

## City of Edmonton's Draft Response from the Returning Officer to the Local Authorities Election Act Consultation

1.0 Campaign Contributions and Finance Disclosures			
#	Question	Level of Support	Comment Response
1.1	Candidates who fund their own election campaigns should be required to disclose their campaign finances, regardless of amount of money funded.	Agree	<ul style="list-style-type: none"> <li>Requiring all candidates to disclose and track their campaign financial statements will provide a consistent process and remove the confusion around self-funded disclosures.</li> <li>The penalties for failure to file a disclosure statement should include the requirement that the Returning Officer must not accept their nomination papers for the next municipal election or any by-election during the term.</li> </ul>
1.2	All municipal election candidates, including self-funded campaigns should be required to open a campaign bank account.	Agree	<ul style="list-style-type: none"> <li>Allows for consistency of process.</li> <li>It must be clear in the legislation that a separate account is to be set up and named appropriately so it is clear that the account is being used for campaign expenses.</li> <li>Rules must be consistent for all candidates. If a candidate does not intend to spend any money on a campaign, an account would still be required. Notification of the account, including institution name and account name, needs to be on the notice of intent form and nomination papers for all candidates. If this is not included in the nomination papers a recourse action for the Returning Officer should be established.</li> </ul>
1.3	Unions and corporations should not be allowed to donate to municipal election campaigns.	Agree	<ul style="list-style-type: none"> <li>Removing corporate and union donations provides a clear statement on engagement and influence of fundraising in an election. This also aligns campaign fundraising rules with provincial rules which is a positive step for municipal elections.</li> <li>Prohibition of anonymous campaign contributions must be maintained for this to work effectively.</li> <li>It should be clear that this includes in kind donations.</li> <li>In the 2017 City of Edmonton election, 1189 corporate and union donations were received by municipal candidates, compared to 1205 individuals donations. Banning</li> </ul>

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			<p>these donations will have ramifications on how candidates collect funds and also how individuals donate.</p> <ul style="list-style-type: none"> <li>• A potential loophole in banning corporate and union donations may arise where these donations are provided from individuals in the corporation or union instead of on behalf of an organization. This could result in less transparency than under the current system, and mitigations should be put into place.</li> <li>• There also needs to be an examination of enforcement for campaign financing. If these rules are in place there must be additional enforcement and/or investigation authority provided to the municipality.</li> </ul> <p><u>CoE Disclosures - Division of Contributions</u></p>
1.4	Donations from fundraising functions should be subject to contribution limits.	Agree	<ul style="list-style-type: none"> <li>• This provides clear rules for candidates on how to disclose fundraising functions.</li> <li>• If implemented, candidates will need clear procedures on how to account for fundraising functions as this will provide additional procedural concerns for financial accounting.</li> </ul>
1.5	Fundraising functions should be defined the same as fundraising functions in provincial elections.	Agree	<ul style="list-style-type: none"> <li>• This provides clear rules for candidates on how to deal with fundraising functions in their disclosure statements.</li> <li>• If implemented, candidates will need clear procedures on how to account for fundraising functions as this will provide additional procedural concerns for financial accounting.</li> </ul>
1.6	The dollar values and percentages for ticket sales, considered to be a contribution, should be the same as in provincial elections.	Partial agree-ment	<ul style="list-style-type: none"> <li>• The intention is appropriate but may pose challenges for a campaign being able to fully manage these expectations. Removing the costs for these events could result in a large number of donations under the 100.01 limit and would need to be accounted for by the campaign. Clear process materials will need to be provided by the province.</li> <li>• If rules regarding union and corporate donations are imposed, it must be clear that these groups cannot purchase tickets for these events because doing so will constitute a campaign contribution.</li> </ul>
1.7	Annual individual contribution limits should be the same as the individual limits for provincial elections at \$4,000.	Partial agree-ment	<ul style="list-style-type: none"> <li>• This limit still makes it possible for an individual to contribute \$16,000 to any one campaign as the current rules provide the maximum that can be contributed in any year. It would be preferable to be a one-time only donation.</li> </ul>

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1.8	The contribution limit for municipal elections should be applied “per donor, per year”.	Partial agreement	<ul style="list-style-type: none"> <li>• This limit still makes it possible for an individual to contribute \$16,000 to any one campaign as the current rules provide the maximum that can be contributed in any year.</li> <li>• An individual does not have a restriction on how many candidates to whom they may donate.</li> <li>• This provides a large potential candidate pool that can receive up to \$4,000 per year for a municipal campaign. Other provinces have significantly lower thresholds for donations and set donation maximums for a campaign period, not per year. This provides a strong advantage to incumbent candidates or those who can afford a strong fundraising team. Setting strong limits on election fundraising is needed but the proposed \$4,000 per year limit is high over the course of a campaign.</li> <li>• Allowing municipalities, through bylaw, to set their own campaign contribution limits, with a legislated maximum, would be appropriate if these limits are not reduced.</li> </ul>
1.9	Do you have anything to add regarding campaign accounts, disclosure statements, contribution limits or banning corporate and union donations?	N/A	<ul style="list-style-type: none"> <li>• Many campaigns have already begun fundraising, so proposed changes to fundraising will be difficult to implement prior to the 2021 election. Changes should be put in place at the outset of the next campaign period on January 1, 2022.</li> <li>• Donations from non-profit organizations and provincial and federal political parties should be banned in addition to corporate and union donations.</li> <li>• Provide clear and comprehensive definitions and timeframes for campaign contributions, allowable campaign expenditures, campaign period, campaign accounts, campaign surplus and campaign deficit.</li> <li>• Clear direction on how the disclosures should be posted by municipalities, including if the statements should be posted in full or if personal information should be redacted from the document.</li> <li>• In-kind donations are not explicitly defined in the Act. In-kind donations should be fully cost attributed and be included in the contribution limits for all donors, including individuals, corporations, trade unions, and employee organizations.</li> <li>• A process for publicly identifying campaign contributions prior to the election should be provided. Currently the public does not know who contributed to a campaign until six months after an election. Providing a process where candidates must disclose contributions to a campaign before the election would provide more openness during an election.</li> </ul>

## 2.0 Campaign Expenses

#	Question	Level of Support	Comment Response
2.1	All prospective candidates should be required to register before they spend campaign funds or accepting campaign contributions.	Agree	<ul style="list-style-type: none"> <li>Self-funded campaigns should be included in this requirement. Providing this requirement for all candidates will allow for clear and consistent rules for all campaigns.</li> </ul>
2.2	Municipalities should be required to set campaign spending limits.	Partial agreement	<ul style="list-style-type: none"> <li>Providing legislated maximums is needed to ensure a consistent approach across the province. Municipalities would then have the opportunity to set their own limits, provided they stay within the thresholds of the Act.</li> </ul>
2.3	Do you have anything to add regarding candidate registration or campaign spending limits?	N/A	<ul style="list-style-type: none"> <li>If established, campaign spending limits must be based on the race (i.e., mayor and councillor), and must allow municipalities the flexibility to set their own rules based on population.</li> <li>Anyone who registers as a candidate must be required to file a campaign disclosure statement, even if they do not file nomination papers. When someone registers as a candidate they have the ability to fundraise and must be accountable for that opportunity. The timing of filing a disclosure statement can follow the timeline of someone who ran in the election.</li> <li>The penalties for not filing a disclosure statement need to be modified to explicitly state that if the papers are not filed that the individual cannot run in the next election.</li> <li>Rules on in kind donations should be explicitly established to allow for clarity and openness.</li> </ul>

## 3.0 Third Party Advertising

#	Question	Level of Support	Comment Response
3.1	The <i>Local Authorities Election Act</i> should include rules on third-party advertising.	Agree	<ul style="list-style-type: none"> <li>Third party advertising is another method to contribute to a campaign, and rules should establish strong thresholds, including both maximum and minimums for third party advertising as well as a clear definition of third party advertising.</li> </ul>

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			<ul style="list-style-type: none"> <li>The experience of Ontario should be studied to avoid unintended consequences or annoyances, and to prevent loopholes. Rules should be developed in the full consultation of those who would administer the rules to ensure practical and enforceable rules in a municipal context.</li> </ul>
3.2	If the answer to question 3.1 was Agree or Strongly Agree, the rules for third-party advertising should align those used in the <i>Election Finances and Contributions Disclosure Act</i> for Alberta provincial elections (including definition of third-party advertiser, registration, spending limits, receipts, and reporting).	Partial agreement	<ul style="list-style-type: none"> <li>Third party advertisers should register with the municipality, not the Provincial Chief Electoral Officer. Municipalities cannot rely on an external organization to process and communicate to third party advertisers or run the registration process. If municipalities are managing this process, they must have the ability to establish how third party advertisers register, including electronic registration. Having third party advertisers register with the province instead of with the municipal authority creates additional processes that do not clearly communicate with one another or function at a local level.</li> <li>Rules on timelines and advertising period must be made in alignment with the municipal election timelines and take into account by-elections.</li> <li>Provincial maximum threshold of \$150,000 is too high for a municipal campaign and should be reduced to an appropriate level.</li> <li>A minimum threshold should be established, providing that a third party does not need to register if their expenses are under a certain level (\$100).</li> <li>It should be explicit that third party advertising does not constitute an individual promoting or opposing a candidate through their personal actions, including social media, provided expenses are not incurred.</li> </ul>
3.3	If the answer to question 3.1 was Disagree or Strongly Disagree, please explain.	N/A	N/A
3.4	Do you have anything to add about third-party advertising?	N/A	<ul style="list-style-type: none"> <li>This provision must explicitly disallow unions and corporations or it will allow them to register as third party advertisers.</li> </ul>
3.5	Do you have alternate suggestions to address third-party advertising?	N/A	<ul style="list-style-type: none"> <li>Registered third party advertisers must have a disclosure requirement similar to a campaign disclosure.</li> <li>No third party media advertising should be allowed on election day.</li> </ul>

#### 4.0 School Board Trustee Elections

#	Question	Level of Support	Comment Response
4.1	School board trustee candidates should be subject to the same campaign finance and disclosure rules as municipal candidates.	Agree	<ul style="list-style-type: none"> <li>Campaign surpluses should be handled in the same way as a municipal candidate to ensure clear communication and process for all candidates. The process should be the same as municipal candidates to ensure ease of communication and process. Different processes will cause confusion for candidates, as has been the cases with different processes for surpluses.</li> </ul>
4.2	Do you have anything to add about the application of campaign finance and disclosure requirement to school board trustee candidates?	N/A	<ul style="list-style-type: none"> <li>Campaign surpluses should be handled in the same way as a municipal candidate to ensure clear communication and process for all candidates.</li> </ul>

#### 5.0 Campaign Finance General Clarifying and Technical Amendments

#	Question	Level of Support	Comment Response
5.1	Do you have any additional comments/suggestions regarding campaign surpluses specifically, surpluses donated to the municipality?		<ul style="list-style-type: none"> <li>Once an intent to run form is filed with a municipality the campaign surplus should be returned to the candidate and be subject to the same accounting as any other campaign fund. Currently these funds are held in trust until the next Nomination Day. This has the potential for candidates to be unable to access a large portion of their funds until right before the election.</li> </ul>
5.2	Do you have any additional comments/suggestions regarding campaign surpluses, generally?	N/A	
5.3	Do you have any additional comments/suggestions regarding the definition of campaign “expenses”?	N/A	<ul style="list-style-type: none"> <li>Clearer language in the act towards expenses, including staff and media expenses that are tied to the disclosure statement, will allow for better transparency for the public. Providing a breakdown on what the expenses were used for will allow the public to examine campaign actions in a consistent manner.</li> </ul>

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5.4	Do you have any additional comments/suggestions regarding campaign expense reporting?	N/A	<ul style="list-style-type: none"><li>Require campaign expenses to be reported by category. Having well-defined categories will improve transparency and consistency of reporting.</li></ul>
5.5	Do you have any additional comments/suggestions regarding candidate registration during municipal elections?	N/A	
5.6	Do you have anything to add about campaign finance and disclosure?	N/A	<ul style="list-style-type: none"><li>A process that requires a candidate to disclose expenses and contributors during the campaign will allow for more transparency in the election.</li></ul>

**6.0 Advanced Votes**

#	Question	Level of Support	Comment Response
6.1	Municipalities greater than 5,000 should be required to hold an advance vote(s).	Agree	
6.2	Small municipalities (under 5,000) should have the option to hold an advance vote(s).	Agree	
6.3	Do you have anything to add about the proposed changes to the rules for advanced votes?	N/A	

## 7.0 Residency Requirements

#	Question	Level of Support	Comment Response
7.1	An elector should not need to reside in Alberta for six months before Election Day to be eligible to vote in elections under the <i>LAEA</i> .	Agree	<ul style="list-style-type: none"> <li>This section is largely unenforceable and difficult to prove. Removing it provides clarity to electors and candidates.</li> </ul>
7.2	Do you have anything to add about residency requirements?	N/A	<ul style="list-style-type: none"> <li>The language in section 48 (1) can be simplified for electors and candidates to make clear that an elector can only have one residence for the purpose of voting.</li> </ul>

## 8.0 Voter Identification

#	Question	Level of Support	Comment Response
8.1	Are there any additional forms of voter identification that should be accepted on Election Day? Please explain or provide your comments.	N/A	<ul style="list-style-type: none"> <li>Municipalities should be required to use the list of identification provided by the Chief Electoral Officer for the Province of Alberta</li> </ul>
8.2	An elector who has shown appropriate identification and signed the required statement should be able to vouch for another elector, regardless of the list of electors.	Agree	<ul style="list-style-type: none"> <li>The person vouching must have proper identification and meet all other requirements.</li> <li>Scrutineers must not be able to vouch for an elector.</li> <li>A form indicating the elector and the person vouching must be created.</li> </ul>
8.3	Do you have anything to add about voter identification or the proposed changes to vouching?	N/A	<ul style="list-style-type: none"> <li>Clarification should be provided regarding electors who have recently moved and do not have identification.</li> </ul>



**9.0 Substitute Returning Officers**

#	Question	Level of Support	Comment Response
9.1	The council/board (e.g. council or board of trustees), rather than the Mayor/Reeve/Board Chair, should appoint a substitute returning officer if the returning officer is unable to fulfill their duties.	Disagree	<ul style="list-style-type: none"> <li>If a substitute Returning Officer is required there may not be time for a council meeting to be held to appoint a person to take this role, especially between nomination day and election day. There must be a process that this can be made without the need to have an appointment from Council as a whole.</li> <li>The Returning Officer should be required to appoint the Substitute Returning Officer and change the appointment at any time as part of their designation.</li> </ul>
9.2	Do you have anything to add about the proposed changes to substitute returning officer appointments?	N/A	

**10.0 Nomination Day and Nomination Papers**

#	Question	Level of Support	Comment Response
10.1	Returning officers should be able to refuse nomination papers that are not sworn/affirmed by a potential candidate.	Strongly agree	<ul style="list-style-type: none"> <li>If the papers are not signed they must not be accepted by the Returning Officer.</li> </ul>
10.2	Do you have anything to add about nomination day?	N/A	<ul style="list-style-type: none"> <li>Allow municipalities to set a nomination period instead of a constrained nomination day. In 2017 the City of Edmonton had three hours to accommodate 133 candidates. Allowing municipalities to establish a nomination period, even if just one week, with an end date and time, will allow for better service to the candidates, allow election administrators to vet nomination papers and deal with any issues with less constraint, and provide a more manageable, effective and fair process for all. A nomination window of a few hours is not an effective process, and requires</li> </ul>

			municipalities to spend unnecessary resources on the nomination “event.” It also puts unnecessary stress on candidates.
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### 11.0 Election Campaign Advertising and Voting Stations

#	Question	Level of Support	Comment Response
11.1	<p>Please choose one of the following. Campaign activities should be prohibited:</p> <ul style="list-style-type: none"> <li>• Within 25m of a facility used as a voting station</li> <li>• Within 50m of a facility used as a voting station</li> <li>• Within 100m of a facility used as a voting station</li> <li>• On the property surrounding the building used as a voting station</li> </ul> <p>Please explain or provide your comments.</p>	N/A	<ul style="list-style-type: none"> <li>• On the property surrounding the building used as a voting station. It should be stated that if a voting station is located in a multi-room building that the whole building and property is considered the voting station.</li> <li>• Setting a space limit for campaign activities around a voting station would require enforcement officials to physically measure where signs and people are located, creating enforcement difficulties. Limiting campaigning to the property surrounding the voting station, including roads and sidewalks, will allow flexibility based on where the location is as well as easier enforcement.</li> </ul>
11.2	The returning officer should have the authority to enforce campaign advertising at voting stations.	Strongly support	<ul style="list-style-type: none"> <li>• Additionally, the Returning Officer must be able to delegate this to the peace officers patrolling the election.</li> </ul>
11.3	Do you have anything to add about campaigning at voting stations?	N/A	<ul style="list-style-type: none"> <li>• Provide that a Returning Officer can limit actions or activities that they determine should not occur in a voting station, including loitering or anything determined to be voter intimidation.</li> </ul>

**12.0 Candidate List**

#	Question	Level of Support	Comment Response
12.1	Municipalities should be required to release a list of candidates immediately after the time limit for withdrawal of nominations has passed.	Agree	
12.2	Do you have anything to add about posting information during an election?	N/A	<ul style="list-style-type: none"> <li>Withdrawal notification: If a candidate informs the municipality they no longer wish to assume office if they win, parameters for notification should be permitted in line with the death of a candidate section of the Act. The name would remain on the ballot, as well as any issues that would come if the candidate was elected, but this would allow the municipality some ability to act on this notification.</li> </ul>

**13.0 Special Ballots**

#	Question	Level of Support	Comment Response
13.1	The Minister of Municipal Affairs should not appoint special ballot advisors.	Strongly agree	
13.2	The Returning Officer should have the authority to accept or reject a special ballot.	Strongly agree	
13.3	Municipalities should not have to notify the Minister of the use of special ballots.	Strongly agree	<ul style="list-style-type: none"> <li>This is a administrative function that serves little purpose anymore.</li> </ul>
13.4	Do you have anything to add about the proposal or alternative suggestions?	N/A	<ul style="list-style-type: none"> <li>A function that would allow for the electronic submission of a special ballot, or the re-creation of a ballot though telephone, would remove the barrier of those who are unable to send a ballot through mail or those who apply for a special ballot without enough time to go through the mail system.</li> <li>The Returning Officer should be able to determine procedures for running through special ballots on election day. Currently, the City of Edmonton is able to open the</li> </ul>

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			<p>special ballot envelopes beginning at 7 pm on election day which provides one additional hour to open the envelopes and feed them through the tabulator. This time restraint provides an operational issue, because the quantity of special ballots can take a significant time to process. If the legislation was changed to allow municipalities to process the special ballots on election day at time they determine, but not produce results until 8 pm, the special ballot process would be more efficient and not create delayed results.</p> <ul style="list-style-type: none"> <li>This would be a similar procedure to the current advance process for results generation.</li> </ul>
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### 14.0 Additional Items for Consideration

#	Question	Level of Support	Comment Response
14.1	Do you have anything to add about the regulations under the <i>Local Authorities Election Act</i> ?		<ul style="list-style-type: none"> <li>A plain language update of all forms should be completed, as well as an assessment of what regulations need to be included on the form.</li> <li>An assessment of regulations needs to be performed once the review of the Act is complete.</li> </ul>
14.2	Municipalities should have the authority to create rules regarding the use of cell phones in voting stations.	Strongly Agree	<ul style="list-style-type: none"> <li>Cell phones need to be contemplated in the Act, with the ability to control them left to the authority of the Returning Officer. People use a cell phone for paying bills and some use these documents on their phone for ID purposes.</li> </ul>
14.3	Do you have anything to add about the use of cell phones in voting stations?	N/A	
14.4	Do you have anything to add about the definitions of “candidate” and “campaign period”?		<ul style="list-style-type: none"> <li>The only campaign period established in the Act is regarding the campaign financing section. This is effective for financing but not for campaign activities. As this is the only section establishing a campaign period, municipalities must establish their own periods in an attempt to limit actions during an election. This can be problematic. Establishing a campaign period that is in line with election activities, including what is allowed and not allowed (e.g., third party advertising), should be considered.</li> </ul>

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			<ul style="list-style-type: none"><li>• Candidates should only be considered candidates once nomination papers are filed, not once an intent to run form is provided.</li></ul>
14.5	Do you have any other comments or suggestions to add regarding the proposed changes to the <i>Local Authorities Election Act</i> ?		<ul style="list-style-type: none"><li>• The Returning Officer should be provided the authority to make decisions on campaign actions and activities to ensure appropriate rules are established for each municipality.</li><li>• Especially for a large municipality, the Returning Officer should be a named, designated officer that is independent for Administration.</li></ul>