

**Minutes
Election Advisory Committee
January 28, 2005**

10:00 p.m.
The Fairmont Waterfront Hotel
900 Canada Place Way, Vancouver, British Columbia

Attending:

Committee Members (alpha by Party):

Green Party: Paul George

Liberal Party of BC: Kelly Reichert, R. Hector MacKay-Dunn

Marijuana Party: Kirk Tousaw

New Democratic Party of BC: Nicola Hill, Leslie Kerr (substituting for Gerry Scott)

Elections BC:

Harry Neufeld, Chief Electoral Officer (Chair)

Linda Johnson, Deputy Chief Electoral Officer

Nola Western, Director, Electoral Finance

Linda Shout, Executive Coordinator (Minutes)

Introductions and Administrative Matters

Meeting attendees introduced themselves. Kirk Tousaw introduced himself as the recently appointed representative from the BC Marijuana Party, replacing Rob Gillespie. It was noted that the Democratic Reform Party of BC had been advised of its entitlement to have two members present at the meeting.

In-Person versus Email Consultation: Hector MacKay-Dunn noted his concern that consultation with the Committee should take place in person whenever possible rather than through email consultation. Members agreed that in-person meetings allow for the greatest exchange of viewpoints. However, the previous email consultation occurred on a matter discussed at two earlier committee meetings (the early implementation of changes to the *Election Act* for the purposes of testing them in the Surrey-Panorama Ridge by-election). In such a situation, members agreed that email consultation is practical and less costly.

Changes to Electoral Finance Rules Since 2001

Nola Western reported that there have been no changes to electoral finance rules since 2002, so committee members may already be well aware of the changes that were passed in the fall of 2002. She noted, however, that the parties' candidates and campaign workers may not be fully aware of the changes to the law.

Survey Methodology; Advertising Expense Limits: Sections of the *Election Act* requiring the publication of election opinion survey methodology were repealed. As well, there is no longer an advertising expense limit for third party advertisers. Election

advertising sponsors must still register, identify themselves on their advertising, and report on their expenditures following an election.

Political Contributions by Charitable Organizations: Charitable organizations may not make political contributions. Nola Western explained that the definition of “charitable organization” refers to organizations formed for the relief of poverty; advancement of religion or education; protection of health; governmental or municipal purposes or other purposes beneficial to the community. This definition, referred to by Attorney General Geoff Plant in the Hansard record, is broad and is not restricted to those charitable organizations registered for income tax purposes.

Volunteers: There has also been a change to the definition of “volunteer.” This change has been in effect only since the Fall of 2002, so may be new to some candidates and their supporters. A volunteer is defined as an individual who volunteers their services and does not receive any compensation, directly or indirectly, in relation to the services or the time spent providing them. Employers may not pay an individual while they are “volunteering” their time to a political campaign. Employees on holiday who are volunteering for a campaign may continue to be paid, but the employer must not give them extra holiday time in order to “volunteer” for a campaign. Political party and candidate financial agents are responsible for ensuring volunteers are aware of this rule. To avoid an unwitting contravention, parties could consider having volunteers sign a document stating that they are not receiving compensation, directly or indirectly, for their voluntary work for the campaign.

Independent Sponsors: A question was raised regarding the provisions in the Act to ensure independent advertising sponsors are truly independent. Nola Western noted that, although the section heading (s.244) refers to “independent sponsors,” this term is not used in the section text. Advertising sponsors are required to make a solemn declaration that they do not intend to sponsor election advertising to circumvent a candidate’s or political party’s election expenses limit. If a situation comes to the attention of Elections BC via complaints or media reports, Elections BC will consider conducting an investigation. The courts would have to decide whether collusion actually occurred. Few complaints in this regard have been received by Elections BC.

Nola Western noted, in response to a question, that letters sent by organizations encouraging their members to join a political party or otherwise support a particular party would be considered third party advertising if received during the campaign period.

Members were reminded that political contributions can only be made to a financial agent or someone authorized in writing by the financial agent to receive contributions. The Act is very prescriptive on this matter.

Members discussed the impact of fixed election dates on the timing of party activities (for example, a mailout *delivered* before writs are issued and therefore outside of the campaign period would not be subject to election expenses limits). It was agreed that the committee should review this matter following the next election.

Update on Previous Chief Electoral Officer (CEO) Recommendations: There has been no progress on a number of recommendations previously made by the CEO for legislative change regarding electoral finance rules. Nola Western briefly outlined those recommendations and reiterated that they have not been adopted.

- Deputy Financial Agents still cannot file election financing reports. They may only receive political contributions and issue tax receipts. In the case of registered constituency associations and candidates, the financial agent of the registered political party can file election financing reports on their behalf.
- Political contributions over the amount of \$100 still cannot be made by debit card or by credit card contributions over the telephone or internet. A signed document is required, such as a cheque, money order or signed credit card slip.
- Campaign workers cannot pay for election expenses and then be reimbursed by the financial agent. Only the financial agent or a person authorized by the financial agent may pay for election expenses, and such expenses must be paid for from funds of the election campaign or political party.
- An authorization statement is still required on all election advertising, including buttons, t-shirts and bumper stickers. Statements must include the name of the financial agent of the candidate. Generic signs or other items that don't identify a candidate or electoral district are not required to specify the candidate's financial agent but must identify the political party's financial agent

There are a number of other recommendations for legislative change made by the Chief Electoral Officer following the 1996 and 2001 general elections that have not been acted on by government. Following the 2005 general election, the Committee will discuss a strategy to raise the profile of these and future recommendations.

Standing Nominations

A [letter](#) from Harry Neufeld regarding the standing nomination process was sent to all registered political parties on October 1st, 2004. So far, only one standing nomination has been received. Harry Neufeld encouraged Committee members to promote standing nominations for their parties. The nomination documents are complex and detailed in their requirements, and parties can assist nominees with completing their paperwork fully and correctly.

Members agreed that nominee names, political party affiliation and respective electoral districts should be posted to the Elections BC Web site on a regular basis, as they are processed. This will assist parties to quickly reference the status of standing nominations for their party. As well, such publication is consistent with the requirement that standing nomination documents be made available for public inspection (s.59 of the Act).

Committee members were reminded to destroy any old nomination kits and only use the new ones. To distinguish them, the current nomination booklet in the new kit is 8.5" x 11" with tear-out pages to facilitate copying of documentation.

Financial agents may open a bank account any time, and aren't required to wait until nomination papers are filed. However, tax receipts cannot be issued until the candidate receives their Certificate of Candidacy. Two documents complete the standing nomination process: the disclosure required by the *Financial Disclosure Act* and a solemn declaration that the nominee is qualified to be nominated. These documents must be filed between Day 0 (April 19, 2005) and 4:30 p.m. Pacific time on Monday, April 25, 2005. The Chief Electoral Office commits to processing these final two documents promptly and issuing the Certificate of Candidacy containing the candidate number required for tax receipt purposes as quickly as possible.

Political Party Endorsement of Candidates

Committee members were provided a sample copy of the two-sided "[Endorsement of Candidates by Registered Political Party](#)" form. This form can be used to endorse up to the maximum 79 candidates. It must be received at the Chief Electoral Office by 1:00 p.m. Pacific time on Day 15 (Wednesday, May 4, 2005). Committee members were asked to ensure that the forms are carefully checked to ensure that candidates are matched with their correct electoral district and that all candidate names are spelled correctly.

A party may withdraw its endorsement of a candidate by writing to the Chief Electoral Officer before the close of the nomination period. The letter must be signed by two principal officers of the party currently on record with Elections BC.

Committee members were reminded that if a party does not endorse a candidate, that individual is still a candidate. A candidate may also choose not to represent a party that has endorsed them by notifying the Chief Electoral Officer in writing before the close of nominations that they are dropping their party affiliation. Such an individual would also continue to be a candidate. A letter will be sent to all registered political parties shortly after the Writs are issued to remind them of the endorsement deadline.

Elections BC's General Election Web Site

Committee members were provided an early draft of three pages of the Elections BC General Election Web site. The Elections BC home page will be modified to provide links to components of the General Election Web site containing information on voter registration, the general election and the referendum on electoral reform. There will be further menu selections including information on voting opportunities, an unofficial list of candidates, and a tool for voters to determine their electoral district. A media tool kit will also be available containing statistics and news releases. The regular Elections BC Web site menus will continue to be available.

Political Party Platform Statements

Linda Shout referred to a [letter](#) sent to all registered political parties by Harry Neufeld on December 21st, inviting them to submit their [political party platform](#) for posting to the

Elections BC Web site. To date, five parties have submitted a statement. A total of 12 parties responded to the letter indicating their intent to submit one. The deadline for submission of statements is Monday, January 31, 2005.

Linda Johnson reported that the idea of placing brief political party statements on the Elections BC Web site was received favourably at a recent meeting of academics she attended. In their view, provided Elections BC extends the opportunity to all parties and it is framed in a neutral manner on the Web site, this is an appropriate activity. Furthermore, many members of the public expect to find this information on electoral administration Web sites.

A concern was raised by Hector MacKay-Dunn regarding placing political party platform information on the Elections BC Web site. He stated that it was his personal view that Elections BC must operate as a neutral administrative body independent of the government, and for this reason political statements should not be housed on the Elections BC Web site nor should the site become a communication link for political parties. Members of the public may contact parties directly or otherwise do their own research to find out more about political party policies. As well, he expressed concern that it was not possible to provide enough information within the 200 word limit for useful comparative purposes.

Harry Neufeld noted that this matter was discussed during the April 6, 2004 meeting of the Election Advisory Committee. Members had agreed at that meeting that posting this information could help increase voter participation, particularly amongst web-savvy youth, by providing comparative information in one convenient location. Other Committee members agreed that 200 words was adequate to provide a succinct introduction to party policy, inviting interested individuals to follow up with a visit to the party's Web site to learn more.

At the request of Committee member Hector MacKay-Dunn, Harry Neufeld agreed to seek an independent legal opinion on whether Elections BC's mandate to provide public information includes the provision of political party statements.

The remaining Committee members did not oppose the posting of political party information to the Elections BC Web site and requested a report on the amount of traffic this page receives, as well as any feedback Elections BC receives regarding the posting of political party information.

Update on Referendum on Electoral Reform

The referendum on electoral reform will be held in conjunction with the general election on May 17, 2005. Procedural information regarding the conduct of the referendum will be contained in the referendum regulations which are still in draft form. The Committee will not be consulted regarding these regulations as they are Cabinet regulations, not regulations of the Chief Electoral Officer. However, Linda Johnson has been consulted regarding the regulations and provided some information to Committee members.

- The methodology will mirror that of the general election. Qualifications to vote will be the same; there will be the same voting opportunities and the calendar will be identical.
- Separate ballots will be issued for the election and referendum, and the security screen on the back of the ballots will be a different colour to distinguish the ballots when folded.
- One ballot box will be used for both ballots, and ballots will be separated at close of voting for counting purposes.
- If a voter declines either a referendum ballot or an election ballot, a notation will be made in the voting book to allow reconciliation of ballots.
- Voters who vote absentee will also receive two ballots, both of which will be placed in one secrecy envelope inside one certification envelope. These ballots will be considered at final count.
- Election ballots will be counted first, followed by referendum ballots, at both initial and final counts. Election results will be announced to the media as soon as they are known by District Electoral Officers (DEOs). The referendum results will therefore be reported later than the election results. The results released on election night are preliminary **only**.
- The threshold required for the referendum to pass is based on a combination of electoral district results and province-wide results. There must be 60% of valid votes province-wide in favour of the referendum question as well as a simple majority in 60% (48) of electoral districts.
- Candidate scrutineers may be present during the referendum ballot count (but may leave if they wish once the candidate ballots are counted). It has not been decided whether candidate scrutineers will have any standing to object during the counting of referendum ballots.
- It has been suggested that there be a parallel scheme for referendum advertisers as for election advertisers. There will likely be the same disclosure and reporting process. Referendum advertisers will need to be registered.
- It is not known if there will be yes/no group regulation. Gordon Gibson recommended that there be no regulation of yes/no groups.

Regulations are expected to be completed within the next two weeks. The referendum process should be very seamless and easy for voters.

Provision of Referendum Information to the Public: Citizens' Assembly reports are currently being delivered to households province-wide. Committee members were provided with a mockup of a householder that Elections BC will be sending mid-February notifying B.C. residents of the upcoming general election and referendum.

A Referendum Information Office, administered through the Ministry of Attorney General, will be established and a Director has been appointed. The Referendum Information Office is responsible for education about the issues voters must consider before voting on the referendum question. Elections BC will only provide information on

the mechanics of how the referendum will be conducted, such as what the ballot will look like, how ballots will be counted, and how the ‘super-majority’ will be determined.

The Referendum Information Office hopes to have a Web site functioning in February, with a call centre set up and circular distributed to households in March. The Elections BC Web site will contain a link to the Referendum Information Office site and vice versa. Both sites will carry a link to the Citizens’ Assembly site. The Citizens’ Assembly site will not be updated any further as the Citizens’ Assembly office has shut down following completion of its work. It is expected that copies of the Citizens’ Assembly report will be available at all voting opportunities, but voting officials will be instructed not to provide any information on the referendum issue.

Access to Shape and Base Map Files

Shape files for all provincial electoral districts and voting areas have been placed on the Elections BC Web site. The shape files can be used with digital base map information parties currently use. At a previous Committee meeting, Elections BC was asked for more information about the base it uses and if that base may be provided to political parties. Harry Neufeld reported that the digital map files Elections BC use include proprietary information that Elections BC is not permitted to share with other users. He circulated a [handout](#) to Committee members describing options for licencing the base map information used by Elections BC.

Voting area redistribution and updating of base map information has been completed for all electoral districts. Voting area maps are being finalized and made available on the Elections BC Web site. These files are the same as those used by Elections BC to produce printed maps. Parties are encouraged to download these print files, manipulate them to suit their needs and have them printed locally.

There is a government initiative underway to integrate all base map information into one comprehensive file. In the future, it is possible that non-proprietary base map information will be available to registered political parties.

Draft EBC Price List and Related Policies

Elections BC is trying to ensure that product pricing matches the actual internal cost to produce items such as voters lists and maps. [Draft policies](#) concerning the provision of EBC products and pricing were distributed in advance of the meeting for Committee members’ review.

It is proposed that an electronic copy of the voters list will be provided to political parties and MLAs twice per year (May and November) for a small administrative fee of \$20. The production of these lists coincides with Elections BC’s processing of National Register of Electors data, so the list will be as current as possible at these production times. There will be a cost of \$255 for copies produced outside this schedule. Street indexes and maps can be bought, but are available for free on the Elections BC Web site.

Electronic copies of the preliminary (Day 0) and revised (Day 14/15) voters lists for the province or for a particular electoral district will be provided at no cost to parties that request them in advance, in writing. Constituency associations must request copies of the list through their political party or MLA.

Candidates are entitled to two printed copies of the preliminary and revised lists, and may request up to 8 additional copies. District Electoral Officers will encourage candidates to make use of electronic rather than printed lists, to reduce the cost of reproduction as well as destruction post-election. Candidates will continue to receive a Candidate Kit containing a copy of the *Election Act*, voting area maps for their electoral district and a printed street index, all at no charge.

Political parties who wish to order voters lists or electoral district voting area map sheets should contact Randy Parker, Director, Geographic and Voter Data Services.

Elections BC Communications and Outreach Activities: Elections BC is about to launch a public campaign encouraging eligible B.C. residents to register, confirm or update their voter registration. Current information indicates that, as a result of the recent merge of National Register of Electors data, 89% of eligible B.C. voters are registered, but up to 1/3 are not registered at their current address. Elections BC expects to process one million voter transactions between now and the end of the election, with a target of 92% of eligible B.C. residents registered at the conclusion of general voting day.

The general election and referendum householder pamphlet encourages public use of the Online Voter Registration system (OVR) or the Elections BC 1-800 number to update their registration. Following the householder, letters will be sent to “empty addresses” (where Elections BC does not have a voter registered) encouraging qualified individuals to register. There will also be notices sent to voters on the list who did not vote in the last two electoral events, and whose record has not been confirmed from any other source, advising them to contact Elections BC or their registration record will be deleted.

Elections BC will also be conducting outreach activities after District Electoral Officers open their offices on April 6th, encouraging individuals to register in person at DEO or Service BC – Government Agent offices. Enumeration activities will be conducted in special voting areas, such as long-term care facilities, and shelters/social service agencies that serve individuals who are homeless. Harry Neufeld wrote to all MLAs on January 18, 2005, inviting their feedback on appropriate locations to enumerate homeless persons in their electoral district.

Outreach to Youth: A question was raised regarding visiting high schools, universities and colleges in order to get eligible students registered. There could be a significant number of eligible youth voters registered if some effort is expended engaging them. An advertisement has been placed in university and college student calendars. Elections BC has distributed an education kit to all Grade 11 social studies teachers. As well, Elections BC will be providing some material support (in the form of ballot screens and boxes) to

'Student Vote BC,' a non-partisan group that runs mock elections in schools. This group has run mock elections in Alberta and Ontario, as well as across the country during the last federal election.

In addition, Elections BC has employed a youth liaison officer (as well as three other liaison officers to network with the Indo-Canadian, Chinese-Canadian and First Nations communities) to organize and attend youth events to promote youth registration.

Paul George noted that the Green Party supports lowering the voting age to 16 in order to engage youth while they are still in school.

Harry Neufeld noted that just by merging the federal and provincial voters lists, the number of B.C. youth registered increased from 22% (measured in March 2003) to almost 50%. Some advertising will be done via media that is more frequently accessed by youth, such as radio and theatre advertising.

The Committee recommended that statistics on youth registration be posted prominently on the Elections BC Web site, to highlight the increase in youth registration and encourage further interest amongst the public and the media. This information could be broken down by electoral district in order to encourage greater participation.

General Election Calendar: Committee members were advised that the general election calendar, including specific dates, is available on the Elections BC Web site (see <http://www.elections.bc.ca/elections/provgenelection2005.pdf>).

District Electoral Officers: Committee members were advised that about half of the DEOs who will be working during the upcoming election have experience from previous elections. Others are new to their role. Elections BC has modified its competition and screening processes to ensure that individuals with appropriate skill sets are appointed. In addition, training has been expanded, is more hands-on, and has an increased focus on standards and expectations. The DEO training manual has been updated and improved, and a greater investment is being made in training materials for election officials, such as a standardized instructional DVD with associated workbooks.

Next Meeting

The next meeting of the Election Advisory Committee will be scheduled following the May 17, 2005 general election.