

# Intergovernmental Update

## Local Authorities Election Act Consultation

### Recommendation

1. That the July 10, 2018, Communications and Engagement report CR\_6187, be received for information.
2. That the July 10, 2018, Communications and Engagement report CR\_6187 remain private pursuant to sections 21 (disclosure harmful to intergovernmental relations) and 24 (advice from officials) of the *Freedom of Information and Protection of Privacy Act*.

### Executive Summary

This report provides an update on the Province of Alberta's consultation process on the *Local Authorities Election Act* along with an overview of the potential changes that are included in the Local Authorities Election Act Discussion Guide.

A draft copy of the independent submission from the City of Edmonton's Returning Officer (i.e. City Clerk) is provided in Attachment 2 for Council's information. This submission will remain private and will be reviewed by the delegated FOIP Head for release in 60 days.

Should Council wish to provide a submission to the Province of Alberta, Council could make a motion directing the Mayor to do so.

### Report

#### Background

In 2016, Alberta Municipal Affairs did a limited-scope review on a number of potential changes including campaign finance, accessibility and additional general technical and administrative changes to strengthen and clarify the consistency of the legislation. The City of Edmonton provided a written response to this limited-scope review. However, due to the proximity of this review to the 2017 election, no amendments were made to the *Local Authorities Election Act*.

#### Review and Consultation

On June 20, 2018, Municipal Affairs released a Discussion Guide to seek feedback on the potential changes to the *Local Authorities Election Act* based on the emerging

topics identified in the 2016 limited-scope review and the recent amendments to the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

The Discussion Guide, provided in Attachment 1, includes various topics, such as campaign contributions and financing, campaign expenses, third-party advertising, school board trustee elections, voter identification, advance votes, and residency requirements, as well as general clarification and technical amendments and any other items that stakeholders would like to bring forward.

### **Proposed Amendments to the Act**

Some of the highlights of the proposed amendments to the legislation as identified in the Discussion Guide are summarized below:

#### **1. Campaign Contributions and Finance Disclosures**

- Require all candidates to file campaign disclosure statements even if they self fund their campaigns
- Require all candidates to open a separate bank account for campaigning, even if they are self funded
- Ban all campaign donations from corporations and unions
- Reduce the municipal contribution limit from \$5,000 to \$4,000 per donor per year

#### **2. Campaign Expenses**

- Require all candidates to file a notice of intent prior to incurring any election expenses
- Require municipalities to establish a limit on campaign spending

#### **3. Third-Party Advertising**

- Align third-party advertising requirements (including definition of third-party advertiser, registration, spending limits, receipts, and reporting) with the *Alberta Election Finances and Contributions Disclosure Act*

#### **4. School Board Trustee Elections**

- Apply the Election Finance and Disclosure rules of the *Local Authorities Election Act* to school board trustee elections, including:
  - Campaign finance disclosure
  - Union and corporate donations
  - Contribution and spending limits

#### **5. Campaign Finance General Clarifying and Technical Amendments**

- These recommendations are aimed at providing clarity and addressing concerns in the campaign financing section of the Act, including:
  - Clarification on where surplus funds can be donated
  - Address concerns about access to surplus funds over a campaign

- Clarification on what is an allowable election expense, including staffing
- Clarification regarding the requirement for self-funded candidates to file an election expense report

### 6. Residency Requirements

- Remove six month Alberta residency requirement

### 7. Voter Identification

- Create an independent list of authorized identification outside of the list provided by Elections Alberta
- Expand the option for an elector who has shown identification to vouch for another elector who does not have proper identification at a voting station

### 8. Nomination Day and Nomination Papers

- Allow returning officers to refuse nomination papers if the paper is not sworn or affirmed

### 9. Election Campaign Advertising at Voting Stations

- Establish a distance from a voting station where campaign activities are not permitted
- Establish provisions that allow the Returning Officer to request persons engaged in campaign activities in the voting station or within 100m of the voting station to leave

### Additional Items for Consideration

- Incorporation of a number of election regulations into the Act rather than containing them in separate documents
- Allow municipalities to create rules regarding use of cell phones in a voting station
- Amend the definition of “candidate” to mean an individual who has filed a registration of notice under section 147.21
- Amend the definition of “campaign period” to be January 1 in the year of a general election to December 31 in the year of a general election. In the case of a by-election, beginning when the vacancy occurred to 180 days following the date of the by-election.

### Next Steps

The *Local Authorities Election Act* Discussion Guide will be available for feedback until July 31, 2018. The City of Edmonton’s Returning Officer (City Clerk) will be making an independent submission. Attachment 2 provides a draft of this submission for Council’s information.

A submission on behalf of City Council may be drafted that identifies items in the *Local Authorities Election Act* that should be addressed, changed or added to the

review. Council may wish to discuss its submission, in private pursuant to sections 21 and 24 of the *Freedom of Information and Protection of Privacy Act*.

The Province has indicated that they will develop draft amendments to the legislation based on the feedback on the Discussion Guide. The revised *Local Authorities Election Act* is supposed to be introduced in Fall 2018, and would apply to the 2021 general election.

### Corporate Outcomes and Performance Management

Corporate Outcome(s): Condition of Success			
Outcome(s)	Measure(s)	Result(s)	Target(s)
City effectively advances its perspective and priorities through participation in the intergovernmental consultation processes.	City of Edmonton's submissions on the intergovernmental consultation processes are advanced within the defined consultation timeframes.	City participation in intergovernmental consultation processes continues. Progress is made across key areas of municipal interest.	n/a

### Attachments

1. Local Authorities Election Act Discussion Guide
2. City of Edmonton's Draft Response from the Returning Officer to the Local Authorities Election Act Consultation

### Others Reviewing this Report

- R. Kits and S. Padbury, Acting Deputy City Managers, Financial and Corporate Services