



B.C. UKRAINIAN CULTURAL FESTIVAL SOCIETY
"KEEPING UKRAINIAN CULTURE ALIVE"

6303 - 187A Street
Surrey, B.C. V3S 7N9

April 01, 2010

Abe Neufeld
Mayor of Mission
Mission City Hall
8645 Stave lake Road
Mission, B. C. V2V 6B2

Reference: **Our letter dated February 16, 2010 regarding the Festival**

We look forward to a great performance as we have just over 300 participants from British Columbia and Washington State registered for this year's event

Our organization requests the following:

- (1) Proclamation be read at a council meeting prior to May 1st.

The Festival Committee has once more received an overwhelming response from youth organizations throughout B. C. to this event.

We apologize for the late request and anticipate a favourable reply and thank you for taking the time out of your busy schedule to read about this event.

Sincerely

Gladys Andreas
Public Relations
Phone: 604-576-7970

PROCLAMATION

That May 1st, 2010 be proclaimed

"Ukrainian Festival Day"

- Whereas** British Columbia has a large and diverse multicultural society in which the Ukrainian community plays a leading and vital role; and
- Whereas** The District of Mission will host dancers from across British Columbia and Washington state who will attend an adjudicated dance competition; and
- Whereas** Canadians of all nationalities will have an opportunity to discover and explore Ukrainian culture, heritage and history; and
- Whereas** Ukrainian arts and crafts will be displayed and demonstrated; and
- Whereas** Ukrainian music will be performed throughout the day on traditional folk instruments and the singing of folk songs; and
- Whereas** Traditional Ukrainian cuisine will be served for the nourishment and enjoyment of all; and
- Whereas** The Ukrainian Cultural Festival has been an annual event in the lower mainland since 1996, attracting performers and audiences from within and outside the Province of British Columbia,

Now, therefore be it resolved that the District of Mission
hereby proclaims May 1, 2010 as

Ukrainian Festival Day in the District of Mission



Corporate Administration
Memorandum

File Category: ADM.ELE.VAG.
File Folder: Local Government Elections Task Force

TO: Chief Administrative Officer
FROM: Deputy Director of Corporate Administration
DATE: April 1, 2010
SUBJECT: Election Act Amendment Committee

BACKGROUND:

On March 31, 2010, Councillor Horn and Councillor Scudder met with me to discuss some proposed amendments to the *Local Government Act* relating to municipal elections currently being considered by the Elections Task Force Committee.

Attached is a report which addresses each issue being discussed with background and the related staff comments.

The majority of the staff comments were endorsed by the committee. The committee is looking for council to endorse the following recommendations:

RECOMMENDATION:

Campaign Financing Disclosure Overview

1. **Filing Requirement** – The committee agreed that the time period for filing should be shortened from 12- days to 90 days.
2. **Late filing** – If a candidate does not file their disclosure statement within the 120 day period, they are permitted to file within a 30 day period but only if they pay a \$500.00 late filing fee. The committee agreed that this system seem to work well and no changes are recommended.

Public Inspection – Local governments are required to retain all disclosure statements for seven years after general voting day and make them available to any member of the public who wishes to inspect them. The committee agreed that:

3. There should be a consistency in the manner in which the financial disclosure forms are made available to the public. The District of Mission currently allows for the nomination papers and the financial disclosure statements to be viewed on line. This reporting requirement should be consistent for all municipalities.
4. For ease of access for the public there could be a central repository for all disclosure statements such as CivicInfo or Civicnet; and

5. Financial disclosure statements should not vary from candidate to candidate based upon what a candidate spent in an election. There should be a standardized form used across the province.

Campaign Financing Disclosure

The committee agreed that:

6. There needs to be better written materials provided or an informational video developed to show the candidates how to complete the financial disclosure forms properly. While the candidates guide is quite helpful, the written guides do not work for everyone. Other training methods could include interactive web based sessions or web sites offering additional training. It would also be helpful to have an information telephone line set up for the candidates to call with their questions. Municipal election staff does not offer advice or help candidates complete the financial disclosure form and candidates do have questions. Perhaps the ministry could have staff available with a thorough knowledge of the campaigning financing requirements.
7. As for the necessity to open a separate bank account, during the 2008 election, changes were made to the LGA which allowed a candidate the discretion as to whether they needed to open an account or not. The two councillors stated that since there is no one to verify the bank account why require it? As well some financial institutions do not want to open such an account and require a candidate to get a letter from the municipality stating that they filed nomination documents. Furthermore, there is an additional charge to the candidate to open a new account.

Public Financing

Currently there is no public financing for local government election in British Columbia (BC). However, in relation to provincial elections, public financing is available in the form of income tax credits for eligible political contribution.

8. The committee felt that UBCM should lobby for a provincial tax credit for municipal campaigns similar to the ones for provincial and federal campaigns.

Campaign Contribution Limits and Campaign Expense Limits

There are currently no campaign contribution limits or campaign expense limits in local government elections in BC.

9. The committee agreed that there should not be any limits set.

Corporate Vote

The corporate vote refers to the ability of businesses to vote in local government elections.

10. The committee agreed that there should only be one vote per person per municipality. It was agreed that there should be a vote for non resident property owners which own property in a business or corporation name and that there should be regulations set up to allow for it.

Currently there are provisions set up to allow for non resident property owners to vote, but the property has to be in their personal name.

Candidate Eligibility

11. The committee agreed that the ineligibility rules currently in place for local government employees and volunteer firefighters should remain in place for the reasons given in the report.

Role of chief election officer

12. The committee agreed that the role and responsibility of the chief election officer should be clearly defined that should not allow for variances between municipalities. It was also agreed that consistent training should be offered for those individuals holding this position.

Local Elections Enforcement

13. The committee agreed that there is no need to change the method of enforcement of administrative rules as there is not a problem that needs to be fixed. However, chief election officers should not be expected to enforce any rules related to campaigns. The committee agreed that Elections BC could play a role as an advisory or investigative service for issues which arise from the running of a campaign.

Elections BC Role

14. The committee agreed that the conduct of local government elections should remain with local government.

With regard to the following issues the committee was not able to reach consensus and is looking to council for their input.

Campaign Financing Disclosure

1. The committee discussed the issue of requiring the Campaign Financing Disclosures to be audited. While the committee felt there could be some merit in having these reports audited, the question arose who will audit them? The Chief Election officer (CEO) should not be the person who audits the report as most do not have an accounting designation and there is an added expense which could be onerous for most candidates. As well, it could stop some people from running for office. One way to address this is to have candidates with contributions or expenses totalling over \$10,000 being audited. Alberta and Ontario have such a provision and Quebec requires an audit after \$5,000. The committee thought that Manitoba had the best approach by allowing for audits but leaving it up to a council's discretion.

Local Election Cycles (term of office)

In BC the term of office for local government officials is three years. Across Canada the term of office varies from three to four years. Most recently Saskatchewan, Manitoba, Ontario, New Brunswick and Prince Edward Island have changed their local government term of office from three to four years. The provincial and federal governments use a four year term.

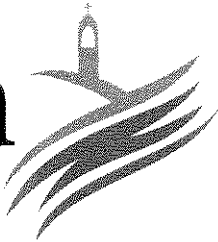
The committee could not reach a consensus to as whether the term should remain at three years or go to four years.

Another issue the committee discussed was election signage. Issues such as acceptable locations to erect signs, types of signs, and materials the signs are made of. The committee is requesting that the section related to election signs in the sign bylaw be reviewed prior to the next election.

If council wishes to review the above noted discussion papers, I have two sets of copies available in my office.


Kelly Ridley

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File Category: ADM.ELE.VAG.
File Folder: 2010 Changes to Election Act

TO: Councillors Horn and Scudder
FROM: Deputy Director of Corporate Administration
DATE: March 26, 2010
SUBJECT: Proposed Changes to the Election Act

RECOMMENDATION:

That this report be received as additional information for our meeting on March 31, 2010 at 3:30 pm in the Council Chambers.

BACKGROUND:

At the February 15, 2010 Council passed the following resolution:

That staff provide a report with recommendations regarding the request from the Local Government Elections Task Force for comments from local governments, organizations and individuals on election reform.

The Task Force is considering specific issues related to local government elections under the following topics:

- Campaign finance, including contribution/spending disclosure and limits, and tax credits;
- Enforcement processes and outcomes;
- Role of the chief electoral officer (B.C.) in local government elections;
- Election cycle (term of office);
- Corporate vote; and
- Other agreed upon matters (e.g. matters raised in UBCM resolutions such as eligibility of local government volunteers to be candidates).

This report was prepared to give you an brief synopsis of what the Election Task Force discussion paper topics are and to provide you with comments from the point of view of the deputy chief election officer. My opinions are based on what I would do to make running an election easier from a staff point of view. In our discussion on Wednesday, I will take your suggestions and make the necessary changes to reflect a councillor's point of view.

In the discussion papers submitted for review, they address candidates and elector organizations. In the District of Mission we have not had any elector organizations register so my comments will only address candidates but will encompass both.

Campaign Financing Disclosure Overview

Filing Requirement – All candidates must file disclosure statements and these must be filed within 120 days of general voting day.

Staff comments: This time period should be shortened. Provincially, disclosure statements are required to be filed 90 days after general voting day. Successful candidates are making financial decisions, without the public being aware of the particulars of their campaign financing. Making these records available before such decisions are made would enable accountability and may assist elected officials in avoiding conflict (or perceived conflict) of interest situations.

Late filing – If a candidate does not file their disclosure statement within the 120 day period, they are permitted to file within a 30 day period but only if they pay a \$500.00 late filing fee.

In most cases, candidates file their papers within the allotted time. Since 2004, we have had one instance where a candidate came in late to file their papers and one time a candidate did not file at all. In the first instance the candidate was not prepared to pay the \$500.00 late filing fee. A candidate can apply to the Supreme Court for relief from an obligation to file a disclosure statement. An application must be made before the end of the late filing period. Section 91 of the *Local Government Act* (LGA) states that the court may:

- i. relieve the obligation to file the disclosure statement;
- ii. grant an extension to file; or
- iii. refuse to grant an extension.

Neither of the candidates applied for relief from filing and the penalty for not filing is automotive disqualification from office and/or involvement in future elections for up to six years. Their names were forwarded to the Inspector of Municipalities for inclusion on the Inspector's List of Disqualified Candidates.

Staff comments: this system seem to work well and no changes are recommended.

Public Inspection – Local governments are required to retain all disclosure statements for seven years after general voting day and make them available to any member of the public who wishes to inspect them.

Staff comments: There should be a consistency in the manner in which the financial disclosure forms are made available to the public. New legislation at the last election allowed for the posting of nomination documents and financial disclosure forms on the web. Some communities chose not to do so. In order to be consistent, it should be mandatory to post this information if the community has a web site. Prior to the last election, Council passed a bylaw allowing the District of Mission to post the candidates financial disclosure and nomination forms on line. This was very handy for people wishing to review the candidate's campaign expenses and other paperwork. I would suggest the following amendments:

1. For ease of access for the public there could be a central repository for all disclosure

statements; and

2. Financial disclosure statements should not vary from candidate to candidate based upon what a candidate spent in an election. The same paper work should apply to anyone running for office. While it is not legislated, I believe that most communities use the Local Government Management Association (LGMA) form from their election manuals.

Campaign Financing Disclosure

All campaign contributions and election expenses must be disclosed, whether monetary or in kind, at market value, along with campaign surpluses or deficits. Contributions and expenses must be itemized and categorized according to the provisions of the LGA. The name and address of the savings institute at which the campaign account was kept must be disclosed.

Several issues have been identified in the current disclosure system:

- i. come candidates experience difficulties following and applying the disclosure rules;
- ii. some have questioned the disclosure requirements, especially if the separate account requirements, are necessary for small campaigns;
- iii. others have complained that the requirements are not stringent enough and have called for more rigorous disclosure or audited reports;
- iv. concerns have been expressed that disclosure should be required earlier; and
- v. disclosure material needs to be easier to access and interpret.

Staff comments:

- i. There needs to be better written materials provided or an informational video developed to show the candidates how to complete the financial disclosure forms properly. While the candidates guide is quite helpful, the written guides do not work for everyone. Other training methods could include interactive web based sessions or web sites offering additional training. It would also be helpful to have an information telephone line set up for the candidates to call with their questions. Municipal election staff does not offer advice or help candidates complete the financial disclosure form and candidates do have questions. Perhaps the ministry could have staff available with a thorough knowledge of the campaigning financing requirements.
- ii. As for the necessity to open a separate bank account, during the 2008 election, changes were made to the LGA which allowed a candidate the discretion as to whether they needed to open an account or not. If there were expenses or contributions to a candidate's campaign then the candidate needed to open a separate account. Staff is in favour of keeping this requirement. A separate account can help keep the expenses and contributions disconnected from a personal bank account making completion of a financial disclosure easier.
- iii. I think the disclosures are fairly comprehensive. As for the requirement for audited reports, the question arises who will audit the reports? The Chief Election officer (CEO) should not be the person who audits the report as most do not have an accounting designation. This added expense would seem onerous for most candidates. As well, it could stop some people from running for office. One way to address this is to have candidates with contributions or expenses totalling over \$10,000 being audited. Alberta

and Ontario have such a provision and Quebec requires an audit after \$5,000. Manitoba allows for audits but leaves it up to a council's discretion.

- iv. As noted earlier in this report, staff would like to see the reporting time lessened from the current 120 days.
- v. The District of Mission currently allows for the nomination papers and the financial disclosure statements to be viewed on line. As noted previously, this reporting requirement should be consistent for all municipalities.

Public Financing

Public financing of local government elections refers to giving public funding to local government election candidates. Currently there is no public financing for local government election in British Columbia (BC). However, in relation to provincial elections, public financing is available in the form of income tax credits for eligible political contribution.

Government may provide direct support to candidates in the form of reimbursement of election expenses. Candidates can be reimbursed for specific forms of spending (eg for certain types of advertising), for a portion of their total election expenditure or reimbursement can be based on certain criteria such as when a candidate attains a specified percentage of the vote.

Public support can be provided to candidates in the form of tax benefits for contributors. A tax credit is generally based on the amount of the contribution and would be deducted from a contributor's payable tax. For contributions made in relation to federal and provincial campaigns, the tax benefit is usually deducted from the federal and provincial income tax payable. However, for contributions made to local government election campaigns, the tax benefit could be deducted from municipal taxes.

The provinces of Manitoba and Ontario enable local governments to pass bylaws providing for the payment of rebates for contributions to municipal election candidates. In Manitoba and Ontario, the amount of the rebate is proportional to the amount donated by the contributor, to a maximum of \$1,000. A contribution of less than \$25.00 is not eligible for a rebate. In Manitoba the legislation allows for a portion of a candidates campaign expenses to be reimbursed although no local governments has used this authority. Quebec has legislation which allows both tax credits and reimbursements. Tax receipts are issued to a maximum tax credit of \$105. which is deducted from the contributor's provincial income tax. Additionally, the municipality reimburses (from its revenues) 50% of election expenses provided the candidate is elected or obtains at least 15% of the votes cast.

Staff comments: The main concern staff has with public financing of local government elections is the impact on property taxes. Many, if not all local government jurisdictions struggle from year to year to keep property taxes, our main source of funding, at a reasonable level while still trying to fulfill our mandate of service provision. Providing either a reimbursement of election expenses to candidates or deducting a tax benefit for contributions to candidates from property taxes would mean that local governments would have to increase tax rates to cover the costs of services and programs. As noted in the paper, under the federal and provincial systems, the tax benefit is usually deducted from income taxes. This makes sense considering that income tax is basically a "people tax" and elections/candidates are people expenses. Property tax is a land and improvement tax and, in a lot of cases, assessed value of real estate does not reflect the

owner's ability to pay. To increase property taxes to cover candidate expenses or to provide a tax benefit for a contribution would likely meet with public resistance. Staff is also concerned with the additional paperwork this could mean for candidates. Considering that there are already difficulties being experienced with the campaign financing reporting requirements, would this just add another level of difficulty to the process?

The public financing of local government election campaigns is based on the premise that the provision of public funding serves to lessen the financial inequalities of candidates of different means thereby providing a "level playing field".

Staff comments: On the matter of providing a "level playing field" for candidates, unless there is a reasonable maximum placed on how much can be expended on a campaign, reimbursement on its own would not accomplish the "leveling". For example, if one candidate spent \$500,000 on their campaign and another candidate spent \$25,000, a reimbursement of the same amount to both would not level the field (this assumes that a maximum would be set on the reimbursement). To be eligible for reimbursement, jurisdictions may require that a candidate receive a certain percentage of the votes in order to qualify. Although eligibility criteria is intended to ensure that public funding is spent prudently, some might view them as creating fairness issues by rewarding some candidates and not others. Determining who is a "serious" candidate and eligible for public financing could also be a challenge. Determining which election expenses may be eligible for reimbursement would also be a challenge which would increase the administrative burden for local governments processing these documents.

Local Election Cycles (term of office)

In BC the term of office for local government officials is three years. Across Canada the term of office varies from three to four years. Most recently Saskatchewan, Manitoba, Ontario, New Brunswick and Prince Edward Island have changed their local government term of office from three to four years. The provincial and federal governments use a four year term.

Staff comments: The current election cycle of three years works well from an election management perspective. It was much more difficult to administer elections when local governments were on a shorter cycle of one-year or two-years. A shorter election cycle would not be supportable but the case for a longer cycle of four years could be made as it would have the benefit of decreasing the cost of holding elections as well as retaining experienced officials and attracting candidates to run for office. From an administrative point of view, there are pros and cons to increasing the term of office to four years. In the end, the goal is to continue to encourage community-minded people, people with the drive to help their communities and with the ability to make even the tough, controversial decisions, to run for office. The only way to really know the impact of a four year term would be by experience. Having said that, here are a few points that should be noted, that are of administrative importance, some of which are already noted in the paper:

1. Increasing the term to 4 years could result in more instances where there is a complete change on a council or board, i.e., all new elected officials with no continuity from previous years; no experienced elected officials to turn to for advice. While this can be a good thing in some situations, it also means that it will take quite a bit more time to get the council or board to the point of being well educated both on their roles and on the needs and wants of their communities.

2. Elected officials have often stated that it is difficult to accomplish much in 3 years considering that the first year is basically spent "learning the ropes". Having an additional year would allow them time for more long-term strategic planning and to see more projects through to completion.
3. Cost savings could result from decreasing the number of elections; however, as noted in the paper, more by-elections could result.
4. The election cycle starts at the beginning of the year the election is being held and finishes the following year in April. Technically, this gives us 1.5 years between elections. The 4-year cycle would give that additional year.
5. If a 4-year cycle is implemented, it will be crucial to have good training resources in place for election officials as there will be a longer period between elections leading to more turn-over in staff conducting the elections as well as more time to forget the finer details of the election process. The LGMA has provided excellent training resources, but financial assistance may be required in the future to improve those resources.
6. On the matter of school board elections, the paper notes that we could end up in a situation where school board elections are every 3 years and local government elections are every 4 years. It is unlikely that local governments would be interested in conducting school board elections if they were held at a separate time. This is mainly due to the impact on human resources available at the local government level. Also, school boards would need to be aware that they would be responsible for 100% of the costs of their elections whereas if they are on the same cycle, costs are shared.

If the matter of the timing of general voting day is being discussed, staff would appreciate consideration to moving the date to late October, perhaps the third Saturday. Staff would not want to have the date any earlier as this would result in a lot of work having to be done over the summer, but having the date in late October would help to address some of the weather issues that many of our areas experience in November.

Campaign Contribution Limits

There are currently no contribution limits in local government elections in BC. Comments have been made that imposing campaign contribution limits would improve fairness and accessibility.

In other Canadian provinces only Manitoba, Ontario and Quebec limit or restrict campaign contributions. The cities of Toronto and Winnipeg have authority under their own legislation to impose campaign finance rules and have imposed the following limits. In Toronto and Winnipeg a councillor candidate can accept a maximum of \$750.00 per contributor. A mayoralty candidate in Toronto can accept a maximum of \$2,500 per contributor and in Winnipeg the amount is \$1,500 per contributor. In 2009 the City of Vancouver put forward resolution at the UBCM to impose contribution source restrictions and contribution amount limits. This resolution was not debated by UBCM members and accordingly was not endorsed by UBCM. If the determination was made to go forward, the primary considerations are whether to impose contribution source restrictions, amount restrictions or both.

Staff comments: While staff questions the notion that setting campaign expense limits would improve fairness and accessibility, the only administrative issue identified is monitoring and enforcement. We believe that adding expense limits to the campaign financing rules would

strengthen the argument for an enforcement body independent of local government. As mentioned in previous comments, perhaps this is a role for Elections BC. As well, while not discussed in the paper, consideration should be given to setting expense limits for other voting campaigns? Fairness is also an issue when it comes to mounting 'yes' and 'no' campaigns.

Corporate Vote

The corporate vote refers to the ability of businesses to vote in local government elections. BC is currently consistent with most other jurisdictions in not having a corporate vote. The UBCM has a longstanding policy position opposing the corporate vote. Since the development of the paper the Task Force has received comments in favour and opposed to the reinstatement of the corporate vote. Business groups like the BC Chamber of Commerce, the BC Business Council and the Canadian Federation of Independent Business have voiced support for a business vote in the past and continue to do so. This issue is divisive and people feel quite strongly about their respective positions on it. There is currently a draft being prepared by the Task Force which will present possible models for what a corporate vote would like. As of the preparation of this paper, it is not available to comment on.

Staff comments: For the following reasons, staff does not agree with reinstating a corporate vote for local government elections and other voting:

1. Would not be consistent with the provincial and federal government voting eligibility requirements.
2. The concept of "one person/one vote" would be eroded.
3. If the rationale for allowing corporations to vote is based on the fact that they pay property taxes, then what about property owners from out of province? In some regions, there is a very high rate of out-of-province property ownership. The amount of property taxes paid by these individuals is quite high and, in some cases, individual properties may be paying more in property taxes than some small corporations.
4. Large corporations may already have the ability to influence the outcome of an election through campaign contributions and to influence other voting through lobbying efforts.
5. Previously when the corporate vote was in place it took quite a bit of administration time for the registration process and verification of the ability of a corporate representative to vote. The verification has to be done for each vote to ensure that the person registered is still entitled to vote on behalf of the corporation. Considering that many of these corporations did not bother to exercise their right to vote more than once, if at all, calls into question the need to spend valuable human resources during one of the busiest times for local government.

Campaign Financing in BC Local Elections

The purpose of this paper is to provide an overview of campaign financing in BC local government elections and its contents are discussed more in depth by the other discussion papers. Staff's comments are already noted in these subsequent documents.

Candidate Eligibility

This paper discusses the ineligibility of local government employees for elected local government office and considers circumstances where some have suggested that an exception to the disqualification rules may be warranted – namely in the case of volunteer firefighters and

in the case of people who work as an employee for one local government and wish to serve in elected office for a related local government.

Staff comments: Volunteer Firefighters - In years past, there were hundreds of truly volunteer firefighters; individuals who were not paid anything for their services. In recent years, with increased standards for firefighting and requirements to adhere to those standards and the difficulty attracting firefighters, many local governments have changed to paid on-call firefighting forces. As noted in the paper, these firefighters are paid for training and response time. In most cases, the hourly or flat rates are set by the local government.

The primary reason for considering allowing what are referred to as volunteers to hold office appears to be the difficulty recruiting firefighters. There are many factors that contribute to this difficulty including, but not limited to: more stringent requirements for maintaining training/certification, busy lives, less focus on the social aspect of being on the force and more focus on the service to be provided, and a general decline in the number of people willing to volunteer for anything. Staff does not believe that the primary reason for the recruitment difficulty is because volunteer firefighters cannot hold office. Could it be a factor? Yes, but not a major one. The following are a couple of scenarios that demonstrate potential problems with allowing paid on-call firefighters to be eligible for office:

- The majority of council members are paid on-call firefighters. An issue pertaining to the fire service is to be decided. There is no quorum to make the decision. Now what happens?
- A regional district fire service area crosses electoral area boundaries meaning that two directors have all of the votes on the operation and maintenance of that particular fire service. One of those directors is a paid on-call firefighter. Every time an issue pertaining to the fire service arises, if the electoral area wishes to have a vote, the alternate director would have to sit in for that portion of the meeting. If the alternate director is not available there is no quorum (quorum is majority of the directors having among them the majority of the votes). How is a decision to be made?

It was noted in the paper that most volunteer firefighters do not join the service for the money. While this may be the case in some instances, there are examples of fire services where that is the only reason they are able to recruit people to the service. Most notably, this can be the case in resort areas where employees are seasonal or their regular salaries are not sufficient to reside year-round in the resort area. So the presumption that money is not an issue does not always apply, in fact, it's interesting to note that when paid on-call status is introduced, the ability to recruit firefighters increases substantially.

While staff can appreciate the concerns of small communities and rural fire departments, the potential for conflict of interest must be seriously considered. If it is absolutely essential to make some allowance, we feel that paid on-call firefighters should not be considered for exemption as the potential for such conflicts is much greater than true volunteers (those that receive no remuneration of any kind for their service). Care must be exercised in eroding the employer/employee relationship by having an employee, even if the employee is just paid on-call, become the employer as a member of a council or regional board.

Employees serving in other local governments where conflicts may exist

Staff does not agree with allowing employees of municipalities or regional districts to serve as elected officials in other local governments where conflicts of interest may exist. The current

rules should be maintained.

Role of chief election officer

While the chief election officer is not required to screen nominations, in practice, many CEOs will review nomination papers and point out any deficiencies or question information that may have been provided. For example, when running a school trustee election, one CEO noticed that a source of remuneration on the financial disclosure form was the school district for which the person wanted to run for office (they were on the on-call substitute teacher). When the rules were explained to the candidate, they decided not to run as they did not want to jeopardize their opportunity for future employment with the school district. Because they understood the rationale, at no time did the person question the sensibility of those rules. Having said that, staff would not want it to be a requirement that the chief election officer screen nominations but we are pointing out that document reviews may be conducted.

Campaign Expense Limits

There are currently no expense limits in BC local government elections meaning that candidates, elector organizations and campaign organizers may spend as much money as they wish during a campaign. Most candidates spend relatively low amounts on their campaigns but in the last local government election higher amounts were spent. Under the LGA, an election expense is the value of property and services used in an election campaign by or on behalf of a candidate. There are expense limits in BC provincial elections.

Staff comments: Staff comments are very much the same as what was said for campaign contributions. While staff questions the notion that setting campaign expense limits would improve fairness and accessibility, the only administrative issue identified is monitoring and enforcement. Again, Staff believes that adding expense limits to the campaign financing rules would strengthen the argument for an enforcement body independent of local government. As we have mentioned in previous comments, perhaps this is a role for Elections BC. The majority of candidates in our municipality ran campaigns with expenses averaging \$1,000 to \$4,000 dollars. This issue seems to be a more prevalent problem in the larger cities.

As noted in the campaign contribution section, consideration should be given to setting expense limits for other voting campaigns? Fairness is also an issue when it comes to mounting 'yes' and 'no' campaigns.

Local Elections Enforcement

Staff comments: With reference to local elections enforcement in general, staff would like to state that it is the role of the chief election officer to conduct the election; it is not their role to become involved in campaigns nor should it be their role to enforce rules related in any way to campaigns. It is the responsibility of the candidates, and any other individuals or groups who may wish to be involved in campaigning, to be aware of and abide by the rules. Unfortunately, there will continue to be individuals and groups that will try to "fly under the radar" so to speak, regardless of the enforcement mechanisms that may be in place. It should also be noted that the addition of rules pertaining to campaign organizers were added very late in the 2008 election process which could explain some of the issues that were experienced (there was some confusion at all levels as to what actually constitutes a campaign organizer) and could also mean that some of the problems will disappear in the next election cycle. While staff

acknowledges that there may have been a few issues related to campaign financing, we also note that no charges have been laid. Does this mean that enforcement is a problem? Are we considering implementing what could be fairly major changes to the election process because of a few isolated incidents; incidents which could/will occur regardless of the method of enforcement?

1. We do not believe there is any need to change the method of enforcement of administrative rules as there is not a problem that needs to be fixed. Will there be mistakes made? Yes, considering that no individual and no process is perfect; however, the method of enforcement is not going to change that. The small errors that are made can usually be corrected with no impact on the election process or on the election results.
2. Investigator expertise is sometimes an issue. Considering the few incidents that might require police involvement, it is difficult for them to remain current with legislation. Having "an entity with comprehensive knowledge of the local government system" to conduct preliminary investigations would most likely be helpful, but we urge caution on this proposal as well as the notion of an authoritative compliance advisor because they could turn into a clearing house for complainants who have issues with the local government and are looking for problems that may not exist. People are not prone to calling the police with frivolous complaints; that may not be the case with any other individual or body. Also, the number of complaints in any given election cycle must be weighed against the cost of instituting an advisory or investigative service.
3. Chief election officers should not be expected to enforce any rules related to campaigns. Candidates and anyone involved in campaigning are responsible to the public for their actions and we believe that members of the public should continue to play a key role in enforcement.

Elections BC Role

Staff comments: Speaking first to the issue of **elections administration**, staff feels strongly that the conduct of local government elections should remain with local government. There is a strong body of professionals conducting elections; in some cases, they are staff members of local government and in other cases they are contractors. As noted in the paper, there have been virtually no issues related to misconduct in connection with election administration so we see no reason to change what is working. To our knowledge, there is no proof that there is any cause for concern related to "an appearance that there is not enough distance between politicians and the election administrators". We also question what would qualify as a "conflict of interest" where local government staff are administering the election process; to suggest conflict of interest calls into question the integrity of the professionals responsible for the conduct of elections something which, as the paper notes, is rarely, if ever, questioned. Further, the only legitimate issue that may cause discomfort for local government staff would likely be related to enforcement of campaign financing rules, which is something staff has already noted I would not want to be involved with.

Speaking from experience, many of us have been complimented on our ability to conduct elections in a professional manner, never wavering from the rules regardless of the fact the candidates may become our "bosses", and never being afraid to question or be firm with those candidates and their representatives; in fact, the candidates should expect nothing less. Further to this, being involved in the election process provides us with an opportunity to not only educate candidates on the election rules, but to also educate them on our operations, providing them with information like time commitments, remuneration, how the council or board operates,

key issues, etc.

As I noted at the beginning of the report this paper is produced for discussion purposes only and reflects the writers opinion on the issues being discussed. I look forward to meeting with you next week.


Kelly Ridley

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