



STRENGTHENING OUR DEMOCRACY

Public Interest Alberta Democracy Task Force Submission to
Alberta's Select Special Ethics and Accountability Committee

February 2016



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A. INTRODUCTION

Public Interest Alberta applauds the decision of the Government of Alberta to establish the all-party Select Special Ethics and Accountability Committee as an important element of strengthening our democracy by making much-needed improvements in our province's political system. We are also pleased to see the Government's recent appointment of a Minister Responsible for Democratic Renewal, which is an important and encouraging commitment to ongoing critical analysis of our democratic system with the impetus of the Committee's work.

Democratic reform has been a priority focus for Public Interest Alberta since our organization was founded in 2004. We believe that the current situation offers the best opportunity in several decades to bring about changes that will result in a much stronger democracy for all Albertans.

The need for policy change pertaining to the conduct and regulation of elections has been accepted for many years by individuals from across the political spectrum.

- At the federal level, the most recent policies on party and campaign financing were launched by Jean Chretien and extended by Stephen Harper.
- The National Advisory Board of Fair Vote Canada includes former NDP leader Ed Broadbent, former Liberal cabinet minister Lloyd Axworthy, one-time advisor to Preston Manning Rick Anderson, former interim Liberal leader and NDP Premier Bob Rae, and former Conservative senator Hugh Segal.
- Fixed election laws – which now exist in all but one province – have been brought in under Liberal (e.g. Ontario), Progressive Conservative (e.g. Alberta), and Parti Québécois (Quebec) governments.

The momentum for democratic reform is clearly growing, and Alberta has the opportunity to make significant gains, with a crucial role to be played by this Legislative Committee.

We recognize that the work of the Committee is focused on four specific pieces of legislation, but also that its work is part of the broader commitment by the government to democratic reform. Our submission will deal directly with two of the main elements of the committee's mandate (the *Election Act* and the *Election Finances and Contributions Disclosure Act*), but will also be stated in the context of broader issues around how we can strengthen our

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democracy. We will include recommendations that we hope MLAs, political parties, and the Government will pursue after the Committee has concluded its work.

B. THE NEED FOR DEMOCRATIC REFORM AND RENEWAL IN ALBERTA

There is a wide range of problems and deficiencies in Alberta's current political system that seriously undermines the principles and practices of strong democracy, and in particular serves to compromise free and fair elections, which are central to representative democracy and the public interest.

- Our province's campaign and party finance legislation gives the opportunity for undue influence by wealthy and powerful interests. The decision to ban corporate and union contributions (Bill 1) in 2015 was a significant first step in remedying the situation, but there is a great deal more to be done.
- Our electoral system is manifestly undemocratic, routinely and seriously undermining three fundamental elements of representative democracy – majority rule, minority rights, and political equality.
- The current system fails to effectively engage citizens and civil society groups in governance, decision-making, and policy development, and it fails to ensure that the diversity of voices in our province is heard and considered.
- Our legislature and MLAs have clearly been marginalized in favour of the executive, and power has been increasingly concentrated in the hands of the premier.
- There is a need to strengthen legislation in the areas of conflict of interest and whistleblower protection.
- We need to do much more to ensure openness and transparency in government.

C. GUIDING PRINCIPLES

A clear set of guiding principles is essential to understanding the nature of a strong and vibrant democracy as well as to reforming election laws. These principles will facilitate decision-making and help ensure the sort of cross-party consensus that is so important to building a stronger democracy.

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- **Equality:** Election laws should treat all citizens equally and, in particular, help to ensure equality of voices and influence in electoral politics.
- **Choice:** Election laws should maximize opportunities for meaningful choice that can be acted on by citizens.
- **Majority Rule & Minority Rights:** Election laws should ensure adherence to the principle of majority rule, while also safeguarding minority rights and representation.
- **Proportionality:** A democratic voting system should translate votes into seats in a manner that ensures each party's seats in the legislature is roughly proportional to the votes they received.
- **Transparency:** Election laws should aim to maximize transparency in terms of process and influence, including in party financing and spending.
- **Citizen Engagement:** Election laws should foster and encourage active citizen and civil society engagement in the democratic process, and should include the full range of voices in the province.
- **Effective Representation:** Election laws and electoral processes should lay the foundation for effective representation of citizens within the legislative and governing system.

D. PRIORITIES FOR ELECTORAL LAW AND PARTY FINANCING REFORM

At the top of the agenda are core issues that have been considered, and in some cases implemented, in jurisdictions across Canada. At both the federal and provincial levels, there exists a wide range of good examples of more robust democratic practices that have proven to be effective over time, and the following proposals are grounded in those successful practices.

1. Campaign and Party Finance Reform

- **Contribution limits:** Alberta should act to implement contribution limits that are similar to and consistent with the existing limits at the federal level in Canada.

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- **Campaign spending limits:** Alberta should establish allowable limits with regard to election spending by political parties and candidates, as is currently the case at the federal level and in all other provinces. Existing legislation governing campaign spending in these other jurisdictions should serve as models to establish reasonable spending limits and the formula for calculating and enforcing those limits in this province.
- **Regulations on party leadership contests and constituency nominations:** Given how important candidate and leader selection are to the democratic process, campaign financing laws governing contributions and spending should be extended to cover these processes. Again, there is existing legislation, at both the federal and provincial levels in other Canadian jurisdictions, that could serve as models for new regulations in Alberta.
- **Disclosure of campaign contributions and spending:** Alberta should strengthen its rules with regard to disclosure of party and campaign financing, including pre-election reporting and enhanced donor identification.
- **Municipal campaign and finance reform:** The above rules should be extended to apply to the elections of school boards and municipal councils. We recognize that the legislation in this area is not included in the four pieces of legislation being examined by the Committee, but we encourage the Committee to make a recommendation on this issue for further consideration by the Government.

2. Electoral Reform

- **Voting system reform:** To advance electoral system reform, a clear statement must be made regarding the need to transition from Alberta's single-member plurality voting system – which produces false majorities, misrepresents the popular support of political parties, and results in 'wasted' votes that do not influence who is elected to sit in the legislature – to a system that ensures maximal voter choice, minimal wasted votes, and dramatically greater proportionality between each party's percentage of votes and seats.
- **The mechanism for voting system reform:** Alberta should establish a mechanism for considering and recommending an option regarding voting system reform. This mechanism should allow for expert input, citizen consultation, and extensive dialogue and deliberation, while also working within a clear timeline.

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- **Electoral districting reform:** Alberta should commit to the equality of influence for each vote by establishing new guidelines for electoral redistricting – the drawing of electoral district boundaries – that equalize the population of electoral districts. When existing communities of interest or geographic considerations necessitate variation in population size, regulations should limit this variation to no more than plus or minus 5%. Rather than compromising the principle of representation by population, MLAs representing large geographic areas should be given additional support to ensure effective representation. We recognize this reform is beyond the scope of the Committee, but we encourage the Committee to recommend the Government address this issue.
- **Fixed election law:** Alberta should take action to ensure its fixed election law is as firmly enforced as is appropriate given the governing principles of a Westminster model of parliamentary government.

E. CONSIDERATIONS FOR EXPANDING THE DEMOCRATIZATION AGENDA

The priority items enumerated above will bring Alberta in line with best practices already enacted elsewhere in Canada. The following are reform options that are worthy of consideration in further advancing the democratization agenda. We encourage the Committee to consider these possibilities and to make recommendations for further action by the Government.

- Reduce the voting age to 16.
- Introduce mandatory voting.
- Extend party financing laws to governing spending outside the writ period (between elections).
- Establish a restrictive, yet fair, regime of limits on ‘third party’ spending and advertising before and during elections.
- Follow through on establishing restrictions on government advertising and promotions during elections (as recently proposed by MLA Rick Strankman’s Bill 203).

F. ISSUES FOR FURTHER CONSIDERATION

There are further issues we intend to raise with the Committee after the February 26, 2016, deadline for submissions related to the Committee's core mandate issues that are part of Committee members' broader responsibilities in building a stronger and more vibrant democracy. We will be urging the Committee to consider these other necessary aspects of democratic reform and to make recommendations to the Government for its consideration. They include:

- Increasing citizen and civil society engagement in governance and decision making.
- Ensuring that the full range and diversity of citizens' voices are heard and considered in systematic and comprehensive ways.
- Strengthening the role of our elected legislature and the role of MLAs, and limiting the power of the premier and executive.

G. CONCLUSION

We are pleased to have had the opportunity to make this submission and would welcome an opportunity to discuss with Committee members any of the points raised.

These are encouraging times for democratic reform in our province, and Public Interest Alberta will be continuing its advocacy efforts with MLAs, parties, and Government after the Committee has finished its work.

Thank you for this opportunity, and for your important work on behalf of Albertans.

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