

IGA2018-0865 Local Authorities Election Act Review

The Honourable Shaye Anderson
Minister of Municipal Affairs
107 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6



Re: Local Authorities Election Act Review and Consultation

Dear Minister Anderson:

Council for the City of Calgary welcomes the opportunity to provide its' feedback with respect to the Government of Alberta's intention to amend the Local Authorities Elections Act. In general Calgary Council's opinion is that comprehensive reform and enforcement of election law is necessary to protect and preserve Albertans' confidence in the democratic process at the municipal level. Accordingly, Calgary City Council is advocating for reforms in four specific areas of concern:

- Enhancing transparency with respect to donors and a candidate's fund-raising activities;
- Addressing the power of incumbency by establishing fund-raising and campaign spending limits;
- Developing effective procedures for enforcing election laws during the election campaign; and
- Consider and explore the possibility of lowering the voting age to sixteen.

Election Transparency

Currently Albertans do not have the ability to see who is contributing financially to a campaign prior to casting their ballots. The current requirement to disclose campaign donations nearly five months after a general municipal election, or 120 days after a by-election, may allow large donors to influence election outcomes. Although these post-election disclosure requirements are comprehensive, Calgary City Council urges the Government of Alberta to require all candidates for municipal offices to disclose the names of their donors and the amounts of each donation prior to Election Day. This will pierce the anonymity that currently shields many large donors and enable both electors and journalists to understand the potential influences that certain donors may have on candidates and the electoral outcomes. Transparency through prompt disclosure enables the electorate to make informed decisions and gives proper weight to different candidates and their messages.

Fund-raising and Campaign Spending Limits

The power of incumbency is significant. Incumbents enjoy name recognition and local attention, information and issue advantage, fundraising and a campaign base, successful campaign experience, and, to a certain extent, voters' inertia and risk aversion. Leveling the

playing field and encouraging challengers is essential for renewal and innovation in municipal government.

Currently, the LAEA does not limit how much candidates can spend in a municipal election. Allowing unlimited campaign spending magnifies the incumbent advantage. Calgary Council endorses limiting the total spending during an election campaign for all candidates. Although establishing campaign spending limits will not significantly impact the power of incumbency, it will reduce the impact of money in municipal elections. Accordingly, Calgary Council recommends that the Government of Alberta establish spending limits on a per capita scale using census data based on each municipality's total population. These per capita limits should allow for some flexibility to allow for the effects of inflation between election cycles.

Finally, Calgary Council recommends that the Government of Alberta establish a time limit for when candidates can begin fundraising. Establishing a limited time period for fund-raising activities, for example one year prior to an election, will provide an opportunity for challengers to compete in fund-raising and address the incumbency advantage.

Enforcement

Unlike provincial and federal elections acts, the LAEA does not provide an effective means for enforcement. The current regime requires that citizens file a complaint in the Court of Queen's Bench. This reliance on private legal actions to enforce municipal campaign laws is a serious gap in the existing legislation. In the absence of a robust enforcement scheme, those candidates that break the rules will gain an obvious advantage over all candidates that adhere to the rules and regulations. Accordingly, Council recommends that the Government of Alberta address the issue of enforcement of the LAEA and empower the Chief Electoral Officer of the municipality to enforce the election laws and regulations.

Voter Eligibility – Lowering the Voting Age

Currently in Canada a sixteen-year old can drive, quit school and join the workforce with a full-time job, pay taxes, get married and join the Canadian Forces Reserves. Calgary Council requests that the Government of Alberta explore the possibility and consider lowering the voting age in municipal elections to sixteen.

Finally, Council for The City of Calgary requests that it continues to be involved in the review process including being provided the opportunity to review draft amendments to the legislation for comment and feedback prior to first reading in the Legislative Assembly.

Respectfully,