



Legislative Assembly of Alberta

The 30th Legislature
First Session

Standing Committee
on
Private Bills and Private Members' Public Bills

Bill 204, Election Recall Act

Tuesday, October 29, 2019
5:45 p.m.

Transcript No. 30-1-5

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Standing Committee on Private Bills and Private Members' Public Bills

Ellis, Mike, Calgary-West (UCP), Chair
Schow, Joseph R., Cardston-Siksika (UCP), Deputy Chair
Glasgo, Michaela L., Brooks-Medicine Hat (UCP)
Horner, Nate S., Drumheller-Stettler (UCP)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP)
Neudorf, Nathan T., Lethbridge-East (UCP)
Nielsen, Christian E., Edmonton-Decore (NDP)
Nixon, Jeremy P., Calgary-Klein (UCP)
Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Sigurdson, R.J., Highwood (UCP)

Also in Attendance

Smith, Mark, Drayton Valley-Devon (UCP)

Bill 204 Sponsor

Smith, Mark, Drayton Valley-Devon (UCP)

Support Staff

Trafton Koenig	Parliamentary Counsel
Philip Massolin	Clerk of Committees and Research Services
Michael Kulicki	Committee Clerk
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

5:45 p.m.

Tuesday, October 29, 2019

[Mr. Ellis in the chair]

The Chair: Good afternoon. I'd like to call this meeting of the Standing Committee on Private Bills and Private Members' Public Bills to order and welcome everyone in attendance.

My name is Mike Ellis. I'm the MLA for Calgary-West and chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining by teleconference, but I don't believe that anybody is joining by teleconference. We'll start the introductions to my right, please.

Mr. Schow: Joseph Schow, Cardston-Siksika. I ran here.

Mr. Neudorf: Nathan Neudorf, MLA, Lethbridge-East.

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

Ms Glasgo: Michaela Glasgo, Brooks-Medicine Hat.

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

Mr. Horner: Nate Horner, Drumheller-Stettler.

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

Ms Sigurdson: Lori Sigurdson, MLA, Edmonton-Riverview.

Mr. Nielsen: Good evening. Chris Nielsen, MLA for Edmonton-Decore. I didn't run here.

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

Mr. Koenig: Hello. I'm Trafton Koenig with the Parliamentary Counsel office.

Dr. Massolin: Hello. Philip Massolin, clerk of committees and research services.

Mr. Kulicki: Michael Kulicki, committee clerk.

The Chair: Great. Well, thank you very much.

There are no substitutions that have been brought to the attention of the clerk or myself.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard*. Please set your cellphones and other devices to silent for the duration of the meeting. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and video stream and transcripts of the meeting can be accessed via the Legislative Assembly website.

We'll move next to approval of the agenda. Are there any changes or additions to the draft agenda?

If not, would someone like to make a motion to approve the agenda?

Mr. Sigurdson: I will so move, Chair.

The Chair: Okay. Thank you very much, sir. That will be moved by Mr. Sigurdson, and the wording would be that the agenda for the October 29, 2019, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be adopted as distributed. All in favour, say aye. Any opposed? Okay. That is carried.

Next we move on to approval of the minutes of the June 25, 2019, meeting. We have the draft minutes of our June 25 meeting. Are there any errors or omissions to note?

If not, would a member like to make a motion to approve the minutes?

Mr. Nielsen: So moved, Chair.

The Chair: Thank you very much, sir. We have Mr. Nielsen. Mr. Nielsen would move that the minutes of the June 25, 2019, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be approved as distributed. All in favour, say aye. Any opposed? Hearing none, that motion is carried.

Member Irwin, could you introduce yourself?

Member Irwin: Yes. Apologies for being late. Janis Irwin, MLA for Edmonton-Highlands-Norwood. Thank you.

The Chair: Thank you very much. It is very, very busy. I know everybody is coming from multiple different committee meetings that are going on right now.

We will continue on to item 4, which is the review of Bill 204, the Election Recall Act. The presentation will be by MLA Mark Smith. Hon. members, Bill 204, the Election Recall Act, was referred to the committee on Wednesday, October 23, in accordance with Standing Order 74.1(1). The committee must report to the Assembly on Bill 204 on or before Wednesday, November 6, 2019.

Joining us today is the sponsor of Bill 204, Mr. Mark Smith, the MLA for Drayton Valley-Devon. At this time I would like to invite Mr. Smith to provide a five-minute presentation, and then I will open up the floor for up to 20 minutes' worth of questions from committee members.

Mr. Smith, the floor is yours, sir.

Mr. Smith: Thank you, Mr. Chair. I am pleased to be able to present to you a bill that I have great enthusiasm for, the Election Recall Act. This is something that I personally am very passionate about, and I look forward to working and debating in the Legislature in order to make it a reality here in the province.

I have been working towards bringing recall legislation into effect within our democracy since 1987. I along with the Reform Party and others sought to empower voters to hold their government and elected officials responsible for their actions beyond the general election cycle. For those MLAs here today that were a part of the last Legislature, you will remember that I put forward a similar piece of recall legislation in that sitting of the Legislature.

But this isn't just about my passion and enthusiasm. It is about empowering Albertans to have a stronger voice in holding their MLAs, of all stripes, accountable between elections. This is not a partisan issue. It is something that I think all who believe in democracy should be eager to see and willing to support. I've reached out to many stakeholders that include but are not limited to Elections Alberta and the Chief Electoral Officer, the Canadian Taxpayers Federation, officers of the Manning institute as well as Preston Manning and Stockwell Day, who both pushed for recall legislation during their time as Reform Party or Canadian Alliance members. This legislation will allow Albertans the power to recall their MLAs and for citizens to band together, through what I see as a grassroots process, to hold their MLAs to account between elections.

As it presently stands, the public has little formal means of holding their MLAs accountable between general elections. Protests do not always provide a true reflection of how many people are upset about any given topic, and short of a criminal conviction, the House is unlikely to ever remove an MLA who has become incapable of reputedly representing constituents. For example, consider a member that does not plan to run again and basically

quits doing the job but is still collecting a paycheque. What are their constituents to do?

Recall petitions are rare. Specifically in B.C., the only Canadian jurisdiction to have recall legislation in place, they've had 26 people file for recall petitions since it became law there in 1995, with six of those coming back. Of the six that came back to the Chief Electoral Officer, only one was valid, but the MLA resigned before the recall could be verified and therefore technically was not recalled.

I have based the thresholds for recall on the B.C. legislation. It will require a petition numbering more than 40 per cent of the total number of electors that appear on the post polling day list of electors from the last election. A person may only apply to begin the recall process for the member that is in their electoral district. For example, someone that lives in riding A cannot begin a petition for the member representing riding B. Only those eligible to vote within the riding at the time of the petition can sign the petition for that riding, and only one petition can be active at any one time.

Also, as done in B.C., we will have a buffer before a recall petition can be started. Constituents will have to allow their elected MLA the chance to perform their duties. Therefore, no petition can be started until 18 months following the election. A fee of \$500 will be required to initiate a recall, and donation limits are set to \$4,000 per person, and corporations and unions are prohibited from being a donor. As has been demonstrated in B.C., the 40 per cent threshold is not so onerous that it can't be done, but in conjunction with the \$500 application fee, it prevents frivolous recall attempts.

In addition to these points, while canvassers for the petition are welcome to come in from other ridings, they cannot be paid. This prevents special-interest groups from financing support for the petition.

Recall legislation is something that exists in over a dozen other countries, including the United Kingdom and the majority of U.S. states. Why should we deny Albertans the same right and privilege of holding their elected members to account? Premier Jason Kenney made the following comment regarding recall legislation: I think recall provisions just keep something in the back of the minds of MLAs; if they totally violate the trust of voters, there is an instrument of accountability, and I think that's a positive mix in our democratic system.

I hope that as we move forward on this bill, we can empower Alberta voters and in the process strengthen our democratic process. I want to thank the committee for your time, and I look forward to discussing private member's Bill 204, the Election Recall Act, with you today.

The Chair: Thank you, sir. Great. With 18 seconds to spare. Thank you very much, Mr. Smith.

I'm going to open the floor to questions from committee members. Since this is a government member, I think it's only fair that we start with the Official Opposition. One question, one supplemental, and then we'll move on and go back and forth. Okay? Thank you very much.

Member Irwin, if we could start with you.

Member Irwin: Perfect. Thank you. My question will be about what you just spoke about. You spoke a little bit about consultation and some of the stakeholders. I didn't get a chance to write down all the stakeholders, but I recall the Manning institute and Stockwell Day and a few others. I think we can be quite certain that a number of the folks from whom you gathered feedback do share one world view. They seem to be mostly right-wing folks. So I would like to ask: who else did you consult? Did you travel the province gathering feedback? I mean, again, you know, you mentioned that

this has been discussed in previous Legislatures. I'm obviously a new member, so I'd just like to hear: what was your process of consultation, beyond speaking with a few of those stakeholders that you mentioned, and did you travel the province? Did you go beyond Drayton Valley?

5:55

Mr. Smith: Number one, thank you for the question. We knew when I got drawn for my private members' bill – we were talking earlier, and I think this is the fourth one that I've been drawn for – that it would be coming before this session, that there would be some new rules, that there would be a committee that we would probably have to go through. So we did go and look for stakeholders that we thought would be important.

We didn't travel across the province. I think everybody here understands that as a private member we don't have a budget. It's not like with other committees and the capacity for other committees to be able to put forward a budget and seek out stakeholders, et cetera. I think most private members, when they come before this committee and when they come before the House on a private member's bill, have not had extensive tours across the province, and I think that's probably fair and right.

We have reached out. I think that probably one of the most important stakeholders that we talked to was the Chief Electoral Officer as he went through this bill, and he gave us some really good advice as we moved forward. So, you know, I hope I've answered your question. There was no provincial consultation as far as travelling around from place to place across the province.

The Chair: A supplemental, Member?

Member Irwin: Thank you. I appreciate that.

Again, obviously, I can play the new-member card a little bit here, but I do still worry about the scope of consultation. I would argue that there is a need for further input from other stakeholders. We've seen in previous private members' debates that we've had that opportunity, and we were able to bring forth some possible stakeholders who could also weigh in. So just a thought on that, for sure.

One question I'd want to ask is about a stakeholder. A previous member of the Legislature, Dr. Richard Starke, actually had a pretty clear position on recall legislation, and he talked about how it's often associated with populist movements and how it can be actually quite harmful. I'm curious: did you speak with him at all? He had a very interesting perspective.

Mr. Smith: No, I didn't consult with Dr. Starke, but I'll tell you that I have the greatest respect for Dr. Starke. In my experience with Dr. Starke over the last four years, in the last Legislature, I found him to be engaging, clearheaded. He always came forward with good points. We didn't always agree, but I think everybody that sits in the House understands that in the Legislature you can have good people with good points that don't always agree. That doesn't mean that their positions are right – or wrong, for that matter. It just means that there's a different way of looking at things. While I respect Dr. Starke's point of view, I didn't agree with everything that I heard him say when we looked at recall in 2016.

I would be pleased – I think we all understand here that this committee has the capacity to call stakeholders should they choose to, and that's a good thing; that's a part of the process – if you would like to call Dr. Starke to come, you know, to this committee.

Member Irwin: Or others. Just an example.

Mr. Smith: Or others or whoever, yeah. I think that would be a good thing to do as a part of this.

You know, in a lot of ways, this committee is breaking new ground, isn't it? It's a brand new committee, and how it sort of works out – its functions and how we handle private members' bills and how we bring in stakeholders, et cetera – I think that's going to be a very important thing for us to do as a committee and as private members. If that's the direction that you decide to go in as a committee, then feel free to do so.

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

Next on the list we have Mr. Schow. Go ahead, sir.

Mr. Schow: Thank you Mr. Chair. I'm just curious. Mr. Smith, I know that you live in the northern part of this province, and this has been something you've been working on for quite a long time, and it's been something that you've enthusiastically pursued for a while. I also know that down in southern Alberta, where I live, there is a lot of interest in recall legislation given the need to have legislators that are more accountable to their constituents, you know, especially in areas that are sometimes considered safe seats. Could you maybe speak to whether this is just regionalized, or do you find that there's interest for recall across the province?

Mr. Smith: Thank you for the question. In my experience, as I alluded to earlier in my opening remarks, I first began to hear about recall legislation when I began working with the Reform Party in 1987. I had the privilege – and I do say that very sincerely – of working with Preston Manning on the very first campaign that he ran as a Reform Party nominee. It was at that point in time that I was introduced to the whole concept of recall legislation along with other grassroots ideas that were famous in the Reform Party.

It's out of that work, for over 17 years, that I travelled across this province and had the opportunity to speak with people and to realize that this isn't just a Drayton Valley-Devon issue, that this isn't just an Alberta issue even. There are hundreds of thousands of Canadians and thousands and thousands of Albertans that, from their perspective, believe that recall and having their MLAs or their MPs more accountable would be a very positive thing in our political system.

Now, I don't believe in any way, shape, or form that this is just a regional issue. I believe that this is a very potent idea, one that will serve our democratic system and bring some accountability for MLAs to their constituents, and I think that goes across the board and is found in all 87 constituencies.

The Chair: Supplemental, Mr. Schow?

Mr. Schow: Sure. Just briefly, in the history of maybe the last five, 10 years of the province, are there any instances where you think recall might have been applicable, maybe in certain regions like Calgary, the northwest area? I don't know.

Mr. Smith: You know, I think the thing about recall is that it's a grassroots initiative. As a grassroots initiative the issues are going to be local in nature. I think that over the last five or 10 years there have been examples of constituencies where some of the time some people have looked at their MLA and said: "You know what? I don't believe that we've got an MLA that's actually listening or representing the will of the people" or "We've got an MLA that has transgressed and gone further than what they should in the fulfillment of their duty," or maybe they're not doing enough as they try to fulfill their duties.

The Chair: Okay. Thank you.
Ms Pancholi.

Ms Pancholi: Actually, no. I'm going to cede my time to my colleague Ms Sigurdson.

The Chair: Oh, sure. Absolutely.

Ms Sigurdson: Yeah. Thank you. Thank you very much for the presentation. Certainly, the bill that you're presenting here today as a private member's bill is something that was totally in the platform – right? – of your party. I mean, this is my bedtime reading sometimes. It helps put me to sleep. On page 92 it says, "Introduce a Recall Act based on precedents in several jurisdictions, including the United Kingdom, the United States, and in British Columbia where the provision has existed since 1996." Obviously, it's something that the Premier now would have endorsed or else it wouldn't be in here. We know that those jurisdictions have sort of their own unique flavour to what recall acts look like.

I guess my question is sort of: how come it's coming forward as a private member's bill instead of a government bill? This is something that you guys, you know, put in your platform: we want to do this as a party. Can you explain that at all?

Mr. Smith: Yeah. I had to wrestle with Joseph Schow, and I won. I think I alluded to that at the beginning of my conversation with you guys. You know, this is something that I've been passionate about for 30 years of my life. When I was drawn for another private member's bill, this was something that I really chose and wanted to bring forward. If you wait on political parties, sometimes they fulfill all of their platforms and sometimes they don't. From my perspective, I wanted to make sure that this got before the people of Alberta and before the representatives of Alberta, and I wanted to bring it forward as a private member's bill.

The Chair: Supplemental?

Ms Sigurdson: A supplemental, I guess, just another aspect, I suppose, that I'm just curious about, too. I know that you talked about – and this is a bit tangential – how \$4,000 is the maximum an individual could donate. It's kind of a bit vague, I think, in the legislation that's proposed. Where does that money go? To this individual who's calling this? Does it go to a political party? Like, how does all that work? That seems pretty confusing to me. I know you have a caveat a bit on corporations or unions giving donations. It is individuals. But what about political parties, those kinds of entities, and things like that?

6:05

Mr. Smith: Yeah. Thank you very much. One of the things that – that's actually on page 12 of the bill, in section 13. You can see that one of the considerations that we had to make and one of the things that was brought up the last time I brought forward recall was that the first time I brought it forward, it hadn't addressed any of the financial issues. I actually listened to your party as you brought it up in the last Legislature.

It became apparent to us that we wanted to try to model the financing requirements to fall within the election finances act that we have here in Alberta. We wanted to make sure that this didn't become a tool for political parties or for PACs or for anybody else. We wanted to try to model it after the limits that we have presently in our election system, so \$4,000 is the limit. You have to have a chief financial officer. Those monies have to be accounted for to the Chief Electoral Officer. There are fines if you don't have the appropriate financial reports. Should there be monies left over at

the end, we did not want to see this become a tool for political parties to dump money into a recall piece of legislation and then donate it to a political party. We've said that we want that to be donated to a charity or some other institution other than a political party.

The Chair: Thank you.

Ms Glasgo, do your best to be brief so we can get back to this.

Ms Glasgo: Absolutely.

The Chair: Thank you.

Ms Glasgo: I just wanted to talk about the impact of this bill itself. I know that this is really important to you as a legacy member of the Wildrose caucus. I know that we just did a massive consultation, including an election where we got a record number of votes. I'll just put that out there again. This was in the platform, and it was, I believe, part of the democracy package. I know that your consultation has also been exhaustive on this, Mr. Smith. I was just wondering if you could talk about the intricacies of how this interrelates to other pieces of legislation that are already around, like the Election Act and election finance laws, and if you've consulted with Justice about these and other stakeholders related to the actual bills which this will impact.

Mr. Smith: Well, we have consulted with Justice, but you have to remember that it is a private member's bill, so they're not going to be doing the work for you. It's not like it's a government bill, where you can get a lot of research done by various Parliamentary Counsel and stuff like that.

It does relate – I mean, we've obviously had to look at the Election Act, and we've tied into that because we've said that, you know, this shouldn't be a tool, because you lost an election by five votes, so you now have the opportunity to just go straight out there and challenge somebody's hard-won victory. That's why we built in the buffer of 18 months. You should allow a Member of the Legislative Assembly to be able to show that they're doing the job, to prove their effectiveness as an MLA. We also looked at it and said: you know, it's a waste of taxpayers' money to do something, to have a recall six months before the next election or the date of the next election. We've tried to build in some buffers there so that it respects the Westminster parliamentary system that we have, where people are chosen and they're elected and they receive the plurality of their constituents.

But at the same time, should their constituents come to the conclusion that this member has just gone beyond the pale, so to speak, they would have that window of opportunity to move forward with recall.

The Chair: Ms Glasgo, a supplemental, briefly.

Ms Glasgo: I will cede my time.

The Chair: Okay. Thank you.

Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. Thank you, Mr. Smith, for your presentation. My question is actually a bit of follow-up from Ms Glasgo's question. I know from your comments that there was no intent here for political parties to be able to receive donations through this process, and I just, you know, with my lens, because I used to be involved in drafting legislation, believe that there is an inherent sort of loophole in here that would allow for that.

I note that you referenced section 13(2) of the act, and it mentions that individuals can "make contributions to an authorized

participant." Earlier on in the act, "authorized participant" is described as, you know, the initiator of the recall as well as the member but also "any other prescribed person or entity." I note that the regulations allow for a regulation, like, an order in council, essentially, to determine who is an authorized participant, who could be a prescribed entity. I just am concerned because we know that regulations don't come before the House. There's no opportunity for that transparency on that end, and it could be foreseeable that a regulation could authorize, under the existing language of the legislation, a political party or another organization to actually be deemed to be an authorized participant and therefore to be able to accept donations.

I also don't see the language in here that actually expressly prohibits unions and corporations.

I bring all this up simply to say that perhaps what's necessary is actually some input from Justice. I understand your comment, which is that, you know, yes, as a private member you don't get to partake of the work of the Ministry of Justice, but it does speak to perhaps some value in having members from Justice come to speak to how this piece would work with those other pieces of legislation and to ensure that there is alignment between the intent, as you've set out, and what's here and our other pieces of legislation that govern elections in Alberta. Would you think that that would be a valuable piece of input?

Mr. Smith: What I would draw your intention to is that we did have a lengthy conversation with the Chief Electoral Officer about many different things but also about that. I think that if you take a look at page 15, section 17(3), it speaks to your point.

An authorized participant may transfer unexpended funds described in subsection (2) only to one or more registered charities if the . . . Electoral Officer provides to the authorized participant written confirmation that their petition return, to which the unexpended funds relate, is acceptable.

At the end of the day, once this is finished, all unexpended funds will go to a registered charity – okay? – which would not be a political party.

Ms Pancholi: Supplemental?

The Chair: Yes, of course.

Ms Pancholi: Yes, I appreciate that. I'm not actually speaking about the unexpended funds. I'm actually talking about who is defined as an authorized participant, because the act does state that an authorized participant could include an entity or person prescribed, and then the regulations allow for some room as to who would be prescribed. I hear what you're saying there about the unexpended funds, but it doesn't limit who can actually collect, not after a recall election is over, but, rather, who can initiate the acceptance of donations during a recall process. This could be very technical. I'm completely conceding that. I understand your intent, and I hear your intent. I think this is really a technical drafting issue, but it just speaks to perhaps the value of having Justice, who is responsible for election-related legislation – they could have some valuable input on that.

Mr. Smith: I can tell you that we had those conversations and that it did go through Parliamentary Counsel. They seemed to think that that probably wasn't going to be the case, but I'm not a lawyer either. I think you are a lawyer, so maybe – I don't know. I don't know what to say except that we had those conversations, and that was the language that they suggested to us.

Ms Pancholi: Thank you.

The Chair: Okay. Thank you very much.

Mr. Sigurdson: I just want to make a quick question. With relation to this bill, you've mentioned B.C. a couple of times. I guess what I'd like to ask is: when it comes down to the threshold, the 40 per cent, the wording, the language, a lot of what's contained in this bill, what kind of a crossjurisdictional comparison have you done with other provinces to look to kind of mirror, mimic, or base this bill on?

Mr. Smith: Well, in Canada there is only British Columbia with this legislation, so any crossjurisdictional analysis would have to be done with British Columbia. The foundations of this bill are from British Columbia, okay? We've tried to take the experience and the wisdom that they've garnered over the last number of years and address that.

The Chair: Thank you very much, sir.

Hon. members, the committee will now need to decide on how to conduct its review of Bill 204. Thank you very much, Mr. Smith. Before opening up the floor to a discussion on this matter, I'd first like to note that no ministry appears to be assigned responsibility for the proposed Election Recall Act at this point. However, the committee may wish to discuss whether it would like to receive a ministerial briefing during its review. If so, my understanding is that the Ministry of Justice and Solicitor General is responsible for the Election Act and the Election Finances and Contributions Disclosure Act, so the committee may wish to invite the ministry to provide a briefing on this bill.

6:15

Of course, the committee may also wish to invite input from stakeholders in accordance with our process. The committee can choose to invite feedback from up to six stakeholders, three chosen by the government caucus and three chosen by the opposition caucus.

What are the members' thoughts in conducting this review? Would the members wish to receive additional feedback on this bill at another meeting, or would members prefer to proceed with deliberation on the bill? I shall open up the floor for discussion.

Mr. Schow: Just for clarification, Chair, on the two options, one is that we deliberate on the bill, and the other is that we bring in stakeholders?

The Chair: Yes. That is correct. We deliberate on the bill now, or we basically pause and ask stakeholders to come in for stakeholder consultation and further deliberation.

Mr. Sigurdson: Chair?

The Chair: Yeah, Mr. Sigurdson.

Mr. Sigurdson: I think that, considering the overlap with Justice, just to make sure that we have this, I would like to move a motion to have the additional consultation from the Justice department, just to review this to make sure that we have this correct before it goes to the House.

The Chair: Just to be clear, you're seeking further consultation from stakeholders. Is that correct?

Mr. Sigurdson: Correct.

The Chair: Yeah, Mr. Nielsen.

Mr. Nielsen: Thanks, Mr. Chair. I would certainly agree with that. I mean, in just listening during the presentation to some of the discussions, I was actually looking at that part 3, 13(2), around the \$4,000 donation limit. The language that's proposed: potentially, is that allowing to override the overall legislation that's currently set, where people are only allowed to donate \$4,000 per person per year? Does this language override that, saying that they could donate over and above? I think it's questions like that that we could pose to Justice, hopefully, you know, assuming that they have the answers for that, too. So I would agree.

The Chair: Okay. Do we have any opposing views, that somebody wants to deliberate now?

Well, then, hearing none – oh. I'm sorry.

Mr. Schow: Could I, sir?

The Chair: Yes. Go ahead, Mr. Schow.

Mr. Schow: Just reading the motion on the screen here, it appears that we are just inviting the Minister of Justice and Solicitor General. I do believe the committee has the ability to bring in as many as six stakeholders. I would recommend that we amend that motion to include the Ministry of Justice and Solicitor General as well as up to six stakeholders, three from each side.

The Chair: The advice that I'm getting from the clerk's office is that we vote on this motion – there seems to be overwhelming consensus on this – and that we then do another motion, which will then make sure that we invite stakeholders from both sides. Is that fair?

Okay. I'll read the motion as submitted by Mr. Sigurdson here.

Moved by Mr. Sigurdson that

the Standing Committee on Private Bills and Private Members' Public Bills invite the Ministry of Justice and Solicitor General to provide a briefing on Bill 204, the Election Recall Act, at an upcoming meeting of the committee.

All in favour, say aye. Any opposed? Hearing none, that is passed.

I'll ask the clerk if we can do another motion, that ensures that we have stakeholders from both sides.

Mr. Nielsen: Chair?

The Chair: Yes, Mr. Nielsen.

Mr. Nielsen: Maybe just a suggestion that rather than putting committee members sort of on the spot at this moment to try to name stakeholders, we add some time.

The Chair: You are reading my mind. Yeah.

I invite the clerk's office to correct me, please, but if we put a motion forward, we're not specifically at this very moment identifying three stakeholders from either side. Then I believe that both parties will be able to submit names, I'm going to assume, over the next short amount of time – right? – and then, obviously, the clerk's office will be in touch with them.

We have a draft motion. We'll put that draft motion. Can we get a member to be the person that's going to move this? Then I will read it into the record. Okay. Ms Glasgow would move that the Standing Committee on Private Bills and Private Members' Public Bills invite a maximum of three stakeholders chosen by each of the government and Official Opposition caucuses to present on Bill 204, the Election Recall Act, at an upcoming meeting of the committee and request that the caucuses provide their lists of three stakeholders to the chair by 10 a.m. on Wednesday, October 30, 2019.

Ms Pancholi: Sorry. I think: invite a maximum of six stakeholders, three each. So there's a maximum of six stakeholders chosen by each of the – yeah, you just have to finesse it a little bit there.

The Chair: Sure.

Mr. Schow: You can just say: a maximum of three stakeholders chosen by each.

Ms Pancholi: Six stakeholders, yeah.

The Chair: Okay. We'll make the correction here, and then I'll read it again.

Oh, sorry. Member Irwin, go ahead.

Member Irwin: Yeah. Sorry. I don't know about anybody else, but my day started extremely early today, and I've been in estimates, and I'll be in the evening sitting. My concern is that everybody is stretched right now, at least we all are, so I don't know how we'll be able to meet that timeline. I mean, it's going to be on our staff, but they're already stretched as well. Could we ask for a little bit more time?

The Chair: Yeah. I mean, I myself am in estimates, and I appreciate what you're saying. I think that every single one of us in this room is stretched, but the advice that I'm getting from the clerk's office is that they can certainly extend it to later on in the day. I'll throw it out there as per the clerk's office. Does an extra two hours help?

Member Irwin: Well, noon is better than 10, for sure.

The Chair: Yeah. Right. Okay.

Member Irwin: Because we will need to contact people.

The Chair: Oh, totally. I absolutely understand that. I believe that the government caucus as well, with the assistance of Mr. Smith, I'm sure, need to contact people as well.

Do we have a correction? Okay. I shall read this motion by Ms Glasgow that

the Standing Committee on Private Bills and Private Members' Public Bills invite a maximum of six stakeholders, three chosen by each of the government and Official Opposition caucuses, to present on Bill 204, the Election Recall Act, at an upcoming meeting of the committee and request that the caucuses provide their lists of three stakeholders to the chair by noon on Wednesday, October 30, 2019.

Any questions?

Okay. All in favour, say aye. Any opposed? Hearing none, that motion is carried.

Next we have to do the date of the next meeting. Appreciating that we're limited on time, the suggestion that was made by the clerk's office is for Friday. I know that's a little more difficult for, certainly, members on the government caucus side as you're not from Edmonton. I certainly appreciate that. Does the clerk have a motion, or is it already on there? No.

Do we have some discussion, then, maybe in regard to a possible Friday date? Just bear in mind, folks, that we are certainly limited by the rules to get back by November 6. So just keep that in mind.

Mr. Neudorf, you have some comments you'd like to make?

Mr. Neudorf: Thank you, Mr. Chair. Yeah. I do have commitments five hours away in Lethbridge on Friday. I would like to suggest a time of maybe 5 to 6 p.m. on Thursday if that would be acceptable or just as a starting point.

Ms Pancholi: It's Halloween. I can't. I've got to take my kids out trick-or-treating.

The Chair: Actually, I would echo the comments by Ms Pancholi, to be honest with you. It would be very challenging on that particular – if it wasn't October 31. There are many, many of us here that have small children, and I think everyone in this room is family first.

The clerk here would like to make a comment. Go ahead, sir.

6:25

Mr. Kulicki: I'd just like to advise that, depending on the number of stakeholders that the committee wishes to hear from, the process allows for up to two hours of stakeholder consultation, and that would be on top of an extra 25 minutes or so hearing from the ministry. Just depending on the number of stakeholders that the committee wishes to hear from, given the estimates schedule that we have next week, we would have to schedule this meeting for Friday, I would say, in order to allow enough time for deliberations on the bill after.

The Chair: Is there a possibility for folks to call in as well? Okay. That is an option.

Mr. Schow, you have a comment you'd like to make?

Mr. Schow: Yeah. I think that early on in this committee we explored all options of inviting stakeholders to present, and one of them was by phone. If it was Friday – looking down the aisle, I'm looking at a pretty rural government side here – if we were able to call in, I think that would make it feasible, but then we'd have to determine the time. Otherwise, it would be difficult.

The Chair: Is there anybody that is opposed to Friday?

Mr. Jeremy Nixon: I'm not necessarily opposed; I'm just booked all day with TSRA stuff.

The Chair: Okay. All right.

Mr. Nielsen: Not that I probably couldn't make my schedule work; I'm just concerned about stakeholders even being able to prepare in that amount of time.

The Chair: I guess here's a question, then, to the clerk. Since certainly both parties want to consult with their stakeholders and find out what is available timingwise for them, is it crucial that we make a decision on a date now?

Mr. Kulicki: No. It could be done offline, but we would certainly want to make a decision as soon as possible.

The Chair: Okay. And if for whatever reason maybe stakeholders are not available and Friday doesn't work, is there another day next week that could potentially be an option?

Dr. Massolin: Monday morning.

The Chair: Monday morning. Okay.

Are there any further comments? Any suggestions?

Ms Pancholi: So is Monday morning on the table?

The Chair: Well, I think it's an option. I know everybody is kind of looking at their phones right now, trying to see if that's even going to work.

Ms Glasgo: Monday morning is a lot better than Friday, just with Halloween and other members having children and everything else.

The Chair: I mean, we obviously want to hear – I don't want to make a large assumption, but I assume that we want to be present when stakeholders are giving their talk. If a Friday date was picked, I'm going to assume that a lot of members would either be calling in or probably just wouldn't be present. I see a lot of nodding of heads. Just looking at the nodding of heads, it might only be two or three or us, to be honest with you, that would even be present on a Friday.

Let's see what the suggested time is from the clerk's office for possibly Monday, if you're thinking of a time.

Mr. Kulicki: Well, again, depending on the number of stakeholders, we would probably want to start at 9 and go to noon, again depending on the number of stakeholders that would be participating, because each stakeholder has five minutes for a presentation, followed by up to 15 minutes of questions from committee members.

The Chair: Fair enough.

Mr. Kulicki: And there would be the technical briefing as well. I think the agreed-upon process there is five minutes for the ministry to present, followed by up to 20 minutes of questions.

The Chair: And deliberations, right?

Mr. Kulicki: Yes.

The Chair: Okay. I guess if I could ask the Official Opposition side: could we possibly make Monday morning work if it was at 9? I mean, understanding that we all have – one of the other options, not to make it more difficult, I guess, is that we could hear from stakeholders on Monday morning, so cut it down to two hours, and then over the dinner hour deliberate, which would then be the third hour. So that is certainly on the table as an option for Monday as well.

Member Irwin: If we started at 9, that would be better.

Ms Pancholi: Yeah. I mean, if everybody is here anyways for 9, if everybody is coming in the night before, then I'd say: let's do it all at once rather than split that.

The Chair: Yeah. I don't disagree with that.

Mr. Schow: Weather permitting.

Ms Pancholi: Everything is weather permitting.

The Chair: Yeah. The roads were pretty dangerous last Sunday.

Ms Sigurdson: I think we have a caucus . . .

The Chair: Pardon me?

Ms Sigurdson: We always have a caucus meeting Monday evening.

The Chair: Yeah. We do as well, but given that it's so busy, I think that caucuses might have to be understanding of what's going on here.

Ms Pancholi: It sounds like 9 would work.

The Chair: So am I hearing consensus on this side that 9 a.m. might be okay for you guys? Okay. So can we do a draft motion for . . .

Mr. Kulicki: We don't need a motion.

The Chair: Oh. We don't need a motion? That's even better.

All right. What I'm hearing is 9 a.m. on Monday, and the government caucus members as well as the Official Opposition members by tomorrow at noon are going to provide me with a list of stakeholders to organize for Monday morning. All right. That sounds good.

Is there any other business to talk about?

Mr. Schow: I have one other question, Mr. Chair. I apologize for taking up more time, but just to be clear, in the event that the stakeholders cannot attend or call in because they have a scheduling conflict, did we agree that we will accept written submissions as well? Did we agree on that? I just needed that point of clarification.

The Chair: I think that was part of the subcommittee agreement? Yes? Okay. Correct. Thank you very much.

So we've discussed when the next meeting will be. If there's nothing else for the committee's consideration, I will call for a motion to adjourn. There we go. Mr. Horner. All in favour, say aye. Any opposed? All right.

Have a great night, everybody. Thank you very much.

[The committee adjourned at 6:32 p.m.]

