

Local Government Elections Task Force

Local Government Elections: Scale and Scope

- ▶ *Local Government Act* and *Vancouver Charter* govern local government elections;
- ▶ Apply to:
 - ▶ Municipal and electoral area elections
 - ▶ By-elections
 - ▶ Other voting
 - ▶ Other local boards (e.g., Boards of Education, Islands Trust, Vancouver Parks Board)
- ▶ Over 1660 elected positions; 250 government bodies; over 3050 candidates in 2008



Local Government Elections: Glossary

- ▶ “Campaign participants”: candidates, elector organizations, campaign organizers
 - ▶ “Elector organizations”: groups formed for the purpose of directly promoting a candidate or a point of view in an election
 - ▶ “Campaign organizers”: implement election campaigns supporting the election of candidates or elector organizations
-

Local Government Elections: Overview

- ▶ Local governments administer own elections under election bylaws
 - ▶ E.g., register eligible voters; establish voting opportunities; conduct voting proceedings; keep required records
 - ▶ Legislation directly regulates campaign participants
 - ▶ E.g., campaign finance disclosure; candidates eligibility
 - ▶ Some local flexibility in administering; standard provincial rules for campaign participants and some other matters
-

Election Cycles

Election Cycles: Introduction

- ▶ Election cycle means local government term of office
- ▶ Since 1990, 3 year term
 - ▶ 1960s-1973: councillors – annually, mayors – biennially; no local choice
 - ▶ 1973-1990: councillors – annually, mayors – biennially; local choice for biennial councillors
- ▶ Should it be 4 years?



Election Cycles: Comparison

BC Local Government

- 3 years

Local Governments in MB, SK, ON, QC, NB, NS, PEI, NFL

- Trend to 4 years
- ON, PEI, NB, SK recently extended term length from 3 to 4 years

Provincial and Federal Governments

- No more than 5 years
- Fixed election date in BC (4 years)
- Shorter time if loss of confidence or government choice



Election Cycles: Arguments For Status Quo (3 years) and Extension (4 years)

Status Quo

- Term length attracts candidates
- More opportunity for elector participation
- No cost saving in extension

Extension

- Consistent with federal/provincial terms
- More time to implement vision
- Reduce costs



Election Cycles: UBCM Position

- ▶ UBCM endorsed resolution (2007) for extension to 4 year term
 - ▶ In favour: cost efficiencies; more time for strategic planning and delivery; consistency with other provinces
 - ▶ Against: limit accessibility for candidates; diminish attractiveness for candidates (4 year commitment too long)
-

Election Cycles: Key Questions

- ▶ Should the term of office be extended to 4 years?
 - ▶ What about impacts to accountability framework and some types of elections, such as EA directors?
-



Corporate Vote

Corporate Vote: Introduction

- ▶ “Corporate vote” means businesses can vote
- ▶ No corporate vote in BC or other provinces
- ▶ Historically, some corporations could vote in BC local government elections



Corporate Vote: History

Pre-1973: Corporations could vote in local elections

1973-1976: Corporate vote discontinued

1976-1993: Corporate vote reinstated (narrower eligibility)

1993-present: Corporate vote discontinued



Corporate Vote: Arguments For and Against

Arguments For

- Local governments impact business
- Need to reflect business interests
- Paying taxes links to voting
- Symbolic value

Arguments Against

- Voting = individual right
- Eligibility and fairness
- Won't solve tax issues
- Other ways to hear businesses



Corporate Vote: UBCM Position

- ▶ Since 1993 UBCM has debated 6 resolutions for restoring the corporate vote
- ▶ Only 1 endorsed (1995); no provincial action
- ▶ Current policy position: against corporate vote.



Corporate Vote: Key Questions

- ▶ Should there be a corporate vote?
- ▶ If a corporate vote were considered, what kind of criteria could be used to decide which businesses are eligible? How would businesses prove their eligibility?
- ▶ Can a corporate vote be reconciled with principles like “one person, one vote?”



Campaign Financing

Contribution Limits, Expense Limits, Public Financing

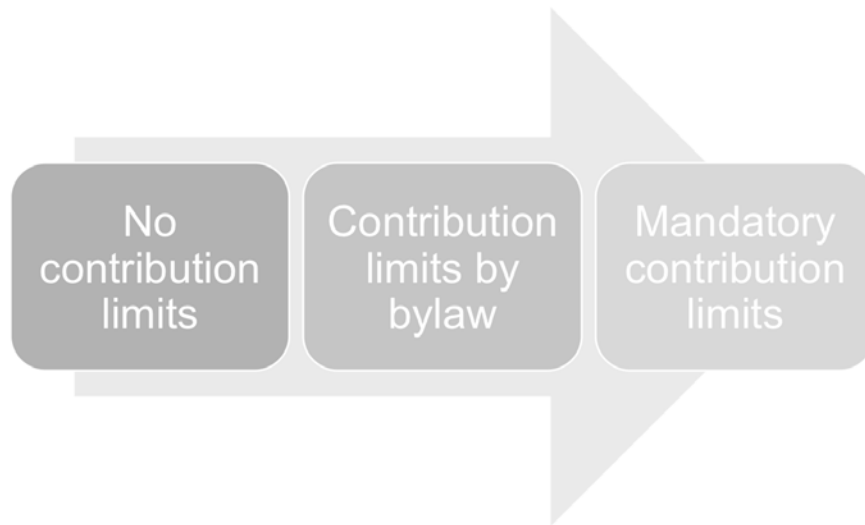
Contribution Limits: Introduction

- ▶ Restrictions on:
 - ▶ **Who** can contribute and/or
 - ▶ **How much** can be contributed

- ▶ In BC, no limits on who can contribute or how much can be contributed to local government elections
 - ▶ Regulate **how** contributions are made, accepted, recorded and disclosed.



Contribution Limits: Other Jurisdictions



Contribution Limits: Limiting **Who** Can Contribute

Arguments For	Arguments Against
<ul style="list-style-type: none">• Increases transparency• Accountability to community/electorate	<ul style="list-style-type: none">• Reduces transparency• How to decide?

Contribution Limits: Limiting Contribution \$ Amount

Arguments For

- Broadens support base
- Reduces concerns about undue influence
- Other jurisdictions do it

Arguments Against

- Reduces transparency
 - Impacts communities differently
 - Existing rules address undue influence
-



Campaign Contributions Limits: UBCM Position

- ▶ 2003 UBCM resolution:
 - ▶ Limit who can contribute (ban union and corporate donations)
 - ▶ Resolution was not endorsed by UBCM members
 - ▶ In 2009, the City of Vancouver proposed a resolution to ban contributions from outside Canada; resolution referred to Elections Task Force
-



Campaign Contributions Limits: Key Questions

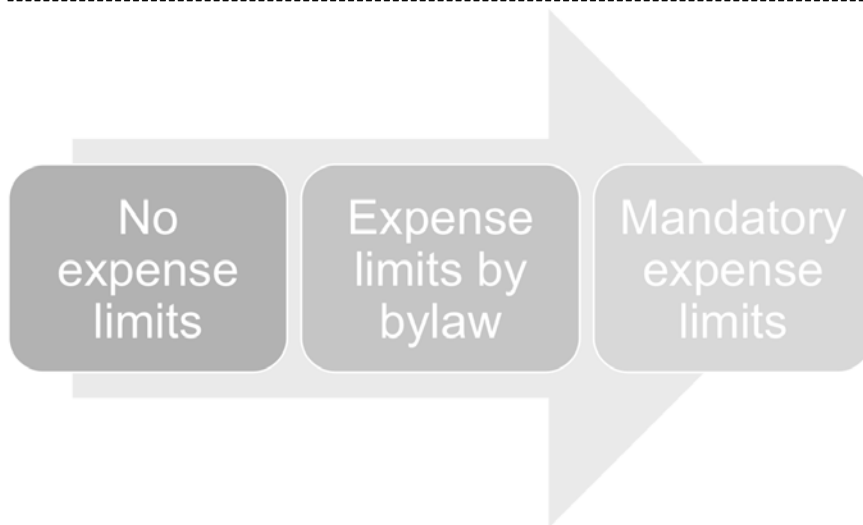
- ▶ Should there be restrictions on who can make contributions?
- ▶ Should there be limits on the amount that can be contributed?
- ▶ Should amount limits or source restrictions be Province-wide? Or should there be local choice to opt- in or out?
- ▶ Would restrictions have administrative and enforcement impacts for local governments and campaign participants?

Campaign Expense Limits

Campaign Expense Limits: Introduction

- ▶ No expense limits in BC local government elections
 - ▶ Overall campaign spending low; spending in some communities is relatively high
 - ▶ Some call for expense limits
 - ▶ BC provincial elections have expense limits
-

Campaign Expense Limits: Other Jurisdictions



Campaign Expense Limits: Arguments For and Against

Arguments For

- Equal opportunity to communicate ideas
- Accessibility for candidates
- Less need for large contributions
- Increases engagement and broadens support base
- Consistent with federal, provincial and other municipal jurisdictions

Arguments Against

- Unnecessarily limits free speech
- Limits education and reduces citizen participation
- Reduces transparency
- Impacts communities differently
- Increases administrative burden



Campaign Expense Limits: UBCM Position

- ▶ No endorsed UBCM resolutions for expense limits in local government elections
- ▶ In 2009, the City of Vancouver proposed a resolution to institute expense limits; resolution referred to Elections Task Force



Campaign Expense Limits: Key Questions

- ▶ Should there be limits on election expenses?
- ▶ Should election expense limits be Province-wide?
Or should there be local choice to opt-in or out?
- ▶ Would such limits have administrative and enforcement impacts for local governments and campaign participants?



Public Financing



Public Financing: Introduction

- ▶ Publicly funding candidates and parties and providing benefits to contributors
 - ▶ Not available for BC local government elections
 - ▶ Some public financing for BC provincial elections
 - ▶ A few other provinces provide some local public financing
-



Public Financing: Most Common Forms

Reimbursement

- Compensates candidates and/or parties for a portion of expenses
- Only available in Quebec

Tax Benefits

- Tax reduction (credits or rebates) for contributors
 - Required in Quebec; optional in Manitoba and Ontario
 - All but Quebec use municipal taxes
-



Public Financing: Arguments For and Against

Arguments For

- Supports democratic rights
- Reduces financial inequalities between candidates
- Increases fundraising capabilities of candidates

Arguments Against

- Makes system less accessible
- More accounting requirements
- Financial pressure on governments
- Disconnect between source of money and benefit

Public Financing: UBCM Position

- ▶ 2 endorsed UBCM resolutions regarding public financing for local government elections:
 - ▶ 1994 (North Vancouver): make contributions to local government election campaigns income tax deductible
 - ▶ 2003 (Peachland): provide income tax credits for local government election campaign contributions
- ▶ Provincial response: no public financing due to complexity, cost, and questionable appropriateness of providing provincial funding

Public Financing: Key Questions

- ▶ Would local governments want the choice to fund public financing from local government revenues?
- ▶ What impacts would local public financing have on communities?



Campaign Financing

Third Party Advertising, Disclosure

Third Party Advertising: Introduction

- ▶ Campaign finance disclosure rules apply to “campaign organizers” (3rd party advertisers) who spend more than \$500
 - ▶ 2008 election experience identified some pressure points:
 - ▶ Rules not understood
 - ▶ No sponsorship on election advertising required
 - ▶ Enforcement issues
-

Third Party Advertising: UBCM Position

- ▶ 2000 endorsed resolution called for UBCM to request Ministry review of legislation to address issue of anonymous election advertising
 - ▶ In 2009, the City of Vancouver proposed a resolution for contribution limits, limiting contributions from sources outside of Canada, and expense limits for all campaign participants including campaign organizers; resolution referred to the Elections Task Force
-

Third Party Advertising: Key Questions

- ▶ How can the disclosure rules for campaign organizers be made more effective?
 - ▶ Should there be sponsorship disclosure on election advertising by campaign organizers?
 - ▶ If expense and contribution limits are imposed for candidates and elector organizations, should similar limits be imposed for campaign organizers?
-



Campaign Finance Disclosure

Campaign Finance Disclosure: Introduction

- ▶ Current rules:
 - ▶ Campaign participants disclose campaign contributions, expenses, surpluses, and deficits
 - ▶ Disclosure 120 days after election
 - ▶ Disclosure filed with local governments and available for 7 years



Campaign Finance Disclosure: Pressure Points

- ▶ Disclosure required, but some pressure points
 - ▶ Difficulties following/applying disclosure rules
 - ▶ Requirements too onerous for small campaigns
 - ▶ Requirements not stringent enough
 - ▶ Disclosure is too late
 - ▶ Disclosure statements not consistently accessible



Campaign Finance Disclosure: UBCM Position

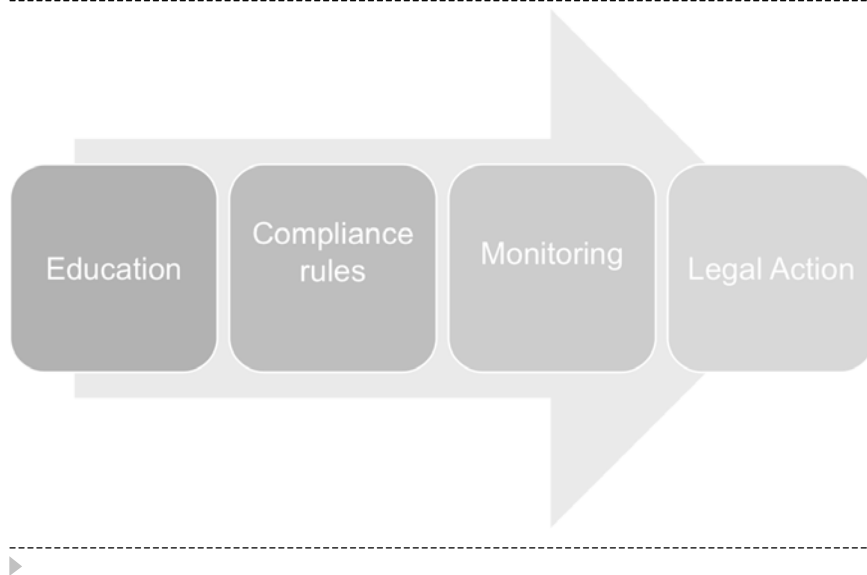
- ▶ 2000 UBCM endorsed resolution: exempt candidates who accept no contributions from campaign account requirements
 - ▶ 2008: Province created legislative exemption
 - ▶ In 2009, the City of Vancouver proposed a resolution for disclosure requirements for “other voting”; resolution referred to Elections Task Force
-

Campaign Finance Disclosure: Key Questions

- ▶ How can public accessibility of disclosure statements be improved?
 - ▶ What is the earliest date that campaign disclosure could be made?
 - ▶ Should the same disclosure rules apply to all campaigns – regardless of campaign size?
 - ▶ Should disclosure rules apply to “other voting”?
-

Local Elections Enforcement

Enforcement: Continuum



Enforcement: Background

- ▶ Election enforcement rules apply to all election activities:
 - ▶ Elections administration activities
 - ▶ Regulation of “campaign participants”
- ▶ Various bodies involved in enforcement process
- ▶ Enforcement approaches in other provinces generally same as BC; there are exceptions



Enforcement: Pressure Points

- ▶ Election administration enforcement rules?
- ▶ Campaign participant regulation
 - ▶ Campaign participants lack information
 - ▶ Lack of authoritative compliance advice
 - ▶ Barriers to enforcement



Enforcement: UBCM Position

- ▶ There have not been any resolutions specifically on the issue of enforcement



Enforcement: Key Questions

- ▶ Are there gaps in relation to regulating campaign participants?
- ▶ What are the gaps? For example, is there a gap in compliance monitoring and the investigation of complaints?
- ▶ Is there a role for a new neutral player in any of these issues?



Role of Elections BC

Role for EBC in Local Elections: Introduction

- ▶ Local governments run all aspects of local elections
 - administration to oversight
- ▶ Elections BC (Provincial CEO) administers and oversees provincial elections
- ▶ Should a neutral body, such as Elections BC, have a role in local elections?



Different Roles in Different Jurisdictions

- ▶ In most provinces, local governments run local elections
 - ▶ Provincial CEO involved in some local government elections: New Brunswick, PEI, Yukon, and Quebec
 - ▶ Great variation in role – from running elections to overseeing specific aspects
-

Elections BC: Pressure Points

- ▶ Potential perception of conflicts
 - ▶ Access to campaign finance information
 - ▶ Campaign finance rules:
 - ▶ Lack of clarity and understanding
 - ▶ Responsibility for bringing forward allegations
 - ▶ Enforcement process and outcomes
-

Elections BC: UBCM Position

- ▶ There have not been any resolutions specifically on the role of Elections BC



Elections BC: Key Questions

- ▶ Should Elections BC play a role?
- ▶ If so, in which aspects of elections administration and what role?
- ▶ What would be the impact of such a role (e.g., costs)?



Other Issues

Employee and Volunteer Eligibility for Office

Employee Eligibility: Introduction

- ▶ BC local government employees are ineligible for office in their local government or related local government
- ▶ Should exceptions be made for:
 - ▶ Volunteer firefighters: Cultus Lake (2008) Court finds volunteer firefighter is an “employee” so ineligible to run for office
 - ▶ Related local government: Anmore (2008) Mayoralty candidate ineligible as employed by GVRD



Employee Eligibility: Background

- ▶ Before 1993, every candidate with local government financial interests ineligible; since 1993, expanded eligibility with required conflict of interest disclosure
 - ▶ Local government employees remain ineligible as inherently conflicted
-
- ▶

Employee Eligibility: Arguments For and Against (Volunteer Firefighters)

Arguments For

- Community service, not financial reward is key
- Employment obligations not that strong
- Legal test for "employees" has different purpose
- Need to encourage public volunteer service and elected public service, especially in small communities
- Exceptions made in other jurisdictions

Arguments Against

- Pecuniary [financial] conflicts of interest
 - Other potential conflicts – employment obligations
 - "Declare and absent yourself" rule not adequate
 - Cost, uncertainty, and public concern
 - Treat all employees the same
-
- ▶

Employee Eligibility: Arguments For and Against (Employed by Related LG)

Arguments For	Arguments Against
<ul style="list-style-type: none">• Exception warranted if employee's work not undertaken by the related local government• "Declare and absent yourself" rule is adequate for pecuniary interests• Few other conflicts – e.g., limited interaction	<ul style="list-style-type: none">• Pecuniary [financial] conflicts of interest – interlocking interests of municipality and regional district• Same potential conflicts as employee of their own local government• Same concerns over declaring and absenting; cost, uncertainty, and public confidence

Employee Eligibility: UBCM Position

- ▶ 2009 proposed UBCM resolution to exempt volunteer firefighters from being designated as employees for election purposes
 - ▶ 2009 proposed UBCM resolution to allow regional district employees to hold office on council of a municipality within the regional district. UBCM resolutions committee referred resolution to Executive Committee with recommendation not to endorse
 - ▶ Both resolutions referred to Elections Task Force
-

Employee Eligibility: Key Questions

- ▶ Should there be exceptions to employee ineligibility rule?

- ▶ If so, should there be exceptions for:
 - ▶ Volunteer firefighters – if so, which kind?
 - ▶ Employees elected to a related local government – if so, in what circumstances?

- ▶ What impact would such exceptions have on local government administration and on conflict of interest rules?



Next Steps

