



Legislative Assembly of Alberta

The 29th Legislature
Fourth Session

Standing Committee
on
Legislative Offices

Wednesday, December 19, 2018
11 a.m.

Transcript No. 29-4-7

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The 29th Legislature
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Standing Committee on Legislative Offices

Shepherd, David, Edmonton-Centre (NDP), Chair
Payne, Brandy, Calgary-Acadia (NDP), Deputy Chair

Aheer, Leela Sharon, Chestermere-Rocky View (UCP)
Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)
Fitzpatrick, Maria M., Lethbridge-East (NDP)*
Horne, Trevor A.R., Spruce Grove-St. Albert (NDP)
Kleinsteinuber, Jamie, Calgary-Northern Hills (NDP)
Littlewood, Jessica, Fort Saskatchewan-Vegreville (NDP)
McKittrick, Annie, Sherwood Park (NDP)
Pitt, Angela D., Airdrie (UCP)
Turner, Dr. A. Robert, Edmonton-Whitemud (NDP)**
van Dijken, Glenn, Barrhead-Morinville-Westlock (UCP)
Woollard, Denise, Edmonton-Mill Creek (NDP)

* substitution for Denise Woollard

** substitution for Jamie Kleinsteinuber

Legislative Officers

Jill Clayton	Information and Privacy Commissioner
Lorne R. Gibson	Election Commissioner
Del Graff	Child and Youth Advocate
Glen Resler	Chief Electoral Officer
Marianne Ryan	Ombudsman, Public Interest Commissioner
Marguerite Trussler, QC	Ethics Commissioner
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[Mr. Shepherd in the chair]

The Chair: All right. I'd like to welcome members, staff, and guests to this meeting of the Standing Committee on Legislative Offices.

I'm David Shepherd, the MLA for Edmonton-Centre and chair of this committee. I'd just like to ask that members and those joining the committee at the table introduce themselves for the record, and then we'll move to the members that are joining us on the phone.

Dr. Turner: Bob Turner, MLA, Edmonton-Whitemud.

Mr. Horne: Good morning. Trevor Horne, Spruce Grove-St. Albert.

Ms McKittrick: Bonjour. Annie McKittrick, MLA for Sherwood Park.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Rempel: Good morning. Jody Rempel, committee clerk.

The Chair: Thank you.

And on the phones we have Ms Fitzpatrick.

Ms Fitzpatrick: Maria Fitzpatrick, MLA, Lethbridge-East.

Mr. van Dijken: Glenn van Dijken, MLA, Barrhead-Morinville-Westlock.

Mrs. Pitt: Angela Pitt, MLA, Airdrie.

Ms Payne: Good morning. Brandy Payne, MLA, Calgary-Acadia.

Ms Littlewood: Good morning. Jessica Littlewood, MLA for Fort Saskatchewan-Vegreville.

Mrs. Aheer: Good morning. Leela Aheer, Chestermere-Rocky View.

The Chair: Thank you.

For the record I'll just note the following substitutions: Ms Fitzpatrick is a substitute for Ms Woollard, and Dr. Turner is substituting for Mr. Kleinsteuber.

Before we turn to the business at hand, a few operational items. Please note that the microphones are operated by *Hansard*, committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV, and, as always, please set your cellphones and other devices to silent for the duration of the meeting.

That brings us to the first point on the agenda, that being the draft agenda that was distributed for consideration. Does anyone have any issues to raise or changes to propose to the agenda? Hearing none, is there a member that would move a motion to approve the agenda as distributed? Mr. Horne. Thank you. All those in favour? On the phones? Any opposed? That motion is carried.

That brings us, then, to the adoption of meeting minutes. We have our minutes from the meeting of November 30, 2018. Are there any errors or omissions to note? Hearing none, is there a member that would move approval of the minutes as distributed? Ms McKittrick. All those in favour? On the phones? Thank you. Any opposed? That motion is carried.

That brings us to our next item of business, then, that being the 2019-20 budget estimates review for the officers of the Legislature. When we last met, we had spent a full day on November 30 reviewing the annual reports, business plans, and the 2019-20 budget submissions of the officers of the Legislature. We made some decisions regarding all of the officers' budgets with the exception of the Election Commissioner.

Now, during our discussion of this officer's budget estimates there was a motion to adjourn debate, which was approved, while we were considering an amendment that had been proposed by Mr. van Dijken. Therefore, at this point it's appropriate for us to return to the same point in our consideration of the Election Commissioner's proposed budget estimates. The committee clerk will post both the main motion and the proposed amendment on the screen for reference while I read both into the record and open the floor for deliberation.

The motion we had on the floor was from Ms Woollard, that the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Election Commissioner in the amount of \$2,021,000 as submitted.

We then had an amendment by Mr. van Dijken, who moved that the motion be amended by striking out "\$2,021,000 as submitted" and replacing it with "\$1,521,000 as revised".

We are currently in discussion on the amendment, and I will open the floor. Do we have any members that wish to speak? Mr. Horne.

Mr. Horne: Yeah. Thank you, Chair. If I recall correctly, the primary reason why the motion to amend was proposed was around Bill 32, which at that point had not yet passed, and the expected work increase as a result of that. Given that Bill 32 has now passed – and I could be mistaken, but I believe it's received royal assent already – I think it's prudent that we vote down this amendment and allow the Election Commissioner to get on with his work as submitted.

The Chair: Thank you, Mr. Horne.

Mr. van Dijken: Chair, may I speak?

The Chair: Certainly. Go ahead, Mr. van Dijken.

Mr. van Dijken: Good morning, everyone. Thank you for the opportunity to speak. Yes. I believe that Bill 32 has passed. The delay in deciding whether or not to move forward with the amendment and the motion on November 30 was hinging on the discussion that we didn't even have the act changed yet and the bill passed, so it didn't make any sense for the Election Commissioner to be looking out four years with regard to increased cost based on Bill 32. But I would also submit that Bill 32, in my estimation, would add very little increased workload to the Election Commissioner's office in the next two years, if any, to be quite honest with you. We don't see a municipal election until 2021, I believe.

Bill 32, the City Charters Fiscal Framework Act, was addressing more legislation necessary for the Election Commissioner's office to oversee. I still don't have any confidence that the extra \$500,000 is necessary in the Election Commissioner's budget. I do believe this is a time where we need to ensure that we are spending money wisely and carefully. I would submit that total expenses expected previous to Bill 32 were \$1.521 million. I believe that that will cover the work that's being required of the Election Commissioner in this coming fiscal year and that the extra \$500,000 is not necessary at this time, and I would not feel comfortable approving a budget for work that I don't believe is necessary in the fiscal year 2019-2020.

The Chair: Thank you, Mr. van Dijken.

Do we have any other members who wish to speak to the amendment? Any members on the phone?

Mrs. Pitt: May I?

The Chair: Who is speaking?

Mrs. Pitt: It's Angela Pitt.

The Chair: Please go ahead, Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. Mr. Horne wasn't sure if the bill had received royal assent and was proceeding. I think there should be some clarity around that. Can anyone in the room confirm if that's actually been passed?

The Chair: Thank you, Mrs. Pitt. The clerk has confirmed to me that the bill has received royal assent.

Mrs. Pitt: Thank you very much. With that, I would echo the concerns of Mr. van Dijken in that the legislation itself doesn't necessarily mean an increased workload for the new Election Commissioner. Additionally, the Election Commissioner is still trying to get his feet wet with the other functions and the tasks that he's been given. At this time I don't see where or why we would see this increase, and I think we should not pass the additional funds because of the legislation, that being the reason why the funds were increased in the first place.

The Chair: Thank you, Mrs. Pitt.

I have Mr. Horne.

Mr. Horne: Yeah. Thank you. If I recall correctly – I don't have the presentation from the Election Commissioner in front of me, so I am working from memory – I seem to recall that there was other work prior to Bill 32 that he was also seeking an increase for.

11:10

Of course, we know that Albertans deserve and expect elections to be decided on the basis of ideas and not on who can spend the most money. I know that there are already third-party advertisers looking at some municipal issues as well as provincial. In my opinion, in the interest of a fair democracy, I think it is indeed prudent that we pass the budget as submitted by the Election Commissioner.

The Chair: Thank you, Mr. Horne.

We should take this opportunity – Mr. Cooper, if you'd like to introduce yourself for the record. Mr. Cooper, are you with us?

All right. Well, we'll proceed then. Do any other members wish to speak to the amendment?

Mrs. Pitt: I would, Mr. Chair.

The Chair: Okay. I heard Mrs. Pitt. Was that Mr. van Dijken as well?

Mr. van Dijken: Yes.

The Chair: Okay. So Mrs. Pitt, then Mr. van Dijken.

Mrs. Pitt: Thank you, Mr. Chair. Mr. Horne expressed that he has information on third-party advertisers. Perhaps he can further expand on his close relationship with those third-party advertisers at the municipal level to enlighten this committee and perhaps sway some opinions on support for the passing of the Election Commissioner's budget.

The Chair: Thank you, Mrs. Pitt.

I have Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Chair. I would submit that the very letter that we received from the deputy minister, Brad Pickering from Municipal Affairs, identifies that the extra half a million dollars is as a result of the most recent amendments and associated regulation changes in the Local Authorities Election Act. I believe that the Election Commissioner was submitting a budget at 1 and a half million dollars that reflected his responsibilities prior to the Local Authorities Election Act receiving royal assent. I'm trying to find it – I believe in *Hansard* we would find where there would be limited requirements from his office needing those funds in the upcoming year.

You know, I think if we take a look at the budget itself, we see the Election Commissioner's total expenses and equipment/inventory purchases at \$1,521,000. That would mean, in my opinion, the Election Commissioner has told us that he is able to complete his tasks for \$1,521,000. The transfer from Municipal Affairs, \$500,000, which is not an expense item; it's a revenue item. Let's be clear about that. When it's itemized in the budget, it's a transfer from Municipal Affairs and interpreted as an expense item. But I would suggest that there is no expense aligned to it other than the suggestion that there are two full-time equivalents being hired.

When we look at the letter that the deputy minister had sent to the Election Commissioner, it specifically outlines:

As a result of the most recent amendments and associated regulation changes in the Local Authorities Election Act, the mandate of the Alberta Election Commissioner has been expanded to include municipal and school board elections.

The Election Commissioner gave no indication that there was going to be required spending in the year of 2019-2020 to help facilitate the need under the Local Authorities Election Act.

When I take a look at the budget, I see a budget that shows us that the Election Commissioner was fully able to fulfill his duties outside of the local authorities act at 1 and a half million dollars, and I believe that that's the number that needs to be approved.

I would suggest that a letter be sent. If there is some indication that there's money necessary for the implementation at this time of the local authorities act, we can consider that. But in the presentation we received from Mr. Gibson, I do not believe that there was very much work that needs to be done in this next fiscal year.

The Chair: Thank you, Mr. van Dijken.

I have Ms McKittrick.

Ms McKittrick: Thank you, Chair. I believe that we've talked about this and that we're all very concerned about fair elections and making sure that all of our election processes that the Election Commissioner is in charge of are done in a fair and democratic way to benefit all Albertans. I'd like to call the question on the amendment.

The Chair: I have Mrs. Aheer and then I have Mr. van Dijken.

Mrs. Aheer: Thank you, Chair, and thank you to everyone. I was actually just seeking a clarification on something that Mr. Horne had said earlier. He had mentioned that previous to Bill 32, if I understand you correctly, Mr. Horne, there was work that was being done by the Election Commissioner previous to the bill's passing and previous to the bill being proclaimed. Would you mind clarifying what work was being done and why you believed that that needs to be compensated for?

The Chair: Thank you, Mrs. Aheer.

I have Mr. van Dijken and then Mr. Horne.

Mr. van Dijken: Yes. Thank you, Chair. I understand that we're all here seeking fair elections, and it appears to me that Member Horne and Member McKittrick, I believe, or Fitzpatrick, who had just spoken, have no concern for the taxpayers' dollars here. We have a situation where the Election Commissioner has come forward with a budget outline outlining the expenses required to complete his tasks. Then we have a one-line item transfer from Municipal Affairs, and we're supposed to interpret that as further expense to the budget with no identification of where that expense is going. This is open-ended and does not take into consideration taxpayers' funds at all. I would submit that the NDP government needs to do more to have concern for the taxpayer money that's being spent and not just throwing it around without due diligence and proper budgeting.

This, in my opinion, is a lack of due diligence and is not challenging the Election Commissioner's office to properly put forward a budget that would identify costs. In my opinion it's poorly put together. It's slapped together, and the only line item we have there is transfer from Municipal Affairs, with no explanation on how that money is to be expended other than two full-time equivalents. I believe that is incompetent. I believe that we require better of our officers, and I would challenge the committee to recognize that. If we don't challenge the officers to do better at this time, they believe they can just move ahead without any concern for taxpayer funds.

I think this is deplorable, what's being proposed here, that the elections would not be able to move forward in a fair manner if we don't approve the extra \$500,000. For members Horne and McKittrick to say that we can't have a fair election unless we allow this extra \$500,000 that has no explanation on where that money's going, I think that's very poor leadership and poor discipline in governance, and I believe we can do better.

11:20

The Chair: Thank you, Mr. van Dijken.

I have Mr. Horne.

Mr. Horne: Yeah. Just to clarify, I was referring to the pre-existing mandate of the Election Commissioner. In researching provincial election complaints, my understanding is that there are a few complaints around third-party advertising – there could be others that I'm unaware of – and, you know, I believe that it's important, especially going into an election year, that the Election Commissioner is fully resourced to do that job so that we know that the upcoming election is as fair and transparent as possible.

The Chair: Thank you, Mr. Horne.

Do we have any members that have further comments?

Mr. Cooper: I'd like to be on the list.

The Chair: Please go ahead, Mr. Cooper.

Mr. Cooper: I'd just like a brief comment around us going into an election year with respect to Mr. Horne's comment. My understanding – and correct me if I'm wrong – and I'm happy to stand corrected, is that the bill that was recently passed through the Legislature specifically was with respect to municipal elections. Those municipal elections are not until 2020 or 2021, and as such the increased costs aren't going to take place this year. So my concern is that the Election Commissioner may in fact need additional resources because we are going into an election year, but

if what we're voting on is an increase in cost because of the cost of Bill 32 – sorry; I've forgotten the number or not quoted the number of the bill correctly but the municipal elections bill that was recently passed in the Legislature – if the request is for those costs, I don't understand why we're granting those resources now and not at a future date, when we have a better understanding of what those costs will be.

My concern is that he's estimated it so that he can pay for the costs of the provincial election or the investigations that are a result of the provincial election and not actually for the municipal elections. So I think that we have some significant concerns here. I hear the government members arguing for covering the costs of an election that actually is a number of years away.

The Chair: Thank you, Mr. Cooper.

Do we have any other members that wish to comment on the amendment before we move to a vote?

Mrs. Pitt: Mr. Chair.

The Chair: Please go ahead, Mrs. Pitt.

Mrs. Pitt: I think given this conversation and sort of the confusion around the dollars requested for legislation that has now passed but will not actually need to be in place for a couple of years, perhaps we could defer this until we can bring back the Election Commissioner to sort of flesh out some of the information here so that all members are clear. You know, I still have some concerns around Mr. Horne's comment on the information that he has around PAC activity, and I think that maybe the Election Commissioner could help us all to understand that picture a little bit better and maybe clarify what the relationships should be and definitely shouldn't be in terms of collusion between members and PAC organizations.

Mr. Chair, could we do that, defer to meet again after the Election Commissioner has had an opportunity to come back to this committee and speak to our members?

The Chair: To be clear, Mrs. Pitt, are you making a motion to adjourn debate?

Mrs. Pitt: Yes, I am. I make a motion to adjourn debate.

The Chair: All right. We have a motion on the floor to adjourn the debate. That requires that I call the question. All those in favour of adjourning debate? We'll start in the room. On the phones? Those opposed in the room? On the phones?

That motion is defeated.

We return, then, to debate on the amendment. Are there any further members that wish to speak to the amendment? Seeing and hearing none, I will call the question. Those in favour of the amendment by Mr. van Dijken to reduce the budget of the Election Commissioner – again, I will read the motion for the amendment from Mr. van Dijken. Moved by Mr. van Dijken that the motion be amended by deleting \$2,021,000 as submitted and replacing it with \$1,521,000 as revised.

Beginning in the room, those who are in favour of this amendment? And to the phones, those in favour of this amendment?

Mrs. Pitt: Mr. Chair, sorry to do this in a vote, but we're voting for the second time. For what reason? There were very clearly votes that I heard in that room in favour of this amendment, and now we are . . .

The Chair: Mrs. Pitt, if I may speak as chair. [interjection] Speaking as chair, there are no points of order that can be raised

during the conduct of a vote. Once the vote is completed, if you have concerns, we can have the opportunity to discuss them then, or, if you like, you can request a recorded vote.

I will proceed, then. I was in the process of asking those on the phone who were in support of the amendment. Those on the phone in support of the amendment, please say aye. Thank you. Those in the room who are opposed to the motion? Thank you. Those on the phone who are opposed to the motion? That motion is defeated.

Ms Littlewood: Can I get a recorded vote, please?

The Chair: We have a request for a recorded vote from Ms Littlewood. I will begin with those in the room.

Dr. Turner: No.

Mr. Horne: No.

Ms McKittrick: No.

The Chair: Those on the phone?

Ms Payne: No.

Mrs. Aheer: Yes.

The Chair: Ms Fitzpatrick.

Ms Fitzpatrick: Sorry. It hadn't unmuted for me. My response is no.

The Chair: Thank you.

Ms Littlewood: No.

Mrs. Pitt: Yes.

Mr. Cooper: In favour.

Mr. van Dijken: In favour.

The Chair: Thank you.

That motion is defeated.

We return, then, to debate on the motion. Any members wishing to speak? Seeing and hearing none, I will call the question on the motion. All those in favour of the motion from Ms Woollard that the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Election Commissioner in the amount of \$2,021,000 as submitted.

I will begin with those in the room. Those in the room who are in favour, please say aye. I will now go to the phones. Those on the phones who are in favour, please say aye. Thank you.

11:30

Ms McKittrick: Can we have a recorded vote on this?

The Chair: I need to complete the vote before we can move to anything else, Ms McKittrick. Thank you.

Any members in the room who wish to vote against this motion? Moving to the phones, members who would wish to vote against this motion? Thank you. That motion is defeated.

Ms Rempel: Carried.

The Chair: Oh, pardon. Sorry. Obviously – I apologize – that motion is carried. The clerk has corrected me. I apologize. Thank you, Clerk.

Ms McKittrick, you had wished to ask for a recorded vote.

Ms McKittrick: Yes, please.

The Chair: All right. We have a request for a recorded vote. I'll start in the room. We'll start with Dr. Turner.

Dr. Turner: Aye.

Mr. Horne: In favour.

Ms McKittrick: In favour.

The Chair: Thank you. We will go to the phones.

Ms Payne: In favour.

Mrs. Aheer: Opposed.

Ms Fitzpatrick: Aye.

Ms Littlewood: Absolutely in favour.

Mrs. Pitt: Opposed.

Mr. Cooper: Opposed.

Mr. van Dijken: Opposed.

The Chair: Thank you.

That motion is carried.

That completes our work on that item of business. Moving on, then, that means we have completed our review of the officers' budget estimates for 2019-20. Thank you, everyone, for your input on those items.

That brings us to other business. Are there any items for discussion under other business? I would like to note one thing, just to mention again that, as you are all aware, we did receive a letter from the Election Commissioner outlining some changes to legislation that he felt that our committee should be aware of. Once the clerk brought that to my attention, we had that posted on the committee website, so that is there for members to view.

Do we have any other items under other business?

Ms McKittrick: Mr. Chair?

The Chair: Yes, Ms McKittrick.

Ms McKittrick: I would like to propose a motion that we forward the letter from the Election Commissioner to the minister for democratic renewal for review.

The Chair: Okay. We have a motion from Ms McKittrick that the letter received from the Election Commissioner, that was forwarded to our committee, be forwarded to the minister for democratic renewal.

Did you want to clarify your reasons for that, Ms McKittrick?

Ms McKittrick: I think that the letter dealt with issues that are more appropriately dealt with by government and the minister for ministerial review than the powers and the duties of this committee because they've had to deal with potential regulations and changes to existing legislation.

The Chair: Thank you, Ms McKittrick.

Mrs. Aheer: May I be put on the list?

The Chair: Okay. Thank you, Ms McKittrick. The clerk is working on drafting appropriate wording for that motion.

Mrs. Aheer, you wish to speak?

Mrs. Aheer: Thank you, Chair. Just in response to Ms McKittrick's motion, I believe that there is some necessary time for the committee to review this letter and to defer this discussion further. To send it in front of government at this point in time without discussion in the committee seems completely inappropriate, and I would prefer to have the opportunity to discuss this with the committee before sending it before government.

Thank you.

The Chair: Thank you, Mrs. Aheer.

Any other members wish to speak to the motion?

Mrs. Pitt: Mr. Chair?

The Chair: Yes, Mrs. Pitt.

Mrs. Pitt: Mr. Chair, I move that this motion be referred to a different meeting day.

The Chair: Again, Mrs. Pitt, to clarify, you're asking to adjourn debate on this motion?

Mrs. Pitt: Yes, I am. I move
to adjourn debate.

The Chair: Thank you, Mrs. Pitt.

We will have a vote on adjourning debate on this motion. Beginning in the room, all those in favour of adjourning debate on the motion from Ms McKittrick? All those in favour in the room, please say aye. On the phones, those in favour of adjourning debate on the motion from Ms McKittrick, please say aye. Thank you. Those in the room who are opposed to adjourning debate on the motion, please say no. On the phones, those opposed to adjourning debate on the motion? Thank you.

That motion is defeated.

Is there any further discussion on the motion?

Seeing and hearing none, I will call the question.

Mr. van Dijken: On which motion?

The Chair: I will read the motion, then, with the wording that has been put forward by the clerk. I'll ask the clerk to read – oh, here we are. Moved by MLA McKittrick that

the Standing Committee on Legislative Offices forward the December 3, 2018, letter from the Election Commissioner to the minister for democratic renewal for consideration.

Is there any further comment, then, on the motion now that we have the wording in front of us?

Seeing and hearing none, I will call the question. All those in the room in favour of the motion from Ms McKittrick, please say aye. On the phones? Thank you. In the room, those opposed to the motion? On the phones? Okay.

That motion is carried.

Are there any other items for discussion under other business?

If not, that brings us to our final item, that being the next meeting date. That will be at the call of the chair in the new year.

Before we head out, I just want to say thank you to everyone for your work over the past year. It's always a pleasure working with all of you on the committee. I also wish the same and say thank you to all the staff who have supported us. I wish you an excellent holiday season. Safe journey for any of you that are going to be travelling around our province or elsewhere.

With that, do we have a member that would move a motion to adjourn? Mr. Horne. All those in favour of adjourning? Any opposed? The meeting stands adjourned.

Thank you, and happy holidays.

[The committee adjourned at 11:38 a.m.]

