



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Democratic Accountability
Committee

Election Act Review
Election Finances and Contributions Disclosure Act Review

Tuesday, December 15, 2020
9 a.m.

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Second Session**

Select Special Democratic Accountability Committee

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9 a.m. Tuesday, December 15, 2020

[Mr. Schow in the chair]

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

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

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

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont.

Ms Govindarajan: Vani Govindarajan with the office of Parliamentary Counsel.

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

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

The Chair: Excellent.

Going to the phone, we'll then begin with members from the opposition this time. Mr. Ceci? I understand we might be having some microphone difficulties for Mr. Ceci.

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

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

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

The Chair: Mr. Ceci? Still nothing? Okay. We'll get to you. We know you're there.

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

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

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

Mr. Sigurdson: Good morning. MLA Sigurdson for Highwood.

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

The Chair: Excellent.

I'll also note that on the phone we do have members from the Elections Alberta team and Mr. Glen Resler, Chief Electoral Officer; and then from Justice and Solicitor General, Corinne Carlson and Joan Neatby.

As a note for substitutions, Ms Jackie Armstrong-Homeniuk will be subbing for Ms Fir for part of this meeting.

Pursuant to the November 16, 2020, memo of the hon. Speaker Cooper I would like to remind everyone of the updated committee room protocols, which require that outside of individuals with an exemption, those attending a committee meeting in person must wear a mask at all times unless they are speaking. Based on the recommendations from the chief medical officer of health regarding physical distancing, attendees at today's meetings are reminded to

leave the appropriate distance between themselves and other meeting participants.

Please note the microphones are operated by *Hansard*. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your phones and other devices to silent for the duration of the meeting.

Now we're on to item 2 of the agenda, which is approval of the agenda. Does anyone have any changes to make?

Ms Sweet: Mr. Chair?

The Chair: Yes, Ms Sweet.

Ms Sweet: I just have a question about the way that we've set up the next two days with the 9 a.m. to noon and then 1 till 4. Because we're working in these blocks now and it's not an ongoing, continuous meeting, if we don't finish an issue before noon, does that mean it cannot continue into the afternoon?

The Chair: It just carries forward, Ms Sweet.

Ms Sweet: Okay. Perfect. Thank you.

The Chair: Not a problem.

Hearing no other additions to the agenda or questions, can I please have a member move a motion to approve the agenda? I see Mr. Rutherford has moved that the agenda for the December 15, 2020, morning 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.

Just for everyone's information, rather than asking people here for their approval or disapproval of a motion and then on the phone, I'll just ask for it in general. If you are on the phone, please just speak up. We won't have to go to you each individually or separate in person or on the phone.

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

Hearing none, can I get a member to please move a motion to approve the minutes? I see Mr. Horner has moved that the minutes from the November 16, 2020, meeting of the Select Special Democratic Accountability Committee be approved as distributed. All those in favour, please say aye. Any opposed, please say no. That motion is carried.

Okay. Item 4 is the committee's review pursuant to Government Motion 25, research services, crossjurisdictional documents. The Legislative Assembly Office research services provided the committee with two crossjurisdictional documents, one in relation to the Election Act and the other in relation to the Election Finances and Contributions Disclosure Act. At this time I'd like to call on – I'm not quite sure how to say your last name.

Ms Govindarajan: Govindarajan.

The Chair: Yes. We'll go to you, ma'am, to provide the committee with an overview of these documents, after which I'll open the floor to discussion. Just one moment. Ms Robert has a point as well.

Ms Robert: Sorry, Mr. Chair. I believe I'm going to be presenting the Election Act crossjurisdictional, and Ms Govindarajan is going to be presenting the EFCDA. Is that okay?

The Chair: Works for you, works for me.

Ms Robert: Okay. Thank you, Mr. Chair. I will just give the committee a brief overview of the crossjurisdictional comparison with respect to the Election Act review. As you'll see from reading the executive summary, research services chose a selection of jurisdictions in Canada to compare. It would have been a little unwieldy to try to compare all jurisdictions for all issues, so for the most part the jurisdictions that were compared were the election legislation in British Columbia, Manitoba, Ontario, Quebec, and New Brunswick and then, of course, the Canada Elections Act as well.

In terms of the different issues that research services compared, we tried to focus on issues that the committee appeared to be considering recommendations with respect to or at least some of them. One of the pieces of information we provided was which jurisdictions in the country have a combined election and election financing statute. We also provided some information with respect to the term of office of the Chief Electoral Officer across the country. In fact, I should just clarify that in some cases we did compare all jurisdictions, just not in all cases.

We also had a look at which jurisdictions require door-to-door enumeration across the country, and we looked at jurisdictions with respect to fixed election dates, with respect to noninstructional school days on elections days, and with respect to voter identification. We also looked at jurisdictions with respect to the concept of vote-anywhere advance polling, which, of course, was something that Elections Alberta had for the last provincial election, as you all know, allowing people who were voting in advance polls to vote at any poll. Then we had a look at restrictions on government advertising during election periods and in the run-up to elections. Also, we looked a little bit at investigations under the act, specifically with respect to time limits for conducting investigations and also notices of investigations.

I'll leave it there. Perhaps once Vani is done, if anybody has any questions, I'd be happy to try to answer them. Thank you.

The Chair: Thank you, Ms Robert.

Now we'll go to Ms Govindarajan.

Ms Govindarajan: Thank you, Mr. Chair. I'm just, again, going to give the committee a very brief overview of the election finances crossjurisdictional report. Members may have already reviewed this on the internal website.

As directed by the committee, the report concentrates on the focus areas that were identified by the subcommittee, specifically provisions concerning contributions to political parties, including loans and guarantees, expense rules and limits, and third-party advertising. Six jurisdictions were examined in detail in the report, which should give the committee an idea of rules in both large and small jurisdictions as well as a broad regional scope. In addition to Alberta, the federal legislation was looked at as well as the legislation of British Columbia, Saskatchewan, Ontario, and Nova Scotia.

9:10

With respect to each of those three areas with respect to expenses, the report looks at definitions of expenses, spending limits as well as offence and penalty provisions. With respect to contributions, the report examines definitions of contributions, who is eligible to contribute, and contributions limits as well as rules respecting loans and guarantees. While six jurisdictions are outlined in detail, there are also figures in the appendix that summarize provisions in all 14 jurisdictions in Canada with respect to who is eligible to contribute as well as contribution limits. Similarly, with respect to third-party advertisers, the report looks at definitions, eligible contributors, spending limits, contribution limits, rules for collecting funds, rules for advertising. Finally, the report has the table showing jurisdictions

that have combined both election legislation and election finance legislation, with Alberta being one of five of 14 jurisdictions currently with separate acts.

Mr. Chair, that's currently all I have in terms of an overview.

The Chair: Thank you very much for that.

We'll now open up the floor to any questions or comments that members may have for either Ms Robert or Ms Govindarajan.

Okay. Hearing none, we're moving on to 4(b), issues and proposals documents in the committee's review of the Election Act and the Election Finances and Contributions Disclosure Act pursuant to Government Motion 25. I'd like to thank the officials from Elections Alberta and the Ministry of Justice and Solicitor General for joining us today via video conference to provide technical expertise should we require it. At our last meeting the committee directed research services to prepare issues and proposals documents for the two statutes that organized the issues identified by stakeholders and members of the public to participate.

We've now gone through this, but it's in my script. Ms Robert, you've already given your report, so now I'll go on to item 4(c). Before we begin our deliberations, it may be useful to the committee to develop a plan to organize our discussion. As the committee will recall, Government Motion 25 specifically mandated the committee to review the Election Act and the Election Finances and Contributions Disclosure Act and in section 3 of the motion authorized the committee to limit its review to selected sections of the two statutes.

Acting on this recommendation of the subcommittee on committee business at its August 26, 2020, meeting, the committee agreed to focus its review on the entire Election Act and the Election Finances and Contributions Disclosure Act, with a specific focus on the following areas: identifying opportunities for red tape reduction, improving the election process for voters and candidates, combining and harmonizing the Election Act and the Election Finances and Contributions Disclosure Act, contributions and expenses, third-party advertising, ending partisan government advertising, considering the recommendations of the Chief Electoral Officer contained in the Elections Alberta 2018-2019 annual report, pages 90 to 104.

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

With those comments in mind, does anyone have any thoughts on how we should organize our deliberations?

I have a prepared organization document that was sent to all members of the committee from Mr. Roth, to my left. I believe that this is similar to what we used during the review of recall legislation and citizens' initiatives. If anyone has any objections to using this format for review today, let me know. Otherwise, we can proceed in this fashion.

Ms Pancholi: Mr. Chair, if I may?

The Chair: Is that Ms Pancholi?

Ms Pancholi: Yes, it is.

The Chair: Go ahead.

Ms Pancholi: No concerns about the order. I just appreciated last time the support from Parliamentary Counsel and the committee clerks to let us know that when certain motions pass, other motions then become out of order, so I'm wondering if we can continue that

practice from last time. It may require pausing at certain points. It just was very helpful to know which motions were no longer on the table as a result of certain motions passing or not passing.

The Chair: Agreed. We as a committee shall have it. That sounds good to me.

Are there any other comments about the order of deliberation today?

Okay. Hearing none, then, as we begin deliberations in relation to the Election Act and the Election Finances and Contributions Disclosure Act, I'll remind members that we are now considering the recommendations that we'd like to include in our report to the Assembly. I'd remind the committee that we are required to report back to the Legislative Assembly by January 13, 2021.

Our Legislative Assembly Office staff have been available to assist the committee members with the drafting of motions and to distribute proposed motions for the internal website. These motions are on notice for the next two meeting dates, so we can address them in an order that works for our deliberations.

With that said, I'd like to open the floor to discussions and deliberations, and I have already seen Ms Fir would like to proceed.

Ms Fir: Yeah. Can you hear me?

The Chair: Yes, Ms Fir. Just a moment. Before you proceed, I will say that if we're going to continue on with using kind of convention for this committee so far as motions are concerned, we'll just go back and forth. Ms Fir, if you're going to start, then we'll just go to an opposition motion next. If there are any objections to that, please let me know now. Otherwise, we'll proceed in that manner.

Okay. Hearing none. Ms Fir, please go ahead.

Ms Fir: Okay. I'd like to proceed with motion 134. I'd like to move that

the Select Special Democratic Accountability Committee recommend that the Minister of Justice and Solicitor General consider introducing a bill in the Legislative Assembly that, if enacted by the Legislature, would effect each proposed legislative change that is described on pages 49 and 50 and set out in appendix S of the Chief Electoral Officer's 2018-2019 annual report on the Election Act and the Election Finances and Contributions Disclosure Act but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this committee.

The Chair: Okay. Thank you, Ms Fir. Do you have any rationale you would like to put behind the motion?

Ms Fir: Elections Alberta made many suggested amendments to clarify and improve the legislation in their 2018-2019 report, and we'd like to see the Minister of Justice work with Elections Alberta to implement those changes, you know, where appropriate.

The Chair: Okay. Would anyone from the opposition caucus like to respond to that or have any comments?

Ms Sweet: Sorry. Mr. Chair, it's Heather.

The Chair: Yes, go ahead. We don't have a member of your caucus in the room here, so I'm just going to give a little time, and if you want to message Mr. Roth, that works as well. We'll try to make sure we get to everybody.

Go ahead, Ms Sweet.

Ms Sweet: Okay. Thank you. I guess I'm just looking for some clarity around this motion in the sense that – although I appreciate

that we need new legislation and that this is part of why we're doing the work that we're doing here today, I'm just wondering if the member would comment or be open to discussing whether or not it would be appropriate to have some collaboration between not only the ministry and Elections Alberta but also some independent individuals from the community to help draft that legislation so that we can ensure that it is a nonpartisan, broad piece of legislation that isn't being impacted just directly by the ministry and the elections officer.

The Chair: Anyone else? Anyone else care to jump in on that conversation?

Mr. Dang: Mr. Dang here.

The Chair: Yes, Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Sorry. It's a little bit to get it off mute here. Certainly, I think that there would be appetite and it would be beneficial if we had perhaps more opportunity to hear from political parties, from members of the public, from experts in the area as we look at this, so I'm wondering if perhaps we could hear from the government caucus on their perspective on whether it would be useful to have additional voices. I think we generally agree that it would be good and a reduced burden to consolidate this legislation, but we'd like to see if there's an opportunity to improve.

The Chair: Okay. Any other comments or questions?

Mr. Smith: Mr. Chair, it's Mark Smith.

The Chair: Yes, Mr. Smith.

9:20

Mr. Smith: Yeah. I guess, just in response, considering what we were supposed to do with this committee, it's time we send this over to the Minister of Justice and Solicitor General for their consideration. I think it's probably more important that they and Elections Alberta were there. I think we've had the opportunity to bring in outside information and to look at what other Albertans had to say on this, and it's now time to consolidate and to bring this forward to the Legislature for consideration.

Thank you.

The Chair: I'll go to Ms Sweet.

Ms Sweet: Okay. Thank you, Mr. Chair. Just in regard to this, I just have a question: if it would be in order to do a subamendment on this amendment.

The Chair: You would need consent from the committee to do an amendment to this. What would happen is that, Ms Sweet, you would read your amendment, and without debate we would then vote as to whether or not to allow that amendment. If it's the will of the committee to proceed with your amendment, then we can debate the merits of the amendment, but if it is voted down, then because it wasn't submitted in the required time, it would not be allowed to proceed. I'll let you go ahead and read an amendment if you have one, but we will go directly to a vote after it's been read.

Ms Sweet: Actually, maybe if I could just get clarity, then, from the table if our amendment 122 by Member Ceci would be considered still in order as we move forward for the day, or would this current motion on the floor make this one – whatever – not irrelevant but out of order?

The Chair: It is my understanding that the amendment by Mr. Ceci would still be in order if motion 134 passes.

Ms Sweet: Okay. That's all I need to know, then. Thank you.

The Chair: Sorry, Ms Sweet. Just for a point of clarification, do you mean motion 122 or amendment 122? I believe we don't have an amendment 122, just a motion 122.

Ms Sweet: Yes. Sorry. Motion 122, by Member Ceci, speaks to the same thing, around drafting of legislation. I just want to clarify that that would still be in order to go forward for further debate, or does this current motion on the floor make that out of order?

The Chair: No. It's still in order.

Ms Sweet: Okay. Thank you. That's all I needed to know. I don't have an amendment, then.

The Chair: Okay. Now I'll go to if there are any further comments from the government caucus.

Hearing none, any other comments in general? Ms Goodridge, yes, please go ahead.

Ms Goodridge: I appreciate the withdrawing of the potential motion, but I really do support the motion that was put forward by my colleague Ms Fir. It's very much in line with what we heard from numerous stakeholders, specifically Elections Alberta in their 2018-2019 annual report, and I would urge all members of this committee to support it.

The Chair: Thank you, Ms Goodridge.

Any further comments?

Okay. Hearing none, then I'm prepared to call the question on motion 134, moved by Ms Fir. All those in favour of this motion, please say aye. Any opposed, please say no.

That motion is carried.

Now, with that said, there are a list of motions that are now out of order as a result of passing motion 134. I will read these just for your own records: motion 121, motion 126 – I'm just going through these myself – motion 127, motion 128, motion 129, and motion 133. I'll just read those a little quicker again. Now out of order after passage of motion 134 are motions 121, 126, 127, 128, 129, and 133.

I believe we now have Ms Pancholi, who would like to add to this conversation.

Ms Pancholi: Thank you, Mr. Chair. I just actually wanted to seek clarification because I was going to introduce motion 121 as I didn't understand it to be out of order based on passing 134. Maybe the table can provide clarification perhaps. Just for context, motion 121 was essentially a motion to consolidate the Election Finances and Contributions Disclosure Act and the Election Act into one statute. I just wanted to clarify. Perhaps that's because in 134 it's one of the changes described on pages 49 and 50. If the table can just clarify that, then I would be fine if that's covered and that's why 121 is out of order. Just some clarification would be appreciated.

The Chair: Not a problem.

Mr. Roth.

Mr. Roth: Thank you, Chair. Yes, Ms Pancholi, it would be sort of covered under that motion. That's why otherwise 121 would have been a duplicative motion going forward, and the same would have been true for 133, which was substantially similar to 121.

Thank you.

Ms Pancholi: Thank you.

The Chair: Okay. We'll now go to the opposition caucus if they have any motions or points of discussion.

Member Ceci: Mr. Chair, can you hear me?

The Chair: I can hear you clear.

Member Ceci: Okay. I assume that motion 118 is still in order, then.

The Chair: That is correct.

Member Ceci: I'll read it out. I move that

the Select Special Democratic Accountability Committee recommend that the Chief Electoral Officer be empowered to, with consent of the elector, collect and use for specific purposes the e-mail addresses of electors.

I think that if we go back to, certainly, the PowerPoint that the CEO provided us, that is in our list of reports, this would be a modernizing-the-election-process motion. It's important to keep electors engaged, obviously. This COVID pandemic situation has taught us that using all aspects of modern technology, like Zoom and other things, is critical to staying connected, and e-mails are a part of that. Many people rely on e-mail far more than their phone at this point in time or land lines, so using these electronic addresses will lower the cost for Elections Alberta. I'll put this motion.

The Chair: Thank you very much.

Anyone from the government caucus? Mr. Horner.

Mr. Horner: Yes. Thanks, Chair. Yeah, I would agree with the mover, Mr. Ceci, that I think we should proceed with the recommendation that the CEO collect e-mails with the consent of the elector. It only seems to make sense. Lots of cost savings to be had, so I would concur and urge everyone to vote in favour.

The Chair: Okay. Any further discussion?

Hearing none, then I am prepared to call the question on motion 118, moved by Mr. Ceci. All those in favour of that motion, please say aye. Any opposed, please say no.

That motion is carried.

Okay. We'll now go to the government caucus. Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. I would like move motion 135. I move that

the Select Special Democratic Accountability Committee recommend that the Minister of Justice and Solicitor General consider introducing a bill in the Legislative Assembly that, if enacted by the Legislature, would give effect to each proposed legislative change that is set out in appendix A of the Chief Electoral Officer's report on the 2019 general election, volume 1, but only to the extent that the effecting of the proposed legislative change would be consistent with all other recommendations adopted by this committee.

9:30

I believe that Elections Alberta made many suggested changes that they believe would improve the process for elections here in Alberta. I would really like to see the Minister of Justice work directly with Elections Alberta to be able to implement these changes when and where appropriate. I believe that it was exceptionally clear in the presentation by Elections Alberta, in their 2019 election report, that there are some changes that we could make that would be for the benefit of all Albertans.

The Chair: Before we go to the opposition caucus, I believe Mr. Dang has a question or is asking for a point of clarity.

Mr. Dang: Thank you, Mr. Chair. I guess I'm just having – there are a lot of motions coming forward and a lot of things that are being put out of order. I'm wondering if the table would be able to provide a list of motions that would be out of order or a list of motions which are substantively similar, I guess, that would put other motions out of order. I'm wondering if that would be possible because as we move back and forth and as we try to figure out which motions to move, it's just becoming difficult to keep track.

The Chair: Yeah. That's a fair request. Mr. Roth is going to send out an e-mail to all members of the committee right now about it.

Mr. Dang: Thank you.

The Chair: Do we have a question or a comment from the opposition caucus regarding Ms Goodridge's motion?

Ms Pancholi: If I may, Mr. Chair.

The Chair: Yes. Go ahead.

Ms Pancholi: Just while we're waiting for Mr. Roth to provide that clarity for, I think, all the motions, can we get some assessment for specifically this motion, motion 135? If passed as drafted here, which motions would be out of order specifically in relation to 135, just for debate on this motion?

The Chair: Yeah. If motion 135 is passed, that would make motion 136 and motion 142 out of order. Just for clarification, that is the last set of motions that I have that actually overlap each other. While Mr. Roth will send out the e-mail, in the event that 135 is passed, there will be no other motions passed that will have any conflicts, but 136 and 142 would be out of order if 135 is passed.

Ms Sweet: Mr. Chair, can I make a comment?

The Chair: Yes, Ms Sweet.

Ms Sweet: Just in regard to motion 135, the concern that I have is around: "but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this committee." This is where I think I'm struggling a bit. If we see that the Chief Electoral Officer has made recommendations and has provided his expertise in regard to what changes should be coming through legislative changes and he's working with the Justice minister, then that makes sense, but what has been included in here now is the ability for the committee to basically override some of those recommendations if the committee did not agree.

It's a little bit of a conflict in the sense of saying that the ministry and the Chief Electoral Officer should work together to draft legislation but then to say: but if the committee has decided we don't like those recommendations, then they shouldn't be included in the new pieces of legislation. Then it's not really the Ministry of Justice that's writing it, and it's not really the Chief Electoral Officer working in collaboration because there is a barrier there that has been implemented by the committee to not necessarily allow for all of the recommendations from the Chief Electoral Officer to be included as this motion is written today.

I guess I'm just looking for some clarity, when I see that it has to "be consistent with all other recommendations adopted by this committee," on how that, then, allows both the ministry and the Chief Electoral Officer to do the work that we're asking them to do.

The Chair: Thank you, Ms Sweet.

Ms Goodridge, do you have any . . .

Ms Goodridge: While I appreciate the comments by Ms Sweet, my understanding and part of why I proposed this particular motion is that it gives clarity that we want Elections Alberta to work with Justice to draft this legislation, but other proposed changes that are made by this committee through the course of our deliberations would be considered in that drafting piece. I do believe that this is critically important because otherwise this committee didn't need to exist. I would just urge all members of this committee to support this motion.

The Chair: Thank you.

And from the opposition? Okay.

Hearing none, any further comments at all?

Ms Pancholi: Sorry. Can we just have a quick moment, Mr. Chair? I'm just looking at the list of what Mr. Roth – I apologize. I'm just trying to keep track of everything. Could we just have a quick moment before we go to a vote on this?

The Chair: Certainly.

Mr. Dang: I'd be happy to comment again.

The Chair: Mr. Dang, go ahead.

Mr. Dang: Thank you, Mr. Chair. Yeah, I just want to echo some of the comments my colleague Ms Sweet has already made. I think that certainly when we look at these changes and how we're going to be recommending them, I think that certainly we do want to be making sure we have that fulsome perspective and that we don't create a situation which wouldn't allow that. I'm happy to keep the discussion going, and I'm optimistic that perhaps in future motions, as we move forward in these deliberations, we'll have opportunity to create more clarity for recommendations and for the government.

The Chair: Thank you.

Any further comments?

Ms Pancholi: Mr. Chair, if I may?

The Chair: Sorry, Ms Pancholi. The government side, and then we'll go to you next.

Ms Pancholi: Thank you.

Mr. Horner: Thank you, Mr. Chair. I'm just going to add, you know, that I think the idea is that we use the Chief Electoral Officer's report as the baseline and then we vary from there for our committee deliberations.

I was just going to ask Mr. Roth if the clerk sees any problems with this language at the end of this motion.

The Chair: Mr. Roth.

Mr. Roth: Thank you, Chair. I don't really have any particular comment with regard to the language and no particular advice to offer with regard to this motion.

The Chair: Thank you.

Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I just wanted to confirm: if 135 passes, I understand that motion 142 will be out of order. Motion 142, I believe – I know it's not on the floor – was a

government motion dealing with establishing a fixed date on which a general election must be held. Just given that that's included in part of motion 135, I'm wondering how to sort of bring forward a clarification around a fixed date for an election, where we would like to – you know, we think it might be useful, when we're talking about what a fixed election date would look like, that there should be some public consultation done on that. That was something that we had considered as an amendment to 142, but if 142 is out of order, I'm not sure how to bring forward that proposed change to 135. I'm wondering if the table can advise on that.

The Chair: Thank you, Ms Pancholi.

The recommendation that I have here is that the amendment you're referring to, that would amend motion 142, is specific to that motion. In order to amend motion 135, moved by Ms Goodridge, to include language similar to the amendment you're referring to, you would have to bring an amendment from the floor that had been voted on by the committee to make it in order, and then we'd deliberate it. If you'd like to move an amendment, you can move that, but we'd have to vote on it after you've moved it.

Ms Pancholi: Would I need to seek consensus for putting an amendment on the table?

The Chair: Yes, you would.

Ms Pancholi: All right. Well, I guess I may as well do that, then, seek consensus for an amendment to 135.

The Chair: If you have any wording or any kind of draft wording, Mr. Roth here will work with you as we anxiously await hearing your amendment.

Ms Pancholi: Well, Mr. Roth, I'll defer to your guidance on this because, of course, the proposed amendment we had was specific to the language that was going to be put forward in 142, which is very different than what's in 135, but certainly adding something to 135 to say that with respect to the establishment of a fixed date on which a general election must be held, this would be done prior to a period of public consultation on the proposed date.

9:40

The Chair: Just a moment here, Ms Pancholi, as Mr. Roth works with this. We'll get a draft amendment on the screen that all members can see either here in person or on the phone, and we'll go from there.

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

The Chair: Yes, Mr. Dang, you may.

Mr. Dang: Thank you, Mr. Chair. Just while the table is working on that, just to give some additional headache, I would suggest that we should perhaps look at drafting what wording for amendment 160 might look like with respect to this one as well because that one was originally intended to amend motion 142 and would no longer be in order, I believe, if this one is passed.

The Chair: Sorry. My understanding is that right now we're working on the draft amendment that was for motion 142. Is that right, Ms Pancholi?

Ms Pancholi: Yeah. That's correct, Mr. Chair. I am looking right now to incorporate what would have been in amendment 160 but somehow now amending 135 as opposed to 142.

Mr. Dang: Sorry. I am reading the wrong numbers on the page here. My bad.

Mr. Sigurdson: Chair, if I may.

The Chair: Sure.

Mr. Sigurdson: Just wondering: as per protocol do we now have to vote first if we're accepting this amendment from the floor?

The Chair: We do, but we have to first hear the draft amendment before we can vote on it. We heard some potential wording. We will get an official amendment here on the screen for all committee members to see. We'll read it out for the record, and then we'll vote as to whether to proceed with it or not.

We do have a draft amendment on the screen by Ms Pancholi. I'll read it out for everyone. Ms Pancholi moves that the motion be amended by adding "and that in relation to establishing a fixed election date, the ministry hold a consultation with the public after adopted by this committee."

Ms Pancholi, does that satisfy the spirit of your intended amendment, or is there missing wording there?

Ms Pancholi: I think it generally does, Mr. Chair. I'm not a hundred per cent sure that we are necessarily saying, like, who would hold the public consultation, like the ministry. I mean, it would have to be the ministry, I imagine. I'm just working that through in my brain, but I think that's right.

If I just may – I know that we will have a vote as to whether or not to accept a proposed amendment on the floor like this. You know, the intent is to simply, if we're going to have a fixed election date . . .

The Chair: Ms Pancholi.

Ms Pancholi: . . . make sure that we have done proper consultation . . .

The Chair: Ms Pancholi.

Ms Pancholi: . . . to determine what would be . . .

The Chair: Ms Pancholi.

Ms Pancholi: . . . an appropriate fixed election date just given . . .

The Chair: Ms Pancholi.

Ms Pancholi: . . . that there are many moving pieces with respect to budgets and budget dates . . .

The Chair: Ms Pancholi.

Ms Pancholi: . . . and other elections that might take place.

The Chair: Ms Pancholi.

Ms Pancholi: It's meant to simply ensure that whatever fixed election date is chosen is done with, I guess, consultation and consideration of the various factors that might influence when would be an appropriate election date. For the government members who are wondering, this is simply about ensuring that whatever date is proposed as a fixed date is done thoughtfully and with public consultation. It's not meant to, you know, override the intent of what was going to be motion 142. It's simply to be consultative.

The Chair: Ms Pancholi, can you hear me?

Ms Pancholi: Yes.

The Chair: While you were speaking, could you hear me?

Ms Pancholi: No, I couldn't.

The Chair: Hmm. It is a convention of this committee to hear a draft amendment from the floor but not to argue the merits of that amendment. I do appreciate that you gave us a robust explanation as to why you wanted that amendment, but this is not your first time in this committee, and it's not the first time that we've had a situation where an amendment has been brought from the floor. We've used this convention to not argue the merits but hear the motion or the amendment and then vote on it. In the future I do appreciate that if we move an amendment or a motion from the floor, all members, yourself included, allow us to go with convention, not what you think is in the best interest of the motion or amendment you're trying to pass.

Ms Pancholi: Thank you, Mr. Chair, for that thoughtful clarification. I think we're just having some confusion about process here, and I apologize if I've offended you in some way.

The Chair: I don't believe there's any confusion on process, Ms Pancholi. I think I've been very clear, and I appreciate that you understand that.

There has been a tweak to this amendment. Ms Pancholi, could you please read it and let us know if it's what you'd like.

Ms Pancholi: Sorry. It's just appeared in the chat now. Give me one moment, please. Yep. That's fine.

The Chair: Excellent. We have a draft amendment for motion 135, moved by Ms Goodridge. We will now vote on that amendment from the floor. We're going to vote on whether to allow it. I apologize for the clarification needed. We now vote on whether to allow this amendment to proceed. All those in favour of allowing this amendment to proceed, please say aye. Any opposed, please say no. That motion is defeated.

We are now back on the main motion, motion 135, moved by Ms Goodridge. Are there any other further comments or questions?

Mr. Dang: Chair, will I be able to request a recorded vote there? Sorry.

The Chair: Yes, you may ask for a recorded vote.

I will just go through all members on my list here.

Mr. Horner: I vote no.

The Chair: Ms Fir, how do you vote?

Member Ceci: Oh, there you are. Yes.

Mr. Dang: Yes.

Ms Goodridge: No.

Mr. Jeremy Nixon: No.

The Chair: Ms Pancholi?

Mr. Rutherford: No.

Mr. Sigurdson: No.

Mr. Smith: No.

Ms Sweet: Yes.

The Chair: I will go back very quickly. Is there anyone who has not voted on this motion?

Ms Pancholi: Sorry, Mr. Chair. I didn't hear my name called, so I vote yes.

The Chair: Thank you, Ms Pancholi.
Anyone else?

Ms Fir: I didn't hear my name called either, or if it was, I missed it.

The Chair: Ms Fir, how do you vote?

Ms Fir: Can you hear me?

The Chair: Yes, I can.

Ms Fir: Yeah. I didn't hear my name called. I vote no.

The Chair: Thank you.

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

The Chair:

That amendment from the floor is defeated, to move forward with that.

We now go back to the main motion, moved by Ms Goodridge. Are there any further comments or questions for this motion?

Hearing none, I'm prepared to call the question on motion 135, moved by Ms Goodridge. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

With that motion carried, motions 136 and 142 are out of order going forward.

Okay. We'll now go to the opposition caucus. Do you have any motions or comments to add to this conversation?

9:50

Member Ceci: I do, Mr. Chair.

The Chair: Mr. Ceci, please go ahead.

Member Ceci: Yes. It's motion 122. I would move that

the Select Special Democratic Accountability Committee recommend that a legislative drafting commission be established for the purposes of redrafting and consolidating the Election Act and Election Finances and Contributions Disclosure Act, the members of which are to be as follows: (a) one representative of each registered political party for which a member held a seat in the 29th Legislature or 30th Legislature, (b) a number equivalent to the total representatives under clause (a) of nonpartisan individuals, which may include private citizens, subject matter experts, and stakeholders, (c) one representative of Elections Alberta.

Just in support of this motion, Mr. Chair, I'd like to say that no doubt we all, having spent time so far in this committee over several months, know that the redrafting of the Election Act and the EFCDA is a complex undertaking, one that we're working ourselves through. But in addition to our work, we should make sure that it's done in a fair way and prevents any particular political actor from having control of the policies and procedures of future elections. The commission would ensure that partisan and nonpartisan actors have equal voice and equal stead in modernizing the legislation. We have an opportunity, obviously, with this motion to show Albertans that democracy in this province is of the highest

order. We are emulating, in a way, how Canada recently did this and put together a commission which looked at drafting legislation.

The other motions that have been brought forward by members Fir and Goodridge speak to enacting, bringing forward work that has been put together, and I see the work of this commission – I'll call it that – to be, you know, providing the substance that then would be brought forward by the other motions that Member Fir and Member Goodridge brought and were passed.

That would be my initial opening, and perhaps if you can recognize me later for closing, I'd appreciate that.

The Chair: Certainly.

Any members from the government caucus?

Mr. Smith: Yes. I would like to if it's okay with the chair.

The Chair: Yes, Mr. Smith.

Mr. Smith: Thank you, Mr. Chair. I would speak against this. Simply, we've done a lot of hard work on this committee and the subcommittee, and we brought forward a number of recommendations for the Minister of Justice and perhaps Elections Alberta to consider. It's good work. We have now got the opportunity to hand this over to the Ministry of Justice and the Solicitor General, and it's appropriate for them to move forward on it. I don't think that we need to put together another – what did you call it? – drafting commission to be able to redraft and to reconsolidate and to re-recommend and to do all of that. We've done much of that work already.

Thank you, Mr. Chair.

The Chair: Thank you.

Any further comments from the opposition?

Mr. Dang: I would, Mr. Chair.

The Chair: Mr. Dang, please.

Mr. Dang: Thank you, Mr. Chair. I think I'd just like to echo the comments that my colleague Mr. Ceci made and disagree strongly with the comments Mr. Smith just made as well. I think that when we look at the recommendations we're making and how we're making them, what we're doing is that we're making policy recommendations, right? We're making recommendations in terms of how this committee thinks policy should be implemented. What we're talking about is actually having a legislative drafting commission that is going to be involved in ironing out the finer details, the actual wording that's going to be in the legislation. We did none of that work, right? That is not our objective in this committee and was not in our mandate.

I think that when we're looking at a legislative drafting committee, we've seen them successfully used in different jurisdictions. We've seen them used successfully across Canada, and we've also seen quite a bit of successful uses of commissions of similar natures – for example, the boundary commissions in the 29th Legislature and previously as well – that have been able to do substantively good work in a multipartisan and nonpartisan manner.

I think that this is a good motion, and I urge all members to support it.

The Chair: Thank you, Mr. Dang.

Any further comments?

Mr. Ceci, did you want to close?

Member Ceci: Yeah. Thank you very much for the opportunity. I just want to reiterate that we're taking, as my colleague from Edmonton-South – we would be handing over some broad strokes to a legislative drafting commission that would then refine all of that and provide it to the bill writers, as it were. This is, from my research, a pretty standard way of going about redrafting major legislation that will exist for a great long time in this province. Other jurisdictions like the government of Canada, the province of New Brunswick in 2004 did the very same thing. We want to ensure that there's – partisan views at the table, of course, will be there with the introduction of clause (a) but also nonpartisan, people who aren't connected at all to government, that are either subject matter experts or average citizens. I think this is the way to go. A reluctance to support it is disappointing, to say the least, but we want to ensure that Albertans have confidence that what is getting drafted has the weight of fairness and a nonpartisan nature behind it.

I would close on that.

The Chair: Thank you.

Anyone from the government caucus? Mr. Horner.

Mr. Horner: Thanks, Chair. I would just add that we're not creating a new act. You know, we're supportive of combining the acts, implementing some new recommendations. I don't think it's worthy or necessary to have a full commission, so I plan on not supporting this motion.

The Chair: Thank you.

I see Ms. Sweet.

Ms Sweet: Thank you, Mr. Chair. Can you hear me?

The Chair: I certainly can.

Ms Sweet: Okay. Sorry. I tried to jump in, and I wasn't sure if I got cut off. Anyway, this online stuff is interesting. I just wanted to follow up on a couple of things. When we talk about democracy and we talk about elections and we talk about the fact that, you know, we don't want to have money being influential in our elections and third-party advertising and all of those different things, the reason we talk about that is because this is the base and fundamental of how our society functions. We all believe in elections. We all believe in democracy. We wouldn't be here if we didn't.

The reality of that is that Albertans expect us to be fair and to be transparent in the work that we do on behalf of them because they elected us to be here. When we start talking about changing legislation that directly relates to elections in Alberta, Albertans have a right to know and to see what transparency is happening and what work is being done. I don't think it's unreasonable for the Ministry of Justice, the elections officer, and some community members to get together while that legislation is being drafted and do it in an open and transparent way when it has such a fundamental basis of the very society that we live in.

The reality of this is that, just as my colleague said, we made some policy recommendations. What we do know is going to happen is that when you start – and we've heard this already from our presenters – putting two pieces of legislation together to align them so that it makes more sense, there are fundamental changes. It will be a new piece of legislation. There will be significant changes made in it just based on the principle and the fact that we will have to be making adjustments in the legislation to make it make sense, so I think that if we're going to be recommending that that occur, then we also need to be making sure [inaudible] and as transparent as possible and that the politics are removed from it.

10:00

Having a commission that has Justice, Chief Electoral Officer staff, and a variety of different partisan members in the sense of different party representation is not unreasonable, and if we don't want to have party representation, then we ask for community experts. The actual drafting of the legislation is not about us as elected officials. It's not about our party beliefs. It is about the democracy of this province and, therefore, should be done in an open and transparent way. We need to remove ourselves and our egos from the discussion.

The Chair: Thank you, Ms Sweet.

Any further comments or discussion from the government side?

Hearing none, any further comments in general?

Hearing none, I'm prepared to call the question on motion 122, moved by Mr. Ceci. All those in favour of the motion, please say aye. Any opposed, please say no. That motion is defeated.

Ms Sweet: A recorded vote, please, sir.

Mr. Dang: A recorded vote, please.

The Chair: A recorded vote has been requested. Okay. I'll go through the list here.

Mr. Horner: No.

Ms Fir: No.

Member Ceci: Yes.

Mr. Dang: Yes.

Ms Goodridge: No.

Mr. Jeremy Nixon: No.

Ms Pancholi: Yes.

Mr. Rutherford: No.

Mr. Sigurdson: No.

Mr. Smith: No.

Ms Sweet: Yes.

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

The Chair:

That motion is defeated.

We'll now go on to the government caucus. Do you have any motions or comments for this discussion? I'll recognize Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I'd like to move motion 137, and I will read it into the record. I move that

the Select Special Democratic Accountability Committee recommend that before the Minister of Justice and Solicitor General decides to implement a policy or legislative change to give effect to any of the Chief Electoral Officer's recommendations in respect of enabling the use of technology during Alberta's elections, as described on page 108 of the Chief Electoral Officer's report on the 2019 general election, volume 1, electronic voting not be permitted and the minister consult with each of the following to determine whether the implementation of such a change would compromise the security and integrity of Alberta's election process: (a) qualified cybersecurity professionals, and (b) any other stakeholder of which the minister

believes can offer valuable information or insight into the subject matter.

Some of the context, Mr. Chair, is that I believe Albertans have a high degree of trust in the election process. I agree that there are technologies that can help tabulate votes. They can help make an election run smoother and quicker. I think the intention of the motion is talking about online voting or voting in such a way that it doesn't have a physical ballot and that we should be looking at the Chief Electoral Officer's report and looking at some of those recommendations as to what can make things smoother but also trying to make sure that we're maintaining the security of the election and the trust that Albertans have in it.

Thank you.

The Chair: Thank you, Mr. Rutherford.

Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I'm happy to hear some of the comments from my colleague Mr. Rutherford here. I think that certainly when we look at electronic voting and the use of electronic-enabled voting technology, as we heard during the consultations with experts and otherwise, we know that there are significant problems with electronic balloting, whether it's online voting or even with balloting machines, particularly in the United States. I mean, I think that I'm happy to hear Mr. Rutherford refer to a distinction between tabulation machines or counting machines versus voting machines because I think that there is a substantive difference, and I'm hoping that perhaps with your guidance, Mr. Chair, and the guidance of the table, we would just have that in context, that when we talk about ensuring the integrity of an election and we talk about the use of technology in elections, we say that. I think that there's an acceptance of tabulators. Tabulators are used in Canada in federal elections and in municipal elections quite substantially and are successful there but that electronic voting in terms of electronic validating is quite a different beast altogether.

I think I'm fairly happy to say that the use of technology during elections should be limited and that I'm happy to have that distinction, but I'm just hoping that I can get some clarity around context around this recommendation.

The Chair: Sure. For clarity's sake, as you've seen before in this committee, if we would like to add notes into the context of a motion, we'd have to have consensus within the committee to actually put that note in there. If I understand, Mr. Dang, you're suggesting that you'd like it contextually added to the notes that there is a distinct difference between vote tabulators and voting machines.

Mr. Dang: That's correct. Yeah. Thank you.

The Chair: Okay.

Any further comments on that matter or any others pertaining to this motion?

Ms Pancholi: Yes, I'd like to speak, Mr. Chair, if the government members don't have a speaker lined up.

The Chair: Ms Pancholi, go ahead.

Ms Pancholi: Thank you, Mr. Chair. I'd like to propose amendment 168 to this amendment, and I'll read it out. I believe you've got the text there for the clerk to put into the chat. The amendment I'm proposing is I move that

the motion be amended (a) by striking out "that electronic voting not be permitted, and"; (b) by adding "electronic voting not be

permitted and that” after “recommend that”; (c) by adding “such as vote tabulators” after “the use of technology”; (d) by striking out “the Minister consult with each of the following to determine whether the implementation of such a change would compromise the security and integrity of Alberta’s election processes” and substituting “the Minister consult with each of the following to determine best practices for the implementation of such a change with respect to the security and integrity of Alberta’s election processes”; (e) by adding the following after clause (a): “(a.1) the Government of Canada.”

It’s very technical, Mr. Chair, but the intention of this is simply to (a) clarify some of the language. I think my colleague the Member for Edmonton-South spoke a little bit around the difference between electronic voting and electronic tabulators. I think the concern is that with electronic voting, we have not yet seen clear indications that there could be preserving of the ballot. If it’s simply electronic – you know, we’ve seen the online surveys – there are security risks associated with those kinds of online measures, and there’s no backup with an electronic vote to actually prove how a vote was done. Electronic tabulators, on the other hand: it’s an electronic count of a paper vote, so there’s still that paper backup in the case of any questions or miscounts or if there’s a recount as well. So this amendment is to simply clarify that electronic tabulators would be permitted, but at this time the recommendation would be to not allow electronic voting as we simply don’t have the measures to secure that.

Also, the amendment proposes consulting with the government of Canada, who has, I believe, done a significant amount of work with respect to the use of electronic voting, so getting some input from those jurisdictions that already have some research that could be useful. That’s the intent of this amendment, Mr. Chair.

The Chair: Thank you, Ms Pancholi.
Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I appreciate the amendment. I think it’s a good addition for the government of Canada to be included as a stakeholder to consult. It maintains the spirit of the original motion. I do believe that there are technologies we can use that can make the counting of ballots smoother, but to have the physical ballot as well is important. So I would support this amendment.

Thank you.

10:10

The Chair: Mr. Dang, then Mr. Sigurdson.

Mr. Dang: Thank you, Mr. Chair, and thank you, Mr. Rutherford, for those comments and my colleague, Ms Pancholi, for moving this as well. I think that certainly adding the federal government as a stakeholder to this and providing additional clarifying language is essential. I mean, certainly we’ve seen that federal government organizations such as the Communications Security Establishment, or CSE, as well as CSIS, the Canadian Security Intelligence Service, have done considerable work on election security and cyber threats to the democratic processes. I had the privilege of attending a Commonwealth parliamentary association which focused on digital threats to security as well as to our democracy. I think that when we look at the type of expertise that’s going to be able to be provided, there has been a particular task force. The CSE has actually set up, I believe, the Security And Intelligence Threats To Elections Task Force. So I think that certainly there is a lot of information that has been compiled at the federal level around this already, and they’ve learned lessons from failures in other jurisdictions.

I’m optimistic that this is a good amendment, and it seems like it will be able to be accepted. Thank you.

The Chair: Thank you, Mr. Dang.

Anything further from the government caucus? I believe that Mr. Sigurdson actually does not have a question. Hearing none, I’m prepared to call the question on the amendment moved by Ms Pancholi. It is quite long and eloquently read originally, so I will refrain from doing that. All those in favour of the amendment, please say aye. Any opposed, please say no.

That amendment is carried.

We’re now back on the main motion 137 as amended by Ms Pancholi, moved by Mr. Rutherford. Are there any further comments or discussions on this motion? Hearing none, I’m prepared to call the question on 137. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We’ll now go to the opposition caucus for their next motion.

Ms Sweet: Mr. Chair.

The Chair: Ms Sweet, please go ahead.

Ms Sweet: Thank you. Well, hopefully we can continue on with unanimous votes. That would make me happy. I will be asking if we could look at motion 124. I will read it as follows. I move that the Select Special Democratic Accountability Committee recommend that the Election Act and Election Finances and Contributions Disclosure Act be amended to create specific offences for a breach of an obligation under section 5.2 of the Election Finances and Contributions Disclosure Act or section 206.1 [of the] Election Act to maintain confidentiality of information, complaints, and allegations.

My rationale, if I can, Mr. Chair.

The Chair: Yes. Of course.

Ms Sweet: Okay. Basically, Mr. Chair, the Chief Electoral Officer should be able to independently prosecute offences. What I would like to see us do is to expand that section under 5.2(3) which would require the CEO to publish findings and decisions on the election website for the public so that the public is aware of the breaches of the election law. Part of the reason for that is that elections need to be transparent and they need to be accountable.

There also needs to be some more independence in regard to what the elections officer is able to do. I mean, we’ve just recently seen that a request was made for extensions for investigations, that was denied by the Ministry of Justice. It would be, I think, beneficial for all Albertans to know that while these investigations are happening, respect for independence is being respected, and we’re able to ensure Albertans are aware of what’s going on.

I think I will leave it at that.

The Chair: Thank you, Ms Sweet.

Just as a point of clarification from Mr. Roth, who passed me a note. There are two words missing from your motion on the screen, so I would just add those in the last line. Where it says, “section 206.1 Election Act,” it should say “of the.” A very simple addition, but just for everyone’s clarification, that wording is being added right now.

Ms Sweet: Thank you.

The Chair: Yeah. Of course.

Any discussion from the government caucus? Hearing none, any further discussion in general?

Okay. Hearing none, I'm prepared to call the question on motion 124, moved by Ms Sweet. All those in favour, please say aye. Any opposed, please say no. That motion is defeated.

Ms Sweet: A recorded vote, please, Mr. Chair.

The Chair: Yes. A recorded vote has been requested by Ms Sweet.

Mr. Horner: No.

Ms Fir: No.

Member Ceci: Yes.

Mr. Dang: Aye.

Ms Goodridge: No.

Mr. Jeremy Nixon: No.

Ms Pancholi: Yes.

Mr. Rutherford: No.

Mr. Sigurdson: No.

Mr. Smith: No.

Ms Sweet: Yes.

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

The Chair: Thank you, Mr. Roth.

That motion is defeated.

We'll now go on to Mr. Sigurdson.

Mr. Sigurdson: Thank you, Mr. Chair. I'd like to move motion 138, that

the Select Special Democratic Accountability Committee recommend that the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the best means by which to increase flexibility and accessibility for electors through advance voting opportunities and the issuance of special ballots as described on pages 106, 107, 109, and 110 of the Chief Electoral Officer's report on the 2019 general election, volume 1.

As a little bit of background on that, Chair, I think we can all agree that more voters are using advance voting and special ballots and not specifically voting on election day. I think all of us can agree that we should continue to support increasing the flexibility to ensure that more people have access to vote. I think that's something that we can all get behind. I'll keep it, as a simple explanation, just at that.

Thank you.

The Chair: Thank you, Mr. Sigurdson.

The opposition caucus?

Ms Sweet: Mr. Chair.

The Chair: Yes, Ms Sweet.

Ms Sweet: Just in regard to the motion, I think we can all agree that it is in the best interests of all Albertans to be able to have access to as many opportunities as they can to be able to vote during the election. We would support any way to ensure that we are creating more accessibility, which is a positive thing, so we support this motion.

The Chair: Thank you, Ms Sweet. There's that consensus you were talking about.

Any other further comments or questions?

Hearing none, I'm prepared to call the question on motion 138, moved by Mr. Sigurdson. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Moving on now to the opposition caucus for their next motion or comments. Anyone for the opposition caucus?

Mr. Dang: Sorry. I believe we do have one. We're just getting off mute here.

The Chair: Yeah. No problem. Technology: it'll get you every time. Mr. Dang, is that you who wants to move that motion?

Mr. Dang: I believe one of my colleagues will be moving the next motion. I just want to make sure I've got the right number here. Sorry. Thank you.

The Chair: No problem. I'll just give you a moment.

Ms Sweet: Sorry, Mr. Chair. That's me.

The Chair: Yeah. Please go ahead, Ms Sweet.

Ms Sweet: Motion 120, I believe, is still in order.

The Chair: Yes, it is.

Ms Sweet: Okay. So I will read into the record motion 120.

The Chair: Just a moment, Ms Sweet. Ms Robert has something to say. I apologize.

Ms Robert: Sorry, Mr. Chair. The motions under general are not completed yet, so I didn't know if you wanted to complete those before you move that. The motion Ms Sweet is proposing is under the Election Act section. It's fine. I just thought you were going through in order.

The Chair: You're right. Actually, Ms Robert does make a good point. Motion 120 is still in order, but before we move on to, I guess, the next section of the review, we did want to make sure we complete the first section, as we kind of had agreed upon as a committee as we began these discussions.

10:20

Ms Sweet: My bad.

Can we do 130?

The Chair: I believe the final one in this section would be motion 123.

Ms Sweet: So 130 is not – okay.

The Chair: Not in this section.

Mr. Dang: I will move a motion at this time, then. I guess 130 will come at a later time.

The Chair: It will, yes. It's still in order and can come at a later time, but the last motion remaining that I have on my paper here from the opposition caucus would be motion 123.

Mr. Dang: Thank you, Mr. Chair. Sorry. There are just a number of different documents we're all trying to flip between virtually here.

I would move at this time that the Select Special Democratic Accountability Committee recommend that the Chief Electoral Officer create and maintain on the Elections Alberta website a plain language, user-friendly guide that assists the public in understanding and interpreting the Election Act and the Election Finances and Contributions Disclosure Act.

That is motion 123.

If I may speak briefly to it?

The Chair: Please go ahead.

Mr. Dang: Thank you, Mr. Chair. I think that this is a simple motion that was, I think, a recommendation of the Chief Electoral Officer and also a number of other members of the public. I think that it would allow us to make legislation more friendly to Albertans, and it would help increase political participation. Really, having a guide rather than forcing Albertans to read what is often complicated legislation allows us to be more dynamic and keep the guide updated as regulatory changes happen as well. I think that when we look at these changes, we want to make sure as many people are able to engage in the democratic process as possible.

Thank you.

The Chair: Excellent. Any further comments? Mr. Horner.

Mr. Horner: Yeah. Thank you, Chair. I appreciate this motion put forward by Member Dang and agree. I think that laws are better complied with if they're more easily understood, and I think that this will make the political process easier on both volunteers and candidates. I plan on supporting it.

The Chair: Excellent. Any further discussion from the opposition caucus?

Hearing none, the government caucus?

Hearing none, I am prepared to call the question on motion 123, moved by Mr. Dang. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We now go to the government caucus. Any further motions or discussions for this section? I go to Mr. Smith.

Mr. Smith: Thank you, Mr. Chair. I would like to present motion 139. I move that

the Select Special Democratic Accountability Committee recommend that the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the best means by which to improve the collection, use, and protection of electors' personal information as described on pages 111 and 112 of the Chief Electoral Officer's report on the 2019 general election, volume 1.

I think that the purpose, at least my understanding of this motion when I put it forward, would be that it would allow the Minister of Justice and Solicitor General, in consultation with the Chief Electoral Officer, to consider the best way on how we collect the data, how we protect voter contact information, perhaps any cost savings that we could consider when we're looking at the protection and gathering of information; personal information, that is. This proposal would allow the Minister of Justice and Solicitor General to consider those kinds of issues. This proposal would also improve the consistency, the processes for registered political parties and the candidates to access voter information. That's the measure of this motion.

Thank you.

The Chair: Thank you, Mr. Smith.

Any comments from the opposition caucus?

Ms Pancholi: Yes, Mr. Chair. I'd like to speak.

The Chair: Oh. You know what? You're on the list, Ms Pancholi. I didn't see that. I apologize. Go ahead.

Ms Pancholi: Thank you, Mr. Chair. I appreciate this motion 139, brought forward by Mr. Smith, and the need to ensure that we are collecting, using, and protecting electors' personal information properly in consultation with the Chief Electoral Officer. I'd like to ask the mover of the motion whether or not he might consider – or I guess I should be asking the committee – an amendment on the floor to also consult with the office of the Information and Privacy Commissioner with respect to the disclosure, use, and collection of personal information such as this.

The Chair: Okay. Well, we'll just try to get a draft amendment here. Just give us a moment.

Ms Pancholi: To clarify for the clerk, it's "in addition to." It's not "instead of." It's "in addition to."

The Chair: We now have a draft amendment from the floor moved by Ms Pancholi. Ms Pancholi, if you could read that and make sure it's up to your standards.

Ms Pancholi: Thank you, Mr. Chair. I'd just note the small typo in the spelling of my name, but that's okay. I move that the motion be amended by adding "Information and Privacy Commissioner" after "Chief Electoral Officer."

I think that meets my intention.

Thank you.

The Chair: Okay. Thank you very much.

I am now prepared to call the question on whether or not to allow this amendment to be heard by the committee. All those in favour of allowing this amendment to be heard by the committee, please say aye. Any opposed, please say no.

That motion to allow this amendment to proceed is defeated.

We are now back on the main motion, moved by Mr. Smith. Are there any further comments or questions? I believe we finished with Ms Pancholi, so anybody from the government caucus? Anyone from the opposition caucus?

Ms Pancholi: Yes, Mr. Chair, if I may. It's MLA Pancholi again.

The Chair: Ms Pancholi, go ahead.

Ms Pancholi: Thank you. You know, I have to say, Mr. Chair, that I'm not quite sure why there would not be a willingness to consider also consulting with the Information and Privacy Commissioner when we're talking about the collection, use, protection, and possible disclosure of personal information. Certainly, the Information and Privacy Commissioner has the expertise in that area, and I'm certain that that would be something that would be of value to both the Minister of Justice and the Chief Electoral Officer. I appreciate that the Chief Electoral Officer brings significant expertise and would be very valuable in that discussion, but I think that this motion would be much stronger if we were able to also consult with the person who holds the most expertise in the province, which is the Information and Privacy Commissioner. I feel the strength of this motion . . .

The Chair: Ms Pancholi.

Ms Pancholi: . . . which I do overall . . .

The Chair: Ms Pancholi, while I do appreciate that we are going to be discussing motion 139, it sounds a lot to me like you're trying to rehash an amendment that you just tried to move from the floor and give rationale for it rather than talk about motion 139.

Ms Pancholi: Thank you, Mr. Chair. You just cut me off.

The Chair: I did.

Ms Pancholi: Well, Mr. Chair, you just cut me off as I was about to speak to 139. I was about to speak to that.

The Chair: You're welcome to get to it, then.

Ms Pancholi: Thank you, Mr. Chair. What I was going to say was that while I believe that motion 139 is important, I believe that it's missing what is required to be a very fulsome exercise required to properly protect personal information of electors. I believe that this motion is of good intent, but it certainly could be stronger, and I wanted to put that on the record.

10:30

The Chair: Much appreciated.

Any further comments from the government caucus?

Hearing none, any further comments from opposition? Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. At this time I'd like to move amendment 169. I move that

the motion would be amended by adding "except for recommendation 2 on page 111" immediately after "2019 General Election, volume 1."

May I speak briefly to it?

The Chair: Yes, please.

Mr. Dang: Thank you, Mr. Chair. I think that it is a fairly straightforward amendment to the recommendation. I think that it is a pretty important change, though. I think that this recommendation is regarding removing the contact information from the list of electors. As everybody in this room knows, we were all elected through many months of canvassing and activities such as that, and political parties have no way of knowing if information is accurate or needs updating without this type of information from the list of electors. Even right now when we talk about the global pandemic and how we're trying to communicate with constituents right now, I mean, for example, phone calling is a very common means of communicating with constituents. I think that when we talk about how we want to engage and ensure our democratic institutions are engaging properly with Albertans, it's essential that political parties have that information available to them and are able to use it to update their lists to ensure that the information is getting out to all Albertans.

Thank you.

The Chair: Thank you, Mr. Dang.

Any further comments from the government caucus on this amendment? Mr. Horner.

Mr. Horner: Yeah. I'll just be brief and say that I appreciate the amendment put forward by Member Dang and that I agree with his comments and plan on supporting it.

The Chair: Thank you.

Any further comments?

Hearing none, I'm prepared to call the question. On the amendment moved by Mr. Dang, all those in favour, please say aye. Any opposed, please say no. That amendment is carried.

Mr. Dang: Can we have a recorded vote, please, Mr. Chair?

The Chair: Sure. I believe that that was unanimous, but we will go ahead through the list.

Mr. Horner: Yes.

Ms Fir: Yes.

Member Ceci: Yes.

Mr. Dang: Yes.

Ms Goodridge: Yes.

Mr. Jeremy Nixon: Yes.

Ms Pancholi: Yes.

Mr. Rutherford: Yes.

Mr. Sigurdson: Yes.

Mr. Smith: Yes.

Ms Sweet: Yes.

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

The Chair:

That amendment is carried unanimously.

We're now back on the main motion moved by Mr. Smith, amended by Mr. Dang. Any further comments?

Hearing none, I'm prepared to call the question on motion 139. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Are there any further comments or motions to be moved in this section of the review? Mr. Horner.

Mr. Horner: Yes. Thank you, Chair. I would like to move motion 140, and I'll read it into the record. To move that the Select Special Democratic Accountability Committee recommend that the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the means by which to determine the minimum number of votes that should, in law, be required to be cast for an official count in respect of an election to be considered completed as described on page 113 of the Chief Electoral Officer's report on the 2019 general election, volume 1.

Just a little background. I believe that this change brings our process more in line with most other provinces and definitely will achieve cost savings. It was supported by Elections Alberta, and if this were to be the case, that would only leave Saskatchewan that would have a mandatory repeat count.

That's all, Chair.

The Chair: Thank you, Mr. Horner.

Any further comments from the opposition caucus?

Okay. Hearing none, then I am prepared to call the question on motion 140, moved by Mr. Horner. All those in favour of motion 140, please say aye. Any opposed, please say no.

That motion is carried.

We have now completed this section of the review. We'll now go to opposition caucus if you have any further discussions or comments on this for the committee. We are now under the Election Act section. I apologize. I should have clarified that. So we're now reviewing the Election Act. We will start with the opposition

caucus. Do you have any motions that you'd like to bring forth at this time? Ms Sweet, please go ahead

Ms Sweet: Thank you, Mr. Chair. I'm just looking. I think we're at 130 now. I would like to look at motion . . .

The Chair: Ms Sweet, we're not quite at 130. We're at Election Act, so the document that I have is that motions from the opposition caucus are motions 119 and 120. Those are the two motions that I have from your caucus for the Election Act, which is the section that we're now reviewing.

Ms Sweet: Oh, sorry. So 120 is also mine. To move that the Select Special Democratic Accountability Committee recommend that the Election Act be amended to require registered political parties to, before being permitted to access electors' data, submit to the Chief Electoral Officer the relevant privacy policies of the political party for the Chief Electoral Officer's review.

The Chair: Any further comments or rationale?

Ms Sweet: Yeah. I think just to reinforce the privacy concerns. We'd just like to be, you know, protecting the privacy of all electors in the province. We need to make sure that any individual or organization that is going to be accessing information, including the electoral key, is ensured to follow privacy conditions. This is the responsibility for political parties to develop their own privacy policies and adhere to them, so we would just like to make sure that the Chief Electoral Officer is part of that process and is aware of what privacy policies are in place for all of the individuals that would be accessing that information.

The Chair: Excellent. Thank you.

Anyone from the government caucus like to add to the comments?

Hearing none, any other remarks for the committee?

Hearing none, I'm prepared to call the question on motion 120, moved by Ms Sweet. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Okay. To the government caucus now for any motions or discussion. I'll go to Ms Fir.

Ms Fir: Thank you. I'd like to move motion 141. I'd like to move that

the Select Special Democratic Accountability Committee recommend that the Election Act be amended to include a requirement that an individual must have been ordinarily resident in Alberta during the three months immediately preceding the date of the election or enumeration in which the individual wishes to vote or participate for that individual to qualify as an elector for that election or enumeration.

Just a little bit of background. The residency requirement was repealed in 2017. It originally stated that a citizen must be ordinarily a resident in Alberta for six months. The 90-day requirement aligns with rules around updating identification when citizens move to the province and the changes about harmonizing rules. For example, if you were to move to Alberta permanently from within Canada, you have to apply for health care coverage and a new driver's licence within three months. Again, this is about consistency and harmonizing rules.

The Chair: Thank you, Ms Fir.

Any comments from the opposition caucus?

Ms Pancholi: Yes, Mr. Chair. Sorry; I will speak. It's MLA Pancholi.

10:40

The Chair: Ms Pancholi, go ahead.

Ms Pancholi: Thank you. I just wanted to comment on this because this seems to be sort of quite restrictive, actually, on who may vote, and it actually limits the ability of certain individuals to be able to vote in elections. I think the intent behind the original legislation was to ensure that individuals who were here, resident in Alberta, had the opportunity to vote, and this actually limits that. We think about individuals, for example, residents who may be attending university or postsecondary outside of the province for three months. Actually, if they haven't been in the province for the semester, that would mean they're no longer eligible to vote. I think this is unduly restrictive on who may be able to vote in an election.

The Chair: Thank you.

I also do have a note that Mr. Resler would like to join the conversation. Mr. Resler, please go ahead.

Mr. Resler: Good morning, Chair. Yes. One of the things on this: it also restricts our ability to use our government or public data sources, so when we're doing data matching of the register of electors, we'll now have to stale-date any data for 90 days before updating our registers. The information that we have for the list of electors for a general election: we'll also have to stale-date that information because we don't know certain information. There is a restriction on that. Other jurisdictions have eliminated this residency clause, for example the government of Canada. It's not under the Elections Act for the federal government either.

The Chair: Okay. Thank you, Mr. Resler.

Any further comments from the government caucus?

Any comments from the opposition caucus?

Ms Sweet: Mr. Chair, it's Heather.

The Chair: Ms Sweet, go ahead.

Ms Sweet: I have an amendment to main motion 141.

The Chair: Okay.

Ms Sweet: It's amendment 176. Ms Sweet to move that the motion be amended by striking out "the Election Act be amended to" and substituting "the Minister of Justice consult with the Chief Electoral Officer to ensure that there will be no negative impacts on any Albertan's right to vote by amending the Election Act to."

Basically, the rationale, Mr. Chair, is that, of course, again, we need to protect the rights of all Albertans to vote. The existing legislation has guidelines for what "ordinary residence" means, and it is not tied to a time requirement. We just want to make sure that that is still consistent with what is happening, of course, referencing again the Supreme Court of Canada case that stated that every citizen counts. Therefore, we shouldn't be barring any individual from voting during the election.

The Chair: Okay. We do have an amendment moved by Ms Sweet. Are there any further comments from the government caucus on the amendment moved by Ms Sweet?

Ms Fir: Can I comment, Chair?

The Chair: Yes, Ms Fir.

Ms Fir: I just want to add again that, you know, we acknowledge that some Canadians move from province to province, and we think that a three-month residency requirement is the reasonable limit for determining if a Canadian citizen is an Alberta resident and therefore an eligible voter. Again, this is about harmonizing the definition of Albertan with existing rules.

Thank you.

The Chair: Thank you, Ms Fir. I think that comment was probably better suited for the main motion.

Are there any further comments on the amendment moved by Ms Sweet?

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

That amendment is defeated.

We're now back on the main motion moved by Ms Fir, 141. Are there any further comments or questions?

Member Ceci: Yes.

The Chair: Mr. Ceci, go ahead.

Member Ceci: Thank you very much. You know, I think it was interesting that the Chief Electoral Officer interceded at this point to provide information and essentially tell us – that's what I understood from what I heard – that this motion is out of step with the way governments across Canada are going. It seems to be an example from the mover, Member Fir, to cherry-pick things they like and not like. I agree with Member Sweet that we want to make sure that every citizen counts in this country. The fact that this was changed in 2017 and we had a tremendous outpouring of votes in 2019 – and everybody accepted those results – is indicative of the way this should go as opposed to what this main motion is.

I think this main motion is problematic. I think we want to respect the views of the CEO and every citizen who is in this province on election day. That's what's important, not this 90-day time frame that Member Fir has brought forward as an improvement on bad legislation that used to have, as I understand it, a six-month time frame many years ago. I won't be supporting this and urge members of committee to also reject Member Fir's motion.

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

I do have Mr. Resler. The Chief Electoral Officer would also like to join the conversation again.

Mr. Resler: Thank you, Chair. I just had one further comment. When we look at consistency in legislation and, specifically with the province of Alberta, when we look at the Local Authorities Election Act, a person who is qualified or eligible to vote in an election municipally: 18 years old, a Canadian citizen, resides in Alberta, and the person's place of residence is located in the jurisdiction on election day. The residency clause for municipal elections is on election day qualifications.

Member Ceci: Good point.

The Chair: Thank you, Mr. Resler.

Are there any further comments?

Okay. Hearing none, I am prepared to call the question on motion 141, moved by Ms Fir. All those in favour . . .

Ms Pancholi: Sorry, Mr. Chair. I thought we were going to government members first, and I wasn't sure if there'd be another opportunity. I'd like to speak again.

The Chair: Yes, Ms Pancholi. Go ahead.

Ms Pancholi: Thank you. I think we really need to take seriously the concerns not just about consistency across legislation in terms of residency requirements – it's not typical in other legislation to have time limits for residency, as Mr. Resler has noted.

I also take very seriously those comments about, I guess, the validity of some of the electoral information that's gathered and if it would now become stale-dated. I think that's really significant because I think part of the challenge around putting a time limit requirement for residency is how to enforce that and how to know. We know that individuals might move into the province and would be able to vote right away, but, you know, somebody moving across jurisdictions would have to wait three months to be able to vote, which doesn't seem to make sense because we do have that Charter protection to have mobility in this country and should not impair somebody's ability to vote in a provincial election because they have exercised their right to be able to move across provinces in this country.

I think we are also – you know, we're looking at, again, the enforcement issue. What do we do with people who have not changed their driver's licence? I know that people don't necessarily update that information all the time. Proving that somebody has been resident for the last three months is significant, and my concern is that it will overly restrict the ability of people to vote, which is, of course, their fundamental democratic right when they're residents in Alberta.

I fear that this amendment is going to have really negative ramifications not just simply on voter turnout but on the ability to enforce, on the quality and the validity of electoral information that's gathered. I think it really, fundamentally restricts Albertans' democratic rights, and I'm deeply concerned about this proposal, Mr. Chair.

The Chair: Thank you, Ms Pancholi.

Any further comments from the government caucus?

Further comments from the opposition caucus?

Hearing none, I'm prepared to call the question on motion 141, moved by Ms Fir. All those in favour of this motion, please say aye. Any opposed to the motion, please say no. That motion is carried.

10:50

Ms Pancholi: A recorded vote, please, Mr. Chair.

The Chair: Yes. A recorded vote has been requested by Ms Pancholi.

Mr. Horner: Yes.

Ms Fir: Yes.

Member Ceci: No.

Mr. Dang: No.

Ms Goodridge: Yes.

Mr. Jeremy Nixon: Yes.

Ms Pancholi: No.

Mr. Rutherford: Yes.

Mr. Sigurdson: Yes.

Mr. Smith: Yes.

Ms Sweet: No.

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

The Chair:

That motion is carried.

Remaining on the list of potential motions for the Election Act from the opposition is motion 119, but I will turn to the opposition if they choose to move that motion.

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

the Select Special Democratic Accountability Committee recommend that the Election Act be amended to enable enhanced data sharing between Elections Alberta and registered political parties, specifically as it relates to information about the death of an individual who is named on a list of electors.

If I may speak briefly?

The Chair: Yeah.

Mr. Dang: Thank you, Mr. Chair. I think that this is a fairly straightforward motion again. I think that it's something that allows us to have up-to-date information for political parties, as we talked about previously in other motions here as well. I think that anybody who's ever been door-knocking with a political party's list has probably had the unfortunate experience of knocking on a door, asking if Joe was home, and it turned out that Joe had passed away recently. I think that making sure that we can resolve these issues and have that information updated instead is something that we should all be supporting.

Thank you.

The Chair: Thank you, Mr. Dang.

Any comments from the government caucus? Mr. Horner.

Mr. Horner: Yeah. Thank you, Mr. Chair, and thanks to Member Dang for putting this forward. I agree with the recommendation. I think we all do. Not only will this change help parties but will also avoid awkward and uncomfortable conversations with Albertans. I look forward to supporting it.

The Chair: Thank you.

Further comments from the opposition?

Mr. Dang: Yeah, Mr. Chair. I just want to briefly say that it seems like Mr. Horner and I are agreeing a lot today, and I don't know how that makes me feel yet.

Thank you.

Member Ceci: And I'll just say that Joe is very much alive still.

Mr. Horner: I'd just say: back at you, Mr. Dang, and thank you.

The Chair: Okay. Any other substantive comments to this argument?

Mr. Resler: Just to give you an update, for deceased electors what we receive from vital statistics doesn't usually include the address at which they reside; it's the address at which they were deceased, so it could be a different location. We will or can data-match as much as possible, but it won't be a hundred per cent inclusive list as far as electors who are deceased.

The Chair: Okay. Thank you, Mr. Resler.

Any further comments?

Hearing none, I'm prepared to call the question on motion 119, moved by Mr. Dang. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We'll now go to the government caucus if they have any further motions or conversation for this section of the review. I'll go to Mr. Nixon. Mr. Nixon, are you there?

Mr. Jeremy Nixon: Yeah. Sorry. I was just having trouble getting off mute there. I apologize. I would like to move motion 143, that the Select Special Democratic Accountability Committee recommend that the Minister of Justice and Solicitor General consider introducing a bill in the Legislative Assembly that, if enacted by the Legislature, would give effect to the Chief Electoral Officer's recommendation in respect of mandatory identification as described on page 103 of the Chief Electoral Officer's report on the 2019 general election.

I recommend that ID be presented in order to vote as it was a recommendation of the Chief Electoral Officer. I also think that it's an expectation of most Albertans.

Thank you, Mr. Chair.

The Chair: Thank you.

Any comments from the opposition caucus?

Ms Pancholi: If I may, Mr. Chair, I'd like to propose amendment 171.

The Chair: Please go ahead.

Ms Pancholi: The amendment reads that I move that the motion be amended by striking out "recommendation in respect of mandatory identification as described on page 103" and substituting "recommendations in respect of mandatory identification as described on pages 103 and 150 to 157."

The Chair: Okay. Do you want to elaborate?

Ms Pancholi: If I can speak to it, yeah, Mr. Chair. This is also in line with recommendations made by the Chief Electoral Officer. It addresses the issue that the mover of the motion brought forward about requiring identification for voting, that it will bring Alberta in line with other Canadian jurisdictions although I do have to note that there has not been evidence of voter fraud in the past. Certainly, requiring identification is still a key part.

However, it adds the provisions and the recommendations from the Chief Electoral Officer about vouching, and this amendment simply maintains that any recommendation for mandatory identification should continue to allow the option for vouching. We want to ensure that that's protected, Mr. Chair, because we want to protect the right of those individuals who don't have identification such as homeless individuals or even those who have not been able to, for many reasons, attain formal identification, to still have vouching be permitted. This is a key part of, again, ensuring that every Albertan has their democratic right to vote and it's not dependent simply on those who have the ability and access and means to get formal identification. While identification is key, vouching still is an integral part of the democratic process. That's what this amendment is intended to achieve.

The Chair: Thank you, Ms Pancholi.

Any further comments on the amendment moved by Ms Pancholi from the government caucus? Mr. Nixon.

Mr. Jeremy Nixon: Yeah. Thank you, Mr. Chair. I would support this motion. I think it is consistent with the intent of the motion that I pushed and, of course, obviously, concern about folks who are experiencing homelessness in our community and other people that might have difficulties attaining ID. So I do think this is within the intent of the motion that I was trying to pass.

Thank you, Chair.

The Chair: Excellent.

Any further comments on the amendment moved by Ms Pancholi?

Member Ceci: Mr. Chair?

The Chair: Mr. Ceci, go ahead.

Member Ceci: Yeah. I just support the amendment. Of course, I think it provides good belts and braces for Member Nixon's motion. The issue of vouching is critical. Many shelters use it at election times, and we don't want to disenfranchise those individuals from their opportunity. Belts and braces are a good thing, and I support the amendment.

The Chair: Excellent. Thank you very much.

Any further comments from the government caucus or anyone else?

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

That amendment is carried.

We are now back on the main motion, motion 43, moved by Mr. Nixon, amended by Ms Pancholi. Any further comments regarding this motion?

Hearing none, I am prepared to call the question on motion 143. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We have one final motion remaining for the Election Act section. If the government caucus or opposition caucus chooses to move 144, they are certainly welcome to do so. Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I would like to move motion 144, that

the Select Special Democratic Accountability Committee recommend that the Election Act be amended to require the Crown in right of Alberta to pay the legal costs of all parties to a judicial recount and any subsequent appeal if, based on the official count to which the recount relates, the difference between the number of votes cast for the candidate with the largest number of votes and those cast for the candidate with the next largest number of votes is 100 or less.

Just to give some context to this, I think it is in the public interest for the citizens of that riding and all Albertans that a recount happen if an election is decided by 100 votes or less and that the Crown be able to pay for that and have the recount go forward as well. This doesn't limit someone's ability to move for a recount if it's greater than that as well.

11:00

The Chair: Any further comments?

Ms Pancholi: I'd like to comment, Mr. Chair, if I may.

The Chair: Yes.

Ms Pancholi: I'd just like to speak in support of this motion. I think I agree very much with the comments by Mr. Rutherford that, you know, we don't want potential costs to be a barrier to seeking recounts when there's justification to do so. I think Albertans have a right to make sure that recounts occur when margins are close, and financial barriers should not be precluding that from happening, so we support this motion, or I support this motion.

The Chair: Thank you very much.

Any further comments from the government caucus? Seeing none, opposition caucus? Hearing none, I am prepared to call the question on motion 144, moved by Mr. Rutherford. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

That concludes the review of the Election Act. At this time, with an hour remaining in this meeting, I would like to take a quick five-minute break, and then we will return here to this meeting at 11:06.

[The committee adjourned from 11:01 a.m. to 11:08 a.m.]

The Chair: Okay. We are now back and moving on to the next section of our review, which is the Election Finances and Contributions Disclosure Act. I only see one motion that is still in order for this section, which would be motion 130 from the opposition caucus. If the opposition caucus would like to move that motion, now would be your time.

Ms Sweet: Thank you, Mr. Chair. On main motion 130, I would like to move that

the Select Special Democratic Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to extend the time period within which a prosecution of an offence under the act must be commenced to four years.

Mr. Chair, clearly, what we have seen over the last few weeks is that the requirement for three years is not sufficient. We have seen that the Chief Electoral Officer had to ask for an extension on current investigations, partly due to COVID but also just due to the fact that there can be times when it is hard to track down witnesses or information, and it may take longer than three years. It is important that sufficient time be allocated to allow for justice and fairness to be achieved within these investigations.

I also think that it's important that we recognize as well that there can be a perceived conflict when a request has to be made to the ministry to ask for these extensions. I think that as an independent officer, the Chief Electoral Officer should have the authority to be able to extend investigations as he or she sees fit without having to have approval from the Minister of Justice.

I would encourage all members of the committee to take this seriously and to acknowledge that this is about maintaining the integrity of our election processes and that we vote in favour of allowing Elections Alberta the ability to do these investigations to the best of their abilities.

The Chair: Thank you, Ms Sweet.

Any comments from the government caucus? Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I appreciate the comments from MLA Sweet. I disagree, though, that adding one year to this would be beneficial. I think what Albertans would want is an investigation to happen in a reasonable amount of time to get to a conclusion to determine what those next steps are, right? We don't want to presuppose how an investigation is going to play out but that it is done quickly to ensure that Albertans can maintain faith in the election process. I don't want to see these investigations go on for an onerous amount of time. I want them to be done quickly and that people have the ability to file complaints in a reasonable amount of time and that they be investigated also in a reasonable amount of time.

So I would be voting no to this motion, and the amendment that's coming up I don't think improves this motion either. Thank you.

The Chair: I do believe that Mr. Resler would like to add something to this conversation.

Mr. Resler: The comment that was just made as far as filing complaints in a reasonable time: one alternative would be limiting the time frame in which a complaint can be made. For example, the complaint has to be made within one year of the alleged incident. That way we would have adequate time in order to investigate the complaint.

The Chair: Thank you, Mr. Resler.
Any further comments?

Ms Sweet: Mr. Chair, am I allowed to ask a question of the Chief Electoral Officer?

The Chair: He is here for exactly that reason. Go ahead.

Ms Sweet: Thank you. Just to follow up in regard to your comments, Mr. Resler. Can you maybe give us an idea of some barriers that may be in place that require investigations to take more time than others. Obviously, I'm not asking you to get into any specifics of an investigation per se, but just what would be some issues that may occur that would require more time?

Mr. Resler: You know, the primary situation in which we're having this discussion is that one of the complaints that we were running out of time on was because the complaint wasn't provided to us for, I think it was, about 18 months after the event, so that's a significant issue. Another one is better power in the legislation to compel witnesses in order to come forward and be interviewed.

The Chair: Any further comments?

Ms Pancholi: Yes. I can if I may, Mr. Chair.

The Chair: Ms Pancholi, go ahead.

Ms Pancholi: I quickly want to respond, first, to the comments made by MLA Rutherford because I, too, heard the word "reasonable" mentioned a number of times within his comments, and I think that's actually precisely the question. We want to ensure that where there's an investigation that's taking place either it's commenced quickly but it has a reasonable amount of time to be completed, and reasonable factors could include those identified by Mr. Resler, including, you know, when the complaint is brought, how difficult or challenging it may be for those who are providing evidence to actually provide their evidence or to co-operate with the investigation but also, of course, the circumstances that we are facing right now in our province with the challenges around COVID and how that has affected our ability to sometimes complete activities that would normally take place in a faster time. So reasonableness is actually something that I think we can agree with, and the point is that reasonable can sometimes mean allowing for extensions and taking a longer period of time.

MLA Rutherford also referenced an amendment, which I would like to bring forward right now if I may, Mr. Chair.

The Chair: Yes, please go ahead.

Ms Pancholi: This is amendment 175, and it states that I move that the motion be amended by adding "and to provide the Chief Electoral Officer the authority to appoint an independent prosecutor as described in recommendation 105 on pages 181 and 182 of the Chief Electoral Officer's Report on the 2019 General Election, volume 1," immediately after "four years."

If I may, Mr. Chair, speak to the amendment.

11:15

The Chair: Please.

Ms Pancholi: Mr. Chair, having reviewed carefully the Chief Electoral Officer's report, this is a recommendation that's clearly coming from the Chief Electoral Officer. If he would like to comment, I would appreciate his comments on that. In his report the Chief Electoral Officer stated – and I quote this because I think it's very important – that "currently for prosecution, the Chief Electoral Officer has a conflict of interest with Alberta Justice 100% of the time." That is the key issue here, which is why I believe the Chief Electoral Officer is asking for the ability to appoint an independent prosecutor, because the Chief Electoral Officer is accountable to and has to seek the approval and permission of the Minister of Justice to conduct certain investigations.

When an investigation under the Election Act or the Election Finances and Contributions Disclosure Act is actually into the activities or conduct of government, there is absolutely a conflict of interest to be seeking permission from the Minister of Justice in order to appoint an independent prosecutor or to seek extensions on timelines. There is a clear conflict of interest, which I think we have seen demonstrated already in the past few months. We've seen that for an investigation that we believe may be into activities of government members, an extension was refused by the Minister of Justice.

Mr. Rutherford: Point of order.

Ms Pancholi: There is a clear conflict of interest as stated by . . .

The Chair: A point of order has been called.
Mr. Rutherford.

Mr. Rutherford: Mr. Chair, under 23(h), (i), (j) I think the comment of MLA Pancholi was that she believes that the investigation was into government members. I mean, I think that's a huge assumption given that I have heard our Chief Electoral Officer say that he does not comment or that his office does not comment on ongoing investigations or who may or may not be being investigated. I think drawing that parallel or trying to lead people to that conclusion, even with some vague language, is inappropriate and a point of order as well.

The Chair: Thank you, Mr. Rutherford.
Ms Pancholi, do you want to respond to that?

Ms Sweet: Mr. Chair, if I could, please.

The Chair: Sure, Ms Sweet.

Ms Sweet: Thank you, Mr. Chair. Although I appreciate the member's comments in regard to (h), (i), and (j), to be clear, this is a dispute of the facts. I appreciate that the hon. members in the government do not appreciate that there is language being used; however, there was no direct allegation made towards any members within the government. This is a dispute of the facts, which is debatable around those facts. So at this point it is not a point of order.

The Chair: Thank you, Ms Sweet.

While I do agree with Mr. Rutherford that we do need to be careful with our language and that there is a difference between being investigated and being interviewed, I also recognize that the comments were not directed at a specific member, which would in fact be a point of order in that case. I don't find a point of order in this instance, but I do see that we are going down – we are walking on, I guess, what I would call thin ice when it comes to directly or indirectly imputing another member or members of another caucus. I would just say to all members of this committee that as we proceed

through these deliberations, we do tread carefully with the things that we say. But I do not find a point of order at this time.

Ms Pancholi: Thank you, Mr. Chair. Can I continue with my comments?

The Chair: Please.

Ms Pancholi: Thank you, Mr. Chair. Going back to the comments from the Chief Electoral Officer that it is “a conflict of interest with Alberta Justice 100% of the time” when the Chief Electoral Officer is looking at doing prosecutions, that is clearly why the Chief Electoral Officer has recommended the ability and the authority for that office, for that officer to be able to appoint an independent prosecutor regarding breaches of the Election Act. This is clearly meant to protect the democratic process, to provide the accountability and transparency that Albertans deserve and require. It is similar to what takes place in other jurisdictions, where there is clearly the ability to appoint an independent prosecutor. This is, I think, fundamental right now to Albertans’ understanding of democracy and fairness.

I believe that this is a recommendation. This amendment is one that will strengthen Albertans’ confidence in our democratic process and the fair enforceability of the Election Act regardless of who the investigation is being conducted into or who is being asked to participate in interviews. Albertans deserve that level of transparency.

Thank you, Mr. Chair.

The Chair: Thank you.

Anyone from the government caucus? Mr. Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I still would echo a few of my earlier comments. I don’t believe this amendment improves the original motion, so I won’t be supporting it. But I’d also like to highlight that in motion 135, from MLA Goodridge earlier, there was a clear indication that we would be supporting the recommendations of the Chief Electoral Officer for consideration as well. I just wanted to highlight that some of this has been covered off.

Thank you.

The Chair: I also have another person from the Chief Electoral Officer’s staff who would like to add to the conversation, Ms Paula Hale.

Paula, if you’d please go ahead.

Ms Hale: Thank you. It’s Paula Hale. I’m counsel for the Chief Electoral Officer. I just wanted to make a very clear distinction that there are two separate and distinct paths under the EFCDA where the Chief Electoral Officer can pursue administrative penalties such as reprimands and fines. Those are a hundred per cent under the direction of the Election Commissioner. A prosecution is a prosecution for an offence, normally carried out by the Crown and only by the Crown. This is the scenario where the Election Commissioner and the Chief Electoral Officer have to make a recommendation to the Minister of Justice. Just to give you a specific reference, it’s section 51.02 that deals with the administrative pathway and section 52(3) that deals with the prosecution.

The Chair: Thank you.

Any further comments on the amendment moved by Ms Pancholi?

Ms Sweet: Mr. Chair.

The Chair: Please go ahead.

Ms Sweet: Thank you. Again, I think that it’s important, and I appreciate Ms Hale’s comments. There is very clearly a concern here that I think we all need to be taking seriously as elected officials and as Albertans in regard to ensuring that Elections Alberta has the authority and the ability to move forward if there needs to be some form of legal ramifications made in regard to any of these investigations. I appreciate that the authority exists within the commission for financial penalties, but when we start talking about the fact that there may be some legal issues that have occurred during our elections, that becomes an issue that all of us need to be taking very seriously.

I think that when, you know, we hear members of the government indicate that this has to be about reasonableness and being able to be reasonable around investigations, I agree with that in a way, but the reality of it is that if witnesses are refusing to appear or are refusing to provide evidence, that is not the fault of the Election Commissioner or the investigators trying to do their due diligence in investigating these issues effectively and thoroughly. They are being put in the situation where there are barriers being put in place by witnesses. By not supporting both the amendment and the motion itself, what we are saying is that it is okay, then, for people to stall out investigations until the time runs out. Therefore, there is no accountability. I would think that as elected officials who are looking at legislation, we should have a fundamental issue with that fact. The fact that people can run out the clock in hopes that they won’t be penalized for something that may have occurred is a fundamental problem.

The fact that there is a conflict, a very clear conflict, between the Ministry of Justice and the ability of Elections Alberta to do their job when it comes to looking at legal ramifications is also a fundamental problem. It doesn’t matter what the investigation is. There are legal requirements that we all are required to abide by when we decide to put our name on a ballot. We have responsibilities to ensure that the integrity of our democracy is upheld, and the people that may choose to look at ways to not follow the rules or the legal requirements of that need to know that there is responsibility and that there is accountability and that there are consequences if those are not followed.

11:25

Although I appreciate what the government members are saying, the issue fundamentally here is that as the legislation is written right now, people can stall out, not provide evidence, not provide an ability to be a witness until the clock runs out, and there is no legal ramification unless the Minister of Justice decides to support the Elections Alberta process and provide penalties. Very clearly, there needs to be a separation of the two. Independent prosecutors need to be assigned when required, and that authority needs to be provided to Elections Alberta. I don’t even understand why this is a debate at this point. This is about ensuring the integrity of our elections for all Albertans. Again, this isn’t about us as elected officials. This is about making sure that Albertans know and can have faith in the election process in this province.

The Chair: Thank you, Ms Sweet.

Are there any further comments on the amendment?

Hearing none, I am prepared to call the question on the amendment to motion 132, the amendment as moved by Ms Pancholi.

Mr. Roth: Amendment 175.

The Chair: Yes. My apologies.

Amendment 175: we were calling the question on that. All those in favour of this amendment, please say aye. Any opposed, please say no.

Ms Sweet: A recorded vote, please.

The Chair: A recorded vote has been requested. I will go down the list.

Mr. Horner: No.

Ms Fir: No.

Member Ceci: Aye.

Mr. Dang: Aye.

Ms Goodridge: No.

Mr. Jeremy Nixon: No.

Ms Pancholi: Yes.

Mr. Rutherford: No.

Mr. Sigurdson: No.

Mr. Smith: No.

Ms Sweet: Aye.

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

The Chair: Thank you.
That amendment is defeated.

We are now back on the main motion, 130, moved by Ms Sweet. Are there any further comments?

Hearing none, I am prepared to call the question on motion 130, moved by Ms Sweet. All those in favour of the motion, please say aye. Any opposed, please say no. That motion is defeated.

Mr. Horner: A recorded vote.

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

Mr. Horner: No.

Ms Fir: No.

Member Ceci: Yes.

Mr. Dang: Yes.

Mr. Jeremy Nixon: No.

Ms Pancholi: Yes.

Mr. Rutherford: No.

Mr. Sigurdson: No.

Ms Goodridge: I vote no.

Mr. Smith: No.

Ms Sweet: Aye.

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

The Chair:

That motion is defeated.

That concludes our deliberations on the Election Finances and Contributions Disclosure Act.

We will now go on to . . .

Mr. Roth: The general amendments category.

The Chair: . . . harmonization with the federal process?

Mr. Roth: It's just the first category of that.

The Chair: Oh. I apologize. We have subcategories for that that I missed.

We are now still under the Election Finances and Contributions Disclosure Act, but we are now on the subcategory of harmonization with the federal process. We will go now to the government caucus if you have any motions or discussion for this section.

Mr. Sigurdson: Chair, I have a motion.

The Chair: Yes, Mr. Sigurdson.

Mr. Sigurdson: I'd like to propose motion 145, to move that the Select Special Democratic Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to mirror the manner in which nomination contests are regulated under the Canada Elections Act.

As a little bit of background behind the motion, I believe this change is about fairness and harmonizing rules to make compliance easier for volunteers and for prospective candidates in engaging in the political process. This would align us with the federal rules, where a registered party announces their candidate to Elections Canada, but all nomination contestants postnomination still must abide by federal finance rules. So I think this is a reasonable amendment. I think it aligns us. It bring us to the same regulations that are being done federally, and I think it's a reasonable motion to consider here for the committee.

The Chair: Thank you, Mr. Sigurdson.

Any further comments from the opposition caucus?

Member Ceci: Mr. Chair?

The Chair: Mr. Ceci.

Member Ceci: Yup. Is it in order that I put to motion 145 my amendment 172 at this point?

The Chair: Yes, it would be.

Member Ceci: Okay. Then I would amend the previous speaker's motion and move that the motion be amended by adding "except for those sections respecting expense limits and loans" immediately after "Canada Elections Act".

Mr. Chair, I think it undermines fairness in elections to allow for loans in nomination contests as it will give an advantage to those nominees who have better credit. We want – or I hope it's the intent of all of us here – to ensure that all Albertans have equal opportunity and access to be involved with elections, ultimately.

That would be my amendment to motion 145. I'll leave it there.

The Chair: Thank you, Mr. Ceci.

We'll go now to Mr. Sigurdson.

Mr. Sigurdson: Thank you, Chair. In response to the amendment proposed by Member Ceci, I think this aligns with the original intent of my motion. I would support this. I think it's reasonable, and it makes sense.

Thank you, Chair.

The Chair: Thank you very much. Any further comments or questions on the amendment moved by Mr. Ceci?

Hearing none, I am prepared to call the question on the amendment. All those in favour, please say aye. Any opposed, please say no.

That amendment is carried.

We are now back on the main motion, moved by Mr. Sigurdson, amended by Mr. Ceci. Any further comments or questions on this motion?

Hearing none, I am prepared to call the question. All those in favour of motion 145, moved by Mr. Sigurdson, amended by Mr. Ceci, please say aye. Any opposed, please say no.

That motion is carried.

It should be worth noting that there's only one motion within this category of harmonizing with federal processes from the opposition caucus, 128, but that was ruled out of order previously. We have one final motion remaining if anyone would like to move that.

Ms Pancholi: Mr. Chair, may I go first, before we move on to the government motion?

The Chair: Certainly.

Ms Pancholi: I do recall just that motion 128 I think was ruled out of order because of motion 135 passing. I just want to clarify for the record. Motion 128 was specifically about mirroring the definition of collusion in the Election Finances and Contributions Disclosure Act that is defined in the Canada Elections Act. I just want it to be absolutely clear that that's covered by what was addressed in motion 135. I just want to be sure of that, if the table could confirm.

The Chair: That's a fair request. I'll just consult with the table briefly.

It should be noted for a point of clarification that actually motion 134 is the motion that rules 128 out of order.

Ms Pancholi: Thank you.

11:35

Ms Govindarajan: I can speak to this very briefly. I believe that this motion proposes a recommendation that's found on page 100 of the annual report. That's recommendation 16, and there is a reference to the proposal being consistent with similar provisions in the Canada Elections Act. I don't know if that provides any clarification.

Ms Pancholi: Thank you. I think my concern is that 134 also, as we discussed when we were debating that, says "but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this committee."

I just want to be clear because motion 134 implies that we could make a different recommendation in this committee than what is in those annual reports. Are we stating that this committee is agreeing with the recommendation contained in that annual report around aligning the definition of collusion with the Canada Elections Act?

The Chair: Just a moment. We're all just still consulting here with the table. Your patience is appreciated.

Thank you, everyone, for your patience. In consulting with the table here, it is my understanding that the intent of motion 128 is a duplication of the intent of motion 134.

While I appreciate the comments, Ms Pancholi, I'm going to side with the table on this and rule that motion 128 is out of order.

We will then proceed now to any other motions that we might have for discussion under harmonization with federal processes. We'll go to Mr. Smith.

Mr. Smith: Thank you, Mr. Chair. If I may, I'd like to place motion 146 on the floor. It reads: to move that

the Select Special Democratic Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to mirror the manner in which leadership contests are regulated under the Canada Elections Act.

Mr. Chair, if I could just give a little background here. I think that one of the things we need to do is to make it easier for volunteers and prospective candidates to engage in the political process. I believe this allows for a certain amount of fairness and a harmonizing with the rules to make compliance easier for volunteers and for the prospective candidates. The federal process, as we know, still requires leadership contestants to file financial documents with Elections Canada, so I think that this should receive the support of our committee.

Thank you.

The Chair: Thank you, Mr. Smith.

Any further comments?

Mr. Dang: Yes, Mr. Chair.

The Chair: Go ahead, Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. At this time I'd like to move an amendment. I'd move amendment 173. I move that the motion be amended by adding "except for those sections respecting expense limits and loans" immediately after "Canada Elections Act".

If I may speak briefly.

The Chair: Please go ahead.

Mr. Dang: I think that this is a fairly straightforward amendment. It mirrors what we had discussed earlier for a prior motion here. I think it allows us to ensure that our rules have fairness, so I look forward to hearing from the government on this.

Thank you.

The Chair: Thank you, Mr. Dang.

Any further comments?

Mr. Smith: If I could speak to it, Mr. Chair.

The Chair: Go ahead.

Mr. Smith: You know, I think that the NDP amending motion here is consistent with our intent, so I would recommend that everybody vote for it.

Thank you.

The Chair: Thank you.

Any further comments?

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

That amendment is carried.

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

Hearing none, I will call the question. All those in favour of the motion moved by Mr. Smith, amended by Mr. Dang, please say aye. Any opposed, please say no.

That motion is carried.

Okay. Under the Election Finances and Contributions Disclosure Act, the subsection harmonizing with federal processes, that concludes that section. We'll now go on to third-party advertising and contributions. We did finish the last section with a motion from the government, so we'll now move to motions from the opposition.

Mr. Dang: If I may, Mr. Chair.

The Chair: Please go ahead.

Mr. Dang: Thank you, Mr. Chair. At this time I'd like to move motion 131. I believe that is the correct one at this time. I would move that

the Select Special Democratic Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to extend requirements for financial disclosure by third-party advertisers in relation to advertising in an election advertising period to the time period, in the case of a fixed date general election, that is prior to the issuance of the writ.

The Chair: Do you care to elaborate?

Mr. Dang: Thank you, Mr. Chair. I think that having this disclosure in advance of the writ is something that's beneficial to transparency, right? It benefits the public to know who's paying for advertising. It allows voters to make informed choices, and I think that there's a substantive public benefit to this. Obviously, Albertans have the right to know this information. Albertans have the right to use this information in their determination of how they want to cast their votes. I think that the transparency increases public confidence in the integrity of our democratic processes as well.

I'd encourage all members to accept this amendment. I think that it's something that simply makes sense, and it improves transparency for Alberta.

The Chair: Thank you, Mr. Dang.

Ms Goodridge.

Ms Goodridge: Thank you, Mr. Chair. While I appreciate the motion that's been brought forward by Mr. Dang, I don't think that it quite reaches the target. As it currently exists, third parties that are engaged in any kind of election advertising must file weekly during the election advertising period according to section 44.81, and the advertising period begins on December 1 the year before an election.

Effectively, this is more or less done. Third parties that are engaged in political advertising must file quarterly during the election advertising period. I just don't think this actually achieves what he intends it to, so I would urge all my colleagues to vote against this.

The Chair: Thank you, Ms Goodridge.

Anyone from the opposition caucus?

Member Ceci: Yes.

The Chair: Mr. Ceci.

Member Ceci: Listening to Member Goodridge talk about the quarterly submissions by third-party advertisers, I think that there's a motion on here from the government members that wants to reduce that to even fewer times, so I would urge members to support

the motion on the floor and not support the argument coming from Member Goodridge.

Remember that this was some of the evidence that we heard from Drs. Young and Thomas specifically on the disclosure of information prior to elections so that voters have an understanding of who's behind third-party initiatives.

11:45

We also heard the same thing from numerous local government members across Alberta, where there was desire to have transparency up front. I don't have all those references before me, but I can remember the AUMA and RMA submissions on these points as well as various mayors – Grande Prairie, Calgary, Edmonton, Lethbridge – all weighing in on the need for transparent elections. So please support Member Dang's motion. I think it's a good one and better protects Albertans in the future.

Thanks.

The Chair: Thank you, Mr. Ceci.

Anyone from the government caucus?

Hearing none, then I'll go to the opposition caucus. Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. I think that certainly Mr. Ceci made some eloquent comments around how Dr. Young and Dr. Thomas presented to this effect and the impacts it would have. I think that Ms Goodridge is a little bit mistaken on the impact this would have because when we talk about reporting and disclosure, it is important to make these guidelines clearer, right? It's important to make sure that the actual disclosure happens – right? – because Albertans having the ability to go and look at this information is what's so key here. If we're looking at how the administrative burden is being laid here, the public benefit is going to well exceed any burdens caused here.

I mean, when we look at what's happening in terms of third-party advertising, third-party spending, and financial activities by third-party advertisers, Albertans do need to know that information, right? It's not a luxury. It's information that Albertans need to know to make informed decisions. That's the crux of this. Unless this information is disclosed, disclosed promptly, prior to the issuance of the writ, then that information is not available to Albertans, right? I would suggest that if we want to actually have transparency and actually have a fair democratic process, then this is essential to that process, and that is the basis of our institutions.

Thank you.

The Chair: Thank you, Mr. Dang.

Are there any further comments from the government caucus?

Hearing none, any further comments in general?

Hearing none, I am prepared to call the question on motion 131, moved by Mr. Dang. All those in favour of this motion, please say aye. Any opposed, please say no. That motion is defeated.

Member Ceci: A recorded vote, please.

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

Member Ceci: Yeah.

The Chair: Okay.

Mr. Horner: No.

Ms Fir: No.

Member Ceci: Yes.

Mr. Dang: Yes.

Ms Goodridge: No.

Mr. Jeremy Nixon: No.

Ms Pancholi: Yes.

Mr. Rutherford: No.

Mr. Sigurdson: No.

Mr. Smith: No.

Ms Sweet: Yes.

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

The Chair:

That motion is defeated.

We'll now go on to motions from Ms Tanya Fir.

Ms Fir: Thank you. I'd like to move motion 148, that the Select Special Democratic Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to prohibit registered third parties from using, for the purposes of election advertising, funds that have been contributed by any person other than an individual ordinarily resident in Alberta.

I think that this is pretty straightforward and obvious about why we're proposing this change. It's to limit non-Albertans from influencing our elections.

The Chair: Thank you, Ms Fir.

Any comments from the opposition?

Member Ceci: I do have an amendment to Member Fir's motion.

The Chair: Go ahead.

Member Ceci: It's been submitted. I move that the motion be amended by adding "or political" immediately after "election."

As you can see there – just reading Member Fir's motion again – "for the purposes of election," and there it would say, "or political advertising." I think that puts, again, further belts and braces around the motion above and provides a recommendation from this committee to the EFCDA that is more comprehensive with regard to registered third parties.

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

Any comments from the government caucus? Mr. Horner.

Mr. Horner: Yeah. Thank you, Chair. I appreciate the amendment put forward by Member Ceci although I don't believe I can support it. I just want to emphasize the importance of drawing a distinction between election and political advertising. They are different and, I believe, should be treated differently. We heard from many stakeholders the concern in a free and democratic society to limit the freedom of speech when it comes to political advertising as opposed to election advertising. For that reason, I won't be supporting this amendment.

The Chair: The opposition caucus?

Ms Pancholi: Yes. If I may, Mr. Chair.

The Chair: You may.

Ms Pancholi: I just want to follow up on Member Horner's comments because, you know, I think, if I look at the intent of the wording of the motion brought forward by Member Fir, the intent is to say that we don't believe that individuals outside of Alberta should be making financial contributions to election advertising. In fact, it's intended to prohibit individuals from outside Alberta from doing that.

So I'm curious as to why Member Horner would suggest that it's okay for individuals outside of Alberta to be contributing to political advertising. They are two different things. Really, you know, election advertising is within the election period, but political advertising happens outside the election period. But it's often for the same purpose – right? – to persuade and to influence and to put forward particular issues on political matters. So I take from Member Horner's concern that he suggested that we should allow people outside of Alberta to donate to political advertising. I don't think that's consistent with, well, generally our election contribution laws, which very much limit the influence of political speech and election speech to residents.

I'm surprised, actually, honestly, to hear Mr. Horner suggest that people outside of Alberta should be influencing political advertising in Alberta.

The Chair: Thank you.

Mr. Horner.

Mr. Horner: Thank you, Chair. Thank you for the comments from Member Pancholi. I just think it's important to clarify, you know, that when we're talking about election advertising, we're talking about candidates and parties and that political advertising quite often has themes that cross provincial boundaries and are of national scope. So I think it's important to recognize that distinction. Yeah. I guess that kind of follows up on my comments. I don't believe it's reasonable to limit the funding of political advertising to only Albertans, and I think that was backed up by many of our stakeholders' concerns.

Thanks.

The Chair: Any further comments from the opposition?

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

That amendment is defeated.

We are now back on the main motion, motion 148. Are there any further comments or discussion for this motion?

Hearing none, I will call the question. All those in favour of motion 148, moved by Ms Fir, please say aye. Any opposed, please say no.

That motion is carried.

11:55

I do not see any further motions from the opposition caucus on my sheet. We do have a number of remaining motions left for this portion. I will allow Ms Goodridge, if you so choose, to move a motion.

Ms Goodridge: Yes. Thank you, Mr. Chair. I would like to move motion 149, that

the Select Special Democratic Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to prohibit registered third parties from using, for the purposes of political advertising, funds that have been contributed by any person who is not ordinarily resident in Canada.

We would like to limit the influence of non-Canadians on issues in Alberta elections. It's worth noting that we have received several written submissions that supported banning contributions from nonresidents. I would just urge everyone to support this.

The Chair: Thank you.

Any further comments from the opposition caucus on this motion?

Hearing none . . .

Ms Pancholi: Sorry. Mr. Chair, if I may.

The Chair: Yes.

Ms Pancholi: In light of the motion and the proposed amendment that was just voted down by the committee, I just wanted to seek clarification from the mover of this motion as to how she would delineate political advertising. There seemed to be a concern that political advertising should not be limited just to Alberta residents, so I'm wondering why the justification, then, for just Canadian residents. Perhaps it comes from a definition of political advertising and speech that the mover would like to share with us.

Ms Goodridge: Mr. Chair, if I may.

The Chair: You may.

Ms Goodridge: Thank you. Well, I think it's worth clarifying that federal and provincial courts across Canada have weighed in on the balance between legislation that limits political contributions and spending for the purposes of fairness and the Charter of Rights of every Canadian to free expression and, by extension of that, political speech. The precedent on elections is clear in allowing legislators to provide reasonable limits for contributions and spending.

Outside of elections, however, there is a separate matter. Regulating general political expression is different than regulating an election. The right of Albertans to express their views on issues of public importance, including through third-party advertisers, should be top of mind. We should think of the many local causes in our communities that may intersect with politics, and we should be careful in the manner in which we may restrict the ability of groups

of citizens, businesses, and other third parties to express themselves on matters that are important to them. I think it's important to distinguish between the two pieces, so I would just urge everyone to support this motion.

The Chair: Thank you, Ms Goodridge.

Any further comments?

Member Ceci: I do.

The Chair: Mr. Ceci, go ahead.

Member Ceci: None of what I just heard Member Goodridge talk about addressed residents outside of Canada, so I don't think she answered, actually, Member Pancholi's question. I won't be supporting – well, I think there's an amendment that I'll be supporting coming up from Member Dang. Or is it me? Maybe it's me. Yeah. I think it's me, if I could make that amendment now.

The Chair: Sure.

Member Ceci: Okay. With regard to the previous motion, I would like to move an amendment

by adding "or election" immediately after "political" and by striking out "Canada" and substituting "Alberta."

I think what you may say is that I'm trying to take another run at my previous amendment, but I think there's good reason for doing this, and I didn't really understand the previous speaker's rationale with regard to barring people from outside of Canada from participating in political advertising.

Thank you.

The Chair: Thank you very much.

The time is now exactly 12 o'clock, which means that this meeting needs to be adjourned. I would need to see unanimous consent for the meeting to continue, so I will ask one question. Is there anyone opposed to the meeting continuing? If so, say now. Okay. I do not have unanimous consent, so this meeting is adjourned.

The next meeting is at 1 o'clock this afternoon. I look forward to seeing you all then.

[The committee adjourned at 12 p.m.]

