

Standing Committee on Legislative Offices

Report on the Recommendation for the Appointment of an Election Commissioner

April 2018



COMMITTEES
OF THE LEGISLATIVE ASSEMBLY

Standing Committee on Legislative Offices
3rd Floor – Federal Building
9820 107 Street NW
Edmonton, Alberta T5K 1E7
780.644.8621
Committees@assembly.ab.ca



LEGISLATIVE ASSEMBLY OF ALBERTA

**STANDING COMMITTEE ON
LEGISLATIVE OFFICES**

CHAIR:

DAVID SHEPHERD, MLA
Edmonton-Centre

DEPUTY CHAIR:

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Calgary-Currie

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Chestermere-Rocky View

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Calgary-Bow

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Spruce Grove-St. Albert

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Calgary-Northern Hills

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Fort Saskatchewan-Vegreville

ANGELA D. PITT, MLA
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GLENN van DIJKEN, MLA
Barrhead-Morinville-Westlock

DENISE WOOLLARD, MLA
Edmonton-Mill Creek

April 2018

**To the Honourable Robert Wanner
Speaker of the Legislative Assembly
of the Province of Alberta**

The Standing Committee on Legislative Offices has the honour to submit its report containing the recommendation of a candidate for the position of Election Commissioner for consideration by the Legislative Assembly.

Sincerely,

[original signed by Chair]

David Shepherd, MLA
Chair, Standing Committee on Legislative Offices

c. Robert H. Reynolds, QC
Clerk of the Legislative Assembly

TABLE OF CONTENTS

STANDING COMMITTEE ON LEGISLATIVE OFFICES: COMMITTEE MEMBERSHIP	1
COMMITTEE MANDATE	2
RECOMMENDATION	2
SELECTION PROCESS	3
ACKNOWLEDGEMENTS	3
CANDIDATE BIOGRAPHY	4
APPENDIX A: Minority Report	5

**STANDING COMMITTEE ON
LEGISLATIVE OFFICES**

COMMITTEE MEMBERSHIP

Chair:

Mr. David Shepherd, MLA
Edmonton-Centre (NDP)

Deputy Chair:

Mr. Brian Malkinson, MLA
Calgary-Currie (NDP)

Members:

Mrs. Leela Sharon Aheer, MLA
Chestermere-Rocky View (UCP)

Member Deborah Drever, MLA¹
Calgary-Bow (NDP)

Mr. Prab Gill, MLA
Calgary-Greenway (UCP)

Mr. Trevor A. R. Horne, MLA
Spruce Grove-St. Albert (NDP)

Mr. Jamie Kleinsteuber, MLA
Calgary-Northern Hills (NDP)

Mrs. Jessica Littlewood, MLA
Fort Saskatchewan-Vegreville (NDP)

Mrs. Angela D. Pitt, MLA
Airdrie (UCP)

Mr. Glenn van Dijken, MLA
Barrhead-Morinville-Westlock (UCP)

Ms Denise Woollard, MLA
Edmonton-Mill Creek (NDP)

¹ Pursuant to Standing Order 56(2.1-2.4) Mr. Chris Nielsen, MLA, Edmonton-Decore, was a substitute for Member Drever from February 15, 2018, through April 5, 2018.

COMMITTEE MANDATE

Bill 32, *An Act to Strengthen and Protect Democracy in Alberta*, 3rd Sess., 29th Leg., Alberta, 2017.

Transitional

142.1(1) On the date Bill 32, *An Act to Strengthen and Protect Democracy in Alberta*, receives Royal Assent, the Standing Committee on Legislative Offices shall invite applications for the position of Election Commissioner and recommend to the Legislative Assembly the applicant it considers most suitable.

Bill 32, *An Act to Strengthen and Protect Democracy in Alberta*, received Royal Assent on December 15, 2017.

RECOMMENDATION

At the April 5, 2018, meeting of the Standing Committee on Legislative Offices the following motion was passed by the Committee on a recorded vote:

MOVED by Ms Woollard that the Standing Committee on Legislative Offices approve the draft report dated April 2018 and recommend to the Legislative Assembly that the Lieutenant Governor in Council appoint Mr. Lorne Gibson as Election Commissioner for a term of five years commencing May 15, 2018, and authorize the Speaker to enter into a contract with Mr. Gibson for the term of the appointment.

SELECTION PROCESS

The search for the first Election Commissioner was conducted over several meetings beginning in December 2017 until the Committee confirmed its decision at the April 5, 2018, meeting. The Committee, with the assistance of the Clerk, Parliamentary Counsel, Communications Services, Human Resource Services, and Research and Committee Services support staff from the Legislative Assembly Office as well as senior staff from Executive Search with the Alberta Public Service Commission, developed guidelines for advertising, a position profile, a search timetable, and general procedures.

An advertisement for the position of Election Commissioner was placed nationally in the *Globe and Mail* as well as the *National Post*. The advertisement also ran in Alberta's daily newspapers, the *Edmonton Journal* and the *Calgary Herald*. The advertisement and position profile were posted on the Committee website, and online advertisements appeared on eluta.ca. The competition was also advertised through the Institute of Public Administration of Canada. A media advisory and social media were also used to increase awareness of the search process.

The Committee was pleased to receive applications for the position of Election Commissioner from candidates within Alberta and from other provinces in Canada. At the request of the Committee Executive Search completed a screening report on all applicants, and the Committee reviewed all of the resumés along with the screening report to determine a candidate short list for preliminary interviews. At the direction of the Committee Executive Search conducted preliminary interviews with identified candidates and reported back to the Committee. The Committee then conducted interviews with selected candidates.

ACKNOWLEDGEMENTS

The Committee appreciates the expertise and professionalism of Ms Trish Mills, Director of Executive Search, and Ms Gail Batog, Executive Search Consultant, with the Alberta Public Service Commission, as well as the assistance of the support staff from the Legislative Assembly Office.

CANDIDATE BIOGRAPHY – Lorne Gibson

Lorne Gibson is a professional election administrator and consultant. He served as Alberta's fifth Chief Electoral Officer from 2006 to 2009. In this role he was an independent officer and reported directly to the Legislative Assembly of Alberta. He successfully administered Alberta's 27th provincial general election in March 2008. Before that he was the Deputy Chief Electoral Officer with Elections Manitoba from 1998 to 2006 and supervised provincial general elections in 1999 and 2003.

Mr. Gibson has been consulting within Canada and in several other countries in the fields of electoral management and research for the past nine years. He possesses sound knowledge and practical experience in the fields of election law enforcement, campaign finance, election planning and preparedness, election official training, political contribution and spending rules, financial compliance reviews and public disclosure. Mr. Gibson has been working for the past seven years as an electoral management consultant with Elections Saskatchewan. He has also been consulting on election-related projects for Elections Canada, Elections Nova Scotia, Elections Yukon, Elections NWT and Elections B.C. In 2017 he provided advice and assistance on the administration of provincial Métis elections in Saskatchewan. He recently prepared a report for the federal Department of Justice on election law enforcement in Canada and in several other western democracies and co-authored a comparative assessment of election commissions around the world for Elections Canada.

Internationally Mr. Gibson has worked in Zimbabwe, where he was engaged by Electoral Reform International Services to train campaign finance observers for presidential elections. In Seychelles he co-chaired and was the electoral team expert on a Commonwealth Secretariat mission to observe and report on presidential elections. He recently returned from two Organization for Security and Co-operation in Europe observation missions in Ukraine involving presidential and assembly elections. He was selected by the Canadian International Development Agency to conduct an auditability assessment of Bolivia's voter registration system and has worked for the International Foundation for Electoral Systems assisting the Independent High Electoral Commission of Iraq with its strategic planning for elections.

Prior to entering the election field, Mr. Gibson was employed with the Province of Manitoba. He worked within two large central service departments over a 17-year period in the areas of policy development, program evaluation, operational research, communications and corporate planning. Mr. Gibson left the Manitoba government as a senior executive manager. He is also a skilled researcher with extensive experience in survey design, research methodology, sampling, statistical analysis and investigative research.

Mr. Gibson holds a BA and MA, majoring in sociology and psychology, and attended the Faculty of Graduate Studies and Research at the University of Alberta, where he majored in criminology and research methods. He lectured in sociology, criminology and research methods over an 18-year period at the universities of Manitoba, Winnipeg and Alberta.

APPENDIX A – MINORITY REPORT

“Voters must have faith in the electoral process for our democracy to succeed.”

-Senator Blanche Lincoln

On April 5, 2018 the NDP members of the Standing Committee on Legislative Offices voted to appoint an individual as the Election Commissioner who did not have all party support. We in the Official Opposition could not support this decision.

We have long been disappointed in how members of the government caucus chose to conduct themselves throughout the entire search process. It became evident at our first meeting at the end of December that government MLAs were determined to proceed in a reckless fashion by forcing the Legislative Assembly Office to compose a job posting and position profile for a brand new position in less than 48 hours, and deciding to open the competition during the Christmas holidays including a costly run of print advertisements that required an LAO employee to come into the office on their holidays to make certain deadlines despite the Official Opposition’s strong advice that this would be a waste of money and put undue strain on support staff. Then in January the committee was asked to spend an additional \$20,000 for a second run of print advertisements because not enough applications had been received at that point. We also took issue with being strong armed by government MLAs who would declare that a consensus had been reached on issues *in camera* and would try to force votes with little to no discussion.

So perhaps it wasn’t surprising that when it came time to select a candidate that instead of an openness to hear the concerns from the Official Opposition, government members used their majority to confirm a candidate that while qualified, has a long and adversarial history with the Legislative Assembly here in Alberta. We felt there were a number of other strong, qualified candidates, yet the government members chose a candidate that did not have the unanimous support of the committee.

The selection of an Election Commissioner should not be a partisan exercise and indeed, there was an opportunity to confirm a consensus candidate, however the government members of the committee have chosen to act in a partisan manner, which is certainly not in the best interests of Albertans.

We hope that our concerns about the individual chosen do not bias the individual against us or our caucus but can be taken to be representative of the concerns of Albertans who deserve to have faith in their electoral system and those chosen to administer it.

Leela Aheer, MLA
Chestermere-Rocky View

Angela Pitt, MLA
Airdrie

Prab Gill, MLA
Calgary-Greenway

Glenn van Dijken, MLA
Barrhead-Morinville-Westlock