

Citizens' Assembly on Electoral Reform Terms of Reference and Duties of the Chair

Terms of Reference

1 The Citizens' Assembly must assess models for electing Members of the Legislative Assembly and issue a report recommending whether the current model for these elections should be retained or another model should be adopted.

2 In carrying out the assessment described in section 1, the Citizens' Assembly must consult with British Columbians and provide British Columbians with the opportunity to make submissions to the Citizens' Assembly in writing, and orally at public meetings.

3 If the Citizens' Assembly recommends under section 1 the adoption of a model for electing Members of the Legislative Assembly that is different from the current model,

(a) the model must be consistent with both the Constitution of Canada and the Westminster parliamentary system, and

(b) the model must be described clearly and in detail in its report.

4 The assessment described in section 1 must

(a) be limited to the manner by which voters' ballots are translated into seats in the Legislative Assembly, and

(b) take into account the potential effect of its recommended model on the system of government in British Columbia.

5 The chair is a member of the Citizens' Assembly and does not have a vote in its proceedings except to cast a deciding vote in the event of a tie.

6 Decisions on procedure during the proceedings of the Citizens' Assembly must be made by the chair or a deputy chair in the absence of the chair.

7 Decisions under section 6 may not be appealed to the Citizens' Assembly, but the chair, or a deputy chair in the absence of the chair, may request submissions from members of the Citizens' Assembly before making a decision.

8 Decisions of the Citizens' Assembly must be made by a vote of the majority of the Citizens' Assembly.

9 The Citizens' Assembly may expel any of its members except the chair, for cause, as defined by the Citizens' Assembly, by a 2/3 majority vote.

10 The Citizens' Assembly must present its final version of the report described in section 1 to the Attorney General no later than December 15, 2004, for tabling in the Legislative Assembly.

11 On presentation of the final version of the report to the Attorney General, the chair may arrange for the publication of the report.

12 The Citizens' Assembly may make reports described in section 1 of an interim nature to a Special Committee of the Legislative Assembly that the Legislative Assembly appoints for this purpose.

Duties of the Chair

1 The chair must supervise the selection process for the creation of a Citizens' Assembly to assess models for electing Members of the Legislative Assembly of British Columbia and recommend whether the current election model should be retained or another model should be adopted. Details concerning the terms of reference of the Citizens' Assembly are set out in a separate order in council.

2 The Citizens' Assembly is to be broadly representative of the adult population of British Columbia, particularly respecting age, gender and geographical distribution. The selection process for the creation of the Citizens' Assembly must therefore include the following steps:

(a) with the approval and under the supervision of the chief electoral officer, a stratified sample of names must be drawn at random from the provincial voters' list according to the following criteria:

- (i) an equal number of names must be drawn for each of the 79 provincial electoral districts;
- (ii) an equal number of men's and women's names must be drawn;
- (iii) the names drawn must reflect the age distribution of the provincial population aged 18 and over;

- (b) those persons whose names are drawn and who are not ineligible for participation must be invited to indicate whether they are interested in becoming a member of the Citizens' Assembly;
- (c) interested persons must be invited to attend local selection meetings;
- (d) local selection meetings must provide further information to prospective members and random selection of names from among those still interested must be held;
- (e) the random selection must choose 2 members of the Citizens' Assembly for each electoral district for a total of 158 members plus the chair;
- (f) the local selection meetings must be facilitated by a person or persons designated by the chair.

3 For the purposes of this selection process, the following persons are not eligible to be members of the Citizens' Assembly:

- (a) a person who is not a Canadian citizen;
- (b) a person not resident in British Columbia;
- (c) a person under the age of 18;
- (d) a judge, justice or court referee;
- (e) a member or officer of the Parliament of Canada or of the Privy Council of Canada;
- (f) a member or officer of the Legislature or of the Executive Council;
- (g) an elected member of a local government, including a school board or a park board;
- (h) a candidate in the last 2 federal, provincial, municipal or regional district elections;
- (i) an official representative or agent of a person identified in paragraph (h);
- (j) an immediate family member of a sitting Member of the Legislative Assembly;
- (k) a current officer or official representative of a registered provincial political party;
- (l) a chief or band councillor elected under the Indian Act;
- (m) an elected member of a Nisga'a Government as defined in the Nisga'a Final Agreement.

4 In the event of the death or resignation of any member of the Citizens' Assembly, no replacements may be made until the Assembly's total membership is reduced by 25%. Replacements will then be selected by the chair from the list of unsuccessful candidates at local selection meetings.

5 The chair has administrative responsibility for the Citizens' Assembly and will chair its meetings.

6 Administrative responsibility for the Citizens' Assembly includes, within the budget and other resources provided for the purpose,

- (a) selecting the staff needed for the Citizens' Assembly to carry out its terms of reference, and
- (b) ensuring that the members of the Citizens' Assembly are provided with the educational resources they require to carry out their duties.

7 The chair may select up to 4 deputy chairs to assist the chair to carry out the duties of the chair.

8 The chair must prepare rules of procedure for the conduct of the business of the Citizens' Assembly and present these rules for adoption by the Citizens' Assembly at its first meeting. These rules must be consistent with

- (a) the duties of the chair, and
- (b) the terms of reference of the Citizens' Assembly.