

Meeting Notes

PRESENT

Elections BC

- Harry Neufeld, Chief Electoral Officer
- Linda Johnson, Deputy Chief Electoral Officer
- Nola Western, Director of Electoral Finance and Corporate Administration
- Anton Boegman, Director of Corporate Planning and Event Management
- Peter Gzowski, Director of Voter Registration and Boundaries
- Jennifer Horvath, Executive Program Manager
- Cody Robertson, Information Technology

Political Parties (alphabetically by party name)

- Advocational International Democratic Party of British Columbia: Beverly Bird
- British Columbia Liberal Party: Dan Baxter, Jason Chabot, Hoong Neoh
- British Columbia Libertarian Party: Keith Lim
- British Columbia Patriot Party: Lillian May Stokes
- British Columbia Social Credit Party: Carrol Woolsey, Anthony Yao
- Citizens Action Party: William Savage
- Democratic Reform B.C.: Jim Ferguson, Graeme Rodger
- Green Party Political Association of British Columbia: Douglas Gook, Diane Perry, Murray Weisenberger
- Link BC: Harvey Maser, Michael Robson
- Nation Alliance Party: Wei Ping Chen
- New Democratic Party of B.C.: Jeff Hook, Fleur Matthewson, Ryan Stewart
- Your Political Party of BC: James Filippelli

HANDOUTS:

- Agenda
- *Election Act* Amendments by Part
- Bill 42 Overview
- Redistribution & Constituency Associations
- Redistribution Products
- 2009 General Election Planning
- 2009 General Election Planning – Election Finance
- Referendum
- Candidates and Nominations
- Candidate Process and Kits
- Enumeration

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INTRODUCTION

The purpose of the annual Political Party Information Session is to advise registered political parties on the role, programs and services of Elections BC, and to provide parties with information at key points in the election cycle. The *Election Act* establishes an Election Advisory Committee (EAC) comprised of parties that have an elected member in the Legislative Assembly, or that ran candidates in at least half of the electoral districts in the previous general election. The EAC was established to advise the Chief Electoral Officer on how well the *Election Act* is working, especially in areas related to electoral finance.

Much of the information presented to the EAC is of valuable interest to all registered political parties. Therefore, in the interest of fairness and transparency, Elections BC developed annual Political Party Information Sessions. Following upon the first session held in October 2007, this second session was planned to apprise parties of the recent significant changes made to the *Election Act*, redistribution of electoral district boundaries, and information about the general election scheduled for May 12, 2009. All registered political parties were invited to send up to three representatives.

THE ROLE OF ELECTIONS BC

The Canadian Charter of Rights and Freedoms establishes that Canadian citizens have the right to vote to elect representatives to provincial and territorial legislatures and federal parliament. Each province has its own Act that defines who is eligible to vote and be a candidate, and how elections are to be run. In British Columbia, that Act is called the *Election Act*. Election law generally, including British Columbia's *Election Act*, is very prescriptive, and sets out exactly who does what, when and how.

Elections BC is separate from other provincial and federal election organizations, and is only responsible for administering elections at the provincial level. Elections BC does not administer federal or municipal elections.

The Chief Electoral Officer is appointed under the *Election Act*, and has status as an Independent Officer of the Legislature. This means that Elections BC is independent from executive government. The Chief Electoral Officer does not report to Cabinet or the Premier, but instead to the Legislative Assembly as a whole through the Speaker of the House. Elections

BC staff are required to act in a non-partisan manner, and the Chief Electoral Officer and his Deputy are prohibited from voting in provincial elections.

Elections BC and other Independent Officers (Auditor General, Ombudsman, Information and Privacy Commissioner, Conflict of Interest Commissioner, Merit Commissioner, Police Complaint Commissioner and the Representative for Children and Youth) meet annually with an all-party committee of the Legislative Assembly to report on the year's operations and present a budget proposal for the coming three years. This parliamentary committee makes a recommendation to the Legislative Assembly on whether to approve or amend the proposed budget, after which it is put to a vote in the House.

The Chief Electoral Officer is required to submit an annual report, an annual update to a three-year service plan, and reports on each electoral event conducted by the office to the Legislative Assembly. As well, a report on recommendations for legislative change is submitted following each general election. The recommended changes generally focus on improving electoral administration for voters, candidates and parties.

The *Election Act* prescribes the responsibilities and delegation powers of the Chief Electoral Officer. These include:

- Voter Registration
 - Maintaining the provincial voters list and ensuring opportunities for registration
- Event Administration
 - Administering all aspects of an election including the candidacy process, voting opportunities, and the counting and reporting of election results
- Electoral Finance
 - Administering political party registration, campaign finance, and regulation of third party advertisers
- Legislation Compliance
 - Ensuring compliance with the *Election Act*, and investigating complaints and allegations of irregularities
- The *Recall and Initiative Act* also establishes duties of the Chief Electoral Officer regarding:
 - Administering initiative and recall petitions under the *Recall and Initiative Act*, allowing citizens to petition for the removal of an MLA between elections or to create or amend B.C. legislation

Elections BC is also given authority under special statutes, and via specific government-sponsored Regulations, to administer referendum votes. The Chief Electoral Officer may advise government on Regulations for a referendum, but may not make referendum rules.

Parts 9, 10 and 11 of the *Election Act* set out the responsibilities of registered political parties and constituency organizations, and detail registration requirements and election financing and communication rules and requirements. Party members are encouraged to become familiar with the recently amended *Election Act* in preparation for the next provincial general election scheduled for May 12, 2009.

CHANGES TO LEGISLATION

Amendments to the *Election Act* were passed in the House through Bill 42, the *Election Amendment Act, 2008*. A summary of *Election Act* Changes by Part has been developed to assist in understanding the amendments. Approximately half of the amendments were recommended by the Chief Electoral Officer in his last report tabled in the House on March 30, 2006, and other changes came from government.

Bill 42 received first reading on April 30, 2008, amendments to first reading were placed on the Order Paper on May 27, 2008, and the Bill received Royal Assent on May 29, 2008. All amendments other than Section 42 and those to Parts 9 and 10 became effective on Royal Assent. Amendments to Parts 9 and 10 came into effect on November 1, 2008. Section 42, an amendment requiring door-to-door enumeration, will not be in effect until September 1, 2009.

The amendments to the *Election Act* did not apply to an election called within six months of the Act coming into force unless the Chief Electoral Officer published a notice of early readiness in the *B.C. Gazette*. Therefore, the by-elections recently conducted in electoral districts of Vancouver-Burrard and Vancouver-Fairview operated from the pre-amended *Election Act*.

The Chief Electoral Officer published a notice in the *B.C. Gazette* of early readiness for implementation of the amendments to Parts 9 and 10 on November 27, 2008, enabling all amendments, except those regarding enumeration in Section 42, to be fully in effect for all elections held after that date.

The mechanical changes to the *Election Act* include the creation of eight new sections, and the repeal of one section (s.197). As well, all new sections have an ".X" numbering system (e.g. 41.1).

An overview of the *Election Act* amendments includes the following:

- A new duty of the Chief Electoral Officer to ensure the Act is enforced
- Voters may now register by telephone but must provide their BC Drivers License number or the last six digits of their social insurance number in addition to the information required when registering in person
- Voters must show ID to vote or register in conjunction with voting
 - Public notice regarding ID requirements has recently been published and is available on the Elections BC website
- Voters without ID may be vouched for
- Voters can be challenged when registering in conjunction with voting by candidate scrutineers, who are now able to observe activities at the registration station
- Nomination requirements have been increased and changes have been made to the nomination process and timing
- Advance voting hours have been expanded to 8:00 am - 8:00 pm
- "Special" voting areas are now called "site-based" voting areas to decrease confusion with special voting, which is a form of absentee voting
- Grounds and a deadline for requesting a recount as part of final count have been established
- New requirements for registration information from political parties and constituency associations have been established
- Standardized election expenses limits have been set for parties and candidates
- New pre-campaign disclosure periods and expenses limits have been established

- A new definition of election advertising has been provided
- Spending limits for advertising sponsors have been established
- Fines for offences to the *Election Act* have been doubled

Parts 9 and 10 of the newly amended *Election Act* apply most directly to political parties and constituency associations. It was noted that it is not a requirement of the Act that parties register their constituency associations.

Part 9 now requires new registration information, including contact name, bank account number, and addresses of all principal officers. Bank account numbers are not disclosable to the public, but addresses and contact names are. The information must be provided to Elections BC by December 31, 2008, or the serious consequence of suspension is possible.

Registration information must be kept current, and updates are due within 60 days of change. The Political Party Guide to Registration and the Constituency Association Guide to Registration will be available in the near future.

Deregistered political party and constituency association financial reports are due within six months of deregistration. Financial reports will be audited unless the deregistration is a result of electoral boundary changes (for constituency associations only), or if there is \$5,000 or less in expenses, and \$5,000 or less in political contributions since the last report.

Many of the significant changes in Part 10 of the *Election Act* were previously recommended by the Chief Electoral Officer. Forms have been revised to meet the new amendments, and the Auditor's Guide and Completion Guides are currently under review and will be available in early 2009. Financial training sessions will be held, and Elections BC will provide those dates to party contacts when they have been determined.

Financial agents and auditors are required to be appointed for registered political parties, registered constituency associations and candidates. Leadership contestants need only appoint auditors if an audited report is required. Vacancies in these positions, and any registration information updates are due within 60 days.

Other new requirements outlined in Part 10 include that separate bank accounts must be established for each organization and each individual for whom a financial agent is acting, and it is now mandatory that loan due dates are reported. As well, federal political parties or their electoral district associations registered under the *Canada Elections Act* cannot provide money or goods or services to a political entity. A new provision under the amended *Election Act* allows deputy financial agents to file financial reports if the financial agent is absent or incapable of filing the report.

Further changes have been made regarding leadership contestant expenses, now allowing political parties to incur contestant expenses on behalf of their leadership contestants. Parties must advise the contestant's financial agent of all such expenses, and all expenses must be reported as transfers received from the political party by the contestant. The party must report the transfer given to the contestant.

Financial agents are now permitted to allow campaign workers to pay election expenses out of their own pocket, and then be reimbursed by the financial agent. All expense must be approved by the financial agent before they are incurred.

New changes to political contributions include the ability to accept contributions over \$100 over the internet or phone. Credit cards, debit cards or EFT may now be used (e.g. Paypal) as long as the contributor's name is on the credit card or bank account.

Two periods for election expenses limits have been established for all parties and candidates.

Each period has a separate spending limit:

- 60-day pre-campaign period (February 13 - April 13, 2009)
 - Political Parties: \$1.1 million
 - Candidates: \$70,000
- Campaign period (April 14 - May 12, 2009)
 - Political Parties: \$4.4 million
 - Candidates: \$70,000

Any unused funds from either spending limit in the 60-day pre-campaign period cannot be carried forward to the campaign period. Amounts will be adjusted for future elections reflecting changes to the Consumer Price Index.

The amendments to the *Election Act* also include two key changes to candidate nomination requirements: the number of voter signatures and the amount of the nomination deposit. Nominations now require 75 voter signatures (previously 25), and a deposit of \$250 (previously \$100). The rules regarding return of the deposit remain the same at 15% of total votes accepted.

Fixed-date elections allow for further changes in nomination processes and timing. There are two different options available for nominations: standing nominations or ordinary nominations.

Standing nominations are filed with the Chief Electoral Officer at Elections BC headquarters, and are accepted any time up to 4:30 pm (Pacific time) on the day before the election is called. For the 2009 General Election, this date falls on Easter Monday, so standing nominations will be extended by one day, and will be due by 4:30 pm on Writ Day, April 14, 2009. The standing nomination period will overlap with the ordinary nomination period by approximately two hours.

All standing nomination documents can be filed during this time period, and must include a disclosure required by the *Financial Disclosure Act*, and a solemn declaration by the nominee that they are qualified to be nominated. Certificates of candidacy will be issued by the Chief Electoral Officer after the election is called.

Ordinary nominations are filed with the District Electoral Officer in the nominee's electoral district. Ordinary nominations will be accepted from the time the election is called until 1:00 pm (Pacific time) on Day 10. For the 2009 General Election, Day 10 will be on Friday, April 24, 2009. Certificates of candidacy will be issued by the District Electoral Officer once the nomination is complete.

The date for a candidate to withdraw has been changed to 48 hours before the beginning of advance voting, from the previous deadline of 48 hours before general voting.

Question regarding Candidates and Nominations:

Q: Because BC has two time zones, is daylight savings time used?

A: Pacific time is used in all areas of the province for the purposes of administering candidate nominations under the Act.

REDISTRIBUTION

The recent redistribution of the current 79 electoral districts to 85 was the result of the work of an independent body, the British Columbia Electoral Boundaries Commission. The Commission reviews electoral district boundaries every eight years, with the last review completed in 1999.

Following the last general election in 2005, the government announced in the Throne Speech that a boundary commission would be established. It was given a larger mandate and lengthened time period as it was tasked with creating proposed boundaries for both a Single Member Plurality system and for a Single Transferable Vote system (STV). STV will be the subject of a referendum to be held in conjunction with the general election in May 2009.

The Commission was comprised of the Honourable Bruce Cohen, Justice of the Supreme Court of British Columbia; Stewart Ladyman, retired school district administrator; and Harry Neufeld, Chief Electoral Officer.

Their preliminary report submitted in August 2007 was met with controversy as it recommended five more electoral districts in urban areas, and three fewer electoral districts in rural areas. The strong reaction to decreased rural representation from both the government and opposition led government to propose a Bill to change the mandate of the Commission, but it did not pass. The Commission then produced its final report recommending 83 electoral districts. The report contained an appendix adding two more electoral districts to rural areas. The Legislative Assembly decided this was a satisfactory compromise, and endorsed changes that included the two additional districts.

As a result, when the new 85 electoral districts are represented in the Legislative Assembly after the general election on May 12, 2009, all regions of the province will either have the same or greater provincial representation – not less.

The delay in confirming the new electoral districts had a huge impact on Elections BC. It shortened the timeframe for map production, and in particular, setting voting area boundaries.

Voting areas are boundaries within each electoral district that determine where voters will cast their ballots. No voting area can have more than 400 voters, but can have fewer for reasons of accessibility and future population growth. British Columbia will move from our current 8,500 voting areas to approximately 10,200 with the new boundaries.

The determination of electoral districts and voting areas as geographic units is an integral factor in electoral administration. They set the rules for the number of ballot boxes, and consequently how many election officials and voting places are required.

Elections BC is preparing redistribution products for political parties, including maps, voters lists and other geography products around the new 85 electoral districts that will be in effect on April 14, 2009.

Political parties have recently been mailed a notice of the last voters list release for the current 79 electoral districts. It was noted that this voters list does not include updates from the federal general election or local government elections.

GIS technicians have provided first-draft electoral district maps to District Electoral Officers for review and update, and voting areas are close to being finalized. Elections BC's intention is to release the new electoral boundary information on the Elections BC website by December 5, 2008, including the Provincial Map, Selected Urban Areas Map, and the Location Index which indicates the electoral district of hospitals, jails, marinas, etc. The new version of the Location Index will be larger and include maps, and a one-page map of each electoral district.

Voting areas will be published in the *B.C. Gazette* on December 18, 2008. Final versions of the electoral district voting area maps – 471 separate map sheets in total – will not be available on December 18, 2008. The maps are still in the process of being labelled and made more presentable for readability. Other products available describing the voting areas will be the shape files (for the complete province and by electoral district), and the Table of Concordance. The Table of Concordance, sometimes called the table of convergence, is an overlay of the current and future electoral districts describes the old-to-new and new-to-old voting area boundaries.

Political parties will be sent a DVD containing maps in PDF format, the Table of Concordance, the Location Index, and the shape files. Printed maps will be available for purchase from Elections BC, or parties can print the maps internally, or send the file to a commercial business for printing.

The Street Index includes a list of odd/even street ranges with electoral district voting area assignments. Currently, releasing the street index data is an issue in that the intellectual property is protected by the province. Parties wishing to obtain an electronic copy will be required to sign an attestation form stating that the information will be used exclusively for electoral purposes. Requests for copies of the Street Index should be made through Elections BC headquarters.

Elections BC has no plans to change voting area boundaries in subsequent map revisions. The only difference between the map sets will be presentation. Elections BC is in the process of producing a better looking and easier to understand product.

The voters list for the new 85 electoral districts will be available on February 26, 2009. Registered political parties will be notified of its availability; not individual Members of the Legislative Assembly. Updates included on this new list are sourced from the recent federal general election, and minimal updates will have been applied from the mail enumeration project scheduled for February 2009.

In preparation for the provincial general election, candidates will be provided with a preliminary voters list on CD, one printed copy of the ED/VA maps of their electoral district, one printed copy of the Street Index, and the revised voters list on CD. Parties will be provided with the preliminary and revised voters lists.

Updates to the voters list close on Day 7 of the election period, and then seven days are required to incorporate the new information onto the voters list. The revised list is used to print Where to Vote cards.

The redistribution of electoral districts has an administrative impact on political parties and constituency associations. Current constituency associations must deregister from the present 79 electoral districts, and reregister under the new 85 electoral districts. Voluntary deregistration can take place at any time, and mandatory deregistration must take place as of April 14, 2009. Any constituency funds must be transferred to the new association before deregistering. Financial reports are due within six months of deregistration, and annual financial reports are due March 31, 2009.

It is beneficial to constituency associations to deregister before December 31, 2008, and register new constituency associations in January 2009. Information will be sent to constituency associations, and step-by-step instructions are posted on the Elections BC website.

Questions regarding Redistribution:

Q: Maps were provided to financial agents in the past, will they be receiving a hard copy?

A: Political parties provided the maps to the financial agents in the past, not Elections BC, and they may choose to do so again.

Q: Will the boundary shape files and maps will be included on the DVD?

A: Yes, as well as on the Elections BC website.

Q: Is cadastral accuracy in question? What if someone calls to ask which electoral district they are in according to their street address?

A: They can be identified by using the street index.

Q: Are streets included on the Indian Reserves?

A: Yes.

Q: Streets on Indian Reserves are under federal jurisdiction, does that change the availability of the street index?

A: The intellectual property issues are not different for Indian Reserves.

Q: Who is the street index data vendor?

A: Geomatics Information Services, Inc. (GISi) provides the data to the provincial government. The contract between the province and the vendor describes the usage of the intellectual property, and the terms cannot be violated.

Q: Is GISi a private provider?

A: Yes, GISi is a private company.

Q: Is the street index available in electronic form?

A: Yes, once the attestation declaration is satisfied, it will be available in MS Excel format.

Q: Will final electoral district voting areas be available as shape files?

A: Yes, they will be available on December 18th after a notice of the boundary readiness is published in the B.C. Gazette.

GENERAL ELECTION PLANNING

Elections BC takes planning very seriously. General election planning begins 18 months prior to General Voting Day, with the first six months completely devoted to planning meetings and the preparation of software requirements. The following 12 months is dedicated to actual event preparations and implementation. Proper planning minimizes risks and decreases errors, resulting in better run events and better service to Elections BC's clients.

Question regarding General Election Planning:

Q: Why did the Elections BC website fail during initial count reporting for the recent by-elections?

A: The Elections BC website was recently redesigned. Load testing had been scheduled, but had to be delayed because of the announcement of the by-elections. As a result, an error in our hosting arrangement occurred. Election BC's information technology program area has put a solution in place so the issue will not be repeated on General Voting Day.

Q: Are the number of ballots in certification envelopes communicated during initial count?

A: Ballots in certification envelopes are tabulated, but as Elections BC needs to confirm the numbers by physically counting and balancing them against voting records, we are not able to report the number of certification envelope ballots at initial count.

The following are calendar dates of key events in 2009:

- February 13: Third Party Advertising Limits Begin
- April 14: Writ Day (election period begins)
- April 14-24: Ordinary Nomination Period (begins when writ is issued)
- April 24: Nomination Day (nominations close 1:00 pm, Pacific time)
- May 6-9: Advance Voting Period (8:00 am - 8:00 pm, local time)
- May 12: General Voting Day (8:00 am - 8:00 pm, Pacific time)
- May 12: Initial Count (preliminary results determined, begins immediately following the close of voting)
- May 25-27: Final Count (final results determined)
- June 3: Return Day
- August 10: Election Financing Reports Due
- September 9: Late Filing Deadline for Election Financing Reports

As a result of recent amendments to the *Election Act*, there have been significant operational changes since the last general election in 2005. Some of the changes include:

- Voter ID
 - Voters must prove identity and place of residence prior to being issued their ballots
 - Voters must show either their BC ID, or BC Drivers License, or two other pieces of ID or documentation that prove their name and residential address
 - Where to Vote cards will be allowed as one type of ID as they will contain the residential address. Voters will still be required to have one other piece of acceptable ID.

- Elections BC is working hard to ensure that no one particular group will be prevented from voting because of the new requirements, and believes that using Where to Vote cards as one piece of ID will be beneficial to seniors and rural residents, who often have no residential address on their regular ID documents
- Elections BC will be publishing advertisements and information on the new ID rules and requirements, including on the Elections BC website
- Extra voting officials
 - An additional Information Officer will be posted in each voting place, playing a pivotal role in ensuring voters have appropriate ID with them
- Counting support staff will assist in initial count preparations
- Advance voting hours increased
 - The hours will be 8:00 am - 8:00 pm (local time) on each day of Advance Voting
 - This is a three-hour increase per day, resulting in a total of 12 additional hours in total
- Better services to voters with disabilities
 - A new voter's template and a Braille list of candidates will be available for voters with visual impairments
- Additional observing opportunities
 - Candidate representatives will be allowed at voter registration stations to observe registration in conjunction with voting

Vouching is a process that has been written into law to allow voters who do not have ID to register in conjunction with voting and cast their ballot. Another voter of the electoral district who has satisfied the necessary ID requirements can vouch for the identity and residential address of the voter with no ID. The voucher can also be a spouse, parent, grandparent, or an adult child, grandchild or sibling of the applicant, or be a person with authority to make personal care decisions in respect of the applicant. It was noted that the vouching process in British Columbia is different from federal rules.

Questions regarding changes to the *Election Act*:

Q: If the homeless would like to vote, how would they manage the new ID requirements?

A: All voters are required to have ID. However, they could have a letter of attestation signed by the administrator of a social service organization providing the organization's address as the residential address for the voter.

Q: Membership cards come in a broad spectrum. Are they acceptable?

A: Yes, as long as they are pre-printed with the voter's name and any other information needed by the organization.

Q: Can a voter have two pieces of ID with their name on each one?

A: If not presenting a BCID or BCDL, then two pieces of ID must be shown. Both must have the voter's name and one must have their residential address.

Q: An oath is not an option for proving identification?

A: No. That is one of the changes.

Q: Even if the voter is already on the voters list?

A: If the voter is on the voters list, and has appropriate matching ID, they can vote. If no matching ID is provided, the new ID can be used to update the registration information in conjunction with voting, and then the voter will be allowed to vote.

Q: Will separate ballot boxes be used for referendum votes?

A: No. The same ballot boxes will be used.

Q: Are advance voting hours local time or Pacific time?

A: Local time.

Q: Are general voting day hours local time or Pacific time?

A: Pacific time.

Q: Will candidate representatives be provided with lists of sequence numbers of people who have voted?

A: No. Elections BC will not be providing that information. The scrutineer process is important for transparency, and to be simply provided with lists of sequence numbers takes away from that process.

Q: Will the election ballots and referendum ballots be printed on different coloured paper?

A: Yes. The referendum ballots are brown, and the election ballots are black, making them easily distinguishable.

Q: Can voters refuse the referendum ballot?

A: No. In 2005 voters could decline to accept the referendum ballot, but this time they will not have that option.

Amendments to the *Election Act* have also affected campaign financing rules for the 2009 General Election, most notably in the areas of election expenses, spending limits, political contributions, prohibited sources, tax receipts, elections advertising and reports.

Section 183 of the *Election Act* deals with election expenses. Election expenses include the value of property or services used during the 60-day pre-campaign period and the 29-day campaign period to promote or oppose a candidate or a registered political party. In this definition “used” is a key term. When the item was purchased, paid for or received as a contribution, is not relevant; what does matter is when it is used.

As noted earlier, there are two periods in which spending limits apply: the 60-day pre-campaign period, and the 29-day campaign period.

- 60-day pre-campaign period (February 13 - April 13, 2009)
 - Political Parties: \$1.1 million
 - Candidates: \$70,000
- Campaign period (April 14 - May 12, 2009)
 - Political Parties: \$4.4 million
 - Candidates: \$70,000

Registered constituency associations may incur election expenses only on behalf of candidates who have candidate financial agent permission, subject to candidate limits.

Section 180 of the *Election Act* details rules around political contributions, which include money and fair value of donated goods and services, membership fees for a political party or constituency association, fees for political party conferences, workshop and conventions as well as some fundraising function income and some loans.

Prohibited contribution sources include unregistered political parties, unregistered constituency associations, charitable organizations, federal political parties and federal electoral district associations. Charitable organizations are identified under a broad definition, and do not have to be registered as a charity for their contributions to be prohibited.

Tax receipts can only be issued for money, and not for goods and services. They may be issued by registered political parties and registered constituency association at any time, but candidates may only issue tax receipts for political contributions received after their certificate of candidacy has been issued and before the writ of election is returned.

Election financing reports must be submitted by all parties and constituency associations that ran candidates in the general election, and by candidates themselves. Reports are due 90 days after General Voting Day, which for the 2009 General Election will be on August 10, 2009. Reports must be audited if the total election expenses or political contributions are equal to or greater than \$10,000. The audit must be done by an auditor on record with Elections BC. Electoral finance staff will write to all financial agents reminding them of the due date and providing them with the appropriate forms.

There have been significant changes to election advertising rules. The relevant period for election advertising begins on February 13, 2009, and continues until the close of voting on General Voting Day on May 12, 2009. New rules will apply, including spending limits for third party advertising sponsors. Section 228 of the *Election Act* defines election advertising during the 60-day pre-campaign period and the campaign period as any advertising that promotes or opposes, directly or indirectly, a registered political party or a candidate. This includes taking a position on issues associated with parties or candidates.

Items not considered election advertising include:

- News, editorials, interviews, columns, letters, debates, speeches or commentaries published without charge in a bona fide periodical on a radio or TV program
- Distributing or promoting a book, for less than fair value, if the book was to be made public regardless of the election
- Transmitting a document directly by a person or group to their members, employees or shareholders
- Individuals transmitting personal political views on a non-commercial basis via the internet, text or phone

Authorization statements (e.g., Authorized by John Smith, financial agent, 604-123-1234) are no longer required for clothing, novelty items such as buttons, badges or wristbands, and small items of nominal value intended for personal use such as pens, mugs, or magnets. All advertising expenses incurred by candidates and political parties are subject to election expenses limits and must be included in election financing reports.

Third party advertisers sponsoring election advertising during the 60-day pre-campaign period and the campaign period must be registered and must be independent of political parties, constituency associations, candidates and their agents.

Third party advertising limits are as follows:

- \$3,000 in relation to a single electoral district, and
- \$150,000 overall

Disclosure reports must be filed if the amount spent is \$500 or more.

Financial training for financial agents will be offered by Elections BC, and parties are encouraged to attend.

Questions regarding electoral finance:

Q: If a sign is purchased and erected in the 60-day pre-campaign period and stays up through the campaign period, is the full value accounted under each of the two periods?

A: Yes, it will be counted twice.

Q: Can campaign bank accounts be used before a candidate is officially nominated?

A: Yes, you can open a bank account and use it at anytime.

Q: If a t-shirt with political logo is sold to the public in advance of the campaign periods, and a person wears it during either the 60-day pre-campaign period or the campaign period, does it count as election advertising?

A: No. You cannot control when someone wears an item of their own clothing. However, they cannot wear such a t-shirt in voting place.

REFERENDUM ON ELECTORAL REFORM

[NOTE: The *Electoral Reform Referendum 2009 Act* Regulation was amended, effective December 12, 2008, to permit registered political parties and candidates to engage in referendum advertising.]

Parties and candidates will be able to participate in the referendum debate through paid advertising, but they must account for their referendum advertising as an election expense and may not exceed the applicable election expense limits.

There were no regulatory changes respecting referendum advertisers other than political parties and candidates. Non-party and non-candidate referendum advertisers are not subject to any spending limits and they must ensure that they do not combine referendum advertising and election advertising.]

A referendum on electoral reform will be held in conjunction with the provincial general election scheduled for May 12, 2009. The referendum will follow the same calendar as the election, and voting and voter registration processes and ID rules will be the same for both, resulting in greater ease for the voter as well as cost savings.

Referendum rules are established by the *Electoral Reform Referendum 2009 Act* and its associated Regulation. The Act draws upon legislation found in the *Election Act* and the *Recall and Initiative Act*, establishing the referendum question, the voting and counting rules, and rules for advertising sponsors and proponent/opponent groups.

This time voters will be voting on a choice, not a yes/no question. The referendum question will be: “Which electoral system should British Columbia use to elect members to the provincial Legislative Assembly?” The voter will have two options:

- The existing electoral system (First-Past-the-Post)
- The single transferable vote electoral system (BC-STV) proposed by the Citizens’ Assembly on Electoral Reform

To provide transparency and to ensure that a full accounting of all ballots issued is reconciled, voters will not be able to refuse a ballot. Proponent and opponent groups may have representatives present in the voting places, but will have fewer rights than those of candidate representatives, and cannot challenge the issuance of a referendum ballot.

Questions regarding the referendum:

Q: Will the order of the two selections on the ballots be the same, or will the order be different on various ballots?

A: The referendum ballot is established in law through the Regulation, so all ballots will appear the same. As well, a translation key will be available in 16 languages.

Q: Must the referendum ballots be marked only with either an “x” or a check mark?

A: The rules for marking a referendum ballot are the same as for an election ballot. A check mark, “x”, or any other mark which clearly indicates choice will be accepted. If the ballot is left blank, or if a mark is used that clearly identifies the identity of the voter, the ballot will be rejected.

Q: Will Elections BC publish examples of acceptable marks?

A: Examples will not be published, but guidelines are provided to election officials based on previously accepted marks from judicial recounts.

Included in the *Electoral Reform Referendum 2009 Act* and its associated Regulation is the definition of referendum advertising, as well as rules around the establishment of proponent/opponent groups, and rules to guide third party advertising sponsors, election/referendum advertising, and political parties and candidates.

The definition found in section 1 of the Regulation states that advertising used during the referendum campaign period to promote or oppose, directly or indirectly, a specific response in voting in the referendum is referendum advertising. Referendum advertising does not include:

- News, editorials, interviews, columns, letters, debates, speeches, or commentaries published without charge in a bona fide periodical on a radio or TV program
- Distributing or promoting a book, for no less than fair value, if the book was to be made public regardless of the referendum
- Transmitting a document directly by a person or group to their members, employees or shareholders
- Individuals transmitting personal views on the referendum on a non-commercial basis via the internet, text or phone

There will be one proponent group and one opponent group selected by the Ministry of Attorney General. The two groups will receive public funding from Elections BC. The money may not be used for election advertising or for political contributions, and disclosure reports are required to be submitted.

Third party referendum advertisers must be registered with Elections BC. There are no spending limits but disclosure reports must be submitted. However, third party referendum advertisers must not, directly or indirectly, promote or oppose a registered political party or a candidate and referendum advertising must not form part of election advertising.

Registered referendum advertising sponsors must be independent of registered political parties, registered constituency associations, candidates and agents. Election advertising must not be sponsored on behalf of or together with any of the groups, and parties, candidates and constituency associations cannot register as referendum advertising sponsors.

In summary, registered political parties and candidates can:

- Make speeches promoting or opposing STV
- Discuss STV in interviews published by bona fide periodicals and on TV and radio
- Send pro or con STV documents directly to their members
- Make referendum contributions to opponent and proponent groups

Political parties and candidates must not:

- Include STV information in election campaign literature, signs or ads
- Promote or oppose STV on websites
- Host rallies supporting or opposing STV

[See NOTE at beginning of this section regarding changes to the *Electoral Reform Referendum 2009 Act Regulation*.]

Questions regarding Referendum Advertising:

Q: Can you clarify the difference between election advertising and referendum advertising?

A: Election advertising promotes or opposes a candidate; referendum advertising promotes or opposes a choice in the referendum question.

Q: What about candidates that are for STV?

A: Election advertising and referendum advertising cannot be done together – it is specifically prohibited. As well, political parties cannot give money to third party referendum advertising sponsors.

Q: Is Elections BC, as a non-partisan Office of the Legislature, concerned how this limits the free speech rights of political parties?

A: As an Independent Office, we do not take position on public policy. These details have been confirmed with the Legislative Counsel office of the Ministry of Attorney General.

Q: If a party includes STV on any brochures, would they be subject to penalties?

A: Yes.

Q: What are the fines?

A: The fine is \$10,000 and or a year in prison.

Q: Can parties discuss STV in general, but not BC-STV?

A: Parties and candidates cannot directly or indirectly discuss BC-STV. STV in general would be acceptable.

Q: Would a campaign brochure containing a candidate's stance on STV be in opposition to the legislation?

A: Yes, because it would be a form of advertising.

Q: What if the advertising was placed on the internet outside of Canada?

A: If the site is accessible in Canada, it still falls under the rules.

Q: If Americans post information on a website supporting or opposing STV, will you investigate?

A: That would be determined at the time.

Q: The web is world wide. How will you regulate its use?

A: Sites hosted in the US or elsewhere must still register under the *Election Act*.

Q: Is it too late to make changes to the legislation?

A: The prohibitions are contained in the Regulation to the Act, and any changes would have to come from Cabinet.

Q: What is the key date from which Elections BC would have to proceed with the Regulation as it is written now?

A: February 1, 2009.

Q: If an individual posts something in favour of STV on an open-forum website, is it considered advertising?

A: If it is a personal political view posted on a non-commercial basis, then it would be exempt.

Q: What if the open-forum is part of a political party's website?

A: Elections BC will have to make that decision at the time.

Q: Can political parties mention STV in their party platform posted on the Elections BC website?

A: Posting party platforms on the Elections BC website is not advertising, so yes, it would be acceptable.

Q: Is including a link from the political party website to the party platform on the Elections BC website permitted?

A: Yes.

Q: Was this Regulation passed by all Members of the Legislative Assembly?

A: No, it is a Cabinet Regulation.

Q: So the Regulation does not require amendment to be made in the House?

A: No. Changes can be made by Cabinet.

[See NOTE at beginning of this section regarding changes to the *Electoral Reform Referendum 2009 Act Regulation*.]

CANDIDATES AND NOMINATIONS

Nomination kits for candidates can be requested from Elections BC, or from a Government Agent office. Once nominations booklets and appointment forms are completed according to the enclosed detailed instructions, the kits can be submitted to Elections BC headquarters.

The nomination application is reviewed for completeness and to ensure that all legislative requirements have been met, after which a thorough review is conducted and any outstanding issues with the candidate are resolved. A certificate of candidacy is issued after the election has been called, and the candidate is sent a candidate kit and voters list.

As mentioned earlier, candidates have two choices when filing nomination papers: a standing nomination filed with the Chief Electoral Officer, or an ordinary nomination filed with the District Electoral Officer. The same documents are used for both kinds of nominations, the only difference being where the documents are filed and when they are submitted.

Completing the documentation early through a standing nomination is of great benefit to candidates as it prevents last-minute errors and issues, and gives candidates the ability to begin issuing tax receipts at the earliest possible date after the election is called.

In order for a political party's name to be listed on the ballot alongside the candidate's name, the candidate must be endorsed by the political party. The endorsement may be in the form of a listing of candidates by electoral district. The endorsement must be signed by two registered principal officers of the political party, and be filed before 1:00 pm (Pacific time) on Day 10 at Elections BC headquarters. All principal officer signatures will be verified. Parties are encouraged to contact Elections BC should they require confirmation of their principal officers on file.

Instructions on how to complete nomination documentation are included in the Nomination Booklet. Each kit will contain the following:

- Nomination Booklet
- Appointment of Auditor
- Appointment of Financial Agent
- Appointment of Deputy Financial Agent
- Appointment of Official Agent
- Guide to the *Election Act*
- Guide for Candidates
- Guide for Financial Agents
- Statement of Disclosure
- *Financial Disclosure Act* Fact Sheet

Questions regarding Candidates and Nominations:

Q: Are the deputy financial agent and official agent roles optional?

A: Yes.

Q: When will updates to the nomination kits be ready?

A: The kits are currently being revised, and should be available before the end of December.

ENUMERATION

For the 2009 General Election, Elections BC has set an enumeration objective to have at least 90% of all eligible voters on the voters list, and have at least 80% of voters on the voters list at the correct address. The objective for the 18-24 age group will be 73%. The objective will be measured through a voters list quality survey in January and April 2009, whose results will be used to identify geographic areas where further communication is needed. Information received from BC Stats indicates that British Columbia currently has over 3 million eligible voters.

There are three key components to the enumeration strategy: provincial mail outs, targeted enumeration at all BC post-secondary student residences, and field enumeration during the election at site-based voting areas and homeless facilities. As well, Attestation of Residence forms will be distributed to all relevant institutions.

Attestation of Residence forms are intended to support voters who may find it difficult to prove residency, and have been primarily used to enfranchise university students, First Nations, and homeless populations.

In February 2009, a letter will be sent to every address in British Columbia listing the names of every voter registered at that particular address, and providing instructions on appropriate response channels to change the information if necessary. This was determined to be the most cost-effective model, avoiding high labour/data entry costs. Past experience has proven that voters prefer to be contacted by mail, and mail outs provide Elections BC with the best return in updates to the voters list.

Five types of letters will be included in the enumeration mail out with the following initial estimates:

- 1.4 million with one to eight names at the address
- 600,000 addresses without a registered voter listed
- 15,000 voters at addresses where there are more than eight voters registered
- 400,000 letters where the residential address is not mailable
- 4,000 letters without a valid residential address

Names and addresses can be updated through Election BC's Online Voter Registration website application (OVR), or through the 1-800 call centre. A new innovation includes the use of special codes on the enumeration mail out letter, allowing voters registered at the address to which the letter was addressed to remove names at that address using OVR by citing the codes.

Elections BC expects that during enumeration, there will be:

- 50,000 voter additions
- 100,000 voter moves
- 250,000 voter confirmations
- 75,000 voter removals (moves, deaths, and moves out of province)

Updates will be provided to parties and candidates in the form of a preliminary voters list in April 2009.

Targeted enumeration strategies for the general election are closely tied with the profile of each electoral district. District Electoral Officers will be confirming and updating site-based voting areas (SVAs), and will be compiling a list of homeless facility names, addresses, contact information and client population.

District Electoral Officers will identify appropriate facilities and institutions, such as universities, homeless facilities and seniors' care homes, to confirm participation and to determine the best approach for their clients. They will work together with local administrators to distribute Attestation of Residence forms and other communication materials.

Questions regarding Enumeration:

Q: Why is the objective for the 18-24 age group set at 73%?

A: Elections BC believes it is a realistic objective. Participation for that age group was below 50% in 1999, and in the lower 60% range after the 2005 General Election.

Q: Have universities or colleges been approached to assist in getting their student population on the voters list?

A: Yes. On Democracy Day, September 15, 2008, Elections BC travelled to two universities and conducted registration events.

Q: How will Elections BC enumerate seasonal workers such as tree planters?

A: As seasonal workers based in work camps are not at their permanent residences, mobile teams are sent in to conduct absentee voting, with the votes counting in the applicable home electoral districts.

Q: Is there a directive to District Electoral Officers to seek out seasonal work camp coordinators to ensure that they are included?

A: Yes. As part of a budgeting assignment, District Electoral Officers have been asked to investigate and identify work camps and facilities in their electoral districts.

Q: Elections Canada provides a unique voter number for all voters. Because of Election BC's partnership with Elections Canada, will Elections BC consider using that unique voter number to maintain communication with all voters?

A: No. There is no provision in law to use the unique voter number in that manner. The position of the BC Information and Privacy Commissioner is that it is not permissible.

Q: Is it a privacy issue in the electoral district?

A: Yes. A report was recently issued last January on the issue. Voters lists are distributed to many people, and although Elections BC expects that the controls put in place are respected, they are not always adhered to. Lists are often found after the election in formats that didn't originate from Elections BC. The use of unique voter numbers might be something to consider after the next election, but it will not happen for the 2009 General Election.

CLOSING REMARKS

Political parties are encouraged to maintain current contact information with Elections BC as many resource materials and documents will be distributed in the coming months, including:

- Current voters list on 79 electoral districts
- Map products on DVD
- Information about nomination kits
- Letters requesting party platform statement for the Elections BC website
- Voters list on 85 electoral districts
- Financial reporting requirements
- Letters to advise how your party's name is registered with Elections BC and how it will appear on the ballot
- Letters advising who is on file as political party principal officers and reminders regarding the candidate endorsement process
- Information about who to contact at Elections BC, and a request for names of party contacts, regarding specific election issues

Parties were advised that the next Political Party Information Session will be held in October 2009, and will also serve as a post-election review. Registration information will go out to party contacts well in advance of the meeting date.

Questions regarding information presented at the Political Party Information Session should be directed to the Executive Program Manager by telephone (250-952-6226), for forwarding to the appropriate program area for response. However, if your question is specifically with regard to campaign financing, it is best asked directly of the staff in Electoral Finance.

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