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Date: 6/21/2019 11:30:09 AM
Subject: Report Back from the Independent Election Task Force - RTS 12665
Attachments: Independent Election Task Force Report June 2019_letter from Chair.pdf
Independent Election Task Force Report on Campaign Financing_June 2019.pdf
Memo - Reconvene of the Independent Election Task Force RTS 12665.pdf

Dear Mayor and Council,

The Independent Election Task Force (IETF) was reconvened at the direction of the previous Council to review existing policies and provide recommendations regarding election contributions by third parties. The attached report contains 16 recommendations with the majority of those focused on establishment of more stringent rules and processes for third party donations. This matter falls under the jurisdiction of Elections BC. The other recommendations are more City-focused and could have financial implications.

Matters that fall within the City's authority include:

- ☐ **Recommendation 13 – Investing in voter engagement**
Staff will continue to focus on civic engagement under the work plan of the Election Outreach position.
- ☐ **Recommendation 14 – Need for research**
Staff will continue to focus on civic engagement under the work plan of the Election Outreach position.
- ☐ **Recommendation 15 – Ongoing Independent Election Task Force**
- ☐ **Recommendation 16 – Action required on Citizens' Assembly**

Please contact Rosemary Hagiwara at Rosemary.Hagiwara@vancouver.ca or 604.873.7177 if you have any questions.

Thank you,
Paul

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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.



Independent Election Task Force City of Vancouver

June 3, 2019

Dear Mayor and Council,

It is our pleasure to share with you A Review of Campaign Financing by Third Parties and Independents in Municipal Elections.

On May 1 2018, Council voted to reconvene the Independent Elections Task Force to review the policy questions below.

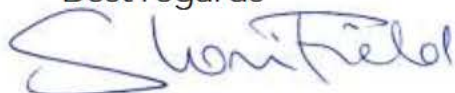
THAT the Independent Elections Task Force be reconvened to review the following policy proposals, which have not previously been considered by Council, and provide recommendations regarding:

- *Appropriate regulation of third-party groups wishing to engage on policy during municipal elections;*
- *The suggestion that contributions to candidates running with elector organizations to be in line with contributions to candidates running as independents.*

We were pleased to reconvene to further address campaign financing, a topic critical to democratic health. We were also pleased to review progress on recommendations issued in our initial 2017 report.

We look forward to the opportunity to answer your questions after you have had the opportunity to review our recommendations.

Best regards



Shoni Field
Chair, Independent Election Task Force
604-720-0541



CITY OF VANCOUVER

INDEPENDENT ELECTION TASK FORCE

A Review of Campaign Financing by Third Parties and Independent Candidates in Municipal Elections

JUNE 2019

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Executive Summary

In 2016, Vancouver City Council established an Independent Election Task Force (IETF) to recommend changes based on Council directives related to the delivery of municipal elections in the city of Vancouver. The IETF was reconvened in 2019 to consider two primary issues: (1) the regulation of third-party groups wishing to engage on policy during municipal elections and (2) the comparative treatment of contributions to candidates running with elector organizations and those running as independents.

To produce this report, the reconvened IETF has reviewed the history of calls for campaign finance reform in Vancouver, campaign finance regulations in other jurisdictions, the current provincial legislation, and concerns arising around campaign finance issues in Vancouver during the 2018 municipal election. Also, task force members consulted a range of third-party groups, elector organizations, advocates and academics.

The IETF established seven core values to guide our thinking about potential recommendations.

All the recommendations we make in this report were considered based on the degree to which the problem they addressed negatively impacted these values, and the degree to which the remedy itself would strengthen them in the context of municipal elections and civic engagement.

Seven Core Values

- Equality of citizens
- Accountability
- Transparency
- Freedom of association
- Diversity of viewpoints
- Voter political knowledge
- Voter engagement

As a result of our deliberations, we are proposing sixteen recommendations. Twelve of these recommendations relate specifically to

campaign finance, with four of these twelve identified as priority issues. The remaining four recommendations relate to broader democratic reform issues, including our top recommendation from our original report which remains unaddressed.

The four priority recommendations are:

- Require that individual donation limits for qualified donors apply to the cumulative total of donations given to all candidates, elector organizations and third parties.
- Require all donations to candidates, elector organizations and third parties to be donated to a centralized portal run by Elections BC with real time disclosure of donations.
- Extend the municipal campaign period to begin immediately after Labour Day.
- Prohibit use of own funds for third parties.

We are also making some additional recommendations related to election funding, research into municipal elections and establishing similar independent election task forces after each election.

Finally, the IETF would like to draw the attention of city councillors, staff and the public to the outstanding recommendations from our 2016 report. In particular, our final recommendation in this report is that Council follow through on our top priority from our previous report, namely, to establish a Citizens' Assembly to design a proportional voting system for Vancouver.

It is vital to our community that citizen engagement and the overall health of our elections be prioritized.

In conclusion, we congratulate both Council and staff for their continued interest in the state of municipal elections in Vancouver. It is vital to our community that citizen engagement and the overall health of our elections be prioritized.

History of the Independent Election Task Force

In 2016, Vancouver City Council established an Independent Election Task Force to recommend changes based on Council directives related to municipal elections in the city of Vancouver. Twelve Independent Election Task Force members were selected to participate, based on their strong knowledge of the principles of democracy, effective operation of democratic institutions, and best practices regarding electoral systems and reform. The task force report in 2017 was based on literature reviews, presentations from and interviews with subject matter experts, a past-candidate survey, and member deliberations. Based on these results, the Task Force developed a priority list of actions and key considerations, corresponding implementation plans and a high-level cost estimate for each of Council's directives.

Progress since our first report

In January 2017 the Independent Election Task Force issued our first report. In addition to campaign finance, the report included recommendations on proportional voting systems, permanent residents' eligibility to vote, making anonymous balloting data available, online voting and voter engagement measures during the campaign directed at voter turnout.

Following staff review of the report, a letter was sent to the Province from the City Clerk in June 2017 regarding recommendations that require provincial legislative change (online voting, permanent residents' eligibility to vote, campaign financing reform, and proportional voting).

In addition to recognizing the potential to improve upon the new municipal campaign finance provisions in LECFA and reconvening the Task Force to address this, the City of Vancouver also moved forward on other recommendations for which they should be congratulated:

- Anonymized voting data was made available. This is critical to fuel understanding of and research into municipal voting. In our work for this report and the previous one, the dearth of municipal specific voting research is noticeable.
- Voter engagement measures were put in place during the campaign. These included providing grants and partnering with non-profits to assist with election education and awareness, the introduction of new participatory programs such as Kids Vote and Coffee Vote, and more engagement with low voting demographics and communities, such as youth. There remains other work to be done and we look forward to seeing more activity and funding commensurate with the new initiatives in 2022. The feasibility of an educational campaign on digital media literacy or including a message on digital media literacy with election material should be explored.
- In April 2018, Council adopted a resolution related to the IETF's recommendation requesting the Province to allow permanent residents to vote. A letter was sent to the Minister of Municipal Affairs and Housing and the response received in July 2018 noted concerns regarding the complexity of such a change being proposed and the time required to better understand the policy implications, including broader considerations concerning provincial and federal election rules, which could not be completed before the 2018 municipal election. We were pleased to see City Councillors supporting the successful campaign to get the Lower Mainland Local Government Association to pass a motion calling on the Provincial Government to allow permanent residents to vote in municipal elections. We encourage the City to continue to move this issue forward in time for the 2022 elections.

No progress has yet been made on adopting a proportional voting system municipally, which was identified as a top priority in the original IETF report.

The City also adopted randomized ballots. While that was outside our original mandate, we do recognize its importance in creating a level playing field for candidates, which benefits voters. There was considerable commentary during the election period as to challenges to voters in dealing with long ballots. While longer ballots certainly contributed to our experience of randomized ballots, randomized ballots are not a contributing factor in ballot length. We would discourage the City from reverting to alphabetized ballots.

Reconvening the Independent Election Task Force

On May 1 2018, Council voted to reconvene the Independent Elections Task Force to review the policy questions laid out in our mandate below.

Task force members were invited to reconvene in January 2019, after the 2018 municipal election. Five of the original IETF members accepted this invitation. This report was prepared and submitted to Council by:

- Shoni Field
- Ela Esra Gunad
- Antony Hodgson
- Robert Matas
- Halena Seiferling

These members worked as volunteers from February through early June 2019 to review the issues, develop recommendations and issue this report.

Current Mandate

THAT the Independent Elections Task Force be reconvened to review the following policy proposals, which have not previously been considered by Council, and provide recommendations regarding:

- Appropriate regulation of third-party groups wishing to engage on policy during municipal elections;
- The suggestion that contributions to candidates running with elector organizations to be in line with contributions to candidates running as independents.

The Importance of Campaign Finance Regulations

The regulation of campaign financing is critical. Many elected municipal officials make decisions related to the organizational interests of those who contribute directly or indirectly to their election campaign. Participating in the decision-making process after receiving contributions directly or indirectly creates a perception of a conflict of interest that undermines public confidence in the electoral system. Surveys have found that a significant number of voters say they believe campaign contributions have an undue influence over elected candidates and the perceived links to contributors could distort spending priorities of elected decision makers.

It is important to recognize that there is no way to solve campaign financing for all time with the right regulations.

A work in progress

It is important to recognize that there is no way to solve campaign financing for all time with the right regulations. New regulations could lead to new work-arounds that, depending on the severity of their impact, may in themselves require further regulation. For this reason, campaign finance law should regularly be reviewed and revised to address new issues. The approach should be to manage and/or mitigate activities that can be seen to have a deleterious effect on the values outlined below.

Nonetheless, we should in general be cautious about restricting election advertising. The courts have been very clear that third parties play an important role in the public debate during elections and have consequently struck down overly harsh restrictions on third-party election advertising. Moreover, both candidate/electoral organization financing and third-party financing play important roles in increasing voter awareness of the election. Increased restrictions on campaign financing could conceivably have a

negative impact on voter awareness. Should this happen, jurisdictions might explore the benefits of public funding of elections (e.g. through matching contributions, similar to New York City).

Campaign Finance Regulations in BC

Current Legislation

Governance of local elections financing falls under provincial jurisdiction. Any recommendations to strengthen campaign finance regulations for Vancouver will need to be requested of, and enacted by, the provincial government.

In the spring of 2016, the Provincial Government passed Bill 17 – Local Election Campaign Financing Amendment Act (LECFA), which put in place expense limits for candidates, elector organizations and third-party advertisers. LECFA did not limit contributions to municipal political parties from corporations, unions and individuals.

In the fall of 2017, amendments to LECFA banned organizations, such as unions, corporations, and individuals who are not British Columbia residents, from providing contributions to candidates, elector organizations and third-party advertising sponsors. The amendments also established limits on contributions to candidates and elector organizations. These changes were retroactive to October 31, 2017 and applied to all local elections starting with the 2018 general municipal elections.

In the spring of 2018, an additional change clarified that operational expenses of a continuing elector organization are considered election expenses during election and campaign periods. A continuing elector organization is generally a civic political party that operates over the years in sequential local elections with a primary purpose being to advance the election of its endorsed candidates. This change applies to all local elections after April 27, 2018.

2018 Election

For the first time, donations from unions and corporations were banned and individual donations were capped at \$1,200 per candidate or group of candidates affiliated with a political party.

Under the new legislation, there was a significant shift in funds raised compared with the previous election. A review of funds raised in the 2014 and 2018 elections offers some insights into the impact changes to campaign financing legislation had on election campaigns.

There was a significant (~70%) drop in funds raised by the five parties listed above. Some of this difference may be due to the fact that, of these five parties, only the NPA ran a mayoral candidate in 2018. Moreover, funds may have flowed instead to third parties, which were not as tightly regulated in 2018. There was a ~25% increase in sponsored advertising by third parties, though the total amount of third-party advertising remained relatively low at less than 10% of the amount spent by the various candidates and elector organizations. At this point, it is unclear how much impact these two shifts in election financing had and it certainly merits ongoing attention and research to try to clarify any impacts on the election campaign and citizen engagement. A detailed look at campaign finance disclosures is provided in the Appendix.

Concerns Raised During and After the 2018 Election

Various campaign-financing-related concerns were raised in the media and in public discourse during and after the election. These involved both matters of principle and specific instances of concern.

Unlimited Contributions to Third Parties

While spending by third parties is now limited during the campaign period (to \$150K), contributions by individuals to third parties are unlimited, though contributors above \$50 do need to be identified.

Use of ‘Own Funds’:

Third parties are able to declare use of own funds, which enables them to direct funds from otherwise non-eligible sources without disclosure (i.e. some of the largest third-party entities such as the Fire-Fighters, BC Real Estate Association and Vancouver & District Labour Council, all declared ‘use of own funds’ and disclosed no contributors towards their expenditures; in 2014, there were examples of individuals spending thousands or tens of thousands of dollars on election advertising).

No Distinction Between Third Parties:

All third parties are treated by Elections BC as equivalent entities, regardless of whether a third-party is an individual or a province-wide membership-based organization, which creates inequities in the influence of individual voters (eg. under current rules, a single wealthy individual may use \$150K of their own money to conduct election advertising, while a union or business association with hundreds or even tens of thousands of members is subject to exactly the same limit).

No Exemptions for Small Entities:

Small entities may not sponsor election advertising without registering, even if they spend minimal amounts of money. This can be onerous for individuals and small entities, and can lead to self-censorship.

Impediments to Coordinating Efforts:

Current rules restrict how independent third parties with related interests in an issue can coordinate their election advertising efforts, even when such efforts are far from representing excessive influence over public discourse.

Lack of Disclosure Requirements:

Concerns were raised over a lack of disclosure requirements for third parties both during the campaign and in the pre-campaign period. For example, real estate developer Peter Wall paid \$85,000 in the pre-campaign period for billboards promoting mayoral candidate Hector Bremner. These ads were criticized as an example of undue influence because the funder was initially unknown due to lack of disclosure requirements.

Counting Contributions of Staff Time:

There appears to be some uncertainty as to whether staff efforts do or should count as campaign contributions. For example, the Vancouver & District Labour Council spent \$25,000 on election brochures and paid staff time for four workers seconded to local election campaigns.

Different Treatment of Independent & Party-Affiliated Candidates:

It was pointed out that a donor may give \$1200 to each independent candidate, but may only give \$1200 in total to all candidates running under a single party banner. Questions were raised as to whether this inequality creates an inequity. It was also flagged that endorsements, such as Kennedy Stewart's for Christine Boyle and Brandon Yan, or unofficial slates such as "Team Côté" in New Westminster could be used by independents to realize some of the benefits of an elector organization while each candidate was still able to accept \$1200 donations from a single donor.

Guiding Values

We established seven guiding values to inform our work. They are:

Equality of citizens



No voter should have disproportionate influence in the electoral process.

Accountability



Regulations and processes should enhance and not diminish the elected official's direct accountability to voters at large.

Transparency



Regulations and processes should enhance and not diminish the voter's ability to view, without unreasonable effort, what money is spent and by whom to exert influence over the election outcomes.

Freedom of association



Citizens have a legally recognized right to organize in order to express a collective opinion or to magnify their individual voices.

Diversity of viewpoints



Regulations and processes should encourage and not restrict the introduction of a range of views and experiences into the campaign.

Voter political knowledge



Regulations and processes should increase and not restrict the voters' ability to inform themselves about the candidates and key election issues.

Voter engagement



Regulations and processes should encourage and not suppress voter participation in the process, including but not limited to voting.

Priority Recommendations

All potential remedies were considered based on the degree to which the problem they addressed negatively impacted the above values, and the degree to which the remedy itself would strengthen them in the context of municipal elections and civic engagement. Based on this assessment, the IETF has identified the following four recommendations as having the greatest positive impact:

Four Priority Recommendations

- To maximize the public's choice in where they direct their financial resources and ensure that wealthy contributors do not exert disproportionate influence, individual donation limits for qualified donors should apply to the cumulative total of donations given to all candidates, elector organizations and third parties.
- To enhance transparency in campaign financing, require all donations to candidates, elector organizations and third parties to be donated to a centralized portal run by Elections BC with real time disclosure of donations.
- To reduce the influence of unlimited election-related spending in the pre-campaign period, extend the municipal campaign period to begin immediately after Labour Day.
- To prevent use of otherwise-restricted sources of funding, prohibit use of own funds for third parties

Recommendations

Recommendations related to campaign financing of third-party groups/individuals, candidates and elector organizations overall.

With campaign financing, consistency is critical. Discrepancy in financing restrictions for different types of entities simply encourages “creative” definitions to allow funders to utilize the laxest regulations. For this reason, we have made 10 recommendations that pertain to third-party advertisers, but would be best if applied to all three recipients of campaign financing: candidates, electoral organizations and third-party advertisers.

Who can donate and how much?

Priority
Recommendation

Recommendation 1

Individual donation limits for qualified donors should apply to the cumulative total of donations given to all candidates, elector organizations and third parties.



Equality of citizens: Prevents wealthier citizens from wielding disproportionate influence by funding the same ideas through multiple channels.



Accountability: Reduces risk of elected officials being beholden to individuals wielding disproportionate influence. Places emphasis back on individual voters.



Transparency: Cumulative totals remove opportunity for some donors to hide disproportionate influence behind multiple third parties or candidates.



Freedom of association: The public should be able to contribute to the political process through whichever entities best represent their political perspectives, whether those be candidates, political parties or third parties, with no differentiation.



Diversity of viewpoints: Cumulative totals allow more people to participate equally, opening potential for greater diversity.



Voter political knowledge: Disproportionate influence can distort knowledge, giving a well-funded minority viewpoint the appearance of being widely held.



Voter engagement: The less disproportionate influence the greater people's perceptions that they can make a difference which can lead to greater engagement.

If recommendation 1 is not adopted, then set a contribution limit to third parties consistent with the individual limit to candidates or elector organizations and, consistent with the regulation of donations to elector organizations and candidates, shift authority for setting third-party advertising limits to Elections BC.

If Recommendation 1 is adopted, then Elections BC should take the cumulative nature into account when setting individual donation limits.

Recommendation 2

The definition of qualified donors, who can donate to candidates, elector organizations and third parties, should be restricted to eligible voters and permanent residents of the municipality.

All others should be disqualified from donating to third parties, including organizations, for example businesses and unions.



Equality of citizens: Prevents wealthier citizens from wielding disproportionate influence by funding the same ideas through multiple channels.



Accountability: Reduces risk of elected officials being beholden to organizations wielding disproportionate influence. Places emphasis back on individual voters.



Transparency: Prevents individuals from concealing donations behind other entities.



Voter engagement: The less disproportionate influence the greater people's perceptions that they can make a difference which can lead to greater engagement.

How should donations and activities be disclosed?

Priority
Recommendation

Recommendation 3

Require all donations to candidates, elector organizations and third parties to be donated to a centralized portal run by Elections BC with real time disclosure of donations.

Elections BC would transmit the donations to the appropriate candidate.

There is a precedent for this, in Quebec campaign contributions of more than \$50 in a provincial election are made to the Chief Electoral Officer of élections Quebec.

Less ideal would be to require online disclosure by the registered parties themselves, with offline donations of cumulative donations of \$200 or more from an individual, required to be added within 24 hours.



Equality of citizens: A central portal run by Elections BC would ensure all donations used by all candidates comply with the election laws.



Accountability: Accurate, real time disclosure means that candidates can be held accountable for funds financing their campaigns.



Transparency: Voters could see who is influencing an election in real time.



Voter political knowledge: Recognizing role of influencers in an election is an important part of political knowledge.

Recommendation 4

A public, easily searchable online election advertising registry, run by either Elections BC or the City of Vancouver, should be established.

Candidates, electoral organizations and eligible third parties must register advertising spends and samples of ads within a week of publication in a public easily searchable online registry. Less ideal would be to require advertising spends and samples to be publicly visible on the entity's own website within a week of publication.



Accountability: Facilitating greater scrutiny makes it easier to hold sponsors of ads accountable in the court of public opinion for the content of ads, particularly when ads are misleading.



Transparency: Advertising, in particular digital advertising which can be targeted to very segmented audience and not be available for public discussion, allows entities to have significant influence without having to be directly linked to their messaging.



Voter political knowledge: Knowing who is pushing for something is just as telling as what they are saying. It is essential that voters can connect the who and the what.



Voter engagement: Greater scrutiny of election discourse could reduce voters' feelings of frustration and inability to drive change.

When should regulations apply?

Priority
Recommendation

Recommendation 5

Extend the campaign period to begin immediately after Labour Day.

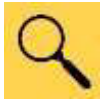
Less ideal would be to introduce a pre-campaign period of 60 days during which there is disclosure requirements on direct advertising. If this second option is pursued, third parties should be required to identify themselves on advertising pertaining to election issues during the pre-campaign period.



Equality of citizens: Having the campaign rules which limit disproportionate influence apply over a longer period extends the period where all participants are operating on a generally level playing field.



Accountability: Shifts emphasis of public discourse near election time to candidates and the public.



Transparency: Currently third parties have the potential to exert significant influence close to the election without any disclosure requirement. Expanding the period maintains freedom of speech while ensuring influencers are fully visible to the voter.



Voter political knowledge: Ensures that voters know who is promoting particular messages



Voter engagement: This should be watched closely. There is a potential that a longer campaign period may lessen the enthusiasm of campaign volunteers, thus diminishing some high-level engagement.

It is important to note that, should the campaign period be extended, there must be allowances for issues-advertising as it pertains to fair comment on issues before council. Allowing exemptions for third parties spending under the individual spending limit may be sufficient to address this concern.

What qualifies as advertising?

Recommendation 6

Expand the definition of advertising to include paid phone banking, paid digital campaigns, polling and paid door-to-door canvassing.



Equality of citizens: Regulating polling, digital campaigns etc. will level the playing field.



Accountability: A wider definition will enable those who pay for polls, door-to-door canvassing etc. to be accountable for the campaign initiatives.



Transparency: A wider definition will enable those who are exposed to polls, door-to-door canvassing etc. to know who is paying for the campaign initiatives.



Voter political knowledge: Voters could have a better understanding of who is financing polls, digital advertising etc. and therefore gain a better appreciation of competing viewpoints.

Recommendation 7

If a person/company is paid/compensated for work, wages, goods or services, whether by the candidate, electoral organization, third-party or a non-registered body in the election, the value must be disclosed.



Equality of citizens: Disclosure could further restrict undue influence of wealthy entities whether they be individual or organization.



Accountability: Disclosure means that citizens can hold the payee and/or the beneficiary responsible (whether by withholding votes or support) if they don't support the alignment.



Transparency: In all cases one cannot have transparency of influence without full disclosure.



Voter political knowledge: One can't have comprehensive knowledge without a full understanding of the various ways entities are contributing to influence the outcome of an election.



Voter engagement: A more level playing field could encourage more engagement.

Recommendation 8

The costs of paid staff, or staff who are reimbursed for their work by another party (temporary secondment) and who are working on what is considered election advertising, should be included in advertising limits.



Equality of citizens: Disclosure helps restrict disproportionate influence.



Accountability: Disclosure means that citizens can hold the payee and/or the beneficiary responsible if they don't support the alignment.



Transparency: Without full disclosure, transparency is compromised.



Voter political knowledge: Increases awareness of influence.



Voter engagement: Indirect - a more level playing field could encourage more engagement.

Recommendations specifically related to third-party campaign financing

Recommendation 9

Priority
Recommendation

Prohibit use of own funds for third parties.

Provisions should be made for membership-based organizations using funds from qualified members membership dues paid in the year of the election up to the individual limit per member on election advertising activities. If recommendation 1 is accepted, then members would have to sign over their limit to their membership organization to spend on their behalf.



Equality of citizens: Restricts disproportionate influence of wealthy third parties.



Accountability: Source of funds more easily identifiable.



Transparency: Source of funds more easily identifiable.



Freedom of association: Enables individuals to organize if contributions are directly traceable to qualified donors



Diversity of viewpoints: Encourages all entities to participate if funds are contributed by qualified donors.



Voter political knowledge: Increases awareness of influence.



Voter engagement: By preventing or limiting domination of discourse, voter engagement could be enhanced.

Recommendation 10

Bring BC legislation up to standards set by federal legislation on transparency of third-party engaging in election advertising.

This would include requirements for separate bank account for campaign contributions, identify sponsor on ads



Accountability: Establishes clear lines between donated and "own" funds. Particularly important when own funds are disqualified as sources of funding.



Transparency: Allow voters to more clearly draw lines between sources of funding and interests in an election.



Voter political knowledge: Increases awareness of influence.

Recommendation 11

Exempt small third-party entities who are spending less than the individual contribution limit on election advertising from registration, and use of own funds and disclosure requirements.

This exemption would be provided they don't coordinate election advertising with other third parties or candidates.



Equality of citizens: Reduces barrier for involvement for small groups and less privileged.



Freedom of association: Reduces barrier for involvement for small groups and less privileged.



Diversity of viewpoints: Reduces barrier for involvement for small groups and less privileged.



Voter political knowledge: Enables voters to be exposed to more entities and perspectives.



Voter engagement: Reduces barrier for involvement for small groups and less privileged.

The treatment of independents vs. candidates with elector organizations

The treatment of independents vs. candidates with elector organizations under campaign finance regulations is an example where inequality does not necessarily translate to inequity. There have been concerns that the existing legislation is biased against candidates with an electoral organization (the individual limit can only be donated to one candidate for the electoral organization or the electoral organization itself). However, the results, whereby no independents were elected as city councillors in 2018, suggests that this bias does not generally outweigh other advantages accruing to those running with an electoral organization.

The treatment of independents vs. candidates with elector organizations under campaign finance regulations is an example where inequality does not necessarily translate to inequity.

However, the situation does encourage candidates to use slates or an endorsement, rather than elector organizations, which informally may diminish voter knowledge or transparency around candidate allegiances. It is important to address both this and the concerns around agendas similar to those of a specific candidate being multiplied through third parties.

We feel this is best addressed by cumulative donation limits as outlined in Recommendation 1.

Other recommendations

Recommendation 12: Penalties

A perceived lack of consequences for those who contravene election regulations has contributed to a climate of distrust and disengagement.

Increase penalties and associated enforcement mechanisms to a level where there is a reliable disincentive to contravene regulations, and increase public awareness of both penalties and those that incur them.

Penalties need not be solely monetary and could include the loss of right to enter into a municipal contract.

A perceived lack of consequences for those who contravene election regulations has contributed to a climate of distrust and disengagement. Therefore, it is essential that penalties for contravention of campaign financing regulations should be serious and proportionate to the potential gain sought. While best intent and human error must be considered, the penalties for contravention should otherwise be beyond the “accepted costs of doing business”.

Recommendation 13: Investing in voter engagement

As elections become more complex and citizens grow more cynical, the IETF recommends that the city of Vancouver continue to invest in increased voter engagement when setting budgets for election funding.

In addition to building on current activities and our prior recommendations, a specific area of concern is digital literacy with regards to civic elections. The

feasibility of an educational campaign on digital media literacy or including a message on digital media literacy with election material should be explored.

No two municipalities offer the same services or same scope of services, nor account for their election costs the same way (e.g., some municipalities use staff from within their department or other departments that are not counted in their budget, while others include all costs). As a result, it is difficult, if not possible to determine any meaningful benchmarks regarding budget.

The 2019 city election-office report to council says \$4.1-million was spent in 2018, compared to \$2.9-million in 2014. With 176,450 ballots cast in 2018, that works out to around \$23 per vote. The increased cost reflects more staff and technology as a result of recommendations to increase engagement, among other things.

With a trend towards dropping voter turnout at every level of government, investments in voter engagement can be frustrating but are nonetheless important.

We can't know the impact of not investing and we lack means to evaluate whether the investment had any impact beyond quantitative number of voters, for example, perhaps leading to increased political knowledge.

“Although overall voter turnout did not increase this election compared to 2014 (43.4% in 2014 compared to 39.4% in 2018), voter turnout remained above the historic average turnout of 36% in Vancouver and was higher than other large Metro Vancouver municipalities (Surrey, Burnaby and Richmond). The investments made in initiatives this election led to an increase in voter engagement and laid the foundation for increased participation **in future elections.**”

Vancouver City Election
Office Report 2019

Recommendation 14: Need for research

Vancouver, municipalities in Metro Vancouver and Elections BC are strongly encouraged to actively pursue opportunities to expand the body of research around municipal elections.

There is very little municipal-specific political research regarding voter engagement and turnout, the impact of campaign financing, political knowledge, political trust, impacts of perceptions of accountability and transparency. Civic elections have too great an impact on the lives of citizens for regulations to be forced to draw so heavily on research looking at other levels of government.

Pursuing opportunities may include working with academics where opportunities exist, actively promoting the potential for research in this area, and making more data available to the public in usable formats.

Specific to these recommendations, we encourage the City to conduct or facilitate research on the impact of restrictions on money in politics on voter turnout and the health of democracy, whether spending disclosures impact turn out or how people vote, and whether third-party advertising influences the vote. We urge support for research on whether the new campaign financing regulations in 2018 related to candidates and elector organizations led to a shift in funds to third parties, and if so what is the impact of increased third-party advertising. We also urged support for research on whether the tighter restrictions on campaign financing and the subsequent reduction in money spent results in reduced voter knowledge.

In the case of Elections BC, we encourage making elections spending and funding disclosures accessible in a more readily useable format, not just to facilitate research but also to improve transparency. Disclosures of campaign contributions and spending should be easily accessible by municipality, and not only on a province-wide basis.

Recommendation 15: Independent Election Task Forces

A new Independent Election Task Force, comprised of individual engaged citizens, should be convened in the first year after each election for a four-year term.

Vancouver has no mechanism for independent evaluation of political engagement and civic election on an ongoing basis. While we were happy to reconvene to address the issues of campaign finance, that would become impractical on an ongoing basis.

The Task Force's mandate should be to conduct a "health check-up" on the state of our civic elections. They should be convened following the issuance of the city election-office report on the previous election, and sit until the issuance of the following city election-office report. They should issue a report containing recommendations to council. This report should be received at least 30 months prior to the next election to allow time for staff review and recommendations to council, council decisions and at least 24 months for implementation. The task force should also issue an annual report on the progress made on its recommendations, and have the opportunity to present it directly to Council. Their term would expire upon their final report and presentation on the previous election.

Recommendation 16: Action required on Citizens' Assembly

That council move forward with establishing a Citizens' Assembly to recommend the preferred proportional system for Vancouver as per our original report.

No progress has yet been made on adopting a proportional voting system municipally, which was identified as a top priority in the original IETF report. With a 2018 provincial referendum on this issue, there has not been a window for an independent look at the issue from a municipal perspective.

Such a participatory process would go a long way to increasing public knowledge and engagement, and be a logical step forward given the current split.

It should however be noted that the results from the 2018 provincial

referendum for the 11 Vancouver constituencies showed an essentially even split on the issue - 50.12% to 49.88% - for FPTP. Obviously, with such a split result, the issue has not been laid to rest in Vancouver.

Knowing that voter comfort with change can be a big barrier, and recognizing the significant role that the BC Citizens' Assembly on Electoral reform played in increasing voter knowledge in the 2005 provincial referendum, we strongly urge the City to revisit our recommendation to establish a Citizens' Assembly to design an improved, more representative, proportional voting system for Vancouver. Such a participatory process would go a long way to increasing public knowledge and engagement, and be a logical step forward given the current split.

In order for a new voting system to be in place for the fall 2022 Council election, it would require that the new system be decided upon at least 12 months in advance of the election in order for city staff to have enough time to prepare appropriately. This would require the provincial government to approve the proposed legislative changes in 2021. In anticipation of a regularly scheduled provincial election in the fall of 2021, we recommend that the city ask the province to enact the required legislative changes in the spring legislative setting of 2021. The Citizens' Assembly process would need to be conducted and completed prior to the end of 2020. We recommend that city council direct staff to plan for the Citizens' Assembly during the fall of 2019, with it starting in the spring of 2020.

Next Steps

We encourage the City of Vancouver to strongly urge the provincial government to improve upon the existing campaign finance laws. The city should do as much as possible on its own and wherever possible in collaboration with other municipalities, the Union of BC Municipalities and the Lower Mainland Local Government Association.

While most steps to strength campaign finance regulations must be taken at the provincial level, the city can act independently in continuing to invest in election funding, research and requiring the establishment of an Independent Task Force during each term.

Additionally, they can continue to act on the recommendations in our first report related to voter engagement, and extension of the franchise to permanent residents, which will require working with the province.

We particularly urge the City to keep moving electoral reform forward, both by working with the province and by establishing a Citizens' Assembly to formulate a proportional voting system for civic elections.

We congratulate the City for its continued interest in the state of municipal elections in Vancouver. It is vital to our community that citizen engagement and the overall health of our elections be prioritized.

APPENDIX A:

Further Background Information

1. History of Reforms

There has been a long history of calls for reform in Vancouver. The current municipal campaign disclosure rules were adopted in 1993 as part of a greater review of local government election provisions. However, the legislation did not introduce any limits on who can contribute or how much can be contributed to local government elections. Since 1993, there have been frequent reviews and calls to change this. These include:

- 1998 UBCM/Ministry accountability working groups and Ministry-led public forums,
- 1999 Ministry of Municipal Affairs discussion paper on campaign expense limits,
- 1998 Kennedy Stewart and Patrick Smith (SFU) report on Local Government Accountability in BC, and
- 2004 Thomas Berger report for the City of Vancouver.

In the past two decades, two significant Provincial amendments to campaign financing provisions have been introduced. In 1999, amendments were introduced that:

- Clarified the rules for filing campaign financing statements and supplementary reports;
- Provided a new requirement that all candidates and elector organizations open separate campaign accounts to be used exclusively for the election campaign;
- Required more detailed recording and reporting of campaign contributions and expenses;

- Required that campaign contributions surpluses in excess of \$500, after repayment of the candidate's own contributions, be held in trust by the local government for that candidate in the next election; and
- Clarified that all money contributed by a candidate toward his or her own election campaign is a campaign contribution.

In 2008, further amendments were introduced that:

- Broadened the applicability of the campaign finance rules to individuals and groups that manage or finance election campaigns, whether in whole or in part (i.e., third party "shadow campaigns");
- Brought "campaign organizers" under the campaign finance rules;
- Changed requirement for a separate campaign account so that those who do not receive campaign contributions or incur election expenses are not required to open a dedicated campaign account;
- Improved public access to campaign disclosure statements by allowing for viewing of the documents via electronic means;
- Expanded the purposes for which the information in the disclosure statements may be used to include the disqualification and conflict of interest provisions of the Community Charter and Vancouver Charter; and
- Increased penalties for failing to appoint a financial agent and failing to file a supplementary disclosure statement to match those for failing to comply with the other campaign finance related offences.

Throughout this period, the City of Vancouver made formal requests to the Province to change the Vancouver Charter to allow Vancouver to create rules for municipal election campaign finance in 2005, 2009, 2010, 2012, 2013 (via a motion endorsed by the Union of British Columbia Municipalities), 2014 and 2015.

In the spring of 2016, the Provincial Government passed Bill 17 – Local Election Campaign Financing Amendment Act (LECFA), which put in place expense limits for candidates, elector organizations and third-party advertisers. LECFA

did not limit contributions to municipal political parties from corporations, unions and individuals.

In the fall of 2017, amendments to LECFA banned organizations, such as unions, corporations, and individuals who are not British Columbia residents, from providing contributions to candidates, elector organizations and third-party advertising sponsors. The amendments also established limits on contributions to candidates and elector organizations. These changes were retroactive to October 31, 2017 and applied to all local elections starting with the 2018 general municipal elections.

In the spring of 2018, an additional change clarified that operational expenses of a “continuing” elector organization are considered “election expenses” during election and campaign periods. A “continuing” elector organization is generally a civic political party that operates over the years in sequential local elections with a primary purpose being to advance the election of its endorsed candidates. This change applies to all local elections after April 27, 2018.

2. Relevant Court Cases

We reviewed several court cases that addressed regulations related to third party advertising. These are briefly summarized below:

2004 Harper v Canada

(summary here edited based on the Wikipedia entry). In Harper v Canada (AG), [2004], the Supreme Court of Canada ruled that the Canada Elections Act's spending limits on third party election advertising violated sections 2(b), 2(d), and 3 of the Canadian Charter of Rights and Freedoms, but this violation was justified under section 1.

This case followed earlier regulations (in particular, the 1974 Election Expenses Act) that prohibited third party interest groups, defined as any individual or group other than a candidate or a registered political party, from spending money in promoting or opposing candidates and parties. In 1997, the Supreme Court ruled in *Libman v. Attorney General of Quebec* that restricting third party spending has a valid object "to permit an informed choice to be made by ensuring that some positions are not buried by others". The Liberal government in 2002 modified the Canada Elections Act to allow third parties to spend up to \$3000 per district and \$150,000 nationwide. The National Citizens' Coalition represented by Stephen Harper sought to have all such limitations declared unconstitutional.

The court found that, though the spending limits infringed upon section 2b of the Charter, the law is reasonable and is justified in light of section 1. The majority concluded that the objective of the spending limits is electoral fairness. The law has an effect in creating "a level playing field for those who wish to engage in the electoral discourse, enabling voters to be better informed". In addition, section 3 of the Charter is not infringed because the right of meaningful participation in electoral process includes the right to participate in an informed manner. Without spending limits, individuals or groups can dominate the discussion and prevent opposing views from being heard. Some justices wrote a dissenting opinion arguing that the spending limits were too restrictive.

2009 BC 'Gag Law' – Bill 42

This law was said to be introduced in response to the implementation of fixed election dates. Bill 42 was designed to limit third-party political advertising in a 60 day 'pre-campaign' period prior to the 28 day official campaign period (i.e., for a total of 88 days of restricted spending before election day).

Limits were applied to any "person or organization" that was not a candidate, party or riding organization. The limits were \$3000 per riding and \$150,000

provincewide. The definition of “election advertising” was also expanded and required third parties to register as sponsors in order to engage in any election advertising. Volunteer time had to be counted, and organizations or individuals could not engage in ANY election advertising until they had registered.

In the aftermath, labour unions claimed Bill 42 was unconstitutional. The BC Supreme Court agreed that these amendments were constitutionally invalid, principally because of the overbreadth of the definition of election advertising (it would apply to both government action as well as election issues, and since government was sitting, this was deemed overly impairing), and so limited the time period for restrictions on third party advertising to the formal election campaign period of 28 days.

2012 Amendment to BC Gag Law

In May 2012, the Province re-introduced modified legislation that reduced the pre-campaign spending limitation period to 40 days (from 60 days), in addition to the 28-day campaign period. The governing BC Liberal Party argued that this was done to balance the right of free speech with the legitimate wish to prevent the wealthy from dominating political discourse. Again, the BC Court of Appeal struck down these amendments.

Our analysis of these court judgements is that the courts are willing to recognize the right of government to regulate and limit third party election advertising during formal campaign periods, but are reluctant to limit political advertising outside of such periods in order to avoid infringing on Canadians’ right to free speech and their right to comment on political issues, particularly in pre-campaign periods in which the government may well be sitting. However, the courts may accept rules that require transparency, even in a pre-campaign period, and may allow restrictions that are more tightly focused (e.g., that target election advertising (aimed specifically at effecting

an election outcome) rather than political advertising (aimed at advocating for particular policies)).

2017 B.C. Freedom of Information and Privacy Association v. British Columbia (Attorney General)

In this case, BC FIPA sought to have the registration requirement in s. 239 of the BC Election Act ruled to be in violation of section 2 of the Charter, to the extent that it applies to sponsors of election advertising who spend less than \$500 in a given campaign period. The Supreme Court ruled that, despite the Attorney General of British Columbia's concession that s. 239 of the Act was an infringement of the right of free expression, the absence of a small party exemption was nonetheless justified under section 1 of the Charter because the court felt that the registration requirement was minimal. Despite this ruling, the members of the IETF feel that even minimal impediments can deter political expression by small entities; this has informed our recommendation that a small entity exemption be implemented.

3. Selected policies from other jurisdictions

Members reviewed other jurisdictions worldwide to compare alternatives.

Quebec

- All political contributions are made to a central portal (Elections Quebec) in provincial elections.
- In order to receive campaign funds, candidates must be authorized by Elections Quebec.
- Campaign contributors must sign, on the contribution receipt, a declaration stating that the contribution is made from the contributor's

own property, voluntarily, without compensation or consideration and that it cannot be reimbursed in any way.

- The name of the employer of the contributor is required on the contribution receipt
- Only electors can make a contribution to a party, candidate or nomination contestant. Legal persons (companies, unions, etc.) are strictly forbidden from making contributions
- All contributions over \$50 must be by cheque or credit card.
- Third parties who promote views on matters of public interest are described as “private intervenors.” A “private intervenor” must be a qualified elector or a group of qualified electors working together toward a common goal.
- The range of penalties for violation of election financing laws include the loss of right to sit or to vote for elected members and to enter into a public contract.

Alberta

- Third parties are required to open a separate bank account for election campaign expenses related to partisan activities, partisan advertising and election surveys.
- Third parties are required to identify themselves in partisan advertising during the defined period before the election period.
- Online platforms are required to keep a public easily-searchable registry of all political ads. Advertisers must provide the online platforms with who is paying for the ad.
- Albertans are not permitted to contribute funds that are not their own funds nor any funds given to them for the purpose of making a contribution. Alberta Election Finances and Contributions Disclosure Act says “no person shall contribute to a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant (a) funds not actually belonging to that person, or (b) funds that have been given or furnished to the person by another person or any prohibited person or entity

- Also, no person or entity can give funds to another person for the purpose of having that other person make a contribution of those funds to a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant.
- No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant and no person acting on behalf of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or person knows or ought to know that the contribution is contrary to the legislation.
- Constituency associations may accept contributions at any time, except during a campaign period for an election. Candidates may accept contributions only during a campaign period for an election.
- Contributions are limited to \$4,000 per calendar year to any one or combination of political parties, constituency associations, candidates, nomination contestants, and leadership contestants.
- Only residents in Alberta can contribute to parties and candidates. A contribution of \$250 is disclosed publicly. An anonymous contribution cannot be more than \$50.
- Contributions can be made to a candidate only during a campaign period for an election.

New Zealand

- Spending restrictions kick in 3 months in advance of an election.
- Donations to candidates and parties by persons and companies/organizations are unrestricted, but must be disclosed above a threshold (NZ \$1500 per candidate and NZ \$15,000 per party).
- Candidates may not spend on negative advertising (must promote themselves).

- Third parties need to have permission of parties or candidates if their ads appear to support a party or candidate (does not disallow attack ads, which encourages this behaviour).
- Third parties can be individuals or organizations and can spend up to NZ \$300,000; they must register if they spend over NZ \$12,600.
- Allows for issue advocacy.
- They have had problems with allowing anonymous donations.

Australia

- Regulates third parties similar to New Zealand.
- In Victoria, donors may contribute to a maximum of 6 third parties.

New York City

- Has a program to match small donations; small donations up to a certain amount (for example \$25) are matched with public funding.
- Donations are matched at a 6-to-1 ratio. So, a \$10 donation from an individual is worth \$70 to the party or candidate, leading them to value and pursue these types of donations.
- Motivates parties to seek the support and engagement of average citizens with a low limit on individual donations.
- This system has successfully increased the total number of small donations and had led the demographic profile of donors to be more representative of the population.

Seattle

- Has a universal citizens' voucher program to control the flow of public funding more directly.
- Each voter receives four \$25 taxpayer-funded vouchers in the mail, which they can distribute to candidates.
- This approach would put all citizens on equal footing in their ability to fund the political process.

4. Academic and policy experts

The Independent Election Task Force would like to thank several academics and policy experts for sharing their perspectives on campaign financing in municipal elections. The IETF consulted the following:

- Patrick Smith, director of the SFU Institute of Governance Studies and co-author of more than a dozen books on government.
- Gerald Baier, UBC political science professor;
- Lori Turnbull, director of the School of Public Administration and associate political science professor at Dalhousie University;
- Aaron Moore, Fellow at the Institute on Municipal Finance and Governance at the Munk School of Global Affairs, University of Toronto; adjunct professor in the Department of City Planning, University of Manitoba.
- Alex Hemingway, Public Interest Researcher; Canadian Centre for Policy Alternatives - BC Office

5. Vancouver Political Party Positions on Campaign Finance

One City

Their 2018 platform did not mention this issue. However, historically One City has called for the Province to enact strict candidate spending limits, end corporate donations, and put a \$250 cap on individual contributions. This platform further recommended that parties should be able to spend \$1 for every eligible voter, maximum \$400,000. Independent candidates and small parties should be able to spend a maximum of \$25,000. They further recommended that third-party spending in Vancouver elections should be limited to no more than \$.25 per eligible voter. This would generate a limit of about \$100,000 per third-party grouping.

Vision Vancouver

Their 2018 platform did not include this issue. However, when Vision Vancouver had a majority on City Council, they supported the Province's 2017 legislation to ban corporate and union donations, and they also created the Independent Election Task Force. In 2009, 2010, 2012, 2013 (via a motion endorsed by the Union of British Columbia Municipalities), and in 2014 and 2015, the City of Vancouver, with a Vision Vancouver majority council, brought forward formal requests to the Province requesting changes to the Vancouver Charter to allow Vancouver to create rules for municipal election campaign finance;

NPA

After the 2017 legislation, the NPA continued to solicit corporate donations but used them for party operations rather than campaign expenses. This led to the amendment that donations for operating expenses can only be accepted in non-election years. Their 2018 platform did not mention this issue.

Green Party of Vancouver

Their 2018 platform committed to implement the Provincial cap on donation amounts and ban corporate and union donations all the time, not just in election years as required.

COPE

Their 2018 platform called for a ban on donations in non-election years.

6. Third party and electoral organization positions

A summary of the positions of some of the third parties that do participate in or comment on Vancouver elections.

CUPE BC

Under the new rules, the union can no longer do the campaign activities it used to. It encourages members to do many activities which are still allowed, including: identifying and training candidates between elections, endorsing candidates, and promoting endorsed candidates directly to members, among others.

Dogwood BC

- Supports banning corporate, union, and out-of-province donations.
- Limit on individual contributions: less than \$1,000 each year.
- A ban on all anonymous donations.
- Donations should be publicly disclosed in real time.
- In-kind donations and employee lending should not be allowed.
- British Columbia should reduce the amount of money a political party can spend in each election.
- A fair system of public supplementation of campaign expenses, including the current tax return system, may be allowable.
- Laws should be imposed retroactively back to May 9, 2017.
- The new legislation should include a provision that requires campaign finance laws to be revisited and reviewed every ten years.
- All these laws should also be applied to municipal campaigns and elections.

Democracy Watch

Advocates for regulated and tightened campaign finance laws federally.

Integrity BC

Supports provincial changes to make all third-party advertisers – inside and outside a campaign period – disclose their donors.

Centre for Civic Governance

In 2012, they recommended:

- Third party campaign spending limits, disclosure and regulations applicable during the municipal election campaign period, with BC provincial regulations as a model.
- If restrictions on campaign contribution sources are implemented, a fair system of public campaign financing would become essential to ensure fairness and accessibility.
- Clarify disclosure rules for third party “campaign organizers” and other non-candidate campaigners in local elections and give Elections BC power to actively monitor such campaigns (including the investigation and audits of third party campaigns). A disclosure system based on the model governing third-party participation in provincial campaigns would be appropriate.

Canadian Taxpayers Federation

Says that campaign limits overall are an affront to freedom of speech and of association, so they are not in favour of either of these reforms.

7. Survey to City Council

This group also prepared a survey for current Vancouver City Councillors to assess their positions on these issues. One response was received.

Invitation letter:

Dear Councillor [name]

The Independent Elections Task Force, which reported to Council in 2017, has been reconvened (as a result of a Council motion in May 2018) to review two policy questions that have not been considered previously by Council, and to provide recommendations.

The issues are:

- Appropriate regulation of third-party groups wishing to engage on policy during municipal elections; and
- A suggestion that contributions to candidates running with elector organizations be in line with contributions to candidates running as independents.

As we research the questions, we would like to hear about your experience in the 2018 municipal election campaign. Please click below to complete a short questionnaire.

[survey link]

We would appreciate your responses by Wednesday, March 20th, 2019.

Best regards,

Shoni Field

Chair, Independent Elections Task Force, City of Vancouver

Survey Questions:

1. The recent 2018 city election was the first to be run under tightened contribution and spending rules. Based on your experience, do you have any concerns about any aspect of the rules, such as reporting mechanisms, penalties or the campaign period, related to third-party spending?

2. Similarly, do you have any concerns about differences in how any aspect of the financial rules, such as disclosure, size of party or definition of a political party, apply to candidates running with elector organizations versus independents?

3. Do you have any other thoughts related to campaign finance rules that you would like to share with the Independent Elections Task Force?

4. In 2018 did you run as an independent or with an elector organization?

- ☐ Independent
- ☐ With an Elector Organization

5. If you ran as an independent were you endorsed by another candidate for council or mayor?

- ☐ Yes
- ☐ No

APPENDIX B: Resources

Guide for Local Elections Third Party Sponsors in BC

<https://elections.bc.ca/docs/lecfa/guide-for-local-elections-third-party-sponsors-in-bc.pdf>

Elections BC Financial Reports and Political Contributions System

<https://contributions.electionsbc.gov.bc.ca/pcs/>

New B.C. campaign finance rules give independents a fundraising edge over parties in municipal races

<https://www.theglobeandmail.com/canada/british-columbia/article-new-bc-campaign-finance-loophole-give-independents-a-fundraising/>

UBCM White papers and submissions on local elections reform

<https://www.ubcm.ca/EN/main/resolutions/policy-areas/governance/local-government-elections.html>

REGULAR COUNCIL MEETING MINUTES, MAY 1, 2018

<https://council.vancouver.ca/20180501/documents/regu20180501min.pdf>

In Camera Meeting discussing election financing motion

<https://council.vancouver.ca/20180501/regu20180501ag.htm>

Local Elections Campaign Financing Act

<http://www.bclaws.ca/civix/document/id/lc/statreg/14018>

Campaign financing rules for 2018 local elections

<https://elections.bc.ca/docs/lecfa/local-elections-campaign-financing-amendment-act-2017.pdf>

Guide to Local Elections Financing in BC for Candidates and their Financial Agents

<https://elections.bc.ca/docs/lecfa/guide-to-local-elections-campaign-financing-in-bc-for-candidates-and-their-financial-agents.pdf>

Guide to Local Election Third Party Sponsors

<https://elections.bc.ca/docs/lecfa/guide-for-local-elections-third-party-sponsors-in-bc.pdf>

Third Party Expense Limits - Local Elections Campaign Financing

<https://elections.bc.ca/docs/lecfa/Expense-Limits-TPS.pdf>

BC Guide for Local Election Third Party Sponsors

<https://elections.bc.ca/docs/lecfa/guide-for-local-elections-third-party-sponsors-in-bc.pdf>

The rules for advertising in a BC election

<https://elections.bc.ca/docs/guidebooks/4340/4340-election-advertising.html>

Political financing handbook for candidates, February 2018

<http://www.elections.ca/content.aspx?section=pol&dir=can/man/ec20155&document=index&lang=e>

Information on third party and election financing

<http://www.elections.ca/content.aspx?section=pol&document=info&dir=thi&lang=e>

BC Guide for Campaign financing for candidates and their financial agents

<https://elections.bc.ca/docs/lecfa/guide-to-local-elections-campaign-financing-in-bc-for-candidates-and-their-financial-agents.pdf>

Vancouver Charter

http://www.bclaws.ca/civix/document/id/complete/statreg/vanch_01

BC government announcement of election reform

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/local-election-reform>

B.C. Supreme Court strikes down election gag law

<https://www.cbc.ca/news/canada/british-columbia/b-c-supreme-court-strikes-down-election-gag-law-1.797233>

B.C. 'gag law' reintroduced with amendments

<https://www.theglobeandmail.com/news/british-columbia/bc-gag-law-reintroduced-with-amendments/article4104073/>

Court rules BC election gag law unconstitutional despite changes

<https://thetyee.ca/Blogs/TheHook/Election-Central/2012/10/04/CourtGag/>

2012 Amendment Ruled Unconstitutional

[https://thetyee.ca/Documents/2012/10/04/2012%20BCCA%20394%20Reference%20re%20Election%20Act%20\(BC\).pdf](https://thetyee.ca/Documents/2012/10/04/2012%20BCCA%20394%20Reference%20re%20Election%20Act%20(BC).pdf)

Palmer: Slow-learning B.C. Liberals give up on gag law after third loss in court
<http://www.vancouversun.com/news/Palmer+Slow+learning+Liberals+give+after+third+loss+court/7346793/story.html>

McKelvey, Fenwick & Dubois, Elizabeth.

Toward the responsible use of bots in politics. Posted online by the Institute for Research in Public Policy. November 2017.

<http://policyoptions.irpp.org/magazines/january-2019/new-election-laws-no-match-internet/> Retrieved March 18, 2019.

Reepschlager, Anna & Dubois, Elizabeth. New election laws are no match for the Internet. Posted online by the Institute for Research in Public Policy. January 2019. 2019 <http://policyoptions.irpp.org/magazines/november-2017/toward-the-responsible-use-of-bots-in-politics/> Retrieved March 18, 2019.

[NYC and Seattle approaches](#) to campaign financing
<https://www.policynote.ca/fire-hose-of-corporate-cash-or-pooled-tax-dollars-to-fund-elections-a-no-brainer/>

Leonid Sirota, [Third Parties and Democracy 2.0](#), McGill Law Journal Volume 60, Number 2, January 2015, pp. 173-379

Public Policy Forum - [Transparent and Level: Modernizing Political Financing in Canada](#). March 2018.

Integrity BC, [Making the Case for Electoral Finance Reform in B.C.](#), March 2013

APPENDIX C:

Candidates, electoral organizations and third-party spending & disclosures

Electoral Organizations and Mayoralty Candidates Summary

	2014	2018
COPE	\$264,694 (8 candidates and mayoralty candidate)	\$132,946 (3 candidates for council)
Green Party	\$124,717 (4 candidates for council)	\$89,607 (3 candidates for council)
Non Partisan Association	\$2,491,381(8 candidates and mayoralty candidate)	\$1,037,305 (8 candidates and mayoralty candidate)
Vision Vancouver	\$2,426,932 (8 candidates and mayoralty candidate)	\$278,936 (5 candidates for council)
One City	\$62,654 (1 candidate for council)	\$20,004 (2 candidates for council)
Independent mayoralty candidate Kennedy Stewart	(Not a candidate)	\$ 328,228
Independent mayoralty candidate Shauna Sylvester	(Not a candidate)	\$137,410

Election Financial Disclosures filed with Elections BC 2014 & 2018

POSITION
SOUGHT CAMPAIGN CONTRIBUTIONS

ALL SOURCES, IN-KIND TRANSFERS

OTHER DEPOSITS

2018 COPE

ELECTOR ORGANIZATION		\$129,321
SWANSON, JEAN	Councillor	\$3,625
ROBERTS, ANNE	Councillor	\$0
O'KEEFE, DERRICK	Councillor	\$0
		\$132,946
		\$132,946

2014 COPE

ELECTOR ORGANIZATION		\$142,161
SIEGL, AUDREY	Councillor	\$127
O'KEEFFE, JENNIFER	Councillor	\$132
MUNOZ, WILSON	Councillor	\$4,155
LOUIS, TIM	Councillor	\$68,637
HIGGINS, KEITH	Councillor	\$2,566
GAVIN, GAYLE	Councillor	\$11,251
CHOW TAN, SID	Councillor	\$1,010
BARRETT, LISA	Councillor	\$650
WONG, MEENA	Mayor	\$34,005
		\$264,694
		\$264,694

2018 GREEN

ELECTOR ORGANIZATION		\$82,210
FRY, PETE	Councillor	\$2,446
CARR, ADRIANE	Councillor	\$551
WONG, DAVID H.T.	Councillor	\$0
WIEBE, MICHAEL	Councillor	\$4,400
		<hr/>
		\$89,607
		<hr/>

2014 GREEN

ELECTOR ORGANIZATION		\$100,986
FRY, PETE	Councillor	\$7,572
CARR, ADRIANE	Councillor	\$8,602
BROWN, CLETA	Councillor	\$7,557
		<hr/>
		\$124,717
		<hr/>

2018 NPA

ELECTOR ORGANIZATION		\$837,794
SIM, KEN	Mayor	\$85,771
QUIMPO, JOJO	Councillor	\$0
BLIGH, REBECCA	Councillor	\$0
KIRBY-YUNG, SARAH	Councillor	\$12,344
HARDWICK, COLLEEN	Councillor	\$14,095
GREWAL, DAVID	Councillor	\$0
GOODRICH, JUSTIN P.	Councillor	\$0
DOMINATO, LISA	Councillor	\$27,967
DE GENOVA, MELISSA	Councillor	\$59,334
		<u>\$1,037,305</u>

2014 NPA

ELECTOR ORGANIZATION		\$2,460,091
LAPORTE, KIRK	Mayor	\$3,411
SCOTT, SUZANNE	Councillor	\$9,782
ROBERTSON, IAN	Councillor	\$128
MCDOWELL, ROB	Councillor	\$2,812
LOW, KEN	Councillor	\$550
DE GENOVA, MELISSA	Councillor	\$889
BALL, ELIZABETH	Councillor	\$8,400
BAKER, GREGORY	Councillor	\$1,910
AFFLECK, GEORGE	Councillor	\$3,408
		<u>\$2,491,381</u>

2018 VISION VANCOUVER

ELECTOR ORGANIZATION		\$253,035
ZHANG, WEI QIAO	Councillor	\$6,690
PAZ, TANYA	Councillor	\$15,282
EVANS, CATHERINE	Councillor	\$1,732
DEAL, HEATHER	Councillor	\$0
CARDONA, DIEGO	Councillor	\$2,197
		<hr/>
		\$278,936

2014 VISION VANCOUVER

ELECTOR ORGANIZATION		\$2,416,222
TANG, TONY	Councillor	\$0
STEVENSON, TIM	Councillor	\$0
SHARMA, NIKI	Councillor	\$6,835
REIMER, ANDREA	Councillor	\$0
DEAL, HEATHER	Councillor	\$0
MEGGS, GEOFF	Councillor	\$3,875
LOUIE, RAYMOND	Councillor	\$0
JANG, KERRY	Councillor	\$0
ROBERTSON, GREGOR	Mayor	\$0
		<hr/>
		\$2,426,932

2018 ONE CITY ASSOCIATION

YAN, BRANDON Councillor \$10,265

BOYLE, CHRISTINE Councillor \$9,739

\$20,004

2014 ONE CITY VANCOUVER

ELECTOR ORGANIZATION \$62,654

AQUINO, RJ Councillor \$300

\$62,954

Third Parties Spending Summary

	2014	2018
Registered third parties filing returns province-wide	176	97
Third-parties likely to have participated in Vancouver elections and declaring >\$500 in advertising expenses	~16	~20
Approximate spend of third-party groups likely to have participated in Vancouver elections	\$156,579	\$192,674
Three largest third-party contributors	Vancouver Elementary School Teachers Association (\$47,000), Trevor Boudreau (\$27,100, channeled through 'Communities Care'), and Next Use Recycling (\$27,375)	International Association of Fire-Fighters (\$68,692); the BC Real Estate Association (\$27,139) and the BC Professional Firefighters Association (\$23,541)

Third Party Disclosures in 2018 Election

Vancouver residents and Vancouver-based groups who filed third party disclosures	value of sponsored advertising
WOMEN TRANSFORMING CITIES INTERNATIONAL SOCIETY	\$1,990
VANCOUVER VOTES WOMEN	\$1,683
VANCOUVER TENANTS UNION	\$1,010
VANCOUVER FIRE FIGHTERS' UNION LOCAL 18	\$11,738
VANCOUVER ELEMENTARY SCHOOL TEACHERS' ASSOCIATION	\$5,009
VANCOUVER AND DISTRICT LABOUR COUNCIL	\$10,241
UNION GOSPEL MISSION	\$8,500
RAY-CAM COOPERATIVE ASSOCIATION	\$2,332
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS - Ottawa based	\$68,692
HENSEL, ROBERT	\$2,356
FORCE OF NATURE SOCIETY	\$1,475
FALSE CREEK CO-OPERATIVE HOUSING ASSOCIATION	\$1,691
BRITISH COLUMBIA REAL ESTATE ASSOCIATION	\$27,139

BRITISH COLUMBIA PROFESSIONAL FIRE FIGHTERS' ASSOCIATION	\$23,541
BC INDEPENDENT CANNABIS ASSOCIATION	\$1,194
AIRBNB CANADA INC. - Toronto based	\$6,470
0888436 BC LTD (Ye Liu - principal)	\$10,133

Third Party Disclosures in 2014 Election

Vancouver residents and Vancouver-based groups who filed third party disclosures	value of sponsored advertising
Vancouver Elementary School Teachers Association	\$47,000
Communities Care	\$27,100
Next Use Recycling	\$26,375
A Better City (Vancouver)	\$9,424
Vancouver Secondary Teachers Association	\$8,657
Women Transforming Cities Int'l Society	\$7,249
Robert ('Red') Robinson	\$6,161
BC Chamber of Commerce	\$5,888
Vancouver Firefighters Union	\$5,408
BC Federation of Labour	\$5,102
BC Maritime Employers Association	\$2,500
BCTF	\$2,364
Trillium Medical Education Consultants	\$1,267
Sensible Change Society	\$1,136
Dogwood	\$940
CUPE	\$8