



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Select Special  
Democratic Accountability  
Committee

Citizens' Initiatives  
Stakeholder Presentations

Wednesday, September 23, 2020  
11 a.m.

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

**Select Special Democratic Accountability Committee**

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**Select Special Democratic Accountability Committee**

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Amanda Zoch, Mellon/ACLS Public Fellow and Legislative Policy Specialist

University College London Independent Commission on Referendums.....DA-63  
Alan Renwick, Deputy Director, Constitution Unit

Canadian Taxpayers Federation.....DA-67  
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**11 a.m. Wednesday, September 23, 2020**

[Mr. Schow in the chair]

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

My name is Joseph Schow. I'm the MLA for Cardston-Siksika and chair of this committee. I'm going to ask that members and those joining the committee at the table introduce themselves for the record, and then we'll go to those on video conference and telephone. To my right.

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

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

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

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

**Ms Fir:** Tanya Fir, MLA, Calgary-Peigan.

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

**Mr. Dang:** Thomas Dang, MLA for Edmonton-South.

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

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

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

**The Chair:** Thank you, all those at the table.

I do have two members joining us by video conference. Would you please go ahead and introduce yourselves.

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

**Dr. Zoch:** Amanda Zoch, National Conference of State Legislatures.

**The Chair:** I believe I should have Mr. Ceci on the phone. Mr. Ceci, can you hear me?

**Member Ceci:** Oh, hello. Yes, I can hear you. Can you hear me?

**The Chair:** I certainly can. So we are avoiding the technical difficulties we had last time for now. We'll knock on wood.

Okay. I'll also note for the record substitutions. We have Ms Fir in place of the hon. Mrs. Allard.

I'd also note that based on the recommendations from Dr. Deena Hinshaw regarding physical distancing, attendees at today's meeting are advised to leave the appropriate distance between themselves and other meeting participants. Please note that the microphones are operated by *Hansard*, so members don't need to turn them on and off when you speak. Committee proceedings are being live video and audiostreamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

It has come to my attention that I also have one more member on the phone, I believe, Ms Goodridge. If you are there, please introduce yourself. Ms Goodridge, can you hear me?

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

**The Chair:** Awesome. Thank you for joining us.

Okay. Moving on to item 2 of the agenda, which is approval of the agenda, does anyone have any changes they'd like to make?

Seeing none, can I have someone move to adopt that agenda?

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

**The Chair:** Mr. Sigurdson moves that the agenda for the September 23, 2020, meeting of the Select Special Democratic Accountability Committee be adopted as distributed. All those in favour, please say aye. Any opposed, please say no. On the phone, in favour? Any opposed on the phone, please say no. Awesome.

Okay. Moving on to agenda item 3, approval of the minutes from September 9, 2020, we have minutes from our last meeting, which were posted to the committee's internal website for members to review. Are there any errors or omissions to note in the draft minutes? I'm not hearing any. Can I please have a member move to adopt the minutes?

**Mr. Rutherford:** Chair, I'll move that.

**The Chair:** I see that Mr. Rutherford moves that the minutes for the September 9, 2020, meeting of the Select Special Democratic Accountability Committee be adopted as distributed. Both in person and on the phone, all those in favour, please say aye. All those opposed, please say no. That motion is carried.

Okay. We'll now move on to item 4, oral presentations for citizens' initiatives. Hon. members, the committee has invited several individuals and organizations to make oral presentations in relation to the committee's review of citizens' initiatives. Specifically, the committee is mandated to consider the questions posed in Sessional Paper 192/2020, as directed by Government Motion 25. The committee agreed to a subcommittee recommendation from July 28, 2020, in regard to the length of presentations and the question-and-answer period for each presenter. In accordance with the committee's decision each presenter will have five minutes to make their presentation. This will be followed by a 20-minute period for questions by committee members.

We have first up Dr. Amanda Zoch from the National Conference of State Legislatures. She is joining us by video conference. Without any other need for conversation or interjections, we will go directly to Dr. Zoch. You have five minutes for your presentation. Please go ahead.

#### National Conference of State Legislatures

**Dr. Zoch:** Thank you. I just want to make sure that my PowerPoint is being displayed for all of you. I'll verbally tell Aaron when to click and progress through. Since I can't see it, if I get off, someone please interrupt me.

I wanted to start by saying that the National Conference of State Legislatures does not advocate for or against the citizen initiative process. We are a nonpartisan research organization governed by a bipartisan committee of state legislators, so Republicans and Democrats. We serve all state legislators regardless of their affiliation. I work on the elections and redistricting team, where I do focus specifically on the initiative and referendum process and ballot measures among other election administration topics.

Next slide, please. I think that's the mission, so go to the third slide, a little context, and click so that those appear.

Twenty-four states have an initiative process, where voters can sponsor an issue, collect signatures, and place it on the ballot, and two more states allow the popular referendum, which is when voters dislike a new law enough that they collect signatures in order to repeal it. We also think of that sometimes as the people's feature.

Most states in the U.S. that allow citizen initiatives also allow popular referenda, and we often group them together.

You can click three times so that the next bullets will show.

Half of our states don't have this process at all. Just for a little context, every year states try to establish this process, and those bills, without fail, fail. Florida was the last state to adopt the initiative process, and that was in 1972.

Next slide, please. This shows the road to the ballot. I can answer more questions about this after my presentation, but I want to briefly highlight the steps of the initiative process, the way it works here. I should clarify that we actually have 24 different processes because each state does it a little bit differently, so this is a very generalized view.

Citizens or groups submit a proposal. Sometimes they have to pay a filing fee. Then that title and summary need to be approved by the appropriate authority, and that varies by state. Usually those offices are responsible for writing the title and summary so that it is clear and neutral, but there are some states where the sponsors of the initiative are responsible for writing the title, and they just need to get it approved. Once those pieces are approved, the committee can then gather signatures. In all states the petition forms have very strict regulations, so those have to be followed. Circulators of the petitions can be hired and paid. Each state also has a different length of time for the issue committees to gather signatures. Some have a couple of months; some allow up to a year. It just varies.

Once the signatures are gathered, they get submitted, go through the verification process. If a sufficient number of those signatures are verified, the initiative committee can begin campaigning for people to vote for their issue. It's a long process before they can even really start campaigning.

Next slide, please. Because we support legislators at NCSL, I like to bring up some of the concerns from a legislative perspective. The laws created through the initiative process tend to have some drawbacks from that perspective. In fact, it's fair to say that many of our lawmakers just don't like initiatives because they circumvent the Legislature.

If you could click through all five bullet points, that would be helpful.

From this perspective, initiatives can result in unaccountable policy-making or policies that are not vetted through the deliberative legislative process. Ballot measure campaign spending in the U.S. is unlimited, so it is hard to track, and voter info is sometimes inadequate, especially for particularly complex ballot measures. Significantly, it's not always citizens or voters who are pushing an issue. Like I mentioned, it can be groups, organizations, corporations. Sometimes people are voters from outside the state, and for us that can make the citizen part of the process a little bit murky.

Next slide, please. Some of these legislative concerns can be addressed or mitigated in the structuring of the process.

Click. One is the single-subject rule. Fifteen of our states have it; nine do not. That makes ballot measures easier for voters to understand because it's only about one subject. It also means that something unpopular isn't made palatable by pairing it with other crowd-pleasing changes like tax cuts.

Click again. Petition review is also something that we see as a guardrail to the process. In about half of the 24 states that have citizen initiatives, proponents can get drafting assistance to improve the quality and consistency of their proposals. In most states a sponsor can take their draft to a legislative office and receive assistance either with the form or the content of the initiative before they submit it to the appropriate state official.

In fact, across the states there are four different types of review. We sometimes have administrative . . .

11:10

**The Chair:** Dr. Zoch, I will interrupt you. I know that we had to take a couple of moments to get the PowerPoint thing sorted out, so please go ahead and finish your thought very briefly. Otherwise, we are out of time.

**Dr. Zoch:** Oh, okay. Well, there are several types of review. Feel free to ask questions. I know I've covered a lot, so I can answer anything that you have.

**The Chair:** Okay. We will now open the floor for questions from the committee. We're just getting our timer set here to 20 minutes. Go ahead, Mr. Roth. You can set the timer, and we'll move to questions.

Would anyone like to go first for questions for Dr. Zoch? Mr. Rutherford.

**Mr. Rutherford:** Thank you, Chair, and thank you for the presentation. Just a quick question to start off. You said that there are 24 different processes, and I'm assuming you're referencing 24 different states. Is there one in particular that stands out that has a system that seems to be the best functioning, or do they all have unique pros and cons to them? I was wondering if I could get your view on that.

**Dr. Zoch:** Since we represent all states, we are not in the interest of saying that any state is doing something better. Essentially, all of the states have different pros and cons, so that's why I was pointing out the different guardrails. Things like the single-subject rule we tend to see as a positive. States that have more review processes for the sponsors, especially before it even goes to voters: those are pluses.

For the other ones that I did not get a chance to talk to, states that allow statutory changes instead of just constitutional changes: that tends to be better for legislators, because constitutions, from our perspective, should be more stable and not have to adapt with every little change. When legislators can change the state statutes or the state laws, that tends to be better for the function of the state as a whole as opposed to a constitutional change, which always has to go before voters. So there's no one model or exemplar, but there are aspects of each that are good models to follow.

**Mr. Rutherford:** Okay. Thank you.

**The Chair:** Do you have a follow-up question?

**Mr. Rutherford:** No, Chair.

**The Chair:** Would anyone from the opposition side like to ask a question? On the phone?

Okay. Mr. Sigurdson.

**Mr. Sigurdson:** Thank you, Chair, and thank you, Dr. Zoch, for your presentation. I guess I'll just ask a question. You know, it's interesting to hear about what they have in the 24 different states. I was just wondering: what sorts of initiatives are allowed? I mean, are they allowed to authorize spending by the government through these initiatives? In any of the 24 are there examples of this that you can speak to?

**Dr. Zoch:** Yes. Most of the states allow spending by the government. Some states have specific examples saying that the initiative itself has to provide a source of funding for that spending, but other states do not. When that happens, we think of it as an unfunded mandate, when you say that you have to spend X amount of dollars on a particular program. That's something that legislators do not like, so more and

more states are taking steps to limit that. Again, they're all different, but more and more are requiring that the initiative itself must provide the funding for the spending, or state where it will come from, I should say.

**The Chair:** Do you have a follow-up question?

**Mr. Sigurdson:** Yeah, just a quick follow-up. Touching on that subject, are there different thresholds, then, for the different types of initiatives that you see as well that relate – you know, do states have different thresholds, depending on what initiative is proposed? I guess that is what I'm asking.

**Dr. Zoch:** Do you mean based on topic or type like statutory versus constitutional?

**Mr. Sigurdson:** I guess let's speak about both if we can.

**Dr. Zoch:** Sure. There are no distinctions based on topic in the initiative processes as far as I am aware. A statutory change in a state would have to meet the same requirements regardless of what the topic is, whether it's about taxes or – I'm in Colorado, and one that we're going to see on the ballot is whether or not grey wolves are reintroduced in the western half of our state. Those are all treated the same. Some states do require that constitutional changes require more signatures in the process to get it on the ballot than statutory changes just because those changes are more permanent, but to my knowledge it's not differences based on the topic itself.

**The Chair:** Thank you.

Now we go to Member Sweet.

**Ms Sweet:** Thank you, Mr. Chair. Just a point of clarity for me. When we look at these citizen initiatives, these are directly related to initiatives directed by citizens, so it isn't a question that is being asked for the government to ask the citizens to consider having a referendum. These are only directed specifically by interest groups. Is that how it works?

**Dr. Zoch:** These can be sponsored by interest groups, but they can also be sponsored by average groups of voters who get together. Our process allows both. It's a very loose definition of citizen.

Could you say the other part of your question? I don't think I caught it all.

**Ms Sweet:** We've just seen in past legislation where the government has the ability to form the question and then call a referendum. I guess I'm trying to get clarity from the NCSL if that is a model that is used in the United States under citizen initiatives or if that is considered a different ability or way for governments to actually have referenda.

**Dr. Zoch:** Okay. I understand now. Yes, that is absolutely something that is different in the United States. We have ballot measures, which is the catch-all term. That can include legislative referrals, so the Legislature decides to put a question on the ballot and take it to voters, or we have the citizen initiative process, where voters pursue a question and get it onto the ballot.

Now, there is a type of citizen initiative that we think of as the indirect citizen initiative, which is when the sponsors of an issue gather signatures, and it goes to the state Legislature for approval. If they like it, they can approve it without making it go to the ballot, and that's something that legislators tend to prefer as opposed to the direct citizen initiative, which is most of what we're talking about. A couple of states do it that way or allow that as an option, and it can actually save, you know, sponsors quite a bit of money because

they don't have to do all of the campaigning. They just take it to the Legislature.

**The Chair:** You have a follow-up, Ms Sweet?

All right. We'll go to Mr. Smith next.

**Mr. Smith:** Thank you very much for presenting to us this morning here, at least by our time. Fascinating conversation. I love the idea of citizen-initiated referenda, but could you expand, from an American perspective, from the NCSL's perspective, on some of the processes that you use for citizens that they would have to follow to get their petition approved and before the people? What are the things that we need to consider as a province if we move down this path for the processes that we should be considering and following?

**Dr. Zoch:** Sure. Two big processes that I would point out: one is the approval process and the setting of the title and the summary. I touched on that briefly. There are different authorities in each state that are responsible for this, but writing the clear and neutral summary is absolutely essential, both in terms of making sure that when people are signing petitions, they're signing for the issue that they actually are reading about but also in terms of voter education down the road so that they can understand what this valid issue is.

The other process is determining the number of signatures that are necessary. Our states all have their own equation for this, but there are three main factors in determining the number of signatures needed. The first is percentage of a certain number of voters in a previous election, so deciding: is it 5 per cent, 8 per cent, 10 per cent of voters in the last presidential election, of voters who voted in the last gubernatorial election, of voters who voted for the Secretary of State?

Then the third factor is whether or not there needs to be a geographic requirement to the signatures. In the U.S. all the states are divided by counties. Some states require that no more than a quarter of the signatures can come from any one county. That prevents, you know, a big, urban area from dictating what makes it onto the ballot. Some states also require that there must be a certain number of signatures gathered from a third of the counties across the state. These are different ways to ensure that there is widespread approval. I don't think any one state does it exactly the same, but those three factors all result in their equation: the number or the percentage, of which election, and then geographic requirements.

**The Chair:** Mr. Smith, do you have a follow-up?

**Mr. Smith:** Please.

**The Chair:** A brief one.

**Mr. Smith:** A brief one. Okay.

How much time does a petition sponsor usually get to collect the signatures, and how often do referendums on petitions typically happen? Like, is this something that happens on a regular basis? Is it different between states?

**11:20**

**Dr. Zoch:** That's a good question. On average, petition gathering usually has a couple of months at least. Sometimes it's shorter, and sometimes it's longer, but I would say that, on average, they have about six months.

When we say referendum, we mean voters are trying to overturn a specific law. A vote on a citizen initiative actually happens all the time. We have them in every election. Those 24 states don't always all have them, however. Some states use the process much more, and that's a little bit because it's more a part of the state's culture,

but it's also because those processes maybe have slightly lower signature requirement thresholds, slightly longer periods for gathering signatures. It's just a little bit easier to get on the ballot in states like California, Colorado, and Washington although this year, actually, Washington won't have any because the COVID-19 pandemic just made in-person signature gathering really difficult.

That also brings me to another point, which is that none of the states allow electronic signatures on this, so it all has to be done in person.

**The Chair:** Thank you.

I'll go to Ms Pancholi on video conference.

**Ms Pancholi:** Thank you, Ms Zoch, for your presentation today. It's really interesting. I just want to ask a little bit of a question about: if these are citizen initiatives, who takes responsibility for sort of educating the public about the specific question that's being asked, and does the state play any role in that education of the citizen initiative? That would be my first question. I'll leave it there.

**Dr. Zoch:** Sure. As with everything in the U.S., it all varies by state, and some states will actually put out an educational pamphlet that gets mailed to all voters. I live in Colorado, and in every election we get the blue book. It has a description of the ballot measure. It has information about the pros and cons of both sides of the issue, what a yes vote would mean, what a no vote would mean. We have lots of citizen initiatives every year. In some states it's far more infrequent, and they don't have a process like that, so the education tends to fall to the groups that support or oppose the measure. That can often be a little bit more challenging for voters, if they don't have some sort of neutral authority.

**The Chair:** Ms Pancholi, you have a follow-up? Go ahead.

**Ms Pancholi:** I do, yeah. Just sort of following up on that, if it does fall, let's say, to the citizens, the pros or cons, to actually kind of do that work, I imagine that's part of the campaigning a little bit. Are there any limits, or what's the average cost of those kinds of campaigns, again, knowing that they might vary from state to state? How much do you usually see spent on those kinds of campaigns?

**Dr. Zoch:** Well, it can vary widely based on the type of measures. There is a citizen initiative in California that has to do with labour classifications for Uber, Lyft, and kind of those app-based drivers, and over \$6 million has been spent in support of the measure. There are some where it's well below that, where it's only a couple of hundred thousand. Some have very little spending, so it kind of depends on how much of, I guess, like, a hot topic or controversial topic it is and who is supporting it. In the case of the California measure, Uber and Lyft are behind the measure. They are big organizations that have a lot of money to spend. Some smaller issues don't quite get the same amount of attention, but in the U.S. there are no spending limits on ballot measure committees, so as much money that can be spent will be spent, essentially.

**Ms Pancholi:** Thank you.

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

We'll go now to Mr. Nixon.

**Mr. Jeremy Nixon:** Thank you, Mr. Chair, and thank you for being here today. You kind of got cut short when you were talking about guardrails. I'm wondering if maybe now is the time for you to kind of expand upon anything that you didn't mention earlier or any further advice on guardrails we should put in place.

**Dr. Zoch:** Sure. I think the four main guardrails, again, are the single-subject rule, limiting the content of the initiative; having steps for petition review at different stages of the process; allowing statutory and not constitutional changes so that Legislatures can revise or amend as necessary. The fourth one, which I didn't talk about, is ballot language readability, which is ensuring some sort of process so that when the ballot question or the citizen initiative goes on the ballot, voters can read it and understand it. Those educational aspects that I was talking about just a minute ago are part of that, but also some states require, in state law, that the question, when it goes on the ballot, meet certain levels of clarity or brevity, so putting that in the process can be very helpful for voters.

The shorter something is doesn't necessarily mean it's easier to understand, but it can be one factor in determining whether or not voters can read the question and understand what it is. Many states actually require that a yes vote is for a change, a no vote is for no change. Sometimes questions can get phrased where those are flipped, and that's very confusing for voters as well. So just making sure that, I guess, voters are in mind when these questions get put on the ballot is one of the biggest guardrails that we can advocate for.

**Mr. Jeremy Nixon:** So we've put all these guardrails in place, and I think you've given us some great advice and stuff to chew on here. At a point where, say, legislation gets passed and it's not good legislation or it's problematic for whatever reason, can the state Legislature reject a referendum at the end of the day? Are there mechanisms in place? Do different states do it differently? Any advice or thoughts on that?

**Dr Zoch:** In general states cannot reject a law once the voters have passed it. If they have the indirect process that I mentioned, where the question with the signatures that are already collected and verified go to the Legislature first, the Legislature could choose to implement it, or they could choose to offer an alternative, so both questions would go on the ballot as kind of competing questions on the same issue. That can be one way for the Legislature to have a voice and give voters more of a choice instead of that you either vote for this one issue – the vote for medical marijuana in Mississippi right now: there are actually two ways to vote for medical marijuana because the Legislature has proposed their alternative. But generally, if something gets passed and the Legislature doesn't like it, they have very little recourse to stopping it or changing it. Sometimes there are time limits, that it has to stay in place for three years without amendments, things like that.

**The Chair:** Thank you.

We'll go to Mr. Dang, with about three minutes and 50 seconds remaining.

**Mr. Dang:** Thank you, Mr. Chair. I'll try to be brief. Thank you for joining us today, Dr. Zoch. I guess I wanted to touch briefly again on – I know you had spoken a little bit about it – an electronic process for gathering signatures. I think you had mentioned already that there isn't a state currently that does electronic signatures but that it may be something that's being considered in the future. I guess, especially right now in this world of the pandemic, where people aren't gathering physical signatures in the same way, what are some of the concerns we've had? We know that with things like electronic voting, we can see very clearly at the large conferences such as DEF CON and Black Hat that almost every single voting machine in the world is compromised. What type of process would be suggested to verify signatures or to collect the signatures?

**Dr. Zoch:** I can't exactly speak to the technical election security issues around gathering electronic signatures. The biggest issue we hear with electronic signatures from lawmakers is that they're easier to gather than in-person signatures, so if they are going to be allowed, legislators want to raise the threshold requirement. Let's say that you have to have 8 per cent of, you know, voters who voted in the last presidential election. You need that many signatures. They would want to raise it to 12 or 15 per cent, something higher, so that the difficulty of moving forward with an initiative can remain the same. The electronic signature process is perceived as something that would be easier, and therefore something else has to change to make the process harder, if that make sense.

**Mr. Dang:** A quick follow-up, Mr. Chair. Thank you. Thank you for that. I guess I have a quick follow-up to a question that my colleague had asked earlier here from the opposition around referenda and how the referendum that was posed by the government was different than those that are posed by the citizens. You had clarified that typically it's approached differently. I'm just wondering: for those that are posed by the government – and you had clarified that those posed by the citizens are typically binding for some period of time against the Legislature – are they also binding in the same way?

**Dr. Zoch:** That's a good question. If they are constitutional, they are binding in the same way unless it goes to the voters again. Statutory changes that go to voters: there is a little bit more wiggle room, but typically there's some sort of process for it not to be changed because it represents the voters' will. But those changes are usually time limited, so they could be changed down the road.

**The Chair:** Mr. Rutherford.

**Mr. Rutherford:** Thank you, Chair. Just a quick question. You had mentioned a few answers ago that there was a process for clarity to ensure that the question could be understood. I was wondering if you could comment on who provides the advice on clarity and how that group is formed.

**Dr. Zoch:** It's usually whoever is responsible for setting the title and summary. Sometimes that is the Secretary of State or the Attorney General or separate Legislative Counsel. This is often set in state law, and sometimes it only says that there must be clarity, which is very much not something that is measurable. I would point to Alaska as actually having something that is much more specific. They require a certain reading score that has to be met for the ballot measure, and that, again, is determined and assessed by the organization that authorizes or vets the question before it goes to the ballot.

11:30

**The Chair:** Do you have a follow-up, Mr. Rutherford?

**Mr. Rutherford:** No, I don't.

**The Chair:** Mr. Ceci, you have 18 seconds left.

**Member Ceci:** Do the citizen initiatives happen during local elections or just during state elections? I guess we are considering putting citizen initiatives during local municipal ones. Do you have any information?

**Dr. Zoch:** We focus on state-level initiatives. There are some states that allow local initiatives, and those would run on a schedule of local elections. I'm not an expert on that, and I can't really speak to it, but we tend to see that there are no separate elections just for a

citizen initiative. It's usually tied to an election where the President or legislators are also being elected.

**Member Ceci:** Thank you very much.

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

Thank you, Dr. Zoch. Our time with Dr. Zoch has expired. I'd like to thank her for taking the time to join us. You are welcome to stay on and listen to the remainder of the proceedings this afternoon or proceed with your day as you please.

We'll now go on to our second presenter, Dr. Alan Renwick, from the University College London Independent Commission on Referendums.

Dr. Renwick, are you on the phone right now?

**Dr. Renwick:** I certainly am. I hope you can hear me.

**The Chair:** I can. Do you have a PowerPoint presentation that is going on, or are you just going to present?

**Dr. Renwick:** I'm just going to be presenting. I'll keep it simple.

**The Chair:** Wonderful. Okay. Well, your time has begun now.

#### University College London Independent Commission on Referendums

**Dr. Renwick:** Thank you very much. As you said, I'm Alan Renwick. I'm deputy director of the Constitution unit at University College London, which is a research centre focusing on how best to run democracy. I've been invited here, I think, because we established an Independent Commission on Referendums in 2017, which reported in 2018, to look at how to conduct referendums better in the U.K. I was research director for that, and I've done a range of research on referendums.

I'd like to do two things in my five minutes: first, to lay out some of the aspects of the design of citizen initiatives that I think are important, and second, to indicate some of the pros and cons of citizen initiatives that, again, I think need to be considered. I have to say that my perspective is quite similar to that of Dr. Zoch, that we've just heard. I was very impressed by her evidence, but I draw more on European evidence and experience in my thinking.

On aspects of the design of citizen initiatives, the sessional paper for this review refers to two types of initiatives, as also did Dr. Zoch. There are two broad types, I think: firstly, what I would call abrogative referendums or vetoes, so a vote to repeal a law that has been passed by the Legislature, and secondly, initiatives in the true sense, proposals for new laws or policies. Then there are various further distinctions within these. Abrogative votes can be on a law that's already in force or one that's just been passed before it comes into force. Any kind of abrogative or initiative vote can be restricted. Some states restrict only to constitutional matters. Some say that they cannot be on constitutional matters; they can only be on nonconstitutional matters. Some exclude certain policy areas, for example decisions about taxation.

A second area that I think is important is around signature collection. Again, we've heard about that, and that's on the sessional paper. I guess that in addition to the points on the sessional paper, there are questions around how signatures are collected. Dr. Zoch talked about hand collection versus online. There are also questions around the rules for campaigners. I would hope you would want to ban payment for signatures and payment for signature collectors as well.

A third issue is whether the result of the vote is binding or advisory. New Zealand, for example, is a country that has nonbinding votes,

and sometimes the Legislature chooses not to follow a popular vote result. Some states, quite a few states, have turnout requirements, so the result is binding only if a certain turnout threshold is met so that you don't have a matter getting onto the statute book on the basis of relatively limited support.

A final aspect that I would focus on is what happens when the signatures are collected, once the required threshold has been met for signatures. The most direct progression is that you go straight to a popular vote, and the result is binding. As Dr. Zoch said, that cuts out any process of structured deliberation about the proposal, so it may therefore not be desirable.

A few other options. In Switzerland the proposal goes first to Parliament, which debates it in depth, decides whether to accept it. It can put forward a counterproposal, and that goes to voters alongside the original proposal. In the state of Oregon – Dr. Zoch didn't mention this – a proposal goes directly to a popular vote, but wherever possible a citizens' panel is formed, a randomly selected group of citizens, to deliberate on the proposal, set out its views, and that goes into the voter information pack so that voters have good information.

A final model that I'd like to advocate is one where the proposal goes first to a citizens' panel or a citizens' assembly, that examines the proposal in depth and decides whether it should go to a popular vote. Something like that is now being tried in part of Belgium, in the German-speaking region of Belgium.

Very quickly on some of the pros and cons of citizen initiatives, I think the main arguments in their favour are, firstly, just that they give people a direct vote in policy-making, a direct voice, and that is good in itself. Secondly, there is evidence from multiple academic studies that having citizen initiatives leads to policy outcomes that are closer to the preferences of the average voter.

Despite these pros, the Independent Commission on Referendums recommended against the introduction of citizen initiatives in the U.K., and it did so for three reasons. The first reason was that there was a concern that citizen initiatives can sometimes be used to undermine minority rights. We've seen that in several . . .

**The Chair:** Dr. Renwick, I hate to interrupt you, but that is the time we have. Like I did with the last presenter, I'm happy to give you maybe another 15 or 20 seconds, but then we'll get into questions.

**Dr. Renwick:** Okay. First point, undermining minority rights. Second point, they can be dominated, as Dr. Zoch said, by vocal groups of campaigners. Third point, the one that I already raised, they cut out deliberation, and that's a really important concern.

**The Chair:** Thank you.

Given that we started last time with government members for questions, we can start with the opposition if there's anyone who'd like to ask one. I see Mr. Dang. Please go ahead with a question and a follow-up.

**Mr. Dang:** Thank you, Mr. Chair, and thank you, Dr. Renwick, for joining us today. I guess I just want to maybe give you an opportunity to elaborate a bit on those last couple of points there just as you had run out of time. I think it's important that, as we hear, since there was no recommendation to move forward in the U.K., perhaps you could give more of the reasoning behind those three.

**Dr. Renwick:** Yeah. As I was just saying at the end, a number of European states have seen same-sex marriage bans introduced through citizen initiatives, and there's a concern that this kind of process, because it's not deliberative, is not very good at protecting

rights and thinking about the rights of vulnerable groups. That's one concern.

A second concern is that vocal groups can dominate the campaign for signature collection, and the campaign – I guess the independent commission in the U.K., which took place just after a very divisive public vote on Brexit, was concerned that referendums are quite difficult occasions and can be divisive. It was concerned that allowing essentially an interest group to capture the agenda for a period by triggering a public vote might not be the best way to do politics.

The final point is just a point about deliberation. I think it's just really important to have the kind of really good, thoughtful process that we're doing right now in thinking about a proposal in depth, and that is difficult to make happen in the context of a referendum campaign. That's why I think that building in some kind of either the Legislature being involved or a citizens' assembly, a randomly selected group of citizens who can really look at an issue in depth, being involved is really important.

**Mr. Dang:** Thank you. And thank you, Mr. Chair. Just a quick follow-up, then. I see perhaps concerns that are tying both of them together. I think you mentioned that a majority voice overwhelming minority interests may happen, and perhaps would you think that there's a connection between having deliberation and democracy, that democracy could be compromised for these groups who may be able to, I guess, be overrun in one of these types of referenda initiatives?

**11:40**

**Dr. Renwick:** Yeah. I mean, it's very clear that we see in several votes – I'm particularly thinking of votes on same-sex marriage in Croatia and Slovenia, for example – where the rights of minority groups just have been trampled over, really, I would say. What we know about more deliberative processes is that when people think about issues and listen to each other above all on issues, then they come to understand the needs of others' rights and the need to protect those, and referendum campaigns are just often not good occasions for listening to each other.

**The Chair:** Thank you.

I'll go to Mr. Sigurdson.

**Mr. Sigurdson:** Thank you, Chair, and thank you for presenting today and bringing your perspective to the table here. I'm not very aware of a lot of systems over in the U.K. When we're talking about it, especially since you've identified some of the downfalls, potentially, of citizens' initiatives, I'm interested here in parliamentary review, maybe as a possibility to prevent those issues from happening. Can you speak to that parliamentary review and maybe some examples of how that builds or helps the system?

**Dr. Renwick:** The most prominent example of parliamentary review is the Swiss one, where an initiative, if the required number of signatures is met, then goes to Parliament, and Parliament has a period of I think 12 to 18 months to look in depth at the proposal. Firstly, just the fact that there's a break in time means that you can't kind of rush a proposal onto the statute book without thinking it through, but also Parliament looks at the proposal carefully. Sometimes Parliament will choose to recommend the proposal. Sometimes it will choose to oppose the proposal and may put forward a counterproposal. In any case, Parliament can't block the proposal under this system, but what it can do is put forward its own recommendation, which then goes forward to voters.

The logic of a citizens' initiative is one of empowering regular voters, and if you had a parliamentary block in the process, that

would be a really radical deviation from the idea of a citizens' initiative. We do in the U.K. have a petitioning system where citizens can, by signature, petition for Parliament to consider something, but that's a very, very different kind of thing from a system that leads to a popular vote, whereas if the check is provided by a body of regular citizens themselves such as a citizens' assembly, then I think you can make that a stronger check on the process. You can say that the citizens' assembly can decide: we shouldn't proceed to a referendum on this matter.

**Mr. Sigurdson:** Yeah. Just a quick follow-up, too. I was really interested to hear, if you could build on it – I mean, you were talking about the benefits, and one thing you mentioned that I really think is important is that you said that evidence suggests that citizens' initiatives may lead governments to be more responsive to public opinion, I guess as a term saying: more accountable. Can you build on that a bit, basically where you see that and examples, maybe?

**Dr. Renwick:** The main research that has been done on this is in Switzerland, where they have looked at different cantons – different states, essentially, within Switzerland or different counties within Switzerland – that make it easier or harder to initiate public votes. They all have some kind of public vote, but in some states it's very easy and in others it's much harder. They find, essentially, that in the states where it's easier to call a popular vote, policy outcomes are closer to what the average voter wants. Through survey research they've seen what the average voter wants, what the policy outcomes are, and they see that connection.

The assessment is, essentially, that representatives know that voters are able to make a decision, ultimately, and therefore they take voters' perspectives into account more during the legislative process. Generally it's not that there has been a vote on an issue and that has caused the outcome to be what voters want; it's more that the Legislature itself takes greater account of what the average voter wants.

**The Chair:** Thank you.

We'll go to Mr. Ceci on video conference.

**Member Ceci:** Thank you very much. I appreciate your presentation, Dr. Renwick, and I love that you describe the place you work at, your research, as how best to run democracy. Thank you very much for that. I think that's what we all ought to do. And I think you did a marvellous job of fitting in all of the information you did within the five minutes that you had.

I'd like to ask a question that I asked Dr. Zoch earlier. Do citizens' initiatives, as you understand, in Europe or across the U.K. as well run at the same time in parallel with local – we call them municipalities here – government elections for town councils and things like that, or are they at the state level only? Maybe just provide some context to that.

**Dr. Renwick:** Most of my knowledge is about the national level in European countries, but most countries that have citizen initiatives at the national level – actually, most is probably not correct. Some countries that have them at the national level do also have them at various subnational levels. Again, Switzerland is the country in Europe that goes further with citizen-initiated votes, and it has such votes both at the federal level and at the cantonal level.

**Member Ceci:** Just a follow-up if I could. The citizen assemblies: as I understand it, they're required – are they prior to a question being posed, or are they subsequent to a decision and they work with that information, the outcome of the decision?

**Dr. Renwick:** You can use a citizens' assembly at all sorts of different stages in the process. Citizens' assemblies were invented in British Columbia in 2005, where they were used in order to work out what should be on the ballot paper, what the question should be, but equally you can use a citizens' assembly in order to look at a proposition that has been put forward by voters through a signature collection process. That is partial to the system that is now just being introduced in the German-speaking part of Belgium. That citizens' assembly can look at whether to go forward to a popular vote, or, as in Oregon, you can use generally a smaller but randomly selected group of citizens, a smaller panel of citizens, during the campaign period itself, once the vote has been called in order to deliberate on the proposal and produce thoughtful public perspective on the arguments of whether the proposal is a good one or not.

**Member Ceci:** Great. Thank you very much.

**The Chair:** Thank you.

We'll go now to Mr. Nixon.

**Mr. Jeremy Nixon:** Thank you, Chair, and thank you for being here today to share with us. I guess I'm a little worried about one of the comments talking about the risk of things being dominated by a vocal group, so I'm wondering if you can maybe talk a little bit about thresholds and what you've seen across Europe in regard to, you know, what types of thresholds we should have in place to help make sure that any vote is adequately representing the larger population.

**Dr. Renwick:** Yeah. There are two kinds of thresholds, thresholds on the number of signatures that need to be collected in order to call a vote and then thresholds on the vote itself for the vote to pass. With regard to signature thresholds they vary across European democracies. On the whole, it's either simply a number of people, a number of signatures as specified in the law. In Switzerland, for example, it states that for different kinds of initiatives either 50,000 signatures or 100,000 signatures are required; 50,000 is now about 1 per cent of the eligible electorate in Switzerland. That's at the low end, about 1 per cent. Other countries go up to about 10 per cent of the electorate. Clearly, the higher the threshold, the harder it is to gather those signatures.

Then with regard to the threshold on the vote itself – and because of this point that I mentioned that many initiative referendums in particular, initiative votes in particular produce quite a low turnout, it seems pretty clear that for initiative votes it's desirable to have some kind of turnout threshold, and often that's 50 per cent of the eligible electorate. So the vote is not binding or not valid if fewer than 50 per cent of the eligible voters turn out to vote.

11:50

**The Chair:** A follow-up?

**Mr. Jeremy Nixon:** Well, actually, a couple, but I think I'll go here instead. I, of course, am worried about protecting vulnerable groups among other groups. Is there any advice that you can give in regard to how you could set this up, if there were certain topics you could take off limit? Obviously, we have our Constitution and Charter of Rights here in Canada. Is there any advice that you can give on that or any guardrails or things that you can suggest?

**Dr. Renwick:** Yes. I think there are two kinds of guardrails that are relevant for that. Either you restrict the topics that can be included – a number of European states that do allow initiatives do not allow them on constitutional matters, so you can simply prevent a vote on

the issue – or you can have some kind of deliberative step in the process. As I've suggested, I think the strongest kind of deliberative step you can have in an initiative process is to have some form of citizens' assembly. That doesn't guarantee that you don't get a proposal that may violate rights, but there's very clear evidence now that, as I said, when people deliberate with each other and think in depth, they tend to come to a view that respects minority rights.

**The Chair:** Thank you.

With six minutes remaining, we'll go now to Ms Pancholi on the video conference.

**Ms Pancholi:** Thank you, Dr. Renwick, for your presentation today. I want to actually follow up on that question about citizens' assemblies. I think you briefly spoke to it, but how, generally, are the individuals who sit on that citizens' assembly chosen and, speaking to that question of sort of the outcome of it and the deliberative nature, is there an opportunity during that citizens' assembly to hear a little bit more from perhaps experts in the area, or how do they contribute to that discussion so that the implications of the outcome are well understood by those who are deliberating it?

**Dr. Renwick:** Yeah. I guess I would identify three key features of citizens' assemblies. One is that they are selected through a process of random selection from the population as a whole. You randomly select from the address register, whatever is appropriate in a particular country, and people receive invitations, and then from those who accept that invitation, you then select. The people who accept the invitation may not be representative of the population as a whole, so you then need to select from them in order to ensure that they're representative in terms of age and ethnicity and gender and, potentially, views on the subject if it's a controversial matter as well.

Secondly, in a citizens' assembly the members speak with each other and listen to each other. That's a really important part of the process, just hearing diverse perspectives. That's really very powerful for members of a citizens' assembly; they speak with people that normally they just wouldn't have deep conversations with.

Then, thirdly, they also hear from experts. They would normally hear from campaigners so that, you know, they would normally hear people with quite strong perspectives on an issue, but you would make sure that that's balanced so they hear different perspectives, and they also hear from experts who, again, would come with a range of different views.

It's really important to design that process well, and it's not straightforward to design it well. We can design it well, and it has been done well in many cases now, but it requires to be designed very carefully.

**Ms Pancholi:** If I may, a quick follow-up just in terms of that design, because I think that's very much a key part of that structure. Who plays the guiding role in terms of designing that process? Is it the state itself or the country itself? Is that different for each citizens' initiative, or will it be designed as, "This is the way we will handle it all the time," and, of course, who will be on it will be different? What's your guidance or thoughts on that?

**Dr. Renwick:** Yeah. I guess normally you would have three parts to that. Increasingly there are kind of professional organizations around the world that are skilled at doing this and know how to do it well, so they tend to be engaged in order to do a lot of the work. Secondly, you would want to have some kind of supervisory body which might, for example, be a crossparty committee in the

Legislature. And then, thirdly, you would always want to have an advisory panel that is constituted with experts and stakeholders on the issue, and you would want to compose that in a way that is representative of a broad range of views and, you know, the role of the cross-party committee would partly be to vet that and ensure that it is indeed reflective of the range of different views.

**The Chair:** Thank you.

We'll go to Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair. Actually, the question that I had was revolving around that, and Dr. Renwick answered my question, so thank you very much.

**The Chair:** Okay. Then we have Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. I have two questions. The first one is because the recommendation has been not to necessarily follow citizens' initiatives. You had mentioned around the petitioning abilities. We have petitioning here, where citizens have the right to petition their local representative and/or the government. I'm just wondering if you could maybe speak to the benefits of that system and keeping that system rather than necessarily changing to a citizen initiative.

**Dr. Renwick:** I guess I can speak best to the petition system in the U.K., which was revamped perhaps five years ago, something like that, perhaps a little longer than that now. Now there's an online system of signature collection, so anyone can propose a policy suggestion. There's a very minimal vetting process for those proposals, essentially to make sure that the suggestion is something within the remit of government and parliament, and then the petition goes up on a parliamentary website and people can sign online. Anything that is signed by 10,000 people is guaranteed to get a response from the government. Anything that's signed by 100,000 people, which, you know, is .2 per cent or so of the U.K. electorate, goes forward for potentially a parliamentary debate, so quite a lot of these. I mean, it's very easy to reach 100,000 signatures with online signature collection. That happens very frequently these days.

So quite a few of these issues have gone forward for parliamentary debate, and those debates can often be very valuable in themselves. I mean, they explore the issue quite interestingly. It's rather difficult to find evidence that they've had terribly much policy effect. This is the big difference, clearly, between this kind of system and an initiative system.

**The Chair:** Thank you, Dr. Renwick. That would conclude our time with you. We greatly appreciate you taking a moment out of your day to speak with us and answer questions and present. You are welcome to stay on the line and listen to the remainder of the proceedings for the day.

**Dr. Renwick:** Okay.

**The Chair:** We will now move to our third and final presenter, which would be Mr. Franco Terrazzano from the Canadian Taxpayers Federation. Does Mr. Terrazzano have a PowerPoint presentation?

**Mr. Terrazzano:** No.

**The Chair:** You are online, Mr. Terrazzano? That was you?

**Mr. Terrazzano:** Yes. I'm here. Can everyone hear me? I'm just turning on my cam right now.

**The Chair:** Yeah, we can hear you well; we just can't see you quite yet. We'll start the clock whenever you're ready. Okay. All right. Well, it looks like you're ready to go. We can see you. Please go ahead.

### Canadian Taxpayers Federation

**Mr. Terrazzano:** Perfect. Again, my name is Franco Terrazzano. I'm the Alberta director and spokesperson for the Canadian Taxpayers Federation. First, I'd just like to start with that we are very supportive of the government's promise to introduce citizen-led referendum legislation or citizens' initiatives. Now, our mandate at the CTF is to push for lower taxes, less waste, and more accountable governments, and the citizens' initiative falls directly within that third mandate of more accountable government.

The idea behind citizens' initiatives and why we're pushing it forward is because if legislation is supposed to belong to the people and not politicians, then people deserve to have a more direct say in the laws that govern us and a more direct ability to hold politicians accountable.

Now, we have seen citizens' initiatives work in Canada within British Columbia in improving accountability, and I'm specifically referring to the citizens' initiative that allowed for the people of B.C. to say no to the HST after the government bungled that transition process. We've also seen the power of referendums, while maybe not directly related to citizens' initiatives, but we've seen success of referendums to give people a voice. We saw that in British Columbia as well with the TransLink question and the TransLink tax, where British Columbians voted against that tax.

More recently and more close to home we have seen that in Calgary when the people of Calgary voted against the Olympic bid boondoggle for the Winter Olympics, where, of course, the NDP government at the time essentially made sure that the city of Calgary councillors were listening to the people of Calgary.

12:00

Now, outside of that direct accountability benefit, another benefit is that it could help progress Alberta's agenda within Ottawa. For example, as I'll get into in more detail, on constitutional issues such as, I believe, section 36, which is equalization, Ottawa is legally obligated to negotiate with the provinces in a provincial referendum on a constitutional question, on a clear question that results in a clear majority. If we did have a citizens' initiative, I don't think there is any question that we would have seen a referendum on equalization by now if we've had it as long as British Columbia has had it.

Now, another way that it helps us progress our agenda within Ottawa is just simply that if we could build more momentum, more provinces to actually have citizens' initiatives, I think we take ourselves one step closer to seeing a federal party once again include citizens' initiatives within their policy proposal. If we're talking about a federal citizens' initiative or a citizens' initiative within the province of Alberta, I think that might be one of the best ways that we would be able to actually get our agenda on the national scene, much more than a simple opinion poll might. For example, if Albertans were eventually able to raise a question on national energy policy such as Bill C-69, if this was a federal citizens' initiative, it would certainly put the issue on people in eastern Canada's desks much better than any other type of media story.

Now that I've kind of talked about some of the benefits of citizens' initiatives to Albertans, I'd like to dive into some of the details to make sure that this can be successful. One of them is, well, what type of legislation, what type of policies, people should be

voting on. Well, first, legislative proposals should definitely be allowed, which, of course, include introducing new types of legislation, making amendments to legislation, or striking down previous legislation. We would also advocate that constitutional referendums are allowed within Alberta – I've already kind of mentioned the issue around equalization – and, finally, also on policy proposals. It's easy to see a scenario where Albertans want to remove a restricting regulation or an agreement made by the government. In fact, the successful British Columbia HST citizens' initiative was aimed at extinguishing an agreement, the comprehensive integrated tax co-ordination agreement, between that provincial government and the feds.

Now, I realize that I only have a minute left, but I am prepared to speak on the thresholds as well. We see British Columbia's threshold as too onerous. Recognizing that there needs to be a balance, we propose that the signature threshold would be a balance between British Columbia's and Idaho's or, more specifically, adopting Idaho's threshold for signatures, which is about 6 per cent of the electoral district. A very important point is not just to have 6 per cent of eligible voters but to have a certain threshold in each riding just to make sure that we can balance the policy ambitions of people who live in an urban riding and the policy ambitions of people who live in a rural riding.

I see that I'm almost at about five minutes but happy to kind of go into further detail on these questions.

**The Chair:** Thank you very much for your presentation, Mr. Terrazzano.

We now have 20 minutes of question and answer with you, and we'll start off with the government side of the table here with Mr. Horner. Please go ahead, Mr. Horner, with a question and a follow-up.

**Mr. Horner:** Yes. Thanks, Chair, and thank you, Mr. Terrazzano, for your presentation. I think, if I'm hearing you right, you very much look forward to having the opportunity at a real grassroots level for Albertans to be able to put questions and policy initiatives forward. We just heard from some other presentations, and they talked about different mechanisms, a citizens' assembly in the U.K., where they would have some oversight to potentially avoid topics that may violate rights of the minority. I'm just curious for your thoughts on that because I think you want to get those real grassroots initiatives forward. Do you see any issue needing to protect the rights of the minority in this process?

**Mr. Terrazzano:** Well, I will just make a few comments on that. First, I think you do want to err on the side of respecting people's right to personal expression. Now, again, I'm a taxpayer advocate, so I will focus on taxpayer issues. It's difficult for me to assess the complex issues that you're discussing there, but I do think that you do want to allow for debate of public opinion.

Now, one thing that I'll say regarding grassroots issues is on getting the thresholds right for signatures. Now, the more onerous the threshold for signatures, like British Columbia's, which is 10 per cent, which sounds nice and sounds easy but would actually require more than 320,000 signature petitions over a 90-day period, which is over 3,500 petition signatures for a British Columbian – now, that is extremely onerous. So if you do increase the thresholds, you are actually going to minimize the ability for grassroots, everyday Albertans – for, like, your soccer dad or soccer mom or what have you – to actually organize.

**The Chair:** A follow-up?

**Mr. Horner:** Yes. Thank you, Mr. Terrazzano. It's a very good point. The other side of the thresholds is the time that you need to gather the signatures. I was wondering if you could maybe speak about that, what you see and what you think would be acceptable for a time frame to gather these.

**Mr. Terrazzano:** Absolutely. I'm glad you brought that up. We're proposing that the government follow Idaho's model, which is a 6 per cent threshold for signatures, but in terms of timelines that's 18 months. If I could just make a comparison between British Columbia and Idaho: right now British Columbia is 10 per cent, and it's, I believe, 90 days, right? So for a British Columbian that means you have to get about 320,000 petition signatures, which in 90 days is about 3,500 petition signatures per day, which is extremely onerous, very, very onerous, especially if you're not in the political realm.

Now, Idaho, on the other hand, is a 6 per cent threshold, and they have 18 months. If we were to adopt Idaho's method, you would still need over 113,000 petition signatures among Albertans, but over an 18-month period that's actually doable. It's not the easiest thing in the world, and it certainly wouldn't be easy on an issue that isn't popular, but it comes down to about 200 signature petitions per day. That's why we propose the Idaho model, which is a 6 per cent threshold, making sure there's a threshold for every single electoral district – it doesn't have to be that 6 per cent but just that there is a threshold there – and then extending it to an 18-month window.

**The Chair:** Thank you.

Anyone from the opposition side? I see Ms Sweet for a question.

**Ms Sweet:** Thank you, Mr. Chair. The first question that I have is actually in reference to B.C. Since the law was brought in, in 1995, only one of the 12 petitions has actually been successful. Coming from a taxpayer's perspective, do you actually think this process provides good value for taxpayers?

**Mr. Terrazzano:** Well, it almost kind of goes back to my last point, which is that it depends on the threshold. First, I would say: absolutely. Just increasing accountability and giving us a little bit more influence over the laws that govern us, a citizens' initiative more generally absolutely is good value for taxpayers and is essential for increasing accountability, but it all goes back to the thresholds. Now, B.C.'s thresholds are far too high. If I can make another comparison, B.C.'s threshold, which would require about 320,000 petition signatures – California, which is on the low end, is the population size of Canada and only requires 620,000 petition signatures. You can see that B.C.'s threshold is quite high, and that's why we propose more of a middle ground, which is that Idaho 6 per cent. To your point, it really depends on thresholds, and if you really want this citizens' initiative to be more than just window dressing, then you do have to lower the threshold from British Columbia's.

**Ms Sweet:** Okay. Then just in follow-up, like, if we do talk about the threshold components – I mean, let's look at the example of equalization, which, the government has been very clear, seems to be a strong issue for Albertans. Do you not believe that if it was a serious enough issue that Albertans take seriously, the 10 per cent would actually be achievable? Why do we have to decrease the threshold if it's an issue that everybody is saying is a major priority for Albertans?

**Mr. Terrazzano:** Well, it's tough to speculate, and it would be a very important issue. Look, the HST issue was very important for

British Columbians, and that one did pass, but that's only one in – what? – two and a half decades. I think that you could definitely find a middle ground there such as what Idaho has done with the 6 per cent. With the equalization one, it's a little bit different because, of course, the 50 per cent majority in a referendum, which I would assume the government would be going on, would be once the final referendum actually takes place.

**The Chair:** Thank you.

We'll go next to Ms Goodridge on video conference.

**Ms Goodridge:** Hold on. Sorry. Apologies. Technology is fun.

In British Columbia, just to continue expanding on this, it states that the suggested laws must be within the jurisdiction of the Legislature of British Columbia and not a matter of federal responsibility. What are the thoughts of the CTF on this rule? For example, do you think that a citizens' initiative should be allowed on an authorization of new spending?

*12:10*

**Mr. Terrazzano:** Yeah. That's a very difficult one, but I do think the rules should be as broad as possible. Unlike British Columbia's, I do believe that you should be able to have a citizens' initiative on a matter that falls directly outside of provincial jurisdiction such as a constitutional issue such as equalization. I mean, even just from a practical, not theoretical, standpoint, one of the biggest issues that Albertans face today is policies from the federal government or even constitutional issues such as equalization, and that is a key reason why you should allow for a citizens' initiative on matters that fall directly outside Alberta's control.

**Ms Goodridge:** Wonderful.

Mr. Chair, can I have a follow-up?

**The Chair:** Most certainly.

**Ms Goodridge:** Wonderful. Thank you for that answer.

As the follow-up to this, do you believe that there perhaps should be a different level of threshold for any, like, money bill, any spending or taxation bills versus, say, a nonspending initiative?

**Mr. Terrazzano:** That's a difficult question. I definitely think that's something worth arm-wrestling over. I think the most important thing, though, is just to have this legislation in place and let people argue over it, let the debate happen. Like, if you're going to increase spending, at least let the people have their say, right? It's very similar to the Taxpayer Protection Act, which deals directly with the introduction of a provincial sales tax. Like, at least in that matter let people have their say. We saw that in Calgary, right? That was going to massively increase spending at the city of Calgary, massively increase spending from the provincial government. The provincial government of the day, of course, allowed the referendum to happen, and Calgarians made the right decision.

**The Chair:** Thank you.

Do we have anyone from the opposition side who'd like to ask a question?

**Ms Pancholi:** Yes, Mr. Chair. I don't know if a member in the room has a question, but I do.

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

**Ms Pancholi:** Okay. Thank you, and thank you, Mr. Terrazzano. I just want to flesh this out a little bit because I understand what you're saying, comments you've made, for example, that you

support a citizen-led initiative on, say, a constitutional matter at the provincial level, so a provincial-led citizens' initiative that actually could not effect the change that it seeks to do because it is a constitutional matter and outside the jurisdiction of the province.

Secondly, in reference to the concern about how a citizen-led initiative could lead to the suppression of minority rights, your response was that, you know, you're coming at this from a perspective of taxpayers. I would argue that all citizens are taxpayers, but you were saying: well, it's still important for personal expression. Even again on the issue of money bills, you're talking about how it's just good to have that discussion out there.

So I'm confused as to whether or not you think the objective of a citizen-led initiative is to actually hold a government accountable or actually initiate legislative change or if it's really just a matter of a forum in which to have citizen expression, because the examples you've given are things that are outside of the control of the province and can't actually be affected by change. Why would this process of citizen-led initiatives be the only form in which the public can express their views? There are so many other avenues in which the public can express their views. You don't seem to be in support of initiatives that actually lead to effective change.

**Mr. Terrazzano:** Well, thank you for that. I can give you a prime example where it would have been just so helpful for Albertans to have a citizens' initiative. The previous government imposed a carbon tax that was never voted for in the platform. That would have been a prime example where a citizens' initiative could have been extremely helpful to give citizens the ability to propose legislation to repeal the carbon tax.

**The Chair:** A follow-up, Ms Pancholi?

**Ms Pancholi:** If I may, Mr. Chair, a follow-up?

**The Chair:** Yes, of course.

**Ms Pancholi:** Certainly, we have a lot of democratic processes at play, right? We have debate in the Legislature, and of course there's the role of the elected officials to actually debate legislation that's brought forward. Certainly, are you proposing that every initiative that government brings forward should be a subject of a citizens' initiative?

**Mr. Terrazzano:** Well, again, that's why you have the thresholds, right? The threshold isn't going to be one vote; the threshold should be 6 per cent of the eligible voters, which is over 113,000. Like, that is still a very sizable hurdle for anyone to overcome. So there does have to be a balance, to your point, and I believe that is the correct balance.

**The Chair:** Thank you.

We'll now go to Mr. Nixon for a question and a follow-up.

**Mr. Jeremy Nixon:** For sure. Thank you, Chair. Just talking earlier about the value of this process and, "Is it worth the costs associated with it?" – there was reference to B.C. – obviously, you've talked about thresholds and making sure that we can actually move forward with this or that average citizens can. But we also heard from a previous speaker, Dr. Renwick, a bit about how this created more accountability and that it increased the attentiveness, if you will, of Legislatures between elections. I wonder if you can comment a bit on that and kind of that value that this process would provide for Albertans.

**Mr. Terrazzano:** Well, I absolutely think that this can increase attentiveness on the part of Legislatures to what the public actually

desires. I mean, we certainly saw that in a campaign effort that I was one of the leads on, which was the Calgary Olympic bid, where you saw so many city councillors, especially initially, who were so ready to get on the Olympic bandwagon. Then, you know, fortunately, the previous NDP government essentially forced the city of Calgary to listen to the voters. You know, as we were raising more pressure through the campaign, through that plebiscite campaign, you had more councillors willing to jump onboard and actually listen to the people. Of course, when the people voted against the Olympic bid boondoggle, the councillors voted with them. They listened, and they made that decision.

That's a real-world example of how this type of tool can, one, increase accountability and, two, encourage councillors – I say councillors, representatives – to actually listen to the people that they do represent.

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

**The Chair:** You have a follow-up?

Okay. Anyone from the opposition side?

**Ms Sweet:** Okay. I appreciate the conversation around the importance of having citizens be able to have a voice. We heard from the previous presenter around the idea of using the petition system and strengthening the petition system, which would allow for online registrations to have a petition then presented to the Legislature either for government response and/or that could be a parliamentary debate. Would you not see that as the best tool and the best way to use taxpayer resources to be able to have these discussions publicly?

**Mr. Terrazzano:** Well, I don't see that as being mutually exclusive. Maybe I didn't hear the last presenter's full arguments, but I wouldn't see why that would have to be mutually exclusive. The Canadian Taxpayers Federation is very firmly on the record that a citizens' initiative is a very good use of taxpayers' money, of course with the asterisk of making sure that the thresholds are met and those types of things. But, no; this looks like a very good use of resources from the government. The government promised to introduce citizens' initiatives, and we look forward to holding them accountable and making sure it does happen.

**Ms Sweet:** A follow-up. I thank you for that. I mean, I believe that petitions do hold the government accountable. That is a process that currently exists, which would probably cost less than having these citizen initiatives.

But going back to thresholds, you've spoken to having signatures for citizen initiatives thresholds. What about spending caps on these for individuals that may be engaging in the discussion, whether it be third-party advertisers, third-party registers, or different organization groups?

**Mr. Terrazzano:** Okay. Perfect. Those are two very good questions that I'd love to address. I guess, to your first question as well, in terms of good bang for buck, well, as the TransLink campaign showed in British Columbia, as the Olympic bid showed in Calgary, those were very, very, very good bang for taxpayer bucks. So I look forward to the government bringing in citizens' initiatives for that reason as well. I mean, we saved a whole bunch of money for taxpayers.

In terms of the cap of spending, I actually recommend no cap on spending. This might come as a surprise because, you know, we've traditionally been outspent during campaigns that the CTF has won. We won in the Olympic campaign; we won the TransLink campaign. Both campaigns we were massively outspent on. I think that comes down to the fact that we are talking about citizens'

initiative or referendum campaigns. Money isn't a driving factor there, and I also believe that there's some research to show it.

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

We'll go now to Mr. R.J. Sigurdson for a question and follow-up.

**Mr. Sigurdson:** Thank you, Chair, and thank you, Mr. Terrazzano, for spending time today with us to discuss this very important issue. We've talked a lot about B.C., and I'm just going to touch on that a little bit. I mean, in your report you highlighted British Columbia, and you also suggested alternatives to encourage public engagement. I guess I kind of have three questions here when we're speaking about B.C. I'll start with two, if you could comment. Are you aware of the frequency in which the B.C. process results in a referendum, and do you think that a process like B.C. has adequately addresses the concerns that you highlighted in your report?

12:20

**Mr. Terrazzano:** Okay. I believe it's one referendum in 25 years – correct? – since 1995. That's a very low percentage. Now, one, you have to have a balance, right? You need a balance between – you don't want referendums every other day, but you also need a balance and a low enough threshold so that this is more than just window dressing. That's why we point to the model of Idaho, which has a threshold of 6 per cent, which would require just a little bit over 113,000 petition signatures in Alberta.

Here's another check and balance. You need a threshold for every single district – now, it doesn't have to be that overall 6 per cent; it could be lower; it could be 3 per cent in every riding – just to make sure there's a balance between rural and urban interests. I guess to fully address your question, I believe one campaign has actually happened in B.C. under a citizens' initiative in two and half decades, and that's because the threshold is just a little bit too high.

**The Chair:** A follow-up?

**Mr. Sigurdson:** Thank you, Mr. Terrazzano. I appreciate you making that comment. As a rural MLA, I think it's very important that we do have that rural-to-urban balance when we go down this road, so thank you for pointing that out.

I'll leave this wide open. Do you have any additional suggestions? I mean, you've talked about thresholds, you've talked about signatures and timelines, but do you have any additional suggestions, you know, comparing to B.C. or other examples on how this process can be improved?

**Mr. Terrazzano:** Well, I do. One of the suggestions that I have isn't so much about the actual process of citizens' initiatives, but it's the process of actually introducing the law and making the law in Alberta. We should have had this law in place for a long, long time. I mean, B.C. has had it since 1995. Citizens deserve this right to have more influence over the legislation that governs us, so I

would actually push for expediency in bringing this law to fruition and finally having it here in Alberta.

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

We have about a minute and 20 seconds left. Would anyone from the opposition side like to ask a question? Ms Sweet.

**Ms Sweet:** Sure. I just want to re-evaluate the math. Right now I think we have 2.8 million registered voters in Alberta, so if we were basing it on the numbers that you are using, I think you're looking more at 4 per cent versus 6 per cent. Would that make more sense? Are you asking for 4 per cent?

**Mr. Terrazzano:** No. We're saying 6 per cent. I can double-check. I can run the numbers I looked at from the previous election, 2019, but, no, we're pushing for 6 per cent.

**Ms Sweet:** Thank you.

**Mr. Terrazzano:** Like I said, happy to go in through my spreadsheet again and update, but, no, 6 per cent is what we're looking for.

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

**The Chair:** All right.

Mr. Smith, you have 30 seconds left for a quick question and response.

**Mr. Smith:** Okay. A real quick question. One of the advantages of a citizens' initiative is the accountability that it brings to the citizens and to the Legislatures. We've heard a lot of talk about the citizens' assemblies. Any concerns about a citizens' assembly and its effect on accountability?

**Mr. Terrazzano:** Sorry. I didn't hear the other two presentations, so I'm not really able to comment too much on a citizens' assembly.

**Mr. Smith:** Okay. Thank you.

**The Chair:** Our time has now expired.

Thank you, Mr. Terrazzano, for your time and joining us. I suspect we will see you again shortly.

With that in mind we are now concluding the section of the meeting with stakeholder engagement.

We are now moving to other business. Are there any other issues that members would like to bring forward at this time?

Hearing none, the date of the next meeting is tomorrow, Thursday, September 24, 2020, at 11 a.m. Can I get a member who would like to move to adjourn this meeting? I see Mr. Nixon had his hand up first. Mr. Nixon moves that the September 23, 2020, meeting of the Select Special Democratic Accountability Committee be adjourned. All those in favour, please say aye. Any opposed, please say no. That one carries unanimously. This meeting is adjourned until tomorrow.

[The committee adjourned at 12:24 p.m.]







