



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Select Special  
Democratic Accountability  
Committee

Election Act  
Election Finances and Contributions Disclosure Act  
Stakeholder Presentations

Friday, November 6, 2020  
9 a.m.

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

**Select Special Democratic Accountability Committee**

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

Ceci, Joe, Calgary-Buffalo (NDP)  
Dang, Thomas, Edmonton-South (NDP)  
Fir, Tanya, Calgary-Peigan (UCP)  
Goodridge, Laila, Fort McMurray-Lac La Biche (UCP)  
Nixon, Jeremy P., Calgary-Klein (UCP)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)  
Rutherford, Brad, Leduc-Beaumont (UCP)  
Sigurdson, R.J., Highwood (UCP)  
Smith, Mark W., Drayton Valley-Devon (UCP)  
Sweet, Heather, Edmonton-Manning (NDP)

**Also in Attendance**

Stephan, Jason, Red Deer-South (UCP)

**Support Staff**

Shannon Dean, QC	Clerk
Stephanie LeBlanc	Clerk Assistant and Senior Parliamentary Counsel
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Philip Massolin	Clerk of Committees and Research Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

## Select Special Democratic Accountability Committee

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9 a.m.

Friday, November 6, 2020

[Mr. Schow in the chair]

**The Chair:** Good morning, everyone. I'd like to call this meeting to order. Welcome, everyone, members and staff, in attendance for this Select Special Democratic Accountability Committee meeting.

My name is Joseph Schow. I am 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, starting to my right.

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

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

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

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

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

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

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

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

**The Chair:** Excellent. I do notice that we have a number of members on video, so what we'll do is that we'll start with the members from the opposition. If you could introduce yourselves, starting with Mr. Ceci. He was here. Just a moment. Sure. Yeah. We'll work with it.

Mr. Dang, are you there?

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

**The Chair:** Excellent.

I do believe we have one substitution for the committee, which is Mr. Stephan subbing for Mr. Rutherford. Mr. Stephan, are you are the line this morning?

He is not. Okay. I believe we do have Mr. Sigurdson on the phone. Is that correct?

**Mr. Sigurdson:** Yes. Good morning. MLA Sigurdson from Highwood.

**The Chair:** Excellent.

Okay. I do believe Ms Sweet is having some troubles logging in, so we'll just give her a moment to ensure that she can participate in this meeting.

**Member Ceci:** Hello. Can you hear me now?

**The Chair:** Yes, we can.

**Member Ceci:** Okay. Sorry about that.

**The Chair:** No problem. Mr. Ceci and then Ms Sweet, if you could introduce yourselves and your constituency.

**Member Ceci:** Joe Ceci. I'm in Calgary-Buffalo. That's it. MLA.

**The Chair:** Thank you.

Ms Sweet, are you on the line? You need to unmute your microphone, Ms Sweet.

I believe that Ms Sweet is on the line. She's having technical difficulties unmuting her phone or something. While we sort that out, I'll just go through some of the housekeeping issues here that I have on my list. Based on the recommendations from Dr. Deena Hinshaw regarding physical distancing, attendees at today's meeting are advised to leave the appropriate distances between themselves and other meeting participants.

Please note that the microphones are operated by *Hansard*. The 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.

Pursuant to the August 24, 2020, memo from hon. Speaker Cooper I remind everyone that outside of those who have an exemption, those observing the proceedings of the Assembly or its committees are required to wear face coverings.

Now I'll go on to approval of the agenda. Does anyone have any changes that they would like to make to today's agenda?

Hearing none, can I get someone to please move the adoption of the agenda as distributed? I see Ms Fir moves that the agenda for the November 6, 2020, meeting of the Select Special Democratic Accountability Committee be adopted as distributed. All those in favour, please say aye. Any opposed, please say no. That motion is carried.

What we'll do is that we'll just take a quick moment here. As we are moving now into oral presentations, I'd like to ensure that if Ms Sweet is on the phone but cannot hear, she can. So let's just take a quick moment, and when we get that all sorted out, we will proceed.

[The committee adjourned from 9:05 a.m. to 9:09 a.m.]

**The Chair:** Okay. We are now back.

Ms Sweet, do we have you on the phone? If you're there, if you could just unmute your microphone and then introduce yourself for the committee.

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

**The Chair:** Excellent. Great to have you with us.

Jason Stephan: I believe he's phoning in. When he gets here, Mr. Roth will let us know.

We'll move on to item 3 on the agenda, oral presentations on the Election Act and the Election Finances and Contributions Disclosure Act. The committee is going to continue with hearing oral presentations today in relation to the committee's review of these two acts. 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 presentations. This will be followed by a 20-minute period of question and answer by the committee. Committee members will be given an opportunity to ask a question and then a brief follow-up.

Our first presenter today is Ms Laurie Livingstone of Cassels law firm. Ms Livingstone, are you on the phone with us today?

9:10

**Ms Livingstone:** Yes. I'm here by video.

**The Chair:** Excellent. Thank you very much.

What we'll do then is that whenever you're ready, you can start, and when you start, we will begin the clock.

**Laurie Livingstone**

**Ms Livingstone:** Thank you very much. Good morning, everyone. My name is Laurie Livingstone. I am a partner at Cassels Brock & Blackwell in Calgary. The main work I've been doing in recent years that relates to your committee's work is advising third-party advertisers. I also recently sat on the most recent Alberta Electoral Boundaries Commission and have experience at the federal level advising third-party advertisers, online advertising platforms as well as political parties. That's my background.

The only two things that I wanted to speak to this committee relate to third-party advertising and a couple of changes that I think are advisable based on my experience advising clients in this area. I did notice that the Chief Electoral Officer brought both of these up in his most recent reports, so I don't think either of them will be surprising to the committee.

The first is that I agree with the Chief Electoral Officer's suggestion that issues advertising should be removed from the definition of political advertising in the Election Finances and Contributions Disclosure Act. The reasons for that is that that inclusion is on pretty shaky constitutional grounds and doesn't align with other jurisdictions, and it really inhibits, you know, general free speech far away from an election period, which leads to the constitutional questionability there.

The other recommendation of the Chief Electoral Officer that I think is a good one is shortening the political advertising period, which in Alberta currently runs all the time. If you're not in an election, you're in a political advertising period. Both federally and in some other provinces they restrict that period to a prewrite period, again, the purpose being that the regulation under the Election Act is designed to regulate communications intended to influence the election. I agree with the Chief Electoral Officer on that, that some sort of a defined prewrite period is advisable.

Both of those changes also make it easier for people to truly express their views and reduce the administrative burden on the regulator to those specific times that are directed more at communications intended to impact the outcome of any given election.

Those are my two, you know, points that I thought were worth expressing to the committee, and I'm happy to take any questions.

**The Chair:** Thank you. Two minutes to spare. Thank you for that.

We will now go to 20 minutes of question and answer. Yesterday we began with the opposition with the first possession of questions, so today we'll start with the government side, and we'll go with Mr. Smith.

**Mr. Smith:** Thank you. Is it Ms, Miss, Mrs.?

**Ms Livingstone:** Livingstone.

**Mr. Smith:** Ms Livingstone. Thank you. Okay. You focused in on third-party advertising, and thank you very much for that. I guess one of the questions I've got is: could you give us a little bit more of your point of view on this whole issue of the shaky constitutional ground? I mean, obviously, we hear many different points of view on this, and I'd like a further explanation for why you believe that we're on shaky constitutional ground when we're looking at the restrictions.

**Ms Livingstone:** Certainly. Yeah. I'll refer really directly to one of the most recent decisions on that, which comes from the B.C. Court of Appeal. There was a reference to the B.C. Court of Appeal to review changes to their Election Act back in 2012. They looked specifically at that issue of regulating speech that goes not to

promoting or being sort of for or against a particular political party or candidate but speaking to issues that may be associated with a party or candidate. The B.C. Court of Appeal found that the nature of that kind of speech being regulated, especially the further you got out from an election period, was unduly inhibiting freedom of speech because it was regulating virtually anything. There's so much that can be considered political speech or speaking to issues that are associated with a party. I can quote you from the B.C. Court of Appeal. They said it captured "virtually all political expression regardless of whether" it was "intended to influence the election." The current way the Alberta legislation is drafted, I think, falls into that same bucket.

**Mr. Smith:** You mentioned that our law does not align with other jurisdictions. Are there other jurisdictions that you think we should consider or emulate or pursue?

**Ms Livingstone:** I think the federal government. The federal legislation provides a reasonably good model of the scoping of that regulation of what we'll call issues advertising, and it does not restrict it until you get into what they call their prewrite and writ periods where you're close to an election and speaking to issues that are relevant or salient at the time of an election.

**The Chair:** Thank you.

Now we'll go to Ms Pancholi.

**Ms Pancholi:** Thank you, Ms Livingstone, for your presentation and your thoughts today. I'm curious about how clear you think it might be able to be to define the difference between issue-related advertising and election advertising. Is there clarity that comes from the decision from B.C. around where those lines are drawn? Obviously, sometimes issue advocacy blends into election-related issues, so is there some clarity around how to define those that will be very clear so that we're not capturing too much free expression?

**Ms Livingstone:** Yes. It's always a tough point. Both the parts that the B.C. Court of Appeal said were okay in the legislation and the way the federal legislation is currently designed is that they capture what we call issues advertising when it's in that defined election period, while an election is happening, or in the immediate prewrite defined period. For, you know, the rest of the years between elections, issues advertising is not regulated under the Election Act.

**Ms Pancholi:** Thank you. I think this is a bit of a follow-up from my colleague Mr. Smith's question. Would you support – I think if I'm correct, the Chief Electoral Officer is recommending a one-month prewrite period. Is that the same as the federal?

**Ms Livingstone:** Federal is a little bit different because they are into a fixed election date whereas we have the sort of zone election timing here. I guess it would roughly correlate because the federal period is, I believe, 60 days before you transition into the defined writ period.

**Ms Pancholi:** Thank you.

**The Chair:** Thank you.

We now go to Ms Goodridge.

**Ms Goodridge:** Thank you, Mr. Chair, and thank you for your presentation, Laurie. I appreciate how succinct you were in clarifying your points. Yesterday when we were hearing from Mr. O'Connor, who's also a lawyer that's kind of specialized in this, he was touching on the idea of how to ensure a level playing field and the issue of collusion specifically. I was wondering if you could

touch on what sorts of tools have been used in other provincial jurisdictions or federal jurisdictions to prevent collusion when it comes to third-party advertisers.

**Ms Livingstone:** Yeah. This is a point that also, I think, a lot of third-party advertisers have struggled with, what collusion means, because in Alberta there's not a specific definition. The same issue came up federally, where people were doing their best to comply but didn't really understand what the boundaries were.

9:20

I know the Chief Electoral Officer has suggested adding a bit of additional language into the collusion section. I think that's helpful, but I also think that to the extent that there could be an actual definition of "collusion," it would be very helpful for people. The federal guidelines provide some assistance in that, not part of the act, but the guidelines are a bit more specific in defining how collusion will be interpreted. It's basically the transmission of information from a registered political party to a third party for the purpose of influencing the advertising activities of the third party or a sharing of resources, really, between any regulated entities for the purpose of circumventing spending limits. Those guidelines provide helpful definitionish boundaries, but I think it would be helpful to third parties, you know – the more specificity the better – in understanding what the goal posts are around that.

**Ms Goodridge:** Fantastic. Thank you for that. Just as a quick follow-up, do you have any suggestions for how we could improve the remedies available to make this more clear and prevent collusion here in Alberta?

**Ms Livingstone:** I think to the extent a specific definition of collusion could be developed, that would be very helpful. I would sort of look to those federal guidelines and the way they have defined it and their guidance as a very helpful tool in crafting a definition. As I said, even the wording that the Chief Electoral Officer has suggested adding in, I think, provides additional assistance in Alberta.

**Ms Goodridge:** Thank you.

**The Chair:** Thank you.

Now, we go on to a video call with Mr. Dang. Please, go ahead.

**Mr. Dang:** Well, thank you, Mr. Chair, and thank you for your presentation today, Ms Livingstone. I guess my question is something that you didn't touch on very much or at all. I see you have some very clear thoughts on the policies that should be in place for the prewrit periods and things like that, but do you have any thoughts for penalties or how the enforcement mechanism should look and what the policies around that should be?

**Ms Livingstone:** The only comment I would have on enforcement – I don't take any particular issue with sort of the way enforcement is drafted, but, in my experience, in Alberta in particular the timeline tends to be really extended and uncertain. To the extent that there is the ability to create more specific timelines for parties to know, you know, when an investigation is happening, when it's going to be concluded, and to conclude them with some sort of efficiency, I think, would be very helpful. I know things, even things that don't seem that complicated, in my experience, tend to drag on for months and sometimes years. I don't know if that's a resource allocation or just because there's not a requirement to conclude anything quickly, but I think that would be helpful for participants, if there was greater efficiency in that.

**Mr. Dang:** Just a follow-up, Mr. Chair.

**The Chair:** Of course.

**Mr. Dang:** Thank you. I guess, in that case, if you're looking for efficiency and for it to be more clear in terms of for issues, let's say that there was collusion or something, you would anticipate, then, that it shouldn't take multiple years to resolve because, I guess, there's a timeliness matter with elections and whatnot.

**Ms Livingstone:** Yeah. In my experience with the regulator in Alberta – and, I mean, my experience is more so when the commissioner was in place. You know, you would get a question, you'd think you'd answered something fairly simple that should've been straightforward, and you either would never hear back and never know what the resolution was, or you'd think it was resolved and maybe four months later you get a whole new pile of more questions. Just some ability to, yeah, have timelines in the process would, I think, be helpful for people to understand what was going on.

**The Chair:** Thank you.

We'll now go to Mr. Jeremy Nixon.

**Mr. Jeremy Nixon:** Thank you, Chair, and thank you, Ms Livingstone, for being here today. It's good to see you. Just a couple of questions about leadership nominations and party candidate nominations. Obviously, these used to be purely an internal function of the party, and recently this got brought out to be monitored and overseen by Elections Alberta. I wonder if you have any thoughts about that and if you can talk a bit about what you see across other jurisdictions on that topic.

**Ms Livingstone:** Sure. Happy to. Yeah. You know, the common law in Canada is that political parties are self-governing. All of their internal regulations are governed by the party itself, the same as most societies or clubs. That's effectively how political parties are viewed. I think there's a place for regulation when you're dealing with issuing of tax receipts and things like that, but I think you're creating unnecessary regulatory burdens when you are injecting process-type regulation into those contests, which are, historically and at common law, matters that are governed internally by the parties.

I'm not a fan of further regulation, particularly piecemeal regulation, because it tends to – you know, if you want to regulate political parties, I'd say completely regulate them. Otherwise, regulate the matters that pertain to tax receipts, and leave parties to decide how they want to organize themselves internally.

**Mr. Jeremy Nixon:** Sorry. If we want to regulate them, completely regulate them: what does that mean?

**Ms Livingstone:** Sure. You know, if there is a concern about how political parties operate, then I guess you could want to regulate them. In that case, create a whole set of regulations how everybody has to run a leadership, how everybody has to figure out their nominations, whether it be everybody has to do contested nominations or nobody can appoint candidates, instead of doing it in kind of a piecemeal fashion. I think if you want to regulate them, regulate them. Otherwise, let the parties do as they've always done in Canada; that is, govern their own internal contests. I think that the proper place for regulation related to those things is really just in terms of finances and tax returns.

**The Chair:** Anyone from the opposition? Okay. We'll come back again.

We'll go now to Mr. R.J. Sigurdson.

**Mr. Sigurdson:** Thank you, Chair. I actually want to touch back on a little bit of a comment made by Member Dang. You were commenting about the resolution process relating to complaints filed with Elections Alberta, and you were stating some of the improvements that can be made there. You kind of commented to maybe putting time frames in place and also notification. Do you have any recommendations or any crossjurisdictional comparison that would give us guidelines on what would be acceptable time frames in relation to dispute resolution?

**Ms Livingstone:** I'm afraid I don't offhand have another jurisdiction I can point you to. I can say that I've experienced the same frustrations at the federal level although to a lesser extent. I've found that they're, you know, better at following up and telling you where things are at. Offhand I'm afraid I can't point to another jurisdiction that has those timelines, but I do think it's something that's worth exploring, recognizing that those would likely be defaults that, within reason, could be extended by having some sort of way to encourage the regulator to proceed efficiently. That would certainly be a benefit to the participants who are left in limbo for a long time.

**Mr. Sigurdson:** Just as a follow-up, Chair, in relation to that as well: do you have any suggestions on how we can improve remedies available to the Chief Electoral Officer and Election Commissioner, you know, just to ensure greater education and compliance with the rules? Is there anything you think that can be improved in these areas just to avoid issues, I guess?

**Ms Livingstone:** One thing I think would be really helpful, you know, is that quite often participants are going to the Chief Electoral Officer and getting really helpful advice on particular issues. I think that if there was a more formalized process of publishing those advisories as issues come up, it could really help both in educating participants generally and in ensuring consistency so that people can have those touchpoints to reference when guidance has been issued. I think that sort of, you know, public issuance of guidance responses would be very helpful.

9:30

**The Chair:** Okay. Thank you.

We have three and a half minutes remaining. Anything from the opposition side? No. Okay.

**Member Ceci:** Actually, I have a question.

**The Chair:** Oh, sure. Yes. Of course, Mr. Ceci. Please go ahead.

**Member Ceci:** Ms Livingstone, just that last point you were making about publishing the advisories. You must be aware that in other regulatory bodies, they do those kinds of things to disseminate the information as the regulator is making them. I think that in the securities context they do that. Is that where you're drawing some examples from or other places?

**Ms Livingstone:** I wasn't directly thinking of securities regulators. That is a very nice comparison, I think. Occasionally you are able, through Elections Canada, to access some of those things. It's not an easy and smooth process, but you can occasionally access some of those things. But a more regular and kind of standardized process of making those advisories available – and saying that, I would make them, you know, anonymized. You don't need to know sort of who asked the question, but I think it would be very helpful and would probably limit some of the burden of the same questions being asked over and over again by different participants.

**Member Ceci:** Could I just – I know there's really little time left. The prewrit period: is it that you're supporting the CEO's recommendation? Is that the average across Canada or – 60 days, you said, for the feds. What does B.C. have, and what does Ontario have?

**Ms Livingstone:** I believe Ontario is six months, their prewrit period. I don't offhand know what B.C. is.

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

**The Chair:** Okay. Anyone else? Ms Goodridge.

**Ms Goodridge:** All right. Thank you, Mr. Chair, and thank you, Ms Livingstone. As you're probably aware, in many other provinces and federally the legislation that governs elections and election financing tends to be in a single act. Do you believe that combining these two acts would make things easier? I was wondering if you could expand a little bit on that.

**Ms Livingstone:** Yeah, I do actually support the Chief Electoral Officer's recommendation that those acts come together. It just creates some efficiencies for the user when everything is in one act and a consistency of definitions. So just from a purely practical perspective of someone who uses the act, or both acts at this point, I do think it's a bit easier when you've got everything contained in the one act.

**Ms Goodridge:** Fantastic. Then as a quick follow-up: do you believe that there would be value in harmonizing not only the two election acts but also provincial and the federal rules to a certain extent?

**Ms Livingstone:** Yeah. I do think, you know, that every jurisdiction is going to have its own sort of quirks and needs, but to the extent that there is consistency at a high level in what different jurisdictions are doing, it really aids compliance. You are able to develop sort of your gut instincts as you're dealing with things. It tends to default to the right space if there is some consistency between them, so I think that's always helpful where it fits the needs of the different jurisdictions.

**The Chair:** Okay. There are about four seconds left, so that will be all the time we have with you today, Ms Livingstone. On behalf of the committee thank you so much for the time you've taken to speak with us and present to us today. You are welcome to stay on the call and listen to the remainder of the proceedings, but we will now go to our next presenter.

**Ms Livingstone:** Thank you.

**The Chair:** The next presenter is Mr. Franco Terrazzano from the Canadian Taxpayers Federation. Mr. Terrazzano, are you on the line?

**Mr. Terrazzano:** I am on the line. Can you hear and see me?

**The Chair:** I can hear you; cannot see you. Oh, I can see you now. Now, before we do go to you, Mr. Terrazzano, I understand that Mr. Stephan is on the line now.

Mr. Stephan, can you hear us?

**Mr. Stephan:** Yes, I can. Glad to be here.

**The Chair:** Excellent. Okay. Good to have you.

Okay. Mr. Terrazzano, just like last time, when you begin, we'll start the clock with five minutes, then go to 20 minutes of question and answer.

**Mr. Terrazzano:** Perfect. Thank you. Just before I start, my volumes are okay for everyone?

**The Chair:** Yes, they are.

### Canadian Taxpayers Federation

**Mr. Terrazzano:** Perfect.

My name is Franco Terrazzano. I'm the Alberta director for the Canadian Taxpayers Federation. Thank you for having me here to present. The CTF is a nonprofit advocacy organization, and we're pushing for lower taxes, less waste, and more accountable government. We're recommending that the Alberta government repeal the gag law on nonpartisan citizen advertising, which makes it illegal for citizens to spend more than \$1,000 on nonpartisan citizen advertising without first breaching the privacy of donors. We submit that this gag law is an unconstitutional violation of our rights to freedom of expression under section 2(b) of the Canadian Charter of Rights and Freedoms. It also violates section 13 of the Charter, is not justified under Section 1 of the Charter, and is inconsistent with section 1 of the Alberta Bill of Rights.

Now, we've seen similar restrictions on freedom of expression struck down elsewhere. There were similar precampaign restrictions that were struck down not once but twice in British Columbia. Alberta's current gag law on nonpartisan citizen advertising is even more onerous than B.C.'s. For example, B.C.'s restriction was 40 days before the election, which was struck down, whereas Alberta's is four years before the election, not to mention that Alberta's gag law is so ambiguous that it could apply to virtually anything. When the Canadian Taxpayers Federation inquired with Elections Alberta whether it had a list of all the issues that would be covered by this law, we were told that no list exists.

Now, to be clear, this gag law is the antithesis of what it means to be Canadian. On that, I'd like to reference a quote from Supreme Court of Canada Judges McLachlin and Major when they said that political expression "is the single most important and protected type of expression . . . the right of the people to discuss and debate ideas forms the very foundation of democracy." Rather than promoting, I think, the ideals of Canadian democracy, Alberta's gag law is reminiscent of the Chinese government requiring protesters to register prior to demonstrating at the 2008 Olympics.

Now, the crux of the reason that we oppose this gag law is the same reason everyone in this room, or virtual room, I'm sure, supports Albertans' right to a secret ballot when voting. The principle remains the same. Just like everyone has a right to vote for whoever they want without being punished for doing so, Albertans have a right to keep our political views to ourselves. I truly believe that we want to increase democratic participation, not bully and chase people away for participating, but forcing groups of citizens to breach the privacy of their donors does bully people away from participating in democracy. Let's not move our democracy into a system that resembles 19th-century American politics, where there wasn't a secret ballot and where people really were harassed, intimidated, bullied, and chased away from participating.

On that note, I'd like to leave this committee with a powerful quote from an American legal scholar on what it was like before the secret ballot was introduced in the United States. Here's a direct quote from 1889.

Landlords intimidated their tenants, and marched detachments to the polls to vote in their interests. In one place employers coerced their workmen; and in another the trades unions coerced their members . . . in larger cities hired mobs often patrolled the streets, keeping away hostile voters and intimidating those who ventured to the polls.

That's why we're here to submit and recommend the Alberta government remove the unconstitutional gag law on nonpartisan citizen advertising.

With that, I will end my formal presentation and welcome questions.

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

We'll now go to Ms Sweet first. Oh, sorry.

**Ms Pancholi:** I'll go first.

**The Chair:** Okay. Sorry. We'll go to Ms Pancholi first.

**Ms Pancholi:** Thank you, Mr. Terrazzano. Given your presentation today as well as the decision in the Harper court case in 2004 from the Supreme Court, which did say that, yes, of course we do have freedom of expression protected under our Charter, but it's also subject to reasonable and justifiable limitations under section 1, and they found in that case that there was reasonable and justifiable limitations. We've heard presentations earlier about some of the discussion around prewrit limitations and regulations for third-party advertisers in B.C. cases, so what I'm saying is that there is obviously precedent for some permissible limitations on freedom of expression in the prewrit period. Based on your presentation, do you feel that there are any justifiable limitations on third-party activity in a prewrit period?

**Mr. Terrazzano:** Let me just make a few distinctions on what you said. First, thank you for that question. When we're looking at the Supreme Court of Canada decision that you mentioned, the one that passed the justification of section 1 was for the official campaign period, not for the prewrit period. What we're saying is that there should not be these limitations that are in place, prior to the writ being dropped, on citizen advocacy groups and on third parties.

9:40

**Ms Pancholi:** Thank you. If I may follow up, what I'm asking is: what limitations would you support on third-party advertising, if any, in the prewrit period? Of course, I'm sure that depends on how we define the prewrit period, but do you support any limitations outside of an election period on third-party advertisers?

**Mr. Terrazzano:** If we're talking specifically about nonpartisan citizen advocacy groups outside of the campaign period, we would not support the restrictions on spending, on disclosure, and on violations of our section 2(b) Charter rights.

**The Chair:** Thank you.

I will now go to Ms Fir.

**Ms Fir:** Thanks for your presentation, Mr. Terrazzano. A quick question around reducing red tape and efficiency of taxpayer dollars. Do you think there's value in combining the two election acts in Alberta?

**Mr. Terrazzano:** Perhaps there is. I would suggest the government look into all areas, you know, to look for ways to reduce red tape and improve efficiencies. Our biggest issue and the real reason that we're presenting here today is the law that makes it illegal for citizens to spend more than \$1,000 on nonpartisan citizen advertising in the prewrit period. That is by far the number one

thing that would limit citizens' ability to advocate on nonpartisan issues.

**Ms Fir:** Thank you.

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

Opposition side? Okay.

Anyone from the government? Mr. Smith.

**Mr. Smith:** Thank you. Thank you for your presentation. One of the issues that probably should be discussed a little bit is that, for instance, the United Conservative Party passed a campaign promise at the party level that the UCP government would look at partisan government advertising in the period leading up to the election. Where does the CTF stand on this? What sorts of advertisements from the government should be allowed as we approach an election, and when should the blackout period begin? Just in general, how would your organization approach this?

**Mr. Terrazzano:** That's a good question. Just so I understand, you're asking about the official government using taxpayer resources to promote their policies in the lead-up of the election? Is that correct? I just want to make sure I understand exactly what you're asking.

**Mr. Smith:** Yes. That is the nature of my question.

**Mr. Terrazzano:** Well, I mean, certainly we do appreciate the review that is going in place. I don't know if I have complete recommendations on that issue, but certainly we would hope that the government wouldn't be tying taxpayers into maybe some long-term issues leading up directly before the election. I do think that is a very serious issue and one that needs to be looked into. I don't have specific recommendations, though, for you today on that issue.

**Mr. Smith:** Would there be a value in allowing the Auditor General to advise on government advertising in the writ period?

**Mr. Terrazzano:** I could see value in that. I could see value in that. I mean, at the end of the day the best way to, I guess, regulate the government is through the election period – not the election period, I should say. Through the election, through the actual vote: that is the best way for citizens to be able to say whether or not they agree with their government. But I guess I could see that there might be some value in that, and I'd be open to a discussion on it.

**Mr. Smith:** Thank you very much.

**The Chair:** Is there anyone from the opposition on the phone by chance? Mr. Ceci.

**Member Ceci:** Yeah. Thank you very much. Thank you, Mr. Terrazzano, for that. I just want to pick up on – and I'm not sure if you're saying something about the source of donations with regard to third-party advertising, but I want to ask you. You have said several times "nonpartisan citizen advertising." Does that imply – and maybe I'm reading too much into it – that it should be only citizens who are contributing to third parties and not corporations and not trade unions? Are you merging the two in terms of who's doing the advertising and where the money is coming from?

**Mr. Terrazzano:** Well, I mean, people who own businesses and people who work in unions or union bosses are citizens, so we need to be mindful of that.

**Member Ceci:** Sure. But I think the rules allow for the source of the contributions to come directly from corporations and trade

unions in Alberta. If we really want them to be nonpartisan citizen advertising, should we be eliminating those sources of contributions?

**Mr. Terrazzano:** Well, what I would say to that is that in the prewrit period there should be no limitations in terms of restrictions on spending limits or on disclosure requirements from nonpartisan citizens or nonpartisan citizens' advocacy groups.

**Member Ceci:** Okay. It's really open. You really want corporations to contribute to nonpartisan citizen advertising initiatives?

**Mr. Terrazzano:** We support all Albertans' right to participate in the democratic process and to participate in nonpartisan campaign issues in the prewrit period.

**Member Ceci:** Thanks for the clarification.

**The Chair:** Thank you.

Now we'll go to Mr. Sigurdson on the phone.

**Mr. Sigurdson:** Thank you, Chair, and thank you, Mr. Terrazzano, for your presentation. I'm just going to shift to a little bit of a different topic. I'm just wondering if you can comment, maybe your opinion on whether the government should be involved in regulating internal party processes like nominations. I'd just like to get your view on that.

**Mr. Terrazzano:** Yeah. Well, thank you for the question. Unfortunately, I'm not the right person to be talking about it. I am not an expert in terms of internal political parties. I've never worked for a political party. The Canadian Taxpayers Federation is a nonprofit, nonpartisan advocacy organization, so there is no insight that I can provide on that question.

**Mr. Sigurdson:** Excellent. Thank you, Mr. Terrazzano.

**The Chair:** I do believe I have Mr. Dang on the phone. I actually skipped you, Mr. Dang, and went to Mr. Ceci, so I do apologize. Go ahead.

**Mr. Dang:** Thank you, Mr. Chair. I did miss a little bit. My connection was a little bit shaky here. I wanted to follow up on some of what Mr. Ceci was saying. I just want to get absolute clarity here because you're saying that you want every citizen to be able to be involved in the process. Does that mean that you think corporations should be able to make a direct contribution to political parties and to third-party advertisers?

**Mr. Terrazzano:** Well, hold on a sec. Hold on a sec. I need to stop you right there because you said "political parties." My whole conversation is about nonpartisan advocacy organizations.

**Mr. Dang:** Okay. So my third point. There are a few things . . .

**Mr. Terrazzano:** Mr. Dang. Mr. Dang. Mr. Dang.

**The Chair:** Hold on. Hold on. Hold on.

**Mr. Terrazzano:** You'll get your turn. You'll get your turn. Just let me finish.

**The Chair:** Go ahead. Mr. Terrazzano, you can finish your point, then, Mr. Dang, you'll have an opportunity for a follow-up.

**Mr. Terrazzano:** My question or my response with respect to nonpartisan citizens' advocacy organizations or just nonpartisan citizen groups is exactly the same response that I've already given

to Mr. Ceci. Now, the difference is that you also asked me about politicians. I'll make it clear right now. If you want to talk about regulating politicians or who can donate to politicians, fill your boots. I have nothing to offer in terms of insight or recommendations on that. The Canadian Taxpayers Federation is a nonprofit, nonpartisan citizens' advocacy organization. We are not affiliated in any type or any way to political parties or donations to politicians. If you want to regulate and make regulations on that, fill your boots. I really have nothing to say on that.

**The Chair:** Mr. Dang, a follow-up.

**Mr. Dang:** Thank you, Mr. Chair. Again, my follow-up. I guess, you keep saying that you think citizens should be able to contribute to these third-party advertisers and third-party registered groups. To be extremely clear, can you say for the record that you think corporations and trade unions should be able to contribute to these groups, not the individuals associated with corporations or third-party groups but the actual corporate entity?

**Mr. Terrazzano:** For the record what I'm saying is that all Albertans should be able to contribute to nonpartisan citizens' advocacy groups in the period leading up to the campaign period. We should not be putting in limitations that reduce participation in democracy.

**The Chair:** Okay. We'll now go to – Mr. Sigurdson already asked a question. Mr. Stephan is on the phone.

**Mr. Stephan:** Hi, Franco. Can you hear me?

**Mr. Terrazzano:** Loud and clear.

**Mr. Stephan:** I just have a question about nonpartisan versus partisan. I know that the Alberta Federation of Labour actually has constitutional representation on the NDP board. Would they be considered partisan or nonpartisan for advocacy purposes?

**Mr. Terrazzano:** Hmm. That's an interesting question. That's an interesting question, and thank you for asking. I'm just going to draw a clear line in the sand when it comes to all groups arguing or advocating on any different political issue or any issue that mattered. I think the group should be considered partisan if they're advocating for people to vote for a certain person or vote for a certain party. If the advocacy organization is not advocating for someone to vote for a particular person or for a particular party, then it should be considered nonpartisan. That's really the line in the sand that I will draw.

9:50

**The Chair:** Thank you.  
Any follow-up, Mr. Stephan?

**Mr. Stephan:** No. That's great. Thanks.

**The Chair:** Okay.  
Anything from – yes, Ms Pancholi.

**Ms Pancholi:** Just a quick question. I don't imagine we have much time left.

**The Chair:** Eight minutes.

**Ms Pancholi:** Oh, okay. Mr. Terrazzano, I'm just wondering. Given some of your comments this morning, can you clarify whether or not you would support the recommendation around clarity, around collusion and what your thoughts would be about

making sure that there are, I guess, clearer definitions within the act to prevent the sharing of resources and information from a political party to a third-party advertiser? Is that something that you are in support of?

**Mr. Terrazzano:** Can you specifically say the recommendation? Is it just collusion over the sharing of information, or what exactly are you referring to? I'm happy to give you my comments on it, but I'm just – the specifics.

**Ms Pancholi:** Yeah. The Chief Electoral Officer has made some recommendations about including collusion and sort of defining collusion, and there's some debate, I think, as to what that definition would look like. We heard from a previous presenter that it might look like the federal guidelines. Specifically, I believe it says that a third party shall not collude with a registered party, candidate, or nomination contestant to circumvent or attempt to circumvent an expense limit. I believe it's mostly around expense limits. I can't recall specifically. The Chief Electoral Officer's recommendations include the sharing of information and resources, but that is certainly something that the former presenter was talking about with respect to the federal guidelines. I'm just wondering what your thoughts are around clarity and what you think should look in a definition of collusion in that respect.

**Mr. Terrazzano:** Yeah. Thank you for that. A lot of my response will be similar to my response, I believe, to Mr. Stephan in where I think the line should be drawn. Of course, we're talking about the prewit period here. I mean, during the campaign period we're not making any arguments there, but I'm specifically speaking to the prewit period. The line that needs to be drawn in the sand is: does an advocacy organization or group of citizens – are they saying, "Go out and vote yes or no for a person or political party"? If the advocacy organization is in fact making that recommendation, then I think you can say that it is partisan.

Now, with respect to clarity we're on the record that one of the issues with what we're calling the gag law is its lack of clarity. We followed up with Elections Alberta, and we asked them specifically: what issues are considered political advertising, and what issues are not? We're not able to give a list. Essentially, it is so broad – right? – that almost anything can be considered political advocacy under the current law, even outside of the campaign period. Always, extra clarity is more preferred than less clarity, and one of the specific issues with Alberta's current gag law is a massive lack of clarity and that it's so ambiguous that it can essentially cover anything.

**The Chair:** Thank you.

I actually would like to ask Mr. Terrazzano a question myself, so what I'll do is that I will leave the chair for a moment and let Mr. Horner take the position.

[Mr. Horner in the chair]

**Mr. Schow:** Thank you, Mr. Terrazzano, for being here today. My question actually goes back to a comment you just made about clarity. In my campaign experience I've always wanted to be on the right side of the law, on the right side of Elections Alberta, so I have made lots of phone calls to them and asked them for clarity on certain things. I don't think there's an ability for them to give me what I guess would be a binding legal opinion with regard to my question. Would you, in your opinion, feel that there is a benefit in Elections Alberta being able to give you a binding legal opinion, maybe something even written, so that you can proceed and ensure

that you're on the right side of the law when it comes to things like communications spending, whether it's prewrit or during the writ?

**Mr. Terrazzano:** Well, I'll have two answers to that question. First, thank you so much. The first answer is that our biggest beef and the biggest issue here for a nonpartisan citizens' advocacy group is the fact that there are these disclosure rules in the precampaign period. First and foremost, that is the major issue that we have, the major issue that we're recommending be fixed. To your point, I mean, the arbitrary nature of this legislation is extremely difficult to deal with and extremely difficult to understand: what is okay, and what is not okay?

Also, just for the record in British Columbia one of the reasons that similar restrictions were struck down was because the legislation in British Columbia was so ambiguous, right? Let me just give you a further example to kind of show what I'm talking about. Right now the law is such that any advertising message that takes a position on an issue with a registered party, with the leader of a registered party, with a Member of the Legislative Assembly, or even with a registered nomination contestant would violate the legislation. So you can see how that would be such a broad net, and I would submit that one of the reasons that they could give us a list of this is because the legislation is so broad that – how can you possibly give a list of this, especially if it's associated with some of the factors that I just said, which can be virtually anything?

**Mr. Schow:** Okay. That's really the question I had for you.

[Mr. Schow in the chair]

**The Chair:** We have about two minutes left. Is there anyone from the opposition? Okay. No one from that side. Government side? No?

Okay. Mr. Terrazzano, that concludes the questions that the committee has for you today. Thanks again for joining us and giving us your perspective on these matters. You are welcome to stick around and listen to the remainder of the proceedings, but we will now go on to our third presenter today.

**Mr. Terrazzano:** Perfect. Thank you so much.

**The Chair:** Okay. Our next presenter is Mr. Guy Giorno. Mr. Giorno, are you on the phone? Mr. Giorno, I think your microphone might be muted. Can you just try unmuting it? Mr. Giorno, it sounds like we're – well, actually, there is no sound. It seems that we're having a problem with your microphone. It may be a connection on your end.

What we're going to do is that while we sort that out, I'll ask actually if Dr. Lisa Young is on phone. Dr. Young, could you just unmute your . . .

**Dr. Young:** Yes. I'm just unmuting.

**The Chair:** Excellent.

**Dr. Young:** Can you hear me?

**The Chair:** Yes, we can hear you.

**Dr. Young:** Okay.

**The Chair:** Okay. Mr. Giorno, if you can hear me, what we're going to do is that we'll actually skip you. We can put you as our final presenter.

We do have Dr. Lisa Young on the phone from the University of Calgary, so we'll go to her presentation and then questions for her.

Dr. Young, as is procedure for today, you can start your presentation, and once you do, we will start the clock for five minutes.

**Dr. Lisa Young**

**Dr. Young:** Okay. Thank you very much. Thanks so much for the invitation to address the committee today and to comment on matters relating to the Election Finances and Contributions Disclosure Act. I'm going to focus today on the regulation of contributions briefly and then on the regulation of third-party advertising. I acknowledge that developing rules to govern how money can be raised and spent in and around elections poses a great challenge for legislators, who must balance their own interests against the public's interest in free and fair elections. I want to speak today about that public interest.

I would argue that the public has a strong interest in seeing three core values inform the laws governing money and politics: transparency, integrity, and fairness. As I've written elsewhere, transparency refers to full disclosure of the source of money used in election campaigns as well as the amount spent. For a system to be fully transparent, this information must be made available to the public in a timely fashion. Integrity refers to limiting the potential for undue influence over political decision-makers. Finally, fairness is the hardest to define. It requires not only that all entities be treated the same but also that some effort be made to level the playing field so that wealthier interests not be given systemic advantage.

**10:00**

Looking at contributions to parties, candidates, and other partisan entities under current Alberta legislation, we can see that Alberta has joined most other provinces and the federal government in Canada in restricting contributions by source; that is, only individuals can contribute to these entities to a maximum of just over \$4,000 each year. This is roughly consistent with what is allowed in other provinces and at the federal level. It would be difficult to make a compelling case that it is in the public's interest to change these substantially, in my view.

In terms of third-party advertising, Alberta has developed one of the more rigorous regimes to regulate third-party expenditures prior to and during elections. I've looked at Alberta's approach and compared it to that of Ontario, British Columbia, and Canada, and I'd like to take a careful look at Alberta's rules through the lens of the core values of transparency, integrity, and fairness.

In terms of transparency, if third-party advertisers are going to play a role in Alberta's elections, then I would argue that it is in the public interest to know who is funding these organizations. Like Canada, Alberta has opted for prewrit disclosure of the identity of contributors to third-party advertisers. While this certainly does impose an administrative burden on those advertisers, I would argue that the public's benefit from knowing who is paying for these advertising campaigns vastly outweighs the administrative burden experienced by the advertisers. Transparency delayed until after the election is a much weaker tool for allowing the electorate to make informed judgments about the arguments that are proffered by these advertisers.

In terms of integrity in regulatory regimes in which contributions are limited by size and source, those donors who might wish to ensure that they have access or influence over elected officials might move into the third-party advertising space. This is not to suggest that all or even many third-party advertisers are motivated in this way; however, the possibility does exist. As the U.S. Supreme Court famously noted, sunshine is the best disinfectant. Transparency that allows voters to know whether individuals or

organizations who might benefit from government contracts or policy decisions were contributors to third-party advertising campaigns is essential to maintaining public confidence in the system.

The intention of bans on corporate and union contributions to parties and candidates is to bolster integrity. As this money has moved into the third-party advertising sphere, some observers may be concerned that third-party advertising offers a way to circumvent the restriction. British Columbia's recent decision to extend the ban on corporate and union contributions into the third-party advertising sphere is exemplary in this regard. There is now no means by which corporations and unions can use money to influence B.C. elections. This is a policy initiative worthy of close consideration, in my view.

Finally, I'll talk about fairness. In its decision in the Harper case the Supreme Court of Canada majority held that in promoting the equal dissemination of points of view by limiting the election advertising of third parties who were influential participants in the electoral process, the overarching objective of the third-party spending limits is electoral fairness. This egalitarian model of elections seeks to create a level playing field for those who wish to engage in the electoral discourse, enabling voters to be better informed.

The Supreme Court's decision in Harper is important because it affirms that legislation can impair freedom of expression in the interest of fairness to create a level playing field during elections. Any proposal . . .

**The Chair:** You can go ahead and finish your thought there, Dr. Young. Then we'll go to questions. Just briefly, if you could.

**Dr. Young:** Any proposal to change the elements of the restrictions on third-party advertising must be evaluated, then, through the lens of fairness.

Thank you.

**The Chair:** Excellent. Thank you so much.

Okay. We will go to questions now, beginning with the government caucus. You have a question and a follow-up. There will be 20 minutes for that. Mr. Nixon.

**Mr. Jeremy Nixon:** Thank you, Mr. Chair, and thank you, Dr. Young, for being with us today. Just a question about spending limits as well as donation limits for political parties, either prewrit or during the writ period. One of the criticisms that has come up is that by lowering the limit or having lower limits, it's actually caused larger donors and larger amounts of money to be put through PACs or other third parties and gone dark. That would be, I think, the definition of dark money. I'm wondering if you have any thoughts on that. My thinking is that if we have higher limits and we make sure that these funds are actually being funnelled through a political party and thus being exposed through the process so that people are aware, do you kind of have a preference or a way to manage that? Does that make sense?

**Dr. Young:** Yeah. I just want to be clear that we're talking about limits on who can give money to parties as opposed to how much money parties can spend. Am I correct in understanding the question?

**Mr. Jeremy Nixon:** Well, yes – sorry – limits on how much people can donate but then also limits on how much parties can spend, so both limits, I think, are important to talk about in that context.

**Dr. Young:** Okay, sure. I just wanted to be sure I understood the question. I'll talk first about limits on spending, and I think those are really important. Certainly, when we look at the Canadian approach as compared to, say, the American approach, where there aren't typically limits on spending, I think one of the things that we can see is that by having meaningful limits on the amount that parties and candidates can spend, we can ideally reduce the demand for money, essentially. If spending is unlimited and there's a constant upward spiral of spending, then candidates and parties spend more and more of their time raising money to make sure that they have enough. It creates demand for money in the system. I think spending limits on parties and candidates are absolutely essential from that point of view.

In terms of limits on who should be able to contribute to parties and candidates, I think it's certainly the case that having that money going to the actors in the system has some merit as long as there's clear transparency. However, it has been really interesting. In the time that I've been following this, you know, over the last 25 years, there has been a real shift, I think, of public opinion and expectations about who should be allowed to give money to parties and candidates. We've seen, you know, Quebec in the 1970s introduce what was called popular finance, that only individuals could give money. Then we saw the federal government adopt it in 2003, and many provinces have gone the same route. I think that there's sort of a norm that's emerged in Canada around the idea that corporate and union money is not appropriately given to political parties.

**Mr. Jeremy Nixon:** Just as a follow-up, then, part of my concern there was that – I think we saw this a little bit in Alberta – there was this unintended consequence where funds started to be pushed into these third-party groups. Do you have any advice on how we manage that, then, with spending limits in place?

**Dr. Young:** Absolutely. I think you're exactly right to say that the money has been pushed into third-party spending groups, and it's something that we've seen, I think, at the federal level as well when limits on contributions were put in. That means if you want to maintain the integrity of the system, you need to then start regulating what's going on in third parties. I think that, you know, I've drawn the committee's attention to what British Columbia has done, which is to say: okay, we're going to extend exactly the same rules over into the third-party system, that only individuals can contribute. That's certainly the most intellectually consistent view. There's always the worry that if you shut major players out of the system entirely, they'll try and find other ways to get around the loss, so enforcement becomes an issue.

I do think that at a minimum maintaining transparency so that we know who is giving money to third parties, so that we understand who the players are and can trace that back is absolutely essential. I think that limits are also helpful in the sense that it can restrict the amount that these groups spend although there is, of course, the possibility of proliferation of the number of groups.

**Mr. Jeremy Nixon:** Thank you very much, Dr. Young.

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

**Ms Pancholi:** Thank you, Dr. Young. Thank you for your presentation today. I appreciate that so much. Some of the comments that we're hearing around concerns around requirements in the prewrit period for third-party advertisers seem to focus on a perception that requiring registration or any sort of disclosure is a regulatory burden that will discourage individuals from advocacy –

right? – political or issues advocacy, in the prewrit period. I'm conscious of your comments, which I appreciate, which focus on fairness over sort of that regulatory burden. Do you have any understanding – and perhaps it's pretty new – of how much that perceived regulatory burden actually does discourage individuals from advocacy? Has that been discussed in any of the cases you've considered, or is there anything to actually show that that does discourage political engagement?

**10:10**

**Dr. Young:** I am not aware of any study that would confirm the idea that transparency requirements or other administrative burdens restrict groups from forming or participating in this regard. I think if we take this apart, there will be two possible reasons for regulation to have a dampening effect. One would be that the rules are too complicated for a group to be able to figure out, and that's a problem that can be relatively easily solved. I think that the election administration organizations in Canada, in the Canadian provinces and the federal government, are increasingly doing a good job of being able to communicate out the requirements in relatively plain language, and I don't think that the burden of providing lists of who has contributed money are, in fact, that chilling. That's just an opinion. It's not based in any research that I've done or that I'm aware of.

The other reason, presumably, would be a desire for anonymity, and while that might prevent some individuals from participating, I don't think that it's a desire that we should accommodate in public policy. If somebody wants to have an impact in the political sphere, whether it's giving money to a candidate, a political party, or participating through third-party advocacy, I think it is important that the public know who that individual or that organization is.

**Ms Pancholi:** Thank you, Dr. Young. Just following through on something you mentioned, which I think has become a question and an issue that's very relevant right now, the requirement for disclosure of third-party advertisers in the prewrit period or even in the election period is also important because it also might shed some light on who might benefit from certain policy or contract decisions after the fact. I just wonder if you could comment a little bit more on that and that sort of fairness not just in the process of the prewrit period but throughout, you know, I guess, a government's period of time.

**Dr. Young:** Right. I would think about this not entirely in terms of fairness but in terms of integrity. For the public to be confident in the political system, which we know is absolutely essential for a democracy, then there needs to be confidence that decisions are being made in the public's interest and not to accommodate donors or supporters of a political party. Disclosure is the strongest tool in the tool kit for dealing with this. When there are entities, whether they are unions or corporations, that might benefit from a public policy decision, that might benefit from a government contract, we need to be able to go back and see whether, if it's permitted, that entity gave money to the party or to the candidate. But where it's not permitted, we also need to see: was it active in a third-party campaign on behalf of the party that wins the election? I really think that knowing that there are those kinds of checks helps to ensure that the public is confident that public policy decisions are being made in an impartial way.

**The Chair:** Thank you.

We'll now go to Mr. Stephan on the phone. Just for the committee's edification we have 10 minutes remaining for questions to Dr. Young.

**Mr. Stephan:** Thanks, Dr. Young, for your presentation. I appreciate you talking about an even playing field and fairness. One of the things that comes to mind as I think about this is that I know union dues are tax deductible, and unions are not subject to tax. Does this preferential treatment create an uneven playing field that allows for leveraging an unfair advantage in advertising?

**Dr. Young:** It's not clear to me that – let me take a step back. I think that the idea of a level playing field is obviously really difficult to figure out in all sorts of ways, whether we're talking about individuals or organizations. When we're talking about entities other than individuals making contributions, you're absolutely correct that there's a different tax treatment for unions versus corporations, for example, in terms of whether tax deductions are available. I think there are also in some instances differences in the ability of those organizations to pay. You know, how much money do they have available to them? It goes beyond my expertise to really look at what those differences are. There are, obviously, differences in organizations, so while there are many corporations, there tend to be relatively small numbers of large trade unions.

There are many ways in which the playing field isn't entirely level, and I think it's important, then, to think about not imposing a set of restrictions that are deliberately punitive to one group or another.

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

**Member Ceci:** Hello?

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

**Mr. Stephan:** No.

**The Chair:** Okay. We'll now go to the opposition. I hear Mr. Ceci. Would you like to ask a question to follow up?

**Member Ceci:** Yes. Thank you, Mr. Chair, for recognizing me. Dr. Young, I really appreciated your presentation, and your submission is really helpful, too. My question is – the previous speakers have talked about issue advertising outside of the prewrit period or nonpartisan citizen advertising. You haven't kind of focused on any of that stuff. You're more at the guts, I guess, of disclosure and understanding who's behind all of this stuff, third-party advertising. I'm not sure exactly what my question is, but it sounds like you're in agreement with the amount of time for the prewrit period and the regulations of third-party advertising. I guess my question is: do you think that there is such a thing as issues advertising where it's nonpartisan or that there are nonpartisan third-party advertisers who are just trying to identify issues, or is all of that designed to push an agenda?

**Dr. Young:** Yeah. I think that there certainly are organizations that use the occasion of an election to talk about an issue that's important to them, and we can recognize that elections are a moment where the public is focused in on issues of public policy in a way that it is not the other, you know, three and half years in the cycle. There may well be organizations that just want people to think about issue X, and it doesn't necessarily mean that they should then vote for party A or party B. I think that intellectually we can accept that there's a possibility of that, and it's really tricky, right? The idea of whether an issue is associated with one party or another is inherently subjective, so I think there are lots of tricky things here.

I do think that simply saying that – if you want to be advertising about an issue that is conceivably political, that relates to public

policy during this relatively constrained period leading up to and during an election, then you should at a minimum be willing to say who has paid for this, and then the public can make its judgment about the message that you are putting out there.

**Member Ceci:** Thank you, Dr. Young. That's very helpful.

**The Chair:** A follow-up, Mr. Ceci?

**Member Ceci:** No. I'm good. Thanks.

I do appreciate your submissions. I appreciate those.

**The Chair:** Okay. Now I'll go to Mr. Smith.

**Mr. Smith:** Thank you very much, Dr. Young, for your presentation. I've really appreciated the fact that you brought forward what you called – I think you said they were the three core principles of transparency, integrity, and fairness. I confess that you've made me start to do some thinking this morning. You said that in the Harper decision there was an expectation that there would be equal dissemination of points of view. How does that happen? Maybe you could take me down that rabbit hole a little bit and give me some ideas about where that takes us and how it works.

10:20

**Dr. Young:** I don't think that the implication of the Harper decision or, you know, what's seen as the fairness or egalitarian model of election reform necessarily means that there needs to be equal articulation of both points of view. If that were the case, we would need a much more rigorous regulatory environment. On a particular issue we would need a yes committee and a no committee that would be allowed to spend equal amounts. Of course, that would be an incredible burden, and I don't think anyone would suggest that we go down that road.

I think that what the Supreme Court – and I'm not a lawyer, and I'm not a constitutional scholar, but as someone who follows election law, my understanding of the implication of the Supreme Court's decision in Harper is that as we balance freedom of expression against this idea of fairness, it's the role of the Legislature to find a balance between those two sometimes competing objectives. I think that what's incumbent on the legislators in this regard is not to impose rules that deliberately impair one side or another in their ability to get their message out. I think that the spending limit on third-party advertising is a reasonable way of trying to balance things out to some extent, but I don't think it's perfect, nor should we go for that perfect solution that would balance things because it would impair freedom of speech too greatly.

**Mr. Smith:** Thank you. I'm glad to see that you're struggling with it as much as I am because, you know, taking it down to saying that there are two points of view, a pro and a con: well, often in elections there is a multiplicity of points of view.

To a certain degree we've had conversations about whether or not some of those points of view that are being financed and coming from outside of the country should be able to be allowed to come in to the elections within the province. It just seems to me that there's a real subjectiveness about this. How do you decide what is equal and fair when it comes to the dissemination of points of view? I've even heard arguments in the past that talk about the fact that, well, it's ultimately fair that you allow third-party advertisers to raise money. Those that can raise the money get to advertise and get to have their point of view out there, and those that have unpopular points of view where nobody is prepared to put money behind that then don't get to . . .

**The Chair:** Do you have a question, Mr. Smith?

**Mr. Smith:** I guess, where would you go on those kinds of things, those kinds of issues?

**Dr. Young:** Well, let me talk about two of them. The first is money from outside the province or outside the country. I think that it's very clear that elections belong to the voters in a jurisdiction. Any effort by entities outside that jurisdiction to influence the outcome, whether it's, you know, the sorts of nefarious things that we've heard in terms of foreign interference or outside money coming into the province or the country during an election, is something that we absolutely should not permit. That one I have very clear views on.

The question of how to manage, you know, this question of whether someone is able to raise money because . . .

**The Chair:** Dr. Young, I'll let you finish the point very briefly, but you are out of time. Just very briefly, if you could.

**Dr. Young:** Sure. I'd simply say that money is not evenly distributed in the population or among organizations, so the idea of fairness is to in some way, shape, or form account for that.

**The Chair:** That's great. Thank you so much, Dr. Young, for joining us today. On behalf of the committee we appreciate your time and your input. You are welcome to stay for the remainder of the proceedings.

We'll now go to our fourth and final presenter today, which is Mr. Guy Giorno. Now, we had some technical issues before. Are we all settled with Mr. Giorno? Is he available?

**Mr. Giorno:** I think we're sort of settled. Can you hear me, Chair?

**The Chair:** Yes. We can definitely hear you.

**Mr. Giorno:** You can hear me, but you can't see me, so I apologize for that, which is the opposite of before, when you could see me.

**The Chair:** That's correct. We'll use a blue avatar for you today in your presentation. You look great. As before, we have five minutes for your presentation and then 20 minutes for question and answer. When you begin your presentation, the clock will begin.

**Guy Giorno**

**Mr. Giorno:** Thank you, Chair. Thank you, through you, to members of the committee. My name is Guy Giorno. I'm a partner in the Fasken law firm, but everything I say today is presented in an individual capacity. I don't speak for any other organization or entity. I'm a lawyer whose legal practice is devoted to the areas of government transparency, government ethics, political law, including election law and campaign finance law.

I have served on the steering committee of the Council on Governmental Ethics Laws, which is an international organization which focuses on campaign finance, election law, freedom of information, lobbying law, and government ethics. I routinely advise organizations and entities on a variety of political law matters, including third-party and election finance issues. In addition to that, I have experience serving as a former chief of staff to a provincial Premier and a former chief of staff to a Canadian Prime Minister, and I have experience leading campaigns, some successful, some less so. Finally, I'm a fellow of both the University of Toronto Munk school of public policy and governance and the Carleton University school of political management, where I teach a course in political campaigns. So I see this from all ends.

My frame of reference is four principles. They're the same three principles that Dr. Young talked about with one more. I think that election laws across Canada are defined by the principles of transparency, integrity, uniformity, which means consistently treating like things in a like manner, and fairness.

Just getting right into some of my recommendations, I know that government advertising is something that's been talked about. You know, there are jurisdictions, when you talk about banning government advertising during campaigns and in the run-up to campaigns – but in addition to that, federal law, the Canada Elections Act, says that no one shall conduct any election advertising or cause it to be conducted using a means of transmission of the government of Canada. That, in addition to restricting advertising, is something that should be in place in every province, including in Alberta, and it's not in any province.

I then want to turn to the issue of third parties. A key principle here is that third parties have to be independent of other political actors, partisan actors, independent of parties, independent of candidates. This leads to, really, four observations. The first is that the existing collusion provision in the Election Finances and Contributions Disclosure Act – I'm referring to section 41.42 – is too narrow. It doesn't capture – it looks at restrictions pretty much from the point of view of a third party. We want to stop a third party from contributing when it shouldn't. We want to stop a third party from colluding to avoid or increase its spending limit.

But it doesn't look at it from the point of view of candidates and parties. They, too, benefit. What 41.42 doesn't refer to is the activities of a candidate or a political party which might use a third party in order to benefit from their own – that is, a party's own – increased spending over a limit. In Alberta and across Canada one of the principles of election law is that with every nonmonetary contribution comes a corresponding expense. If a third party is spending to benefit you and you know about it and you consent to it, that's an expense as well of your party or your campaign.

The second point I wanted to make is that collusion – it's important to have a law, but it's too high a bar. There should be a lower threshold, not just collusion. Collusion is a very high bar. It requires satisfaction that there's been a conscious and deliberate scheme to circumvent the limits or a scheme to avoid the law. The lower standard of co-ordination, which is in place in Ontario and is in place in numerous United States jurisdictions, should be added to the act not as an offence but to provide that any time a third party co-ordinates with a candidate or a party, the third party's efforts are treated as contributions to and expenses of that candidate or political party.

The third point I wanted to make is that section 41.41, in an attempt to restrict partisan activities of third parties, through its exemptions actually suggests that it's okay for a political third party to be less than independent. There are provisions in section 41.41 that say that it's okay for volunteers for a third party to volunteer their time to political parties.

10:30

**The Chair:** Mr. Giorno.

**Mr. Giorno:** Yes. I'm out of time now, right?

**The Chair:** You are out of time, but I will let you finish that thought briefly, and then we'll go to questions and answers.

**Mr. Giorno:** The point is that if a third party is supposed to be independent, then why is it okay for its members to volunteer on campaigns? We should have a strict separation between the two.

Thank you.

**The Chair:** Excellent. Thank you.

Okay. We'll now go to 20 minutes of questions and answers. We'll begin with the opposition caucus, and I see Ms Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair, and thank you, Mr. Giorno. You probably won't remember me because I was a mere articling student at Fasken's Toronto in 2005. I did of course know who you were, but I was a mere articling student. Mr. Giorno, I'm wondering. Actually, I think we cut you off before you finished all your points, and I would be really interested to hear the remainder of your recommendations.

**Mr. Giorno:** Sure. The remaining recommendations actually dealt with integrity. I believe that most of the provinces, including Alberta, don't go far enough to actually regulate the activity of political actors when it comes to fundraising, and that includes lobbyist involvement in fundraising and politicians' involvement in fundraising. I believe there should be a strict separation between the use of a government office, government stakeholders, government stakeholder lists to fund raise. I believe that lobbying shouldn't take place at political fundraising events. The sort of gold standard, although it's not in law – it should be in law; they're voluntary guidelines – is a series of guidelines that were first adopted by Prime Minister Harper and then were continued by Prime Minister Trudeau. They're in a book called Open and Accountable Government, and annex B of that book lists a series of rules to be observed by members of the federal government when it comes to fundraising.

The final thing I wanted to say is that I think that Canada, federally and provincially, should look at the U.S. concept of a prohibition of pay-to-play, which means that certain people who do business with government should be prohibited from making political contributions where those contributions could influence the business they do with the government.

Thank you.

**Ms Pancholi:** Thank you, Mr. Giorno. As a follow-up, we had a healthy amount of conversation in this committee around what limits, if any, should be placed on third-party advertisers in the prewrit period. There's some debate, of course, about what that prewrit period should be defined as. I'm just wondering if you have thoughts about that, on what restrictions would be appropriate on third-party advertisers outside of an election period.

**Mr. Giorno:** The short answer is that I agree with the Chief Electoral Officer. But the longer answer is that I do think there are entities, to respond to something that was discussed with the previous presenter, that sincerely and only communicate about issues. There are lots of NGOs – right? – nongovernmental organizations, that might be communicating on environmental matters or matters of importance to civil society. The way the law is interpreted federally and in most provinces is that when you have an issue advertising ban and you say anything that a party is talking about, it means, you know, really anything – anything – that could be a federal issue is covered by the rules of federal elections and anything that could be a provincial issue is covered by the rules of provincial elections. During a campaign period that's an understandable burden or restriction.

But to go outside that and say that an NGO that has no intention and doesn't want to get involved in partisan politics is now engaged in regulated and restricted, because of spending limits, activity simply because it wants to talk about child poverty or orphan wells or climate action or anything – and it doesn't matter whether it's 30 days, 60 days, 90 days, 180 days before an election. I agree. I think the CEO has come down on the side of suggesting that outside the

campaign period issue advertising shouldn't be regulated, and that's my personal view, too.

**The Chair:** Thank you.

**Ms Fir:** Thanks very much for your presentation. A question around voter ID requirements. One of the issues that was highlighted for us is the need to strengthen those voter ID requirements in this province. Can you speak to the value of strict voter ID requirements and how this impacts the public faith in the electoral process?

**Mr. Giorno:** I'll only give you the answer I think you would expect, which is that it's important to the integrity of the process to ensure that we know that people who are voting are those who are supposed to vote and that those who aren't supposed to vote don't. But it's also important that we don't impose barriers that discourage people who are perfectly entitled to vote from doing so.

**Ms Fir:** Just a quick follow-up. With respect to the voter ID and voter registration experience at the federal level, are there any lessons that you could share with us that Alberta could learn to improve our process?

**Mr. Giorno:** I think the lessons we've learned are that there are still examples of – it's when they're found out. When they're found out, they're actually, you know, chased down by the Commissioner of Canada elections. There are examples of people who are not entitled to vote voting, taking ballots and voting. Again, it's a policy choice, which every jurisdiction has to make, including members of the Legislature in Alberta, as to how to balance that against the need not to be so deterring of people that people who are eligible and have every right to vote are turned away.

**The Chair:** Okay. Thank you very much.

Opposition, is there anyone on the phone who'd like to ask a question?

**Member Ceci:** Yeah.

**The Chair:** Mr. Ceci, please go ahead.

**Member Ceci:** Yeah. Mr. Giorno, thank you very much for your presentation. I just want to ask you about collusion again. Were you speaking with regard to the potential benefit that a candidate or party may get from a third party who is out there advertising on an issue and the potential to those parties or candidates to benefit from that third party? Could you draw that out a little more for me?

**Mr. Giorno:** Sure. I'll draw out that answer. Through the chair to Mr. Ceci, the answer is that the presumption of the law in Alberta, everywhere – the reason we have these rules is that the presumption is that the partisan actors do benefit. That's why it's not a level playing field. That's why we have these issue advertising rules that say: if you talk about orphan wells or climate action in the middle of a campaign, you're benefiting somebody or you're not benefiting somebody, and therefore you've got to be regulated. The presumption is a benefit. The point of that is that's the presumption of the law, and I think it's an accurate presumption during a campaign period.

If that's an accurate presumption – and it is the presumption of the law – then there must be no communication. There can't be any communication because if a partisan actor is either going to benefit from or be hurt by it, and if one's hurt by it, you know, somebody else benefits. Any communication, any sharing of anything, be it information, strategy, and then talking between a third party and

that partisan actor not just compromises the independence of the third party, but it creates an opportunity for a party to benefit.

That's why I suggested that we should go further than banning collusion. We should ban collusion. Collusion means a third party has to actively conspire, basically, with a political party or vice versa to circumvent the law. I think that's too high, that what's unacceptable should be much lower. I think that any discussion or dialogue or co-ordination between the two which allows a third party to be influenced by a political party should be sufficient to draw the attention of the regulation in the statute.

**The Chair:** A follow-up? Mr. Ceci, do you have a follow-up? If you could unmute yourself, Mr. Ceci, if you do have a follow-up. It sounds like Mr. Ceci was disconnected.

We do have 11 minutes and 40 seconds remaining. We'll go to the government caucus. Mr. Stephan, please go ahead.

**10:40**

**Mr. Stephan:** Thank you. Can you hear me okay?

**The Chair:** We can hear you great.

**Mr. Stephan:** That is so wonderful. I just have a question about collusion and independence. I guess my question is – it relates to the NDP. The Alberta Federation of Labour actually has a designated seat on their provincial council, their board. I'm just wondering: from an independence perspective, would any advertising, then, by the AFL be considered nonindependent?

**Mr. Giorno:** I will, Chair, through you, answer a bit different. I'm reluctant to comment on any particular case that I'm not aware of. I will say this, that as a lawyer I do advise many different entities. With the team of my firm we advise many entities on how to comply with third-party rules. Our advice is consistently that if you're going to run a registered third-party campaign, you should completely separate yourself from engagement with parties. That is what we believe to be the safest way to comply with the law, be it in Alberta, British Columbia, Ontario, and federal jurisdiction. I think it's the right way to do that, so that's generally what I would advise, that there should be a strict separation. I hope that's sufficient. I don't want to comment on a particular case, but I've told you how, generally, we believe third parties ought to conduct themselves by separating themselves completely from partisan actors when they're engaged in their third-party work.

**Mr. Stephan:** Well, I think that's a wonderful answer. It's a principled answer.

Just on the level playing field, just as a supplemental question – and I asked this earlier – unions dues are tax deductible, and unions are not subject to tax. Does this tax preferential treatment create an uneven playing field vis-à-vis other persons that may engage in advertising?

**Mr. Giorno:** Certainly, individuals, if they're contributing, are contributing with after-tax dollars, so there is that differential. I am not sure. Certainly, a corporation would be, but I'm not sure that a corporation, if it was engaging in issue advertising and registering itself as a third party, wouldn't be able to – that would be a cost of doing business. Maybe I'm wrong there, but the general principle is right, that most people who are contributing to things are paying with after-tax dollars, and that situates them differently than those who are tax exempt.

**The Chair:** Okay. Thank you very much.

Any questions from the opposition?

Anyone on the phone?

Okay. Hearing none, is Mr. Ceci back on the line? Mr. Ceci, did you want to ask your supplemental now to Mr. Giorno if you had one?

We're struggling with technology today. That's okay.

**Ms Pancholi:** Mr. Dang says his connection is quite spotty as well.

**The Chair:** Okay. Well, if Mr. Ceci's volume or connection improve and we run out of time, I'm happy to extend a little extra time just so that he can ask that question, just to make sure he gets it in.

We'll now go to the government caucus. Are there any other questions you'd like to ask?

**Mr. Smith:** Thank you for your presentation. You obviously bring a wealth of knowledge to the table here. I'm not sure that I got this right, but I think that you said something about: businesses that work for the government should be limited in their political party donations and, I'm going to assume, third-party advertising. Could you expand on that? Then I have a supplemental to that.

**Mr. Giorno:** Sure. Yeah. I don't have precise recommendations there. It's more a general recommendation. I think that jurisdictions in Canada, provinces and federal, should start looking at these issues and start making decisions about where lines should be drawn. I'm not going to – but let's use an example. For example, in some places in the United States if you own a company or you're the CEO of a company or a vice-president with a company that gets government contracts, you and your family members can't give political donations to the politicians who are in the government that's giving you contracts. That's an example.

Some states will say that if you are somebody whose compensation, you know, your bonuses or whatever as a CEO, is determined by the business you do with the government, you shouldn't. There are some states in the United States that say that if your business is regulated, whatever regulation it is, you should be prohibited by law from making political contributions to politicians who are regulating your business.

There are others that treat it differently. For example, there are some states where a lobbyist can't contribute, some say, at all. In other states they'll say that, you know, lobbyists can't contribute while the Legislature is in session. Now, of course, in the U.S. in some states the Legislature being in session is sort of a thing. They're not in session in most weeks and a few weeks they come in, they debate and pass bills.

Fourteen states don't let lobbyists make contributions while the Legislature is in session, and another 15 states don't let anybody make contributions when Legislature is in session, and five states out of 50 don't let a lobbyist make a political contribution ever. I suppose this is the discussion and debate that we should be having in Canada and in Alberta, asking ourselves, you know, whether this is a way to ensure integrity both in the lobbying and in campaign finance.

**Mr. Smith:** Okay. You used examples of a CEO and family and lobbyists. How would you approach something like unions, which can also, you know, benefit and are working for the government? How would that work?

**Mr. Giorno:** A two-part answer, through you, Mr. Chair. I actually don't know what most U.S. states do with trade unions. I can certainly check that and report back in writing. Generally the simple answer is that I believe in fairness, and I believe in like things being treated in a like manner, so obviously if Alberta was to consider doing things like that, it should be even handed.

**The Chair:** Do you have a question? Ms Pancholi, please.

**Ms Pancholi:** Thank you, Mr. Chair, and thank you, Mr. Giorno. On that like versus like, I think that the previous presenter talked about that intellectual consistency as well. It talked about that if there are limitations on corporations and unions to donate during an election period or donate to political parties even outside the election period, there should similarly be that limitation on donating to third-party advertisers. Would you consider that intellectually consistent as well, like, the way the previous presenter framed it?

**Mr. Giorno:** Yes. I believe she was talking about contributions, and I believe that. Yes, I agree. I think it's consistent, and I agree with that.

**Ms Pancholi:** Thank you. A follow-up. It's unrelated, but I would just be interested in hearing your thoughts with respect to – we had a presentation yesterday from Dr. Ian Brodie, who talked about his view that there should be no caps on spending by political parties during election periods, and here I'm thinking about the context today about fairness and levelling the playing field. I'm wondering what your thoughts are about whether there should be caps on political party spending during election periods.

**Mr. Giorno:** Well, that's interesting. The courts have accepted and – I mean, go back to the Lortie Commission – it seems to be accepted that spending can influence outcomes. I'm not sure that that's always the case. There are certainly examples, including many Canadian examples, where high spending doesn't at all determine outcomes. I'm sympathetic to, I think, where Dr. Brodie was coming from. That's all I'll say. I don't really have a strong – I don't care, in brief, one way or the other. I see that there's a general consensus in Canada that money, that spending by parties does affect outcomes, but I'm also sympathetic to the point of view that I've seen with my own eyes and experienced, that that's not always the case.

**The Chair:** Thank you.

Go ahead, Mr. Horner.

**Mr. Horner:** Thank you, Chair.

**The Chair:** Two minutes remaining.

**Mr. Horner:** Thank you, Mr. Giorno. I really enjoyed your presentation. Kind of in a different area, I wanted to ask you a question about elections within parties' nominations, leadership contests. Do you believe that those should be regulated by Elections Alberta in this case, or would you suggest something different, that these should be regulated within the parties themselves?

10:50

**Mr. Giorno:** My views are changing, actually, based on my experience. For decades my view was that these were internal party matters, that internal party matters should not be regulated by regulators and that they were left to parties to settle their own devices. While I think there is still a lot to be said for that view – by the way, you know, other jurisdictions do it differently, right? In the United States it's a matter of state law, essentially, how parties pick their candidates and how that works.

To go back to Canada, I think we've seen a number of examples. Are they an overwhelming number? Not necessarily. But there are examples where it seems that there are issues within political parties which call into question their nomination processes. I'm talking about the riding level. I'm not talking about – I don't think we've ever heard of this alleged at the level of a provincial leadership race

or a federal leadership race but certainly federal, provincial riding nominations. I think I'm coming around to the view, after years, that there may be a case for – you said the Chief Electoral Officer; I'll simply say the law – the law to take cognizance on what parties do. What that means in terms of regulation, I can't answer, but I think that there are problems that parties aren't always dealing with themselves.

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

Now, I did say that Mr. Ceci is back on line and had a brief follow-up to his initial question. I'm happy to entertain that. Mr. Ceci, are you there, and do you have a brief follow-up?

**Member Ceci:** I am here.

**The Chair:** Do you have a brief follow-up for Mr. Giorno, or are you okay?

**Member Ceci:** Can you hear me?

**The Chair:** I can, yes.

**Member Ceci:** Hello. Oh, sorry. You know, it's so long, I've forgotten what my question was.

**The Chair:** It happens to the best of us.

**Member Ceci:** Thank you, Mr. Giorno, for providing the answers to everyone there. No. I was just really interested in all those issues around collusion, and I think you highlighted, at least, from what I could hear, and clarified for me. Thanks so much.

**The Chair:** Okay. Thank you very much.

Also, thank you to you, Mr. Giorno, for your time today and your presentation. I appreciate that, and on behalf of the committee I wish you a safe and happy weekend.

That does conclude our presentations today, all four of them. We'll go on now to item 4 of the agenda, which is other business. There are a couple of things here I just want to get across to the committee. The summaries of written submissions for the Election Act and Election Finances and Contributions Disclosure Act are now available for the members. The final report on citizens' initiatives recall will be available later today.

Also, in terms of setting the parameters for research for this committee, we will actually have a brief meeting before the public town hall on Monday, November 16. It'll be about a half an hour in my understanding. It's basically just kind of a precursor to the town hall, so be prepared for that. There will be a notice coming out on that shortly.

Otherwise, is there any other business anyone would like to bring to the floor at this time?

**Ms Pancholi:** Just a question whether the summary of – I guess, are we going to wait till after we have the presentations and we have some submissions as well as our public meeting, and then there'll be a summary available, just as was done with recall and citizens' initiatives?

**The Chair:** Yeah. This is a conversation we always have in the clerk's office with Parliamentary Counsel and research. I don't think it would be appropriate to go into deliberations for this committee without those summaries, without the documents provided. I wouldn't be able to say exactly when we'll get into deliberations, but all documents will be provided before we go there in sufficient time to review them and what have you. I'll work with both sides, both government and opposition, to set those dates.

**Ms Pancholi:** Can I just confirm the deadline for the minority report? If the draft report comes out today for recall and citizens' initiative, we confirmed it was at the end of next week. Is that correct? The 13th? I can't remember what that date is. Yes. The 13th.

**The Chair:** Yes, that sounds correct.

Okay. Any other business to bring to the committee at this time? Hearing none, the date of the next meeting is the public town hall on November 16.

Can I get a member, then, to move to adjourn this meeting? Mr. Smith moves that the November 6, 2020, meeting of the Select Special Democratic Accountability Committee be adjourned. All those in favour, please say aye. Any opposed, please say no. This meeting is adjourned. Everyone please have a safe and happy weekend. Drive safe wherever you're going.

[The committee adjourned at 10:55 a.m.]









