



# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** March 15, 2010

**From:** David Weber  
Director, City Clerk's Office




**File:** 12-8125-01/2010-Vol 01

**Re:** **Richmond Council Submission to the BC Local Government Elections Task Force**

Set out below for Council consideration are the recommendations of the Richmond Council Working Group in relation to the BC Local Government Elections Task Force request for comment on various election-related matters.

David Weber  
Director, City Clerk's Office  
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Att. 1

<b>FOR ORIGINATING DEPARTMENT USE ONLY</b>		
<b>CONCURRENCE OF GENERAL MANAGER</b> 		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> 	NO <input type="checkbox"/>
<b>REVIEWED BY CAO</b> ACTING	YES <input checked="" type="checkbox"/> 	NO <input type="checkbox"/>

## **Recommendations of the Richmond Council Working Group**

### **Local Government Elections Task Force Topics**

- 1) That in response to the January 29, 2010 request for comments on specific election-related topics, the Local Government Elections Task Force be advised that Richmond City Council:*
- a) supports moving toward a four year election cycle for local government elections, provided that the time frame during which a council may decide that a by-election is not to be held is extended;*
  - b) does not support the reinstatement of the corporate vote;*
  - c) does not support the concept of election campaign expenses being reimbursed from public funding sources;*
  - d) supports the implementation of a system of tax benefits for contributors to local government election campaigns, provided that the source of funding for such a system comes from provincial income taxes, however, if the source of funding cannot come from provincial income taxes, that no tax benefit system be implemented at all;*
  - e) supports, in relation to the topic of third party advertising,*
    - i) legislative changes that would require all election advertising to include a statement which identifies the sponsor of local election campaign ads, whether sponsored by a candidate, elector organization or by a third party;*
    - ii) a change to the term "campaign organizer" to a more understandable term such as "third party advertiser;" and*
    - iii) a province-wide public education campaign outlining the responsibilities and obligations of third party advertisers once they become active in local government elections; and*
  - f) supports expanded election enforcement provisions, including new powers of investigation and enforcement, and that the provincial chief electoral officer be made responsible for exercising these new powers on behalf of the public in relation to local government elections;*

### **Local Government Elections Task Force Topic 3 – Campaign Financing – Contribution and Expense Limits – Council Consideration of the Following Options Required**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the establishment of:*

- (a) restrictions on who can contribute to election campaigns;*

*(b) limits on the amount that can be contributed by any single source; and*

*(c) limits on election expenses / election campaign spending.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support any form of contribution or expense limits.*

**Richmond Council Election Topics For Submission to the Elections Task Force**

**2) That the following election-related recommendations be submitted to the Local Government Elections Task Force for consideration:**

- a) That the Provincial Government address the legislated disparity and unequal treatment of independent candidates versus elector organization endorsed candidates with a view to establishing one set of rules for the disposition of surplus election campaign funds that would apply to all;*
- b) That electors be required to prove their identity and residential address by presenting identification prior to receiving a ballot at a local government election voting opportunity, provided that solemn declarations or "vouching" could be used to accommodate people of no fixed address or people who may not have adequate identification;*
- c) That the signature requirement for local government election advance elector registration be eliminated so that local governments may explore the implementation of on-line and phone-in municipal voter registration mechanisms;*
- d) That the Local Government Act provide for the possibility of voting by electronic means and establish the parameters and requirements for an electronic voting system;*
- e) That local governments be permitted to establish, by bylaw, whether the non-resident property elector registration process will be available at every voting place or whether it will be available only at the Election Office, provided that such registration opportunity is available at the Election Office during regular office hours, during all advance voting opportunities, and until the close of voting on General Voting Day;*
- f) That the apparent discrepancy in the reporting period for election expenses and contributions be addressed and clarified;*
- g) That the requirement to record in a campaign financial disclosure the names and addresses of two directors or principals of contributing numbered companies or unincorporated organizations be considered satisfied if the information is otherwise publicly available;*
- h) That campaign financial disclosures emphasize the net financial benefits flowing from fund-raisers, with the gross costs (expenses) and gross price of tickets sold (contributions) disclosed in a separate schedule which reports the overall net financial benefit of the fund-raiser as part of the main campaign financing disclosure document; and*

- i) *That the timing for the processing and receipt of mail-in ballots be reviewed with a view to possibly extending or otherwise providing a longer period of time for the receipt of mail-in ballots so that rigid timelines do not pose an undue restriction on the voting opportunity afforded to electors who are away from the municipality and who choose to vote by mail-in ballot.*

**Referral to Staff**

- 3) *That prior to the next election, staff bring forward options for a new oath of office.*

## Staff Report

### Origin

At the 2009 UBCM Convention, it was announced that the provincial government would establish a task force to examine local government election issues with a view to making any recommendations for legislative changes well before the 2011 local government elections. The Local Government Elections Task Force is comprised of provincial representatives and UBCM members and is co-chaired by the Honourable Bill Bennett, Minister of Community and Rural Development and Chair Harry Nyce, President of the UBCM. The remaining members of the 6 member Task Force are: Surrey Councillor and UBCM First Vice-President Barbara Steele; Quesnel Mayor and UBCM Third Vice-President Mary Sjostrom; Donna Barnett, MLA for Cariboo-Chilcotin; and Douglas Horne, MLA for Coquitlam-Burke Mountain.

As part of the consultation process established by the Task Force, local governments were invited to provide comments to the Task Force to assist in its review of a number of specific election issues. In response to the letter received from the Task Force (**Attachment 1**), the General Purposes Committee adopted the following referral motion on February 8, 2010:

1. *That the Local Government Elections Task Force (Province of BC) request for comments on the election process be referred to staff;*
2. *That a working group of Council members made up of Mayor Brodie, and Councillors Barnes and G. Halsey-Brandt provide input to staff on the election process and legislation; and*
3. *That staff report back on this matter by mid-March 2010.*

This report responds to the February 8<sup>th</sup> referral.

### Analysis

#### The Local Government Elections Task Force Process

The process established by the provincial Task Force calls for a fairly aggressive consultation timeline. All comments to the Task Force are requested by no later than April 15, 2010. The Task Force plans to deliver its recommendations to the Province and UBCM by May 30, 2010 so that any consequential recommendations for legislative amendments may be brought forward to the legislature well before the 2011 local government election process gets underway.

The Richmond Council Working Group – Mayor Brodie, Councillor Barnes, Councillor Greg Halsey-Brandt - has provided input on the issues and staff and Councillor Greg Halsey-Brandt attended an Elections Task Force / UBCM Member Consultation meeting on March 12, 2010.

In response to the Elections Task Force request to invite the broader community to also provide input into the process, a notice was published in a local newspaper and on the City website inviting interested members of the public to provide comments directly to the Elections Task Force using the Task Force website (<http://www.localelectiontaskforce.gov.bc.ca/>). In addition, staff at the Richmond School District offices were made aware of the work of the Task Force and

were encouraged to engage the Richmond Board of School Trustees in a process to develop a position on the identified topics and to also submit comments directly to the Task Force. The Task Force has also engaged Boards of Education in the process through the BC School Trustees Association.

The Task Force has published a number of discussion papers on its website which provide history, background information and insights into each of the identified topics. This report will present each of these topics and summarize the issues and arguments put forth in the discussion papers. Any existing UBCM position will also be provided and, where appropriate, the general opinions and concerns expressed at the March 12<sup>th</sup> UBCM Member Consultation meeting will also be included. Finally, for each topic presented, recommendation options will be provided for Council consideration along with the recommendations of the Richmond Council Working Group.

### **Task Force Topic 1 – Local Government Election Cycles (Term of Office)**

In the 1987-1990 period, the term of office for local government elected officials changed from 2 to 3 years. Currently in BC, local government elections are held simultaneously across the province on a fixed date - the third Saturday in November every third year.

As shown in the table below, local government election cycles vary across the country from 2 to 4 years, with the majority of provinces and territories having four year election cycles:

<b>Jurisdiction</b>	<b>Term of Office</b>
British Columbia	3 years
Alberta	3 years
Saskatchewan	2 years for rural municipalities 4 years for urban and northern municipalities
Manitoba	4 years
Ontario	4 years
Quebec	4 years
New Brunswick	4 years
Nova Scotia	4 years
Prince Edward Island	4 years (Large centres now at 4 year terms with the remainder of the province transitioning to 4 year terms by 2012)
Newfoundland and Labrador	4 years
Nunavut	2 or 3 years
Northwest Territories	2 or 3 years
Yukon	3 years

The main reasons typically argued for and against an extension to the term of office, both historically and from province to province, can be summarized as below.

#### ***The case for the current term of office (3 years)***

- **Candidate commitment** – When considering whether to stand for local government office, a three year time commitment would likely be more appealing or realistic for most people rather than a longer commitment of four years. In addition, if terms were extended to four years, more by-elections may result as an increased numbers of elected officials may not be able to complete a full four year term.
- **Potential increase in election costs** – Although a longer term of office means that the cost of an election would be spread over four years instead of three resulting in some savings over time, the potential for an increased number of by-elections and “stand-alone” referenda could actually result in an overall increase in expenditures for election purposes.
- **Greater elector participation** – A three year election cycle offers a more frequent opportunity for the local electorate to evaluate the general performance of local council members and to provide opinions on specific issues facing the community through referenda. A longer term of office provides less frequent opportunities for direct participation through voting, potentially leading to public disengagement from local government.
- **Familiarity** - The three year local government election cycle has been in place for 20 years and the BC local government electorate is familiar and comfortable with this fixed election period.
- **Loss of expertise** – Less frequent elections may result in a general loss of local knowledge and expertise in election administration due to staff turnover.

#### ***The case for an extended term of office (4 years)***

- **Better opportunity to implement mandate** – Some have argued that a three year term does not offer enough time for a local council to fully implement its vision for the community, especially given the long learning curve required before new council members are comfortable in their new roles. A four year term would provide a greater opportunity for a council to implement their vision or to fulfill their mandate.
- **Reduction in election costs** – The cost of administering local government elections would be reduced with a four year term of office since the cost of one entire election would be saved every 12 years (with a three year term, 4 elections would be held over a 12 year period, whereas with a four year term, only 3 elections would be held over a 12 year period).
- **Consistency with federal and provincial election cycles** – Some have argued that changing the term of office to four years will increase the public perception of the significance and importance of local government because local governments would appear to be more akin to senior levels of government, and with improved public perception, improved local government voter turn-out might follow.
- **Reduction in voter fatigue** – By extending the term of office to four years, there would be fewer elections held across the three levels of government (federal, provincial, municipal), thereby reducing voter fatigue.

### ***Other considerations***

- **Term of office for School Trustees** – If city councils moved to a four year term, but boards of education remained with a three year term, it would no longer be possible for local government elections and school elections to be held concurrently. Throughout the province, most school elections are administered by local governments on behalf of school districts resulting in greater convenience for the voting public and an obvious cost savings for the “one taxpayer.” If this arrangement were no longer possible or practical, school districts would find themselves having to administer and fund their own elections separately from local government elections. This would result in a duplication of costs and an inconvenience to the voting public who would find themselves having to vote in two separate elections when previously, both elections (city council and school board) were covered through one voting opportunity. Voter fatigue would likely increase as there would be even more elections and participation rates for both local government elections and school elections would likely fall even further.
- **Increased demand for “recall” legislation** - With a shorter election cycle, a dissatisfied or agitated electorate may be more content to wait for the next voting opportunity to remove someone from office. However, if a longer term were in place, that same dissatisfied electorate may not be so tolerant and may not be willing to wait an inordinate amount of time to take action. Consideration may need to be given to whether a longer term of office should be accompanied by the introduction of “recall” legislation or more robust disqualification mechanisms.
- **Local variation in term of office** – Would it be appropriate for each jurisdiction to have the authority to establish its own election cycle? Does the desire for longer or shorter terms of office vary depending on the size of the community or must the same rule apply to both rural and urban centres? If there was not a province-wide fixed election date and if local elections appeared to occur haphazardly in different years from municipality to municipality, there may be an overall detrimental effect on local election awareness and elector participation rates.

### ***UBCM Position***

In 2007, UBCM endorsed a City of Port Moody sponsored resolution to request that the provincial government extend the local government term of office from three to four years. The Provincial Government responded to UBCM suggesting that such a change would require broad and extensive consultations and that local governments may wish to consider seeking the opinions of their communities on the subject through the referendum process. During the 2008 general local election, referendums on this subject were held in four BC jurisdictions: three communities supported a change to a four year term of office (Port Moody, New Westminster and Trail) while one community – Merritt – supported the current system of three year terms.

At the recent UBCM Member Consultation meeting, some support was expressed for keeping the current three year term, although the majority of comments favoured moving towards a four year term. Some of the reasons cited in support were that a four year term would attract more “serious candidates” that were willing to make a more serious commitment and that it might discourage “fringe” or single-issue candidates. Others commented that a longer term of office would allow a council to focus on longer term goals and be more strategic in its planning and



deliberations. Cost savings for both the local government in terms of election costs as well as for candidates running election campaigns were also cited in support of a longer term.

### **Recommendation Options**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the current three year election cycle for local government elections.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council supports moving toward a four year election cycle for local government elections.*

### **Richmond Council Working Group input**

The Richmond Council Working Group recommends **Option 2**, moving towards a four year election cycle, provided that the time frame during which a council may decide that a by-election is not to be held is extended.

**Note:** The sections in the Local Government Act pertaining to a council's discretion to hold a by-election read as follows:

*37 (2) A local government may decide that a by-election is not to be held if the vacancy occurs after July 1 in the year of a general local election that will fill the office.*

*37 (3) In addition to the authority under subsection (2), a council may decide that a by-election is not to be held if all the following circumstances apply:*

*(a) the vacancy occurs after January 1 in the year of a general local election that will fill the office;*

*(b) the vacancy is not in an office elected on the basis of a neighbourhood constituency;*

*(c) the number of remaining council members is at least one greater than the quorum for the council, as set under section 129 (1) [quorum for conducting business] of the Community Charter.*

### **Task Force Topic 2 – The Corporate Vote**

In the context of local government elections, corporate voting refers to the ability of a business or corporate body to cast a ballot and vote in the same manner that individual citizens vote. Currently, there is no corporate vote in BC or elsewhere in Canada, although a corporate vote has existed in BC historically.

Prior to 1973, all corporations were eligible to vote in BC local elections, whether they owned or leased property or whether they were locally based or foreign-owned. There was also no restriction on the number of votes that could be cast by one business person within a single community, meaning that it was possible for a business person to vote as a resident and then vote

again multiple times, once for each business that they owned within the community. Eventually, criticism arose that the corporate vote was undemocratic as it not only allowed “multiple voting,” but also permitted foreign-owned companies to vote. In 1973, the corporate vote was discontinued, only to be reinstated three years later with much narrower eligibility criteria. The new criteria basically limited the corporate vote to small sole proprietor or family-based businesses provided that the business was not located in the same community in which the owner voted as a resident elector. These restrictions eliminated “multiple voting” by people owning more than one business, excluded publicly traded companies, and required that corporations be owned primarily by one individual. These rules remained in place from 1976 until 1993 when the corporate vote was once again discontinued. The reasons for finally discontinuing the corporate vote in 1993 were that the reported abuses of the process made it clear that the corporate vote could not be reliably administered or regulated as it was currently legislated and the very concept seemed to run counter to the “one person, one vote” principle.

Currently, the provisions of the Local Government Act relating to non-resident property electors provide an avenue for some business owners to vote (provided that they are not resident electors in the same community and that they personally own the property on which their business is located). Nevertheless, business advocacy groups continue to call for the restoration of the corporate vote as a way to address a perceived disconnect between local governments and the business sector.

### ***The case for the corporate vote***

- **Local government decisions significantly impact business** – Because local governments make decisions on a wide range of subjects that have a direct and significant impact on local businesses (tax rates, zoning, service provision, business regulation and licensing, etc.), many argue that businesses should be able to vote.
- **Local government officials are more responsive to voters** – Some argue that since businesses do not vote, elected officials may feel less directly accountable to them and that they would be more responsive to the concerns and needs of the business community if they represented or could form a voting block.
- **“No taxation without representation”** – Because businesses and corporations pay a significant amount of the property taxes within a community, and usually at higher rates, many advocates argue that this should inherently entitle those businesses and corporations to a vote. This argument assumes that voting entitlement is connected to property ownership.
- **Symbolic value of the corporate vote** – If there were a corporate vote, some argue that local businesses would be better recognized for their social and economic contributions to the community and, even if the number of corporate votes were not significant in terms of election outcomes, its existence would at least impress upon election officials that businesses and corporations are a significant part of their constituency.

### ***The case against the corporate vote***

- **Voting is an individual right reserved for citizens** – Those against the reinstatement of the corporate vote often emphasize that voting is not a right based on property ownership

or economic influence. Voting is an individual right bestowed on citizens, and an expression of personal freedom which should not be extended to legal entities such as corporations. Corporations and businesses are not “citizens” and should not enjoy the same fundamental rights of citizenship such as voting.

- **Eligibility and fairness** – If a corporate vote were re-instated, what eligibility criteria would be implemented and how would it be reasonably administered, given the varied and complex nature of corporate and business ownership? What types of corporations would be excluded and what minimum criteria would entitle a corporation or business to vote? Critics argue that in practice, the corporate vote is unmanageable, administratively burdensome, and prone to abuse.
- **The corporate vote would not necessarily address the concerns of businesses** – Given the narrow eligibility criteria that have been in place historically, and that would likely be in place if the corporate vote were reinstated, the number of eligible corporations or businesses would simply not represent a large enough voting group when compared to the number of resident electors to have a direct or significant impact in terms of the outcome of most elections.
- **Accountability outside of the election process** – Although voting is a basic mechanism for democratic accountability, it is not the only means by which accountability and good governance is achieved. Businesses and corporations have access to many local government processes and may participate in public consultations and meetings, become directly involved in advisory and advocacy bodies, and may directly lobby and petition elected officials on a broad range of issues. Critics of the corporate vote often argue that voting is over-emphasized as the sole means by which the business community can communicate or take action on its concerns.

### ***UBCM Position***

Since the corporate vote was removed in 1993, six resolutions have come forward to UBCM calling for its reinstatement. Only one early resolution (from 1995) was endorsed. The current policy position of the UBCM is against the reinstatement of the corporate vote.

While there was understanding expressed for some of the frustrations that may be fuelling the current calls for the reinstatement of the corporate vote, there was very little interest in advocating for its reinstatement at the recent UBCM Member Consultation meeting. There was a strong recognition of the concept of voting as an individual right for citizens and that corporate voting upsets the fundamental premise of citizen-based elections. The question was asked that if a corporation could argue that it had an entitlement to vote, could it also argue that it had an entitlement to run for public office? Much of the discussion also focussed on the nearly impossible task of administering the corporate vote and the difficulty in determining and proving whether eligibility requirements had been met, especially given the myriad of types and forms of corporations that exist. It was also pointed out that local business owners already have a vote as residents of a community, so they shouldn't be provided with an additional vote just because they own a business. In addition, in relation to businesses that were not owned by local residents, some questioned why such businesses or corporations would be given the vote since it would represent an influence from outside the community.

### **Recommendation Options**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the reinstatement of the corporate vote.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support the reinstatement of the corporate vote.*

### **Richmond Council Working Group input**

The Richmond Council Working Group recommends **Option 2**, advising the Elections Task Force that Richmond Council does not support the reinstatement of the corporate vote.

### **Task Force Topic 3 – Campaign Financing – Contribution and Expense Limits**

Contribution limits are restrictions imposed on who can contribute and/or how much can be contributed to an election campaign. Expense limits are restrictions placed on how much a candidate or party may spend on a given election campaign. Currently, at the local government level in BC, there are no contribution or expense limits in place.

Elsewhere in Canada at the local government level, only Manitoba, Ontario and Quebec limit campaign contributions, and the overall trend at the provincial and federal level is toward some form of limitation.

The approach to campaign financing at the local government level in BC emphasizes primarily the principles of transparency and accountability, therefore the rules currently in place promote and encourage full and complete disclosure with full public accessibility being achieved by requiring that the disclosure documents be available to the public for inspection.

### ***The case for contribution and expense limits***

- **Local government is for the local electorate** - Those in favour of restricting who can contribute to an election campaign argue that local governments are accountable to the local electorate, therefore foreign and non-local people or organizations should not be permitted to contribute to local elections as this would represent undue foreign or non-local influence over community matters.
- **Limits on contribution amounts expands support base** – Some argue that if contribution limits were in place, candidates would have to engage greater numbers of people in order to raise campaign funds, thereby broadening their base of support and improving overall community engagement in local politics. Without contribution limits, candidates could simply seek a few large donations from a small number of sources, but the overall result would be that a smaller number of people will have been directly engaged in the process.
- **Limits on contribution amounts reduces the perception of undue influence** – When contribution limits are in place, advocates argue that it is far less likely that there will be

any perception that contributors exert too much influence on candidates or that officials, once elected, are beholden to certain interests because of the financial support provided during an election campaign.

- **Limits on expenses create a level playing field for candidates** – Those in favour of limits on campaign spending, argue that expense limits establish a level playing field for candidates, ensuring that anyone can participate and run an effective campaign, despite their financial means. This provides greater accessibility to the political process and promotes a greater diversity of ideas and viewpoints.

### ***The case against contribution and expense limits***

- **Source restrictions reduce transparency** – Those who argue against restricting who can contribute to an election campaign point out that such limitations simply encourage ineligible campaign donors to find ways around the rules, thereby obscuring the true source of funds and reducing overall transparency. For example, if people from outside a community were not permitted to make local election campaign contributions, those potential donors may simply funnel their donations through local sources. Candidates, who may not be aware of the true source of the donations, would disclose the local source, leaving the true source of the donation unknown and unnamed. It is often argued that this type of abuse would be very difficult if not impossible to detect or regulate.
- **Restrictions on amounts reduce transparency** – Similarly, those that advocate against contribution limits argue that limitations are easily circumvented, impossible to detect, difficult to regulate, and reduce the transparency of the process by obscuring the true source of campaign contributions. As in the previous scenario, if contribution limits were in place, a potential donor who wished to donate more than what was permitted could simply split their donation and funnel the amounts through different sources. The campaign financial disclosure prepared by the unwitting candidate would reflect several donations coming from several sources instead of a single large donation coming from a single source. The transparency of the process would be reduced to the point of being completely compromised.
- **The goals of contribution limits are better served through other mechanisms** – In response to the argument that limits prevent the perception of undue influence by affluent donors, some argue that conflict of interest guidelines, oaths of office and existing disclosure requirements adequately discourage or prevent elected officials from making decisions that would favour the interests of their campaign contributors. They argue that since contributions are more fully and truthfully disclosed under a system without contribution limits, such mechanisms are made even stronger and more effective in achieving greater transparency and accountability.
- **Limits on expenses penalize candidates and suppress free speech** – Those who argue against expense limits question why a candidate who enjoys broad support within a community and is therefore able to raise more campaign funds should be arbitrarily restricted from using those funds. In addition, if a political campaign were prevented from using funds that have been contributed by supporters who share similar political beliefs, would that not constitute a suppression of free speech?

### **Other considerations**

- **Applicability of limits across the province** - Is the issue of contribution and expense limits a “big-city” issue where contributions and spending on local government elections have increased dramatically in recent years? Would limitations on contributions and spending make sense for the vast majority of smaller jurisdictions where election campaigns are modestly funded?

### **UBCM Position**

There are no endorsed UBCM resolutions on the subject of campaign contribution or expense limitations. In 2009, the City of Vancouver proposed two resolutions: (1) to restrict foreign contributions, and (2) to introduce expense limits. Both proposed resolutions were referred to the Elections Task Force for consideration.

At the recent Elections Task Force UBCM Consultation meeting, there was no definitive view for or against imposing contribution or expense limits. Many members commented that they wouldn't want to see limits imposed if it meant that transparency would be compromised. Others discussed how difficult it would be to design a system that was fair and reasonable as well as simple to understand and administer. Many felt that the matter was only an issue for the largest cities and a “non-issue” for the majority of communities in BC where campaigns are run on very small budgets. While this observation lead some to the conclusion that municipalities should be able to establish their own local limitations on contributions and expenses, others argued that variation on such rules from jurisdiction to jurisdiction and from election to election would not only be confusing, but it would make the establishment and amendment of such rules susceptible to the political whims of the day.

### **Recommendation Options**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the establishment of:*

- (a) restrictions on who can contribute to election campaigns;*
- (b) limits on the amount that can be contributed by any single source; and*
- (c) limits on election expenses / election campaign spending.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support any form of contribution or expense limits.*

### **Richmond Council Working Group input**

The Richmond Council Working Group was divided on this issue, with some support for Option 2 and some support for Option 1(c). As consensus could not be reached, it was decided that the issue would be forwarded to Council **without a recommendation** to allow Council to fully debate the options.

**Task Force Topic 4 – Campaign Financing - Public Financing (reimbursement of expenses and/or tax benefits)**

Public Financing refers to the practice of providing public monies to candidates and elector organizations to assist with the funding of election campaigns. There are 2 separate and distinct forms of public financing that the Task Force is examining: (1) where candidates and elector organizations are reimbursed for election campaign expenses, either in whole or in part, in accordance with pre-established criteria, for example, that candidates must achieve a certain percentage of the popular vote in order to be eligible for reimbursement; and (2) where tax credits or rebates are provided to those who contribute to local government election campaigns. Tax credits are considered to be a form of public financing since the government body foregoes tax revenue in order to provide an incentive for others to fund election campaigns.

A key aspect of the discussion around tax benefits is the funding source. Typically, the source of the tax benefit is connected to the level of government that is providing the benefit, meaning that the funding source for credits or rebates for local government elections would come from municipal property taxes as opposed to provincial or federal income taxes. In two of the three jurisdictions currently offering tax benefits at the local government level (Ontario and Manitoba), the source of the benefit is municipal property taxes. The exception is found in Quebec where the source of the tax benefits offered at the local government level comes from provincial income taxes. In relation to provincial election campaigns in BC, contributors are eligible for tax credits against BC personal income tax. A similar system of tax credits is also available for contributors to federal election campaigns and in addition, a complex system of reimbursement of election expenses is in place federally with eligibility based primarily on success at the polls (percentage of popular vote). At the local government level in BC, there is currently no provision for any form of public financing of election campaigns.

***The case for public financing***

- **Increased accessibility for candidates** – Public financing provides candidates of lesser means greater access to the political process, the argument being that qualified and interested candidates should not be barred or discouraged from contributing to society in the political arena simply because they lack the financial means. When financing alone becomes a barrier, the democratic process is weakened and undermined. Public financing helps to create a “level playing field” enabling greater access and participation for all in the political process.
- **Tax benefits enhance community support** – The availability of tax incentives allows candidates to leverage their usual fund-raising ability making it easier to raise even more funds for their election campaigns. The broader benefit is that since the availability of tax incentives would encourage more members of the community to donate money to local election campaigns, the number of individuals in the community that would be directly engaged in the political process would increase. In addition, by broadening the base of financial support within the community, candidates would become less dependent on large single source donations thus ensuring that local elected officials ultimately reflect a broader interest base.

***The case against public financing***

- **More stringent financial reporting would reduce accessibility** – Any form of public financing would very likely require a high degree of public accountability in terms of financial reporting and/or documenting that eligibility requirements have been met. This additional administrative burden on candidates, on top of what is already required for the purposes of campaign financing disclosure, may serve to dissuade many potential candidates from becoming politically involved. More stringent reporting and eligibility requirements will also create an additional administrative burden on local governments and increase the costs of administering elections.
- **The distribution of public funding can be seen as unfair** - In order to justify the distribution of public funds to candidate campaigns, government bodies typically require that various eligibility requirements are met. For example, in order to be eligible for public funding, candidates may have to demonstrate a minimum level of elector support (through the popular vote) or they may have to be able to raise a minimum level of funding independent of the available public funding. Such criteria are usually in place to ensure that public funds are carefully and prudently expended and directed only to “serious” candidates and not “wasted” on “fringe” candidates. On the other hand, the application of eligibility criteria can also appear arbitrary, subjective and unfair to those who are not considered “serious” candidates deserving of public financing.
- **Foregoing government revenue** – Because the source for public financing of local candidate campaigns would typically come directly from the local government (in the form of reimbursement of eligible campaign expenses from municipal general revenue or in the form of tax credits on property taxes), some argue that public financing places an undue financial burden on the local government and ultimately the taxpayer, especially when the benefits of providing public financing are largely unproven or indeterminate.

***Other considerations***

- **Applicability to school elections** – If we accept the premise that the sources to which tax credits apply must be the level of government to which the political activity is directed, meaning that governments must pay for their own tax credit program by foregoing their own tax revenue, then how would such a program at the local level apply to contributions made to school election campaigns? Would the source for school election campaign tax credits come from property taxes even though school districts are also largely funded through the province?
- **Local variation in public financing regimes** – Should each municipal jurisdiction be provided the option of implementing public financing systems locally by bylaw or should such rules apply province-wide? Some argue that if local tax revenue is at stake, then local governments must be given the choice to opt in or out. On the other hand, what effect would there be on local government elections and campaigns if public financing was available in some jurisdictions, but not others? In Manitoba and Ontario, local choice is provided, whereas in Quebec, the system is mandated province-wide.
- **Are municipal source tax credits discriminatory?** – In designing a tax credit system, some argue that a system which draws on municipal property taxes would be



discriminatory because it would only be available to property owners and would exclude renters and tenants by design. A system which provides tax credits against (provincial and federal) personal income tax would be available to a much larger segment of society and would not discriminate based on property ownership.

### **UBCM Position**

There are 2 endorsed UBCM resolutions supporting the implementation of a system of tax credits for local government elections with the source being provincial personal income tax. The province has taken no action on these recommendations citing the complexities involved in implementation and the appropriateness of drawing on provincial tax sources for local government elections. There is no current UBCM position on the public financing concept whereby election expenses are directly reimbursed from public funds.

At the recent UBCM Member consultation meeting, there was also no support expressed for the concept of reimbursement of election expenses, however, there was much discussion around and support for the implementation of a system of tax credits similar to that available provincially in BC and at the federal level. Not surprisingly, the members did not support the notion that the source of funding for such a program should be municipal property taxes. Some commented that such an approach was unfair since it excluded non-property owners and that by applying the credit to provincial income tax, the system would be fair and available to all. Others simply noted that funding a system of tax credits was more affordable for the provincial government and it would be much more practical and less costly to administer as a provincial income tax credit program as opposed to a municipal property tax credit program.

### **Recommendation Options**

#### **Reimbursement of Election Expenses**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the concept of election campaign expenses being reimbursed from public funding sources.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support the concept of election campaign expenses being reimbursed from public funding sources.*

#### **Tax Benefits for election campaign contributions**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the implementation of a system of tax benefits for contributors to local government election campaigns, provided that the source of funding for such a system comes from provincial income taxes.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council supports the implementation of a system of tax benefits for contributors to local government election campaigns, provided that the source of funding for such a system comes from municipal property taxes.*

**Option 3:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support the implementation of a system of tax benefits for contributors to local government election campaigns.*

### **Richmond Council Working Group input**

On the topic of reimbursing election expenses from public funding sources, the Richmond Council Working Group recommends **Option 2**, to not support the concept.

and

With regard to tax benefits for election campaign contributions, the Richmond Council Working Group supports **Option 1**, implementing a system of tax benefits for contributors to local government elections, provided that the source of funding for such a system comes from provincial income taxes. The Working Group specifically would not recommend Option 2, that is, that the source of funding for a system of tax benefits come from municipal property taxes. The consensus was that if the funding source could not be provincial income taxes, then the Working Group was not prepared to recommend that a tax benefit program be established at all.

### **Task Force Topic 5 – Third Party Advertising**

In 2008, just prior to the General Local and School Elections, new campaign financing rules were introduced for “campaign organizers,” or third party advertisers. Campaign organizers are individuals or organizations who support or oppose a local election campaign. The new rules required campaign organizers to file disclosure statements if they accepted or spent more than \$500.

Partly due to the late introduction of the new legislation, the rules around disclosure requirements for campaign organizers were not well understood nor were most campaign organizers even aware that new rules existed. In addition, enforcement of the rules proved difficult largely because there are no advertising rules which require that third parties identify themselves as the sponsors of published ads. Because of these pressure points, the issue of third party advertising was referred to the Elections Task Force for further consultation and consideration.

### ***UBCM Position***

In 2000, UBCM endorsed a resolution requesting that the province address the issue of anonymous election advertising. In 2009, as part of a broader resolution, Vancouver proposed that UBCM endorse that expense limits be imposed on all campaign participants including campaign organizers. This proposed resolution was referred to the Elections Task Force for consideration.

At the recent UBCM Member Consultation meeting, the problems surrounding third party advertising at the local government level in BC were discussed and the following observations were made:

- the label “campaign organizers” was not immediately understandable for most people and perhaps the term “third party advertiser” should be used;
- the legislation should require that any election advertising prominently display the name of the candidate, elector organization or third party advertiser that paid for the ad;
- newspapers and other publishers should be responsible to ensure that all election advertising is sponsored only by candidates, elector organizations or registered third party advertisers;
- If limits are placed on campaign contributions and expenses, then they must also apply to third party advertisers;
- the rules surrounding third party advertising need to be clearer and more widely understood; Elections BC may be able to play a province-wide role in educating the public and potential third party advertisers about the legislated rules and responsibilities;
- third party advertisers should only be permitted to run ads purporting to support a candidate or elector organization if that particular candidate or elector organization has endorsed that particular ad; the ads themselves should indicate whether the ad has the endorsement of the candidate or elector organization. (This of course would not apply if the campaign organizer were sponsoring ads against a candidate or elector organization);

### **Recommendation Options**

**Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports:*

*(a) legislative changes that would require all election advertising to include a statement which identifies the sponsor of local election campaign ads, whether sponsored by a candidate, elector organization or by a third party;*

*(b) a change to the term “campaign organizer” to a more understandable term such as “third party advertiser;” and*

*(c) a province-wide public education campaign outlining the responsibilities and obligations of third party advertisers once they become active in local government elections.*

**Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support legislative or administrative changes pertaining to campaign organizers.*

### **Richmond Council Working Group input**

The Richmond Council Working Group recommends **Option 1**, as outlined above.

### **Task Force Topic 6 – Enforcement of Election Provisions and the Role of Elections BC**

Currently, Elections BC has no role in local government elections. Each local government jurisdiction appoints a Chief Election Officer who administers the election in accordance with the Local Government Act and locally enacted election bylaws. In most jurisdictions, local governments also administer concurrent elections on behalf of the local school district. The option to establish specific election provisions through bylaw has resulted in a great deal of locally determined variation in election proceedings over time. Election bylaws determine such things as the boundaries of voting divisions; whether ballots are counted manually or using automated vote counting machines; whether mail-in ballots are available; whether voting opportunities are provided to residents of care facilities; and the number of days and the dates for advance voting. In addition, local Chief Election Officers have broad discretion to implement procedures and services to address unique local needs and demands. For example, the extent to which election information is made available through mail-outs or websites and whether multi-lingual election services are offered is usually implemented in response to local demand. With the exception of enforcement issues, there has been very little criticism of locally administered elections, thus most are content to leave Elections BC out of local government election administration.

Following the 2008 local elections, the media drew attention to several investigations involving campaign financing irregularities and presented the general view that the enforcement of local government election provisions was inadequate. In particular, critics focussed on the limited role of local Chief Election Officers in investigating complaints and enforcing compliance and the fact that an inherent conflict would exist for most local Chief Election Officers if they were authorized conduct investigations and enforce compliance because they are almost always municipal employees (city clerks and corporate officers for the most part) who would be placed in the unenviable position of investigating their own employers. In addition, commentators also expressed dissatisfaction with the fact that the onus falls to private citizens to pursue election-related complaints and allegations of wrongdoings, usually at their own expense. This public debate on election enforcement has been taken up by the Elections Task Force for further study and consideration.

#### ***UBCM Position***

UBCM has never received a resolution on this subject and currently has no policy position on local election enforcement or the role of Elections BC.

At the recent UBCM Member Consultation meeting, the role of Elections BC in local government elections and the issue of election enforcement were discussed and the following observations were made:

- Most municipalities are quite content to continue to have their local elections administered locally under a council-appointed Chief Election Officer, although some members commented that smaller jurisdictions that may not have the capacity or local expertise to administer their own elections should be given the option to have Elections BC administer their local election under contract;
- Elections BC could play a role in conducting general public awareness campaigns;

- The onus to pursue election-related complaints should not fall to citizens alone;
- If the legislation were amended to create new powers of investigation and enforcement, the responsibility to exercise those powers should fall to a neutral third party as opposed to local Chief Election Officers, who would be in conflict if they were also municipal employees. It may be more appropriate for Elections BC and the provincial chief electoral officer to conduct investigations and pursue complaints on behalf of the public in relation to local government elections.

### **Recommendation Options**

- Option 1:** *That the Local Government Elections Task Force be advised that Richmond City Council supports expanded election enforcement provisions, including new powers of investigation and enforcement, and that the provincial chief electoral officer be made responsible for exercising these new powers on behalf of the public in relation to local government elections.*
- Option 2:** *That the Local Government Elections Task Force be advised that Richmond City Council does not support expanded election investigation and enforcement provisions.*

### **Richmond Council Working Group input**

The Richmond Council Working Group recommends **Option 1**, that the provincial chief electoral officer be made responsible for exercising, on behalf of the public, expanded or new powers of investigation and enforcement with regard to local government election complaints.

### **Other Issues Considered by the Richmond Council Working Group**

Aside from the topics identified by the Elections Task Force for further study and consideration, there are many other election-related subjects and potential legislative changes that could be explored. The following topics were considered by the Richmond Council Working Group and staff and are recommended for submission to the Elections Task Force.

#### **A. Independent candidate versus elector organization surplus fund requirement**

Following an election, independent candidates are required to remit any surplus funds to the local government to be held in trust for that candidate until and if they are declared a candidate in the next election. During the period between elections, that surplus funding is therefore unavailable to the independent candidate if they chose to continue fund-raising activities between elections. Furthermore, if an independent candidate does not run in the next election, those surplus funds that are held in trust are forfeited and are turned over to local government general revenue.

On the other hand, candidates who are endorsed by elector organizations, as well as elector organizations themselves, are not required to remit surplus campaign funds to the local government. Instead, the elector organization maintains control of those funds and may use

them toward the general campaign of the elector organization or for other future endorsed candidates. There is no possibility of those funds being turned over to local government general revenue and those funds are available to the elector organizations during the three years between elections.

**Richmond Council Working Group Recommendation:** *That the Provincial Government address the legislated disparity and unequal treatment of independent candidates versus elector organization endorsed candidates with a view to establishing one set of rules for the disposition of surplus election campaign funds that would apply to all.*

## **B. Voter identification requirements**

Currently, for federal and provincial elections, voters are required to prove their identity and residential address by presenting identification prior to receiving a ballot. This requirement applies even if the voter is already registered on the voters list. This requirement was introduced for the first time provincially in 2009 and federally in 2007.

At the local government level, there is no legislative requirement for voters to present identification in order to obtain a ballot if they are already registered to vote and their name appears on the voters list. The only time identification is required is when a person registers to vote at the time of voting (either on General Election Day or at an Advance Voting Opportunity). In order to obtain a ballot in a local government election, a voter need only state their name to the election official and sign a declaration that states that they are entitled to vote, that they have not already voted in the election, and that their name and address are as shown on the voters list.

A voter identification requirement for local elections would be more consistent with election practices at the provincial and federal level and it would provide for a more secure election process by reducing the likelihood of voter fraud or impersonation.

**Richmond Council Working Group Recommendation:** *That electors be required to prove their identity and residential address by presenting identification prior to receiving a ballot at a local government election voting opportunity, provided that solemn declarations or "vouching" could be used to accommodate people of no fixed address or people who may not have adequate identification.*

## **C. On-line voter registration**

As it is currently written, the Local Government Act requires a signature before members of the public can register on a municipal voters list. At the provincial level, this requirement was eliminated several years ago so that an on-line and phone-in registration process could be implemented. The current local election legislation prevents such innovations and requires in-person registration for the most part, therefore, very few people tend to register in advance or attempt to correct their registration information in advance because the process usually requires a visit to City Hall.

**Richmond Council Working Group Recommendation:** *That the signature requirement for local government election advance elector registration be eliminated so that local*

*governments may explore the implementation of on-line and phone-in municipal voter registration mechanisms.*

#### **D. Electronic voting**

Although most Canadian jurisdictions are probably years away from being able to implement on-line or electronic voting, that is, casting a ballot over the internet or casting a paperless ballot, the current legislation does not permit electronic voting for any purpose, even for pilot projects. In Ontario, several communities have piloted electronic voting with great success, increasing voter turn-out significantly, engaging youth to a higher degree and providing choice and convenience to the voting public. Other levels of government are studying electronic voting – local government legislation should also allow for the exploration of this possibility.

***Richmond Council Working Group Recommendation:*** *That the Local Government Act provide for the possibility of voting by electronic means and establish the parameters and requirements for an electronic voting system.*

#### **E. Non-resident property elector registration process**

Prior to the 2008 election, changes were made to the non-resident property elector registration process which required that all registration activities be available at each voting place on the premise that this would be more convenient for the non-resident property elector. However, the documentation required to properly register a non-resident property elector is complex and onerous to complete. Previously, this documentation would be completed and verified in advance at City Hall, thus eliminating any difficulties at the voting place on election day. With the recent changes however, non-resident property electors are now able to proceed directly to the voting places to register and vote. Unfortunately, election staff have observed that very few unregistered non-resident property electors arrive at the voting places with the necessary documentation and signed consent forms and must be turned away, resulting in annoyance and frustration.

Furthermore, very few non-resident property electors vote in Richmond, and yet, because of the new requirement, large numbers of election staff had to be trained to administer this complex process, even though most would not likely encounter a single non-resident property elector on election day. Although well-meaning, this legislative change proved to be most inconvenient for non-resident property electors in Richmond and very inefficient for election administrators. It would be preferable for the legislation to be amended to allow local flexibility in determining the most efficient and convenient process for non-resident property elector registration.

***Richmond Council Working Group Recommendation:*** *That local governments be permitted to establish, by bylaw, whether the non-resident property elector registration process will be available at every voting place or whether it will be available only at the Election Office, provided that such registration opportunity is available at the Election Office during regular office hours, during all advance voting opportunities, and until the close of voting on General Voting Day.*

## **F. Discrepancy in the campaign financing reporting period**

Current campaign financing rules require that all contributions to election campaigns be disclosed, regardless of when they are received. This includes contributions received for an election campaign before the person is nominated or declared a candidate, and contributions received in support of a campaign to select the person as a nominee to be endorsed by an elector organization. However, in the Local Government Act, election expenses are defined as expenses incurred during an election year. This discrepancy could lead to different interpretations regarding reporting requirements. For example, would the expenses incurred to organize a fund-raiser held in the year before an election need to be reported? Would the donations raised at the same fund-raiser need to be disclosed? Some may interpret these rules to mean that since only election-year expenses must be reported, then only election-year contributions require disclosure. Others might interpret these same rules to mean that since all contributions must be disclosed, so must all expenses regardless of whether they are incurred during election-year or not, otherwise excess surplus funds will be shown on the disclosure forms where none actually exist. Clarity is required around this apparent discrepancy to ensure that transparency is maintained.

**Richmond Council Working Group Recommendation:** *That the apparent discrepancy in the reporting period for election expenses and contributions be addressed and clarified.*

## **G. Requirement to record names and addresses of company directors**

Campaign financing disclosures require that for numbered companies and unincorporated organizations, a financial agent must research and record the full names and addresses of at least 2 individuals who are directors of an organization (or if there are no individual directors, then the principal officers or members). Often, such information is available through company and organization websites, general inquiries made to the company and, certainly for numbered companies, through subscription-based government database services such as BC Online. For volunteer financial agents, meeting this requirement can be onerous.

**Richmond Council Working Group Recommendation:** *That the requirement to record in a campaign financial disclosure the names and addresses of two directors or principals of contributing numbered companies or unincorporated organizations be considered satisfied if the information is otherwise publicly available.*

## **H. Emphasizing net contributions on campaign financial disclosures**

With regard to reporting the financial benefits of a fund-raiser, should the disclosures emphasize the net financial benefit instead of emphasizing the gross costs of holding the fund-raiser in conjunction with the full price of the fund-raising tickets? The concern with the current approach is that reporting the gross costs as an expense and the full price of the tickets as contributions appears to inflate both, when in fact the net financial benefit or contribution to a campaign is equivalent to the full price of all tickets sold minus the gross costs of staging the event. In other words, if a candidate or elector organization has to spend money in order to raise funds, the net contribution should be highlighted as the contribution, and elsewhere in the disclosures, perhaps in an accompanying schedule, the gross costs and gross ticket sales would be itemized. The Working Group believed that this approach would



still maintain full transparency, but it would provide a more accurate picture of campaign contributions and expenses.

**Richmond Council Working Group Recommendation:** *That campaign financial disclosures emphasize the net financial benefits flowing from fund-raisers, with the gross costs (expenses) and gross price of tickets sold (contributions) disclosed in a separate schedule which reports the overall net financial benefit of the fund-raiser as part of the main campaign financing disclosure document.*

#### **I. Time period for mail-in ballots**

For the 2008 local government elections, legislative changes were enacted that allowed residents travelling outside of the municipality to vote using a mail-in ballot. While this was a positive move in that it extended a voting opportunity to some people who would otherwise have had no opportunity to vote, it was met with some administrative challenges due to the fact that the period of time available for ballots to be mailed internationally and then received back in the Elections Office was relatively short. As it currently stands, all mail-in ballots must be received in the Elections Office by the close of voting on General Voting Day. The earliest point at which mail ballots could be sent out to travelling electors would be approximately 2 to 2.5 weeks before General Voting Day, which for international postal service both ways poses a challenge. By and large, most mail-in ballots arrive on time if courier services are used, however, some ballots are still received too late to be counted (after the close of voting). If it were possible to extend the period of time during which mail-in ballots could be sent out, received back and still be counted, then the process would be more practical for electors who are travelling far a field.

**Richmond Council Working Group Recommendation:** *That the timing for the processing and receipt of mail-in ballots be reviewed with a view to possibly extending or otherwise providing a longer period of time for the receipt of mail-in ballots so that rigid timelines do not pose an undue restriction on the voting opportunity afforded to electors who are away from the municipality and who choose to vote by mail-in ballot.*

#### **J. Oath of office**

At the UBCM Member Consultation meeting, a comment was made that the oath of office as prescribed by regulation is rather uninspiring. The Richmond Council Working Group agreed. It was noted, however, that a council may, by bylaw, determine its own oath of office. Because this is something that Council already has the authority to do, it was agreed that a referral to staff would be recommended on the subject rather than submitting this suggestion to the Elections Task Force.

**Richmond Council Working Group Recommendation:** *That prior to the next election, staff bring forward options for a new oath of office.*

**Other Issues Identified at the UBCM Member Consultation and by the Richmond Council Working Group, But Not Considered in Detail**

During discussions at the UBCM Member Consultation Meeting and amongst the Richmond Council Working Group, a number of other election-related issues were identified but not considered in any great detail. Consequently, no recommendations are being made with regard to these topics, however, because these topics might resonate as important issues with other Council members, it was deemed worthwhile to compile the following list for information and perhaps further consideration:

- whether the fixed election date should be changed from the third Saturday in November to the third Saturday in October, or some other date;
- whether the voting age should be lowered to engage youth in the local government process (currently, the voting age is 18);
- whether the limits imposed for anonymous campaign donations should be increased from amounts up to \$50 to amounts up to \$100, or some other amount;
- whether the length of time between the end of the nomination period and General Voting Day should be shortened (the beginning of the nomination period is 46 days before General Voting Day; the end of the nomination period is 36 days before General Voting Day); and
- whether non residents should be permitted to run for local government office.

**Next Steps**

Following ratification of recommendations by Council, the Local Government Elections Task Force will be advised in writing of Council's position on the various topics presented herein. The deadline for submissions to the Task Force is April 15, 2010. The Task Force will then consider all the input received from municipalities and other sources. By May 30, 2010, the Task Force expects to present its findings and recommendations to the Province and UBCM, after which any legislative changes will be presented to the Legislature with a view to enacting any new election provisions well before the 2011 local government elections. It is possible that there will be further opportunities for comment and feedback once proposed legislation is drafted. Staff will continue to monitor the progress of the Task Force and report to Council with any new information.

**Financial Impact**

None.

**Conclusion**

In response to the request from the Local Government Elections Task Force to provide comment on specific election-related topics, Council has the opportunity to consider and comment upon a

March 15, 2010

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broad range of potential changes to the election provisions of the Local Government Act. These comments and recommendations will not only assist the Elections Task Force and the Provincial Government in addressing any shortcomings found in the Act, but they will also suggest enhancements and new directions that will no doubt re-shape the local political environment.

A handwritten signature in black ink, appearing to read "David Weber". The signature is fluid and cursive, with a large initial "D" and "W".

David Weber  
Director, City Clerk's Office  
(604-276-4098)



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cc: S. Weber for appropriate action

[illegible]

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His Worship Mayor Malcolm Brodie  
and Members of Council  
City of Richmond  
6911 No. 3 Road  
Richmond, BC V6Y 2C1

Dear Mayor Brodie and Councillors:

The Local Government Elections Task Force is currently seeking written comments from your local government, and from organizations and individuals in your community, to assist in its review of local government election issues.

Announced at the Union of British Columbia Municipalities (UBCM) 2009 Convention, the Local Government Elections Task Force is a joint, consensus-based group of provincial and UBCM members. The Task Force co-chairs are Honourable Bill Bennett, Minister of Community and Rural Development, and Chair Harry Nyce, President of the UBCM. Other Task Force members are:

- Surrey Councillor; Barbara Steele, first vice-president, UBCM;
- Quesnel Mayor, Mary Sjostrom, third vice-president, UBCM;
- Donna Barnett, MLA, Cariboo-Chilcotin; and
- Douglas Horne, MLA, Coquitlam-Burke Mountain.

Recognizing the importance of hearing from local governments throughout British Columbia, the Task Force invites you to submit the comments of your local government on any or all of the following topics:

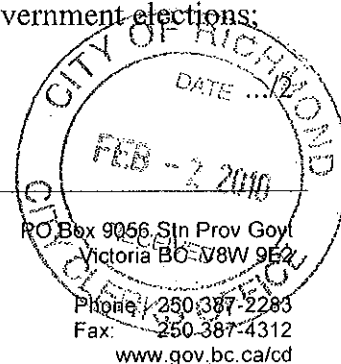
- Campaign finance, including contribution/spending disclosure and limits, and tax credits;
- Enforcement processes and outcomes;
- Role of the British Columbia Chief Electoral Officer in local government elections;

Ministry of Community  
and Rural Development

Office of the Minister



**GP - 50**



- Election cycle (term of office);
- Corporate vote; and,
- Matters raised in election resolutions submitted to the 2009 UBCM Convention, such as the eligibility of volunteers.

To assist in its deliberations, the Task Force would appreciate your comments as soon as possible, preferably by April 15, 2010. It is anticipated that the Task Force will deliver its recommendations to the Province of British Columbia and the UBCM by May 30, 2010, after which legislation is expected to be presented to the Legislature in time for the 2011 local government elections.

The Task Force is aware of the tight time frame and that the interest in local government elections extends beyond local governments to the broader community including individuals, community groups and other representative organizations. **As such, the Task Force requests that you share this request for written comments within your community, particularly with local groups and individuals interested in local government election issues.**

Written comments can be made via email to: [LocalElectionsTaskForce@gov.bc.ca](mailto:LocalElectionsTaskForce@gov.bc.ca), by fax to: 250 387-7972, or by mail to:

Local Government Elections Task Force  
c/o Ministry of Community and Rural Development  
PO Box 9839 Stn Prov Govt  
Victoria, BC V8W 9T1

Though the Task Force will receive feedback primarily through written comments, individual Task Force members will also engage in conversations on the election issues under review as they meet with local government representatives, organizations and citizens during the normal course of their responsibilities.

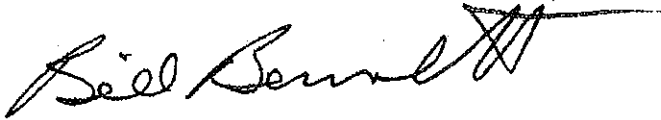
For local governments, the UBCM is planning a one-day workshop in March for its members who wish to attend. In addition, Area Associations will have a further opportunity to discuss these issues at their Spring Conventions. Workshop details will be announced shortly.

For further information on the Local Government Elections Task Force, please visit the website at: [www.LocalElectionsTaskForce.gov.bc.ca](http://www.LocalElectionsTaskForce.gov.bc.ca).

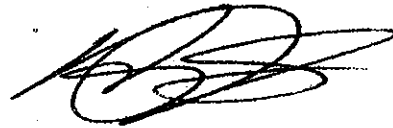
Mayor Brodie and Councillors  
Page 3

We look forward to hearing from you on ways to improve our local government election processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bennett", followed by a stylized flourish.

Bill Bennett  
Minister of Community  
and Rural Development

A handwritten signature in black ink, appearing to read "Harry Nyce", followed by a stylized flourish.

Harry Nyce  
President  
Union of British Columbia Municipalities