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July 1998

The Honourable Gretchen Brewin  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria, British Columbia  
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Honourable Speaker:

Pursuant to section 13(1)(a) of the *Election Act*, I have the honour to present the 1997 Annual Report of the Chief Electoral Officer to the Legislative Assembly.

This is the second Annual Report of the Chief Electoral Officer submitted under the *Election Act*, and covers the period January 1, 1997 to December 31, 1997.

Respectfully submitted,

Robert A. Patterson  
Chief Electoral Officer

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## CHIEF ELECTORAL OFFICER'S MESSAGE

1997 was the year following a provincial general election and one might think that it would be a quiet time for Elections British Columbia. This report reflects that 1997 was, as usual, a very active year for Elections British Columbia. I wish to recognize all of those within the organization whose continued high levels of commitment and performance enabled us to meet the challenges of the past year.



Elections BC began planning procedures to improve and maintain the accuracy of the provincial Voters List. The focus was on developing and refining processes to update the current data bases at a consistently high level of frequency. In this regard, partnership agreements have been signed with Elections Canada and the Insurance Corporation of British Columbia which will facilitate the sharing of change-of-address information for registered voters.

Work was started on reviewing the voter populations and boundaries of all 7,124 voting areas to bring them into compliance with the *Election Act* which limits their size to 400 voters. This project will also provide a head start to work that may result from any electoral district redistribution.

The appointments of all District Electoral Officers and their Deputies expired six months after General Voting Day of the 1996 general election. Consequently, a recruitment and selection process was undertaken to first fill the District Electoral Officer vacancies and have it completed well in advance of any new electoral event and to enable us to commence a comprehensive training program. Three-hundred and seventy applications were received for District Electoral Officer positions and 146 interviews were held at nine locations throughout the Province to select the 75 District Electoral Officers. The selection of Deputies will follow in 1998.

It is our policy to review Elections BC's advertising agency of record after every general election. Following a competition, a new agency was appointed in 1997. The agency's first challenge was to develop and then implement a public information program for the Surrey-White Rock by-election which was called on August 18, 1997.

Elections BC commenced a comprehensive project to ensure that all of our mainframe computer programs would be Year 2000 compliant well in advance of December 1999, and we expect the project to be completed by March 1998.

Under the *Recall and Initiative Act*, three recall petitions were issued in 1997. All petitions were unsuccessful, but one is the subject of judicial review proceedings. There were no initiative petitions issued in 1997.

During the year we published two reports on the 1996 general election. The *Statement of Votes* is a comprehensive report of the voting results for each electoral district. The *Report of the Chief Electoral Officer* contains an overview of the election, a package of 51 recommendations for amendments to the *Election Act*, and detailed election financing reports for candidates, political parties and constituency associations.

In order to make information on the electoral process more accessible to more people, we continue to update Elections BC's web site (<http://www.elections.bc.ca>) and we have completed a project which saw an information brochure and ten of the forms most often used by British Columbia voters translated into 15 languages.

A number of staff participated in conferences, workshops and other consultations to further their ability to serve the public with the most current information and systems available on electoral processes.

We were honoured to be asked by Elections Canada to assist the OSCE with its administration of municipal elections in Bosnia and Herzegovina by providing a Canadian election information centre to facilitate the

registration of those nationals who were, at the time, being hosted in Canada. Funding for this special project came entirely from CIDA.

Robert A. Patterson  
Chief Electoral Officer

# ABOUT ELECTIONS BC

## Our Mandate

Elections BC is a non-partisan Office of the Legislature and is responsible for the impartial administration of provincial elections and referendums, recalls and initiatives, and voter registration and outreach.

Elections BC's mission is:

**“To serve the people of British Columbia by ensuring the effective and impartial administration of the electoral process.”**

The organization prides itself in having dedicated staff, operating with fairness and equity, and respecting individual differences and individual rights. Elections BC places high value on honesty, knowledge, and professionalism.

Elections BC obtains its formal mandate from the following statutes:

- *Election Act*
- *Recall and Initiative Act*
- *Constitution Act*
- *Referendum Act*
- *Constitutional Amendment Approval Act*
- *Electoral Boundaries Commission Act*
- *Electoral Districts Act*
- *Financial Disclosure Act*
- *Income Tax Act*

The mandate of the Chief Electoral Officer is to administer the provincial electoral process in a fair and impartial manner. This includes the conduct of all provincial elections, referendums and plebiscites. The Office registers political parties and constituency associations, and

administers the laws associated with campaign financing and third party advertising. Elections BC is also responsible for the administration of the *Recall and Initiative Act*.

## **Corporate Restructuring**

In December of 1996, an organizational review was commenced. The organizational structure, reporting relationships and position descriptions of every employee of Elections BC were reviewed to determine how to best utilize Elections BC's resources to meet an expanded mandate and our ever-growing workload.

This information will be used to restructure the organization. The re-organization is expected to be finalized and implemented early in 1998.

## **Training and Staff Development**

Elections BC is committed to providing its management and staff with the most up-to-date information available in their respective fields. During 1997, most courses taken by Elections BC staff involved information technology.

Elections BC's Victoria headquarters holds weekly staff workshops on a variety of topics.

Regional staff attended workshops in January, April and December of 1997.

## **Voter Registration**

The Provincial Voters List System (PVLS) is British Columbia's register of the names, birthdates, and residential and mailing addresses of about 2.2 million voters. The vast majority of this data is supplied to Elections BC by the Province's voters.

Data is collected by District Registrars of Voters and their Deputies and entered onto the system in Elections BC's head office in Victoria and its

regional offices. Elections BC is continually looking for ways to increase the currency and completeness of the Voters List, and for means of leveling out the 'peaks and valleys' of activity during and between elections.

In 1997, approximately 300,000 transactions were performed on the provincial Voters List system. This includes new voter registrations, deletions and changes of name and address information. The "Motor Voter Program", in which address changes to drivers' license records are provided to Elections BC, generated approximately 82,000 voter record updates. The *Election Act* permits access to the Insurance Corporation of British Columbia's drivers license address change data for this purpose.

Voters who want to register to vote, or who wish to update their registration, may contact any Elections BC or Government Agent office. Toll-free telephone service to Elections BC is available by calling 1-800-661-8683.

Voter registration is also available in conjunction with any voting opportunity.

## **Accessibility**

Elections BC is committed to making the electoral process increasingly accessible to all voters. We strive to bring equity to the process.

Voting options such as voting by mail (known as Alternative Absentee Voting) and the establishment of special voting areas have made voting easier for individuals in hospitals and extended-care residences, as well as members of the Canadian Armed Forces overseas and other voters working in remote locations.

All Advance Voting places must be accessible by wheelchair. If, due to a physical disability, a voter cannot enter any voting place, a ballot box can be taken outside to them.

Ballot templates are available for use by persons who are visually impaired. As well, voters can bring someone to help them, or call upon a voting official for assistance.

Not all of British Columbia's voters have English as their mother tongue. Elections BC endeavours to employ voting officials who speak the most prevalent languages in their assigned areas, and many election documents are produced in a multilingual format. Voters are also encouraged to bring translators, who may be a family member or a friend, to assist them.

## **ACTIVITIES DURING THE REPORTING PERIOD**

### **Recruitment, Selection and Training of District Electoral Officers (DEOs)**

On November 28, 1996, all 75 District Electoral Officers' and their Deputies' positions became vacant, as the *Election Act* provides that their appointments expire six months after General Voting Day.

In the spring of 1997, advertisements for District Electoral Officers (DEOs) were placed in British Columbia newspapers, generating 370 applications. Twenty sessions were held at nine locations across the Province to interview 146 candidates. Of the 75 individuals selected and appointed in August 1997, approximately half were new to the position.

In December 1997, the District Electoral Officers attended a two-day training conference. Business sessions were conducted by the Chief Electoral Officer and Deputy Chief Electoral Officer, and the Managers of Election Finances and Registration Operations. Topics of discussion included an overview of Elections BC's mandate, business cycle and organization; standards, expectations and performance evaluation criteria for DEOs; our electoral system; voter registration, voting opportunities and election financing.

Selection and training of Deputy DEOs will follow early in 1998.

### **New Advertising Agency of Record**

During 1997, a new advertising agency of record was selected by Elections BC.

In response to an invitation to bid, submissions were received from several agencies. Glennie Stamnes Strategy was the successful candidate.

The agency of record for Elections BC is reviewed following each provincial general election.

## **Year 2000**

During 1997, Elections BC's Information Technology Division identified approximately 500 computer programs of the Provincial Voters List System which required updating to meet Year 2000 standards.

Testing of the Year 2000 program updates began in early October 1997, and sign-off is expected before the end of March 1998.

## **Initiative Petitions**

Under the *Recall and Initiative Act*, the initiative process allows British Columbia voters to propose new laws, or to make changes to existing legislation.

During 1997, no initiative petitions were issued by Elections BC.

## **Recall Petitions**

The *Recall and Initiative Act* states that if more than 40% of the registered voters, who were registered to vote in the electoral district represented by a Member of the Legislative Assembly when last elected, sign a recall petition within the 60-day canvassing period, and the proponent has complied with the recall financing provisions, the Member's seat becomes vacant. The Act also sets out rules regarding contributions and expenditures. Recall applications cannot be accepted until 18 months after a Member's election.

Three recall petitions were issued in 1997.

### **Petition R97001-PRN**

Proponent: Pertti Harkonen  
MLA: Paul Ramsey  
Electoral District: Prince George North  
Issue Date: December 5, 1997  
Return Date: February 3, 1998

#### **Outcome of the recall petition:**

In Prince George North, 22,271 voters were registered to vote on May 28, 1996. As a result, more than 8,908 signatures were required on the recall petition. The result of the count conducted by Elections BC determined that there were 8,323 signatures contained on the petition sheets. As this number did not meet the 40% threshold required, the recall petition was unsuccessful. An action under the *Judicial Review Procedure Act* has been initiated by the proponent of this petition.

### **Petition R97002-SKN**

Proponent: G. Lorne Sexton  
MLA: Helmut Giesbrecht  
Electoral District: Skeena  
Issue Date: December 5, 1997  
Return Date: February 3, 1998

#### **Outcome of the recall petition:**

The recall petition was withdrawn by the proponent on February 3, 1998.

### **Petition R97003-SKN**

Proponent: John How  
MLA: Helmut Giesbrecht  
Electoral District: Skeena  
Issue Date: December 12, 1997  
Return Date: February 10, 1998

#### **Outcome of the recall petition:**

The recall petition was withdrawn by the proponent on January 21, 1998.

## **Surrey-White Rock By-election**

The May 2, 1997, resignation of Wilf Hurd, the Member for the electoral district of Surrey-White Rock, created a vacancy in the membership of the Legislative Assembly. The by-election to fill this vacancy was the first by-election conducted under the *Election Act* which was brought into force September 1, 1995.

On August 18, 1997, a Writ of Election was issued by the Chief Electoral Officer to Lorraine Livesey, the District Electoral Officer for the Surrey-White Rock Electoral District. The Writ ordered that an election be held on September 15, 1997.

At the commencement of the by-election, voter registration centres were set up in the electoral district at four locations with high pedestrian traffic. The booths were open from August 20, 1997 (Day 2) up to and including August 25, 1997 (Day 7).

Nominations filed under section 56 of the *Election Act* were accepted by the District Electoral Officer from 9:00 a.m. Monday, August 25 until 1:00 p.m. on Tuesday, September 2, 1997. At the close of nominations, seven candidates had filed with the District Electoral Officer. All seven candidates were endorsed by registered political parties. No standing nominations were filed with the Chief Electoral Officer under section 57 of the *Election Act*.

Alternative Absentee Voting commenced in the office of the District Electoral Officer on Tuesday, August 19, 1997. The four consecutive days of Advance Voting began on September 10, 1997, with 1,677 voters casting ballots during Advance Voting.

General Voting Day was Monday, September 15, 1997, and voting places were open from 8:00 a.m. to 8:00 p.m. At the election, 19,630 voters, or 47.5% of registered voters, turned out to vote.

At the conclusion of the Final Count on Friday, September 19, 1997, Gordon Hogg, the candidate endorsed by the Liberal Party of British Columbia, was declared elected as the Member to represent the Surrey-White Rock Electoral District in the Legislative Assembly. On

Monday, September 29, 1997, the District Electoral Officer returned the Writ of Election to the Chief Electoral Officer, and on that date the Chief Electoral Officer delivered a certified report to the Speaker of the Legislative Assembly confirming the election of Mr. Hogg. Detailed voting results can be found in the *Surrey-White Rock Statement of Votes*.

## **Voting Area Redistribution**

In October 1997, Elections BC commenced a province-wide voting area redistribution.

The *Election Act* establishes that no more than 400 registered voters can be assigned to a voting area.

A total of 1,147 voting areas were identified as requiring amendment. The redistribution project is scheduled for completion by the fall of 1998.

# INFORMING THE PUBLIC

## Translation of Voting Materials

It is Elections BC's responsibility to ensure that qualified voters in the Province are provided with the opportunity to exercise their right to vote. To fulfil our mandate, our office is currently translating registration and voting material into 15 different languages. The 15 languages include:

- Chinese
- Punjabi
- Tagalog
- Spanish
- Korean
- Farsi
- Vietnamese
- Hindi
- German
- Serbo-Croatian
- Arabic
- Russian
- Japanese
- French
- Polish

Language selection was based on the number of individuals that indicated a mother tongue other than English in the 1996 census.

## Web Site

The Elections BC web site address is <http://www.elections.bc.ca>.

Elections BC continues to update its web site with new information that pertains to the administration of the *Election Act* and *Recall and Initiative Act*.

New material added to our web site includes:

- Guide to the *Election Act* and Guide to Election Communications
- British Columbia electoral district maps
- information on the recall process including Guide to the Recall Process, Recall Petition - Guide for Financial Agents, Application for Recall Petition, Application for Canvasser Registration, and Recall Financing reports
- information on the initiative process including Guide to the Initiative Process
- election finance information including Election Finance Newsletters and Annual Financial Reports
- links to other electoral sites.

# COMPLIANCE

## Applications for Court Relief

In January 1997, the Green Party Political Association of British Columbia applied to the Supreme Court of British Columbia in Penticton for relief when three of its candidates failed to meet a supplementary filing deadline. Each was subject to a late filing fee of \$500. The application sought permission to file the reports without having to pay the late filing fee.

On April 7, 1997, Mr. Justice Romilly concluded that, while he agreed with most of the submissions put forward on behalf of the Chief Electoral Officer, he was satisfied that in the unique circumstances of the case, the three extensions should be granted.

Relief from the late filing fees was granted. Court costs were awarded to the Chief Electoral Officer.

## Investigations

Elections BC contracted the forensic accounting firm of Lindquist Avey Macdonald Baskerville to conduct investigations into the financial records of five candidates' campaigns for the 1996 provincial general election.

One review revealed that the campaign's financial records were not properly maintained and therefore unreliable, however, insufficient information was available to reconstruct and properly file the report. As the 1996 general election was the first one held under new election finance legislation, prosecution was not recommended.

Four reviews revealed that the methods used to complete the election financing reports caused confusion. However, in all cases, the election expenses reported were reasonable.

## **Friesen et al v. Hammell et al**

In August 1996, three voters from three different electoral districts filed a Petition under section 150 of the *Election Act* for a declaration that all 39 elections of New Democratic Party members be declared invalid. The Petition was based on the alleged contravention of section 256 (“Intimidation”) of the *Election Act*.

As a voter can only directly challenge the election of their respective Member, the three voters filed a second Petition under the *Class Proceedings Act* in order to bring the other 36 MLAs into the action.

In November 1997, Chief Justice Bryan Williams dismissed the request for certification under the *Class Proceedings Act*, ruling that the case should be conducted under the *Election Act*. He stated in his Reasons that the “limitations explicitly established in ss. 150-151 of the *Election Act* indicate that they should not be abrogated or altered through the interposition of the *Class Proceedings Act*.”

The action continues before the Court.

# **WORKING WITH OTHERS**

## **Alberta General Election**

The Chief Electoral Officer was invited to observe the conduct of Alberta's general election on March 11, 1997.

This general election was Alberta's first to employ a computerized Voters List, which was based on an enumeration conducted by that Province during November 1996. As British Columbia has extensive knowledge and experience with computerized Voters Lists, the Chief Electoral Officer was asked to provide advice on the maintenance and operation of Alberta's system.

## **Bosnian and Herzegovinan Municipal Election Information Centre**

At the request of Elections Canada, on behalf of the Organization for Security and Cooperation in Europe (OSCE), Elections BC facilitated voter registration for citizens of Bosnia and Herzegovina currently living in Canada. This was to enable them to participate in out-of-country voting on September 13 and 14, 1997 for municipal councils.

Elections BC assumed responsibility for distribution of voter registration materials during the registration period (May 5 to June 13, 1997), and public information during the campaign period (August 18 to September 10, 1997).

Telephone service and public information materials were provided in the Bosnian, Croatian, Serbian and English languages.

Funding was provided by the Canadian International Development Agency (CIDA), through Elections Canada.

## **Chief Electoral Officer addresses Auditor General's Breakfast Club**

Like the Chief Electoral Officer, the Auditor General is an Officer of the Legislature. The Office of the Auditor General has a 'breakfast club' which serves as a forum for sharing of information and discussion of topics of interest.

On January 24, 1997, the Chief Electoral Officer addressed the 'breakfast club'. His presentation included a description of the mandate of the office and Elections BC's business cycle.

## **Conference of Canadian Election Officials**

Canadian Chief Electoral Officers and their senior staff have met annually since 1974. The annual Conference of Canadian Election Officials provides a forum for federal, provincial and territorial election administrators to discuss all facets of electoral administration.

The 1997 Conference of Canadian Election Officials, held August 11-14, 1997 in Halifax, Nova Scotia, was attended by the Chief Electoral Officer and the Deputy Chief Electoral Officer.

Their presentations to the Conference included a report on partnership agreements between provincial, municipal and federal electoral agencies, and the implementation of recall and initiative legislation in British Columbia.

The agenda included legal issues arising in the various jurisdictions, how to resolve a tie in an election, and evaluation of election worker performance. Also discussed were innovations in technology as they apply to election administration, building and maintaining a permanent voters list, and issues arising from inter-agency sharing of voters list data.

## **Council on Governmental Ethics Laws (COGEL)**

COGEL is an international professional organization for government agencies, organizations and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobby law and open public meetings and records regulation. Its annual meetings provide a venue for exchange of information and significant developments in its respective areas of interest.

COGEL's 1997 Conference, held September 14 to 17 in Edmonton, Alberta, was attended by the Manager of Election Finances and the Chief Electoral Officer. Business sessions were held on such subjects as election finance, public access to campaign finance records, conflict of interest, and electronic filing of election finance reports.

The Chief Electoral Officer attended meetings subsequent to the business sessions in his role as a member of COGEL's Steering Committee.

In December, the Manager of Election Finances attended a meeting of the COGEL-sponsored Electronic Disclosure Committee in Chicago which further explored the development of electronic filing systems for election finance reports.

## **Election Finance Workshop**

In April 1997, the Deputy Chief Electoral Officer and Manager of Election Finances attended a two-day Campaign Finance Workshop in Québec City hosted by Elections Québec.

The agenda included informing the public about election financing, the role of third parties in election financing, and computer systems in election finance reporting.

## **Elections Manitoba's Development of Computerized Voters List**

In January of 1997, Elections BC was contacted by Manitoba's Deputy Minister of Urban Affairs, advising that Manitoba Urban Affairs had

engaged KPMG Management Consulting in Winnipeg to undertake a feasibility study concerning the establishment of a permanent Voters List for Manitoba.

The Elections BC Manager of Registration Operations provided advice to KPMG and to Elections Manitoba in this regard.

## **International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT)**

IACREOT's 1997 Conference, held May 27 to 31 in Philadelphia, Pennsylvania was attended by the Manager of Registration Operations and the Manager of Information Technology. They took part in educational programs covering such topics as making voting more accessible for the visually impaired and individuals with low levels of literacy, projecting and increasing voter turnout, recruiting election officials, and using the Internet for electronic transmission of election materials. New technology in electoral administration was the focus of a large trade show held in conjunction with IACREOT's annual conference.

## **Legislative Interns**

The British Columbia Legislative Internship Program is sponsored by the Speaker of the Legislative Assembly. Each year, seven interns, who have recently obtained an undergraduate degree from a British Columbia university, take part in the educational program from January until June. Historically, Elections BC contributes to the program by making a presentation to the Legislative Interns on the mandate and activities of the organization.

In February 1997 the Chief Electoral Officer and Deputy Chief Electoral Officer spoke with the Legislative Interns on the history and role of Elections BC, and the recall and initiative processes in British Columbia.

Exchange visits with other Legislatures are a program feature. In the spring 1997, Ontario's eight Legislative Interns were hosted at the British

Columbia Legislature. In April the Chief Electoral Officer met with them to discuss their interest in recall and initiative legislation.

## **Manitoba Audit Committee**

In November 1996, the Chief Electoral Officer was invited to serve as a member of Elections Manitoba's Audit Committee, and in 1997 participated by conference call in two meetings of the Committee, one in January and another in April.

The role of the Committee is to review and advise on the implementation of a program of control self-assessment of the office's planning functions. Such thorough planning will be reflected in the successful conduct of a provincial general election - a massive, decentralized event. Through participation with this Committee, Elections BC has been able to study and incorporate significant elements of Elections Manitoba's program of control self-assessment in its planning function and program delivery.

## **Partnership with Elections Canada**

In September 1997, Elections BC and Elections Canada signed a Memorandum of Understanding forming a General Agreement on Exchange and Sharing of Data, Expertise and Technology.

As Elections BC and Elections Canada have similar operational units, it is anticipated that this agreement will serve well to increase the effectiveness and efficiency of both organizations in meeting their respective legislated mandates.

Throughout the year, Elections BC and Elections Canada continued discussions toward a further Memorandum of Understanding on the topic of information sharing.

## **Strategic Information Systems Plan (SISP)**

In October 1997, Elections BC began development of a Strategic Information System Plan (SISP).

The plan, when finalized, will identify business areas which could benefit from the application of information technology, and identify strategies for using data and technology in more efficient and effective ways.

The SISP will be used as a base document for future system development projects.

## **Voters List Workshop**

British Columbia has had a continuous Voters List for approximately 50 years. It has been computerized since 1982. In recent years, a number of Canadian electoral jurisdictions have been investigating moving away from enumeration-based Voters Lists to computerized, continuous Voters List systems.

On October 27 and 28, 1997, Elections BC hosted a national workshop on computerized Voters List development and maintenance.

The workshop was attended by representatives of 12 federal, provincial and territorial electoral jurisdictions. Topics of discussion included the benefits and challenges of maintaining a continuous Voters List system, alternatives to and options in enumeration, sources of data, and Voters List security and privacy issues.

# **APPENDICES**

## **Appendix A Political Parties**

### **Registered Political Parties as at December 31, 1997**

Alliance of Concerned Taxpayers  
B.C. Conservative Party  
B.C. First Alliance Association  
B.C. Republican Party  
B.C. Social Credit Party  
British Columbia Liberal Party  
Citizens Commonwealth Federation  
Communist Party of B.C.  
Green Party Political Association of British Columbia  
Labour Welfare Party  
Natural Law Party  
New Democratic Party of B.C.  
Party of Citizens Who Have Decided To Think For Themselves  
And Be Their Own Politicians  
Progressive Democratic Alliance  
Reform Party of British Columbia  
The Enterprise Party of British Columbia  
The Family Coalition Party of British Columbia  
The Voters Choice/Direct Democracy Party of B.C.  
United British Columbia Association  
Western Canada Concept Party of B.C.

### **Voluntarily Deregistered During 1997**

The Enterprise Party of B.C. (reregistered in October, 1997)

### **Deregistered for Failure to File 1996 Annual Financial Report**

United Citizens Party

## **Appendix B**

### **Constituency Associations**

#### **Registered Constituency Associations as at December 31, 1997**

Abbotsford NDP Constituency Association

Alberni NDP Constituency Association

Bulkley Valley-Stikine NDP Constituency Association

Burnaby-Edmonds NDP Constituency Association

Burnaby-Edmonds Social Credit Constituency Association

Burnaby North NDP Constituency Association

Burnaby North Social Credit Constituency Association

Burnaby-Willingdon NDP Constituency Association

Burnaby-Willingdon Social Credit Constituency Association

Cariboo North NDP Constituency Association

Cariboo North Reform Party of B.C. Constituency Association

Cariboo South NDP Constituency Association

Cariboo South Reform Party of B.C. Constituency Association

Chilliwack NDP Constituency Association

Columbia River-Revelstoke NDP Constituency Association

Comox Valley NDP Constituency Association

Comox Valley Reform Party of B.C. Constituency Association

Coquitlam-Maillardville NDP Constituency Association

Coquitlam-Maillardville Reform Party of B.C. Constituency Association

Cowichan-Ladysmith NDP Constituency Association

Delta North Family Coalition Party Constituency Association

Delta North NDP Constituency Association

Delta South Family Coalition Party Constituency Association

Delta South NDP Constituency Association

Delta South Reform Party of B.C. Constituency Association

Delta South Social Credit Constituency Association

Esquimalt-Metchosin NDP Constituency Association

Fort Langley-Aldergrove NDP Constituency Association

Kamloops NDP Constituency Association

Kamloops Reform Party of B.C. Constituency Association

Kamloops Social Credit Constituency Association

Kamloops-North Thompson NDP Constituency Association

Kamloops-North Thompson Reform Party of B.C. Constituency Association

Kamloops-North Thompson Social Credit Constituency Association

Kootenay NDP Constituency Association

Kootenay Social Credit Constituency Association

## **Registered Constituency Associations as at December 31, 1997 (continued)**

Langley NDP Constituency Association  
Langley Reform Party of B.C. Constituency Association  
Langley Social Credit Constituency Association  
  
Malahat-Juan de Fuca NDP Constituency Association  
Maple Ridge-Pitt Meadows NDP Constituency Association  
Matsqui NDP Constituency Association  
Mission-Kent NDP Constituency Association  
  
Nanaimo Family Coalition Party Constituency Association  
Nanaimo NDP Constituency Association  
Nelson-Creston Green Party Constituency Association  
Nelson-Creston NDP Constituency Association  
New Westminster NDP Constituency Association  
New Westminster Social Credit Constituency Association  
North Coast NDP Constituency Association  
North Island NDP Constituency Association  
North Vancouver-Lonsdale NDP Constituency Association  
North Vancouver-Lonsdale Social Credit Constituency Association  
North Vancouver-Seymour NDP Constituency Association  
  
Oak Bay-Gordon Head NDP Constituency Association  
Okanagan-Boundary NDP Constituency Association  
Okanagan-Boundary Social Credit Constituency Association  
Okanagan East NDP Constituency Association  
Okanagan-Penticton Green Party Constituency Association  
Okanagan-Penticton NDP Constituency Association  
Okanagan-Vernon NDP Constituency Association  
Okanagan West NDP Constituency Association  
Okanagan West Social Credit Constituency Association  
  
Parksville-Qualicum NDP Constituency Association  
Peace River North NDP Constituency Association  
Peace River North Social Credit Constituency Association  
Peace River South NDP Constituency Association  
Peace River South Reform Party of B.C. Constituency Association  
Peace River South Social Credit Constituency Association  
Port Coquitlam NDP Constituency Association  
Port Moody-Burnaby Mountain NDP Constituency Association  
Powell River-Sunshine Coast NDP Constituency Association  
Prince George-Mount Robson NDP Constituency Association  
Prince George North Green Party Constituency Association  
Prince George North NDP Constituency Association  
Prince George-Omineca NDP Constituency Association

## **Registered Constituency Associations as at December 31, 1997 (continued)**

Richmond Centre NDP Constituency Association  
Richmond Centre Social Credit Constituency Association  
Richmond East NDP Constituency Association  
Richmond East Social Credit Constituency Association  
Richmond-Steveston NDP Constituency Association  
Richmond-Steveston Social Credit Constituency Association  
Rossland-Trail NDP Constituency Association

Saanich North and the Islands Green Party Constituency Association  
Saanich North and the Islands NDP Constituency Association  
Saanich South B.C. Liberal Constituency Association  
Saanich South NDP Constituency Association  
Shuswap NDP Constituency Association  
Shuswap Reform Party of B.C. Constituency Association  
Shuswap Social Credit Constituency Association  
Skeena NDP Constituency Association  
Skeena Social Credit Constituency Association  
Surrey-Cloverdale Green Party Constituency Association  
Surrey-Cloverdale NDP Constituency Association  
Surrey-Green Timbers NDP Constituency Association  
Surrey-Newton Family Coalition Party Constituency Association  
Surrey-Newton NDP Constituency Association  
Surrey-Whalley Family Coalition Party Constituency Association  
Surrey-Whalley NDP Constituency Association  
Surrey-Whalley Reform Party of B.C. Constituency Association  
Surrey-White Rock NDP Constituency Association

Vancouver-Burrard Family Coalition Party Constituency Association  
Vancouver-Burrard NDP Constituency Association  
Vancouver-Burrard Social Credit Constituency Association  
Vancouver-Fraserview Family Coalition Party Constituency Association  
Vancouver-Fraserview Green Party Constituency Association  
Vancouver-Fraserview NDP Constituency Association  
Vancouver-Hastings NDP Constituency Association  
Vancouver-Hastings Social Credit Constituency Association  
Vancouver-Kensington NDP Constituency Association  
Vancouver-Kensington Social Credit Constituency Association  
Vancouver-Kingsway NDP Constituency Association  
Vancouver-Kingsway Social Credit Constituency Association  
Vancouver-Langara Family Coalition Party Constituency Association  
Vancouver-Langara NDP Constituency Association  
Vancouver-Langara Social Credit Constituency Association

## **Registered Constituency Associations as at December 31, 1997 (continued)**

Vancouver-Little Mountain NDP Constituency Association  
Vancouver-Little Mountain Social Credit Constituency Association  
Vancouver-Mount Pleasant NDP Constituency Association  
Vancouver-Mount Pleasant Social Credit Constituency Association  
Vancouver-Point Grey Family Coalition Party Constituency Association  
Vancouver-Point Grey NDP Constituency Association  
Vancouver-Point Grey Social Credit Constituency Association  
Vancouver-Quilchena Family Coalition Party Constituency Association  
Vancouver-Quilchena Green Party Constituency Association  
Vancouver-Quilchena NDP Constituency Association  
Vancouver-Quilchena Social Credit Constituency Association  
Victoria-Beacon Hill Green Party Constituency Association  
Victoria-Beacon Hill NDP Constituency Association  
Victoria-Hillside NDP Constituency Association  
  
West Vancouver-Capilano NDP Constituency Association  
West Vancouver-Capilano Social Credit Constituency Association  
West Vancouver-Garibaldi NDP Constituency Association  
West Vancouver-Garibaldi Reform Party of B.C. Constituency Association  
West Vancouver-Garibaldi Social Credit Constituency Association  
  
Yale-Lillooet NDP Constituency Association  
Yale-Lillooet Social Credit Constituency Association

## **Voluntarily Deregistered During 1997**

Abbotsford Family Coalition Party Constituency Association  
Matsqui Family Coalition Party Constituency Association  
Nelson-Creston Family Coalition Party Constituency Association  
Oak Bay-Gordon Head Family Coalition Party Constituency Association  
Surrey-Cloverdale Family Coalition Party Constituency Association  
Surrey-White Rock Family Coalition Party Constituency Association  
Vancouver-Kensington Family Coalition Party Constituency Association  
West Vancouver-Capilano Family Coalition Party Constituency Association

## **Deregistered for Failure to File 1996 Annual Financial Report**

Delta North Social Credit Constituency Association  
Oak Bay-Gordon Head Reform Party of B.C. Constituency Association  
Rossland-Trail Green Party Constituency Association

## Appendix C Elections BC Expenditures/ Budgeted Appropriation

### 1996/97 Expenditures<sup>1</sup>

|                                   |                          |
|-----------------------------------|--------------------------|
|                                   | \$                       |
| Salaries and Benefits             | 5,226,064                |
| Operating Costs                   | 13,079,588               |
| Asset Acquisitions                | 602,320                  |
| Other Expenditures                | 122,659                  |
| <b>Total 1996/97 Expenditures</b> | <u><u>19,030,631</u></u> |

### 1997/98 Budgeted Appropriation<sup>2</sup>

|   |                         |
|---|-------------------------|
|   | \$                      |
| Salaries and Benefits                       | 2,260,000               |
| Operating Costs                             | 1,477,000               |
| Asset Acquisitions                          | 30,000                  |
| Other Expenditures                          | 3,204,000               |
| <b>Total 1997/98 Budgeted Appropriation</b> | <u><u>6,971,000</u></u> |

- 1 From 1996/97 Public Accounts  
2 From 1997/98 Estimates

## Appendix D Leadership Contestants' Financing Reports

David Mercier\*

B.C. Conservative Party

Apr. 19, 1997

\$

### Income

#### Political Contributions

|                           |   |
|---------------------------|---|
| Individuals               | - |
| Corporations              | - |
| Unincorporated Businesses | - |
| Trade Unions              | - |
| Non-Profit Organizations  | - |
| Other Contributors        | - |
| Anonymous                 | - |

#### Total Political Contributions

|                    |   |
|--------------------|---|
| Fundraising Income | - |
|--------------------|---|

#### Total Income

|  |   |
|--|---|
|  | - |
|--|---|

### Expenses

#### Leadership Contestant Expenses

|   |   |
|---|---|
| Bank Charges                              | - |
| Leadership Contestant's Personal Expenses | - |
| Conventions and Meetings                  | - |
| Fundraising Functions                     | - |
| Furniture and Equipment                   | - |
| Media Advertising                         | - |
| Newsletters to Membership                 | - |
| Office Rental, Insurance and Utilities    | - |
| Office Supplies                           | - |
| Postage                                   | - |
| Professional Services                     | - |
| Research and Polling                      | - |
| Salaries and Benefits                     | - |
| Signs and Brochures                       | - |
| Social Functions                          | - |
| Telecommunications                        | - |
| Travel                                    | - |
| Other                                     | - |

#### Total Leadership Contestant Expenses

|  |   |
|--|---|
|  | - |
|--|---|

\* By acclamation

## Leadership Contestants' Financing Reports (continued)

|   | <b>John Motiuk</b>          | <b>Adrian Wade</b>          |
|---|-----------------------------|-----------------------------|
|   | <b>Reform Party of B.C.</b> | <b>Reform Party of B.C.</b> |
|   | <b>Aug. 30, 1997</b>        | <b>Aug. 30, 1997</b>        |
|   | \$                          | \$                          |
| <b>Income</b>                               |                             |                             |
| <b>Political Contributions</b>              |                             |                             |
| Individuals                                 | 9,556                       | 5,174                       |
| Corporations                                | -                           | 1,800                       |
| Unincorporated Businesses                   | -                           | -                           |
| Trade Unions                                | -                           | -                           |
| Non-Profit Organizations                    | -                           | -                           |
| Other Contributors                          | -                           | -                           |
| Anonymous                                   | -                           | 10                          |
| <b>Total Political Contributions</b>        | <u>9,556</u>                | <u>6,984</u>                |
| Fundraising Income                          | -                           | 390                         |
| <b>Total Income</b>                         | <u>9,556</u>                | <u>7,374</u>                |
| <b>Expenses</b>                             |                             |                             |
| <b>Leadership Contestant Expenses</b>       |                             |                             |
| Bank Charges                                | -                           | 80                          |
| Leadership Contestant's Personal Expenses   | 4,846                       | 4,032                       |
| Conventions and Meetings                    | 25                          | 1,000                       |
| Fundraising Functions                       | -                           | -                           |
| Furniture and Equipment                     | -                           | 57                          |
| Media Advertising                           | -                           | -                           |
| Newsletters to Membership                   | -                           | -                           |
| Office Rental, Insurance and Utilities      | -                           | -                           |
| Office Supplies                             | -                           | 237                         |
| Postage                                     | -                           | 24                          |
| Professional Services                       | -                           | -                           |
| Research and Polling                        | -                           | -                           |
| Salaries and Benefits                       | -                           | -                           |
| Signs and Brochures                         | 4,685                       | 1,208                       |
| Social Functions                            | -                           | -                           |
| Telecommunications                          | -                           | 736                         |
| Travel                                      | -                           | -                           |
| Other                                       | -                           | -                           |
| <b>Total Leadership Contestant Expenses</b> | <u>9,556</u>                | <u>7,374</u>                |

## Leadership Contestants' Financing Reports (continued)

**Wilf Hanni**

**Reform Party of B.C.**

**Aug. 30, 1997**

\$

### Income

#### Political Contributions

|                                      |                     |
|--------------------------------------|---------------------|
| Individuals                          | 9,966               |
| Corporations                         | -                   |
| Unincorporated Businesses            | -                   |
| Trade Unions                         | -                   |
| Non-Profit Organizations             | -                   |
| Other Contributors                   | -                   |
| Anonymous                            | -                   |
| <b>Total Political Contributions</b> | <u>9,966</u>        |
| Fundraising Income                   | -                   |
| <b>Total Income</b>                  | <u><u>9,966</u></u> |

### Expenses

#### Leadership Contestant Expenses

|   |                     |
|---|---------------------|
| Bank Charges                                | 13                  |
| Leadership Contestant's Personal Expenses   | 2,114               |
| Conventions and Meetings                    | 134                 |
| Fundraising Functions                       | -                   |
| Furniture and Equipment                     | -                   |
| Media Advertising                           | 3,739               |
| Newsletters to Membership                   | -                   |
| Office Rental, Insurance and Utilities      | -                   |
| Office Supplies                             | 143                 |
| Postage                                     | 250                 |
| Professional Services                       | -                   |
| Research and Polling                        | -                   |
| Salaries and Benefits                       | -                   |
| Signs and Brochures                         | 2,068               |
| Social Functions                            | 75                  |
| Telecommunications                          | 1,430               |
| Travel                                      | -                   |
| Other                                       | -                   |
| <b>Total Leadership Contestant Expenses</b> | <u><u>9,966</u></u> |

## **Appendix E**

### **Minutes of the Meeting of the Election Advisory Committee April 14, 1997**

#### **Welcome and Introductions:**

Chair Robert Patterson called the meeting to order and welcomed the members of the Committee and their guests. The Committee members and guests, as well as Elections BC's representatives, introduced themselves.

Robert Patterson described the meeting as a working session regarding proposed amendments to the *Election Act*. Mr. Patterson said he wanted to present his report to the House during the current session.

Following are the amendments proposed by Mr. Patterson and the discussion regarding them.

#### **Proposal - Section 18:**

District Electoral Officer appointments should be rescinded with redistribution

The Act stipulates that a District Electoral Officer's appointment ends six months after General Voting Day for the first election after the appointment. A District Electoral Officer (DEO) is appointed for an electoral district. If an electoral district boundary is altered or it disappears as a result of redistribution, there is no provision to rescind the DEO's appointment. An amendment is required to provide such a rescission of appointment. A similar provision would also be required for Deputy DEOs.

#### **Discussion:**

Ms. Sanguinetti noted that at the general election *post mortem* meeting she had raised the perception that some election officials had a partisan bias. She said that she was referring to Voting Officials rather than District Electoral Officers.

Mr. Patterson pointed out that the federal model has not been a positive experience. Election staff are required to wait until the last instant for lists from parties, some individuals are not of the calibre required for the jobs, and others are unaware that their names have been put forward.

Mr. MacKay-Dunn asked how Elections BC chooses Voting Officials. He questioned the competence of some, especially those encountered during Advance Voting (at the 1996 general election).

Mr. Patterson accepted this as fair criticism, stating that the DEOs' recruitment of Voting Officials is largely by word of mouth, and sometimes through print advertisements. Also, Elections BC does not want to know the political affiliations of Voting Officials. Many DEOs, however, would appreciate receiving lists of individuals who are interested in working. Ms. Johnson said that this is not something to be addressed in legislation, as there would then be party representatives working at elections. The public now respects the role of the scrutineer as a party representative. The recruitment issue would be better addressed through administrative policy with the DEOs.

Mr. Taylor reiterated a suggestion he made at the general election *post mortem*, i.e. to move DEOs around electoral districts. Mr. Patterson replied that currently Elections BC is recruiting a full slate of 75 new DEOs as their appointments all expired six months after General Voting Day (November 28, 1996).

Mr. Parker said he wanted more assurance that personnel were non-partisan.

### **Proposal - Section 24, 25:**

Establish one day of the week as General Voting Day.

Identify one day of the week on which all elections would be held. Currently, Elections BC must create and maintain, at significant additional costs, six election calendars or 'game plans', one for each day of the week on which an election may be held. In order for government to retain flexibility with respect to the day on which an election is called, it would be necessary to permit an increase to a maximum of six days in the

election period, which could range from a minimum of 29 days to a maximum of 35 days.

**Discussion:**

Mr. Gardiner said that this opens up debate, and that the determination of the election day should be the prerogative of the Premier in consultation with the Lieutenant Governor.

Mr. Patterson said the intent was not to bind the hands of government, but rather to introduce some certainty into election planning and to secure good voting locations. He noted that municipal elections are held on Saturdays, and the *Recall and Initiative Act* establishes Saturday as General Voting Day for initiative votes.

In deference to the Jewish community, Mr. MacKay-Dunn spoke against Saturdays as General Voting Days.

Mr. Massey said he concurred with this proposal, as the Progressive Democratic Alliance supports fixed election dates.

**Proposal - Section 32 (4):**

Provide another option for a residential address for those in correctional facilities.

Currently an inmate in a provincial correctional facility has two options for choosing a residential address for the purpose of registering as a provincial voter. There are those for whom neither option is suitable because they have no family in the Province or had not established a fixed residence prior to incarceration. These individuals are effectively disfranchised. Additional options would be, as federally, to use the correctional facility address or the last court where the voter was convicted and sentenced.

**Discussion:**

Mr. Patterson noted that the place where a person is arrested is difficult to define.

Ms. Johnson added that this issue was brought to the attention of Elections BC management by Voter Registration staff who recognized that a number of inmates are administratively disfranchised.

Mr. Hallsor said he would agree with any solution that would broaden the inmates' options.

Discussion suggested that a solution that would not concentrate the voters' addresses into specific facilities would be preferred.

### **Proposal - Section 46:**

Allow the Chief Electoral Officer to remove a name from the Voters List if satisfied that the voter is no longer qualified, e.g. MVB information regarding a person is now residing outside the Province; section 46 (2) (b).

Elections BC can become aware that a voter no longer resides at the address shown on the Voters List, however, the voter's new address is not known. The Act requires that a notice be sent to the former address of the voter, requesting that the voter inform EBC within 60 days of a new address or the voter's name will be deleted from the Voters List. It is recommended that the CEO be given additional options to making contact with the voter.

### **Discussion:**

Three major sources of information regarding a voter's non-residency are municipal and federal voters list data, and Motor Vehicle Branch data.

Elections BC may receive information from Elections Canada on voters who have moved from British Columbia, and from the Motor Vehicle Branch on people who have given up their BC Drivers' Licences because they had been issued one in another Province.

Mr. Parker expressed his concern about using the Motor Voter program as a means to maintain the Voters List. He says he feels the Green Party membership, many of whom do not drive, receive a lower standard of voter registration service. He noted in Nelson-Creston at the May 1996

general election, a large number of voters had to fill out registration and change-of-address forms at the voting place.

Mr. Brooke said he would like to see a more proactive approach by the voters themselves.

Mr. Gardiner cited section 42 with regard to general and limited enumerations, asking for Mr. Patterson's advice on "measurement of when to order a specific enumeration," and what constitutes "milestones" for measurement.

Mr. Taylor asked for the percentage accuracy of the Voters List.

Mr. Patterson replied that the Voters List is assessed as to currency, accuracy, and completeness, adding that the currency fluctuates with the time removed from an election. The accuracy rate is about 95%. Mr. Maskell added that the Voters List was about 90% complete at the time an election is called.

Mr. Patterson noted that, with the *Recall and Initiative Act*, it is more critical that the Voters List be kept current, and that the number of voters registered as of Day 7 of a general election period determines election spending limits for parties and candidates.

Mr. Kisby said he believes signatories to initiatives should be eligible voters rather than registered voters.

Mr. Hallsor said he would agree with more power to compare the British Columbia list with other lists and "clean it up."

Mr. Gardiner indicated that he would want more information on what alternative means of contact were contemplated before removing a voter from the Voters List.

### **Proposal - Section 48:**

Reduce the number of paper copies of Voters Lists given to candidates.

Although the Act reduced the number of additional Voters Lists made available to candidates to eight, evidence from the May 1996 general election indicates that this number can be reduced even further. At the

last election, the average number of copies picked up by candidate campaigns was three preliminary lists and four revised lists. The recent changes to the federal Act provide one printed and one electronic version of the preliminary list and the same for the revised list, plus up to four additional printed copies of the revised list. It is recommended that the number of additional lists (both preliminary and revised) be reduced to four.

### **Discussion:**

Mr. Maskell pointed out that 40% to 50% of candidates did not pick up their preliminary Voters Lists, and about 50% did not pick up the final lists. Mr. Patterson asked if an electronic version was preferably to paper copy. Mr. Brooke and Mr. Taylor agreed to some flexibility between electronic and hard copy to meet particular situations would be the most practical solution.

### **Proposal - Section 55:**

- a) Increase nomination deposit to \$500; with \$400 returnable on filing of election finance report.

Although a nomination deposit may be seen as a deterrent to some individuals, we would prefer it to become a performance bond with respect to the filing of election financing reports. The current amount of \$100 would continue to be returnable based on the percentage of electoral success, but the majority of the deposit would be returned upon the filing of the candidate's election financing report.

### **Discussion:**

Mr. Hallsor said he felt the problem was not with filing financial reports, but rather with the stringent requirements for filing. He said he felt the amount of the deposit is not going to create any more incentive for candidates to file financial reports correctly or on time.

Mr. Brooke added that he was opposed to raising the deposit.

Mr. Parker said he was opposed to a \$500 deposit.

Mr. MacKay-Dunn said he felt that the nomination deposit should stay at \$100. Mr. Massey noted he felt that it would provide a disincentive for those who want to run, and should not be returnable based on electoral success.

Mr. Kisby added that the Royal Commission on Electoral Reform and Party Finances (Lortie) stated no useful purpose on basing a performance bond on votes received.

Mr. Gardiner said he had no big dispute with increasing the deposit.

Mr. Massey asked why the \$100 is based on performance. Mr. Patterson replied that this followed legislation found in other jurisdictions.

Mr. Taylor cautioned that it is important not to mix up or confuse the nomination deposit and a performance bond for financial reporting.

Mr. Hallsor indicated that it might be a good idea for the Committee to explore other ways of discouraging non-serious candidates, aside from restrictive nomination deposits.

Ms. Sanguinetti added that she believes \$100 is more than sufficient to discourage triflers.

### **Proposal - Section 55 (1):**

- b) State that nomination deposits must be in the form of cash, money order or certified cheque.

Make a clarifying amendment that the deposit must be paid in the form of cash, money order or certified cheque. (If the level of the deposit is not increased, then permit the deposit to be paid by traveller's cheque.)

### **Discussion:**

Mr. Patterson said that travellers' cheques and bank drafts could be accepted.

Note: Messrs. Parker and Cursons left at 2:05 PM.

### **Proposal - Section 57:**

- a) Issuance of election Writ stops commencement of standing nomination process. A candidate would not be allowed to start the standing nomination process after the Writ(s) have been dropped.

The concept of filing standing nominations with the Chief Electoral Officer was to allow nominees to complete most of the nomination filing before an election was called. This would leave only two forms to be filed during the first six days of the election in order to become certified as a candidate and then be able to issue tax receipts for political contributions. At the 1996 election, more than 50% of the candidates who filed standing nominations commenced the filing during the six days after the election was called. This number of filings overwhelmed Elections BC staff, and consequently no time benefit was realized by those filed with the Chief Electoral Office after the election was called.

### **Discussion:**

Mr. MacKay-Dunn noted the downside is the inability to file nominations for the first six days of the election period. Mr. Taylor said he believes the process has to be simplified, allowing candidates to complete the entire process ahead of Writ day.

Ms. Johnson replied that the reason for the lag is because candidates' qualifications and their financial status may change between the time when they file their standing nomination and when the election is called. These two documents are time-sensitive. Also, candidates cannot issue tax receipts until a Writ is issued.

Mr. Taylor volunteered to work with Elections BC to reduce the number of forms required for the nomination process.

### **Proposal - Section 57 (b):**

- b) Standing nominations are nullified by an electoral district redistribution (documents and deposit to be returned to the

candidate); make provision for filing for the new (future) electoral districts.

When an electoral district redistribution comes into force, the previous electoral districts no longer exist. Consequently, standing nominations for former districts would no longer be valid for an election. There should be a provision to allow the standing nomination documents and the deposit to be returned to the candidate. There should also be a provision for the filing of standing nominations for the electoral districts which will come into force at the calling of a general election.

**Discussion:**

Elections BC will establish policy on how to deal with candidates who may have filed a standing nomination for an electoral district that no longer exists. Elections BC and a number of Election Advisory Committee members suggested simply changing the name of the electoral district on the respective forms. This is not a viable solution, as signatories to the nomination may no longer be in the same electoral district following a redistribution.

**Proposal - Section 57 (10, 11):**

Confirm that incomplete/withdrawn standing nomination papers are not to be sent to District Electoral Officers.

**Discussion:**

Ms. Sanguinetti concurs with proposal to delete the current provision in the legislation.

**Proposal - Section 60:**

- a) Require party endorsement to be filed with nomination papers. Standing nominations may be filed well in advance of an election being called. If a nominee is representing a registered political party, the nomination documents state the party name. The Chief Electoral Office has no supporting documentation to confirm the

representation. It is recommended for standing nominations, that the filed documentation include an endorsement from the registered political party.

### **Discussion:**

At the May 1996 general election, the lists of endorsed candidates provided by some parties showed candidates in electoral districts which differed from the ones in which they were nominated. Also some candidates' names were spelled differently from how they appeared on their nomination papers.

Mr. Hallsor said he would prefer one list, or that Elections BC provide a list to be confirmed by the Party.

Ms. Johnson said that Elections BC could provide a standard format.

Mr. Kisby added that one more form per candidates would be a logistical nightmare.

Mr. Patterson suggested a single form within the nomination booklet for each respective candidate filing a Standing Nomination, with a "blanket" form for candidates filing Regular Nominations.

### **Proposal:**

- b) Having candidates and financial agents identified to Elections BC as soon as possible will allow EBC to make contact with these individuals to provide them with information they will need in regard to the conduct of their election, especially with respect to record keeping to meet the election financing provisions of the *Election Act*.

Saskatchewan's Act requires that political parties file names and addresses of candidates and financial agents as soon as candidates are selected by the constituency association.

### **Discussion:**

Saskatchewan's electoral legislation initiates the liaison between the candidates and their representatives with that Province's Electoral Office and thereby facilitates who will attend training sessions. Ms. Hyde mentioned that she agrees provided that candidates are not required to identify their financial agent too early.

### **Proposal - Section 64:**

Make cut-off for withdrawal of candidates before start of Advance Voting.

At the 1996 election over 90,000 voters voted during the Advance Voting period. During this period four candidates withdrew their candidacy. As a result of the withdrawals, a number of voters were effectively disfranchised by having cast their vote for one of those candidates. The Act permits candidates to withdraw their candidacy up to 48 hours before the start of General Voting. It is recommended that this deadline be moved back to 48 hours before the start of Advance Voting.

### **Discussion:**

Mr. Patterson expressed concern that at the May 1996 general election, a number of voters lost their vote because the candidates, for whom they had voted during Advance Voting, withdrew. He also pointed out that in some cases there might be sufficient lead-time to have new ballots printed for General Voting Day. There was no further discussion.

### **Proposal - Section 67:**

Permit employer to continue to pay the salary of an employee/candidate without the salary being deemed a political contribution.

Amend to allow employers to voluntarily give employees, who are candidates, leave with pay without the pay being deemed a political contribution. This would be consistent with section 180 (5) of the Act which allows an employer to give a volunteer leave with pay without it being a political contribution.

### **Discussion:**

Ms. Johnson noted that the legislation does not allow employers to pay employee's share of benefits while they are on leave without pay for the purpose of their candidacy. Mr. Taylor said he believes it is a good idea to allow it.

Mr. MacKay-Dunn said he is not in favour of volunteers continuing to receive remuneration from their employers, and that their remuneration should not be considered a political contribution.

### **Proposal - Section 70:**

Permit campaigns to pre-sign and photocopy scrutineer appointments.

Due to the vastness of some electoral districts and the last-minute appointment of scrutineers to various voting opportunities, it is not practical to require original signatures on all scrutineer appointment forms. It is recommended that the requirement that the appointment be signed by the individual making the appointment be deleted.

### **Discussion:**

Mr. Kisby said he would like to see photocopied or faxed documents accepted, provided they can be backed up by originals. Elections BC is exploring a general policy on acceptance of facsimile documents.

### **Proposal - Section 74:**

Time off work for voting to be three hours.

The provision of four hours free from employment on General Voting Day in order to vote dates back to 1902. With today's modes of transportation and the numerous voting opportunities that are available to all voters throughout the election period, there is no justifiable need to continue to provide four hours for a voter to travel to a voting location. Federal election legislation was recently amended to provide three hours, down from four hours. All other provinces and territories except for Quebec and Yukon provide three hours (save Prince Edward Island which provides one hour).

## **Discussion:**

The Liberal and NDP delegates said they would not take a position on this proposal.

## **Proposal - Section 77, 78:**

Rename "Special Voting" and "Alternative Absentee Voting".

- a) Recommend changing the name of "Special Voting" and "Alternative Absentee Voting" to terminology that is more intuitive for the voter, if possible. One suggestion is that everything other than General Voting, Advance Voting, and Absentee Voting could be called 'Special Voting' opportunities.
- b) The term "special voting area" implies that voting is done by certificate envelope when, in fact, General Voting procedures are followed. It is recommended that the word 'special' be replaced with another term to eliminate the implication of envelope voting. Suggestions are: designated, limited, reserved and restricted.

## **Discussion:**

Ms. Leonard noted that special voting areas are made up of one or more facilities where residents are unable to attend a General Voting place. A General Voting book is produced, and voting takes place at the facility. Ms. Johnson noted it is actually General Voting for a specified area, most generally a facility such as a retirement home or extended care facility.

There were no concerns expressed regarding terminology changes.

## **Proposal:**

Recommend suspending the Alternative Absentee Voting in the DEO office during the period that Advance Voting is being conducted.

Once Advance Voting has commenced, suspend Alternative Absentee Voting "in District Electoral Officer office" while Advance Voting is being conducted, but continue to issue voting packages for those who are 'away'.

There is no need to provide envelope voting in the DEO office when ordinary voting is available at Advance Voting locations. This will also reduce the number of ballots still to be counted two weeks after General Voting Day.

**Discussion:**

There was general consensus that Alternative Absentee Voting in the office of the District Electoral Officer need not take place while Advance Voting is underway.

**Proposal - Section 81:**

School Boards are required to make accommodation in their schools available as voting places if a DEO requests the use of such facilities. It has always been the policy of Elections BC to compensate the school boards at the equivalent tariff rate as is paid to all other facilities utilized as voting places. It is recommended that this policy be incorporated into legislation to ensure compensation for the use of schools and to provide certainty as to the level of compensation to be budgeted and paid.

**Discussion:**

Mr. Massey pointed out that schools are public facilities in the first place. There was general concurrence with the proposal.

**Proposal - Section 86:**

a) Party logos (black/white) on ballot.

To help people who have difficulty reading the information on ballots, it is recommended that the logos of registered political parties be printed on the ballots opposite the names of their respective endorsed candidates.

**Discussion:**

Mr. Brooke said he thinks this is a good idea. Mr. Massey added that some parties which are not well off financially cannot afford the wide recognition of a logo through print, signs and television.

Mr. Kisby said he thinks logos are a good idea for voters with language difficulties, but adds it would also need to be mandatory that pre-election education material from Elections BC also include these logos. They would have to be registered as part of the party registration process. Other jurisdictions publish party platforms and include their visual identity.

Mr. Patterson asked if party initials should also be considered.

Mr. Hallsor said that this could create more opportunity for abuse and manipulation of the system. The party may have a party logo and, in addition, a campaign logo. There may also be parties with similar logos. In addition, the use of logos may give a further advantage to parties with more money because they will be able to finance the creation and promotion of designs. This would be one more barrier to meaningful participation for smaller parties.

Mr. Gardiner said that inclusion of party logos on the ballot would require a process for registration of these logos. He asked that Mr. Patterson contact the Chief Electoral Officer of Prince Edward Island for a report on that Province's experiences with logos on the ballot in their recent General Election.

#### **Proposal - Section 86 (4):**

- b) Give Chief Electoral Officer more authority to deal with ballot issue of candidates with the same name.

Where two or more candidates at an election have the same name, the Chief Electoral Officer may modify the names or include additional information in order to differentiate those candidates. This can be done, however, only if all those candidates agree. This may not always be achievable and consequently candidates and voters may be adversely affected. It is recommended that the words "and the approval of those candidates" be deleted.

## **Discussion:**

Mr. Patterson suggested addresses as a means of differentiation. He added that in Ontario the Chief Election Officer has the discretion to determine where names are placed on the ballot.

Mr. MacKay-Dunn raised the issue in the electoral district of Shuswap where a candidate named Gordon Campbell with no party affiliation appeared on the ballot. He said the “system suffered” and “the intent was to confuse.” There was no mechanism to remove this individual’s name from the ballot. He suggested that Elections BC have some power to intervene to ensure that there is a *bona fide* candidacy and attest to legal name.

Mr. Massey raised the possibility of this being an illegal act. Ms. Johnson informed him that a candidacy can be challenged to the Supreme Court by a voter or another candidate.

Mr. Taylor suggested that failing agreement between candidates, the Chief Electoral Officer should be able to make a ruling. Mr. Gardiner said he would want to put more thought into this.

It was suggested that the Act should require consultation, but allow the CEO to act if agreement could not be reached.

## **Proposal:**

- c) Reduce the size of the circle on the ballot to eliminate possible extraneous markings, e.g. Belgium has a 5mm circle which the voter blackens out.

Form 2 (the ordinary ballot) should be amended to reduce the size of the circle to the right of the candidates’ names. This will reduce the area in which extraneous markings might be made and help to reduce the number of ballots that are rejected.

## **Discussion:**

Mr. Kisby asked for a mock-up of a ballot with a smaller circle. Ms. Johnson said Elections BC would also look at some international ballots.

### **Proposal - Section 128:**

Commence Final Count earlier.

Currently the count of ballots in certification envelopes cannot begin until two weeks after General Voting Day. Where there are close elections with substantial numbers of ballots to be counted, this becomes a very long time. We feel it is possible to reduce the time period between General Voting Day and the commencement of Final Count.

Some delay is required to retrieve the absentee ballot envelopes from all ballot boxes, sort and dispatch them as to their voted electoral district, receive them and perform the necessary preliminary scrutiny before they are opened and ballots counted. It is recommended that Final Count commence on the 10<sup>th</sup> day after General Voting Day, rather than on the 13<sup>th</sup> day after General Voting Day.

Ms. Johnson and Ms. Leonard suggest a 10-day delay. Mr. Gardiner feels District Electoral Officers and their staff should be instructed to use courier or express post to expedite absentee ballots to the respective electoral district.

### **Proposal - Section 139, 140:**

Allow applications for judicial recounts to be made in any Supreme Court Registry (section 139).

The new administrative procedures surrounding a judicial recount were found to be problematic at the 1996 election. It is recommended that applications be permitted to be made in any Supreme Court Registry. The current language implies a requirement to file at the 'local' registry which is particularly impractical in the circumstance of a recount that has to be applied for by the District Electoral Officer.

### **Proposal - Section 140:**

- a) Allowing only 24 hours for the Court Registry to establish the date, time and place for a judicial recount is too short, as it is for giving notice of the filing of the petition commencing the

- application and for service of the application materials upon the affected individuals. Seventy-two hours is recommended.
- b) The phrase “affected individuals” found in section 140 should be clearly defined by identifying the individuals by their role in the election.
  - c) Delete section 140 (4) (a). Service of the petition commencing the application should suffice as notice. Also, provide that service of legal process by fax should be deemed proper service.
- Section 140 (4) (a), requiring notice of filing an application, is basically redundant and should be deleted in light of clause (b) which requires service of the petition commencing the application for a judicial recount within 24 hours of the filing of the application. In order to proceed as quickly as is practicable, it should be stated that service of legal process by fax should be deemed proper service. It follows that candidates and parties must provide a fax number that will be in service until the conclusion of all steps to bring an election to a close.

### **Discussion:**

Mr. MacKay-Dunn said that to facilitate filing, filing at any Registry Office makes “utter sense.” He adds that a judicial recount should take place as close as possible to the district electoral office at a location within the respective electoral district.

### **Proposal - Section 273:**

Prohibit telecommunication devices being used in voting places, except by voting officials.

The prevalence of cellular telephones being used by candidate representatives inside voting places caused considerable disruption to voting procedures. In order to avoid disruptions in the future, it is recommended that there be a prohibition on the use of electronic telecommunication devices at voting places, except for those being used by election officials.

### **Wrap-Up:**

Mr. Kisby asked what would be in next step in this process. Mr. Patterson replied that he would write up a report to the Legislature. He invited comments, and noted that it may be necessary to hold a third meeting. Mr. Kisby asked for more advance notice prior to these meetings, to allow him to consult with the Party. Mr. MacKay-Dunn said it was nice to know Mr. Patterson's views and positions on the points dealt with at this meeting.

Ms. Johnson underscored that Elections BC is very interested in feedback from the registered political parties.

The New Democratic Party representatives asked if the next meeting could be postponed until after the anticipated federal election.

## **Minutes of the Meeting of the Election Advisory Committee May 22, 1997**

### **Welcome and Introductions:**

Chair Robert Patterson called the meeting to order and welcomed the Committee members and their guests. Following are the amendments proposed by Mr. Patterson and discussions regarding them.

### **Proposal - Sections 155 (3) (l), 157 (3) (k):**

The statement of assets and liabilities should be accompanied by an audit report if the value of either exceeds a specific amount, e.g. \$10,000.

An organization (particularly a constituency association) may report significant amounts of assets or liabilities as part of the registration documentation, however, they may never file an audit report. In the case of a constituency association, most contributions may be made to the political party and any inflows or outflows of assets by way of transfers. There should be, at some point, an independent assessment of the financial state of the organization. For uniformity, these provisions should be applicable to both constituency associations and political parties.

### **Discussion:**

Mr. Patterson pointed out that when an entity registers, it is not required to disclose who contributed to it prior to registration. If the entity has significant assets or liabilities, it should be required to file an audit report. There was substantial consensus.

### **Proposal - Section 159 (2) (b) (ii):**

Once a constituency association is registered, with the proper authorization from the political party, it should not be necessary to continue to require a principal officer of the party to authorize every change in registration information of a constituency association.

### **Discussion:**

There was no discussion and substantial consensus.

### **Proposal - Sections 170, 171:**

The Act requires that a deregistered organization submit audited financial reports and any surplus funds, to be held in trust, following the deregistration. However, there is no deadline by which the organization is to do so. It is recommended that a deadline of six months be established.

### **Discussion:**

There was no discussion around whether six months was sufficient time to 'clean up the books' after deregistration. The Committee was silent on this proposal.

### **Proposal - Section 177 (2) (b):**

The Act requires that the financial agent for every registered political party, registered constituency association and candidate establish an account in a savings institution to process their respective financial affairs. A clarifying amendment is required to ensure that financial agents recognize that there must be established a separate account by each financial agent to prevent the combining of financial transactions and to ensure an adequate audit trail.

### **Discussion:**

Mr. George said he agrees in principle, noting that the Liberal Party has a consolidated trust account for constituency associations which transfers funds to specific candidates. Ms. Western pointed out that transfers would have to be made from the trust account to an account for a specific candidate. Ms. Johnson added that if a number of candidates used a "pooled" bank account, it would be difficult to unravel in an audit.

A time lag at the beginning of an electoral event could be acceptable, but mingling of candidates' funds could be problematic during the campaign. Ms. Western said that an audit trail to separate contributions to the candidate from contributions to the constituency association is imperative.

Ms. Johnson pointed out that here we must use the broader definition of "candidate".

Mr. Massey said he feels that tax receipts and proper records might be more effective than separate bank accounts. Mr. George added that he feels this is the auditor's problem.

Mr. Patterson said that Elections BC needs a better audit trail being able to track transactions to a particular bank account. Ms. Western noted that the *Election Act* requires that contributions be paid into and expenses be paid out of a bank account. Using the same account simplifies this.

### **Proposal - Section 178:**

The Act restricts the authority of deputy financial agents to the receiving political contributions and the issuing of income tax receipts for those contributions. The Act should be amended to permit deputy financial agents to file financing reports in the absence or incapacity of the financial agent.

### **Discussion:**

Mr. Massey proposed an amendment to section 175 that might include a deputy in the definition of a financial agent. Mr. Patterson added that this may have broader implications than the filing of financial reports and Elections BC will give this further study.

### **Proposal - Section 179:**

During the election there were candidates who, because of their professional designation, felt that they should be permitted to act as their own auditor. Clearly this is not acceptable and the Act should be amended to reflect this.

### **Discussion:**

Mr. George and Mr. Massey said that they believe this breaches professional codes of conduct. Mr. Patterson will consult with the Institute of Chartered Accountants (ICABC) and other professional bodies before making a recommendation.

### **Proposal - Section 180 (5):**

During an election, an organization or individual may wish to provide some service to all candidates. If that service is the same and equal for all candidates, it should not be considered a political contribution. Some examples from the 1996 election are: an organization with a particular issue interest wished to publish candidates' statements in relation to the issue and distribute the brochure, without comment, to its members; a company-town employer proposed to provide flights on its own transport to candidates so they could attend an all-candidates meeting at the remote location. A parallel example can be found in section 185 (4) of the Act.

### **Discussion:**

Mr. Gardiner asked if in a case where a candidate chose not to participate, if the offer would still be considered to have been made equally. Mr. Patterson replied that the service must be provided or offered equally. Mr. Gardiner further stated that he is uncomfortable with this, as some organizations profess to be non-partisan, but aren't really in practise, and this could potentially open up a problem. Mr. Hallsor said that his party wasn't as concerned about this perhaps as larger parties are.

### **Proposal - Section 180 (6):**

- 1) The Act provides for vertical transfers between the various 'levels' of a registered political party, but there is no provision for horizontal transfers between entities at the same level, for example between registered constituency associations or between candidate campaigns. The horizontal reallocation of resources, as transfers, should be provided for in the Act.
- 2) Some political parties take advantage of some economies of scale by providing goods or services to their constituency associations at cost, e.g. postal services, photocopying, office supplies. Since the constituencies pay the party for these goods and services, they really don't represent transfers.

## **Discussion:**

- 1) Mr. George said he supports this position. He said the BC Liberals resolved this with a transfer from one candidate to the party, followed by a transfer from the party to another candidate.
- 2) Ms. Sanguinetti spoke in favour of this proposal, and Mr. Hallsor noted that Reform candidates purchase advertising time and space together. Ms. Western said the legislation should read “to a registered constituency association or candidate”.

## **Proposal - Section 183:**

- 1) Promotional advertising may be supplied to a distributor (e.g. weekly newspaper, Canada Post) in anticipation of an election being called with the hope that it is published (“used”) before the call. This would not then be considered ‘election’ advertising and not an election expense. However, if the publication of that material is delayed (or the election is called sooner than expected) and is published after the election is called, all of the costs associated with the advertising are election expenses as the advertising was used during the campaign period. An amendment should be made to the Act to clarify this situation.
- 2) Section 183 (3) provides that “a deficit incurred in holding a fundraising function during a campaign period is an election expense.” Section 203 (1) (f) provides that “expenses incurred in holding a fund-raising function if no deficit is incurred” are to be excluded from expenses subject to expenses limits. The Act is not clear about how one is to deal with costs incurred in holding a fundraising function that does incur a deficit. If both costs and the deficit itself were reported as separate election expenses, the amount of the costs would be counted twice. This needs to be clarified in the Act.

## **Discussion:**

- 1) Mr. Patterson noted that material is considered to be used during the campaign period even if it was delivered to Canada Post prior to the Writs being issued. Ms. Hyde said that from her experience, third-class mail can take three weeks to be delivered to rural addresses. Mr. Hallsor said that Legislative Counsel can draft the legislation such that if Canada Post receives promotional material on or before a certain day, that material is not be considered an election expense.
- 2) Mr. Patterson underscored that the intent here was to eliminate double-counting. Mr. Massey said he preferred to “keep it simple”, and that all expenses should be election expenses - period. He also said there are too many forms. Ms. Johnson said that if the wording of the Act were amended, then Elections BC could simplify the form.

## **Proposal - Form Users' Group:**

Mr. Patterson proposed formation of a user group of election finance forms. This group would look at simplification and elimination of existing forms, and consider development of electronic forms. Ms. Sanguinetti said the Liberals would be very interested in participating. There was consensus that such a group would be very useful.

## **Proposal - Sections 183, 184:**

In clause “(4) (b)” of both sections, the Act speaks of travel “to or within” an electoral district - but not travel “from” the electoral district. For candidates, this was temporarily dealt with by a Regulation referred to in section 183 (4) (f). A preferable solution would be to amend both sections.

## **Discussion:**

Mr. Patterson said that this was addressed by Regulation during the May 1996 general election, but it is more appropriate for the Act to state “to, within and from” an electoral district.

### **Proposal - Section 186 (3):**

Unregistered constituency associations cannot make political contributions. At the time of registration there is no requirement to disclose the sources of funds, which a constituency association may have had on hand for some time. If a constituency association became registered after the campaign period, it could transfer significant funds to "its candidate" to pay election expenses and the contributors of the funds would not be disclosed. The Act should be amended to prohibit the transfer of funds to a candidate in relation to a candidacy that took place before the organization's registration.

### **Discussion:**

If an unregistered constituency association collected funds and registered following an election, that constituency association is not required to disclose contributors as part of its registration documentation. The constituency association, however, could then reimburse its candidate after General Voting Day. Ms. Western pointed out that some constituency associations were taken by surprise with the election call. They registered after the election period and then paid their candidates' expenses. This could become a way of not disclosing certain contributors.

Mr. Gardiner asked how many constituency associations were involved. Ms. Western replied that there were only three or four instances. Ms. Johnson noted the potential for a loophole, as they could declare their assets after the election and then reimburse their candidate.

Mr. Gardiner offered the following scenario: After an election, a \$100 contribution is made to an unregistered constituency association. The contributor does not know the party's internal arrangements. If the constituency association is unregistered, that contribution would not be disclosed. Ms. Western said the contribution could not be used to support a candidate and would not appear in annual financial reports.

Mr. Massey says he believes this favours existing parties over new parties, as parties start at 'grass roots', and then get province-wide support.

Mr. Hallsor said that if the issue here is disclosure, a constituency association could register and then transfer funds to its candidate, provided there is adequate disclosure. Here contributors get caught in a technicality.

Ms. Johnson said that a 'war chest' could be built up over a long period of time, but wouldn't serve the intention of the contributors if it couldn't be used to support a candidate.

Mr. George said an audit report would include a list of donors.

The Committee agreed by consensus to endorse this conditionally.

### **Proposal - Section 189 (3):**

Amend to require financial agent to recover, cancel and retain tax receipts issued for prohibited contributions and instead of destroying them as is now required. This provides an assurance that invalid receipts were actually recovered and not used by the taxpayer. They will then be available for audit by the Commissioner of Income Tax.

### **Discussion:**

Mr. Patterson and Ms. Western said that discussions have been held with the office of the Commissioner of Income Tax on how to determine if a receipt ever existed, if it was improperly issued, and if it was then destroyed. Ms. Sanguinetti said she believes tracking receipts is an onerous task for small parties without paid office staff. Mr. Pipe described this as a discouragement from taking on the job of financial agent.

If a receipt is unrecoverable, the best effort must be made to recover it.

### **Proposal - Section 193:**

- 1) Amend to permit persons authorized in writing by the financial agent to incur election and contestant expenses and be reimbursed upon production of receipts.

The vastness of the Province and the particular geography of electoral districts often makes it impractical to expect the financial agent, of a political party or of a candidate, to incur and/or pay

all election expenses. The Act does permit the financial agent to authorize others to incur election expenses, however, in a restrictive manner. The Act should be amended to permit those authorized in writing by the financial agent to incur and pay for election expenses and be reimbursed for the expenses from the designated account in a savings institution. Permit the same for leadership contestants.

- 2) Amend to permit the registered political party to pay for leadership contestant expenses of all contestants.

Political parties may have leadership contestants who do not have access to sufficient financial resources to allow travel throughout the Province or to undertake some other contestant activity. A party may wish to assist those contestants by paying for some expenses. The Act does not provide for this situation.

### **Discussion:**

- 1) Currently the Act does not provide for a reimbursement process for expenditures incurred by members of the team of a party leader or leadership contestant, the Committee members agreed with this proposal.
- 2) Mr. Patterson said that the very least the legislation should allow for transfers, and Ms. Western noted that currently a party could give contributions to a leadership campaign. The Committee members agreed with this proposal.

### **Proposal - Section 207:**

Amend to permit the filing of annual reports up to May 31.

As the March 31 deadline for filing annual financing reports is in the middle of the busy season for auditors, who may volunteer to perform electoral audits, it recommended that the deadline be moved to May 31.

### **Discussion:**

The Committee indicated endorsement for this proposed amendment.

**Proposal - Sections 207 (3) (d), 209 (2) (d), 210 (2) (d):**

Amend to include the transfer of goods and services as well as money. This will make the reporting consistent with section 180 (6).

**Discussion:**

There was no discussion, and the Committee endorsed this proposal.

**Proposal - Sections 207, 210:**

In order for the financial reports to accurately and openly report the financial status of a filing entity, if that entity has controlled or affiliated organizations which impact on that status, those organizations should be included on a consolidated basis. A clarifying amendment is required.

**Discussion:**

Ms. Western stated that all financial transactions for all controlled organizations (like clubs and branches) must be consolidated and included in financial reports. Mr. George said that he had a philosophical problem with sections 154 and 155, and can't reconcile how the Nanaimo Commonwealth Holdings Society fits with the New Democratic Party, even if its fundraising is done in the name of the Party. The NCHS does not meet the prime purpose or definition as it cannot field candidates.

Ms. Western pointed out that some of the criteria the CICA considers when assessing control is significant influence, or the same members on the board of directors.

Ms. Hyde said the NDP's constituency associations may have up to three clubs, for example in Skeena there are clubs in Terrace and Prince Rupert. For purposes of annual filing, these clubs are part of the respective constituency association. Mr. Gardiner added that the NDP's party constitution speaks to authorization, sanction and controlling interest with regard to trusteeship and transfer of funds.

Mr. Hallsor further added his concern that the Committee was getting into unimportant minutia. He cited Saanich North and the Islands as an

example, which may have some clubs on the various gulf islands which are social in nature and operate their own small accounts. There is also a separate University of Victoria club which promotes Reform BC at the University, and collects money from the Student Society according to a formula for political clubs on campus. It is not formally linked to any particular Reform constituency, but it does support the Party during and between elections.

Ms. Western asked if during an election campaign these organizations would be giving money to or otherwise supporting a candidate. Mr. Gardiner replied that the spirit of the Act is one of openness and disclosure, and any amendments should fall on the side of increased disclosure.

### **Proposal - Sections 209, 210:**

Is 90 days too short a time to require filing of finance reports from an election?

This office received some feedback that 90 days was too short a time frame in which to prepare and submit election financing reports. However, the vast majority of filers did meet the 90 days. Is additional time required, e.g. an increase to 120 days?

### **Discussion:**

From Mr. Patterson's research with other jurisdictions, most timeframes are from 120 days to four months. Ms. Sanguinetti noted that any extension "becomes like a university essay that keeps moving down the line." A time frame of least 120 days was the general consensus.

### **Proposal - Section 212:**

Amend to increase the time limit for filing supplementary reports to 45 days.

This office received some feedback that 30 days was too short a time frame in which to prepare and submit supplementary financing reports. Is additional time required, e.g. an increase to 45 days?

## **Discussion:**

Ms. Sanguinetti said she feels two months would be appropriate, especially when a constituency association is required to search for data in order to reconstruct reports.

## **Proposal - Section 213:**

- 1) Remove the requirement that financing reports be prepared in accordance with “generally accepted accounting principles” and replace with an accounting basis that is prescribed by Regulation.

The term “generally accepted accounting principles” (GAAP) has a very strict interpretation. GAAP is established by the Canadian Institute of Chartered Accountants and requires significantly more disclosure than the *Election Act*. Reference to GAAP should be removed from the Act and another standard be prescribed by Regulation, for example using the accrual basis of accounting. This will give flexibility for all who have to work with the Act and be more easily amended to meet changing needs.

- 2) Provision to allow for electronic filing (diskette and/or Internet) of financing reports (annual, election and leadership) may be done by Regulation without amending legislation; but section 213 (1) (a) requires an accompanying signed declaration as to the accuracy of the filing; an amendment will be required.

To facilitate the filing of financing reports, it is planned to develop software for electronic filing - both on diskette and via the Internet. Section 213, however, currently requires an accompanying signed declaration as to the accuracy of the filing. An amendment will be required to permit a separate filing of the declaration if the filing is submitted electronically.

## **Discussion:**

- 1) Ms. Western noted that there are instances where the Act contradicts GAAP. She added that the ICABC has counselled Elections BC to remove references to GAAP and address these issues by Regulation. She says she is in favour of a double-entry

- system of accounting with Income Statements, Balance Sheets, supporting Schedules and appropriate disclosures. Mr. George added the Act does not ask for financial statements, but rather requires extracts from financial statements.
- 2) Ms. Johnson suggested streamlining the filing process for registered parties and constituency associations by producing a diskette to serve as a template for financial reporting. It would be designed to meet the requirements of the legislation and eliminate mathematical errors. Mr. Patterson added that in many locations in the United States, blank financial filing forms are posted on the Internet. A signed declaration, however, must be submitted separate from electronic financial filings.

### **Proposal - Section 224:**

There may be significant information that would be disclosed in a supplementary financing report. It is important to recognize that possibility and have it reflected in this section.

### **Discussion:**

Mr. Massey noted that the PDA's financial agent had asked for "some way of tackling an onerous or unreasonable request". Ms. Johnson replied that if a report is deficient and Elections BC asks for supplementals, if the entity doesn't comply, Elections BC would have only a deficient report for public disclosure.

Ms. Sanguinetti asked what would be the course of action if there was a genuine disagreement between the organization or candidate and Elections BC. Ms. Johnson replied that the organization or candidate could seek court relief.

Ms. Western noted that sections 221 and 223 provide for the deregistration of the respective candidate or constituency association if they do not file, and added that what is being suggested here is that section 224 be broadened to also apply to supplementals. Mr. Patterson said that supplementals may be significant and there needs to be a motivation to file them.

Mr. George asked why forms have to be refiled when a letter might suffice. Ms. Johnson agreed and replied that Elections BC is looking at Ontario which has some room to manoeuvre on this issue. The electoral administrators and the organization sometimes negotiate by telephone what form the supplemental is to take.

Ms. Western said she understands that the number of forms is intimidating. She stated that earlier she had a reluctance to change obvious errors in financial filings, as they are public documents. She has, however, reconsidered, and now notates obvious minor errors in pencil and sends them back with explanatory letters. Mr. Cockburn said that on occasion, these issues can be resolved during a short telephone call instead of a lengthy exchange of correspondence.

### **Proposal - Section 231:**

- 1) Allow for a modified "authorization statement" in campaign electronic advertising.

It was identified during the election that the sponsor identification requirements are difficult to comply with, particularly with the electronic media. It is recommended that the Act be amended to permit, for example, the sponsor identification for a candidate or political party in media broadcasts to be replaced by something along the lines of "Sponsored by the [candidate name] / [party name] campaign," telephone [#].

- 2) Exempt buttons, caps, T-shirts, bumper stickers from authorization statement.

For many minor items of personal wear or use (buttons, caps t-shirts, bumper stickers), it is unreasonable to expect 'authorization' statements to be printed on these items. The Act should be amended to either exempt certain classes of such "advertising", or to specify the classes of advertising to which sponsor identification would apply.

## **Discussion:**

Ms. Johnson mentioned a call she took during the election campaign from a pilot who flies aircraft that tow advertising banners. The pilot had questioned the practicality of the authorization statement on a banner. Regarding authorization statements on websites, Ms. Sanguinetti noted that some websites are authorized, and some are not.

Mr. Gardiner asked about new novelty items and advertising media and suggested a Regulation so that if new items were developed, an amendment to the Act would not be required. Mr. Patterson replied that if the classes were established by Regulation, it would have to be vetted by this Committee.

Mr. Patterson and Mr. Massey agreed that the name of the financial agent probably is not required as part of an authorization statement. Ms. Western cited cases where one financial agent died and others were replaced after the materials were printed.

Mr. Hallsor suggested a simple generic statement for all forms of advertising, to the effect of "authorized or paid for by the campaign for ..." He also suggested that the Act list what must have the statement attached, instead of a list of what does not need the statement.

Ms. Johnson added that "paid for" is closer to the intent of the Act, and might discourage overzealous supporters.

## **Questions from Committee Members:**

### **Report by CEO:**

Mr. Gardiner asked Mr. Patterson if it was his intent to put a report before the Legislature before the end of the current session. Mr. Patterson replied that this is his intention.

### **Party Logos on Ballot:**

In response to queries at the last meeting about party logos on ballots, Mr. Patterson circulated a sample ballot showing party logos which was used at the last provincial general election in Prince Edward Island. Ms.

Johnson added that it is becoming an international standard to have symbols on the ballot. She described black-and-white logos as benign, while underscoring their value for people with limited language skills. Mr. Hallsor noted that there is “still room for games.” Ms. Johnson also noted that during the election, the office of the CEO received a number of queries from individuals asking for a “none of the above” box on the ballot, or a means to record an abstention.

### **Tax Receipts for Goods and Services:**

Mr. Massey asked if it’s illegal to issue tax receipts for goods and services given in lieu of rent, etc. Scenario: Instead of paying rent to you, I issue a tax receipt. The amount would be reported as an expense and a political contribution.

Ms. Western said that there has to be an exchange of money. Mr. Patterson noted that the *Election Act* here refers to the *Income Tax Act*.

### **Registration of Constituency Associations:**

Mr. Gardiner said that it is the view of the NDP that registration should be compulsory, and that the law should be changed to compel. He also reiterated his support for the proposed clarifying amendment for consolidation of ancillary organizations, as all activities should be disclosed under this Act.

Mr. Hallsor says he disagrees, as some Reform constituency associations raised and spent under \$10,000 for the last election. For them, the minutia of the required record-keeping would be an undue burden. He says he feels that between elections there is no harm to democracy in allowing small groups of people to keep an organization together without having to register and record every detail of their revenues and expenditures. He added if contributors want tax receipts, these organizations would have to channel their donations through the (registered) provincial party, and therefore all contributions would be disclosed.

Ms. Sanguinetti noted that the BC Liberals have not registered their constituency associations, adding that the provincial party is no longer

affiliated with the federal party. The constituency associations without a sitting MLA could become moribund, because the constituency associations don't have the kind of money required to maintain a higher profile. Most keep their money with the provincial party.

### **Volunteer Services as Political Contributions:**

Ms. Sanguinetti asked that the Committee re-visit section 180 (5) (a) which states that services by volunteers are not political contributions, as she believes all should be seen as political contributions.

She also mentioned section 186 (2) (b). She mentioned situations where contributors have accounts with stockbrokers who send cheques to the party on behalf of their clients. Under current legislation, this is illegal. The party must return the cheque and have the contributor replace it with one written on a personal account. She asks that the legislation make this scenario possible, providing the broker has the authority to forward the cheques.

Ms. Sanguinetti also suggests that section 186 (2) (b) be expanded to apply to organizations as well as individuals.

### **Classifying of Contributors:**

Mr. George referred to section 190 with regard to classifying contributors. He notes that under section 190 (1) (e) and (f), there is no difference between a numbered corporation and a named corporation, as both are already registered under the *Companies Act*.

Ms. Sanguinetti raised the requirements to record the full name of contributors. Many contributors' cheques have middle initials rather than full names, and "it irritates beyond belief" to telephone these individuals and ask for their full name. Ms. Johnson replied that the intent is to ensure that cumulative donations do not go over limit. Mr. Patterson advised that this perhaps could be addressed administratively or by policy.

Mr. George asked for an amendment to either delete section 190 (f) "other contributors" or make it more specific. The following organizations were put forth as examples that fall into the "other contributors" category: Indian Bands, federal parties, cooperatives.

### **Control of Tax Receipts:**

Mr. Brearley suggested that Elections BC supply a unique numbering sequence or block of numbers to each registered party or registered constituency association. Elections BC would then be advised which numbers have been used, have not been used, and which have been invalidated. Mr. Patterson replied that in other Canadian jurisdictions, the electoral entity gives the parties their tax receipts. Federally, the parties file copies of these receipts with Elections Canada. Ms. Johnson noted that this is an area of some concern, as at the beginning of last year's campaign period, a number of candidates who were familiar with the federal system were waiting to receive their receipts from Elections BC. She and Mr. Patterson stated that Elections BC will undertake further consultation on this with a view to managing the process without becoming more bureaucratic.

### **Adjournment:**

The meeting was adjourned. No subsequent meeting was scheduled at this time.

## Appendix F Orders of the Chief Electoral Officer

Section 280 of the *Election Act* establishes the authority of the Chief Electoral Officer to make specific or general orders. Three orders were made by the Chief Electoral Officer during 1997.

| Order<br>Number | Date          | Order   |
|-----------------|---------------|---|
| ORD001/97       | April 3, 1997 | Extensions granted to twenty-four registered constituency associations for filing their annual financial reports for the 1996 calendar year as required by section 207 (2) of the <i>Election Act</i> . |
| ORD002/97       | April 3, 1997 | Extensions granted to four registered political parties for filing their annual financial reports for the 1996 calendar year as required by section 207 (2) of the <i>Election Act</i> .                |
| ORD003/97       | Sept. 5, 1997 | Final Count for the Surrey-White Rock by-election to be commenced three days after General Voting Day.  |