

UBCM MEMBER CONSULTATION MEETING
Delta Vancouver Airport Inn, Richmond BC
Friday March 12, 2010
9:00 am – 4:00 pm

1. Background

At the 2009 UBCM Convention Premier Campbell announced that a joint Task Force would be established to make recommendations for legislative changes to improve the electoral process for local government elections. The Task Force was established late last year and has been asked to report out by May 30, 2010.

Recognizing the tight timeline, the UBCM Executive wanted to ensure that local governments had an opportunity early on in the process to provide their input. That was the purpose for the March 12th consultation session. This one-day event was being held in addition to the sessions that have been offered by the Task Force to the Area Associations as part of their spring conferences.

UBCM in cooperation with the Ministry of Community and Rural Development coordinated the consultation session with UBCM members on behalf of the Local Government Elections Task Force. The session was attended by over 100 participants including: Elections Task Force members; local elected officials; local government senior staff; Ministry of Community and Rural Development officials as well as UBCM staff.

2. Session Overview

The session commenced at 9:00 am with opening remarks from UBCM President, Chair Harry Nyce. Chair Nyce thanked the UBCM members for attending and introduced Task Force Co-Chair, the Honourable Bill Bennett, Minister of Community and Rural Development. As well other Elections Task Force members were introduced: Donna Barnett and Douglas Horne, the two provincial appointees to the Task Force and UBCM appointees Barbara Steele, UBCM First Vice-President; Mayor Mary Sjostrom, UBCM Third Vice-President and Chair Robert Hobson, UBCM Past President. Chair Nyce provided an overview of the issues under review by the Task Force and indicated that the UBCM membership has established policy on many, but not all of the topics before the Task Force. He also noted that where there is existing policy, that is the position of UBCM until such time as the membership, at an annual convention, votes otherwise. He then invited Minister Bennett to provide some opening remarks.

Minister Bennett welcomed UBCM members to the session and provided an overview of the process and timeline within which the Task Force is operating. He indicated that the Task Force has been asked to report out by May 30, 2010, with legislation expected to be presented to the Legislature in time for the 2011 local government elections.

Chair Nyce introduced the facilitator for the session Allan Neilson-Welch of Neilson-Welch Consulting who provided an overview of the agenda, issues to be discussed and the process for working at allocated tables to report out on each of the issues under consideration.

The session began with an overview of existing Local Government Elections legislation presented by Nicola Marotz, Acting Executive Director, Policy and Legislation Branch, Ministry of Community and Rural Development. Following the general overview Mr. Neilson-Welch advised that for the remainder of the day, the process for discussing each of the topics would be as follows:

- Ms. Marotz to provide an overview of the issue; arguments for and against the specific issue as well as advising of experiences in other jurisdictions including the provincial and federal government;
- Mr. Gary MacIsaac, UBCM Executive Director, to advise of UBCM's policy position on the matter, or indicate if there was no existing policy from UBCM members;
- Participants were asked to work at their tables discussing specific questions related to each of the topics; and
- Facilitator to ask a sample of tables to report back with their feedback on the questions posed.

3. Election Cycles

Ms. Marotz then provided an overview of the first topic – Election Cycles including a discussion of the pros and cons of moving to a four year term of office. Gary MacIsaac, Executive Director, UBCM, provided UBCM's existing policy position with respect to the election cycle, which is to move to a 4 year term. Mr. Neilson-Welch then posed the following two questions to participants:

1. Should the term of office be extended to 4 years?
2. What about impacts to accountability framework and some types of elections, such as EA directors?

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

4. Corporate Vote

Discussion commenced on the second topic – corporate vote. Ms. Marotz provided an overview of the issue, including previous iterations of the corporate vote in BC and the pros and cons on this matter. Mr. MacIsaac provided an overview of UBCM's policy position which is not to support the re-establishment of a corporate vote. Mr. Neilson-Welch then posed the following questions to participants:

1. Should there be a corporate vote?
2. If a corporate vote were considered, what kind of criteria could be used to decide which businesses are eligible? How would businesses prove their eligibility?

3. Can a corporate vote be reconciled with principles like “one person, one vote?”

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

5. Campaign Financing - Contribution Limits, Expense Limits and Public Financing

Following a short break, discussion commenced on the third topic – Campaign Financing. Ms Marotz provided an overview and the pros and cons related to three components of campaign financing including: contribution limits; expense limits and public financing. Mr. MacIsaac provided related UBCM policy positions on these matters, where appropriate. The following questions were posed to participants:

Contribution Limits

1. Should there be restrictions on who can make contributions?
2. Should there be limits on the amount that can be contributed?
3. Should amount limits or source restrictions be Province-wide? Or should there be local choice to opt- in or out?
4. Would restrictions have administrative and enforcement impacts for local governments and campaign participants?

Expense Limits

1. Should there be limits on election expenses?
2. Should election expense limits be Province-wide?
Or should there be local choice to opt-in or out?
3. Would such limits have administrative and enforcement impacts for local governments and campaign participants?

Public Financing

1. Would local governments want the choice to fund public financing from local government revenues?
2. What impacts would local public financing have on communities?

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

Following table reporting back on public financing, the session broke for lunch at 12:15 pm. The session resumed after lunch at 1:00 pm with section 2 on campaign financing – third party advertising and disclosure.

6. Campaign Financing – Third Party Advertising and Disclosure

Ms Marotz provided an overview and the pros and cons related to each of the issues and a summary of the discussions and experiences to date on both of these matters. Mr. MacIsaac provided related UBCM policy on these matters, where appropriate and indicated that two 2009 resolutions related to these matters were

not debated due to lack of time and were referred to the Task Force. The following questions were posed to participants:

Third Party Advertising

1. How can the disclosure rules for campaign organizers be made more effective?
2. Should there be sponsorship disclosure on election advertising by campaign organizers?
3. If expense and contribution limits are imposed for candidates and elector organizations, should similar limits be imposed for campaign organizers?

Campaign Finance Disclosure

1. How can public accessibility of disclosure statements be improved?
2. What is the earliest date that campaign disclosure could be made?
3. Should the same disclosure rules apply to all campaigns – regardless of campaign size?
4. Should disclosure rules apply to “other voting”?

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

7. Local Elections Enforcement

Ms Marotz provided an overview of the enforcement continuum and discussed the election enforcement rules, how rules are enforced in other provinces and the differences between election administration and regulating campaign participants. Mr. MacIsaac indicated that there were no previous UBCM resolutions on the matter of enforcement. The following questions were posed to participants:

1. Are there gaps in relation to regulating campaign participants?
2. What are the gaps? For example, is there a gap in compliance monitoring and the investigation of complaints?
3. Is there a role for a new neutral player in any of these issues?

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

8. Role of Elections BC

Ms Marotz provided an overview of the existing role played by local governments in running elections; discussed the role of Elections BC in the provincial setting and highlighted the different models that exist throughout Canada. Mr. MacIsaac indicated that there were no previous UBCM resolutions on the matter of a role for Elections BC in local government elections. The following questions were posed to participants:

1. Should Elections BC play a role?
2. If so, in which aspects of elections administration and what role?
3. What would be the impact of such a role (e.g., costs)?

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

9. Other Issues - Employee and Volunteer Eligibility for Office

Ms Marotz provided an overview of the existing policy with respect to local government employees who are ineligible to run for office. Specific reference was made to volunteer firefighters and their status as “employees” of the local government. The second aspect discussed was employees of one local government and their eligibility to run for a ‘related’ local government. She also compared policy from other jurisdictions. Mr. MacIsaac indicated that there were resolutions in 2009 on both of these matters but due to a lack of time, neither were considered by the membership and were referred to the Task Force. The following questions were posed to participants:

1. Should there be exceptions to employee ineligibility rule?
2. If so, should there be exceptions for:
 - Volunteer firefighters – if so, which kind?
 - Employees elected to a related local government – if so, in what circumstances?
3. What impact would such exceptions have on local government administration and on conflict of interest rules?

A sampling of tables reported out to the group with their views. A summary of responses to the questions are reported in the appendix to this report.

10. Other Topics Not Covered

Following the discussion of topics the facilitator indicated that with the remaining time available he would open up the floor to other issues not discussed at the session but were of interest to the session attendees. These additional topics were brought forward:

- change time of year for elections to mid-October
- lower voting age to 16
- electronic voting
- require criminal record checks
- length of term (limit to running 3 terms)
- lack of responsibility by some local elected officials who jump to provincial level part way through their term.
- issue of alternates – second place candidates
- support criminal record checks
- advance voting
- amend oath of office
- mechanism to support and encourage women to run for office
- School Act – trustees need to be held to same standard as local elected officials
- employers spouse running for office
- demographically challenged – how to encourage more youth to run for office.

11. Concluding Remarks

Minister Bennett and UBCM First Vice-President Councillor Barbara Steele, closed off the session by thanking participants for their input and encouraged members to continue to provide their feedback to the Task Force through the website.

APPENDIX

Local Government Elections Task Force UBCM Member Consultation Friday March 12, 2010

SUMMARY OF FEEDBACK

(The following information is based on the returned questionnaires – 29 received on site and 2 by mail following the session, not all participants responded to all questions)

A. Election Cycles

1. Should the term of office be extended to 4 years?

- majority supported moving to 4 year term for various reasons – encourage long term planning, questioned if 4 year term might increase voter turnout, consistency with other levels of government

- a few were ambivalent or split on the issue

- minority indicated a preference for remaining with 3 year term for various reasons such as too long a time commitment.

2. What about impacts to accountability framework and some types of elections, such as EA directors?

- some were offended by singling out EA directors, others said not a problem for EA directors – they are accountable, some said 3 year better for EA directors.

B. Corporate Vote

1. Should there be a corporate vote?

- majority said no for various reasons ie. one person – one vote, others said why for local government if not at provincial level.

- a couple were divided indicating there needs to be some mechanism for business representation

- 2-3 said yes would support corporate vote

2. If a corporate vote were considered, what kind of criteria could be used to decide which businesses are eligible? How would businesses prove their eligibility?

- UBCM policy says no.
- Not the will of the people, businesses are not people
- administrative nightmare to ensure who is eligible

- corporations can donate to campaigns
- we can make it work for non-resident electors
- business licence
- mom and pop operations, not publicly traded companies
- storefront addresses

3. Can a corporate vote be reconciled with principles like “one person, one vote?”

- in principle yes, but devil in details
- no – one person, one vote
- one company – one vote
- problem with TILMA / other requirements

C. Campaign Contributions Limits

2. Should there be restrictions on who can make contributions?

- members almost split on this issue, but slightly more indicating “no”.

Those who said no - indicated that there is no need for restrictions on who can make contributions if there is full disclosure, some said there should be disclosure up front, on what has been collected all year prior to elections; others said need to use common sense on who you accept donations from; need to focus on transparency; “full disclosure will eliminate dodgy donations.”

Those who said yes – indicated that no out of country/foreign donations should be accepted; no contributions from developers, businesses, corporations.

2. Should there be limits on the amount that can be contributed?

Again respondents were somewhat split on this issue.

Those who said yes, indicated that a level playing field needs to be created; some offered amounts \$1,000 and some others offered \$200 for councillors and \$400 for mayors; others said yes to over \$1000 require pre-election disclosure.

Those who indicated no, cited need for better / full disclosure.

Some said this is a Vancouver issue.

3. Should amount limits or source restrictions be Province-wide? Or should there be local choice to opt- in or out?

Many said yes, if there are limits set – need to be province – wide but could base the limits on population basis or some indicated sliding scale basis. (ie. provincially legislated, but amount to be determined locally)

Others said that standards need to be uniform. Province-wide or not at all.

Few others said this is more of a large community issue. Questioned how to set when different situations in different areas.

4. Would restrictions have administrative and enforcement impacts for local governments and campaign participants?

All said yes, more administrative time, concern with who is responsible and concern with legal challenges, difficult to enforce.

D. Campaign Expense Limits

1. Should there be limits on election expenses?

Again a mix of yes and no answers. Those who favoured limits on expenses again raised issue of level playing field. Those against limits said there is not a problem yet, system is now working, maybe some large cities but not a problem for most.

**2. Should election expense limits be Province-wide?
Or should there be local choice to opt-in or out?**

All said that if there were to be expense limits, needed to be province-wide, based on a formula and needed to apply to all, no opt-out provisions. Issue is about parties not individuals.

3. Would such limits have administrative and enforcement impacts for local governments and campaign participants?

All said yes. Costs related to who investigates, enforces, fines for non-compliance, more administrative work.

E. Public Financing

1. Would local governments want the choice to fund public financing from local government revenues?

All but one said no, only support if a provincial tax credit. Should be a tax deduction. Local governments can't afford, too complicated. And the one that said yes, indicated that support for it in principle.

2. What impacts would local public financing have on communities?

Local governments can't afford to do this, loss of revenue, nightmare to administer.

F. Third Party Advertising

1. How can the disclosure rules for campaign organizers be made more effective?

- disclosure prior to election day
- need better, clearer rules
- better information and rules
- public education
- better communication
- not enough time to understand rules
- media need to disclose/ no anonymity/ communicate rules to local papers
- use consistency in wording – if third party advertiser call it that
- get candidate endorsement before running ads, prohibit ads without that endorsement
- enforce stiff fines/ need disclosure
- need phone line to call when help needed
- needs to be open and transparent
- rules consistent for all

2. Should there be sponsorship disclosure on election advertising by campaign organizers?

All responded yes. Question is how to enforce? Needs to be disclosure on all advertising by any and all advertisers. Need legislation that identifies who endorsed ad. Needs to be made more prominent on the ad who is endorsing. Yes disclosure needs to be done well ahead of Election.

3. If expense and contribution limits are imposed for candidates and elector organizations, should similar limits be imposed for campaign organizers?

All but two said yes. Disclosure needs to be made up front.

One of the “no” respondents referred to freedom of speech.

G. Campaign Finance Disclosure

1. How can public accessibility of disclosure statements be improved?

Most mentioned was posting disclosure statements on line, also mentioned was possibility of a central clearinghouse (Elections BC, UBCM, CivicInfo); others added that copies need to be made available. Another suggested that each candidate could have a candidate profile on the web which could house disclosure statement but also ability to solicit donations. Another suggestion was using on-line disclosure statement throughout the campaign. One suggested that legislation should require posting on-line.

Others emphasised need to have same rules for all. Rules also need to be clear as to what to list on the disclosure form.

2. What is the earliest date that campaign disclosure could be made?

Many respondents supported 60 days after election. Others stated:

- 60 days after swearing in,
- some said 90 days after election,
- third week of February,
- end of February,
- some supported a mix of disclosure prior to election day and then full disclosure post-election.
- Others suggested that prior to election, disclosure over set \$ amount, and then full disclosure following election.

3. Should the same disclosure rules apply to all campaigns – regardless of campaign size?

All but one said yes. One proposed variation in timing to disclose: <\$50,000 – 60 days; > \$50,000 – 90 days.

The one that said no, referenced small campaigns.

4. Should disclosure rules apply to “other voting”?

All but one said yes.

One respondent said that need to disclose \$ raised before election campaign.

G. Enforcement

1. Are there gaps in relation to regulating campaign participants?

All indicated yes.

References were made to:

- no audits,
- no penalty for late filing,
- funnelling \$ through shell corporations,
- not right that civil avenue is only way to address problem,
- compliance-based / complaint – driven.
- issue of individual candidates versus parties.

2. What are the gaps? For example, is there a gap in compliance monitoring and the investigation of complaints?

- No compliance monitoring

- CEOs disciplining bosses
- All complaints to go to Elections BC
- Need independent body/ information body
- Media monitoring for the public/ there is a gap
- 6 month time frame does not give enough time to investigate and address concerns (Offence Act)

3. Is there a role for a new neutral player in any of these issues?

All said yes. Even the couple that said no, actually referenced Elections BC, as the existing body.

Issues raised included – how to pay for this neutral body, need to keep it simple, Elections BC to do random audits, need someone to investigate and ensure compliance. Many mentioned the need for an independent watchdog, Ombudsman of Elections.

H. Elections BC

1. Should Elections BC play a role?

Responses varied, majority indicated yes Elections BC should play a role or some other arms-length body, others indicated that Elections BC should play ‘some’ role – and respondents specifically identified enforcement, campaign finance disclosure, education, advice and complaint resolution as suggestions.

A few others said local government elections are administered fine the way they are and said Elections BC should not play a role. Others indicated was not an issue of having another body play a role but of policy and accountability of the legislation.

2. If so, in which aspects of elections administration and what role?

- enforcement
- third party advice
- consistent advice to candidates on rules and compliance
- one voter list
- complaints
- clear policy and procedures
- public communication/ education
- administer recall legislation
- information sharing
- do the whole thing
- dissemination of disclosure
- oversight body
- enforce conflict of interest
- technical advice
- review financial complaints

- Phone line
- Information workshops
- Resource for consistent application of rules

3. What would be the impact of such a role (e.g., costs)?

Province needs to provide, otherwise more cost to local governments.

More expenses.

Cover costs by member levy

Would be less cost and burden on local governments

Province should bear the cost

We have costs anyway, just give it to the outside body, every community has costs

Minor costs

Better enforcement

Give Strength and credibility to the rules

Less cost to the taxpayer, (we all both pay prov. and local tax) less duplication of effort, training all staff locally.

I. Employee Eligibility

1. Should there be exceptions to employee ineligibility rule?

Majority said no. (13 No / 6 Yes, not everyone answered)

No – current rule is a good one; too much perceived conflict of interest, rules need to apply to everyone.

Yes – use existing conflict of interest rules

Elections legislation needs to have definition of employee

See some advantage to small communities, but better to have it clear cut

If they take leave of absence then okay.

Not if paid over \$10,000 / year

What is employee? Need definition in act.

2. If so, should there be exceptions for:

• Volunteer firefighters – if so, which kind?

No – not many are really volunteers

Yes – non-employee description, based on actual time, not monthly paid

Table could not reach consensus

Yes only for volunteer

Non-paid only

• Employees elected to a related local government – if so, in what circumstances?

Yes – except senior corporate officers

No I agree with existing

No

School board

Not if a pecuniary interest is involved.

3. What impact would such exceptions have on local government administration and on conflict of interest rules?

Make it more difficult

Very little, as conflict of interest rules should be applied – personal responsibility, person in question needs to be aware and vigilant

Would be complicated, better to avoid

No exceptions