

Conversation Regarding Electoral and Democratic Reform

EXECUTIVE SUMMARY

During the 2018 January Regular Meeting, Council debated a Notice of Motion requesting that the Government of Alberta make certain changes to the *Local Authorities Elections Act* (LAEA). The LAEA regulates the procedures and conduct of elections at the municipal level. The requested changes were with respect to establishing term limits and introducing a recall process. Council defeated both these motions. However, through a Motion Arising, Council identified certain electoral reform amendments for The Mayor to communicate to the Minister of Municipal Affairs. Three specific issues were identified. In addition, Council voted to bring the issue of electoral reform to a future meeting of the Intergovernmental Affairs Committee. The specific issues in the motion arising were brought forward to Council in a memorandum.

With respect to a general conversation on electoral reform, the chart in Attachment One outlines five issues of concern with respect to the electoral process and democratic reform. The issues listed in Attachment One are neither comprehensive nor definitive of the concerns and challenges related to democratic and electoral reform. The purpose of this report is to provide an opportunity for Council to begin to develop an advocacy position prior to the commencement of an anticipated review of the LAEA by the Government of Alberta.

ADMINISTRATION RECOMMENDATION:

Administration recommends that the Intergovernmental Affairs Committee directs Administration to:

1. Compile consensus positions for potential amendments to the Local Authorities Elections Act (LAEA), the Municipal Government Act, and other legislative instruments as identified in the verbal discussion related to this item; and
2. Bring forward a report to the Intergovernmental Affairs Committee on the identified consensus positions and potential amendments to the Local Authorities Elections Act following commencement of a review of the LAEA by the Government of Alberta.

PREVIOUS COUNCIL DIRECTION / POLICY

During the Regular Meeting of Council 2018 January 29, Council debated Notice of Motion C2018-0081 "Setting Mayoral and Term Limits". Council, in its Motion Arising amended this Notice of Motion and referred the amended notice to the Intergovernmental Affairs Committee.

BACKGROUND

On 2018 January 29 during a Regular Meeting of Council, the Mayor and Councillors debated Notice of Motion C2018-0081 entitled "Setting Mayoral and Councillor Term Limits and Recall".

This Notice of Motion set out to establish The City of Calgary's position on issues of electoral reform and requested that the Mayor communicate with the Government of Alberta's Minister of

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Municipal Affairs ("The Minister") to implement specific amendments to the Local Authorities Elections Act¹ ("LAEA").

The requested amendments in the original Notice of Motion identified issues with respect to the absence of term limits and recall provisions in the LAEA. Following a robust discussion and debate, Council decided that they would not adopt either resolution.

Further Amendments to the original Notice of Motion were made, and Council's Motion Arising resulted in the substitution and approval of the following two resolutions:

- 1) *"Council request the Mayor write a letter to the province requesting amendments to the Local Authorities Election Act on the topics of an elected member of council being nominated to run as a candidate for provincial or federal level of government resigning their position at city council and forfeit transition allowance upon being elected as an MLA or MP and; that the candidate's surplus campaign funds or those generated since the last municipal election be donated to The City for the purpose of defraying the costs of a by-election." And, that the*
- 2) *Topic of Electoral Reform be added to a future meeting of the Intergovernmental Affairs Committee.*

For the purposes of this report, the two amendments to the Notice of Motion will be referred to as Resolution One and Two respectively.

It is important to emphasize that Administration conducted this review at the request of Council but takes no position with respect to the Local Authorities Elections Act, relevant sections of the Municipal Government Act, or any other issues or matters arising with respect to how a current or future member of Calgary City Council is or will be elected.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Resolution One: This first part of the Motion Arising requested that the Mayor communicate to the Minister The City's position with respect to specific amendments to the Local Authorities Elections Act, and involves three separate issues:

- a) That a member of Council be compelled to resign if nominated to represent a political party and campaigning to be either a Member of the Legislative Assembly of Alberta, or alternatively, a Member of the Parliament of Canada;
- b) That said member of Council forfeit any transition allowance to which they may be eligible upon if elected to another order of government; and finally,
- c) That campaign funds raised since the last municipal election be "donated" to The City of Calgary to help defray the costs of a by-election.

The requests raised in Resolution One, having received a majority vote from Council, are addressed in a Memorandum to Council dated 2018 May 29 (Attachment 2).

Resolution Two: This resolution directs that the topic of electoral reform be added to a future meeting of the Intergovernmental Affairs Committee. The topic of electoral reform is expansive,

¹ Local Authorities Election Act, RSA 200, Chapter L-21, as amended 2014 May 14.

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complex, and continuously evolving. In addition, the term “electoral reform” is often conflated with “democratic reform”.

In general, democratic reform addresses issues with respect to how citizens are represented in our democratic institutions. In contrast, electoral reform focusses on how citizens select those people that will represent them in the democratic institution, in this case, municipal council.

At the municipal level, democratic reform would address such issues as: “first past the post” versus proportional representation; involvement of political parties at the municipal level; Councillors-at-large versus localized geographic representation; ratio of population to Councillors (i.e., how many people should a Councillor effectively represent?); expansion of democratic institutions to allow a voice for minorities, women (i.e., gender equity), etc.; and finally, protection of democratic institutions (how to address issues of conflicts of interest, suspected corruption, etc.)

Electoral reform focusses on the conduct of the election, and includes such issues as campaign fund raising, donor disclosures and reporting, third party advertising, and voter and candidate eligibility requirements, to name but a few. In general, the Municipal Government Act² (MGA) addresses the democratic reform issues while the Local Authorities Elections Act addresses the conduct of the election. However, as noted this distinction is not absolute and amendments to the LAEA would, out of necessity, also need to address issues of democratic reform with respect to the conduct of municipal elections.

The chart in Attachment One outlines five topic areas in the electoral processes that Council may wish to debate, as well as a sixth undefined topic area for new and arising issues. The five theme areas are:

- a) Campaign Finance Reform;
- b) Conduct of Candidates and the Election – Third Party Participation and Advertising;
- c) Structure of Council;
- d) The Voting System; and
- e) Voter Eligibility.

Finally, an open category

- f) Other Issues with respect to Democratic of Electoral Reform.

Attachment One illustrates how democratic reform is intertwined with issues of electoral reform. The issues listed in Attachment One are neither comprehensive nor definitive of the issues, concerns and challenges related to democratic and electoral reform at the municipal level of government.

Stakeholder Engagement, Research and Communication

No stakeholders were engaged in the development of this report. The issues for Resolution Two for Council’s consideration to discuss electoral reform are listed in Attachment One. These issues were identified and aggregated through a review of comments made by both successful

² RSA 2000, M-26 as amended 1 April 2018

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and unsuccessful candidates for municipal office in Calgary during the 2017 October municipal elections.

Strategic Alignment

Municipal government functions within a system of representative democracy. An engaged electorate in which all citizens cast equally weighted votes is foundational to its success. Removal of any impediments or obstacles to the voting process and the conduct of the election would increase voter turnout, enhance transparency, and improve and strengthen Calgary/s municipal government and other elected offices.

Social, Environmental, Economic (External)

Identifying opportunities to improve the electoral process should result in increased voter turnout and strengthen Calgary's democratic institutions.

Financial Capacity

Current and Future Operating Budget:

The cost of running elections in Canada, calculated on an average cost per vote cast, in the most recent Federal, Provincial and Municipal elections ranges between \$15.00 and \$17.50. The costs associated with holding an election are a necessary expense required to support democratic institutions, and is a cost that continues to escalate. The 2017 municipal election in Calgary was an outlier due to well above average voter turnout. Calgary's 2017 election cost taxpayers a total of \$4.178 million or \$10.88 per participating voter. Depending on the outcome of Council's debate on electoral and democratic reform, and options pursued, the cost per participating voter in future elections may either continue to escalate or be reduced.

Current and Future Capital Budget:

Depending on the options chosen by Council, there may be capital costs incurred to improve how Calgary administers its municipal elections.

Risk Assessment

In the absence of addressing both electoral and democratic reform, The City may face the risk of reduced voter turnout, and / or increased cynicism from the electorate. Lack of confidence by the electorate in the conduct of an election will ultimately erode the reputation and trust that Calgarians have in their local democratic institutions.

REASON(S) FOR RECOMMENDATION(S):

Electoral and democratic reform are issues of concern for Calgary City Council and all elected representatives. Administration will implement a local election at the direction of Council, but does not have nor will it develop an opinion or make recommendations with respect to how a current or future member of Calgary City Council is elected, or with respect to any issues surrounding democratic and electoral reform.

**Deputy City Manager's Office Report to
Intergovernmental Affairs Committee
2018 June 27**

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ATTACHMENT(S)

1. Electoral and Democratic Reform - Potential Issues for Debate
2. Memorandum: Re: Motion Arising – Proposed Amendments to the Local Authorities Electoral Act