

# **B.C. FEDERATION OF LABOUR**

## **SUBMISSION TO THE LOCAL GOVERNMENT ELECTIONS TASKFORCE**

April 2010



## **ABOUT OF B.C. FEDERATION OF LABOUR**

The British Columbia Federation of Labour represents more than half a million workers through affiliated unions in more than 800 locals, working in every aspect of the BC economy.

Established in 1956 the "B.C. Fed", as it is most commonly known, has a long and proud history of fighting for the rights of all working people. The goals of the Federation are best exemplified by its slogan: "What we desire for ourselves, we wish for all."

The B.C. Federation of Labour brings together the majority of unions in BC to provide a single voice on workers' rights. As well, the Federation provides support to affiliated unions during labour disputes and co-ordinates cross-union campaigns from health and safety to political action and women's rights.

The Federation is a member of the Canadian Labour Congress (CLC) and works with it to further the interests of working people across the country.

## **INTRODUCTION**

The B.C. Federation of Labour appreciates the opportunity to be consulted by the Local Government Elections Taskforce. We believe that strong and effective local government is important to a healthy and vibrant society.

We believe that the rules by which candidates and third parties engage in local government elections and referenda should be straightforward, transparent, expertly administered, and fair for all parties. Above all, the right of the electorate to participate in a democratic election must be paramount in each of the committee's recommendations.

The following Submission outlines the position of the B.C. Federation of Labour on several of the issues before the committee.

## 1. Corporate vote

In the “Corporate Vote” Discussion Paper provided by the Task Force, the case for the corporate vote is made with the following statements:

1. Local government impacts business;
2. An incentive is required for local decision-makers to reflect business interests;
3. Paying taxes should be tied to voting; and
4. Symbolic value of corporate vote.

While the Task Force is only considering extending the vote to corporations, the above statements could easily be extended to ALL interests in a community, not just those of business. For example, a non-profit society, which creates jobs and pays taxes on any property it might own, is affected by zoning, tax rates, parking restrictions, and municipal services. To single out businesses as a special interest that should rise above other organizations is to ignore the many other organizations that make up the rich fabric of our communities.

Of course, businesses have a specific interest in local government decisions – they also have specific interests in provincial and federal decisions.

Business has long had avenues available to them to express their political perspectives through donations to candidates and third party efforts to influence the outcome of local government decisions, including election of candidates.

The logical extension of the proposed corporate vote is a more full examination of all those groups and individuals who have an interest in local government decision-making. For example, should outdoor enthusiasts vote in Whistler’s elections? Should a person who commutes to downtown Victoria or work have a vote in Victoria? What about the CEO and union representatives for a non-profit Vancouver cancer research center which employees hundreds of specialized workers?

One-person, one-vote is the cornerstone of a liberal democratic society that elects a representative government.

It is our view that the local election laws should maintain consistency with the provincial laws that govern how business should express and influence government decisions – that is through limited, accountable, and transparent election spending.

**Recommendation: Businesses, non-profit organizations, churches, and other tax-paying or land-holding entities should not be given any voting rights at the local, provincial, or federal level.**

## 2. Campaign Finance

### a. Contribution limits and disclosure:

The B.C. Federation of Labour believes that wherever possible, there should be congruencies in election laws at the federal, provincial, and municipal level.

It is our position that elections are more democratic when so-called “big-money” contributions are limited. It is our position that business and union donations should be limited in both provincial and local elections. That said, it would be inappropriate for funding limits to be put in place at the local level without similar changes at the provincial level.

The public is best-served when political representatives can spend the majority of their time and effort consulting and communicating with their constituents rather than chasing fundraising dollars.

Public financing of elections, such as our federal election rules, helps democracy by alleviating the fundraising concerns of local government officials. It is our position that public financing, or at a minimum,

reimbursement for a portion of election expenses, would allow candidates and local government officials to focus more keenly on needs of constituents rather than political donors.

**Recommendation: Review local and provincial election financing rules to consider limiting campaign contributions and establishing public election financing.**

**b. Spending limits**

Campaign spending limits for both individuals and political parties are critical to ensuring a fair election process. Spending limits help to temper the degree to which a candidates' financial means allows him or her to dominate communications with the electorate. Spending limits are in place at the federal and provincial level, and it is logical that limits should also be in place at the local level.

When crafting spending limits, the Task Force should give particular consideration ensuring that new limits are appropriate for the varied size of BC municipalities.

In surveying other jurisdictions across Canada, we find the simplest methods of limiting candidate spending are found in Ontario and Quebec in the form of a flat dollar amount per voter. The disadvantage of this method of limiting spending is that it does not recognize the varied fixed and variable costs that are region-specific. For example, a fixed cost such as website design becomes relatively cheaper in larger elections where costs can be spread across many voters.

In contrast to the above model, the province of Manitoba has empowered the local governments to set campaign limits. This type of model allows for greater regional flexibility, but also allows for widely varied rules between jurisdictions.

**Recommendation: Local governments should be encouraged to set campaign spending limits, with consideration for overriding, provincially set guidelines and principles.**

**c. Tax credits**

Individual income tax credits for political donations are an important tool to encourage and reward citizen engagement in the electoral process. Already in place at the provincial and federal level, we support extending these tax credits to include local government elections.

**Recommendation: Tax credits should be extended to local government elections.**

**d. Disclosure**

Campaign spending disclosure is yet another tool to increase the accountability and transparency of elections to the benefit of the electorate.

There are several measures in place at the provincial level that should be extended to local government elections.

Firstly, the provincial requirement that candidates have their expenses audited when more than \$10,000 has been spent should be extended to local government elections.

Further, annual financial reporting ensures that elections expenses are not hidden in the years between elections and should be considered in local elections.

**Recommendation: Candidates and electoral parties that spend over a set threshold should be required to submit audited, annual financial statements.**

### 3. Enforcement Processes

At present, each municipality is responsible for administering its own local government elections. Administration can be done by city staff or on occasion by private contractors who do the work for the city.

While enforcement conjures up the image of discipline, there are in fact many tasks that come with the enforcement responsibility: education, advising, investigation, discipline and, if necessary, legal defense of enforcement decisions.

It has been our experience that enforcement of local government elections can be unclear, inconsistent, and certainly less rigorous than the enforcement of provincial and federal elections. Because enforcement is not supervised by an independent electoral office, challenges of conflict-of-interest, training, expertise, and workload can arise. In smaller jurisdictions, resources are not available to investigate and enforce election rules and complaints with the same authority and expertise of Elections BC.

**Recommendation: Enforcement provisions should be strengthened to ensure that all jurisdictions employ a rigorous, properly-funded, and expertly administered enforcement process.**

### 4. Role of Chief Electoral Officer (BC) in local government elections

In 2008, Chief Electoral Officers (CEOs) were given the additional responsibility of overseeing third-party campaigns called “campaign organizers”. It is in this role that the labour movement has had significant interaction with local government elections CEOs.

Though well-intentioned and hard-working, many CEOs are not provided the training, staff, or financial resources to oversee elections. As provincial laws have changed and accountability measures have increased in recent years, an extra burden has been placed on each municipality.

Elections BC is well-positioned to ease this burden in the areas of administration, education, advising, record-keeping, and enforcement.

**Recommendation: Elections BC should be assigned responsibility to oversee the local government elections process.**

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