

Election Advisory Committee (EAC) Minutes

Tuesday, September 30, 2014

10 a.m. – 2:15 p.m.

Delta Vancouver Suites
550 West Hastings St., Vancouver, British Columbia

PRESENT

Committee Members (alphabetically by political party name)

Michael Gardiner, BC NDP

Raj Sihota, BC NDP

Jeff Bridge, British Columbia Conservative Party

Laura Miller, British Columbia Liberal Party

Sharon White, British Columbia Liberal Party

Bob Lorriman, Green Party Political Association of British Columbia

Elections BC Staff

Keith Archer, Ph.D., Chief Electoral Officer (Chair)

Nola Western, CPA, CA, Deputy Chief Electoral Officer, Funding and Disclosure

Anton Boegman, Deputy Chief Electoral Officer, Electoral Operations

Amie Foster, Manager, Executive Services (minutes)

REGRETS

Marcus Madsen, Green Party Political Association of British Columbia

Meeting convened at 10:01 a.m.

1. Welcome and Introductions

Keith Archer, Chief Electoral Officer (CEO) welcomed attendees and described the role of the Election Advisory Committee (EAC) in relation to the process for tabling recommendations for legislative change as defined by section 12 of the *Election Act*. He explained that a review of the *Election Act* is possible, and that as a result Elections BC (EBC) intends to proceed with recommendations for legislative change on October 9. Substantial recommendations (still under development) are expected in 2015.

Keith then described the general role of the EAC as defined by sections 14-16 of the *Election Act*.

Discussion Questions

- What process follows the tabling of recommendations in the Legislative Assembly?
 - Once tabled, the Legislative Assembly can consider and/or adopt any recommendations for legislative change. In recent years only one recommendation has been adopted. That change removed the requirement for a province-wide door-to-door enumeration prior to a provincial general election.

2. Recommendations for Legislative Change

Keith led members through a review of the suite of recommendations for legislative change expected to be tabled in the Legislative Assembly on October 9, 2014.

Recommendation 1

Facilitating youth participation

The Chief Electoral Officer recommends that legislators consider allowing the provisional registration of individuals when they are 16 years of age. The voting age would remain at 18, with provisional registration becoming an active registration on an individual's 18th birthday. Permitting early registration at the age of 16 would permit Elections BC to work with schools and the driver licensing program to ensure maximum exposure to the registration process for young voters. Many high school teachers have expressed support for this concept as it would allow meaningful action by their students in the context of civics education. Improving the accessibility of registration opportunities for youth may have a longer-term effect on voter engagement and turnout.

Discussion Questions

- Do other jurisdictions in Canada have similar provisions?
 - Nova Scotia and Quebec have similar provisions and Alberta is also working in this direction. Nine American states also allow provisional voter registration.
- Have there been any studies to show that this approach is effective?
 - There was a study in Australia, however because Australia has mandatory participation, it is not a perfect comparison. Anecdotally Quebec and Prince Edward Island have higher turnout across all age groups.

Action - Keith Archer will look for additional studies regarding provisional registration for young people and will share his findings with the EAC.

- A member observed that EBC has raised this recommendation three times. The member asked why it had not yet been adopted.
 - The current environment demonstrates that this is a good time to bring this recommendation forward. The health of a democracy depends on a good level of participation. In addition, research has shown that voting (or not voting) is habitual and therefore encouraging young electors to develop good habits of participation will have long-term positive effects.
- Would this change permit EBC to work with schools? Would there be a process for data sharing?
 - Data sharing is possible but not yet well defined. This mandate would facilitate work in support of this kind of outcome.
- Would this recommendation include a check-box on the drivers licence application which would provide consent or would it simply involve the collection of data that would be used to reach-out to young people to obtain consent when they come of age. A member questioned whether it would be legally appropriate for a 16 year old to consent.
 - The specific details are yet to be finalized. Elections BC would await direction from any legislation.
- Members were asked whether they would support the recommendation.
 - The general consensus was that the EAC would support efforts to engage younger voters and enhance the voters list. Some expressed caution with the legality of consent, the structure of the process, and the sharing of data.

Recommendation 2

New voting technologies

The Chief Electoral Officer recommends that legislators consider providing greater flexibility to the Chief Electoral Officer to introduce, on a pilot basis, a variety of new voting technologies. These could include, for example, technologies that provide increased accessibility for voters with disabilities (e.g. “sip and puff” ballot marking devices), or optical ballot scanners to allow more efficient results reporting.

Elections BC endorses the recommendations of the [Independent Panel on Internet Voting](#) as described in the panel’s recommendations report submitted to the Legislative Assembly earlier this year.

Discussion

- Has participation has gone up, down, or stayed the same in jurisdictions with Internet voting?

- The evidence shows that the effects of Internet voting on voter turnout are mixed and that it is not the panacea for voting participation that many believe. There is uncertainty regarding cost. Internet voting is typically conducted in conjunction with traditional paper voting which results in no cost savings.
- The Chief Electoral Officer was asked to confirm that there was no consideration for Internet voting in 2017.
 - Keith Archer confirmed that there was no intention to proceed with Internet voting in 2017.
- The Chief Electoral Officer was asked to describe the recent counting issues in New Brunswick, and whether the lack of a pilot was the cause of these issues.
 - Anton Boegman described duplicate systems providing different results on the live server, and explained that that would not occur in BC as we have different processes.
- Anton Boegman was asked what processes were in place in the City of Vancouver in relation to tabulation machines.
 - Anton Boegman explained that Elections BC has no role in administering the vote in local elections and noted that the voting area distribution in a provincial election and in a city election are quite different.

Recommendation 3

Flexibility for advance voting opportunities

The Chief Electoral Officer recommends that legislators consider providing greater flexibility to District Electoral Officers to establish advance voting opportunities on any of the days of the advance voting period, or for a limited number of hours during the day. To ensure this provision is applied carefully and consistently, the limited opportunities would require the prior approval of the Chief Electoral Officer. Advance voting opportunities available for other than the full four-day period would be clearly identified as such in communications to voters, candidates and political parties.

Discussion Questions

- A member confirmed that this recommendation would allow greater flexibility in smaller centres, particularly those that cannot support four full days of advance voting.
 - Confirmed by the CEO.
- A member agreed with the spirit of the recommendation, but expressed concern with the possibility of unequal access for all voters, especially if the practical application involved the discretion of different District Electoral Officers. The

member also asked whether Elections BC is recommending additional days of advance voting.

- The District Electoral Officers must submit a work plan which is reviewed centrally to ensure that equitable access to voting opportunities is maintained.
- A member explained that they would be more comfortable with this recommendation if there were specific parameters in place to define where these opportunities occur.
 - Guidelines will be provided to DEOs by the CEO. However, the diverse characteristics of each electoral district mean that a “one-size” approach will not best serve all voters. Approval by the CEO of these opportunities will ensure equitable administration of these opportunities.
- Will this recommendation apply to advance voting only?
 - This recommendation would apply to advance voting only.
- Could “greater flexibility” include Internet voting?
 - These are stand-alone recommendations. The Act does not currently permit Internet voting.

Technical Recommendations

Inconsistent requirements for proving identity (s. 41.1)

When election officials administer vouching they are administering a statutory declaration that has full effect in law. The provincial standards established by the Ministry of Justice for taking statutory declarations establish that the person administering the declaration must be satisfied as to the identity of the person making the statement. While an individual vouching in the "friend" category of voucher has to provide identification, a voucher in the "family" or "personal care" categories does not have to establish their identity. This inconsistency can result in a perception that vouching is open to abuse. By making all vouchers have to prove their identity, this inconsistency would be removed, and the process of administering vouching would be standardized.

Recommendation:

Amend s. 41.1(2)(b)(ii) and (iii) such that individuals vouching for voters under these categories must prove their identity by producing their own identity documents similar to s. 41.1(2)(b)(i).

Discussion Questions

- How was this left out when the legislation was drafted?

- It was not necessarily an error. The legislation was drafted to ensure three classes of vouching and the processes for each are slightly different.

Specific authority to provide voter turnout information to candidates (ss. 96, 97)

Candidates play an important role in voter participation. During voting proceedings, candidate representatives observe voting, track who has already voted, and feed that information into their “get-out-the-vote” effort. Concurrent with declining voter participation, candidates have also experienced challenges in finding sufficient volunteers to act as candidate representatives, which has impacted their ability to effectively perform this function.

Candidate representatives have the authority to observe and inspect voting documents during voting proceedings. Elections BC however does not have the authority to create records on voter turnout and provide these to candidate representatives. Elections Canada and most Canadian provincial election agencies have legislation authorizing the production of turnout records (e.g. “Bingo Cards”) during voting.

Recommendation:

Amend s. 96(3)(b) to authorize an election official to provide to a candidate representative, as directed by the Chief Electoral Officer, a written record of the voter sequence numbers of voters who have voted, excepting new registrations.

Amend s. 97 to authorize the District Electoral Officer to send to each candidate, at the end of each advance voting day and as directed by the Chief Electoral Officer, the voter sequence number of each voter who has voted, excepting new registrations.

Discussion

- Anton Boegman explained that EBC has spent more than a year developing a privacy management framework. As part of this process EBC determined that the organization does not have the legal authority to disclose participation records. At the same time EBC understands the challenges political parties face in collecting information regarding who has voted.
- A member observed that at the last EAC meeting all parties indicated that they wanted participation extracts. The member asked Anton whether this recommendation would result in a list of participation following the event. The member also added that Ontario provides this information to political parties.
 - This recommendation is designed to assist with “get out the vote efforts” and as that requirement ends after the election, there is no intention to include a recommendation for an extract after General Voting Day.
- A member explained that all parties are interested in obtaining a participation list after an event.

- The CEO acknowledged that this was requested two years ago, and that Elections BC had agreed to look in to the matter further. He added that research and legal advice indicated that legislative change would be required to produce such extracts.
- A member explained that having a complete list is a tool that allows parties to engage voters on an ongoing basis. The member added that an extract should be available on an ongoing basis and that a final extract should be produced for parties after the event.
- Members reinforced that they would like to go back to their ground-teams before providing additional feedback.

Fundraising function expenses (s. 200)

Section 200 of the *Election Act* stipulates that a registered constituency association must not incur an election expense unless the expense is incurred on behalf of a selected candidate, and the expense is incurred during the period between when the election is called (Writ Day) and when the individual becomes a candidate.

An election expense is defined in s. 183 as “the value of property or services used within the period beginning 60 days before a campaign period and ending at the end of the campaign period by or on behalf of a candidate, registered constituency association or registered political party....” In addition, s. 203(1)(f) states that expenses incurred in holding a fundraising function are election expenses, (although they are not subject to the spending limits). Therefore, a registered constituency association cannot hold fundraising functions during the 60 day pre-campaign period or the campaign period except for the few days between Writ Day and when the candidate receives their certificate of candidacy.

Recommendation:

Amend s. 200 to specifically allow constituency associations to incur election expenses related to fundraising functions during the 60 day pre-campaign period. The expenses could still be attributed to the candidate, as required by s. 200(3).

Discussion Questions

- No questions were raised.

Leadership contestant financing report thresholds (s. 211)

Currently every time a political party selects a new leader, a leadership contestant financing report is required to be filed within 90 days. The report is required by the contestant even if there is only one contestant, the leader is selected by acclamation, and no money was received or spent in relation to the event.

Recommendation:

Amend s. 211 to only require a leadership contestant financing report if there is more than one leadership contestant or if a certain amount has been spent in relation to the

contest.

Discussion

- A member questioned how Elections BC would handle a situation where there was only one candidate at the time of the leadership election.
 - The test should be two-pronged. It would require that no money be spent/received and that the individual be made leader by acclamation. It would primarily benefit smaller parties.
- A member explained that simplifying the process seemed like a positive step, when the appropriate conditions have been met.
 - The CEO added “I hear you saying, don’t make this a loophole that others can use.” Members confirmed the statement.
- A member expressed appreciation for the simplified list of priority recommendations.

3. Electoral Boundaries Commission Update

Keith Archer provided attendees with an Electoral Boundaries Commission update. He explained that for the first time in B.C. the commission will be hosted by Elections BC. This format is expected to be substantially less costly, more efficient, and will allow the commission to benefit from the in-house expertise at Elections BC.

Keith shared that the hearings to date (Prince Rupert, Smithers, Terrace, Fort Nelson, Dawson Creek, Prince George, Quesnel, and Williams Lake) have been lightly attended with six or fewer attendees at each. Nine of 36 hearings are now complete, and details of the remaining hearings are available at www.bc-ebc.ca. Individuals may also submit feedback via the website through midnight on November 16. All oral presentations and written submissions will be made public.

The preliminary report will be published no later than May 9, 2015, followed by a second round of hearings. The final report will be published on or before November 9, 2015.

The commission has the authority under the legislation to add up to two additional seats. The legislation also requires the commission to maintain the current number of seats in three “protected northern regions.”

The BC Electoral Boundaries Commission commissioned population projections by census blocks for 2014, 2017 and 2021 from BC Stats. These figures will be used by the commission in their decision-making, and will also be available to the public via the commission website (www.bc-ebc.ca) later this week. Keith asked members to note that electoral boundaries do not always follow census blocks and as a result there will be

some ongoing and proprietary splitting of census blocks as the commission conducts their work.

Discussion Questions

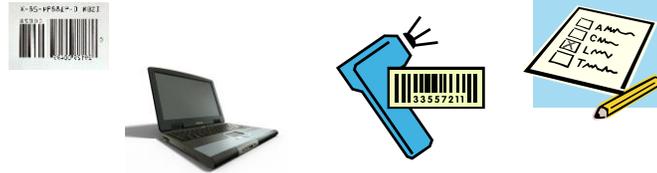
- A member suggested that the BC Electoral Boundaries Commission might reach more people if the time and place for hearings were published on Twitter or on other online forums.
 - The CEO confirmed that the BC Electoral Boundaries Commission has a Twitter account and added that the website address for the commission is www.bc-ebc.ca. All submissions (oral at hearings and written) will be published on the site. The CEO also acknowledged the scheduling conflict with the UBCM conference in Whistler last week.
- The CEO was asked whether the commission will invite MLAs to provide comment before the preliminary report is published.
 - The legislation requires that the commission conduct a hearing for MLAs after the preliminary report, and before the final report is tabled in the Legislative Assembly. This hearing is expected to be scheduled in June.
- Are the hearings open to individuals from any electoral district?
 - Yes, everyone is welcome. Individuals do not need to be from the district in which the hearing is taking place.
- Which baseline projections will be used to conduct the redistribution, 2014, 2017, or 2021?
 - The commission will likely use the 2014 projections, and be mindful of future projections.

4. Voting Model Modernization

Anton provided attendees with a description of Elections BC's proposed voting model modernization project as guided by the following PowerPoint presentation:

Voting Model Modernization

Update for Election Advisory Committee



The recommendations are in reaction to the issues that are evident in the current system. In the coming months parties will be given an opportunity to consider these proposed changes and to provide party-specific feedback.

Discussion Questions

- Is B.C.'s declining voter participation present in other Canadian jurisdictions?
 - This decline is common across most Western democracies, with the exception of Quebec and Prince Edward Island.
- Members noted that they needed time to consider Anton's comments and to provide feedback.
- A member explained that any model that eliminates the requirement for a two week delay for final count would be appreciated. Other members concurred.

5. Local Elections Campaign Financing Update

The *Local Elections Campaign Financing Act*, or LECFA, received Royal Assent on May 29. Detailed regulations followed, including an amendment that was deposited on July 28. LECFA makes Elections BC responsible for administering and enforcing the campaign financing and third party advertising provisions for local elections throughout BC. It is a significant mandate change for EBC and affects 257 jurisdictions (e.g. school boards, regional districts, park boards, water boards, Islands Trust, municipalities etc.).

Elections BC is well positioned to take on the new mandate and it is gratifying that the Legislative Assembly has such confidence in Elections BC

Discussion

- No comments or questions were raised.

6. Closing Comments and General Discussion

Keith Archer thanked members for their thoughtful comments and invited final discussion.

Discussion

- No comments or questions were raised.

Keith Archer then reminded members of the following:

- The report on the recommendations for legislative change is going forward and member feedback has been gathered.
- Members will be contacted by Anton Boegman and his team regarding the voting modernization project. Feedback regarding the proposal is welcome.
- Individuals can provide feedback to the boundaries commission through the commission website or in person at public hearings through November 16 at midnight.

Attendees may forward any questions regarding this meeting to Amie Foster, Manager, Executive Services, by phone at 250-952-6226 or by email at amie.foster@elections.bc.ca.

Contact information:

Elections BC
PO Box 9275 Stn Prov Govt
Victoria BC V8W 9J6

Phone: 250-387-5305
Toll-free: 1-800-661-8683/TTY 1-888-456-5448
Fax: 250-387-3578
Toll-free fax: 1-866-466-0665
Email: electionsbc@elections.bc.ca
Website: www.elections.bc.ca

The meeting was adjourned at 2:15 p.m.