

**UBCM presentation to Linda Reimer, MLA,
Parliamentary Secretary for Communities to the Minister of
Community, Sport & Cultural Development, regarding the
White Paper on Local Government Elections Reform**

September 25, 2013

(Director Rhona Martin, President)

Good afternoon MLA Reimer and thank-you for consulting with UBCM on this the Elections White Paper.

First let me begin with a bit of history. UBCM has been involved in this file since its inception. As you are aware, this review of our elections legislation was initiated by Premier Campbell in his speech at the UBCM convention back in 2009.

UBCM Past President Harry Nyce co-chaired the Task Force along with Minister Bill Bennett and UBCM and the Province were equally represented on the Task Force. The process with the Province was collaborative and consultative throughout and as a result we were fully in support of the recommendations in the May 2010 final report.

Since that time UBCM has received various updates from the Province regarding the status, content and timing of the legislation that will be necessary to fully implement these recommendations. Two consistent themes have been present in our feedback to the Province. The first relates to the complexity of the legislation itself. The draft we saw mid-summer was over 100 pages in length and was still not final. In addition we also expressed a desire to see this legislation come forward as early as possible in order to give candidates, elections officials and interested parties to the 2014 civic election as much time as possible to understand the various changes in legislation and to prepare accordingly.

Our primary concern in identifying the issues of complexity and timing was the possibility of unintended consequences for candidates participating in the 2014 election. The Elections Task Force was struck by Premier Campbell with the intent of addressing the gaps and strengthening the local government elections process. At UBCM we were becoming concerned that if candidates and elector organizations were not given enough time to understand the new rules, that the legislation might inadvertently create more problems than it resolved.

With this in mind we engaged in discussions with Minister Oakes at our UBCM Executive meeting in July around proceeding with a phased approach. The result is the White Paper on Local Government Elections Reform that was released by your Ministry in September.

UBCM supports the phased approach that is outlined in the White Paper, as it is consistent with the discussions between Minister Oakes and our Executive. Given that this legislation will not be considered until early in 2014, we believe there is merit in proceeding with measures that will improve accountability, transparency and compliance and enforcement.

While the setting of elections expense limits seems like a straightforward exercise, in reality it has proven otherwise. The application of these individual candidate expense limits will need to be factored in to the legislation that also governs elector organizations and third party advertisers. UBCM remains supportive of the Task Force recommendation regarding the establishment of expense limits. However, we believe that the establishment of these expense limits requires more time and should not be rushed. The diversity of our membership, and its many election players, needs to be fully appreciated and reflected in whatever formula is established for setting these limits. Therefore we support the concept of a phased approach whereby

a separate consultation process will be undertaken on expense limits with the results being brought into force for the next civic election following the 2014 elections. We fully support your approach for fully engaging and consulting with candidates, elector organizations and other key stakeholders to ensure that the expense limits work for everyone.

Before turning the next part of this presentation over to Councillor Dhaliwal who will discuss recent decisions of our membership, I want to take this opportunity to re-emphasize something that was repeatedly discussed by the Task Force and that is the importance of Education, Information and Advice.

The Task Force was united in its support for providing, information, education and advice once the new elections rules are established. This is equally important for elections officials, elector organizations, candidates and third parties. In order to be implemented for the 2014 election, this legislation will need be introduced, debated and proclaimed early in 2014. This could leave as little as 6 to 7 months between the passage of the new rules and the nomination deadline.

While everyone seems to be in support of this principle we would note that work needs to begin almost immediately on updating elections orientation materials. It is important that the new rules be available to everyone in a timely manner in order to ensure that inadvertent errors and omissions do not occur.

I will now turn the presentation over to Councillor Dhaliwal.

(Councillor Sav Dhaliwal, First Vice-President)

Good afternoon MLA Reimer. It was nice to see you at Convention last week. As you are aware there were several local government elections resolutions debated and adopted at our Convention. I will provide you with an update on the positions of the UBCM membership. For the purposes of this presentation I will only read the enactment clauses – but I will also provide you with copies of the complete resolutions.

The first resolution relates to the term of civic elections. The following resolution was adopted by our membership:

“THEREFORE BE IT RESOLVED that UBCM ask the provincial government to increase the interval between civic elections from three years to four years, and that legislation be passed to do so in time for the 2014 election.”

As you are aware this has been an issue that our membership has debated on a number of occasions. It was debated on the floor of the Resolutions session and went to an electronic vote. There was a strong majority in support of this resolution that was sponsored by the Lower Mainland Local Government Association.

MLA Reimer, I think that this is a unique opportunity for you to bring this requested change forward into your local government elections legislation in early 2014. This change would bring BC into line with the terms of office that are in place for local government officials in Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia, Newfoundland and Labrador, PEI and New Brunswick. UBCM is prepared to publicly support this change in term as it has been endorsed by our membership.

The next resolution that I will highlight deals with local government election campaign finance rules in the City of

Vancouver. The following motion dealing with campaign spending and contributions was adopted:

“THEREFORE BE IT RESOLVED that UBCM support Vancouver’s request to the provincial government for amendments to the *Vancouver Charter* to allow Vancouver to make rules for election campaign finance that place greater limits on campaign spending and contributions, and provide for greater disclosure.”

Once again I would suggest that we are in a unique position to implement this resolution that was adopted by our membership. The City of Vancouver is seeking more stringent elections financing rules beyond what the Task Force contemplated, including regulations around the source of contributions. As you are well aware, Vancouver is governed by a Charter so it would be entirely possible to amend their Charter separate from the *Community Charter*. This could also be achieved in the legislative package that you will be bringing forward in early 2014. Vancouver has been on record in asking for these additional elections financing rules for some time now and the UBCM has now supported them in their request with the endorsement of the 2013 resolution.

Finally I will close by speaking about a resolution that was not endorsed by our membership and that relates to permitting corporations to a vote in referenda on local government service delivery. The non-support of our membership is consistent with previous positions that did not support reinstating the corporate vote in general elections.

(Director Rhona Martin, President)

I would also like to take this opportunity to thank your staff for providing a workshop at the UBCM Convention regarding the White Paper and proposed legislation. I am certain that you have captured our membership comments from that forum, but I would reiterate the following feedback:

- Support for increased transparency but need to be careful that it doesn't become too challenging for candidates to comply with the laws;
- Questions with regard to anonymous donations and whether "passing the hat" is still permissible;
- Ability to verify money collected by elector organizations and how it is spent;
- Election signage and ability to re-use signs from previous years;
- Issue of source contributions and knowing how candidates are being funded; and
- Clarification around campaign period, election expenses and timing and reporting requirements.

I would like to request that UBCM continue to be included in the upcoming phase two consultation around expenses limits. In addition our Executive has previously written to Minister Bennett emphasizing the importance of consulting with elector organizations as part of this process. It is our understanding that there is not uniformity in the way that elector organizations operate and it is important to better understand this before expense limits are finalized.

Before closing, I would like to raise two additional but related items. The first is the date for local elections. Our membership has supported the move to the third Saturday in October, from the third Saturday in November, but due to the timing of the 2014 UBCM Convention, a specific request was made to Minister

Bennett to consider this change for 2017. Confirmation was received from Minister Bennett that this date change would not take effect until 2017. We wish to confirm that continues to be the direction of the provincial government; and ascertain when and how the Province will bring this change forward since the date for local government elections is within the *Local Government Act*.

And the second related issue concerns UBCM feedback to the White Paper and proposed legislation. While we appreciate the opportunity to meet with you today and share our thoughts, we are also cognizant of the fact that it has only been a few weeks since the White Paper was released. For many of our members the session at Convention was their first opportunity to begin to consider the impact of the proposed changes. We feel our members will need some time to digest the new legislation that has been proposed and expect to be hearing from them in the coming weeks. We hope that over the next month, you would be receptive to receiving supplementary feedback and comment from UBCM and its members beyond what we have brought forward at today's meeting.

In conclusion, both Councillor Dhaliwal and I thank you for the opportunity to meet today and would be happy to respond to any questions that you may have.