

# Select Special Democratic Accountability Committee

## **Final Report** **Review of the *Election Act* and the** ***Election Finances and Contributions*** ***Disclosure Act***

Thirtieth Legislature  
Second Session  
January 2021



Select Special Democratic Accountability Committee

3<sup>rd</sup> Floor

9820 – 107 Street

Edmonton AB T5K 1E7

780.415.2878

[DACommittee.Admin@assembly.ab.ca](mailto:DACommittee.Admin@assembly.ab.ca)



**SELECT SPECIAL DEMOCRATIC ACCOUNTABILITY COMMITTEE**

January 2021

**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 the *Election Act* and the *Election Finances and Contributions Disclosure Act*, pursuant to Government Motion 25.

Sincerely,

*[original signed]*

Joseph Schow, MLA  
Chair, Select Special  
Democratic Accountability Committee



## TABLE OF CONTENTS

<b>MEMBERS OF THE SELECT SPECIAL DEMOCRATIC ACCOUNTABILITY COMMITTEE</b> .....	<b>3</b>
<b>1.0 EXECUTIVE SUMMARY</b> .....	<b>5</b>
<b>2.0 COMMITTEE MANDATE</b> .....	<b>9</b>
<b>3.0 INTRODUCTION</b> .....	<b>10</b>
<b>4.0 ACKNOWLEDGEMENTS</b> .....	<b>11</b>
<b>5.0 CONSULTATION AND REVIEW PROCESS</b> .....	<b>12</b>
<b>6.0 COMMITTEE RECOMMENDATIONS</b> .....	<b>14</b>
<b>6.1 <i>Election Act</i> – General</b> .....	<b>14</b>
<b>6.2 <i>Election Finances and Contributions Disclosure Act</i> – General</b> .....	<b>21</b>
<b>6.3 Residency Requirements - Electors</b> .....	<b>25</b>
<b>6.4 List of Electors – Deceased Electors</b> .....	<b>25</b>
<b>6.5 Official Recount</b> .....	<b>26</b>
<b>6.6 Nomination and Leadership Contests</b> .....	<b>26</b>
<b>6.7 Contributions and Expenses</b> .....	<b>27</b>
<b>6.8 Collusion</b> .....	<b>28</b>
<b>6.9 Third Party Advertising – Contributions</b> .....	<b>29</b>
<b>6.10 Advertising</b> .....	<b>30</b>
<b>APPENDICES</b> .....	<b>32</b>
<b>APPENDIX A: Minority Report</b> .....	<b>32</b>
<b>APPENDIX B: Oral Presentations to the Committee</b> .....	<b>34</b>
<b>APPENDIX C: Written Submissions to the Committee</b> .....	<b>35</b>

**MEMBERS OF THE SELECT SPECIAL DEMOCRATIC  
ACCOUNTABILITY COMMITTEE  
30th Legislature, Second Session**

Joseph R. Schow, MLA  
Chair  
Cardston-Siksika (UCP)

Nate S. Horner, MLA  
Deputy Chair  
Drumheller-Stettler (UCP)

Hon. Tracy L. Allard, MLA\*  
Grande Prairie (UCP)

Rakhi Pancholi, MLA  
Edmonton-Whitemud (NDP)

Joe Ceci, MLA  
Calgary-Buffalo (NDP)

Brad Rutherford, MLA  
Leduc-Beaumont (UCP)

Thomas Dang, MLA  
Edmonton-South (NDP)

R.J. Sigurdson, MLA  
Highwood (UCP)

Tanya Fir, MLA†  
Calgary-Peigan (UCP)

Mark W. Smith, MLA  
Drayton Valley-Devon (UCP)

Laila Goodridge, MLA  
Fort McMurray-Lac La Biche (UCP)

Heather Sweet, MLA  
Edmonton-Manning (NDP)

Jeremy P. Nixon, MLA  
Calgary-Klein (UCP)

---

\* Committee Member until October 20, 2020

† Committee Member from October 20, 2020

**Substitutions Pursuant to Standing Order 56(2.1-2.4):**

Jason Stephan, MLA\*  
Red Deer-South (UCP)

Tanya Fir, MLA†  
Calgary-Peigan (UCP)

Garth Rowswell, MLA‡  
Vermilion-Lloydminster-Wainwright (UCP)

Richard Feehan, MLA§  
Edmonton-Rutherford (NDP)

Searle Turton, MLA\*\*  
Spruce Grove-Stony Plain (UCP)

Jackie Armstrong-Homeniuk, MLA††  
Fort Saskatchewan-Vegreville (UCP)

**Members also in attendance:**

Jason Stephan, MLA‡‡  
Red Deer-South (UCP)

---

\* Substitute for Brad Rutherford on July 22, 2020

† Substitute for Hon. Tracy Allard on September 9, 23, and 24 and October 19, 2020

‡ Substitute for Brad Rutherford on September 9, 2020, and for Mark Smith on September 24, 2020

§ Substitute for Heather Sweet on October 29 and 30, 2020

\*\* Substitute for Jeremy Nixon on October 30, 2020

†† Substitute for Tanya Fir on December 15, 2020, afternoon meeting

‡‡ November 6, 2020

## 1.0 EXECUTIVE SUMMARY

During its deliberations on November 15, 2020, the Select Special Democratic Accountability Committee made the following recommendations pertaining to the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

### Election Act – General

1. That the Minister of Justice and Solicitor General consider introducing a Bill in the Legislative Assembly that, if enacted by the Legislature, would give effect to each proposed legislative change that is set out in Appendix A of the Chief Electoral Officer's report on the 2019 general election (volume 1) but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this Committee.
2. That the Minister of Justice and Solicitor General consider introducing a Bill in the Legislative Assembly that, if enacted by the Legislature, would give effect to the Chief Electoral Officer's recommendations in respect of mandatory identification as described on pages 103 and 150 to 157 of the Chief Electoral Officer's report on the 2019 general election (volume 1).
3. That the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the best means by which to increase flexibility and accessibility for electors through advance voting opportunities and the issuance of special ballots as described on pages 106, 107, 109, and 110 of the Chief Electoral Officer's report on the 2019 general election (volume 1).
4. That electronic voting not be permitted and that, before the Minister of Justice and Solicitor General decides to implement a policy or legislative change to give effect to any of the Chief Electoral Officer's recommendations in respect of enabling the use of technology such as vote tabulators during Alberta's elections as described on page 108 of the Chief Electoral Officer's report on the 2019 general election (volume 1), the Minister consult with each of the following to determine best practices for the implementation of such a change with respect to the security and integrity of Alberta's election processes:
  - (a) qualified cybersecurity professionals;
  - (a.1) the Government of Canada;
  - (b) any other stakeholder of which the Minister believes can offer valuable information or insight into this subject matter.
5. That the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the best means by which to improve the collection, use, and protection of electors' personal information as described on pages 111 and 112 of the Chief Electoral Officer's report on the 2019 general election (volume 1) except for recommendation 2 on page 111.
6. That the Chief Electoral Officer be empowered to, with consent of the elector, collect and use for specific purposes the email addresses of electors.
7. That the *Election Act* be amended to require registered political parties to, before being permitted to access electors' data, submit to the Chief Electoral Officer the relevant privacy policies of the political party for the Chief Electoral Officer's review.
8. That the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the means by which to determine the minimum number of votes that should, in law, be required to be cast for an official count in respect of an election to be considered completed as described on page 113 of the Chief Electoral Officer's report on the 2019 general election (volume 1).



9. That the Chief Electoral Officer create and maintain, on the Elections Alberta website, a plain language, user-friendly guide that assists the public in understanding and interpreting the *Election Act* and *Election Finances and Contributions Disclosure Act*.

#### *Election Finances and Contributions Disclosure Act – General*

10. That the Minister of Justice and Solicitor General consider introducing a Bill in the Legislative Assembly that, if enacted by the Legislature, would effect each proposed legislative change that is described on pages 49 and 50 and set out in Appendix S of the Chief Electoral Officer's *2018-19 Annual Report on the Election Act and Election Finances and Contributions Disclosure Act*, but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this Committee.
11. That the *Election Finances and Contributions Disclosure Act* be amended to remove pre-writ period restrictions on third party advertising that takes a position on an issue with which a registered party or its leader, a registered nomination contestant, registered leadership contestant or a registered candidate is associated but that does not directly promote or oppose that party, leader, contestant or candidate.
12. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit registered third parties from using, for the purposes of election advertising, funds that have been contributed by any person other than an individual ordinarily resident in Alberta.
13. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit registered third parties from using, for the purposes of political advertising, funds that have been contributed by any person who is not ordinarily resident in Canada.

#### Residency Requirements – Electors

14. That the *Election Act* be amended to include a requirement that an individual must have been ordinarily resident in Alberta during the three months immediately preceding the date of the election or enumeration in which the individual wishes to vote or participate for that individual to qualify as an elector for that election or enumeration.

#### List of Electors – Deceased Electors

15. That the *Election Act* be amended to enable enhanced data sharing between Elections Alberta and registered political parties, specifically as it relates to information about the death of an individual who is named on a list of electors.

#### Official Recount

16. That the *Election Act* be amended to require the Crown in right of Alberta to pay the legal costs of all parties to a judicial recount and any subsequent appeal if, based on the official count to which the recount relates, the difference between the number of votes cast for the candidate with the largest number of votes and those cast for the candidate with the next largest number of votes is 100 or less.

#### Nomination and Leadership Contests

17. That the *Election Finances and Contributions Disclosure Act* be amended to mirror the manner in which nomination contests are regulated under the *Canada Elections Act* except for those sections respecting expense limits and loans.

18. That the *Election Finances and Contributions Disclosure Act* be amended to mirror the manner in which leadership contests are regulated under the *Canada Elections Act* except for those sections respecting expense limits and loans.

#### Contributions and Expenses

19. That the *Election Finances and Contributions Disclosure Act* be amended to provide that if contribution limits are adjusted annually for inflation, the adjusted amounts are rounded to the nearest \$100.
20. That the *Election Finances and Contributions Disclosure Act* be amended to require a registered constituency association to file with the Chief Electoral Officer all records of contributions that it receives on an annual, instead of quarterly, basis.
21. That the limit on election expenses under the *Election Finances and Contributions Disclosure Act* that apply to a registered candidate be determined by a calculation that may consider, but is not limited to, the following criteria:
- (a) the number of registered electors in the electoral district that the candidate is contesting,
  - (b) any geographic or demographic peculiarities in the electoral district that the candidate is contesting,
  - (c) the population density of the electoral district that the candidate is contesting,
  - (d) inflation based on percentage increases in the Consumer Price Index, and
  - (e) dollar amounts per registered elector comparable to amounts used in other Canadian jurisdictions.

#### Collusion

22. That the *Election Finances and Contributions Disclosure Act* be amended to authorize the Chief Electoral Officer to deny an application for registration as a third party advertiser by a third party that is formally affiliated with a political party
23. That the *Election Finances and Contributions Disclosure Act* be amended to authorize the Chief Electoral Officer to cancel the registration of a third party advertiser if, at any time, the third party advertiser becomes formally affiliated with a political party.
24. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit political parties, candidates, and constituency associations from making contributions to third party advertisers.

#### Third Party Advertising – Contributions

25. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit advertising contributions to a registered third party during an election period that exceeds \$30,000 in the aggregate.

#### Advertising

26. That the *Election Finances and Contributions Disclosure Act* be amended to
- (a) require the Auditor General to review and approve any advertising message that the Government of Alberta proposes to transmit, during an election period, to the public to ensure that the advertising complies with requirements of the Act,
  - (b) prohibit the Government from transmitting an advertising message to the public during an election period unless it has obtained the approval from the Auditor General referred to in clause (a), and
  - (c) prohibit the Government from including any content in the type of advertising referred to in clause (a) that is partisan.

27. That the *Election Finances and Contributions Disclosure Act* be amended to provide that the period in which election period advertising restrictions for a fixed date general election apply commences six months prior to the fixed election date.

## 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 posed in the Minister’s document relate to citizens’ initiatives and recall.

The Committee submitted its recommendations with respect to citizens’ initiatives and recall on November 16, 2020, and must submit its recommendations 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 its review of the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

### 3.0 INTRODUCTION

The *Election Act* provides the legislative structure for the administration of provincial elections, by-elections, and plebiscites in Alberta, including provisions related to election day and post-polling day procedures, the creation and maintenance of election lists, administrative matters, corrupt practices, controverted elections, investigations into breaches of the Act, and the appointment, duties, and powers of the Chief Electoral Officer, who administers the Act, as well as returning officers.

The *Election Finances and Contributions Disclosure Act* sets out the financing rules for direct political participants (political parties, candidates, constituency associations, nomination contestants, and leadership contestants) and third party advertisers, including registration, reporting, contribution and spending limits, and offences and penalties. The Act also addresses third party advertising rules with respect to Senate elections and referendums under the *Referendum Act* and sets out the powers and duties of the Chief Electoral Officer, who administers the Act, as well as the Election Commissioner.

This report is the result of a review of the *Election Act* and the *Election Finances and Contributions Disclosure Act* by the Select Special Democratic Accountability Committee. 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](http://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.

### Technical Support Staff

#### Ministry of Justice and Solicitor General

Ms Corinne Carlson, Barrister and Solicitor, Legislative Reform  
Ms Clara Cerminara, Barrister and Solicitor, Legislative Reform  
Ms Kelly Hillier, Barrister and Solicitor, Legislative Reform  
Ms Joan Neatby, Barrister and Solicitor, Legislative Reform

#### Elections Alberta

Mr. Glen Resler, Chief Electoral Officer  
Mr. Drew Westwater, Deputy Chief Electoral Officer  
Ms Pamela Renwick, Director, Election Operations and Communications  
Mr. Steve Kaye, Director, Compliance and Enforcement

#### Legislative Assembly Office Support Staff

Ms Shannon Dean, QC, Clerk  
Ms Teri Cherkewich, Law Clerk  
Ms Stephanie LeBlanc, Clerk Assistant and Senior Parliamentary Counsel  
Dr. Philip Massolin, Clerk of Committees and Research Services  
Ms Vani Govindarajan, Legal Counsel  
Dr. Sarah Amato, Research Officer  
Ms Nancy Robert, Research Officer  
Ms Jody Rempel, Committee Clerk  
Mr. Aaron Roth, Committee Clerk  
Mr. Michael Kulicki, Committee Clerk  
Mr. Duncan Leung, Venue Services Supervisor  
Ms Leah Kirtio, Committee Services Coordinator  
Ms Rhonda Sorensen, Manager of Corporate Communications  
Ms Jeanette Dotimas, Communications Consultant  
Ms Tracey Sales, Communications Consultant  
Ms Janet Laurie, Communications Consultant  
*Hansard* staff  
Security staff

## 5.0 CONSULTATION AND REVIEW PROCESS

The Committee's review of the *Election Act* and the *Election Finances and Contributions Disclosure Act* 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 and 24, October 19, November 5, 6, and 16, and December 15, 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 the *Election Act* and the *Election Finances and Contributions Disclosure Act* by developing proposed areas of focus for the review and a proposed consultation process regarding stakeholder and citizen engagement.

The Committee agreed to focus its review on the entire *Election Act* and *Election Finances and Contributions Disclosure Act*, with a specific focus on the following areas:

- Identifying opportunities for red tape reduction
- Improving the election process for voters and candidates
- Combining or harmonizing the *Election Act* and the *Election Finances and Contributions Disclosure Act*
- Contributions and expenses
- Third party advertising
- Ending partisan government advertising
- Considering the
  - recommendations of the Chief Electoral Officer contained in the *Elections Alberta 2018-19 Annual Report*, pp. 90 -104
  - *Report of the Chief Electoral Officer, 2018 Enumeration*
  - *Report of the Chief Electoral Officer: 2019 General Election*, Volume 1

The Committee received technical briefings on the *Election Act* and *Election Finances and Contributions Disclosure Act* from Joan Neatby and Corinne Carlson, Barristers and Solicitors, Legislative Reform, Ministry of Justice and Solicitor General; Glen Resler, Chief Electoral Officer; and other Elections Alberta officials on August 26, 2020.

On November 5 and 6, 2020, the Committee heard oral presentations regarding the *Election Act* and *Election Finances and Contributions Disclosure Act* from Lori Williams, Associate Professor, Mount Royal University; Dr. Lisa Young, Professor, and Dr. Ian Brodie, Associate Professor, University of Calgary; Ryan O'Connor, Partner, Zayouna Law Firm; Guy Giorno, Partner, Fasken law firm; Laurie Livingstone, Partner, Cassels Brock & Blackwell; and Franco Terrazzano, Alberta Director, Canadian Taxpayers Federation. The Committee also held a virtual public meeting on November 16, 2020, during which Dr. Melanee Thomas, Associate Professor, University of Calgary, and three private citizens made oral presentations to the Committee.

The Committee received 22 written submissions regarding the *Election Act*. Nineteen of the submissions were from private citizens and three were from stakeholders (a political party, a registered third party advertiser, and a constituency association). The Committee received 32 written submissions regarding the *Election Finances and Contributions Disclosure Act*. Eighteen submissions were received from private citizens and 14 were submitted by stakeholders (a municipal association, a political party, three registered third party advertisers, a policy institute, a legal advocacy organization, and seven constituency associations). In addition, the Chief Electoral Officer indicated that the technical briefing he made to the Committee on August 26 with respect to the *Election Act* and *Election Finances and Contributions Disclosure Act* should stand as his submission to the Committee recommending changes to those Acts. 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 December 15, 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 the *Election Act* and *Election Finances and Contributions Disclosure Act*.



## 6.0 COMMITTEE RECOMMENDATIONS

### 6.1 *Election Act* – General

The *Report of the Chief Electoral Officer: 2019 General Election*, Volume 1 (the “2019 Election Report”), contains 109 recommendations for amendments to the *Election Act*. Those recommendations are organized in the following eight categories, which, according to the Chief Electoral Officer, represent the areas of change “that would have the most impact.”

- 1) Fixed date elections
- 2) Mandatory voter identification
- 3) Flexible staffing provisions
- 4) Advance voting flexibility
- 5) Use of technology
- 6) Increasing access to the special ballot
- 7) Improving the collection, use, and protection of elector data
- 8) Establishing thresholds for completing the official count of ballots

#### Fixed Date Elections

The *Election Act*, s. 38.1(2), provides that “general elections shall be held within the 3-month period beginning on March 1 and ending on May 31 in the 4th calendar year following polling day in the most recent general election.” However, section 38.1(2) does not affect the “powers of the Lieutenant Governor, including the power to dissolve the Legislature, in Her Majesty’s name, when the Lieutenant Governor sees fit.” The *Election Act*, s. 1(1)(b.1), also establishes the commencement of the campaign period, in which candidate nominations can be accepted, as February 1 of the same year.

According to the 2019 Election Report, the fixed election period “creates numerous challenges” for planning an election because an actual election date must be identified before Elections Alberta “can hire and train staff, sign rental contracts to book polling places and sign contracts to book and schedule advertising.” However, “the fixed date [of February 1] to start the campaign period requires returning offices to be open and available to candidates.” The Chief Electoral Officer therefore recommended establishing a fixed date for elections. He noted that in preparation “for the 2019 provincial general election offices were leased commencing February 1, 2019,” in order “to be prepared for the potential of the writ to be issued that day and also to allow returning officers to meet with candidates regarding their nominations.” He then added that “for every month’s delay in the call of the election [Elections Alberta was] paying over \$500,000 a month in lease costs alone.” The United Conservative Party of Alberta, Dawn Miller, UCP Party Leduc-Beaumont Constituency Association, and three private citizens (William Stevenson, Vitor Marciano, and Gordon Elliot) expressed support for fixed elections dates or a narrowing of the election period.

The Chief Electoral Officer proposed the third Wednesday in March or the third Wednesday in May as potential fixed election dates. Other suggestions included the last Tuesday in February (or narrowed to a two-week window near then), after the fall harvest, or on a fixed date during the opposite two years of municipal elections.

#### Voter Identification

Currently an elector, who is listed on the List of Electors, when appearing to vote can receive a ballot by verbally indicating their name and address to the election officer. Only electors who need to register because their name is not on the List of Electors are required to provide identification to verify their name and address before voting. The Chief Electoral Officer stated that approximately 1.5 million electors voted without being required to show identification in the last provincial election. He argued that this practice is “inconsistent with the practice at the municipal and federal levels” where “all electors must show

identification to prove their name and address before receiving a ballot.” Further, the 2019 Election Report pointed out that “only Alberta, New Brunswick, Newfoundland [and Labrador], Yukon and Nunavut do not have a mandatory identification requirement” in their respective election legislation. The CEO explained that many electors reported concerns with this practice during the election, “pointing out that all that was needed to impersonate an elector was a person’s name and address.” Although Elections Alberta has not “found instances of elector impersonation,” the CEO feels that “it is vital that electors and political participants trust in the integrity in the election.”

Therefore, the 2019 Election Report made a recommendation that all electors should be required to confirm their identity by producing appropriate identification in order to vote in a provincial election. The report suggested that “electors have become accustomed to providing identification at the polls” and that “many contacted Elections Alberta during the [2019] election to report their concerns that they had not been asked for identification at the polls.”

Despite making this proposal, the 2019 Election Report acknowledged that “requiring identification can create a barrier to voting for individuals who have challenges in obtaining identification.” However, the report noted that certain legislative provisions already exist to assist those who have such challenges, including the following:

- Mobile polls can be established in treatment centres, supportive living facilities, emergency shelters and community support centres. Identification is not required for these individuals as they are deemed resident in the facility by the facility operator;
- Vouching is an acceptable form of identification in which an elector residing in the same polling subdivision may vouch for an elector without identification. There is no limit on the number of electors that can be vouched for;
- The Chief Electoral Officer provides a listing of acceptable identification that can be provided at the polls to register to vote. The list currently includes over 60 different pieces of identification and is reviewed regularly to ensure that it is a comprehensive list.

Some identified stakeholders provided their views on requiring electors to produce identification in order to vote in a provincial election. Lori Williams, Associate Professor, Mount Royal University, expressed some concern regarding the possibility that, if the voter identification rules are changed, the use of vouching for an elector who cannot produce identification may potentially be discontinued in Alberta, potentially disenfranchising some electors. Guy Giorno, Partner, Fasken law firm, argued that it is “important to the integrity of the process to ensure that we know that people who are voting are those who are supposed to vote and that those who aren’t supposed to vote don’t. But it’s also important that we don’t impose barriers that discourage people who are perfectly entitled to vote from doing so.”

### Flexible Staffing

The *Election Act* addresses staffing in the polls in two ways: 1) the size of polling subdivisions is limited to 450 electors (each polling subdivision has an established polling station on Election Day. A deputy returning officer and poll clerk must be assigned to each polling station); and 2) the specific function performed by each election officer, including the supervisory deputy returning officer, information officer, registration officer, deputy returning officer, and poll clerk, is outlined.

Information contained in the 2019 Election Report stated that “when the maximum polling subdivision size of 450 electors was established in 1980,” the voting opportunities available were limited to three days of advance polling, which was “restricted to electors that were disabled, absent on Election Day or who were election officers, candidates, official agents or scrutineers; Special Ballots for electors who were physically incapacitated or absent from the electoral division; and Election Day voting” at assigned polling stations. However, according to information in the 2019 Election Report, “the number of electors voting on Election Day has decreased with every election since, moving from a high of 97.07% in 1979 to a low of 60.87% in 2019,” mainly due to expanded advance polling opportunities.

Based on this information, the Chief Electoral Officer proposed that, in an effort to reduce costs and improve the efficiency of the election process, the threshold size on polling subdivisions should be eliminated and alternative staffing models should be permitted. According to the 2019 Election Report allowing for modified staffing models for Election Day would facilitate the ability of election officers to more efficiently manage electors. Currently electors are

assigned to a specific polling station held at the polling location, often resulting in long line-ups at one station, while other stations may be less busy. This may be alleviated by distributing the electors for the polling location alphabetically, rather than by polling station. This distribution could consider the number of electors who have already voted at the advance polls and provided a more even distribution of electors for the election officers.

In addition, the report suggested that “it would also be advantageous for electors who need to register at the polls to be served by one election officer,” who could register the elector and issue the elector’s ballot, rather than the current requirement to have one election officer for registration and another for issuing ballots. Finally, the report suggested that “to further increase the flow of electors through the polls, a single ballot box location on the way out of the poll would allow one election officer to assist electors with depositing their ballots.” Such a change could be facilitated by reporting results “by polling location rather than polling subdivision.”

Professor Williams expressed concern with the Chief Electoral Officer’s recommendation to modify staffing at polling locations, particularly if the number of polling stations are reduced as a result. In her view, “transportation or employment challenges” experienced by some Albertans could potentially “prevent them from being able to actually access polls if there are fewer of them.” She added that “if there are fewer polling stations, [some people] might have a more difficult time in terms of accessibility,” and possibly a “lack of clarity in terms of where they can go to vote.” In Professor Williams’ view, “it could have an impact on their ability to vote, at least for those who are particularly financially vulnerable.”

#### Advance Voting Flexibility

According to the 2019 Election Report, “the changes implemented for advance polling in the 2019 General Election were very successful, and electors continue to demonstrate their interest in having this alternate voting opportunity.” Therefore the *Election Act* “should enable more flexibility in how advance voting is delivered, aligning more with the practices utilized in the 2019 election.” Specifically, changes should be made to simplify the appointment process for scrutineers and to merge the rules for special mobile polls with the rules for advance polls to increase flexibility. Important features of a merged mobile poll/advance poll system include having five days of advance polling, allowing additional advance polls to be established, allowing electors to receive the ballot for their electoral division at advance polls (vote anywhere feature), ensuring that no elector shall be required to travel more than 100 kilometres to access a polling location operating during the advance poll period. Vitor Marciano expressed support for this recommendation.

#### Use of Technology

According to the 2019 Election Report, “technology can be successfully used to increase election officer efficiency, improve processes for voters and increase the speed at which tasks are completed.” The report explained that the “vote anywhere” option that was offered for advance polling during the 2019 general election would not have been possible “without the use of electronic poll books.” However, the report noted that, “while the voting procedure used for advance polling was efficient, the count procedure was not.” Because the use of “vote tabulation equipment was not permitted in the advance polls,” Elections Alberta needed to develop an alternative process to count the vote anywhere ballots, resulting in “unofficial results for these ballots being delayed by 72 hours.” On that basis, the Chief Electoral Officer recommended that the use of vote tabulations equipment be authorized within advance polls so that ballots cast at vote anywhere advance polls can be “tabulated quickly after 8 p.m. on Election Day.” Mr. Marciano expressed support for the use of vote tabulators at all advance poll locations. However, Perry

Cousin, private citizen, argued that election ballots should be counted by hand because electronic counting processes can be compromised.

#### Increasing Access to the Special Ballot

Regarding special ballots the 2019 Election Report explained that “electors who request a Special Ballot to be mailed to them have a very limited amount of time to receive, complete and mail back their package. While Special Ballots could be requested on January 1, 2019, the package could not be mailed until the writ was issued, resulting in 28 days for the entire process.” According to the report, “this timeframe does not accommodate voters who request their packages to be mailed outside of Canada; the first delivery alone may exceed the time available.” The report suggested three options to improve the accessibility of Special Ballots: 1) sending all voting packages by expedited mail; 2) if a fixed election date is established, allowing international requests for special ballots “to be made and fulfilled in the month prior to the writ being issued”; or 3) introducing a telephone voting option. Vitor Marciano opposed the recommendation related to telephone voting because, in his view, “any form of telephone or internet voting [raises] real concerns about the credentials of the voter being highjacked by persons other than the voter.”

#### Improving the Collection, Use, and Protection of Elector Data

The 2019 Election Report repeats the following three recommendations originally made in the Chief Electoral Officer’s 2018 enumeration report that are intended to improve the collection, use, and protection of elector data.

1. Include the ability for alternative contact information such as email addresses to be contained in the Register of Electors.
2. Remove elector contact information from the List of Electors.
3. Require registered political parties and candidates to submit a privacy policy, following guidelines established by the Chief Electoral Officer, prior to receiving the List of Electors.

In addition to those recommendations, the 2019 Election Report made the following recommendations to improve the way elector data is used.

4. Where agreements for data sharing exist with public bodies such as 911 services, allow the Chief Electoral Officer to share details related to “addressing, mapping and geospatial information” to improve the data sets of such other agencies and “reduce duplicate data collection and processing efforts.”
5. Align the requirements for how elector data is accessed by political parties and candidates by:
  - o Allowing additions to the List of Electors to be provided in the same form and manner as the original List of Electors, which would allow the additions to the List to be distributed centrally from Elections Alberta, rather than every individual returning office, using either electronic or paper lists;
  - o Allowing the use of the elector’s unique ID, rather than sequence numbers, as the method of identifying electors who have voted at the advance polls, which would facilitate the integration of all additions to the list to be produced alphabetically in the election day poll book, increasing efficiency for electoral division election officers.
  - o Providing the option for parties and candidates to request either a copy of the poll books or an electronic subset of the data contained within them. (Scanning the 7,216 poll books following the election requires significant resources and would only be undertaken after a request for copies was made. Full costs incurred to make the copies would then be the responsibility of the requesting entity/person.

Professor Williams commented on the recommendation to increase the use of electronic records when sharing the list of electors with political parties. She is “very concerned about electronic access to personal and private or confidential information, the difficulty of controlling that, and, of course, the problems of hacking.”

## Official Count of Ballots

Elections Alberta is required to conduct both an unofficial and official count of ballots after a provincial election. The second count, which is the official count, is completed “regardless of whether the difference between the first and second candidate is 50 votes or 5000 votes.” Following those two counts a candidate can also apply to the Court of Queen’s Bench for a judicial recount. According to the 2019 Election Report, “it is rare for the results from the official count to change the unofficial results by more than a couple of ballots. The second count is in most cases not a valuable use of resources.” Therefore, the report recommended that it would be a more appropriate use of resources to modify the requirement to perform the official count so that it only occurs if the difference in votes cast between the two leading candidates is 100 votes or less. The report indicated that making this change would align Alberta with most other electoral legislation in Canada, noting that Saskatchewan is the only other jurisdiction in Canada that requires an automatic official count of ballots.

The Committee considered the recommendations to improve the election process in Alberta that are contained in Chief Electoral Officer’s 2019 Election Report. The Committee agreed that some of the proposed changes would benefit Albertans if implemented and, therefore, that it would be beneficial if the Minister of Justice and Solicitor General were to work directly with Elections Alberta to implement those changes “when and where appropriate.”

The Committee commented specifically on the Chief Electoral Officer’s recommendation to require electors to produce identification in order to vote in an election. The Committee was supportive of this recommendation. It acknowledged that there has been no evidence of voter fraud in Alberta but that requiring voters to produce identification is “an expectation of most Albertans” and would align Alberta with the rules in several other Canadian jurisdictions. However, the Committee also felt it was important to protect the right of a person who does not have acceptable identification because of homelessness or any other reason to vote. Therefore, the Committee agreed that the current provisions that allow an elector who cannot produce acceptable identification to be vouched for by another elector should be maintained. In the Committee’s view vouching is key to ensuring that every Albertan has the opportunity to vote, not just those individuals who have the ability and means to obtain formal identification.

With respect to advance voting flexibility and increasing access to special ballots, the Committee recognized that more people are using advance polls and other voting opportunities such as special ballots rather than voting on election day. It agreed that it is in the best interests of Albertans to expand voting accessibility and that supporting increased voting flexibility is effective in improving accessibility. The Committee also commented on the use of technology to improve the efficiency of elections. The Committee agreed that Albertans currently trust the election process and that it is supportive of increasing the use of technology in elections to a degree, as long as the security of the election and Albertans’ trust in it is maintained. The Committee thought that the use of technology such as a vote tabulator, to count votes could be a useful tool to speed up the results process in elections. However, in order to maintain the security and integrity of the election process, the Committee believed that the actual voting process should continue to be conducted using a “physical ballot” as opposed to using online voting or other similar technologies.

The Committee considered the Chief Electoral Officer’s recommendations related to improving the collection, use, and protection of elector data. The Committee thought it would be beneficial for the Minister of Justice and Solicitor General to work with the Chief Electoral Officer to consider how best to collect elector data while protecting personal voter information and possibly achieve “cost savings.” Further, the Committee agreed that establishing such a consultation process with the Ministry and Elections Alberta could serve to “improve the consistency” of sharing voter information with registered political parties and candidates. The Committee also specifically discussed issues related to personal information on the List of Electors and methods to protect that information. The Committee expressed concern regarding the Chief Electoral Officer’s recommendation to remove contact information from the List of Electors. The Committee noted that during election campaigns candidates spend several months canvassing electors and there is no way for a political party to know if the information on the List of

Electors is accurate or needs updating if elector contact information is not included on the list. In addition, the Committee agreed that when engaging with Albertans even outside an election period, it is “essential that political parties have that information available to them.” The Committee expressed support for the proposal to allow Elections Alberta to obtain the email addresses of electors, with their permission. The Committee agreed that this would help to modernize the election process and allow Elections Alberta to more easily and less expensively engage and communicate with electors. In view of the personal information included on the List of Electors, the Committee wanted to reinforce that entities and individuals with whom the list is shared (e.g., political parties) have a responsibility to ensure that that information is protected. The Committee agreed with the Chief Electoral Officer’s recommendation that “political parties and candidates [should] submit a privacy policy, following guidelines established by the Chief Electoral Officer, prior to receiving the List of Electors.” In the Committee’s view, political parties have a responsibility to develop and adhere to their own privacy policies and it is important to ensure that the Chief Electoral Officer is a part of that process to ensure that such policies are duly established.

The Committee also considered the Chief Electoral Officer’s recommendation to modify the rules regarding the unofficial and official counts of ballots so that the requirement to perform the official count only occurs if the difference in votes cast between the two leading candidates is 100 votes or fewer. The Committee acknowledged that in Canada, other than Alberta, only Saskatchewan has a mandatory repeat or “official” count of the votes in a provincial election. The Committee felt that the best way to approach this recommendation was for the Minister of Justice and Solicitor General to consult with the Chief Electoral Officer to develop an appropriate process to ascertain the minimum number of votes between two leading candidates that would trigger the need for an official count of the votes. The Committee agreed that recommending a change to the official count process would align Alberta’s processes “with most other provinces” and would “achieve cost savings.”

Based on all of these considerations the Committee makes the following eight recommendations:

- 1. That Minister of Justice and Solicitor General consider introducing a Bill in the Legislative Assembly that, if enacted by the Legislature, would give effect to each proposed legislative change that is set out in Appendix A of the Chief Electoral Officer’s report on the 2019 general election (volume 1), but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this Committee.**
- 2. That the Minister of Justice and Solicitor General consider introducing a Bill in the Legislative Assembly that, if enacted by the Legislature, would give effect to the Chief Electoral Officer’s recommendations in respect of mandatory identification as described on pages 103 and 150 to 157 of the Chief Electoral Officer’s report on the 2019 general election (volume 1).**
- 3. That the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the best means by which to increase flexibility and accessibility for electors through advance voting opportunities and the issuance of special ballots as described on pages 106, 107, 109, and 110 of the Chief Electoral Officer’s report on the 2019 general election (volume 1).**

4. That electronic voting not be permitted and that, before the Minister of Justice and Solicitor General decides to implement a policy or legislative change to give effect to any of the Chief Electoral Officer's recommendations in respect of enabling the use of technology such as vote tabulators during Alberta's elections as described on page 108 of the Chief Electoral Officer's report on the 2019 general election (volume 1), the Minister consult with each of the following to determine best practices for the implementation of such a change with respect to the security and integrity of Alberta's election processes:
  - (a) qualified cybersecurity professionals;
    - (a.1) the Government of Canada;
    - (b) any other stakeholder of which the Minister believes can offer valuable information or insight into this subject matter.
5. That the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the best means by which to improve the collection, use, and protection of electors' personal information as described on pages 111 and 112 of the Chief Electoral Officer's report on the 2019 general election (volume 1) except for recommendation 2 on page 111.
6. That the Chief Electoral Officer be empowered to, with consent of the elector, collect and use for specific purposes the email addresses of electors.
7. That the *Election Act* be amended to require registered political parties to, before being permitted to access electors' data, submit to the Chief Electoral Officer the relevant privacy policies of the political party for the Chief Electoral Officer's review.
8. That the Minister of Justice and Solicitor General consider consulting with the Chief Electoral Officer on the means by which to determine the minimum number of votes that should, in law, be required to be cast for an official count in respect of an election to be considered completed as described on page 113 of the Chief Electoral Officer's report on the 2019 general election (volume 1).

Alberta Proud, a registered third party advertiser, suggested that "Alberta's elections laws are overly convoluted, cumbersome and fail to recognize that the vast majority of political activities in Alberta are conducted by volunteers" that do not have "massive monetary and human resources" to unravel the complexities of these laws. It proposed that the *Election Act* and EFCDAs should be "simplified, clarified, and presented" so that an average person "volunteering in a partisan, political or advocacy activity can understand what the law says" and its intent. Al Boychuk, a private citizen, agreed, suggesting that the two acts be rewritten so that they are easier to read and "not overbearing."

The Committee considered the opinions expressed by some submitters that the *Election Act* and EFCDAs are difficult to navigate and that they should be written in plain language. The Committee also considered a suggestion that Elections Alberta should develop a plain language guide to the *Election Act* and EFCDAs in an effort to make the legislation more user-friendly to Albertans. It agreed that more easily understood election laws would lead to better compliance with those laws. In addition, the Committee thought that having a guide may increase political participation levels, expand engagement in the democratic process, and allow Elections Alberta more flexibility to update the guide as regulatory changes are made.

The Committee therefore makes the following recommendation:

9. That the Chief Electoral Officer create and maintain, on the Elections Alberta website, a plain language, user-friendly guide that assists the public in understanding and interpreting the *Election Act* and *Election Finances and Contributions Disclosure Act*.

## 6.2 Election Finances and Contributions Disclosure Act – General

Elections Alberta's 2018-19 Annual Report, Appendix S, contains 26 recommendations for amendments to the *Election Finances and Contributions Disclosure Act* (EFCDA) under four main categories:

- 1) Overarching amendments
- 2) Contributions
- 3) Expenses
- 4) Third party advertisers.

### Overarching Amendments

A key overarching amendment is to combine the *Election Act* and the EFCDA “into one coherent statute to make the legislation more accessible to participants and electors and provide a much-needed opportunity to renumber the legislation.” The Chief Electoral Officer (CEO) argued that “this recommendation is important because the legislation” has not had “a significant update” since 2000 and many sections have remained unchanged since the Office of the Chief Electoral Officer was established in 1980. However, he indicated that amendments have continually been made to other sections of the *Election Act* and the EFCDA since that time, noting that the *Election Act* has been amended 17 times in the last 20 years and major amendments have been made to the EFCDA in the past five years. In the CEO's view the legislation “becomes harder to understand and reference” (some sections have up to seven decimal points) with each new amendment.

Laurie Livingstone, Partner, Cassels Brock & Blackwell, and Dr. Ian Brodie, Associate Professor, University of Calgary, are supportive of combining the two Acts. In Ms Livingstone's view combining the Acts could create some “efficiencies for the user,” including consistency with respect to definitions in the two statutes. Dr. Brodie noted that combining the Acts would be a good idea “if it helps with the legislative drafting of definitions and standardization of processes and rules and deadlines.” Vitor Marciano supports the recommendation of the Chief Electoral Officer to combine the two Acts, commenting that the Acts “need to be rewritten to use language that normal people use and to reflect what actually happens in elections.” Currently nine Canadian jurisdictions have both election and election finances provisions contained within one statute: Canada, British Columbia, Saskatchewan, Quebec, Nova Scotia, Newfoundland and Labrador, Yukon, Northwest Territories, Nunavut.

### Contributions

The recommendations related to contributions addressed a number of issues, including the disposition of campaign funds if a candidate is not nominated or decides not to run, transferring funds between parties and constituency associations and candidates, monetary claims against candidates or nomination or leadership contestants, candidates as guarantors, and responsibilities of Chief Financial Officers of political parties, constituency associations, or candidates.

### Expenses

With respect to the expenses recommendations Elections Alberta proposed “that expense limits apply to the entire campaign period not just the election period (i.e., the ‘campaign period’ runs from February 1 in the year the election is held to 2 months after polling day versus the ‘election period’ which runs from writ day through polling day).” According to Elections Alberta, “this would be consistent with the fact that candidates come into existence when the campaign period starts” and would “reduce the administrative burden and provide clarity for Chief Financial Officers (CFOs) of parties, constituency associations and candidates with respect to apportioning expenses between election and campaign periods.” Elections Alberta noted that “this proposal is even more relevant in the context of a fixed election date.”



## Third Party Advertisers

The EFCDA sets out registration and financial rules for third party advertisers. A “third party” in respect of third party advertising rules means a person, corporation or group, other than a registered party, registered constituency association, registered candidate or Member of the Legislative Assembly, registered nomination contestant, or registered leadership contestant. A “group” means an unincorporated group of persons or corporations acting in concert for a common purpose and includes a trade union and an employee organization or any combination of persons, corporations, trade unions, or employee organizations. The EFCDA separates third party advertising into two categories: political advertising and election advertising, which differ with respect to the time period in which the advertising occurs (during or outside an election period).

Political advertising is the transmission to the public of an advertising message outside of an election advertising period that promotes or opposes a registered party or its leader, a registered nomination contestant, a registered leadership contestant, or the election of a registered candidate, including a message that takes a position on an issue with which one of them is associated. Political advertising includes canvassing for the benefit of and organizing events to promote or oppose the registered party, leader of a registered party, Member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant, or a registered candidate.

Election advertising is the transmission to the public of an advertising message that occurs during an election advertising period that promotes or opposes a registered party or the election of a registered candidate, including a message that takes a position on an issue with which the party or candidate is associated. Like political advertising, election advertising includes canvassing for the benefit of and organizing events to promote or oppose a registered party or a registered candidate.

An election advertising period means, in the case of a general election held in accordance with a fixed election period (under s. 38.1(2) of the *Election Act*), the period commencing December 1 in the year immediately preceding the year in which the general election is held and ending at the end of polling day. In the case of a general election held on another day and in the case of a by-election, the period commencing with the issue of the writ and ending at the end of the day on polling day.

The Chief Electoral Officer’s recommendations related to third party advertisers include a proposal to continue “to regulate third party advertisers outside the election period” but to reduce the period of regulation for political advertisers to one month prior to the writ for a general election, to consider removing “issue-related advertising from the definition of ‘political advertising’” to “expressly prohibit political entities from contributing to third party advertisers” and to align those “who may make advertising contributions in the pre-writ period” with those “who may make advertising contributions during the election period.” Elections Alberta further recommended that the following categories of individuals and entities should be prohibited from contributing to third party advertisers during the pre-writ period:

- 1) persons who ordinarily reside outside Alberta;
- 2) prohibited corporations;
- 3) trade unions or employee organization that are not Alberta trade unions, or Alberta employee organizations;
- 4) registered charities; and
- 5) groups of which a member falls under numbers 1 to 4.

Lindsay Luhnau, Chief Financial Officer of the Alberta Party Calgary-Currie Constituency Association, along with five private citizens who made written submissions to the Committee argued that third party advertisers should be prohibited in Alberta because they are a loophole to collect additional campaign contributions and a tool for “interest groups to lobby outside the political party process.” Two submitters added that third party advertisers should be prohibited during the writ period.

Many stakeholders commented on the issue of regulating third party advertisers. For instance, Laurie Livingstone, Partner, Cassels, Brock & Blackwell, noted that currently third party advertisers are regulated

all the time. “If you’re not in an election [which requires third party advertisers to follow certain rules], you’re [in] a political advertising period. Both federally and in some other provinces they restrict [the regulated] period to a prewrit period” because the purpose of the regulation of third party advertisers is to “regulate communications intended to influence the election.”

Ryan O’Connor, Partner, Zayouna Law Firm, commented that Alberta has the country’s “most onerous and significant restrictions on [third party advertising] outside of election periods,” and that these restrictions in the EFCDA ought to be repealed because they are unconstitutional. In making this assertion, Mr. O’Connor, along with other stakeholders, referenced two court decisions related to the regulation of third party advertisers. According to Mr. O’Connor, in a 2004 decision of the Supreme Court of Canada (Harper v. Canada) the Court found that regulating third party advertising “during the writ period was appropriate.” Then in a 2012 decision by the B.C. Court of Appeal the Court “said that a 40-day prewrit restricted period, where [third party advertiser] registration was required and spending limits were imposed, was ... unconstitutional,” citing the 2004 Harper decision. Mr. O’Connor argued that “these two leading cases demonstrate that courts will skeptically view Alberta’s current third-party regulations given that they not only create expense limits and registration requirements four months before an election period, but they go so far as to mandate registration of citizen advocacy groups at all times. Such restrictions cannot be justified. The courts have already held up less onerous restrictions on third parties as unconstitutional.”

Mr. Giorno offered that during a campaign period it is an “understandable burden or restriction” that a nongovernmental organization should be regulated under the EFCDA. However, in his view it is not reasonable to regulate a non-governmental organization (NGO) outside the campaign period where that NGO “has no intention and doesn’t want to get involved in partisan politics.” Shaping Alberta’s Future (SAF), a third party advertiser added that restricting the regulation of third party advertisers to an election period would align Alberta’s EFCDA with federal rules and the recently amended local election financing rules and “create a level of simplicity by reducing three classes of activity: political, non-political and election down to one class of donation: election.”

Lori Williams, Associate Professor, Mount Royal University, suggested that the period of third party advertiser regulation should be about six months prior to an election, which is similar to Ontario’s model, because, in her view, otherwise, “it enables some parties to get around the spending limits and gain a significant advantage in terms of the kinds of influence they exert.” However, Ms Livingstone suggested that since Alberta has a fixed election period instead of a fixed election date, the one-month pre-writ period recommended by the Chief Electoral Officer would “roughly correlate” with the federal prewrit period of 60 days. Alberta Proud, a third party advertiser, also agrees with the Chief Electoral Officer’s recommendation of a period of third party advertiser regulation during the election period beginning one month prior to the writ being issued. Franco Terrazzano, Alberta Director, Canadian Taxpayers Federation, argued that third party advertising restrictions that apply to non-partisan third party advertisers should only be in place during the writ period.

Ms Livingstone agreed with the CEO’s recommendation regarding the definition of political advertising, noting that the inclusion of issues advertising in the definition of political advertising “is on pretty shaky constitutional ground,” because it inhibits free speech outside of election periods.” In addition, she noted that the current definition does not align with the rules in other jurisdictions. She suggested that the Committee consider following the *Canada Elections Act* because it provides “a reasonably good model of the scoping of the regulation of ... issues advertising.”

The Alberta Teachers’ Association (ATA) expressed concern regarding a perception that a registered third party advertiser is presumed to have a political affiliation and their activities are misconstrued as “political advertising” rather than “non-partisan, public interest advocacy to engender informed discussion about public education issues.” The ATA warns that without this change, “the provisions of the EFCDA could breach the right to freedom of expression under the Charter and the legislation could be deemed unconstitutional.”

The Committee acknowledged that the Chief Electoral Officer made a number of proposals “to clarify and improve” the election legislation in his *2018-19 Annual Report* and that many stakeholders and private citizens expressed support for some of those proposals, particularly the need to combine the two election statutes and to modify the rules for third party advertisers outside the election period. Therefore, the Committee agreed that the Minister of Justice and Solicitor General should work with Elections Alberta to implement those changes that the Ministry feels would be appropriate.

The Committee also specifically discussed the Chief Electoral Officer’s recommendation to remove issue-related advertising from the definition of “political advertising.” The Committee indicated support for this recommendation. It felt that it was important that any potentially unconstitutional restrictions on the content of third party advertisements should be removed from the EFCDA. In addition, the Committee considered the recommendation by the Chief Electoral Officer that persons who ordinarily reside outside Alberta should be prohibited from contributing to a third party advertiser during the pre-writ period. It emphasized that there is a distinction between election and political advertising and, as such, they should be treated differently. The Committee noted that it had heard concerns expressed by many stakeholders about the importance of protecting freedom of speech in a free and democratic society when considering political advertising as opposed to election advertising. Further, the Committee clarified that whereas election advertising focuses on candidates and parties, political advertising quite often focuses on issues that are of importance not only to Alberta but may impact other areas of the country as well. The Committee also discussed its desire “to limit the influence of non-Canadians on issues in Alberta elections,” noting that there is support among Albertans for “banning contributions from nonresidents.” The Committee therefore agreed that in order to limit non-Albertans from influencing provincial elections, it was supportive of prohibiting a third party advertiser from using, for the purposes of election advertising, funds that have been contributed by any person other than an individual ordinarily resident in Alberta. It also agreed that in order to limit non-Canadians from influencing issues in Alberta elections, it was supportive of prohibiting third party advertisers from using, for the purposes of political advertising, funds that have been contributed by any person who is not ordinarily resident in Canada.

Based on these considerations, the Committee makes the following four recommendations:

- 10. That the Minister of Justice and Solicitor General consider introducing a Bill in the Legislative Assembly that, if enacted by the Legislature, would effect each proposed legislative change that is described on pages 49 and 50 and set out in Appendix S of the Chief Electoral Officer’s *2018-19 Annual Report on the Election Act and Election Finances and Contributions Disclosure Act*, but only to the extent that the effecting of a proposed legislative change would be consistent with all other recommendations adopted by this Committee.**
- 11. That the *Election Finances and Contributions Disclosure Act* be amended to remove pre-writ period restrictions on third party advertising that takes a position on an issue with which a registered party or its leader, a registered nomination contestant, registered leadership contestant or a registered candidate, is associated but that does not directly promote or oppose that party, leader, contestant, or candidate.**
- 12. That the *Election Finances and Contribution Disclosure Act* be amended to prohibit registered third parties from using, for the purposes of election advertising, funds that have been contributed by any person other than an individual ordinarily resident in Alberta.**
- 13. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit registered third parties from using, for the purposes of political advertising, funds that have been contributed by any person who is not ordinarily resident in Canada.**

### 6.3 Residency Requirements – Electors

Section 1(1)(j) of the *Election Act* defines an elector as a person who, on a polling day, in the case of an election, is a Canadian citizen who is 18 years of age or older and is ordinarily resident in Alberta. The Chief Electoral Officer explained to the Committee that Alberta used to have a six-month residency requirement in order to be eligible to vote in a provincial election. However, that requirement was removed from the Act, on the recommendation of the Chief Electoral Officer, effective January 1, 2018.

The Committee discussed the current residency requirement for voters and considered whether that requirement should be expanded. The Committee noted that a person moving to “Alberta permanently from within Canada [would] have to apply for health care coverage and a new driver’s licence within three months” of arriving in Alberta. It felt that it may be beneficial to apply that three-month time frame to voting eligibility (i.e., an eligible voter would be defined as a Canadian citizen, 18 years of age or older, who has been ordinarily resident in Alberta for three months prior to election day) in order to align with the three-month deadline to update identification when moving to Alberta. The Committee heard from the Chief Electoral Officer, who indicated that having a three-month residency requirement would restrict the ability of Elections Alberta to use government or public data sources to gather elector information. Elections Alberta would “have to stale-date any data for 90 days before updating [its] registers.” The Chief Electoral Officer added that other jurisdictions, including the federal government, have eliminated this type of residency requirement. He also noted that, in terms of consistency with respect to residency requirements across election legislation in Alberta, the *Local Authorities Elections Act* requires only that the elector reside in Alberta and that the person’s residence is located in the jurisdiction in which the person is voting on election day. The Committee acknowledged “that some Canadians move from province to province.” However, the Committee ultimately agreed on the importance of “harmonizing the definition of elector with existing [requirements]” for new Alberta residents to update provincial health care coverage and driver’s licences and that a “three-month residency requirement is a reasonable limit for determining if a Canadian citizen is an Alberta resident and therefore an eligible voter.”

The Committee therefore makes the following recommendation:

- 14. That the *Election Act* be amended to include a requirement that an individual must have been ordinarily resident in Alberta during the three months immediately preceding the date of the election or enumeration in which the individual wishes to vote or participate for that individual to qualify as an elector for that election or enumeration.**

### 6.4 List of Electors – Deceased Electors

The Committee considered ways to improve the List of Electors with respect to information regarding the death of an individual named on the list. The Chief Electoral Officer informed the Committee that when Elections Alberta receives information from Vital Statistics regarding deceased electors, that information includes the address at which the person became deceased, which is not always the address where the person resided. He added that Elections Alberta attempts to “data-match as much as possible,” but that the information is not 100 per cent accurate for this reason. The Committee noted the Chief Electoral Officer’s comments and agreed that it would be beneficial for political parties, candidates, and Members of the Legislative Assembly to have access to information, where available, regarding electors who have recently passed away. In the view of the Committee having access to this information could prevent “awkward and uncomfortable” situations when conversing with constituents.

The Committee therefore makes the following recommendation:

- 15. That the *Election Act* be amended to enable enhanced data sharing between Elections Alberta and registered political parties, specifically as it relates to information about the death of an individual who is named on a list of electors.**

## 6.5 Official Recount

The *Election Act*, s. 148.1(1), provides that “if a [judicial] recount is conducted or an appeal is heard under this Part, the court may direct (a) that the parties bear their own costs, or (b) that costs be paid to one or more of the parties by any or all of the following: (i) the applicant; (ii) one or more of the candidates; (iii) the Crown in right of Alberta.”

The Committee discussed the issue of judicial recounts, particularly those that may occur when the difference in votes between the leading two candidates is close. The Committee agreed that the potential costs of applying for a judicial recount should not “be a barrier to seeking recounts when there’s justification to do so.” In the Committee’s view, “Albertans have a right to make sure that recounts occur when margins are close, and financial barriers should not be precluding that from happening.” Consequently, the Committee agreed that “is in the public interest” both for the electors of a constituency and Albertans in general that if a judicial recount is held for an election in which the votes of the two leading candidates differ by 100 or less the cost of that recount should be paid by the Crown.

On that basis, the Committee makes the following recommendation:

- 16. That the *Election Act* be amended to require the Crown in right of Alberta to pay the legal costs of all parties to a judicial recount and any subsequent appeal if, based on the official count to which the recount relates, the difference between the number of votes cast for the candidate with the largest number of votes and those cast for the candidate with the next largest number of votes is 100 or less.**

## 6.6 Nomination and Leadership Contests

The *Canada Elections Act*, Part 18, Division 4, outlines the registration and financial accounting rules that must be followed with respect to nomination contests. Similarly, Part 18, Division 6 of the Act sets out the registration and financial accounting rules that must be followed with respect to leadership contests. Apart from registration of nomination and leadership contests with the Chief Electoral Officer, a nomination or leadership contestant must appoint a financial agent who receives contributions and incurs expenses on behalf of the contestant. The Act outlines the duties and responsibilities of the financial agent, including with respect to accepting contributions and borrowing money on behalf of the nomination or leadership contestant, as set out in s. 373 of the Act. The financial agent is required to file a return with the Chief Electoral Officer with respect to the nomination or leadership contest, as the case may be. In addition, depending on how much money is contributed or spent with respect to the contest, an auditor shall be appointed to examine the nomination or leadership contest report, as the case may be, to “give an opinion in the report as to whether the return presents fairly the information contained in the financial records on which it is based.”

The Committee discussed the federal rules that regulate nomination and leadership contests, noting that under the *Canada Elections Act*, a registered party is required to notify Elections Canada about nomination contests, a leadership contestant must register with Elections Canada, and all nominated candidates and leadership contestants must abide by federal finance rules. The Committee felt that it may be beneficial for Alberta’s EFCDA to mirror the rules in the federal Act to ensure there is fairness in the nomination and leadership contestant processes and because adopting the federal rules would make compliance easier for volunteers and for prospective candidates to engage in the political process. However, the Committee opposed the idea of mirroring the federal law with respect to the ability of nomination or leadership contestants to borrow funds for the purposes of raising and spending money to support their nomination or leadership contest. The Committee felt that adopting the federal expense limit and loan provisions in Alberta would undermine election fairness because it could give an advantage to contestants who are better qualified than others to be approved for a loan. The Committee agreed that it is important for all Albertans to have an equal opportunity and ability to participate in the electoral process as a candidate.

Therefore, the Committee makes the following two recommendations:

- 17. That the *Election Finances and Contributions Disclosure Act* be amended to mirror the manner in which nomination contests are regulated under the *Canada Elections Act* except for those sections respecting expense limits and loans.**
- 18. That the *Election Finances and Contributions Disclosure Act* be amended to mirror the manner in which leadership contests are regulated under the *Canada Elections Act* except for those sections respecting expense limits and loans.**

## **6.7 Contributions and Expenses**

Pursuant to sections 17(1) and 41.5 of the EFCDA the contribution limit per year by a person resident in Alberta is, in the aggregate, \$4,000, as adjusted by the Chief Electoral Officer, under s. 41.5, after every general election to any of the following or to any combination of them: a registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant. The adjustment after every general election is the percentage increase, if any, to the Consumer Price Index from the period beginning on the effective date of the prior adjustment and ending on December 31 of the year in which the general election was held. The annual contribution limit for the period beginning January 1, 2020, is \$4,243.

Yansong Fu and Valerie Burrell, both Chief Financial Officers for UCP constituency associations, suggested that the EFCDA be amended to permit the rounding of contribution limit amounts to the nearest \$100 so that it is an easy number for the general public and campaign volunteers to remember.

The Committee commented that the current method of calculating the contribution limit may be somewhat confusing for the public. The Committee agreed that changing the current rules so that the contribution limit is rounded to the nearest \$100 would simplify the donation process for individuals, particularly those who contribute regularly. It would make it easier for regular donors to plan their donations and feel confident that their donations are within the contribution limit and would likely make the accounting process a little easier as well. The Committee noted that under the *Canada Elections Act* the contribution limit is increased by \$25 each year, resulting in a limit that is a rounded number, which, in the Committee's view, is easier to remember and adhere to.

Therefore, the Committee recommends:

- 19. That the *Election Finances and Contributions Disclosure Act* be amended to provide that if contribution limits are adjusted annually for inflation, the adjusted amounts are rounded to the nearest \$100.**

The EFCDA, s. 32(3)(a), requires every registered party and registered constituency association to file with the Chief Electoral Officer on a quarterly basis each year a return setting out "the total amount of all contributions received during the quarter that did not exceed \$50 in the aggregate from any single contributor, and the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the quarter exceeded an aggregate of \$50."

One of the Committee's focus issues in reviewing the *Election Act* and EFCDA is to identify opportunities for red tape reduction. The Committee felt that relaxing the frequency with which financial reporting on contributions must occur may be an effective means of removing red tape and administrative burden for the constituency associations and would make the democratic process "easier to navigate" for those who work in constituency associations. The Committee noted that federal constituency associations are required to file contributions returns once a year and felt that it would be reasonable to modify the requirement in Alberta of filing returns quarterly to mirror the federal requirement.

The Committee therefore recommends:

**20. That the *Election Finances and Contributions Disclosure Act* be amended to require a registered constituency association to file with the Chief Electoral Officer all records of contributions that it receives on an annual, instead of quarterly, basis.**

The EFCDA, s. 41.3(1)(a), provides that a registered candidate cannot incur election expenses in excess of \$50,000, in the aggregate, adjusted to the Consumer Price Index, for that candidate's election campaign under the *Election Act*.

Some other Canadian jurisdictions authorize variable expense limits for candidates in an election based on the population or location of the electoral division. For instance, in Saskatchewan candidates have different expense limits depending on the location of the constituency for which they are seeking office (a \$52,108 limit in a constituency north of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*, and a \$39,082 limit in a constituency south of the dividing line). In Ontario, Nova Scotia, and for federal elections the expense limit for candidates varies depending on the number of electors in the electoral district. For example, in Ontario the expense limit for a candidate is calculated as the product of \$1.28 multiplied by the indexation factor and by the number of electors in the candidate's electoral district. In addition, in eight electoral districts specified by the Act, this amount is further increased by \$9,310 multiplied by the indexation factor.

The Committee considered the expense limits for candidates in Alberta and noted that Alberta was one of the very few that has uniform spending limits for candidates. In the Committee's view, having a uniform expense limit does not "recognize some of the difficulties" experienced by candidates when campaigning in many rural ridings, particularly the cost of visiting the communities in a geographically large rural riding. The Committee debated how best to address this issue and whether variable expense limits would need to be reviewed periodically. It ultimately agreed that determining appropriate candidate expense limits should take into consideration a number of elements, including the unique characteristics (e.g., geographic or demographic peculiarities) of each electoral division, inflation rates, and the expense limits set in other Canadian jurisdictions.

**The Committee therefore recommends:**

**21. That the limit on election expenses under the *Election Finances and Contributions Disclosure Act* that apply to a registered candidate be determined by a calculation that may consider, but is not limited to, the following criteria:**

- (a) the number of registered electors in the electoral district that the candidate is contesting,**
- (b) any geographic or demographic peculiarities in the electoral district that the candidate is contesting,**
- (c) the population density of the electoral district that the candidate is contesting,**
- (d) inflation based on percentage increases in the Consumer Price Index, and**
- (e) dollar amounts per registered elector comparable to amounts used in other Canadian jurisdictions.**

## **6.8 Collusion**

The EFCDA, s. 41.42 addresses collusion as follows:

41.42(1) A registered party, registered candidate, registered nomination contestant or registered leadership contestant shall not circumvent, or attempt to circumvent, an expense limit set out in this Part or a contribution limit under Part 3 by colluding with a third party.

(2) A third party shall not collude with a registered party, registered candidate, registered nomination contestant or registered leadership contestant to circumvent, or attempt to circumvent, an expense limit set out in this Part or a contribution limit under Part 3.

(3) A registered party shall not circumvent, or attempt to circumvent, an expense limit set out in this Part by colluding with any other registered party.

The Chief Electoral Officer proposed that the collusion provisions in the EFCDA should be clarified to avoid any confusion with respect to what constitutes “collusion” with a third party advertiser by explicitly providing that colluding includes “sharing information in order to influence the third party in its election advertising” and by adding a provision to “prohibit registered parties, constituency associations, registered candidates, nomination contestants and leadership contestants from donating to third party advertisers.”

In addition, two stakeholders commented on the need to strengthen the collusion provisions in the EFCDA. Mr. Giorno argued “that third parties have to be independent of other political actors, partisan actors, independent of parties, independent of candidates.” Mr. O’Connor contended that the anti-collusion provisions in the EFCDA should be strengthened “in order to discourage abuses” if the regulation of third party advertisers is to be relaxed outside an election period.

The Committee discussed third party advertisers and the parameters within which they should be able to operate. The Committee agreed that it wanted to put barriers in place to ensure that political party spending limits were not being circumvented through third party advertiser contributions and spending. It argued that the best way to accomplish that was to prohibit formal affiliations between third party advertisers and political parties and to prevent political parties, candidates, and constituency associations from being able to make contributions to third party advertisers.

The Committee makes the following three recommendations:

- 22. That the *Election Finances and Contributions Disclosure Act* be amended to authorize the Chief Electoral Officer to deny an application for registration as a third party advertiser by a third party that is formally affiliated with a political party.**
- 23. That the *Election Finances and Contributions Disclosure Act* be amended to authorize the Chief Electoral Officer to cancel the registration of a third party advertiser if, at any time, the third party advertiser becomes formally affiliated with a political party.**
- 24. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit political parties, candidates, and constituency associations from making contributions to third party advertisers.**

## 6.9 Third Party Advertising – Contributions

The EFCDA does not currently prescribe limits on the amount of a contribution that can be made to a third party advertiser. The United Conservative Party of Alberta and Shaping Alberta’s Future argued that there should be a \$30,000 limit on contributions to third party advertisers to “remove big money from Alberta Politics.” Dr. Melanee Thomas, Associate Professor, University of Calgary, suggested to the Committee that if the reference point for fairness in legislation is the participation of individual Albertans in this kind of democratic process, there should be a \$1,000 cap on donations to third party advertisers.

The Committee agreed that there should be contribution limits for third party advertisers. It noted that the *Local Authorities Election Act* was recently amended\* to prohibit an individual, corporation, trade union, or employee organization from making contributions to a third party advertiser during an election advertising period of more than \$30,000, in aggregate. The Committee determined that for the sake of consistency a similar contribution limit should apply to third party advertisers under the EFCDA. It clarified that, like the provision in the *Local Authorities Election Act*, the third party advertising contribution limit under the EFCDA would be an aggregate limit (i.e., the limit would be calculated by factoring in all contributions made by a person to multiple third party advertisers during a defined period).

---

\* *Local Authorities Election Amendment Act*, 2020 (No. 2), S.A. 2020, c. 38



On that basis, the Committee recommends:

- 25. That the *Election Finances and Contributions Disclosure Act* be amended to prohibit advertising contributions to a registered third party during an election period that exceeds \$30,000 in the aggregate.**

## 6.10 Advertising

The *Election Act* restricts government advertising during an “election period,” which is defined as the period commencing at the time that a writ is issued for a general election until the end of polling day. During the election period a Government department or a provincial corporation shall not advertise or publish information about its programs or activities except in circumstances that are explicitly set out in the Act. For instance, advertising that is required by law or because it relates to important matters of public health and safety is permitted during the election period. The *Election Act* also contains restrictions respecting the use in Government advertising of the name, voice, or image of an election candidate who was a Member immediately before the writ for an election is issued. Saskatchewan, Manitoba, and Ontario appear to be the only other Canadian jurisdictions that restrict government advertising during an election period.

While the restrictions outlined in these jurisdictions are similar to those in Alberta, all three jurisdictions have also established additional restrictions on government advertising in the period just before the election period. For instance, Ontario’s *Government Advertising Act* sets standards for provincial government advertising that occurs year round and provides that such advertising must be pre-approved by the Auditor General of Ontario. The Act also includes provisions restricting government advertising during an election period and amended the legislation in 2016 to extend the restriction for an “additional period of 60 consecutive days ending on the day of the issue of a writ under the *Election Act*.” The exceptions to restrictions on government advertising during an election period in Ontario are quite general. For example, exceptions may be made for advertising items that “relate to a revenue-generating activity,” are time sensitive, or meet “any other criteria that might be prescribed.”

The Canadian Taxpayers Federation, United Conservative Party of Alberta, Mr. Giorno, and William Stevenson, a private citizen, all expressed support for restricting government advertising during an election period and the period just prior to an election. The Committee agreed, arguing that it was critically important to address the issue of Government advertising during an election period and for a period of time prior to an election. The Committee agreed that the current restrictions on Government advertising in Ontario strike the right balance and are effective in preventing those seeking re-election from using Government advertising as free election advertising. The Committee also discussed the aspect of the Ontario model that mandates the Auditor General of Ontario to pre-approve Government advertising based on set standards and agreed that the Auditor General of Alberta would be best suited to take on a similar role in Alberta.

On that basis, the Committee makes the following recommendation:

- 26. That the *Election Finances and Contributions Disclosure Act* be amended to**
- (a) require the Auditor General to review and approve any advertising message that the Government of Alberta proposes to transmit, during an election period, to the public to ensure that the advertising complies with requirements of the Act,**
  - (b) prohibit the Government from transmitting an advertising message to the public during an election period unless it has obtained the approval from the Auditor General referred to in clause (a), and**
  - (c) prohibit the Government from including any content in the type of advertising referred to in clause (a) that is partisan.**

The Committee also agreed that if Alberta adopts fixed date elections, the election period during which election advertising should be restricted under the EFCDA is six months prior to the date set for the election.

The Committee therefore recommends:

- 27. That the *Election Finances and Contributions Disclosure Act* be amended to provide that the period in which election period advertising restrictions for a fixed date general election apply commences six months prior to the fixed election date.**

### APPENDIX A: Minority Report

Democracy is the cornerstone of our society and is a contract between the people of Alberta and their elected representatives. The NDP Official Opposition believes fundamentally in the importance of upholding transparency, fairness, and accessibility in our electoral system. On November 15, 2020, the Select Special Democratic Accountability Committee (the “Committee”) deliberated and made recommendations for changes to the *Election Act* and *Election Finances and Contributions Disclosure Act*. The UCP Private Members voted through drastic proposals which will create an imbalance of power in elections, while rejecting reasonable proposals and amendments to support citizen participation. At every step of the Committee’s business - from public consultations to motions - it was clear that the UCP’s best interests, not the public’s best interest, was the focus. The voices of the Official Opposition, the Chief Electoral Officer, and public citizens and stakeholders were silenced by the predetermined outcome of the Committee’s deliberations.

All members of the Committee agreed that the *Election Act* and *Election Finances and Contributions Disclosure Act* need to be rewritten from scratch, in order to consolidate decades of amendments and make the law accessible to Albertans engaging in the democratic process. The NDP Official Opposition put forward a motion to propose the creation of a drafting commission, tasked with this important job and composed of partisan and nonpartisan representation. This would have ensured fair and equal participation in the development of new legislation governing elections and the electoral process. The UCP Private Members voted against this reasonable proposal, preferring instead to give the Minister of Justice and Solicitor General sole authority over the development of new legislation. No single person or political actor should dictate the entirety of the rules of our democracy. The player and the referee cannot, and should not, be one and the same.

Furthermore, a recommendation that the selection of a fixed election date include a public consultation was rejected by the UCP Private Members. While the Committee approved the motion calling for a fixed election date, the UCP’s preoccupation with controlling democracy dictated that they alone should determine what that date should be. This is despite the fact that private citizens and stakeholders who proposed fixed election dates in the consultations to the Committee did not indicate any consensus or clear direction on when elections should be held. The NDP Official Opposition believes the people of Alberta are in the best position to decide when is the ideal date for an election, not the UCP.

Based upon the recommendations of the Chief Electoral Officer and recent events, the NDP Official Opposition proposed greater investigative and prosecutorial powers for the Chief Electoral Officer with regards to breaches of the *Election Act* and *Election Finances and Contributions Disclosure Act*. These included creating specific offences for breach of confidentiality, to create an independent prosecutor, and to extend the timeframe for investigations to four years. The UCP Private Members rejected each of these, protecting violators of election law instead of protecting the integrity of our elections.

In the Fall 2020 sitting of the Alberta Legislature, the UCP’s contempt for the role and expertise of the Office of the Information and Privacy Commissioner (OIPC) was noted in the government’s lack of consultation regarding changes to access to private health information in Bill 46. We saw this again in the deliberations of the Committee when the UCP members rejected an amendment to consult the OIPC regarding Elections Alberta’s collection, use, and distribution of voter contact information. It truly raises the question of who the UCP Members are serving, if not the voters and constituents.

Disregard for the Constitution, and in particular the enshrined rights of Canadian citizens to vote and move freely within Canada, is exemplified by the UCP’s proposal to limit valid

voter status to residency time in the province. The motion, moved and carried by the UCP Members against the recommendation of the Chief Electoral Officer, requires an individual to be resident in Alberta for a minimum of 3 months prior to an election or enumeration. Students, snowbirds, military personnel, and new Albertans are just a few of the groups of individuals who will be disproportionately impacted by this change. The NDP Members proposed that such a change must not impede or derogate the rights of Albertans over 18 years of age to vote. This was rejected, sending a clear message that the UCP Members do not value the right to vote, the very foundation of our democracy. This stands in stark contrast to the proposals of the UCP Members regarding third party advertisers, who passed a motion for a recommendation that allows for out of province influence by third party advertisers in political matters, while simultaneously stripping Albertans of their right to vote.

It is clear that this government's purpose has been to formulate a system of electoral rules which serves themselves and their supporters. The NDP Official Opposition will continue to fight for all Albertans, for elections to be fair, transparent, and accessible for all.

NDP Committee Members

Heather Sweet, MLA for Edmonton-Manning

Joe Ceci, MLA for Calgary-Buffalo

Rakhi Pancholi, MLA for Edmonton-Whitemud

Thomas Dang, MLA for Edmonton-South

## APPENDIX B: Oral Presentations to the Committee

### Stakeholder Presentations: November 5 and 6, 2020

<b>Presenter</b>
Lori Williams Associate Professor, Mount Royal University
Ryan O'Connor Partner, Zayouna Law Firm
Dr. Ian Brodie Associate Professor, University of Calgary
Laurie Livingstone Partner, Cassels, Brock & Blackwell
Franco Terrazzano Alberta Director, Canadian Taxpayers Federation
Dr. Lisa Young Professor, University of Calgary
Guy Giorno Partner, Fasken Law Firm

### Virtual Public Meeting: November 16, 2020

<b>Presenter</b>
Dr. Melanee Thomas, Associate Professor, University of Calgary
Brian Gregg
Joel French
Bruce Jackson

## APPENDIX C: Written Submissions to the Committee

### *Election Act*

<b>Individual</b>	<b>Organization</b>	<b>File Number</b>
Morgan Nagel	Private Citizen	DAC-2020-001
Cynthia Cotton	Private Citizen	DAC-2020-005
Diane Shaw	Private Citizen	DAC-2020-008
Mary McPhail	Private Citizen	DAC-2020-010
Terrance Van Gemert	Private Citizen	DAC-2020-015
Lola Stewart	Private Citizen	DAC-2020-016
Rob Woronuk	Private Citizen	DAC-2020-019
Bruce Jackson	Private Citizen	DAC-2020-020
William Stevenson	Private Citizen	DAC-2020-024
Dalton Duncan	Private Citizen	DAC-2020-026
Bill Dolman	Private Citizen	DAC-2020-027
Perry Cousin	Private Citizen	DAC-2020-031
Al Boychuk	Private Citizen	DAC-2020-036
Friedrich Kropfreiter	Private Citizen	DAC-2020-038
Guy Buchanan	Private Citizen	DAC-2020-041
Wayne Moorhead	Private Citizen	DAC-2020-065
Dawn Miller, Chief Financial Officer	UCP Party Leduc-Beaumont Constituency Association	DAC-2020-070
Dustin Van Vugt, Executive Director	United Conservative Party of Alberta	DAC-2020-075
Gordon Elliott	Private Citizen	DAC-2020-078/079
Alberta Proud	Registered Third Party Advertiser	DAC-2020-082
Vitor Marciano	Private Citizen	DAC-2020-087
David Blain	Private Citizen	DAC-2020-090
Glen Resler, Chief Electoral Officer	Elections Alberta	Transcript of technical briefing provided to Committee on August 26, 2020

### *Election Finances and Contributions Disclosure Act*

<b>Individual</b>	<b>Organization</b>	<b>File Number</b>
Byron Nelson	Private Citizen	DAC-2020-002
Eric Sirrs	Private Citizen	DAC-2020-003
Cynthia Cotton	Private Citizen	DAC-2020-004
Brandon Bacchus	Private Citizen	DAC-2020-007
Diane Shaw	Private Citizen	DAC-2020-009
Brian Gregg	Private Citizen	DAC-2020-011
Terrance Van Gemert	Private Citizen	DAC-2020-014
Lola Stewart	Private Citizen	DAC-2020-017
Lyann E. Kroetsch	Private Citizen	DAC-2020-018
Rob Woronuk	Private Citizen	DAC-2020-019
John McDonald	Private Citizen	DAC-2020-022
William Stevenson	Private Citizen	DAC-2020-023
Yansong Fu, Chief Financial Officer	UCP Calgary-Foothills Constituency Association	DAC-2020-025
Barry Morishita, President and Chair	Alberta Urban Municipalities Association	DAC-2020-030
Valerie Burrell, Chief Financial Officer	UCP Rocky Mountain House-Sundre Constituency Association	DAC-2020-033
Al Boychuk	Private Citizen	DAC-2020-037

Guy Buchanan	<b>Private Citizen</b>	DAC-2020-042
Alberta Teachers' Association	<b>Registered Third Party Advertiser</b>	DAC-2020-043
Wilbert Hoflin, Chief Financial Officer	<b>UCP Ft. McMurray-Lac La Biche Constituency Association</b>	DAC-2020-044
James S. M. Kitchen	<b>Justice Centre for Constitutional Freedoms</b>	DAC-2020-045
Ed Broadbent, PC, CC, Chair	<b>Broadbent Institute</b>	DAC-2020-046
Gordon Lougheed, Chief Financial Officer	<b>UCP Camrose Constituency Association</b>	DAC-2020-049
Brianna Morris, Heather Cournoyer, Rick McDonald, Matthew Bissett, and Deb Vernon	<b>Private Citizens</b>	DAC-2020-054
Daniel Macneil, Chief Financial Officer	<b>NDP Calgary-Buffalo Constituency Association</b>	DAC-2020-055
John Huang	<b>Private Citizen</b>	DAC-2020-058
Wayne Moorhead	<b>Private Citizen</b>	DAC-2020-062
Shaping Alberta's Future	<b>Third Party Advertiser</b>	DAC-2020-066
Lindsay Luhnau Chief Financial Officer	<b>Alberta Party Calgary-Currie Constituency Association</b>	DAC-2020-069
Dawn Miller, Chief Financial Officer	<b>UCP Leduc-Beaumont Constituency Association</b>	DAC-2020-074
Dustin Van Vugt	<b>United Conservative Party of Alberta</b>	DAC-2020-076
Alberta Proud	<b>Registered Third Party Advertiser</b>	DAC-2020-083
Vitor Marciano	<b>Private Citizen</b>	DAC-2020-088
Glen Resler, Chief Electoral Officer	<b>Elections Alberta</b>	Transcript of technical briefing provided to Committee on August 26, 2020