

Select Special Democratic Accountability Committee

Final Report Citizens' Initiatives and Recall

Thirtieth Legislature
Second Session
November 2020



Select Special Democratic Accountability Committee

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SELECT SPECIAL DEMOCRATIC ACCOUNTABILITY COMMITTEE

November 2020

**To the Honourable Nathan Cooper
Speaker of the Legislative Assembly
of the Province of Alberta**

I have the honour of submitting, on behalf of the Select Special Democratic Accountability Committee, its final report respecting its review of Citizens' Initiatives and Recall, pursuant to Government Motion 25.

Sincerely,

[original signed]

Joseph Schow, MLA
Chair, Select Special
Democratic Accountability Committee

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30th Legislature, Second Session**

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1.0 EXECUTIVE SUMMARY

During its deliberations on October 29 and 30, 2020, the Select Special Democratic Accountability Committee made the following recommendations pertaining to citizens' initiative and recall.

Citizens' Initiatives

1. That citizens' initiative legislation be enacted to allow the following to be the subject of a citizens' initiative petition:
 - (a) proposals within the jurisdiction of the Legislature of Alberta; and
 - (b) proposals relating to matters outside the jurisdiction of the Legislature of Alberta, provided that a more stringent process is followed for the approval of petitions in relation to these matters.
2. That citizens' initiative legislation prohibit the issuance of a petition in respect of proposed legislative changes that are contrary to sections 1 to 35.1 of the *Constitution Act, 1982*.
3. That citizens' initiative legislation be enacted that considers implementing regional signature threshold requirements and requires a citizens' initiative petition to contain the valid signatures of between 5 per cent to 25 per cent of the electors of the province of Alberta in order for the citizens' initiative petition to be considered by the Legislative Assembly.
4. That citizens' initiative legislation be enacted that requires a citizens' initiative petition to, in form, require each petitioner to provide on the petition information in support of their current residency in the electoral division in which they are eligible to vote.
5. That citizens' initiative legislation restrict the canvassing of petitioners' signatures to the 90-day period immediately following the date on which the proposed citizens' initiative petition is approved.
6. That citizens' initiative legislation be enacted to include the following in respect of canvassing for signatures for a citizens' initiative petition:
 - (a) a requirement that only an individual who is an eligible elector during the 90-day period when signatures are permitted to be collected for the citizens' initiative petition is eligible to canvass for signatures in respect of that petition;
 - (b) a prohibition that a canvasser must not, directly or indirectly, accept an inducement in respect of their canvassing of signatures for a citizens' initiative petition; and
 - (c) a prohibition that no person may, directly or indirectly, provide an inducement to a canvasser in respect of their canvassing of signatures for a citizens' initiative petition.
7. That citizens' initiative legislation be enacted that includes financing, advertising, and disclosure rules that apply to the spending of monies in respect of the citizens' initiative process that are consistent with the financing, advertising, and disclosure rules under the *Election Act* and *Election Finances and Contributions Disclosure Act* that apply to elections.
8. That citizens' initiative legislation be enacted to require a person to register with Elections Alberta as a third-party advertiser before being authorized under that legislation to spend monies in support of or in opposition to a citizens' initiative petition.
9. That citizens' initiative legislation be enacted that corporations, unions and individuals who are not residents of Alberta be prohibited from contributing to citizens' initiative campaigns.
10. That citizens' initiative legislation be enacted that imposes reasonable campaign spending limits in respect of citizens' initiative petitions.

11. That citizens' initiative legislation be enacted that provides that
 - (a) the contribution surplus that remains in respect of a particular contribution be donated to a registered charity; and
 - (b) contribution surpluses referred to in clause (a) be prohibited from being transferred to a registered political party or third-party advertiser.
12. That citizens' initiative legislation be enacted that establishes that only an eligible elector in Alberta is eligible to sign a petition.
13. That citizens' initiative legislation be enacted that establishes that only an eligible elector is eligible to initiate a citizens' initiative petition.
14. That citizens' initiative legislation be enacted that provides that once the Chief Electoral Officer verifies that a citizens' initiative is successful, a proposal and petition are submitted for review and consideration to a committee of the Legislative Assembly, comparable to similar requirements established under British Columbia's citizens' initiative legislation and processes in respect of the following:
 - (a) recommendation of the proposal for consideration by the Legislative Assembly or referral to the Chief Electoral Officer for an initiative vote;
 - (b) initiative voting process, the initiative vote itself, and the effects of a successful initiative vote.
15. That citizens' initiative legislation be enacted that requires a citizens' initiative petition in respect of a legislative proposal to include, as a part of the petition, a draft bill proposing to effect the legislative objectives of the citizens' initiative petition.
16. That citizens' initiative legislation be enacted that provides that the Chief Electoral Officer will determine whether a citizens' initiative is successful.
17. That citizens' initiative legislation be enacted that prescribes a minimal filing fee for citizens' initiative petitions.

Recall

18. That recall legislation be enacted that adopts British Columbia's framework for the recall of Members of the Legislative Assembly with variations to that framework consistent with the recommendations of this committee.
19. That recall legislation be enacted that requires the following to be met for a recall petition to be considered successful:
 - (a) at least 40 per cent of registered electors of the electoral division of the Member of the Legislative Assembly who is the subject of the recall petition have validly signed the recall petition;
 - (b) only the physical signatures of individuals who were eligible electors during the 90-day period when signatures were permitted to be collected are counted as valid for the purposes of determining whether the recall petition has been successful.
20. That recall legislation be enacted that establishes the following in respect of canvassing for signatures for a recall petition:
 - (a) a requirement that only an individual who is an elector eligible to vote in the electoral division of the Member of the Legislative Assembly during the 90-day period when signatures are permitted to be collected for the recall petition is eligible to canvass for signatures in respect of that petition;
 - (b) a prohibition that a canvasser must not, directly or indirectly, accept an inducement in respect of their canvassing of signatures for a recall petition; and
 - (c) a prohibition that no person may, directly or indirectly, provide an inducement to a canvasser in respect of their canvassing of signatures for a recall petition.

21. That recall legislation be enacted that adopts a process for verifying the signatures contained in a recall petition that is similar to the process for verifying signatures in respect of the registration of a political party.
22. That recall legislation be enacted that provides that the Chief Electoral Officer will determine whether a recall petition is successful.
23. That recall legislation be enacted that provides for the following as it relates to all financial contributions to a proponent of a recall petition or to the Member of the Legislative Assembly who is the subject of the recall petition:
 - (a) establish a limit on the amount that can be financially contributed to the proponent or the Member, and
 - (b) clarify that, in respect of a person, the limits referred to in clause (a) apply to that person separate and apart from the contribution limits that apply to the person in respect of any financial contributions that they make to a political party.
24. That recall legislation be enacted that includes financing, advertising, and disclosure rules that apply to the spending of monies in respect of the recall process that are consistent with the financing, advertising, and disclosure rules under the *Election Act* and *Election Finances and Contributions Disclosure Act* that apply to elections.
25. That recall legislation be enacted that provides that any person who wishes to spend monies on advertising during the period in which signatures are permitted to be collected for a recall petition must register with Elections Alberta as a third-party advertiser before being authorized under that legislation to spend monies, except for the following individuals:
 - (a) the individual who applied for the issuance of the petition;
 - (b) the Member of the Legislative Assembly who is the subject of the recall petition.
26. That recall legislation be enacted that limits the right to apply for the issuance of a recall petition in respect of a Member to only an individual who would be eligible to vote in an election in respect of the Member's electoral district if the election were held on the day that the individual applied for the issuance of the recall petition.
27. That recall legislation be enacted that establishes that only individuals who were eligible to vote in the election for which the Member to whom a recall petition relates was elected are eligible to sign that recall petition.
28. That recall legislation be enacted that prohibits more than one recall petition to be issued in respect of a particular Member of the Legislative Assembly at any one time.
29. That recall legislation be enacted that prohibits more than one recall petition to be issued in respect of a particular Member of the Legislative Assembly per term.
30. That recall legislation be enacted that prohibits recall petitions from being issued
 - (a) 18 months immediately following a general election or, if applicable, a by-election in the relevant electoral division, and
 - (b) 6 months immediately preceding the first day of a fixed election period during which a general election must be held.

31. That recall legislation be enacted that
 - (a) sets out the requirements that must be met for a recall petition to be issued to an applicant, and
 - (b) sets out the process by which a recall petition is to be issued to an applicant, including empowering the Chief Electoral Officer to
 - (i) review an application for the issuance of a recall petition to determine if the requirements are met, and
 - (ii) if those requirements are met, issue the recall petition to the applicant.
32. That recall legislation be enacted that establishes requirements in respect of the following, following a successful recall petition:
 - (a) the Chief Electoral Officer must hold a recall election in the electoral division of the Member of the Legislative Assembly who is the subject of the successful recall petition in which electors, by secret ballot, vote on whether to recall the Member, and
 - (b) if a simple majority of voters in a recall election vote in favour of recalling a Member of the Legislative Assembly, that Member's seat is considered vacant and a subsequent by-election is held in accordance with the *Election Act*.
33. That recall legislation be enacted that clarifies that an individual who was, as a Member of the Legislative Assembly, the subject of a recall petition that was successful may be a candidate in the by-election held immediately after the determination that the recall petition was successful.
34. That
 - (a) recall legislation be enacted for the purpose of recalling of municipal elected officials or school board trustees, and
 - (b) such legislation be similar in nature to recall legislation in respect of Members of the Legislative Assembly.

2.0 COMMITTEE MANDATE

On June 18, 2020, the Legislative Assembly passed Government Motion 25, which appointed the Select Special Democratic Accountability Committee (the “Committee”). The Committee was appointed for the purpose of conducting a review of the *Election Act* and the *Election Finances and Contributions Disclosure Act* and to address the questions posed by the Minister of Justice and Solicitor General in the document entitled Proposed Questions for Review by a Standing or Special Committee (Sessional Paper 192/2020). The questions proposed in the Minister’s document relate to citizens’ initiatives and recall.

The questions posed by the Minister related to citizens’ initiatives are as follows:

- What types of initiatives should be allowed (e.g., a legislative proposal, policy proposal, and/or constitutional referendum)?
- How many signatures are needed for a successful initiative petition (i.e., threshold)?
- How much time is allowed to collect signatures on a petition?
- Who can apply to start a petition and who must register in order to spend money on advertising during a petition?

The questions posed by the Minister related to recall refer to British Columbia’s *Recall and Initiative Act*, RSBC 1996 c. 398, and are as follows:

Should Alberta adopt British Columbia’s (B.C.) framework for the recall of MLAs, including the general process and timelines, with minor variations? Possible variations from B.C.’s model could be:

- What should the threshold be for a successful petition?
- Who is eligible to sign a petition?
- Should recall financing and advertising rules align with [the] *Election Finances and Contributions Disclosure Act*, RSA 2000 c. E-2, (EFDA) instead of following B.C. financing rules?

Should the framework for recalls of municipal elected officials and school board trustees mirror the framework for MLA recalls to the extent possible?

The Committee must submit its recommendations with respect to citizens’ initiatives and recall within four months of starting the review and with respect to its review of the *Election Act* and the *Election Finances and Contributions Disclosure Act* within six months of starting the review. The Committee began its review on July 13, 2020. This report contains the Committee’s recommendations with respect to citizens’ initiatives and recall. The Committee’s report regarding its review of the *Election Act* and the *Election Finances and Contributions Disclosure Act* will be presented separately at a later date.

3.0 INTRODUCTION

Citizens' initiatives involve processes in which an elector can seek support from fellow electors through signing a petition advocating for the introduction of new laws, changes to existing laws, constitutional amendments or seeking support for a policy issue within administrative competence of the parliament. In Canada only the provinces of British Columbia and Saskatchewan have legislative schemes that permit citizens' initiatives.

Recall is the process whereby an elector may petition other electors in the electoral district for the removal of their elected Member between elections. British Columbia is the only jurisdiction in Canada that has recall provisions for Members of the Legislative Assembly. No jurisdiction in Canada has the ability to recall municipal elected officials or school board trustees.

This report is the result of a review of citizens' initiatives and recall by the Select Special Democratic Accountability Committee, which was struck in June 2020. It contains recommendations that were made during the Committee's deliberations. For a complete record of the Committee's deliberations please consult the transcripts of the Committee's meetings, which are posted online at assembly.ab.ca.

4.0 ACKNOWLEDGEMENTS

The Committee wishes to acknowledge the useful contributions of the individuals and organizations who provided written submissions and/or appeared before the Committee.

The Committee also wishes to acknowledge the valuable assistance of the technical support staff and Legislative Assembly Office support staff.

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5.0 CONSULTATION AND REVIEW PROCESS

The Committee's review of citizens' initiatives and recall involved a series of meetings that were open to the public, streamed live on the Legislative Assembly website and broadcast on Alberta Assembly TV. These meetings took place on July 13 and 22, August 26, September 9, 23 and 24, and October 19, 29 and 30, 2020.

At its meeting on July 13, 2020, the Committee agreed to strike a Subcommittee on Committee Business. The Subcommittee was tasked with, among other things, organizing the review of citizens' initiatives and recall by developing a proposed consultation process regarding stakeholder and citizen engagement.

On September 23, 2020, the Committee heard oral presentations regarding citizens' initiatives from Dr. Amanda Zoch, Mellon/ACLS Public Fellow and Legislative Policy Specialist, National Conference of State Legislatures; Dr. Alan Renwick, Deputy Director, Constitution Unit, University College London Independent Commission on Referendums; and Franco Terrazzano, Alberta Director, Canadian Taxpayers Federation. On September 24, 2020, the Committee heard oral presentations regarding recall from Dr. Duane Bratt, Professor, Mount Royal University, and Dr. Zoch and Mr. Terrazzano. The Committee also held a virtual public meeting on October 19, 2020, during which nine private citizens made oral presentations to the Committee.

The Committee received 16 written submissions on the topic of citizens' initiatives. Half of the submissions were from private citizens and half were from stakeholders (Elections Alberta, two municipal organizations, a political party, a third party advertiser, a constituency association, a Member of Parliament, and a policy institute). The Committee received 17 written submissions on the topic of recall. Eight submissions were from private citizens and nine were from stakeholders (Elections Alberta, two municipal organizations, two political parties, a third party advertiser, a constituency association, a Member of Parliament, and a policy institute). Appendices B and C contain a list of the individuals and organizations that provided oral presentations and written submissions to the Committee.

The Committee met on October 29 and 30, 2020, to deliberate on the issues and proposals arising from the written submissions and oral presentations. Representatives from the Ministry of Justice and Solicitor General and Elections Alberta attended the meetings and supported the Committee by providing technical expertise.

This report is the result of the Committee's deliberations and contains its recommendations in relation to citizens' initiatives and recall.

6.0 COMMITTEE RECOMMENDATIONS

CITIZENS' INITIATIVES

6.1 Types of Initiatives

Nearly half of the 16 submissions the Committee received on citizens' initiatives called for a wide latitude of issues to be raised through the initiative process. Common initiative issues include policy proposals and legislative proposals within the administrative jurisdiction of the province and proposals with respect to issues beyond the province's administrative jurisdictions such as constitutional proposals. After hearing from stakeholders and members of the public, the Committee felt that Albertans should have the ability to petition on a wide variety of topics, including topics that are both within and beyond Alberta's jurisdiction (e.g., proposals with respect to the Constitution). In addition, the Committee is of the view that since municipal governments are within the purview of the province, citizens' initiatives on municipal issues should be permitted. In debating whether topics outside of Alberta's jurisdiction should be allowed, the Committee ultimately agreed that citizens' initiatives are the "people's petition" and not the "Government's petition" and therefore it is critically important to allow citizens to express their concerns regarding issues such as the equalization process and other federal matters that impact Albertans. However, the Committee believes that a more stringent process, such as a higher threshold of signatures, should be required for topics outside of the jurisdiction of the province.

On the basis of these considerations, the Committee recommends:

1. **That citizens' initiative legislation be enacted to allow the following to be the subject of a citizens' initiative petition:**
 - (a) **proposals within the jurisdiction of the Legislature of Alberta; and**
 - (b) **proposals relating to matters outside the jurisdiction of the Legislature of Alberta, provided that a more stringent process is followed for the approval of petitions in relation to these matters.**

Sean Schaffer and Spencer McKay, private citizens, suggested that the most significant detractor from the use of citizens' initiatives is the fear that the will (or "tyranny") of the majority may be used as a means to harm the rights and freedoms of a minority group. The Committee discussed how best to balance its desire to give Albertans as much breadth as possible to bring forward a wide variety of initiatives while at the same time ensuring that the rights of minorities, as enshrined in the Constitution, are protected. The Committee acknowledged that many minority rights are addressed in sections 1 to 35.1 of the *Constitution Act, 1982*, and that, therefore, minority rights could be protected if citizens' initiative topics were prohibited from contravening any of those provisions. The Committee also discussed other provisions of the Constitution beyond sections 1 to 35.1 that address minority rights. However, it ultimately agreed that it was not necessary to further limit the types of petitions that could be initiated because it has confidence that Albertans understand and respect the concept of minority rights and will employ that understanding when deciding which types of proposals to bring forward.

Therefore, the Committee recommends:

2. **That citizens' initiative legislation prohibit the issuance of a petition in respect of proposed legislative changes that are contrary to sections 1 to 35.1 of the *Constitution Act, 1982*.**

6.2 Number of Signatures and Form of Initiative Petition

Submitters to the Committee proposed a variety of signature thresholds they felt should be met for a citizens' initiative petition to be successful. Included were proposals ranging from five to 10 per cent of voters in the previous provincial election, eligible voters or the provincial population. Vitor Marciano and

Josh Andrus, private citizens, suggested that thresholds should be different depending on the type of initiative and that constitutional proposals should require the highest threshold of signatures to be successful. The British Columbia citizens' initiatives model requires a signature threshold of 10 per cent of registered voters in each electoral district. Further, some of the states in the United States that permit citizens' initiatives include geographic requirements in their thresholds. Sean Schaffer proposed that Alberta follow the B.C. model with respect to thresholds while the Canadian Taxpayers Federation felt that the threshold should be lower than that of B.C. but that it should be achieved in each constituency in order to "balance the policy ambitions" of rural and urban voters.

Because the Committee recommended that citizens' initiatives be permitted on a range of topics, including those beyond Alberta's jurisdiction, it felt that rather than having one threshold for all types of initiative petitions, the threshold should instead be flexible depending on the type of issue. For instance, the Committee believes there should be a higher threshold for initiatives on issues outside Alberta's jurisdiction such as constitutional issues. Further, the Committee agreed that some form of geographic threshold should perhaps be instituted but that it should be more flexible than the geographic requirements in B.C.'s legislation, which, in all cases, requires a certain threshold of signatures on a petition in each electoral district. The Committee noted that allowing flexibility on geographic thresholds would be particularly important in the case of regional initiatives that might possibly come forward. It agreed that it is not practical to require a petition on a regional issue to obtain a certain level of support province-wide.

As a result of trying to leave some flexibility in the initiative rules, the Committee grappled with how best to communicate a clear direction in its recommendations. For instance, it questioned how a decision would be made and by whom, on what is a regional issue and what appropriate thresholds should be. As part of this discussion the Committee determined that if it made a recommendation that allowed for varying thresholds and geographic requirements, doing so would afford the Government's legislative drafters some flexibility to use their discretion when developing draft citizens' initiative legislation. Further, it agreed that the meaning of a regional issue should be defined in the legislation. Kelly Hillier, Department of Justice and Solicitor General, confirmed that, subject to the direction of the Minister of Justice and Solicitor General, the legislative drafter will work with the Chief Electoral Officer to ensure that the law works on an administrative level. She noted that "the Chief Electoral Officer would know what he's looking for and how that applies and how to operationalize it in every respect." Ms Hillier went on to explain that when designing the legislation, the drafter would consider all scenarios to determine which rules (thresholds, geographic requirements, determining if a petition is successful) apply to each and how all parts of the legislation will work together.

On this basis, the Committee makes the following two recommendations:

- 3. That citizens' initiative legislation be enacted that considers implementing regional signature threshold requirements and requires a citizens' initiative petition to contain the valid signatures of between 5 per cent to 25 per cent of the electors of the province of Alberta in order for the citizens' initiative petition to be considered by the Legislative Assembly.**
- 4. That citizens' initiative legislation be enacted that requires a citizens' initiative petition to, in form, require each petitioner to provide on the petition information in support of their current residency in the electoral division in which they are eligible to vote.**

6.3 Collection of Signatures on an Initiative Petition

Three submitters offered opinions on the time frame a petitioner should be given to collect signatures on a petition, ranging from approximately four to 18 months from the date the petition is approved. The Committee noted that the 90-day signature collection period commencing once a petition has been approved, which is used in B.C., has on at least one occasion facilitated a successful petition. The Committee felt strongly that petitioners should not be permitted to pre-canvass for signatures before a petition has been approved and that petitioners should not be given an extensive period to collect

signatures so that the petition issue does not “drag on for extended periods of time,” potentially straddling a provincial election period. The Committee ultimately concluded that a 90-day window, as used in B.C., is a concise but reasonable time frame.

Therefore, the Committee recommends:

- 5. That citizens’ initiative legislation restrict the canvassing of petitioners’ signatures to the 90-day period immediately following the date on which the proposed citizens’ initiative petition is approved.**

The B.C. citizens’ initiative model provides that a petition canvasser must be a registered voter, and inducements for canvassing for signatures cannot be offered or received. Similarly, Dr. Alan Renwick, University College London, urged that payment of signature collectors or for signatures collected should not be permitted in Alberta’s initiative model. Conversely, according to Dr. Amanda Zoch, National Conference of State Legislatures, citizens’ initiatives petition circulators in U.S. states “can be hired and paid.” The Committee believes that methods to ensure the integrity and grassroots nature of the initiative process are needed. It therefore agreed that a petition canvasser should be eligible to vote in Alberta and the offering or receipt of any form of payment for collecting signatures on a petition should be prohibited.

On this basis, the Committee recommends:

- 6. That citizens’ initiative legislation be enacted to include the following in respect of canvassing for signatures for a citizens’ initiative petition:**
 - (a) a requirement that only an individual who is an eligible elector during the 90-day period when signatures are permitted to be collected for the citizens’ initiative petition is eligible to canvass for signatures in respect of that petition;**
 - (b) a prohibition that a canvasser must not, directly or indirectly, accept an inducement in respect of their canvassing of signatures for a citizens’ initiative petition; and**
 - (c) a prohibition that no person may, directly or indirectly, provide an inducement to a canvasser in respect of their canvassing of signatures for a citizens’ initiative petition.**

6.4 Spending, Contributions, and Advertising for Initiatives

The B.C. initiative model provides that initiative advertising may only be undertaken by an authorized participant (i.e., proponent, registered opponents) or an initiative advertising sponsor and participants are subject to initiative spending limits. The Chief Electoral Officer proposed in his submission that the financial obligations of all initiative participants should be consistent with existing EFCDA requirements and should be integrated into the EFCDA. Alberta Proud, a third party advertiser, suggested that an initiative proposer should be required to register with Elections Alberta to begin collecting funds and campaigning, similar to the rules that apply to political entities. Similarly, the Alberta Advantage Party suggested that an initiative proposer should be required to follow the same financial rules as a provincial election candidate, and the Broadbent Institute proposed that individual donations to initiative campaigns should mirror “the current allowable amount for provincial elections.” Conversely, the Canadian Taxpayers Federation and Vitor Marciano both feel that there should be no set spending limits on initiative campaigns.

The Committee recognized that spending provisions with respect to election campaigns exist in election legislation and discussed the importance of establishing rules with respect to entities that spend money to support or oppose an initiative petition. The Committee also considered the issue of restricting government advertising during an initiative petition, acknowledging that it was important not to limit the Government’s ability to advertise, in certain circumstances, despite the subject matter of a petition that may be underway at the same time. However, the Committee agreed on the importance of ensuring that the Government does not have the ability to engage in the initiative process by spending money advertising for or against an initiative that has been proposed. The Committee questioned its technical experts regarding government advertising rules. In response, the Chief Electoral Officer explained that the *Election Act* already contains a provision that restricts government advertising during an election with

the exception of advertising that relates to ongoing programs or important matters of public health and safety. Ms Hillier, Department of Justice and Solicitor General, went on to explain that because the current government advertising restriction relates to elections, which occur within a fixed time period, the Government is generally aware of when the restrictions on government advertising apply. However, citizens' initiatives may occur at any time and, therefore, the rules with respect to government advertising during an initiative process will need to be designed to be activated whenever an initiative process begins.

On the basis of these considerations, the Committee recommends:

- 7. That citizens' initiative legislation be enacted that includes financing, advertising, and disclosure rules that apply to the spending of monies in respect of the citizens' initiative process that are consistent with the financing, advertising, and disclosure rules under the *Election Act* and *Election Finances and Contributions Disclosure Act* that apply to elections.**

Three submitters, the Broadbent Institute, the Alberta Advantage Party and David Blain, argued that third party advertising should not be permitted in the citizens' initiative process and that, according to the Broadbent Institute, "if a group wants to spend on one of these votes, they should be registered as either a proponent or an opponent." The Committee considered whether third party advertisers should be permitted to advertise in support of or opposition to a citizens' initiative and if doing so would detract from the grassroots nature of these types of initiatives. The Chief Electoral Officer explained that third party advertisers, which are permitted in Alberta, are required to register with Elections Alberta and follow specific rules with respect to raising and spending money on election advertising. Ultimately, the Committee felt that to prohibit third party advertisers from advertising for or against a citizens' initiative would infringe upon their freedom of speech. Instead, the Committee agreed that third party advertisers should be permitted to participate in the initiative process but that reasonable limits and parameters, such as being required to register with Elections Alberta and adhere to limits on fundraising and spending, should apply to that participation.

On this basis, the Committee recommends:

- 8. That citizens' initiative legislation be enacted to require a person to register with Elections Alberta as a third party advertiser before being authorized under that legislation to spend monies in support of or in opposition to a citizens' initiative petition.**

Some submitters objected to the involvement of outside parties in the citizens' initiative process. For instance, the Alberta Advantage Party argued that political action committees and out-of-province advertising should not be permitted in the citizens' initiative process. J.D. Lavender, private citizen, submitted that there should be safeguards to prevent "foreign money coming into Alberta to potentially influence" citizens' initiatives and, in his view, foreign interests should include "Canadian corporate interests," which should "not be able to fund Alberta-specific referendums." Finally, the Green Party of Alberta suggested that the initiative process should be a "constituency-driven democratic process, and as such, efforts should be made to keep funding, sponsorship, and excessive advertising out of the petition process."

The Committee considered who should be restricted from making contributions to an individual or entity (which includes a third-party advertiser) that is raising money to promote or oppose a citizens' initiative petition. In keeping with the Committee's view that initiatives should be grassroots endeavours by Alberta citizens, it agreed that contributions to citizen-initiated petition campaigns by nonresidents of Alberta, corporations or unions should not be permitted. Further, in keeping with the Committee's desire to prevent initiative processes from being overtaken by special-interest groups, it agreed that some spending limits should be set for initiative campaigns for all participants, including third party advertisers.

On that basis, the Committee makes the following two recommendations:

9. That citizens' initiative legislation be enacted that corporations, unions and individuals who are not residents of Alberta be prohibited from contributing to citizens' initiative campaigns.

10. That citizens' initiative legislation be enacted that imposes reasonable campaign spending limits in respect of citizens' initiative petitions.

The Committee discussed how to address surplus campaign funds from an initiative petition campaign. It noted that at the municipal level, if an elected official chooses not to run for re-election, any surplus campaign donations that the official has received are donated to charity. The Committee felt that charities would benefit from surplus initiative funding, and that those raising money for an initiative campaign may "be more refined in terms of asking for the monies they need" if they were aware that the surplus will be donated to charity. The Committee also agreed that the types of charities to benefit from any surplus funds should not include a political party or third-party advertiser.

Therefore, the Committee recommends:

- 11. That citizens' initiative legislation be enacted that provides that**
- (a) the contribution surplus that remains in respect of a particular contribution be donated to a registered charity; and**
 - (b) contribution surpluses referred to in clause (a) be prohibited from being transferred to a registered political party or third-party advertiser.**

6.5 Eligibility to Start or Participate in a Citizens' Initiative

Two submitters, the Alberta Advantage Party and the Green Party of Alberta, argued that any resident of Alberta eligible to vote should be able to start a citizens' initiative petition. However, J.D. Lavender felt that a naturalized Canadian citizen who has lived in Alberta for at least 12 months should also be permitted to start a petition. Elections Alberta and the Alberta Advantage Party recommend that a qualified voter at the time of a petition should be eligible to sign the petition. The Committee agreed that only eligible voters in Alberta should be permitted to participate in the initiative process.

Therefore, the Committee makes the following two recommendations:

12. That citizens' initiative legislation be enacted that establishes that only an eligible elector in Alberta is eligible to sign a petition.

13. That citizens' initiative legislation be enacted that establishes that only an eligible elector is eligible to initiate a citizens' initiative petition.

6.6 Process and Administration for Citizens' Initiatives

The B.C. model for citizens' initiatives provides that a registered voter may apply to the Chief Electoral Officer for the issuance of a petition to have a legislative proposal (a Bill) introduced into the Legislative Assembly. The legislative proposal must be a matter within the jurisdiction of the Legislature, and the applicant must present the draft bill as part of their initiative petition application. If the initiative petition is successful, the Chief Electoral Officer sends the petition and draft bill to the Select Standing Committee on Legislative Initiatives. After considering the legislative proposal, the Committee must either table a report in the Assembly recommending that the Bill be introduced or refer the Bill to the Chief Electoral Officer for an initiative vote to be held. If the initiative vote is successful or if the Standing Committee recommends that the Bill be introduced without holding an initiative vote, the government must introduce the Bill as soon as is practicable. In either event, once the Bill is introduced in the Assembly, the requirements of the *Recall and Initiative Act* will have been satisfied and the Bill will proceed as with any other Bill, with no guarantee that it will pass.

Dr. Amanda Zoch, National Conference of State Legislatures, and Dr. Alan Renwick, University College London, both noted initiative systems in other jurisdictions that include a deliberative step in their processes. Dr. Zoch explained that in some American states the indirect initiative process is used in which the “sponsors of an issue gather signatures, and it goes to the state Legislature for approval. If they like it, they can approve it without making it go to the ballot, and that’s something that legislators tend to prefer as opposed to the direct citizen initiative.” Dr. Renwick argued about the importance of having an opportunity for the Legislature or some kind of citizens’ assembly to review the legislative proposal in depth before it is put to the vote in a referendum.

The Committee discussed the B.C. model as it relates to the process that is followed if an initiative petition is successful, noting that this process provides some leeway to a committee of the Assembly as to how to proceed with a successful petition for a legislative proposal. The Committee acknowledged that stakeholder presenters suggested an intermediate step between a petition and a referendum as a best practice for the initiation process and agreed that this type of process is an important aspect of citizens’ initiatives.

On that basis, the Committee recommends:

- 14. That citizens’ initiative legislation be enacted that provides that once the Chief Electoral Officer verifies that a citizens’ initiative is successful, a proposal and petition are submitted for review and consideration to a committee of the Legislative Assembly, comparable to similar requirements established under British Columbia’s citizens’ initiative legislation and processes in respect of the following:**
- (a) recommendation of the proposal for consideration by the Legislative Assembly or referral to the Chief Electoral Officer for an initiative vote;**
 - (b) initiative voting process, the initiative vote itself, and the effects of a successful initiative vote.**

The Committee also considered whether a petition for a legislative proposal should include a draft bill at the outset or if the bill should only be drafted if the legislative proposal petition is successful. In addition, it discussed who should prepare the draft bill. Ms Hillier, Department of Justice and Solicitor General, explained that if a layperson were to be responsible for drafting a bill, there would be no guarantee that the bill presented would be suitable for introduction in the Legislative Assembly. She then explained that it is possible to design initiative legislation that allows for a legislative proposal petition to go forward and, if it is successful, for Department of Justice drafters to draft the bill, which is then presented to a committee of the Assembly, as proposed in recommendation 14 above. Pamela Renwick, Elections Alberta, explained that in the B.C. citizens’ initiative process a draft bill is presented as part of the petition application process. The Committee ultimately agreed that a draft bill should be part of the legislative proposal initiative process in Alberta and that the details of how that process would work should be left to the discretion of the Government when it drafts the citizens’ initiative legislation.

The Committee therefore recommends:

- 15. That citizens’ initiative legislation be enacted that requires a citizens’ initiative petition in respect of a legislative proposal to include, as a part of the petition, a draft bill proposing to effect the legislative objectives of the citizens’ initiative petition.**

Elections Alberta has a petition verification process in place for petitions to form a registered political party. That process includes ensuring that all required information has been provided for each signatory, reviewing signatory addresses to ensure they reside in Alberta and meet any established geographical thresholds, ensuring the petition contains sufficient signatures and phoning a random sample of electors to confirm their eligibility and signature on the petition. Elections Alberta noted in its submission to the committee that the threshold of signatures required on a petition for it to be successful will “dictate the number of electors that Elections Alberta can contact.” Elections Alberta consults with Alberta Treasury Board and Finance for advice on “appropriate methods and sample sizes to achieve appropriate statistical sampling.” Using the B.C. model of a 10 per cent threshold of eligible voters as an example, the

Chief Electoral Officer explains that “282,431 signatures would need to be collected and reviewed (based on 2019 polling data of 2,824,309 electors).” Based on the role of Elections Alberta in the electoral process, including verifying petitions to form registered political parties, the Committee agreed that the “Chief Electoral Officer is in the best position” to determine if a citizens’ initiative has met the requirements to be successful.

Therefore, the Committee recommends:

16. That citizens’ initiative legislation be enacted that provides that the Chief Electoral Officer will determine whether a citizens’ initiative is successful.

The B.C. citizens’ initiative model requires a filing fee of \$50 for anyone submitting a petition application. The Committee agreed that it would be appropriate to require a fee for filing a petition application and agreed that the amount of the filing fee should be small enough so as not to be onerous.

The Committee therefore recommends:

17. That citizens’ initiative legislation be enacted that prescribes a minimal filing fee for citizens’ initiative petitions.

RECALL

6.7 British Columbia Recall Framework

The B.C. recall process permits a registered voter to petition to remove a Member of the Legislative Assembly from office between elections. A registered voter for an electoral district may apply for the issuance of a petition for the recall of the Member of the Legislative Assembly for that electoral district. If the petition is issued, the petitioner has 60 days to collect signatures from more than 40 per cent of registered voters in that electoral district. If the petition is successful, the Member is removed and a by-election is held. The Committee agreed that the B.C. model for recall provides a good overarching framework from which to develop the recall process in Alberta. However, the Committee acknowledged that it may wish to vary some aspects of the B.C. model in favour of processes that may be more appropriate for Alberta.

On this basis, the Committee recommends:

18. That recall legislation be enacted that adopts British Columbia’s framework for the recall of Members of the Legislative Assembly with variations to that framework consistent with the recommendations of this committee.

6.8 Threshold/Collection of Signatures

Submitters made many proposals regarding the required threshold for recall petitions. Elections Alberta and Lindsay Luhnau, Alberta Party Calgary-Currie Constituency Association, suggested that BC’s threshold of 40 per cent of registered voters in the electoral district in question was too high whereas Sean Schaffer and Dr. Duane Bratt felt 40 per cent was appropriate. Others suggested thresholds ranging from five to 25 per cent of eligible voters or 66 per cent of votes cast in the last election. Four submitters, the Alberta Advantage Party, Alberta Proud, Vitor Marciano, and the Canadian Taxpayers Federation, all agreed that the maximum period for collecting signatures on a recall petition should be 90 days from the day the petition was issued, which is longer than the 60-day limit in B.C.’s recall model.

The Committee considered the comments made by submitters in determining what the most appropriate threshold should be and the time limit for collecting petition signatures. In addition, it contemplated if the threshold should be the same percentage in every riding or if it should be determined based on a percentage of votes received by the Member in question in the last election. The Committee was concerned about establishing a process using a percentage of votes as a threshold since voter turnout

varies widely across the province. It felt that using such a process could possibly make it more difficult in one riding as compared to another to achieve the successful threshold. Ultimately, the Committee decided that for the sake of consistency it would be best to use one set percentage of registered voters that would apply in all constituencies.

On that basis, the Committee recommends:

- 19. That recall legislation be enacted that requires the following to be met for a recall petition to be considered successful:**
- (a) at least 40 per cent of registered electors of the electoral division of the Member of the Legislative Assembly who is the subject of the recall petition have validly signed the recall petition;**
 - (b) only the physical signatures of individuals who were eligible electors during the 90-day period when signatures were permitted to be collected are counted as valid for the purposes of determining whether the recall petition has been successful.**

6.9 Canvassers

In B.C.'s recall process a registered voter may canvass for signatures as long as that person has been resident in British Columbia for at least six months and has registered his or her name and residential address with the Chief Electoral Officer. In addition, a person must not, directly or indirectly, accept any inducement for canvassing for signatures on a recall petition or offer any inducement to a canvasser.

Similar to the Committee's desire for the citizens' initiative process to be a grassroots endeavour, it believes that methods to ensure the integrity and grassroots nature of the recall process are needed. It therefore agreed that a petition canvasser should be eligible to vote in the electoral division of the Member of the Legislative Assembly who is the subject of the recall petition. In addition, the offering or receipt of any form of payment for collecting signatures on a petition should be prohibited.

On this basis, the Committee recommends:

- 20. That recall legislation be enacted that establishes the following in respect of canvassing for signatures for a recall petition:**
- (a) a requirement that only an individual who is an elector eligible to vote in the electoral division of the Member of the Legislative Assembly during the 90-day period when signatures are permitted to be collected for the recall petition is eligible to canvass for signatures in respect of that petition;**
 - (b) a prohibition that a canvasser must not, directly or indirectly, accept an inducement in respect of their canvassing of signatures for a recall petition; and**
 - (c) a prohibition that no person may, directly or indirectly, provide an inducement to a canvasser in respect of their canvassing of signatures for a recall petition.**

6.10 Petition Verification Process

Elections Alberta has a petition verification process in place for petitions to form a registered political party. That process includes ensuring that all required information has been provided for each signatory, reviewing signatory addresses to ensure they reside in Alberta and meet any established geographical thresholds, ensuring the petition contains sufficient signatures and phoning a random sample of electors to confirm their eligibility and signature on the petition. Elections Alberta noted in its submission to the committee that the threshold of signatures required on a petition for it to be successful will "dictate the number of electors that Elections Alberta can contact." Elections Alberta consults with Alberta Treasury Board and Finance for advice on "appropriate methods and sample sizes to achieve appropriate statistical sampling." The Committee determined that the process for verifying the signatures contained on a recall petition should be similar to the existing process for verifying signatures as part of the political party registration process.

Therefore, the Committee recommends:

- 21. That recall legislation be enacted that adopts a process for verifying the signatures contained in a recall petition that is similar to the process for verifying signatures in respect of the registration of a political party.**
- 22. That recall legislation be enacted that provides that the Chief Electoral Officer will determine whether a recall petition is successful.**

6.11 Spending, Contributions, and Advertising

Elections Alberta suggested that the financial obligations for all recall participants should be consistent with the requirements currently set out in the EFCDA and should be integrated into the EFCDA. Five submitters commented on contribution limits for recall petitions. The Alberta Advantage Party (AAP) and the Broadbent Institute suggested that contribution limits should be the same as those for a candidate in a provincial election. In addition, the AAP along with Dr. Bratt contended that contributions made to a recall petition should not affect a person's ability to make a contribution to a political party, constituency or candidate. Elections Alberta argued that contribution rules should specify whether contributions apply to annual limits and whether they are eligible for tax credits while the AAP suggested that contributions to a recall petition should be tax deductible as they are "for a political party of a candidate." With respect to spending limits Brent Rathgeber argued that third party advertisers should be required to follow the same spending limits as exist for general elections. Dr. Bratt argued that "there needs to be a separate standard set for [recall] spending and contribution limits beyond regulation donation limits."

The Committee felt it was important to set stand-alone contribution limits with respect to contributions to the proponent of a recall petition or to the Member of the Legislative Assembly who is the subject of the recall petition. Further, the Committee agreed that parameters should be set with respect to spending on recall petitions that are similar to the current spending rules that apply to elections.

Therefore, the Committee makes the following two recommendations:

- 23. That recall legislation be enacted that provides for the following as it relates to all financial contributions to a proponent of a recall petition or to the Member of the Legislative Assembly who is the subject of the recall petition:**
 - (a) establish a limit on the amount that can be financially contributed to the proponent or the Member, and**
 - (b) clarify that, in respect of a person, the limits referred to in clause (a) apply to that person separate and apart from the contribution limits that apply to the person in respect of any financial contributions that they make to a political party.**
- 24. That recall legislation be enacted that includes financing, advertising, and disclosure rules that apply to the spending of monies in respect of the recall process that are consistent with the financing, advertising, and disclosure rules under the *Election Act* and *Election Finances and Contributions Disclosure Act* that apply to elections.**

Elections Alberta believes that the role of third party advertisers should be defined. In particular, Elections Alberta suggested that the Committee may wish to consider "if third party advertisers can raise funds and advertise for or against the Member who is the subject of a recall process." If third party advertisers are allowed, Elections Alberta recommended "amending the EFCDA to include requirements for their financial registration, reporting, and expense limits." However, the Alberta Advantage Party and the Broadbent Institute argue that "there should be no role for independent third party advertisers" in the recall process. Further, the AAP contends that no out-of-province advertising or political action committees should be permitted in the recall process.

The Committee agreed that because it was recommending that spending limits be set for recall petition campaigns, there should also be a registration process for third party advertisers who plan to spend money advertising for or against a recall petition.

The Committee therefore recommends:

- 25. That recall legislation be enacted that provides that any person who wishes to spend monies on advertising during the period in which signatures are permitted to be collected for a recall petition must register with Elections Alberta as a third-party advertiser before being authorized under that legislation to spend monies, except for the following individuals:**
- (a) the individual who applied for the issuance of the petition;**
 - (b) the Member of the Legislative Assembly who is the subject of the recall petition.**

6.12 Eligibility to Start or Participate in a Recall Petition

Elections Alberta commented that the Committee may wish to determine who may start a recall petition and argued that the role of a recall petitioner should be defined in legislation. Rural Municipalities of Alberta suggested that recall petitions should be able to be launched by individuals but not by organizations or corporations. The Alberta Advantage Party made a more specific suggestion that the person seeking to start a recall petition should be required to live in the electoral district in question.

Regarding who should be permitted to sign a recall petition, Elections Alberta recommended that electors ordinarily resident in the electoral division at the time of the recall petition should be eligible to sign the recall petition. Conversely, Lindsay Luhnau argues that “the requirement that the voter lived in the district at the time of the election, which would disproportionately affect high turnover neighbourhoods such as the downtowns of our major cities” is “much too restrictive.” Alberta Proud and Vitor Marciano suggested that signatures should only come from constituents, and Dr. Bratt argued that eligible electors should still live in the constituency at the time of the recall petition in addition to having been registered to vote in the particular constituency at the time of the last election.

Four submitters (Elections Alberta, Rural Municipalities of Alberta, Sean Schaffer, and Brent Rathgeber) commented that recall campaigns should be precluded from occurring immediately after and prior to a provincial general election. Further, Elections Alberta suggested that concurrent recall applications should be prohibited in the same electoral district to prevent circumventing expense limits. However, Mr. Rathgeber contended that only one recall election should be held per electoral division in each term and “no Member who survives a recall election should be forced to face a subsequent one.”

After hearing from stakeholders and other submitters, the Committee felt it was important to ensure that the recall process is a fair, grassroots endeavour by only permitting eligible voters in the electoral division for which a recall petition has been started to participate in the recall petition. Further, to eliminate any confusion and administrative burden on Elections Alberta, the Committee agreed that limits should be set on the number of recall petitions that can be approved with respect to a Member. Finally, the Committee is of the view that the availability of the recall process should be limited near an election period and that the number of recall petitions regarding each Member during each term should also be limited.

Based on these rationales, the Committee makes the following five recommendations:

- 26. That recall legislation be enacted that limits the right to apply for the issuance of a recall petition in respect of a Member to only an individual who would be eligible to vote in an election in respect of the Member’s electoral district if the election were held on the day that the individual applied for the issuance of the recall petition.**
- 27. That recall legislation be enacted that establishes that only individuals who were eligible to vote in the election for which the Member to whom a recall petition relates was elected are eligible to sign that recall petition.**

- 28. That recall legislation be enacted that prohibits more than one recall petition to be issued in respect of a particular Member of the Legislative Assembly at any one time.**
- 29. That recall legislation be enacted that prohibits more than one recall petition to be issued in respect of a particular Member of the Legislative Assembly per term.**
- 30. That recall legislation be enacted that prohibits recall petitions from being issued**
- (a) 18 months immediately following a general election or, if applicable, a by-election in the relevant electoral division, and**
 - (b) 6 months immediately preceding the first day of a fixed election period during which a general election must be held.**

6.13 Role of Elections Alberta and Next Steps after a Successful Recall Petition

The Committee agreed that Elections Alberta is the appropriate body to oversee the recall petition process, including being responsible for determining if a recall petition application should be approved and issuing the petition once approved.

Therefore, the Committee makes the following two recommendations:

- 31. That recall legislation be enacted that**
- (a) sets out the requirements that must be met for a recall petition to be issued to an applicant, and**
 - (b) sets out the process by which a recall petition is to be issued to an applicant, including empowering the Chief Electoral Officer to**
 - (i) review an application for the issuance of a recall petition to determine if the requirements are met, and**
 - (ii) if those requirements are met, issue the recall petition to the applicant.**

Dr. Amanda Zoch, National Conference of State Legislatures, explained that there are three main types of procedures followed in U.S. states that have recall. In one option, if there are enough signatures and it goes to a recall election, the state will run the recall election so that the decision whether or not to recall the particular official is combined with the decision to appoint their successor. In another option, the state will have the recall election and the replacement of the representative as two separate processes, which would be more expensive. A third option is for the recall election to happen, and then if the official is successfully recalled, that seat is filled by an appointment. She noted that this third option is not commonly used. Dr. Zoch then went on to say that “it does seem like running an election to decide whether or not to recall the official and then running an election, whether simultaneously or later, to fill that seat, is the more popular decision by states.” She noted that the reason this method is more popular with legislators and voters is “because it’s more democratic” than having the vacant seat filled through an appointment process rather than an election.

The Committee discussed its concerns with the B.C. model, which, in the Committee’s view, is lacking because “a minority of eligible voters” in a constituency “could force an MLA to vacate their seat.” It then contemplated adding another step to the recall process, an actual recall election, to occur between a successful recall petition and the resulting by-election. The Committee asked Mr. Resler about the cost and resource implications of holding a stand-alone election. In response, Mr. Resler explained that running a by-election is quite expensive (\$300,000 to \$400,000) and will “differ depending on the electoral division, urban/rural, and advertising costs.” He noted that there is potential for a lower cost by-election if mail-in ballots are used versus in-person voting. He also indicated that “obviously, there is a significant amount of work involved with a by-election” with potentially very little lead time, and there is a question as to availability of returning officers. However, Mr. Resler also indicated that when Elections Alberta looks at the Elections B.C. model, one of the recommendations made in the Report of the Chief Electoral Officer

on the Recall Process in British Columbia, November 2003, was to break up the recall process into three steps similar to what the Committee is considering.

The Committee recognized that it was considering a recall model that is a departure from the B.C. model. However, it felt that “with recall there is always a balance between trying to make it so that it reflects the will of the people” while still respecting “that when you’re elected, you are elected by the will of the people through a secret ballot.” In the Committee’s view, it would be wise to incorporate a secret ballot recall election into the recall process. That way a Member who is the subject of a recall petition, which only needs a minority of voters’ signatures to be successful, can face the electorate in a secret ballot election to determine if the majority of electors actually want to recall the Member.

On the basis of these considerations, the Committee recommends:

- 32. That recall legislation be enacted that establishes requirements in respect of the following, following a successful recall petition:**
- (a) the Chief Electoral Officer must hold a recall election in the electoral division of the Member of the Legislative Assembly who is the subject of the successful recall petition in which electors, by secret ballot, vote on whether to recall the Member, and**
 - (b) if a simple majority of voters in a recall election vote in favour of recalling a Member of the Legislative Assembly, that Member’s seat is considered vacant and a subsequent by-election is held in accordance with the *Election Act*.**

The Committee further agreed that, similar to many other jurisdictions with recall processes, a Member who has been recalled should be permitted to run in the by-election that is held following the successful recall process.

The Committee therefore recommends:

- 33. That recall legislation be enacted that clarifies that an individual who was, as a Member of the Legislative Assembly, the subject of a recall petition that was successful may be a candidate in the by-election held immediately after the determination that the recall petition was successful.**

6.14 Application of Recall to Municipalities and School Boards

A number of submitters commented with respect to applying recall to elected municipal officials and school boards. Five submitters, the Alberta Urban Municipalities Association (AUMA), Rural Municipalities of Alberta, Al Boychuk, Dr. Duane Bratt and Vitor Marciano argued that there is no need for recall provisions for municipal elected officials as there are already existing legislative mechanisms to remove councillors from office in specific circumstances. However, according to the AUMA, if recall for municipal elected officials proceeds, then “legislation for local elected officials should align with recall provisions for provincial elected officials, with consideration that thresholds for petitions or other recall mechanisms should vary based on the size of the constituency.” The Alberta Advantage Party, Alberta Proud, and Eric von Stackelberg agreed, suggesting that the framework for the recall of municipal officials should mirror, where possible, that of MLAs. The Canadian Taxpayers Federation added that if recall legislation as it applies to MLAs is also extended to the local level, thresholds for petitions should depend on the population of size of the voting area, similar to the approach in Louisiana, where “the lower the population, the greater the percentage of voters” required to sign the petition. In addition, the Alberta Advantage Party feels that school board trustees should be subject to recall.

The Committee discussed the idea of recommending that recall legislation include recall provisions with respect to elected municipal officials and school board trustees, noting that this is a very important issue to many constituents. As part of that discussion the Committee considered that the *Municipal Government Act* contains ministerial powers to remove an elected municipal official from office in certain circumstances. It also acknowledged that the *Education Act* empowers the Minister of Education to

remove a school board and for a school board to remove a trustee in certain circumstances. However, the Committee ultimately agreed that although Ministers and school boards have such powers, it is more appropriate for local electors to be given authority to use a democratic process to remove a local elected official from office, similar to the democratic process they used to elect those same officials. Further, the Committee felt that the level of accountability of municipal and school board officials to their electors would be increased simply by being aware that the option of recall is available to electors should they believe that the representation of a local elected official is unsatisfactory. The Committee also agreed that it is not its intention to capture Métis Settlement elections in the recall process for elected municipal officials and school boards.

On this basis, the Committee recommends:

34. That

- (a) recall legislation be enacted for the purpose of recalling of municipal elected officials or school board trustees, and**
- (b) such legislation be similar in nature to recall legislation in respect of Members of the Legislative Assembly.**

APPENDICES

APPENDIX A: Minority Report

On October 30, 2020 the UCP Government private members of the Select Special Democratic Accountability Committee voted through a suite of proposals around the implementation of recall and citizens' initiatives. They approved these measures despite a number of proposals moved by the NDP Official Opposition that would have improved the final proposals and assisted the committee in achieving its mandate of reviewing and improving Alberta's democracy.

Of all the submissions received by this committee, the vast majority urged this committee against enacting the recall of school boards or municipal authorities. Rather the majority stated that this type of recall was unnecessary, including several presenters and the Alberta Urban Municipalities Association and the Rural Municipalities Association, the two largest municipal stakeholders in the province.

These and other stakeholders raised serious concerns about the impact that these recall policies would have on local municipalities, including thresholds regarding signatures, how acclamations would be addressed, costs, and added administrative burdens to municipalities and school boards. They also asked why such policies were necessary when accountability measures regarding municipal officials already exist.

These are serious questions that the UCP Members sponsoring and voting for these proposals were unable to answer.

The Member for Fort McMurray-Lac la Biche, rather than being able to address concerns arising from the impact of her vote, simply stated that municipalities would "rise to the challenge and find ways of making this work."

This type of non-answer flies directly in the face of the submissions and testimony of the Albertans who reached out to this committee and the experts who presented to this committee. Since the presenters were able to clearly and simply explain their concerns and opposition to municipal recall, we urge the Assembly to reject the recommendation of the committee and not proceed with any legislation toward the recall of municipal officials or school boards.

The final proposals moved and approved by the UCP bore little resemblance to the submissions received by the committee. On recall for example, some of the proposals endorsed by the UCP members bore zero resemblance to the suggestions made by those who approached the committee.

Specifically the motion from the Member for Drumheller-Stettler to include an additional referendum in the recall process did not appear in a single submission, or was endorsed by any of the presenters, despite his claims that it was the presenters who urged this step.

Conduct like this, where the UCP members of the committee ignore the suggestions of the public to include proposals that originate solely from the UCP Caucus, could serve to undermine the confidence of the public that the actions of the UCP Government members were to benefit Alberta as opposed to being designed to benefit the UCP Government members. That is why we encourage the assembly to withhold enactment on these recommendations.

The actions of the UCP MLA's on this committee highlights much of what Albertans have come to expect from the UCP Government, who have a history of ignoring consultation when it comes to things like accessible child care, seizing control of Albertans pensions and more. The UCP Members need to show Albertans that they actually take consultation seriously and not just a formality to undergo before they impose their pre-written plans.

Albertans reached out to this committee because they were seeking to have their voices heard on making Alberta's democratic system more accountable, something that the UCP since taking office has gone backwards on.

The UCP have shown their true colours when it comes to democratic accountability. They passed legislation that ignored the consultations of AUMA to bring big money back into local elections. They imposed referendum laws that vested the power in the hands of the Premier as opposed to Albertans, and time after time have ignored Albertans who want ideas and not money to be the driver of political action and reduced accountability and allowed for more and more dark money to involve itself in our democracy.

As this committee has been tasked to review Alberta's democracy laws and make suggestions for improvement, it is critical that as Legislators we get this right. Albertans deserve no less.

NDP Committee Members
Heather Sweet
Joe Ceci
Rakhi Pancholi
Thomas Dang

APPENDIX B: Oral Presentations to the Committee

Stakeholder Presentations: September 23, 2020 – Citizens’ Initiatives

Abbreviation	Presenter
NCSL	Dr. Amanda Zoch Mellon/ACLS Public Fellow and Legislative Policy Specialist National Conference of State Legislatures
UCL	Dr. Alan Renwick Deputy Director, Constitution Unit University College London Independent Commission on Referendums
CTF	Franco Terrazzano Alberta Director Canadian Taxpayers Federation

Stakeholder Presentations: September 24, 2020 – Recall

Abbreviation	Presenter
NCSL	Dr. Amanda Zoch Mellon/ACLS Public Fellow and Legislative Policy Specialist National Conference of State Legislatures
Bratt	Dr. Duane Bratt Professor, Mount Royal University
CTF	Franco Terrazzano Alberta Director Canadian Taxpayers Federation
NCSL	Dr. Amanda Zoch Mellon/ACLS Public Fellow and Legislative Policy Specialist National Conference of State Legislators

Virtual Public Meeting: October 19, 2020

Presenter	Location
Eric von Stackelberg	Parkland County
Jennifer Cote	Sturgeon County
J.D. Lavender	St. Albert
Josh Andrus on behalf of Project Confederation	Lethbridge
Vitor Marciano	Edmonton
Brent Rathgeber, QC	Edmonton
David Blain	Calgary
Marcey Kliparchuk	Edmonton
Bruce Jackson	Athabasca

APPENDIX C: Written Submissions to the Committee

Citizens' Initiatives

Individual	Organization	File Number
James Ruston	Private Citizen	DAC-2020-006
Terrance Van Gemert	Private Citizen	DAC-2020-012
Bruce Jackson	Private Citizen	DAC-2020-021
Barry Morishita, President and Chair	Alberta Urban Municipalities Association	DAC-2020-028
Al Boychuk	Private Citizen	DAC-2020-034
Sean Schaffer	Private Citizen	DAC-2020-039
Ed Broadbent, PC, CC, Chair	Broadbent Institute	DAC-2020-047
Al Kemmere, President	Rural Municipalities of Alberta	DAC-2020-050
Glen Resler, Chief Electoral Officer and Election Commissioner	Elections Alberta	DAC-2020-053
David Inscho, President	Alberta Advantage Party	DAC-2020-060
Andrew Cruickshank	Private Citizen	DAC-2020-061
Lindsay Luhnau, Chief Financial Officer	Alberta Party Calgary-Currie Constituency Association	DAC-2020-067
Dr. Spencer McKay	Private Citizen	DAC-2020-071
Damien C. Kurek	Member of Parliament, Battle River- Crowfoot	DAC-2020-072
Brent Rathgeber, QC	Private Citizen	DAC-2020-080
Alberta Proud	Registered Third Party Advertiser	DAC-2020-084
Vitor Marciano	Private Citizen	DAC-2020-086
Cass Romyn	Green Party of Alberta	DAC-2020-091

Recall

Individual	Organization	File Number
Terrance Van Gemert	Private Citizen	DAC-2020-013
Barry Morishita, President and Chair	Alberta Urban Municipalities Association	DAC-2020-029
Frank Jenkins	Private Citizen	DAC-2020-032
Al Boychuk	Private Citizen	DAC-2020-035
Sean Schaffer	Private Citizen	DAC-2020-040
Ed Broadbent, PC, CC, Chair	Broadbent Institute	DAC-2020-048
Al Kemmere, President	Rural Municipalities Association	DAC-2020-051
Glen Resler, Chief Electoral Officer and Election Commissioner	Elections Alberta	DAC-2020-052
Pastor Robert Alford, former Leader of the Alberta Social Credit Party	Private Citizen	DAC-2020-057
David Inscho, President	Alberta Advantage Party	DAC-2020-059
Wayne Moorhead	Private Citizen	DAC-2020-064
Lindsay Luhnau, Chief Financial Officer	Alberta Party Calgary-Currie Constituency Association	DAC-2020-068
Damien C. Kurek	Member of Parliament, Battle River-Crowfoot	DAC-2020-073
Dustin Van Vugt, Executive Director	United Conservative Party of Alberta	DAC-2020-077
Brent Rathgeber, QC	Private Citizen	DAC-2020-081
Alberta Proud	Registered Third Party Advertiser	DAC-2020-085
Vitor Marciano	Private Citizen	DAC-2020-089

