken.

I have Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. You know, I think I agree with Mr. van Dijken that we should have a person that Albertans can have confidence in, and I believe Mr. Gibson is that person. He is deeply informed on matters that are related to democracy. He's highly informed both in research and in consulting, as he said. He's also worked as the Deputy Chief Electoral Officer for Elections Alberta and for Elections Manitoba, so I think he understands about what happens on the ground. He's run several elections. To suggest that he doesn't have experience or would somehow be biased I think is completely unfair. I think he has shown that he has a demonstrated record of supporting open and fair elections, and he speaks truth to power. I believe he is absolutely nonpartisan, and he is beholden to no one.

Mr. Chair, I think we've sort of gone around the room here a couple of times. I'm wondering if perhaps we could call the question.

7:05

The Chair: All right. We've heard from, more or less, most members in the room. At this point perhaps I'll test the room and see. Do members feel they are ready to consider the question on this motion? I'm seeing heads nodding. All right, then. I will call the question. We have the motion before the committee that

the Standing Committee on Legislative Offices approve the draft report dated April 2018 and recommend to the Legislative Assembly that the Lieutenant Governor in Council appoint Mr. Lorne Gibson as Election Commissioner for a term of five years commencing May 15, 2018, and authorize the Speaker to enter into a contract with Mr. Gibson for the term of the appointment.

With that read into the record again, I will call the question. All those in favour? All those opposed?

Mr. van Dijken: A recorded vote, please.

The Chair: I have a request for a recorded vote. I will start to my right, with Mr. Malkinson.

Mr. Malkinson: Yes.

Mrs. Aheer: No.

Mr. Gill: No.

Mr. van Dijken: Not in favour.

Mrs. Pitt: No.

Ms Woollard: Yes.

Mrs. Littlewood: In favour.

Mr. Horne: In favour.

Mr. Nielsen: Yes.

The Chair: Thank you. We have five members in favour and four members against.

That motion is carried.

I would like, then, to call on Ms Sorensen to address the draft media release with respect to this committee's recommendation for the Election Commissioner appointment. Ms Sorensen.

Ms Sorensen: Thank you, Mr. Chair. Yes, the committee members should have in front of them a draft advisory. It's been our past practice that once the committee passes a motion recommending a candidate, we put that information forward to the media. If the committee agrees, then I will distribute that tonight.

The Chair: Thank you, Ms Sorensen.

Are there any questions regarding the media release, the media advisory?

Mr. Malkinson: I would like to make a motion to accept.

The Chair: Okay. We have a motion from Mr. Malkinson that the Standing Committee on Legislative Offices approve the draft media release as distributed and reviewed.

We have the motion on the floor. Is there any discussion? If not, I will call the question. All those in favour? Any opposed?

That motion is carried.

That brings us, then, to item 5, other business. Is there any further business for this committee? Mr. van Dijken.

Mr. van Dijken: Yeah. If the media advisory could be forwarded to all members of the committee as soon as possible.

The Chair: Okay.

Ms Sorensen: Absolutely.

Mr. van Dijken: We didn't read out the full wording of the media advisory, and we did do some adjustments to it, so I just want to ensure that that will be accomplished as requested.

The Chair: Okay. Just to clarify, Mr. van Dijken, are you asking to have the media advisory as it will be printed read into the record, or are you just simply asking to have the opportunity to review it?

Mr. van Dijken: I would like the opportunity to review it, sure. Okay.

The Chair: Would you like to make a motion, then, Mr. van Dijken, that the advisory be sent to all members for review before release?

Well, we've already passed the motion. I'm sorry. Why don't we ask Ms Sorensen to simply read what's there, and we'll see if there are any further concerns.

Ms Sorensen: Certainly, Mr. Chair. Thank you. I believe it was the first sentence, that now reads: "The Standing Committee on Legislative Offices has passed a motion with a recorded vote to approve a draft report recommending Lorne Gibson as Alberta's first Election Commissioner."

The Chair: Thank you, Ms Sorensen.

Is that acceptable to all members? No further concerns? Excellent.

Are there any other items, then, for discussion under other business? All right.

In terms of a next meeting, at this point I am not anticipating there would be further meetings of this search committee, but in the event that there are, they would be at the call of the chair.

I would at this time like to thank all members for their participation. I know this can be a lot of work, and it can at times be a bit stressful. I certainly appreciate the time and the effort all members have put in and particularly in terms of maintaining, I think, good decorum and discussion amongst members. I truly appreciate that. Thank you to everyone for your participation. In particular, again, once more, to all of the staff who have supported us throughout this process: we truly appreciate the support you've provided under some occasionally trying circumstances.

With that, do we have a motion to adjourn?

Mr. Nielsen: So moved.

The Chair: Mr. Nielsen moves yes. All those in favour? Any opposed? This committee stands adjourned.

Thank you.

[The committee adjourned at 7:10 p.m.]