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## BC Farm Industry Review Board

November 30, 2022

File: 1680-04\CRMC

### DELIVERED BY EMAIL

Kalpna Solanki, Chair  
BC Cranberry Marketing Commission  
5915 Coquitlam St.  
Chilliwack, BC V2R 0A1

Dear Kalpna Solanki,

### BRITISH COLUMBIA CRANBERRY MARKETING COMMISSION 2022 ELECTION RULES AND PROCEDURES REVIEW – APPROVAL

Under the *British Columbia Cranberry Marketing Commission Scheme, s. 3.03 (1-2)* election rules and procedures do not come into effect until approved by the BC Farm Industry Review Board (BCFIRB). I have been appointed by the Chair of the BCFIRB as a one-person panel to review proposed changes to commodity board and commissions election rules and procedures in 2022.

On Sept 26, 2022, the BC Cranberry Marketing Commission (the Commission) submitted a request for prior approval of proposed changes to its Election and Appointment Rules and Procedures (Election Rules). The proposed changes to the 2021 Election Rules are summarized as follows:

- Updating phrasing and formatting;
- A new introduction to provide clarity on the source of regulatory authorities and requirements;
- Clarification on Commissioner term start date (section 2);
- Removal of clause extending a Commissioners' term until a successor is appointed or elected (section 3);
- Addition of a re-appointment process for the Commission appointed independent member (section 4);
- Clarification that the orders of the Commission cannot be challenged by calling into question the validity of the election (section 5);
- Addition that nominees for election must be at least 19 years of age (section 7); and,
- Addition of electronic voting as the default voting option (section 9).

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## **Analysis**

In addition to minor edits that provide process and legal clarity and do not change the election process, the Commission recommends three substantive amendments.

First, the Commission proposes removing the clause extending a Commissioners' term until a successor is elected or appointed. In its view, the potentially open ended term is a deterrent to those considering running for a position. I accept this change. However, I note that there is risk the Commission may lack quorum for a period of time should a Commissioners' term ends and a special election or appointment process must be conducted to fill the vacancy.

Second, the Commission proposes a merit-based reappointment process for its Commission appointed independent member. I agree with this addition as it gives the Commission the option of extending the appointed member term through a transparent, accountable process.

Third, the Commission proposes moving to on-line voting as the default voting process should it approve an on-line voting system. I find this strategic as it may lower the barrier to voting. Those producers who may not have access to online voting, have the option of requesting a paper ballot. As such, access to technology does not become a barrier to a Registered Producers ability to vote.

Following the Commission's submission, and in consultation with BCFIRB staff, the Commission General Manager proposed amending the deadlines for voter registration and eligibility appeals (Section 8). Rather than setting a date (December 1), a timeline (a minimum number of weeks) would be set in the Election Rules and the specific date would be published for each election in the Election Schedule. This gives the Commission's election process flexibility and mitigates risk of requiring a BCFIRB prior approval to alter the Election Rules if a scheduling issue arises. The Commission General Manager also proposed setting a fixed date for the next Election Review for administrative clarity.

To my knowledge, the Commission has not reviewed and approved these proposed administrative changes. However, I am satisfied that the changes are strategic and should be made. The changes do not materially impact the election process.

The Commission General Manager recommended a 12 week minimum from the election for receiving voter appointments and eligibility appeals. However, I find it will give the Commission greater flexibility to stipulate a 6 week minimum.

## **Decision**

I have made minor edits to the Election Rules for clarity. I have also amended the following sections for election schedule flexibility and clarity:

- Section 8: Replaced "Any changes to these appointments must be received by December 1" with "Any changes to the appointed Registered Voters must be received by the date in the Election Schedule, no later than 6 weeks before the election";
- Section 8: Replaced "The deadline for appeal is December 1" with "An eligibility appeal must be received by the date in the Election Schedule, no later than 6 weeks before the election"; and,

- Section 11: Specified the Election Rules are to be reviewed prior to January 1, 2028.

I hereby approve the 2022 Election and Appointment Rules and Procedures.

Please find attached the signed revised rules.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:

A handwritten signature in black ink, appearing to read 'P. Joshi', written in a cursive style.

Pawan Joshi  
Presiding Member