

File No.: 04-1000-20-2021-246

June 18, 2021

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of May 7, 2021 for:

Record of a letter that was written by Mayor Stewart in response to a motion.

On February 10, Council sitting as the "Standing Committee on Policy and Strategic Priorities" passed the Local Elections – Review and Reform motion (B.6). The final wording is on pages 35-40 of the minutes. Paragraph J of the motion directed the Mayor to send a letter to Josie Osborne and David Eby requesting "Local Choice" legislation. The paragraph reads:

J. THAT Council direct the Mayor to write to BC's new Minister of Municipal Affairs and the Attorney General to request that the Province of British Columbia create "Local Choice" legislation that grants municipalities the power to consider, choose and adopt more inclusive voting systems as a means of improving representation and racial diversity on Council in future elections.

All responsive records are attached.

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2021-124610); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,

[Signature on file]

Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:kt



MAYOR KENNEDY STEWART

March 25, 2021

Premier John Horgan
Office of the Premier
PO Box 9041 STN PROV GOVT
Victoria, BC V8W 9E1

The Honourable Josie Osborne
Minister of Municipal Affairs
PO Box 9056 STN PROV GOVT
Victoria, BC V8W 9E2

The Honourable David Eby
Attorney General and Minister Responsible for Housing
PO Box 9044 STN PROV GOVT
Victoria, BC V8W 9E2

Via e-mail: Premier@gov.bc.ca; MAH.Minister@gov.bc.ca; AG.Minister@gov.bc.ca

Re: Local Elections – Review and Reform

Dear Premier Horgan, Minister Osborne, and Minister Eby:

On behalf of Vancouver City Council, I am writing with regards to the *Local Elections Campaign Financing Act*, and am requesting further amendments be made to BC's electoral system to encourage equity and transparency.

In 2017, strengthening the *Local Elections Campaign Financing Act* was one of your government's first legislative achievements, and Vancouver City Council was pleased to see work in this area continue with the recent announcement to further strengthen local election campaign financing rules and better align the *Local Elections Campaign Financing Act* with those established for Provincial elections in the *Election Act*.

As you are aware, Canadian municipalities continue to struggle with low voter turnout (an average of 40%) in local elections. Analysis shows a persistent lack of diversity in those elected, as well as feelings of disenfranchisement amongst youth and permanent residents. Governments at home and abroad are additionally facing an emergent threat from online engagement methods, including artificial intelligence, machine learning, and other analytical tools; all proven to affect voter behaviour and election outcomes. Given the ongoing and emerging threats to democracy, I am requesting that your government consider the following additional amendments to the *Local Elections Campaign Financing Act*, to address current weaknesses in the system and increase public confidence and election integrity.

On February 18th, 2021, Vancouver City Council unanimously passed a motion requesting the Province of BC to:

1. Expand the definition of advertising to cover digital political campaigns and tools, and mandate their disclosure of how and when data is being collected and used, and by whom. Currently, Elections BC regulates and defines online advertising as election advertising that has or would normally have a placement cost, but this does not specifically or explicitly include all digital campaigns or data collection.

Tools that are utilized to psychologically profile and identify, predict and change voter behavior include a variety of online engagement methods such as news, profiles, groups, memes and shareables. The use of deceptive and coercive digital campaigns have been implicated in manipulating electoral outcomes in developing nations, and more recently the Trump campaign in the United States, Brexit in the UK (Cambridge Analytica) and in BC's 2017 provincial and 2018 local elections (AIQ).

2. Amend the *Local Election Campaign Finance Act* so that any independent candidates that run or position themselves during election campaigns as informal slates and engage in joint advertising or promotion be subject to the cap of \$1,200 per donor. This means independent candidates would be subject to the same financing limitations as allowed for elector organizations, or civic political parties. City Council requests the Province to amend the campaign financing rules accordingly in time for the 2022 municipal elections.
3. Create "Local Choice" legislation that grants municipalities the power to consider, choose and adopt more inclusive voting systems as a means of improving representation and racial diversity on Council in future elections.

Please refer to the attached Appendix for additional details on *Motion B.6. Local Elections – Review and Reform*.

To help strengthen our municipal elections, Vancouver City Council has directed staff to consider options and a framework to reconvene an Independent Election Task Force in advance of the 2022 Vancouver city election. If convened, the task force will recommend changes to City Council concerning the delivery of municipal elections with a key goal being to increase voter turnout in future municipal elections.

Sincerely,



Kennedy Stewart
Mayor, City of Vancouver

Appendix:

Motion B.6: Local Elections – Review and Reform

On February 18th, 2021, Vancouver City Council unanimously approved the following motion:

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to include as part of Your City Hall and/or another City-led undertaking, a deliberative public participatory process, to engage, consider and report back on Vancouverites preference for a system of Proportional Representation suited for municipal elections;

FURTHER THAT Council direct staff to report back on methodology and cost to establish a Citizen’s Assembly of Vancouver voters to review and recommend a preferred electoral system for Vancouver, independently or in collaboration with the above deliberative public participatory process findings;

FURTHER THAT timing of this work consider an opportunity for voters in the 2022 general election to provide input;

FURTHER THAT any recommendations or decisions by Council on electoral reform and/or electoral representation, come only after a plebiscite included in a regularly scheduled general civic election;

AND FURTHER THAT the results of any plebiscite be considered in any future staff recommendations and decisions made by Council on this matter.

- B. THAT Council direct staff to advise amendments to the City of Vancouver Code of Conduct for Council officials, requiring elected officials to publicly declare any potential conflict related to campaign donations in decision-making process on matters submitted to City Council;
- C. FURTHER THAT staff advise amendments to require all submissions before Vancouver City Council to indicate whether the applicants (either the applying entity, or in the case of an organization, its officers) made any political contributions to any member of council either inside or outside the local election or campaign period and, if so, to whom; and that contributors would self-identify on submissions requiring a decision by City Council, and these disclosures would accompany the submissions throughout the decision-making process.
- D. THAT Council direct staff to advise amendments to the City of Vancouver Election By-law 9070 and/or Vancouver Code of Conduct, to increase penalties and associated enforcement mechanisms (including the loss of right to enter into a municipal contract) to a level where this is a reliable disincentive to contravene regulations.

- E. THAT Council direct staff to report back with options and framework to reconvene an Independent Election Task Force in advance of, and to report back after on the 2022 Vancouver general election. Per the recommendations of the 2016-2019 IETF a reconvened task force would be composed of entirely different members and that the work of the task force would be in addition to – and not a substitute for – reports undertaken by the city election office.
- F. THAT Council direct staff to include opportunities and engagement to improve civic literacy and voter turnout as part of the Your City Hall initiative, as well as through information and dialogues conveyed through the Vancouver Plan.
- G. THAT the following resolution be submitted to LMGA for submission as a 2021 UBCM Resolution titled “Expanding definitions and responsibilities of digital campaigns”:

WHEREAS Elections BC regulates and defines online advertising as election advertising that has or would normally have a placement cost, but this does not specifically or explicitly include all digital campaigns or data collection.

AND WHEREAS Sophisticated data analytics, weapons-grade communication technology, artificial intelligence and machine learning, alongside under-regulated online campaign and engagement tools have emerged to use psychographic profiling and predicting techniques to identify voter behaviour and persuade the persuadables using a variety of online engagement methods including but not limited to news, profiles, groups, memes and shareables. The use of deceptive and coercive digital campaigns have been implicated in manipulating electoral outcomes in developing nations, and more recently the Trump campaign in the United States, Brexit in the UK (Cambridge Analytica) and in BC’s 2017 provincial and 2018 local elections (AIQ).

THEREFORE BE IT RESOLVED THAT the UBCM request the Government of British Columbia to expand the definition of advertising to cover digital political campaigns and tools, and mandate their disclosure of how and when data is being collected and used, and by whom.

FURTHER THAT Whereas clause number 9 and related footnotes be included as backgrounder to this motion.

- G. THAT the Mayor on behalf of Council write to the Premier and Minister of Municipal Affairs requesting the Government of British Columbia consider and implement Recommendation F above as an amendment to the *Local Election Campaign Finance Act*.
- H. THAT Council direct staff to consider and report back on implementing these recommendations into the Council Code of Conduct and/or Election By-law 9070.
- I. THAT Council direct the Mayor to advocate to the Province to amend the *Local Election Campaign Finance Act* so that any independent candidates that run or position themselves during election campaigns as informal slates and engage in joint advertising or promotion, thereby realizing the benefits of elector organizations or promotional activities of any third-parties supporting informal slates, should be subject to the same financing limitations, namely the cap of \$1,200 per single

donor currently allowed for all candidates running under a single party banner, and request the Province to amend the campaign financing rules accordingly in time for the 2022 municipal elections.

- J. THAT Council direct the Mayor to write to BC's new Minister of Municipal Affairs and the Attorney General to request that the Province of British Columbia create "Local Choice" legislation that grants municipalities the power to consider, choose and adopt more inclusive voting systems as a means of improving representation and racial diversity on Council in future elections;

FURTHER THAT Council, at its next meeting, consider the above clause to be submitted to LMLGA for submission as a 2021 UBCM Resolution.