

Submission to the Local Government Elections Task Force

**Submitted by the B.C. Government and
Service Employees' Union**

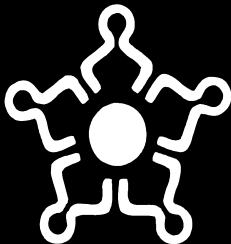
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Introduction

The B.C. Government and Service Employees' Union (the "BCGEU") represents more than 65,000 people working in various sectors and occupations in more than 550 bargaining units across British Columbia. Our diverse membership includes employees of several municipal governments, school boards and public libraries.

We appreciate the opportunity to provide this brief submission to the Local Government Elections Task Force (the "Task Force").

Background

The Task Force was established to deliberate and make recommendations on enacting new legislative provisions to improve the electoral process for local government elections in B.C. It is mandated to consider specific issues related to local government elections under the following topics:

- Campaign finance, including contribution/spending disclosure and limits, and tax credits.
- Enforcement processes and outcomes.
- The role of the chief electoral officer (B.C.) in local government elections.
- The local election cycle (term of office).
- The restoration of the corporate vote.
- Other agreed upon matters (e.g. matters raised in UBCM resolutions, such as the eligibility of volunteers to be candidates).

The Task Force review of local government election issues is being guided by the following principles:

- **Consistency.** Local government election rules should be consistent with provincial and federal election rules, where appropriate and practical.
- **Flexibility.** Local government election rules should be designed to accommodate the unique circumstances and needs of different municipalities, where appropriate and practical.
- **Transparency.** Local government election rules should be clear to all, and should promote openness and awareness in respect of the actors and factors that might influence the policies and actions of candidates once elected.
- **Accessibility.** Local government election rules should be clear and understandable, and should promote local resident participation.
- **Fairness.** Local government election rules should adhere to the central principle of "one person, one vote."
- **Honesty.** Local government election rules should protect the integrity of the elections process from abuse.

- **Efficiency.** Local government election rules should ensure an efficient elections process, both in terms of cost and administration.
- **Balance.** Local government election rules should establish and maintain a balance between the needs, interests and roles of local governments and local residents.

Corporate vote

The BCGEU supports the principles set out above, and urges the Task Force to adhere to these principles in its deliberations and recommendations. In this respect, we are particularly concerned about the Task Force's consideration of restoring the corporate vote.

In our view, the corporate vote is inconsistent with the principles set out above. Accordingly, we strongly oppose its restoration.

1. Consistency

Restoring the corporate vote in local government elections in B.C. would create a "major inconsistency"¹ between local election rules in this province and the rules governing provincial and federal elections across Canada. Corporations have never been able to vote in Canadian federal elections or in provincial elections in B.C.²

Corporate voting at the local level in B.C. would also be inconsistent with local government election rules in other provinces. No Canadian provinces allow corporations to vote in municipal elections.

In addition, restoring the corporate vote in local government elections in B.C. could create inconsistencies at the local level in this province. For example, corporations do not currently vote in school board elections in B.C.

2. Flexibility

As with any rule applied universally to all local governments in B.C., the impacts and implications of corporate voting may vary, depending on factors such as the size and composition (residents vs. corporations) of each local community. We are not aware of any study or analysis of these potential variations.

B.C. is made up of a wide range of diverse local communities. We caution the Task Force against recommending the restoration of the corporate vote without first assessing its potential impacts at the local level across the province.

3. Transparency

Corporate voting in local government elections in B.C. was discontinued in 1993, in part because the rules around the corporate vote were complex and unclear. The criteria for

¹ Local Government Elections Task Force, "Corporate Vote Discussion Paper" (January 2010) at 8 [Corporate Vote paper].

² Allowing corporate voting in local elections, while maintaining the status quo federally and provincially, may have constitutional implications. In addition, corporate voting rules that exclude some corporations from eligibility could be impacted by federal and provincial trade agreements, such as NAFTA and TILMA.

eligibility for corporate voting were complicated, and eligibility was sometimes difficult for local governments to verify.

Similar transparency issues could emerge if the corporate vote were restored. For example, if corporate voting is connected to paying taxes, it might be difficult to verify information submitted by commercial lessees as proof of their eligibility to vote.

Thus, it seems likely that restoring the corporate vote will reduce, rather than enhance, openness and transparency in local elections.

4. Accessibility

As we noted above, corporate voting in local government elections in B.C. was discontinued in 1993, in part because the rules around the corporate vote were unclear and difficult to understand and apply. We caution against reintroducing this element of inaccessibility into our local government election system.

In addition, we are concerned that restoring corporate voting could alienate many local residents and have a negative impact on their participation in local elections.

5. Fairness

Based on past experience, it seems likely that corporate voting in local government elections in B.C. would conflict with the central democratic principle of "one person, one vote."

Prior to its elimination in 1993, the corporate vote allowed a person to vote in more than one local election. This arguably provided a person who controlled a corporation with broader political influence than a person without the corporate vote.

Additionally, potential abuse of the corporate voting system could negatively impact the overall fairness of local elections.

6. Honesty

In addition to being complex and unclear, corporate voting rules were abused and manipulated prior to the elimination of the corporate vote in 1993. For example, a corporation was able to vote in a particular local election by renting a parking space or storage locker in the local community.

Not only does this type of conduct harm the integrity of the local elections process, but it also exacerbates the unfairness discussed above.

7. Efficiency

Restoring the corporate vote would create a "significant administrative challenge,"³ particularly in respect of voter registration and verification of voter eligibility. Local elections administrators involved in overseeing elections prior to 1993 have reported that "administering the corporate vote was a significant challenge," and have indicated that they "would be concerned if [corporate voting] were re-instituted."⁴

8. Balance

Finally, we are concerned that the introduction of corporate voting into B.C.'s present system of local government elections will disturb the current balance between the needs, interests and roles of local governments and local residents.

Politics and governance can sometimes play out as zero-sum games. We worry that the corporate vote could detract from the power and voice of local residents in local elections, and could unduly influence the government decision-making of candidates once elected.

We note that voting in local government elections is only one tool for local accountability. Even without the corporate vote, B.C.'s local government system includes many features for ensuring accountable local governance, and several tools for local governments to support and encourage business.

³ Corporate Vote paper, *supra* note 1.

⁴ *Ibid.*, at 9.

Conclusion

The BCGEU supports the principles of consistency, flexibility, transparency, accessibility, fairness, honesty, efficiency and balance, as they relate to local government elections. In our view, corporate voting in local government elections is inconsistent with these principles. We urge the Task Force to adhere to these principles in its deliberations and recommendations, and to recommend against the restoration of the corporate vote.