

A YEAR OF CHANGE

2021/22 Annual Report &
2022/23-2024/25 Service Plan



ELECTIONS BC

A non-partisan Office of the Legislature

A Year of Change

2021/22 Annual Report &
2022/23-2024/25 Service Plan

October 5, 2022

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Honourable Raj Chouhan
Speaker of the Legislative Assembly
Province of British Columbia
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Mr. Speaker:

It is my pleasure to submit Elections BC's Annual Report for the 2021/22 fiscal year and Service Plan for the 2022/23-2024/25 fiscal years.

This report outlines the work of my office in 2021/22, which was a year of considerable transformation for our organization. This report also outlines our strategic plans and upcoming projects for 2022-25.

Our office is committed to providing a high level of service to British Columbians and I look forward to sharing our plans for service improvements for the years ahead.

Respectfully submitted,



Anton Boegman
Chief Electoral Officer
British Columbia

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MESSAGE FROM THE CHIEF ELECTORAL OFFICER

I am pleased to present *A Year of Change*, Elections BC's Annual Report for 2021/22 and Service Plan for the 2022/23–2024/25 fiscal years.

The 2021/22 fiscal year was one of considerable transformation for Elections BC. Fully implementing the voting modernization changes enabled by the *Election Amendment Act, 2019* has been a central focus of our work for the last two years. The end of fiscal year on March 31, 2022 marked the completion of the first phase of this transformative project. As of March 31, we were fully prepared to conduct a provincial by-election under the new voting and counting provisions, just in time for the Vancouver-Quilchena by-election that was called on April 2, 2022. A second by-election was called in Surrey South on August 13, 2022, allowing us to further refine our new processes and procedures. More information about these two by-elections will be available in my forthcoming official report. The successful implementation of the voting modernization project in these events represents the culmination of many thousands of hours of work by Elections BC staff, coordination with service providers and contractors, input from stakeholders and legal consultations.

The past year saw significant internal changes at Elections BC as well. To enhance management capacity and increase resiliency, we undertook a comprehensive restructuring of our Electoral Finance, Electoral Operations, and IT teams. Our new organizational structure ensures that our teams are well-prepared to face future challenges, and the continuously evolving technological environment that we operate in. This structure will also better serve us in delivering our core priorities: administering events, modernizing electoral services, improving accessibility and inclusivity, building organizational capacity, and protecting electoral integrity. Our new structure will be fully implemented within the next fiscal year.

Changes have also come in the form of new electoral financing rules. The *Local Elections Statutes Amendment Act, 2021*, which received Royal Assent in March 2021, introduced new rules and requirements for local elections participants. Among the new rules, elector organizations (civic political parties) are now required to register with Elections BC and file annual financial reports, similar to political parties at the provincial level. At the provincial level, annual allowances to eligible political parties, introduced in 2018, have now been made permanent under the *Election Act*.

Other legislative changes enacted in 2019 were also put into practice this year, including the roll-out of a future voters registration campaign. While the List of Future Voters was created in 2020, awareness among youth remained low. We developed a comprehensive outreach program to encourage eligible 16 and 17 year-olds to sign up for the List of Future Voters so that they will be automatically registered to vote when they turn 18. The centrepiece of this campaign was a letter addressed to eligible future voters

across the province. Almost 90,000 letters were sent in the initial mail-out, followed by ongoing monthly mail-outs to newly eligible youth. The letters were supported by outreach to educators and advertising on social media and video game platforms. Between April 1, 2021 and March 31, 2022, Elections BC received 8,858 future voter registrations, the majority of which coincided with the launch of the mail-out campaign. This tremendous response increased the List of Future Voters by over 11,000%. Importantly, these new voters will be automatically added to the Provincial Voters List when they turn 18, increasing their accessibility to the electoral process.

Looking ahead, the remainder of the 2022/23 fiscal year will be a busy one for our office as we administer the campaign financing, advertising and disclosure rules for the 2022 General Local Elections that are taking place across B.C. on October 15. This is the third province-wide General Local Elections in which we have played a role since adding the administration of the *Local Elections Campaign Financing Act* to our mandate in 2014.

This year I have also been serving as one of three members of the BC Electoral Boundaries Commission. The Commission is a separate organization, however Elections BC has entered into an agreement to provide it with administrative support services. If legislators adopt the Commission's proposals, implementing a provincial electoral district and voting area redistribution will be a major focus of Elections BC's work in the lead-up to the next provincial general election, scheduled for October 19, 2024.

We are now at the mid-point of the four-year election cycle, and our focus is turning to readiness for B.C.'s 43rd Provincial General Election. Preparations in the form of updating voting supplies, training materials and technical systems have already begun, and will be ongoing over the next 24 months. We are looking forward to realizing the service and accessibility improvements that will come along with our province's first fully modernized provincial general election. In the meantime, we will also continue our work on strategic priorities supporting the delivery of modern, accessible and trusted electoral services designed with British Columbians at the centre.

2021/22 has been a year of change, resulting in new work, new opportunities and new challenges. I am very pleased to share the successful efforts of my team in this year's annual report.



Anton Boegman
Chief Electoral Officer
British Columbia
October 5, 2022



You need identification

Before you vote, you must show your identification card to the election official at the voting station.

- 1** Bring your identification card to the election official at the voting station.
- 2** Show your identification card to the election official at the voting station.
- 3** Receive your ballot from the election official at the voting station.

Top / Le Haut



Mark ballot with pen provided.
Place unfolded ballot inside this folder.

Veuillez remplir le bulletin de vote avec
le stylo fourni.

HAND SANITIZER
GEL D'HYGIÈNE DES MAINS

ELECTIONS BC



SECTION 1

BACKGROUND

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Who we are

Our mandate

Elections BC is the independent, non-partisan Office of the Legislature responsible for administering electoral processes in British Columbia in accordance with the *Election Act*, *Local Elections Campaign Financing Act*, *Constitution Act*, *Recall and Initiative Act* and *Referendum Act*. Together, these Acts define our responsibilities and set out the duties of the Chief Electoral Officer.

Our vision, mission and values

Our vision is to be leaders in electoral administration through the delivery of modern, accessible and trusted electoral services designed with British Columbians at the centre.

Our mission is to serve democracy in British Columbia through the fair and impartial administration of electoral processes.

Our seven core values are:

- *Accountability:* We take responsibility for our actions and decisions, and make effective use of resources.
- *Impartiality:* We treat all voters, candidates, political parties, elector organizations and other stakeholders fairly.
- *Innovation:* We explore new ways to improve service levels and respond to change.
- *Integrity:* We are honest, and our decisions and actions are consistent with our values.
- *Respect:* We value the diversity of our colleagues and stakeholders, build collaborative relationships based on an understanding of our differences, and maintain dignity in all our interactions.
- *Service:* We strive to anticipate and meet the diverse and evolving needs of our stakeholders.
- *Transparency:* We are open about how we work and communicate issues that may impact our stakeholders.

Our team

Elections BC's organization chart includes the CEO and 76.5 core positions, organized into program areas and work units. The Chief Electoral Officer oversees two Deputy Chief Electoral Officers and four staff in Communications.

The Deputy CEO, Corporate Services oversees two program areas: Information Technology and Corporate Services. The 16 staff in Information Technology are organized into two work units, Application Services and Technical Services. The Corporate Services program is organized into four work units, which include 17.5 staff: Investigations, Finance and Administration, Human Resources and Development Services, and Corporate Planning and Strategic Initiatives.

The Deputy CEO, Electoral Finance and Operations oversees two program areas: Electoral Finance and Electoral Operations, as well as Regional Field Officers, and District and Deputy District Electoral Officers. The 17 permanent staff in Electoral Finance are organized into two work units: Audit and Assessment and Compliance Services. The 20 staff in Electoral Operations are organized into three work units: Electoral Geography, Electoral Operations, and Voter Services.

What we do

At the provincial level, we administer general elections, by-elections, referenda, recall petitions and initiative petitions. This includes preparation, event administration, and follow through activities outlined in our legislation. We also oversee ongoing campaign finance requirements for political parties, administer public funding requirements of the *Election Act*, and ensure compliance of political participants with these provisions. Other than receiving and reviewing financing reports, we have no role in political party leadership campaigns, as these are administered by each respective party.

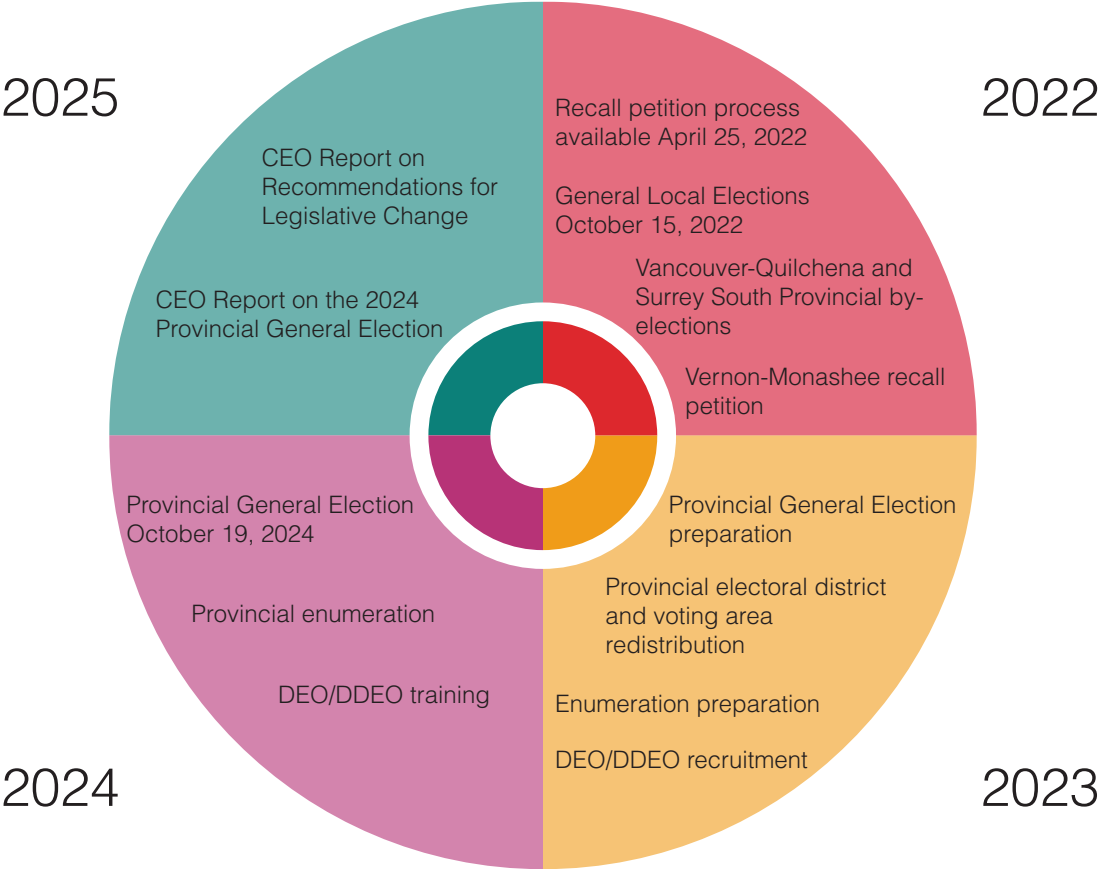
At the local government level, we oversee campaign financing and advertising rules, and register elector organizations (civic political parties). We do not administer voting or candidate nominations for local elections, these are administered locally.

On an ongoing basis, we research best practices and emerging issues in electoral administration and maintain operational readiness for various scheduled and on-demand electoral events. We liaise with federal and provincial election management bodies; conduct outreach activities; maintain the provincial Voters List and List of Future Voters; provide voters lists to local governments, political parties and MLAs; maintain relationships with security and police agencies; conduct investigations; respond to public inquiries, and carry out voter outreach and education activities.

Our business cycle

At the end of the 2021/22 fiscal year, we had successfully completed our implementation of the voting modernization requirements of the *Election Amendment Act, 2019*. As of March 31, 2022, Elections BC was prepared to administer a by-election under the updated provisions of the *Election Act*. A provincial by-election was held in the Vancouver-Quilchena electoral district on April 30, followed by a provincial by-election in the Surrey South electoral district on September 10. This allowed us to put into practice the new processes and procedures that we developed over the 2021/22 fiscal year.

Looking ahead, scheduled events and activities include the October 15, 2022 General Local Elections, an electoral district boundary redistribution in 2023, a province-wide enumeration in the summer of 2024, and the October 19, 2024 Provincial General Election. Elections BC will also need to maintain readiness for any on-demand events that may arise.





Place un ballot à l'intérieur de l'urne.
Veuillez remplir le bulletin de vote avec
le stylo fourni.



Cast

Return

ST BOX/URNE
AUXILLARI/AUXILLIA



CANADA



SECTION 2

2021/22

ANNUAL REPORT

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2021/22 YEAR IN REVIEW

Elections BC's operational priorities are to deliver events, modernize electoral services, improve accessibility and inclusivity, build organizational capacity and protect electoral integrity. We have performance indicators and regular targets related to each.

The sections below outline our performance measures, activities and results for the 2021/22 fiscal year (April 1, 2021 to March 31, 2022). Our plans to achieve our operational priorities over the coming business cycle are outlined in the service plan portion of this report.

Deliver events

Delivering electoral events is our top priority. We maintain readiness to administer scheduled and unscheduled events, including provincial general elections, by-elections, referenda, recall petitions and initiative petitions. We also administer campaign financing and election advertising laws for local by-elections and referenda (non-election assent voting) throughout the year.

In 2021/22, we continued to complete close-out activities related to the 2020 Provincial General Election, including publishing the report of the Chief Electoral Officer on the 2020 Provincial General Election in July 2021, developing recommendations for legislative change based on our experience administering the 2020 election, and completing our review of financial reports of political participants.

In 2017, amendments to the *Election Act* introduced election expense reimbursements to eligible candidates and political parties. The 2020 Provincial General Election was the first provincial

general election to which the reimbursement rules applied. For this event, a total of \$7,002,406 in election expense reimbursements has been paid to 229 candidates and three political parties during fiscal years 2020/21 and 2021/22.

Annual allowances to political parties, first introduced in 2018, were also made permanent in fiscal year 2021/22 following legislative changes to the *Election Act*. Under the Act, the Chief Electoral Officer must pay an annual allowance to a registered political party whose candidates in the most recent general election received:

- at least 2% of the total number of valid votes cast in all electoral districts, or
- at least 5% of the total number of valid votes cast in the electoral districts in which the political party endorsed candidates.

The *Election Act* establishes how allowances are calculated. Parties receive \$1.75 per valid vote received in the last general election. As of 2024 this amount will be adjusted for changes to the consumer price index.

Beginning in 2022, the Chief Electoral Officer must pay annual allowances in two equal installments on January 15 and July 15. The first of these payments was made on January 15, 2022. Payment amounts are published on the Elections BC website at elections.bc.ca/provincial-elections/provincial-financing/annual-allowances.

Initiative petitions

In 2021 we administered two initiative petitions. The *Initiative to change voting opportunities in provincial elections* put forward a proposal to require almost all voters to vote at their assigned voting place on General Voting Day. The *Initiative to conduct a Surrey policing binding referendum*



put forward a proposal to require the provincial government to hold a referendum on the City of Surrey replacing the RCMP with a municipal police force.

Both initiative petitions did not receive the necessary number of signatures and were therefore unsuccessful.

Electoral Boundaries Commission Support

Under the *Electoral Boundaries Commission Act*, an independent commission must be appointed within one year after every second provincial general election.

The previous Electoral Boundaries Commission submitted its report in 2015. Since then, there have been general elections in 2017 and 2020. The current Electoral Boundaries Commission was established on October 21, 2021 (www.bcebc.ca).

The Commission, which is a separate organization from Elections BC, provides independent and non-partisan recommendations to the Legislative Assembly on the area, boundaries and names of provincial electoral districts. The Commission can recommend creating new electoral districts,

as well as changing the boundaries of existing electoral districts. The Chief Electoral Officer is a member of the Commission.

In fiscal 2021/22, the Commission and Elections BC entered into an agreement for Elections BC to provide administrative services to the Commission, including financial management, human resources management, information technology support, and communications support.

If legislators adopt new electoral district boundaries as a result of the work of the Commission, implementing those changes in Elections BC's geographic information systems, databases and maps will be a key operational focus in the lead-up to the 2024 Provincial General Election.

Performance indicator #1: Quality of the Voters List

The Provincial Voters List is an essential tool we use to deliver the events we administer. The list contains the names and residential addresses of voters registered in each electoral district. In provincial elections, it is used to ensure that only eligible voters vote, and that they only vote once.

It is also used to deliver other events like referenda and initiative petitions, and is provided on request to support local elections. A high-quality voters list makes it easier to administer voting, and helps us contact voters with information about when, where and how to vote. It also makes voting faster and easier for voters.

The quality of the list is assessed based on coverage, currency and net currency.

- **Coverage** measures how many eligible voters in B.C. are on the voters list. It is calculated by dividing the number of registered voters by the estimated number of eligible voters.
- **Currency** measures how many voters are registered at their current address (how up-to-date the list is). Currency is estimated as the percentage of registered voters who are registered at their current address.
- **Net currency** combines coverage and currency. It measures how many eligible voters are registered at their current address. It is calculated by multiplying coverage by currency.

Coverage can be calculated at any point in the election cycle based on the number of registered voters divided by the estimated number of eligible voters. Currency estimates are generated by BC Stats after each provincial general election using survey research and an analysis of Elections BC data. As such, the currency and net currency of the voters list are only measured at this time. The most recent Voters List Quality Study, conducted following the 2020 Provincial General Election, measured currency at 89.8% and net currency at 89.2%. Currency and net currency targets will be set in preparation for the enumeration to be conducted before the next scheduled provincial general election.

	2019/20 Actual	2020/21 Actual	2021/22 Target	2021/22 Actual	2022/23 Target	2023/24 Target
Coverage*	95.5%	96.1%	91%	94.5%	91%	93%

** All voters list quality indicators are based on population projections or surveys conducted on behalf of Elections BC by an independent third party.*

Looking forward, Elections BC expects to continue to improve the quality of the voters list. A provincial enumeration will be conducted before the next scheduled general election in 2024. In addition, recent legislative changes have provided Elections BC with enhanced access to sources of voter information, such as the BC Services Card. This information is enabling Elections BC to keep voter records up-to-date more effectively. The creation of the List of Future Voters in 2019 also allows eligible 16 and 17-year-olds to sign up so they are automatically added to the Provincial Voters List when they turn 18. Overall, these new sources of information are improving the coverage and currency of the voters list, and will continue to do so in future years.

Performance indicator #2: Stakeholder satisfaction

Elections BC surveys voters after provincial general elections to obtain feedback and determine how to better deliver electoral events.

Stakeholder satisfaction is assessed based on the percentage of respondents satisfied or very satisfied with Elections BC's service. Following the 2020 Provincial General Election, we achieved a stakeholder satisfaction rate of 89%. This figure will be used as our baseline for measuring stakeholder satisfaction with the 2024 Provincial General Election through a post-election stakeholder satisfaction survey.

Elections BC also surveyed voters about their experience during the Vancouver-Quilchena by-election held in April 2022. The results of this survey, which measured voters' satisfaction with their experience voting under the modernized election model for the first time, have informed our planning for the subsequent Surrey South by-election and for the next provincial general election. More information about the results of this survey will be available in Elections BC's forthcoming report on the by-elections.

Modernize electoral services

In support of our operational priority of modernizing electoral services, we are always looking for new opportunities to enhance service and increase efficiency to meet the changing needs of our stakeholders.

In fiscal year 2021/22 we achieved several performance milestones related to modernization and innovation, including completion of phase one of the voting modernization project and development of the Candidate Nomination Application System (CNAS) portal.

Voting modernization

The voting modernization project has been a major focus of Elections BC's operational teams since the *Election Amendment Act, 2019* (EAA) received Royal Assent in November 2019. This legislation was the most significant change to the *Election Act* in 25 years. It allows us to use more technology in voting administration, including electronic tabulators (to count paper ballots) and electronic voting books (laptops to strike most voters off the voters list in close to real time). These changes enable faster, better service for voters, as well as data to support voter participation efforts.

New processes and procedures to fully implement voting modernization were initially planned to be

in place for the fixed-date election scheduled for October 16, 2021. With the early election call in September 2020, the readiness date for this project was deferred to March 31, 2022. Completing the voting modernization project has been a central focus of our work over fiscal year 2021/22. While we are now ready to administer a by-election under the provisions of the EAA, further preparations, currently underway, are necessary to be ready to deliver a provincial election under the new rules.

When the EAA received Royal Assent in November 2019, only a handful of its new provisions came into force immediately. Most of the provisions were designated to come into force through an Order-in-Council. This allowed us the time to develop and optimize the many procedures, regulations, systems and supporting materials necessary to make a fully modernized election work.

While the voting process remains familiar to voters – marking a paper ballot and placing that ballot into a ballot box – the modernized voting model introduced by the EAA required a comprehensive rethink of how voting works. Each step of the process, as administered by election officials, is described in a procedure. Voter-facing procedures include:

- striking a voter off in the electronic voting book
- updating voter information, if necessary
- issuing the ballot

Other behind-the-scenes processes that enable voting administration and support the technology used in voting places are also described in procedures, such as:

- preparing write-in and other ballots which require transcription
- closing a voting place at the end of voting
- preparing for initial count
- setting up and testing equipment
- performing logic and accuracy testing

- trouble-shooting and activating related back-up procedures

Each of these procedures was redesigned from the ground up under the new voting model.

These improvements have resulted in significant accessibility and transparency gains. Rather than lining up at an assigned voting station, voters will experience “first-come, first-served” service in voting places. Improvements have also been realized through a more efficient staffing model requiring fewer election officials with redefined roles. Voters will be served by the next available election official in each voting place, rather than by a team of two election officials at their assigned voting station.

Because of these changes, election official roles have been significantly revised to fit the new model. Elections BC has updated election official training to prepare these staff for what to expect in their new roles in the voting place.

Another change implemented in the EAA was the use of CEO regulations to define some aspects of voting and counting. CEO regulations are subordinate law and form part of the *Election Act*. The regulations (and their resultant procedures) were developed in conjunction with one another to ensure that the administrative processes required to implement voting modernization were consistent with the provisions of the Act. Prior to their finalization, a consultation was held with the Election Advisory Committee.

Four regulations—the Voting Opportunities Regulation, Voting Options Regulation, Vote Counting Regulation, and Ballot Form Regulation—were deposited by the Chief Electoral Officer in March 2022. These regulations were brought into force on March 18, 2022.

Voting place simulations

To ensure we were prepared to deliver a modernized election using the processes and tools outlined above, Elections BC conducted internal simulations to test electronic voting books

and tabulators. We also conducted a large-scale, multi-day simulated election, including voting at an external voting place and at Elections BC headquarters using electronic voting books and tabulators, fictional voter profiles, and different voting scenarios to test our new processes. Results were counted and reported to test the process of reporting results from the field into the central reporting system.

The overriding objective of the simulations was to identify procedural, physical layout, technological and other potential improvements to optimize the efficiency and effectiveness of the modernized voting model.

The simulations were run like a compressed election, and included many activities: training election officials; administering different voting opportunities using differing technology footprints, special voting, assisted telephone voting and mail-in voting; systems load testing and security testing; tabulator quality assurance testing; and initial and final count procedures.

Elections BC engaged headquarters staff and former district electoral officers and deputies to act as voters and election officials. Following the simulations, participants provided feedback on their experiences in their specific role. The lessons learned from conducting these simulations allowed us to identify improvements to our new voting and counting procedures and better understand the relationship between our contracted service providers, election officials and Elections BC headquarters.

By-election readiness

Elections BC maintains an ongoing state of readiness to administer on-demand events including an election or by-election if called on to do so. As a result, we were ready to administer a by-election throughout fiscal year 2021/22. Because of the voting modernization changes, we had to be ready to administer a by-election under two voting administration models. Before the *Election Amendment Act, 2019* regulations

were deposited and brought into force, we were ready to administer a by-election under the model used in the 2020 provincial election. We achieved readiness to administer a by-election under the new model as of March 31, 2022.

Following the completion of election simulations in December 2021, we began preparations for a modernized by-election under the new model. Elections BC incorporated the feedback received and lessons learned from the simulations to update and improve our systems, processes and procedures. A major component of these preparations was updating election official training and voting materials, technology and equipment.

On February 17, 2022, Andrew Wilkinson resigned as the MLA for the Vancouver-Quilchena electoral district. In March 2022, we published notice that we were prepared to conduct an election under the provisions of the EAA. The by-election was called on April 2 with final voting day taking place on Saturday, April 30.

As the first event held under the provisions of the EAA, the Vancouver-Quilchena by-election was an historic event for our province. Although a number of the benefits of a modernized election under the EAA will only be realized during a general election — for example, printing ballots on demand for out of district voters — the event was an excellent opportunity to test procedures, software and hardware.

Conversations with voters during the event confirmed they were very comfortable with the new procedures and technology. Many voters commented that they found the new first-come, first-served process to be a great improvement. Others commented on how fast the voting process was. Many voters made it through the voting place from start to finish – from in the door of the voting place to out – in under five minutes. At the close of voting, Elections BC was able to provide initial count results much more quickly than had been previously possible because of the use of ballot tabulators.

The Surrey South by-election held on September 10, 2022 provided us with another opportunity to test the modernized voting process in a by-election.

More information about these by-elections will be available in the forthcoming report of the Chief Electoral Officer.

Improve accessibility and inclusivity

Elections BC is committed to building an inclusive and accessible electoral process for all eligible voters. Our work towards improving accessibility and inclusivity in fiscal year 2021/22 included milestones such as rolling out the future voters enrolment campaign, developing a framework for an accessibility committee in accordance with the *Accessible British Columbia Act*, and utilizing new data sources to target outreach to youth and other voters that face accessibility barriers.

Future voters

In fiscal year 2021/22, our outreach and education efforts focused on future voters. Beginning in February 2022, we sent a letter to 16 and 17 year-olds across British Columbia. The letter encouraged recipients to sign up for the List of Future Voters so that they will be automatically registered to vote when they turn 18. The mail out started with an initial distribution between January 31 and February 4, 2022 with letters sent to 88,323 youths across British Columbia. In March, 2022 we sent our first monthly future voter mail out letters to any youths that were not included in the initial mail out (e.g. they moved into British Columbia or turned 16 after the initial mail out). Mail-outs will continue on a monthly basis.

The letters were supported by outreach to over 1,000 educators across the province, asking them to share List of Future Voters information with their students. We also published advertisements on

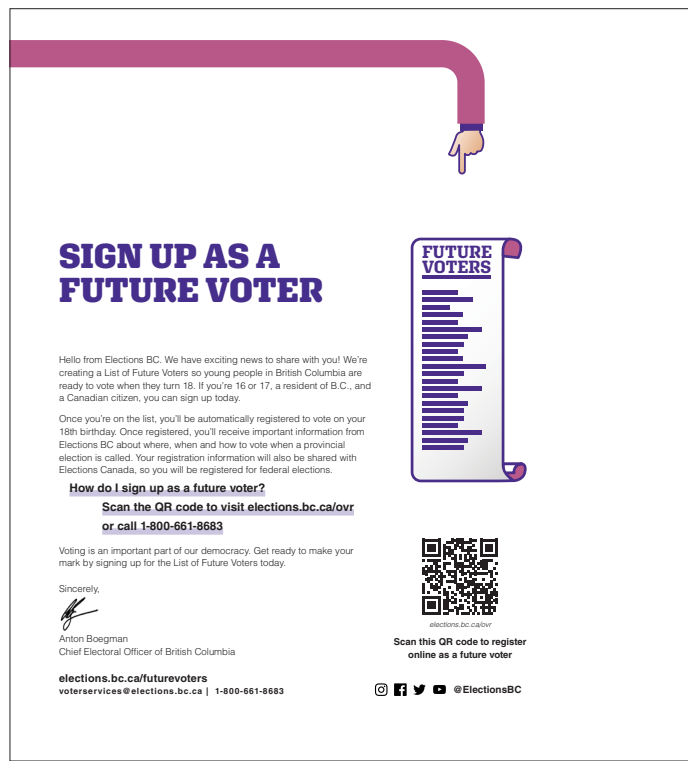
social media and video game platforms that encouraged 16 and 17-year-olds to register. The ads ran from late January to early March. The campaign delivered over 1.9 million impressions (the number of times the content is displayed to users) and over 100,000 views of an animated video produced for the campaign. The List of Future Voters was also a focus of organic content posted to Elections BC's social media channels throughout February and March 2022.

Elections BC received 8,858 future voter registrations between April 1, 2021 and March 31, 2022. The vast majority of these registration activities coincided with the launch of the Future Voter Mail Out program.

In total 93,615 future voter letters were mailed in 2021-22. Overall, there was a 9.4% response rate for the program, and a dramatic increase in the number of future voters on the List of Future Voters. For context, there were 77 future voter registrations between April 1, 2021 and January 30, 2022 before the mail out started. The remaining 8,781 future voter registrations occurred between January 31 and March 31, 2022. The vast majority (99.98%) of these transactions occurred through our online voter registration (OVR) system. These future voters will be moved automatically to the Provincial Voter List once they turn 18, enabling their future participation in our electoral democracy.

There is a positive correlation between being registered to vote before Election Day and voting. This is likely because registered voters receive important information from Elections BC during an election about where, when and how to vote. Automatic registration upon turning 18 means that these first-time voters will receive the information they need to cast their vote.

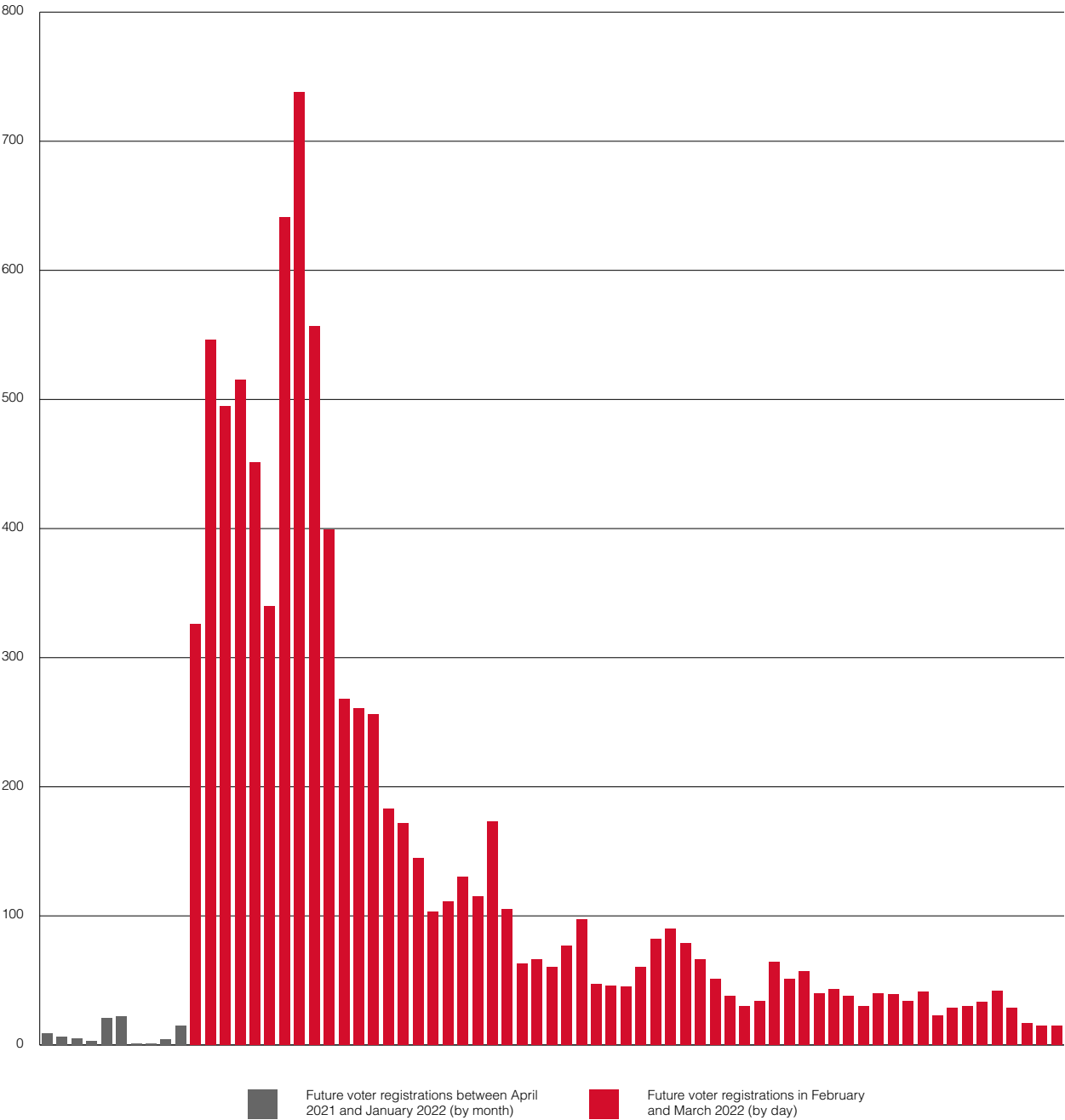
In addition to the future voters campaign, we continued to provide resources to educators to help them engage with their students on topics related to democracy and voting. In 2021/22, we translated our Democracy in a Box Kit into French so it can be used by educators at French language schools in B.C.



Letters inviting eligible 16 and 17-year olds to register for the List of Future Voters were sent to 88,323 youths across British Columbia.



We promoted the future voter registration campaign through social media.



Accessible British Columbia Act

Elections BC has been closely monitoring the requirements of the *Accessible British Columbia Act*, which was enacted in June 2021. Elections BC was prescribed as an organization subject to the Act in April 2022, and will be required to prepare an accessibility plan, convene an accessibility committee, and make a feedback mechanism available to members of the public before September 2023. The framework for an Elections BC accessibility committee has been

developed, and work is ongoing towards an accessibility plan and feedback mechanism. Elections BC may also be subject to accessibility standards prescribed in regulation, and will be consulting with the provincial Accessibility Secretariat to better understand the impacts of these standards on provincial elections and other areas of our work.

As part of our ongoing work, we maintain relationships with organizations that serve voters

with disabilities throughout B.C. In addition to our regular outreach and engagement activities, Elections BC is active on the Secretariat for Electoral Coordination's Voters with Disability subcommittee, exploring best practices and areas for improvement with other Canadian election agencies. This shared knowledge includes how other jurisdictions with accessibility legislation have incorporated legislated requirements into their service model.

Access to new sources of information

The expanded access to data sources included in the *Election Amendment Act, 2019* (EAA, 2019) were brought into force in July 2021 following the completion of an Information Sharing Agreement with the Insurance Corporation of British Columbia (ICBC). The Act allows access to data sources held by Provincial Identity Information Service Providers, including the BC Services Card, in addition to the existing access to data sources held by ICBC. BC Services Card data is beneficial for updating the voters list because it includes voters that do not have a driver's licence and, therefore, were not captured through Elections BC's previous data sharing agreements with ICBC. The data sources accessible via these new provisions have been used to support targeted outreach to youths across British Columbia by inviting them to join the List of Future Voters.

Access to these data sources results in a more complete and up to date Provincial Voters List. A high-quality voters list means that more voters will receive important information about when, where and how to vote from Elections BC during an election or other electoral event.

Performance indicator #3: Electoral awareness

Electoral awareness is determined by calculating the percentage of voters surveyed who report that they knew what they needed to do to vote. Voter surveys are conducted following each provincial general election. The next survey will

be conducted after the 2024 Provincial General Election.

Voter awareness is important for an accessible, inclusive, and well-run election. We survey voters after each general election to make sure there are no gaps in voter knowledge that we can address through our public communications. This ensures all eligible voters have a good understanding of what they need to do to vote. Awareness also promotes efficiency and better service. For example, a voter with high knowledge of the voting process is more likely to bring their Where to Vote card with them when they go to vote. This helps election officials at the voting place serve the voter faster, which improves service levels for other voters by reducing wait times. We review the results of voter surveys after each event to identify gaps in voter knowledge and ensure our communications campaigns continue to deliver key information to voters about where, when and how to vote.

Build organizational capacity

Elections BC is only as strong as its people. We believe we can build organizational strength by managing strategically, fostering employee development, creating a supportive and inclusive work environment, and enhancing internal and external relationships. In fiscal year 2021/22, Elections BC accomplished several initiatives to support our organizational capacity and build the strength of our team. These included an organizational re-alignment, implementation of our hybrid "Where We Work" model and ongoing participation in external partnerships and collaborations. Elections BC staff also completed the 2022 Work Environment Survey with positive results.

Workforce planning and organizational re-

alignment

Following the 2020 Provincial General Election, we embarked on a project to implement a sustainable workforce plan to build organizational capacity and limit operational risk. This resulted in organizational re-alignments in every program area at EBC.

Electoral Finance program

Throughout 2020, Electoral Finance had been looking to improve program operations and structure to make more efficient use of our resources and organizational capacity. Since 2014, the Electoral Finance program area had been split into two teams based on area of responsibility: provincial or local campaign financing. Both teams represented similar skillsets and subject matter expertise.

Recommendations were identified through an independent review conducted by an external consultant, with direct input from Electoral Finance staff and EBC leadership, and in consultation with our HR team. Effective April 1, 2021 the program area was re-aligned into two new Electoral Finance teams: Compliance Services and Audit and Assessment. This new structure will enable us to use our resources and organizational knowledge more efficiently, build capacity, and quickly pivot as needed to respond to changes or provincial or local electoral events.

- Compliance Services (CS): The primary purpose of this team is to register and improve political stakeholders' understanding of the electoral financing provisions. This is accomplished through training, guidance and other initiatives to develop programs that help promote compliance with requirements
- Audit and Assessment (AA): The primary role of this team is to enhance reviews of the various financial disclosure statements submitted to Elections BC, and to establish a formal ongoing audit program to help assess and improve compliance with the

electoral financing requirements. This team is also responsible for auditing receipts and recommending payment for election expense reimbursements claims.

Electoral Operations program

In the summer and fall of 2021, we engaged an external consultant to conduct an organizational review of the Electoral Operations program area, including the Electoral Operations, Voter Services and Electoral Geography teams. The review looked at the changing requirements of electoral administration under our new legislation and made some recommendations to best position the Electoral Operations program for continued success.

The organizational and staffing changes are broadly intended to enhance management capacity, increase resiliency in some technical roles and address changes in demands on the program due to voting modernization. By adding management capacity, directors will be able to focus more energy on proactive strategy, risk management, knowledge transfer and direction, and less on supervision and completing work tasks. At the same time, new management capacity will help work units meet the demands of voting modernization while also providing leadership pathways to support a smoother transition as staff retire or move to other positions. Taken together, the changes set the Electoral Operations program up for continued success as we prepare to deliver the next provincial election in a new and more modern way.

Information Technology program

Our custom systems were developed by EDS Canada in the late 1990s to automate several business functions that were previously managed independently with little to no technology. In order to effectively manage the cyclical scaling challenges inherent to our mandate, the ongoing support and enhancement services were put

to a public tender in 2003 and awarded to EDS Canada, which was acquired by HP Canada in 2008. In 2014, we went back to the marketplace for an IT service provider and in December 2014 transition started from HP to Fujitsu.

Many things have changed since we began outsourcing IT services. Vendors used to have resources 'on the bench', meaning that it was relatively quick and easy to add resources to the contract when needed. This is no longer the case, and has not been for a number of years. Further, due to market conditions, there is much higher turnover amongst vendor staff. No longer could we rely on having experienced and knowledgeable IT resources available when necessary. And more importantly, our technical footprint has grown along with our mandate. As we continue to see legislative changes, an outsourced IT service delivery model is not as responsive as is needed.

To address these challenges, we looked at options for how we could improve service delivery, including bringing these services in-house. We developed an initial in-house model and organization chart for consideration. We engaged the services of an external consulting firm to develop a business case to refine and confirm our options. The end result was a decision to bring core IT services in-house. Adding more capacity to our permanent staff will reduce risk in a critical area, and increase our capacity to better respond to requirements for new systems and services, and other future change. In May 2021 we informed our contracted service provider that we would be ending our contract and bringing IT services in-house by the end of fiscal year 2021/22.

New permanent positions have been added to the IT program with the potential to add additional permanent resources at a later date. We will also be publishing a request for proposals (RFP) to establish a vendor eligibility list. This list will be used to augment our core team as and when required to support strategic projects and electoral events.

Where We Work

Like all organizations, Elections BC had to rapidly adapt to the new reality of work during the COVID-19 pandemic. In March 2020, almost all headquarters staff shifted to remote work. Since then, staff have worked through a range of in-person and remote work models, depending on operational requirements. We have continued to navigate the new challenges and successes of our new environment and its impacts on our workplace model.

In Spring 2021, we initiated the "Where We Work" project. The project was aimed at the development of human resources policies in support of a new hybrid work model, incorporating both remote and in-office work arrangements for our headquarters staff. The development of our hybrid work model was informed by an employee working group and staff surveys, as well as researched best practices and management input. Our staff indicated overwhelming support for a hybrid work model incorporating both in-office and remote work arrangements.

As provincial pandemic restrictions began to ease in September 2021, we began to implement the hybrid model. As pandemic conditions changed throughout the Fall and Winter of 2021, the implementation of the new model was deferred to Spring 2022. The transition was complete in April 2022.

We believe incorporating more flexibility in where we work will improve the way we work together, and strengthen the Elections BC community, supporting recruitment, retention and performance. The hybrid workplace model will enable us to leverage the benefits of location while mitigating some of the challenges posed by remote work. This new model will also ensure that we retain the in-person teamwork that is so essential in our preparations and delivery of electoral events.

While its trigger was our collective experience during the pandemic, "Where We Work" is about

re-designing how we work in the future to ensure we continue to meet our mandate and support organizational performance.

Building external relationships

Ongoing inter-jurisdictional partnerships and collaborations include participating on the program and steering committees of the Council on Governmental Ethics Laws (COGEL), supporting the Canadian Election Official Training (CEOT) group, and participating in several committees through the Secretariat for Electoral Coordination (SEC). By participating in these partnerships and collaborations, we can learn and share insights and best practices, thereby building our organizational knowledge and capacity.

In February 2022, our CEO rejoined the COGEL Steering Committee. Our Executive Director, Electoral Finance is also serving on COGEL's program committee. COGEL is a professional organization for government agencies and other organizations working in several areas, including elections and campaign finance.

We were also involved in several SEC subcommittees and groups. Currently, our CEO is the co-chair of the SEC Steering Committee and a member of the program committee for the CEOT group. Elections BC also has staff members serving on several SEC subcommittees and groups:

- National Standards on E-Voting (co-chair),
- Vote-by-Mail Best Practices (co-chair),
- Deceptive Online Practices (committee member), and
- Voters with a Disability (co-chair and committee member).

2022 Work Environment Survey

Every two years, public service employees across the province complete a confidential Work Environment Survey. The survey is administered by BC Stats and measures how satisfied employees

are with their jobs, their workplaces and the broader organization. We participated in the 2022 survey in January, and received our results report in April 2022.

The overall survey results were very positive for Elections BC, meeting the standard for a Top Work Unit Award. At a more detailed level, while our engagement scores in some areas fell slightly compared to the 2020 survey, they improved in many areas. Staff reported increased satisfaction with their tools and workspace, recognition, executive and supervisory level management, staffing practices and pay and benefits. Areas to focus on include enhancing professional development, respectful work environment, empowerment, stress and workload and the connection to our vision, mission and mandate. While some of these areas were negatively impacted by the challenges of providing essential services during the pandemic, including an unscheduled election, we are committed to understanding these results at a deeper level. Throughout the next year, we will engage staff in a review of survey results to design improvements to our workplace.

Performance indicator #4: Stress and Workload

The stress and workload performance indicator is based on staff feedback collected through the Work Environment Survey. The survey questions measure whether employees have manageable workloads that are distributed fairly, have support to provide high levels of service and to balance their work and personal life, and feel well supported during times of change. Overall scores are out of 100; the higher the score, the more supported and able to manage their workload staff feel. In 2020, the results of the survey produced a high score of 73. In 2022, Elections BC scored 68, higher than the overall BC Public Service score of 63. We remain committed to improving our score for the 2024 survey.

	2019/20 Actual	2021/22 Target	2021/22 Actual	2022/23 Target	2023/24 Target
Stress and workload*	73 / 100	66 / 100	68 / 100	N/A*	70 / 100

*The Work Environment Survey is conducted every two years.

Protect electoral integrity

Ensuring the integrity of British Columbia's electoral system is an ongoing focus of Elections BC. Administering electoral legislation consistently, transparently and to the highest standards is critical to maintaining free and fair elections in our province. More recently, Elections BC has focused on addressing the current challenges to democracy, trust and electoral integrity posed by cyber threats and disinformation.

Operationally, our Electoral Finance and Investigations work units are central to protecting electoral integrity. Provincially we administer voting and counting rules, while we oversee campaign financing, disclosure and election advertising rules at both the provincial and local levels. An important aspect of this work is supporting stakeholders like provincial political parties and local elector organizations, candidates and third party advertising sponsors, to ensure they understand campaign financing rules and their financial filing obligations.

In 2021/22, we held information sessions and annual financial report training for provincial political parties and constituency associations, as well as for local elector organizations. These sessions allowed us to clearly explain the often complex campaign finance rules, and to respond to questions and provide support.

We have a mandate to enforce the legislation we administer, including the *Election Act*, *Referendum Act*, *Local Elections Campaign Financing Act* and *Recall and Initiative Act*. We respond to cases of non-compliance through education and support, or compliance actions as necessary. If there is evidence that a substantial case of non-compliance has occurred, we open an investigation and can administer monetary penalties or refer the matter to the Ministry of the Attorney General to consider offence charges.

Investigations and enforcement

Investigations opened 50 files from June 2021 to June 2022: 38 files under the *Local Elections Campaign Financing Act*, 11 files under the *Election Act*, and one file under the *Recall and Initiative Act*. 16 files carried over from 2020 and previous years. 27 files were closed during this time.

Many of the files that have been closed by Investigations resulted in warning letters. It is expected that out of the current files that are open, many will also result in warning letters once the investigation concludes.

Six files resulted in administrative monetary penalties under the *Election Act*. Three of these penalties were issued for failure to include required information on election advertising, two for accepting a

prohibited contribution, and one for failure to report a specified fundraising function within the time frames established by the *Election Act*. Detailed information on these files can be found at elections.bc.ca/resources/investigations/administrative-monetary-penalties.

Nearly all of the warning letters related to offences that did not have corresponding administrative monetary penalty (AMP) provisions. This included transgressions such as advertising on General Voting Day or campaigning within 100 meters of a voting place. If there was an AMP available, Investigations used that process, as it is an appropriate enforcement tool for that level of contravention. If there was no AMP available, the only tool would be a full offence prosecution. In these cases Elections BC issued warning letters, as the contraventions would not meet crown counsel charge approval standards due to the minor and apparently inadvertent nature of the incidents.

Recommendations for legislative change

Throughout the 2021/22 fiscal year, the Chief Electoral Officer developed recommendations for legislative changes to the *Election Act*. Following each election, Elections BC conducts a comprehensive post-event review. We review our processes to identify what went well and what could be improved. Some improvements can be accomplished administratively, while others require legislative change to put in place.

Based on our post-election review, two priority recommendations were identified:

- Improve the vote-by-mail process
- Update ballot adjudication criteria for write-in ballots

The recommendations to improve the vote-by-mail process include changing how voters prove their identity and residential address through the vote-by-mail process, expanding the locations where

voters can drop-off their completed vote-by-mail package, and letting voters correct their vote-by-mail package if they make a mistake completing it.

Updating the ballot adjudication criteria for write-in ballots would allow voters to write the name of a party leader on a write-in ballot, even if the party leader is not running in the voter's electoral district. Currently, voters must mark their write-in ballot with the name of a candidate running in their electoral district or the name of a political party that has endorsed a candidate in their district. This recommendation would treat the name of a party leader as equivalent to the name of their party.

The report also makes a number of technical recommendations, including recommendations to ensure that mandatory requirements for political participants under the Act are always enforceable through specific provisions.

Additionally, the report includes an addendum to the Chief Electoral Officer's 2020 recommendations report on cyber threats to electoral integrity. If adopted by the Legislative Assembly, these recommendations would help strengthen the accessibility, efficiency, and integrity of B.C.'s democratic process.

The [Report of the Chief Electoral Officer on Recommendations for Legislative Change – May 2022](#) was tabled in the Legislature on May 30, 2022.

Elector organization registration and annual financial reports

New rules for local elections participants under the *Local Elections Statutes Amendment Act, 2021*, came into force on December 1, 2021. These new rules require elector organizations to register with Elections BC in order to receive a campaign contribution, incur an election expense, endorse a candidate in an election or enter into a campaign financing arrangement. Requiring elector organizations to register with

Elections BC (as provincial political parties do) improves transparency, accountability and, as a result, electoral integrity. By requiring elector organizations to register, Elections BC can now establish ongoing relationships and improve service to these groups. Extending disclosure requirements to operating accounts also improves transparency and ensures compliance with campaign financing rules under the *Local Elections Campaign Financing Act*.

Elections BC received 29 applications from elector organizations by March 31, 2022, 25 of which were accepted by that date. A list of elector organization registrations and deregistrations as of March 31 is available in the appendices of this report. A [current list of registered elector organizations](#) can be found on Elections BC's website.

Elector organizations registered at the end of the 2021 calendar year were required to file annual financial reports by March 31, 2022. 15 Elector organizations filed annual financial reports for 2021 covering the period from when the elector organization registered until December 31, 2021.

Performance indicator #5: Support compliance

We provide support to political participants at the provincial and local levels to understand the requirements of our legislation and to promote compliance. We measure compliance based on the percentage of financing reports or statements filed on time, compared to the total number due in that fiscal year. The number of reports filed by the deadline includes those filed by the late filing deadline and those granted an extension by Order of the Chief Electoral Officer.

To help political participants understand the filing requirements, Elections BC holds information sessions across the province in the lead-up to a major event or filing deadline.

Of the 112 provincial financing reports required in 2021/22, 107 reports (96 percent) were filed by the deadline. Of the 205 local campaign financing disclosure statements required in 2021/22, all 205 were filed by the deadline.

	2019/20 Actual	2020/21 Actual	2021/22 Target	2021/22 Actual	2022/23 Target	2023/24 Target
Provincial and local filing compliance	99%	99%	98%	98%	99%	99%

Stakeholder feedback

“Thank you for the support and knowledge during this experience! It was incredibly valuable to have BC Elections as a resource during this time.”

- Local by-election candidate



“We love working with you. It’s never boring!”

- BC Mail Plus



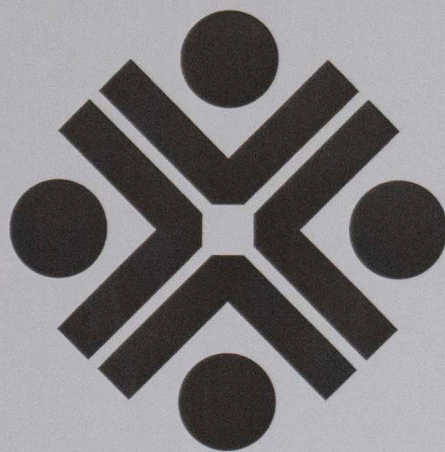
“You folks rock. Thank you for answering so many questions!”

- Local elections information session participant



“Happy to give all my classes the chance to ‘pre-register’ to vote in elections in B.C. Thank you, Elections BC!”

- Secondary school teacher



ELECTIONS BC

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SECTION 3

SERVICE PLAN FOR

2022/23 TO 2024/25

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Our plans and priorities

With an unscheduled election occurring in October of 2020, Elections BC's business cycle reset to a four year period covering 2020-2024. This impacts our focus over the coming years and our budgetary requirements. In 2022, major areas of focus will be administering the campaign financing and advertising rules for the 2022 General Local Elections, continued implementation of modernized services for voters and electoral stakeholders, and turning our attention to preparing for the 43rd Provincial General Election.

Our five priorities - deliver events, modernize electoral services, improve accessibility and inclusivity, build organizational capacity and protect electoral integrity - remain the same, offering continuity and focus to our work.

Our ongoing activities and strategic projects that support each of our priorities are summarized in the table below.

Priority	Supporting Activities and Projects
Deliver events Be ready for and successfully deliver electoral events.	<ul style="list-style-type: none"> ▪ Deliver the 2022 Vancouver-Quilchena By-election. This event is in its final stages and we expect to publish the Chief Electoral Officer's report for this event before the end of 2022. ▪ Deliver the 2022 Surrey South By-election. Voting, counting, and results reporting for this event are complete and we expect to publish the Chief Electoral Officer's report for this event before the end of 2022. ▪ Oversee the 2022 Vernon-Monashee Recall petition. At the time of writing this event is in the canvassing phase. Petition sheets must be submitted to Elections BC by October 11, 2022. ▪ Administer the campaign financing and advertising rules for the 2022 General Local Elections. This is a major focus of our work under this priority in 2022 and 2023. ▪ Prepare to deliver the next provincial general election. In the short term our general election preparedness work will focus on: <ul style="list-style-type: none"> ▪ Recruiting Regional Field Officers, District Electoral Officers, and Deputy District Electoral Officers. ▪ Planning to redistribute the province's voting area boundaries, once the work of the BC Electoral Boundaries Commission is complete and new electoral district boundaries are established in law. ▪ Planning for pre-election enumeration and voters list update activities. ▪ Conduct ongoing operational activities, include maintaining the voters list, maintaining organizational event readiness (including systems maintenance), and ensuring business continuity processes are in place to ensure successful event delivery.

<p>Modernize electoral services</p> <p>Find new opportunities to enhance service and increase efficiency to meet the changing needs of our stakeholders.</p>	<ul style="list-style-type: none"> ▪ Modernize the systems used to recruit, train and schedule election officials hired for general elections ▪ Replace our legacy geographic information system ▪ Complete the final part of the voting modernization project to align our voting results system with the new delivery model ▪ Procure technology to deliver elections under the new modernized voting model ▪ Deploy the new Candidate Nomination Application System (CNAS) for candidates and parties ▪ Create a secure online portal to track vote-by-mail packages in order to give voters more self-service options
<p>Improve accessibility and inclusivity</p> <p>Engage all eligible voters in the electoral process.</p>	<ul style="list-style-type: none"> ▪ Planning and implementing an accessibility program driven by new legislation ▪ Continuing to build our program for the pre-registration of 16 and 17 year olds (future voters) ▪ Ongoing communication with voters through multiple channels, including traditional and social media, to increase their knowledge of when, where and how to vote ▪ Increase accessibility to voting through stakeholder consultation, communication and partnerships with an emphasis on Indigenous communities ▪ Review processes and procedures to ensure administrative and physical barriers to participation are minimized
<p>Build organizational capacity</p> <p>Build strength and resiliency by managing strategically, enhancing internal and external relationships and enabling employee development.</p>	<ul style="list-style-type: none"> ▪ Review the implementation of our hybrid-working Where We Work project ▪ Continue to provide leadership opportunities to staff through our leadership development program (which provides opportunities and resources for employee education and skills development) ▪ Continue to develop supervisory skills and staff resiliency through training and development programs ▪ Continue to foster a diverse and inclusive workplace through employee training and communications ▪ Enhance our corporate orientation program for new staff ▪ Maintain a resilient planning framework to ensure strategic projects are prioritized and well managed, and resources are allocated effectively

<p>Protect electoral integrity</p> <p>Address challenges to democracy, trust and electoral integrity posed by cyber threats and other coordinated inauthentic behavior.</p>	<ul style="list-style-type: none"> ▪ Adapt and introduce systems and processes to respond to threats to electoral integrity and ensure transparency and compliance are maintained ▪ Engage political participants to support understanding of legislated requirements and promote compliance, and continue to support recommendations for legislative change ▪ Maintain robust and effective complaints management, investigation, and enforcement practices ▪ Build and maintain trust in Elections BC as the province's non-partisan election administrator and authoritative source of information regarding B.C.'s electoral processes ▪ Develop and implement public education programs to build voter capacity to navigate this new environment ▪ Stay on top of emerging trends while maintaining relationships with other EMBs and security and police agencies
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Further to the information provided in the table above, more detail on a number of areas of focus is provided below.

2022 General Local Elections

Planning and managing electoral events remains the core focus of our work. Although Elections BC does not administer voting and counting in local elections, we do administer the campaign financing and advertising provisions of the *Local Elections Campaign Financing Act*. Elections BC also provides voters lists to local governments to help them administer voting. Typically, Elections BC supplies voters lists to approximately 100 local governments during a general local election.

This fall will see Elections BC administer the campaign financing provisions for the October 15, 2022 General Local Elections with as many as 3,600 participants, including candidates, elector organizations and third party advertising sponsors. This will be the third time Elections BC administers these rules in local elections, following the 2014 and 2018 General Local Elections.

Since 2018, amendments to the *Local Elections Campaign Financing Act* have resulted in substantial changes to the rules for local candidates, elector organizations and third party advertising sponsors. Elector organizations are now required to register and file annual financial reports with Elections BC. Local election participants are now also subject to administrative monetary penalties for some offences under the Act.

Elections B.C.'s electoral finance team has been working diligently to update informational guides and forms for local election participants and provide training sessions to local financial agents and newly registered elector organizations. Preparations are also underway to oversee the new rules for third-party advertisers and elector organizations in readiness for the start of the pre-campaign period on July 18, 2022.

Currently there are 47 registered local elector organizations who now must publicly report on their annual activities and expenditures in a similar fashion to registered provincial political parties. During the general local elections, we anticipate that we will contact, provide information to and receive financial reports from approximately 3,500 candidates across all local jurisdictions.

Boundaries redistribution

If legislators adopt new electoral district boundaries based on the reports of the BC Electoral Boundaries Commission, Elections BC will complete an electoral boundaries and voting area redistribution in time for the scheduled 2024 Provincial General Election. This work aligning Elections BC's geography systems to the new boundaries will include creating maps, updating our systems and electoral geography products (like the Location Index and Street Index) to the new boundaries, and de-registering constituency associations associated with the previous electoral districts.

Preparing for the next Provincial General Election

Preparations for B.C.'s 43rd Provincial General Election (PGE43) will begin in earnest in fiscal year 2022/23. The 24 months leading up to a provincial general election are an important period of planning and preparation to ensure election readiness. Equipment and materials are acquired, staff hired and trained, and logistics and infrastructure streamlined to successfully deliver an inclusive electoral event. Preparations for PGE43 will be of key importance for the province's first provincial election held under the modernized voting model is a success.

Over the next fiscal year, we will be recruiting and beginning the training for District Electoral Officers (DEOs) and Deputy District Electoral Officers (DDEOs) in each of the province's electoral districts. As election managers in their districts, DEOs and DDEOs will undertake comprehensive training – a blend of eLearning modules and face-to-face workshops – to become experts on the new election processes and procedures they will be administering for the first time.

A benefit of voting modernization is an updated election official staffing model. Voters will be served by the next available election official in each voting place (this is a "first come – first served" model), rather than by a team of two election officials at their assigned voting station. This will make the voting process faster and easier. It also means that election official roles have been significantly revised. Elections BC has redeveloped election official training to prepare these staff for what to expect in their new roles in the voting place.

Plans for a province-wide enumeration and targeted registration activities in the late summer and early fall of 2024 will also begin as we prepare for the next provincial general election. These plans may include:

- a province-wide mailing to registered voters reminding them to update their voter registration and informing them of changes to the province's electoral districts
- identifying community outreach locations
- conducting outreach to new voters, service organizations and communities who face administrative barriers to registering and voting

We were fortunate to have the opportunity to pilot the new voting model in the 2022 Vancouver-Quilchena and Surrey South by-elections. Lessons learned from these events will be invaluable as we fully develop our PGE43 event plan and voting and training materials.

Audits

Under the *Election Act*, *Local Elections Campaign Financing Act*, and *Recall and Initiative Act*, the Chief Electoral Officer must periodically audit the financial affairs and accounts of individuals and organizations that participate in elections or petitions. The Chief Electoral Officer has the authority to appoint representatives to conduct financial audits and to request or review records of a political entity.

These audits help political participants strengthen internal financial processes and support compliance with campaign finance rules.

We notify individuals and organizations being audited in writing. This notification advises the subject of the timing, objective and scope of the audit.

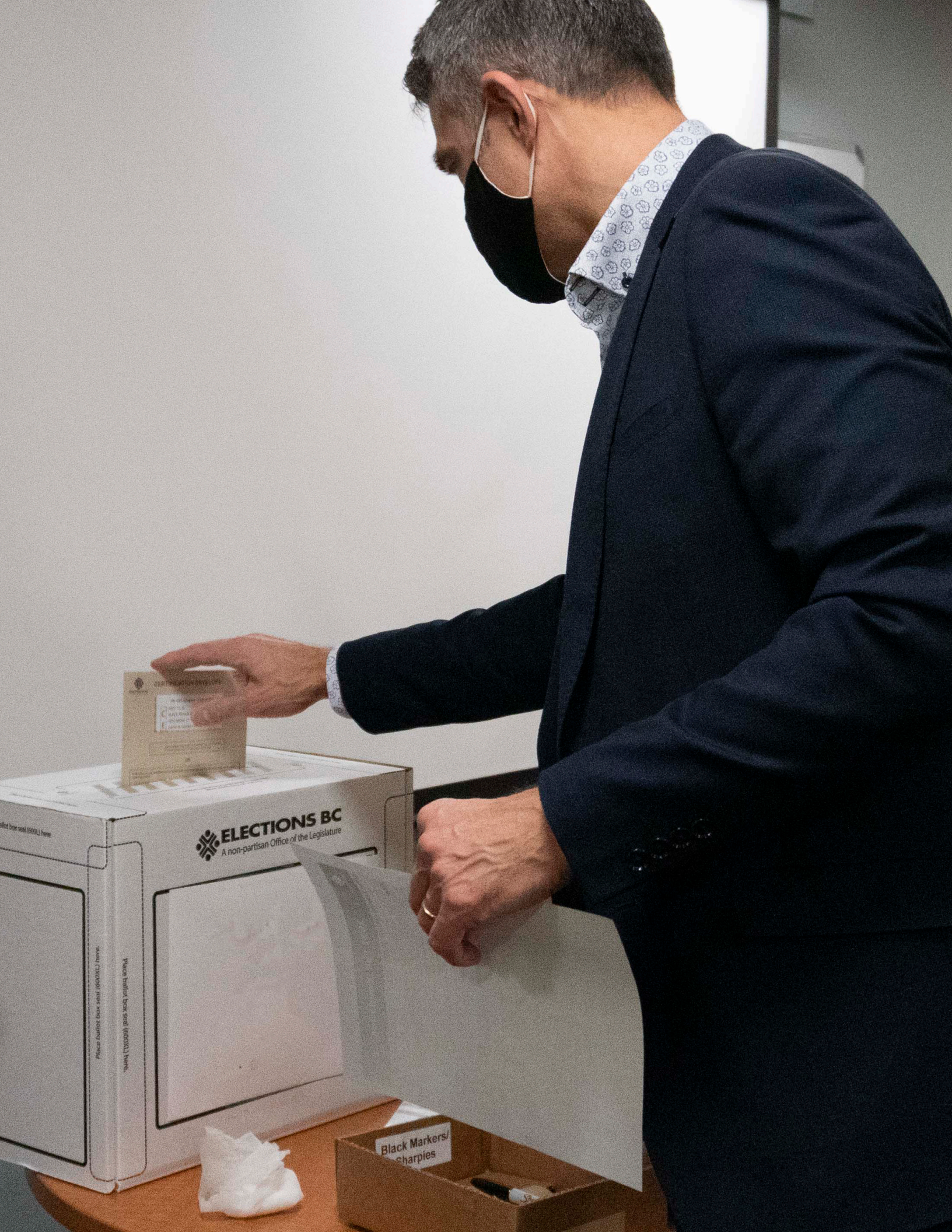
On completion of an audit, the political entity:

- may receive recommendations on how to improve internal processes and enhance compliance,
- may be required to file a supplementary financing report to correct reporting deficiencies, and/or
- if non-compliance is identified, may be subject to further investigation and possible penalties depending on the nature of the non-compliance.

Candidate Nominations Application System (CNAS)

In addition to our work implementing technology in the voting place, a key project supporting our priority of modernizing electoral services is the candidate nominations application system. This application will allow provincial candidates to fulfil their nomination requirements electronically and then enable parties to review this information and provide endorsements through the application.

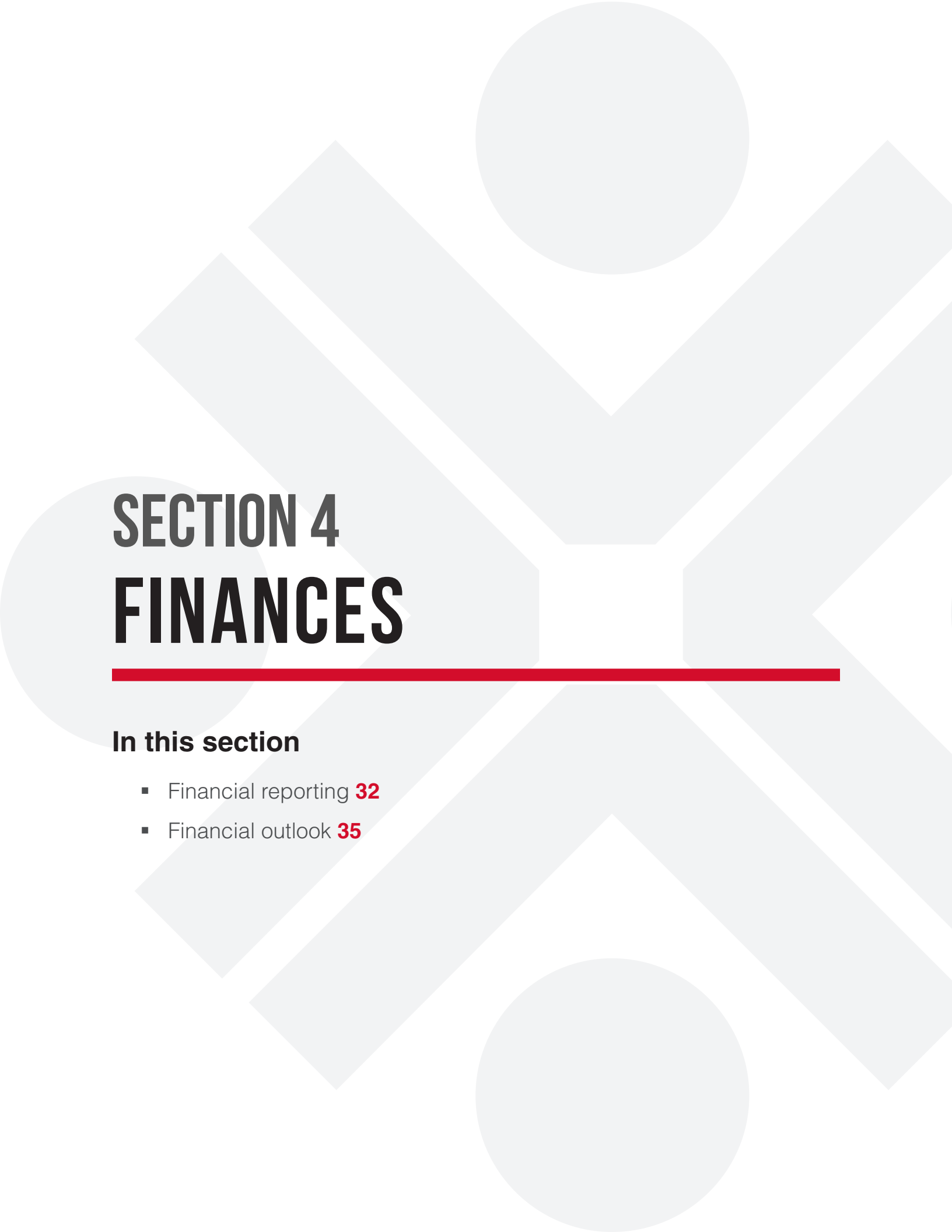
Development continued on this project throughout fiscal year 2021/22, and following several rounds of client and user testing, we anticipate implementing the final modules and launching the application in fiscal year 2022/23.



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SECTION 4

FINANCES

In this section

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Financial reporting

Elections BC achieves accountability and transparency in financial reporting through our relationship with the Select Standing Committee on Finance and Government Services. The mandate of that Committee includes considering and making recommendations on the annual reports, rolling three-year service plans and budgets of independent offices of the legislature, including Elections BC. During the budget process each fall, Elections BC meets with the Committee and presents our budget proposal for the next fiscal year and the following two fiscal years.

The Chief Electoral Officer, Deputy Chief Electoral Officer, Electoral Finance and Operations, and Director, Finance and Facilities Administration, met with the Committee on November 15, 2021. Elections BC provided the Committee with a comprehensive review of the financial results for the previous fiscal year and a budget proposal for fiscal years 2022/23 to 2024/25. The proposal detailed the budget requirements for ongoing operations, capital investments, and event funding needed to cover activities necessary to complete implementation of the *Election Amendment Act, 2019* and preparations to administer the campaign finance requirements for the 2022 General Local Elections. In its report of December 16, 2021, the Committee recommended that Elections BC's ongoing (non-event) operating budget for fiscal year 2022/23 be \$12.016 million. The recommended capital budget for 2022/23 was \$650,000, and the event funding recommendation was \$3.152 million. Elections BC was also granted \$3.248 million in 2022/23 to fund the annual allowances for political parties under Division 6.1 of the *Election Act*.

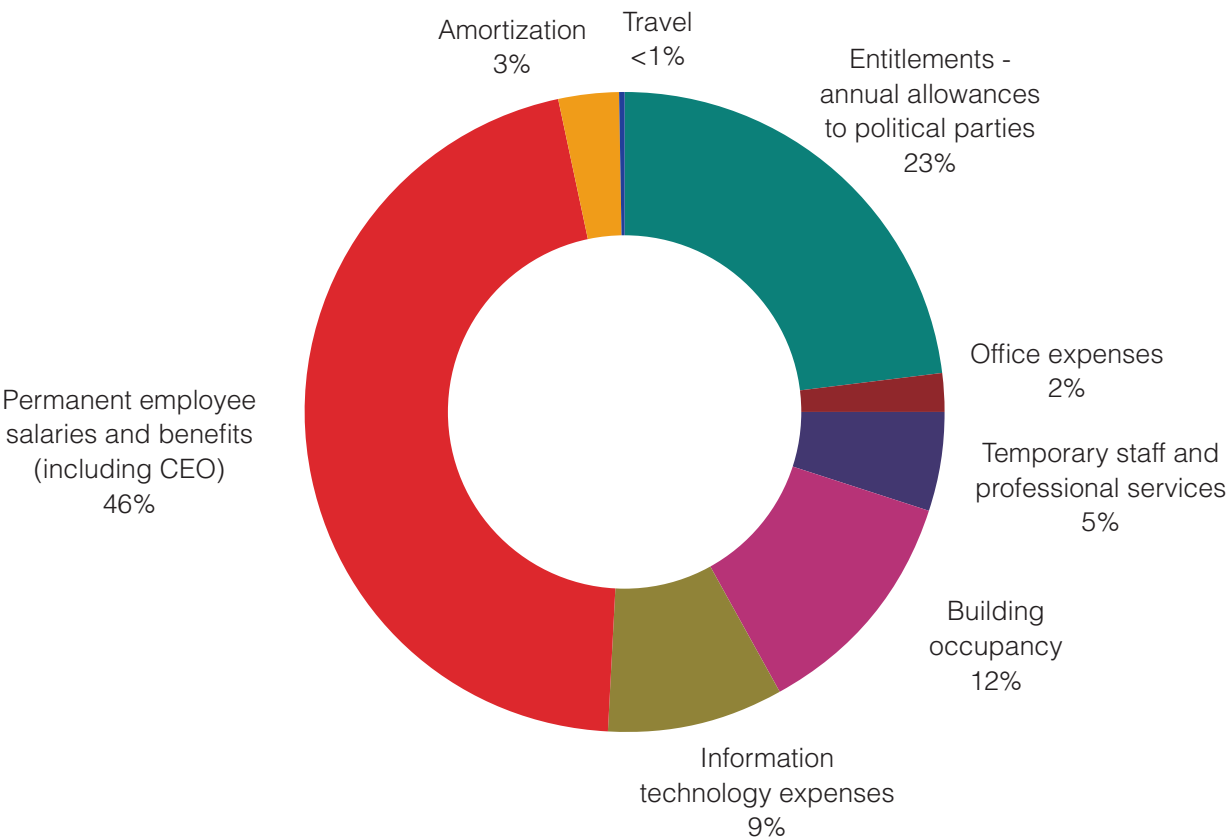
Elections BC's operating and capital budgets can be planned and presented consistently on an annual basis. Event budget requirements, however, are driven by the legislated requirements for these events and can occur on a scheduled or on-demand basis. While Elections BC has statutory spending authority to administer electoral events,

meeting with the Committee on these budget requirements is important for transparency and accountability. Typically, budgets for scheduled electoral events are included in the annual budget process. For unscheduled events, or for additional funding that is required as a result of legislative change that occurs outside of the annual budget planning window, the Committee has established an alternate process whereby the Chief Electoral Officer advises the chair of the Committee in writing when these funds are required.

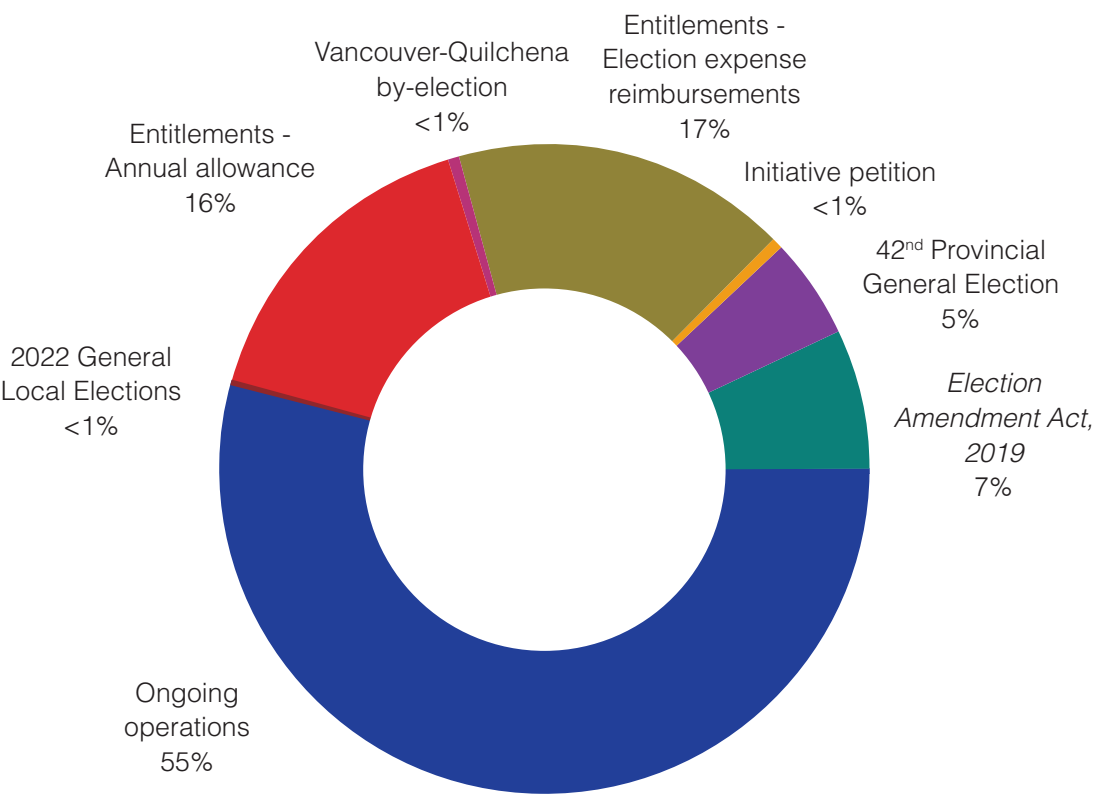
On April 7, 2022, the Chief Electoral Officer wrote to the chair of the Committee requesting supplementary funding in fiscal 2022/23 for administering the 2022 Vancouver-Quilchena by-election which was held on April 30, 2022. The anticipated cost for the by-election was \$773,000, including \$56,000 in fiscal year 2021/22 and \$717,000 in fiscal year 2022/23. The funding requirement for fiscal 2021/22 was covered within Elections BC's budget allocation for that year. Additionally, funding of \$100,000 was required in 2022/23 for the purpose of paying election expense reimbursement claims to eligible candidates and political parties as required by section 215.04 of the *Election Act*. On May 5, 2022, the Chief Electoral Officer met with the Committee at the annual spring update to review the request for supplementary funding of \$817,000 in 2022/23. The Committee recommended approval of this request.

The ongoing operating and event funding table (page 32) shows Elections BC's budget for fiscal 2021/22 and the actual expenditures for that year. These amounts include funding and expenditures for ongoing work and for events conducted in 2021/22.

2021/22 Ongoing operating actual expenditures by type



2021/22 Actual expenditures for ongoing operations and events



Ongoing operating and event funding

	2021/22 Budget \$	2021/22 Actual \$	Variance \$
Funding			
Estimates (Note 1)	21,126,000	20,191,118	934,882
Other authorizations	-	-	-
Total Funding	21,126,000	20,191,118	934,882
Expenses (Note 2)			
Salaries and benefits for permanent employees and the Chief Electoral Officer	7,048,000	7,010,787	37,213
Amortization	601,000	513,314	87,686
Building occupancy charges	1,614,000	1,675,637	(61,637)
Office expenses	493,000	471,092	21,908
Corporate information systems	1,316,000	1,060,383	255,617
Address and boundary maintenance	75,000	112,162	(37,162)
Voters list maintenance	227,000	130,208	96,792
Political entity reporting	120,000	3,663	116,337
Voter education	133,000	37,543	95,457
Scheduled events			
Annual Allowances for Political Parties	3,250,000	3,245,277	4,723
2022 General Local Elections	88,000	82,139	5,861
<i>Election Amendment Act, 2019</i> (Bill 43)	1,406,000	1,383,423	22,577
Election Expense Reimbursements for Candidates and Political Parties	3,500,000	3,333,557	166,443
42 nd Provincial General Election	1,255,000	1,058,517	196,483
Unscheduled events			
Vancouver Quilchena By-election	-	61,279	(61,279)
2021 Initiative Petitions	-	12,137	(12,137)
Total expenses	21,126,000	20,191,118	934,882

Note 1 - Estimates represents Election BC's approved budget as per Estimates. The ongoing (non-event) operating budget for 2021/22 was \$11,627,000.

The event budget for 2021/22 was \$9,499,000

Note 2 - The budget is based upon anticipated activities at the beginning of the year and does not include reallocations of budget made during the fiscal year, hence actual expenses differ from the budget.

Financial outlook

The summary ongoing financial outlook table illustrates the operating and capital budgets for 2022/23 and planned budget for 2023/24 and 2024/25, as presented to the Select Standing Committee on Finance and Government Services (SSCFGS) during the annual budget review on November 15, 2021. The SSCFGS recommended these amounts in their Annual Review of the Budgets of Statutory Offices report, dated December, 2021.

Summary ongoing financial outlook

	2022/23 budget \$	2023/24 (planned) \$	2024/25 (planned) \$
ONGOING OPERATING COSTS			
Approved budget by SSCFGS	12,016,000	12,422,000	12,502,000
Total funding for ongoing operating costs	12,016,000	12,422,000	12,502,000
Notes Expenses			
1 Salaries and benefits for permanent employees and the Chief Electoral Officer	8,064,000	8,350,000	8,501,000
2 Amortization	613,000	654,000	686,000
3 Building occupancy charges	1,636,000	1,668,000	1,700,000
4 Office expenses	537,000	548,000	532,000
5 Corporate information systems	699,000	730,000	596,000
6 Address and boundary maintenance	74,000	75,000	90,000
7 Voters list maintenance	242,000	226,000	226,000
8 Political entity reporting	18,000	38,000	38,000
9 Voter education	133,000	133,000	133,000
Total expenses for ongoing operating costs	12,016,000	12,422,000	12,502,000

See the following pages for detailed information on notes 1 - 9.

	2022/23 (budget) \$	2023/24 (planned) \$	2024/25 (planned) \$
CAPITAL ASSETS			
Approved budget by SSCFGS			
Computer hardware and software	650,000	800,000	500,000
Total funding for capital assets	650,000	800,000	500,000
Expenditures for capital assets			
Computer hardware and software	650,000	800,000	500,000
Total expenditures for capital assets	650,000	800,000	500,000

Notes:

Core services expenses are those incurred to continue operations and ensure readiness for electoral events. These expenses are incurred regardless of electoral events.

Event expenses are those incurred to prepare and deliver events, both scheduled and unscheduled. Such events include provincial and local elections, enumerations, referenda and recall and initiative petitions.

- Note 1 - The salaries and benefits line includes salaries and benefits for Elections BC's permanent employees and the Chief Electoral Officer. Employees are paid in accordance with policies established by the BC Public Service Agency.
- Note 2 - Amortization is the allocation of the cost of a capital asset over its estimated useful life, and it is closely tied to capital spending. The major contributors to amortization are capital investments made in the Electoral Information System (EIS), Financial Reports and Contributions System (FRPC) and other information systems. For example, the figure in the capital budget represents the actual cost for 2022/23; however, that actual cost must also be paid for out of the operating budgets over a number of years. Amortization rates are government policy established by the Office of the Comptroller General, and Elections BC does not have flexibility to change them.
- Note 3 - Building occupancy charges are rental charges for the main office and warehouse space.
- Note 4 - Office expenses includes supplies, equipment, postage, courier, bank charges, permanent staff training, travel, legal fees and statutory advertising.
- Note 5 - Corporate information systems include some application maintenance which is provided through contract staff; the cost of telecommunications, email accounts; a portion of network costs; licensing and maintenance fees for various software and hardware in use at EBC; costs for purchasing software and repairing hardware; and fees for the Internet service on which the Elections BC website is hosted. The budget for corporate information system has been significantly reduced as we previously contracted out support for our servers and custom applications and have now brought most of those services in house which is represented by an increase in our salaries and benefits budget line.
- Note 6 - Address and boundary maintenance involves the upkeep of voting area boundaries to satisfy legislative requirements and to enhance the accessibility of voting places to voters. It also includes the production of high quality electoral data and information through the continual custodianship of a geo-spatial database containing B.C.'s electoral boundaries, road network, address data and administrative boundaries. This means to accurately and efficiently derive physical addresses from provided addresses and assign physical addresses to electoral districts and voting areas; to maintain a current and complete register of physical addresses for residential and non-residential properties, to maintain a current and complete road network along with their electoral district and voting area assignments and to communicate this electoral information through map products and web tools.
- Note 7 - Voters list maintenance includes information technology costs and costs related to the transfer of voter data. The voters list contains the names and residential addresses of

all individuals registered to vote in each electoral district. It is a fundamental component of all electoral events and is used to ensure only registered voters vote and to prevent voters from voting more than once. It is also used to ensure that only registered voters sign recall and initiative petitions. The voters list is used by MLAs, parties and candidates to communicate with registered voters and by the Court Services Branch to generate jury selection lists.

- Note 8 - Political entity reporting includes the costs associated with development and delivery of guides, forms and training for political entities, financial agents and auditors; maintaining the register of political parties, constituency associations and third party sponsors. This budget line does not include costs associated with local campaign finance administration or annual allowance payments to political parties.
- Note 9 - Voter education is a statutory responsibility of the Chief Electoral officer under section 12(1) (c) of the *Election Act*. It includes costs to engage partner organizations and the public with the goal of increasing civic engagement and accessibility to the democratic process. It also includes initiatives to help inform B.C.'s youth about the importance of elections and voting.



APPENDICES

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Appendix A: Political party registrations and deregistrations

As of March 31, 2022, there were 16 political parties registered in B.C.

The following political party registrations and deregistrations occurred between April 1, 2021 and March 31, 2022.

Involuntary political party deregistrations

- BC Ecosocialists

Appendix B: Constituency association registrations and deregistrations

As of March 31, 2022, there were two constituency associations registered in B.C.

The following constituency association registrations and deregistrations occurred between April 1, 2021 and March 31, 2022

Voluntary constituency association deregistrations

BC NDP

- Courtenay-Comox Constituency Association

Appendix C: Elector organization registrations and deregistrations

As of March 31, 2022, there were 25 elector organizations registered in B.C.

The following elector organizations registrations and deregistrations occurred between April 1, 2021 and March 31, 2022.

Registrations

- A Better City Vancouver Electors Association
- Achieving for Delta
- Action 22 Kamloops
- Burnaby Citizens Association
- Burnaby Green Party
- Civic Non-Partisan Association
- Coalition of Progressive Electors

- Democracy Direct White Rock
- Green Party of Vancouver Society
- Maple Ridge First Electors Society
- New Westminster Progressive Electors Coalition Society
- ONE Richmond
- OneCity Association
- Progress Vancouver
- Richmond Citizens' Association
- RITE Richmond
- Safe Surrey Coalition Society
- Surrey Connect Public Interest Association
- Surrey First Education Society
- Surrey Forward
- TEAM for a Livable Vancouver Association
- Team Kennedy Stewart Vancouver Society (formerly TKS)
- Forward New West (formerly Together New West)
- Vancouver Island Voters Association
- Vision Vancouver Elector Association

Appendix D: Orders of the Chief Electoral Officer

Section 280 of the *Election Act* provides the Chief Electoral Officer (CEO) with order-making authority to address emergencies, extraordinary circumstances and mistakes.

Under section 90 of the *Local Elections Campaign Financing Act*, the Chief Electoral Officer is permitted to issue an Order extending the time period for filing a disclosure statement without payment of a late filing penalty fee that would otherwise apply, in cases of emergency or other extraordinary circumstance. The request for an extension must be provided to the Chief Electoral Officer in writing.

The CEO issued the following Orders between April 1, 2021 and March 31, 2022.

Election Act

EA-ORD001-2022

March 8, 2022

Due to extraordinary circumstances, a candidate's financial agent was unable to file a required supplementary report and the report of an auditor for the 2020 Provincial General Election by the deadline of March 14, 2022. The candidate's financial agent was granted an extension to March 31, 2022, to file the reports.

EA-ORD004-2021*May 10, 2021*

Due to personal and family health complications caused by the ongoing COVID-19 pandemic, a candidate's financial agent was unable to file a required supplementary report for the 2020 Provincial General Election by the deadline of May 10, 2021. The candidate's financial agent was granted an extension to May 25, 2021, to file the report.

EA-ORD005-2021*August 23, 2021*

Due to a family health matter, a candidate was unable to file a required supplementary report for the 2020 Provincial General Election by the deadline of August 20, 2021. The candidate was granted an extension to September 20, 2021, to file the report.

EA-ORD006-2021*September 16, 2021*

Due to ongoing personal health issues, a candidate's financial agent was unable to file a required supplementary report for the 2020 Provincial General Election by the deadline of September 15, 2021. The candidate's financial agent was granted an extension to September 30, 2021, to file the report.

Local Elections Campaign Financing Act**ORD002-2021***May 27, 2021*

Due to extraordinary personal circumstances, a candidate in the 2021 Langley School District By-election was unable to file their disclosure statement by the deadline of May 28, 2021. An extension was granted to Phyllis Heppner (Langley School District (SD23)) to July 28, 2021.

ORD003-2021*August 23, 2021*

Due to extraordinary circumstances related to the declaration of a provincial state of emergency in response to ongoing wildfires, a candidate in the 2021 Castlegar By-election was unable to file their disclosure statement by the deadline of July 23, 2021. An extension was granted to Gordon Zaitsoff (Castlegar) to August 20, 2021.

Appendix E: Activities of the Chief Electoral Officer

Elections BC continued to provide instructional support to the Canadian Society for Election Official Training (now renamed Canadian Election Official Training and brought under the aegis of the Secretariat for Electoral Coordination in early 2021) by:

- presenting the May 25, 2021 online seminar Political Communication in a Digital World.
- providing administrative support for the October 26, 2021 online CEOT course on Elector and Stakeholder outreach.

CEO speaking engagements

- Presented on disinformation in elections at the Conference of Canadian Election Officials (CCEO) in Québec City on Monday, November 22, 2021.
- Presented Privacy Commissioner Michael McEvoy a COGEL Award at the COGEL Conference on Wednesday, December 8, 2021.
- Presented on his role and shared insights into BC's electoral system to the 2022 Legislative Interns at the Ned DeBeck Room, Legislative Library, Parliament Buildings, on Friday, February 11, 2022.

CEO event attendance

- Election Advisory Committee meeting, Chair, online via Skype, June 29, 2021
- Statutory Officer Meet and Greet with MLAs, Hall of Honour on the main floor of the Parliament Buildings, October 20, 2021
- Conference of Canadian Election Officials (CCEO), Québec City, November 21-24, 2021
- PMBA Global Virtual Conference, online via their virtual event platform, December 7-10, 2021
- Election Advisory Committee meeting, Chair, online via Skype, March 1, 2022
- Electoral Boundaries Commission, Commissioner, public meetings Lower Mainland March 7-11, 2022
- Electoral Boundaries Commission, Commissioner, virtual public meeting Lower Mainland March 15, 2022
- COGEL Steering Committee meeting, Montréal, March 17-19, 2022
- Electoral Boundaries Commission, Commissioner, public meetings Vancouver Island March 21-26, 2022
- Electoral Boundaries Commission, Commissioner, virtual public meeting Vancouver Island March 29, 2022
- Spring Session Reception, Government House, March 29, 2022
- Electoral Boundaries Commission, Commissioner, public meetings Kootenays and Okanagan April 4-8, 2022
- Electoral Boundaries Commission, Commissioner, virtual public meeting South Central & Southeastern B.C. April 11, 2022
- Electoral Boundaries Commission, Commissioner, public meetings Northern BC April 26-29, 2022
- Electoral Boundaries Commission, Commissioner, virtual public meetings North, Interior and Coastal B.C. May 3, 2022
- Electoral Boundaries Commission, Commissioner, public meetings North & Coast May 8-12, 2022
- Electoral Boundaries Commission, Commissioner, virtual public meeting May 13, 2022
- Elections Ontario Visitor's Program – 43rd Ontario Provincial General Election, Toronto, May 31-June 3, 2022

Appendix F: Reports of the Chief Electoral Officer

The following reports were tabled between April 1, 2021 and March 31, 2022:

- [Annual Report 2020/21 and Service Plan 2021/22-2023/24](#)
- [October 24, 2020 Provincial General Election – Report of the Chief Electoral Officer](#)

Appendix G: Local by-elections and referenda (non-election assent voting)

Between April 1, 2021 and March 31, 2022, Elections BC administered the campaign financing provisions of the *Local Elections Campaign Financing Act* for 39 local by-elections and seven referenda (non-election assent votes).


Disclosure statements for by-election and referenda participants are available on the Elections BC website. All participants in 2021/22's by-elections and referenda filed disclosure statements by the filing deadline.

The incremental costs to our organization of administering the campaign finance provisions for local by-elections and referenda are included in the ongoing budget of Elections BC.

By-elections

Jurisdiction	General Voting Day	Filing deadline	Candidates	Elector Organizations	Third Party Sponsors	Late/non-filers
Vernon	2021-12-04	2022-03-04	11	0	0	0
Comox	2021-11-27	2022-02-25	4	1	0	0
Granisle	2021-11-06	2022-02-04	3	0	0	0
Abbotsford	2021-09-25	2021-12-24	9	0	0	0
Creston	2021-09-18	2021-12-17	5	0	0	0
Pouce Coupe (2021/09/18)	2021-09-18	2021-12-17	6	0	0	0
Lytton	2021-08-07	2021-11-05	0	0	0	0
Stewart	2021-07-17	2021-10-15	5	0	0	0
Pouce Coupe	2021-07-10	2021-10-08	0	0	0	0
Burnaby	2021-06-26	2021-09-24	14	2	0	0
Central Okanagan School District (SD23)	2021-06-26	2021-09-24	4	0	0	0

Penticton	2021-06-19	2021-09-17	10	0	0	0
Silverton	2021-06-19	2021-09-17	3	0	0	0
Terrace	2021-06-05	2021-09-03	4	0	0	0
Fraser-Fort George Regional District	2021-06-05	2021-09-03	0	0	0	0
North Vancouver School District (SD44)	2021-05-29	2021-08-27	5	0	0	0
Vernon School District (SD22)	2021-05-29	2021-08-27	4	0	0	0
Richmond	2021-05-29	2021-08-27	10	3	2	0
Qualicum Beach	2021-05-15	2021-08-13	5	0	0	0
Fort St. John	2021-05-15	2021-08-13	5	0	0	0
Powell River School District (SD47)	2021-04-24	2021-07-23	7	0	0	0
Castlegar	2021-04-24	2021-07-23	9	0	0	0
Mission	2021-04-24	2021-07-23	6	0	0	0
Masset	2021-04-17	2021-07-16	3	0	0	0
Nelson	2021-03-27	2021-06-25	4	0	0	0
Tofino	2021-03-06	2021-06-04	11	0	0	0
Coast Mountains School District (SD82)	2021-03-06	2021-06-04	7	0	0	0



Langley School District (SD35)	2021-02-27	2021-05-28	7	0	3	0
Campbell River	2021-02-27	2021-05-28	8	0	0	0
Telkwa	2021-02-27	2021-05-28	3	0	0	0
Kootenay Boundary Regional District (Area D)	2021-02-13	2021-05-14	1	0	0	0
Revelstoke	2021-02-13	2021-05-14	3	0	0	0
Chilliwack School District (SD33)	2021-02-13	2021-05-14	4	0	1	0
Kootenay-Columbia (SD20)	2021-02-06	2021-05-07	1	0	0	0
Fort St. James	2021-01-30	2021-04-30	2	0	0	0
Stikine School District (SD87)	2021-01-23	2021-04-23	1	0	0	0
Burns Lake	2021-01-23	2021-04-23	3	0	0	0
Belcarra	2021-01-23	2021-04-23	3	0	0	0
Zeballos	2021-01-09	2021-04-09	1	0	0	0

Referenda

Event name	General Voting Day	Filing deadline	Non-election assent vote advertising sponsors	Late/non-filers
Comox Valley Regional District (RDCX)	2021-11-27	2022-02-25	0	0
Capital Regional District	2021-11-20	2022-02-18	1	0
Peace River Regional District	2021-07-17	2021-10-15	0	0
Cariboo Regional District	2021-06-19	2021-09-17	0	0
Okanagan-Similkameen Regional District (2021/06/05)	2021-06-05	2021-09-03	0	0
Okanagan-Similkameen Regional District	2021-03-27	2021-06-25	1	0
Thompson-Nicola Regional District	2021-02-20	2021-05-21	0	0

Appendix H: Disclosure report

The *Public Interest Disclosure Act* came into force December 1, 2019. This law gives current and former employees of provincial government bodies, including Offices of the Legislature, a way to bring forward concerns about wrongdoing in their workplace. The Ombudsperson has the statutory mandate to conduct whistleblowing investigations if employees do not wish to report those concerns internally to their employer. The Act protects employees from reprisal, and the Ombudsperson has the sole mandate to investigate if an employee believes they have been retaliated against for bringing a concern forward.

Under the *Public Interest Disclosure Act*, the Chief Electoral Officer has the responsibility, as the head of a public body, to post an annual disclosure report on Elections BC's website. The Ombudsperson advises that public bodies can do this as part of their Annual Report.

Between April 1, 2021, and March 31, 2022, Elections BC received no disclosures, including no referrals of disclosures, pertaining to the *Public Interest Disclosure Act*. The Ombudsperson provided no notification to Elections BC of any disclosures made by current or former Elections BC employees directly to the Ombudsperson's office. Nor did the Ombudsperson provide notification of any investigations under the Act involving Elections BC employees.

Appendix I: Minutes of Election Advisory Committee meetings

Election Advisory Committee (EAC) Minutes

29 June 2021

1:30 - 3:30 p.m.

Meeting conducted via Zoom video conference originating at the Office of the Chief Electoral Officer

PRESENT

Committee Members (alphabetically by political party name)

- Heather Stoutenburg, BC NDP
- Jordan Reid, BC NDP
- Don Silversides, British Columbia Liberal Party
- Lindsay Coté, British Columbia Liberal Party
- Jeremy Valeriot, Green Party Political Association of British Columbia
- Jonina Campbell, Green Party Political Association of British Columbia

Elections BC Staff

- Anton Boegman, Chief Electoral Officer (Chair)
- Charles Porter, Deputy Chief Electoral Officer, Electoral Finance and Operations
- Yvonne Koehn, Deputy Chief Electoral Officer, Corporate Services
- Aidan Brand, A/Director, Corporate Planning and Strategic Initiatives
- Dan Posey, Analyst, Executive Services
- Arlene Carlson, Executive Coordinator (minutes)
- Alexandra Ashcroft, Executive Coordinator (minutes)

GUESTS

Office of the Information and Privacy Commissioner (OIPC)

- Michael McEvoy, Information and Privacy Commissioner for BC
- Jeannette Van Den Bulk, Deputy Commissioner for Policy, Adjudication, and Audit
- Ethan Plato, Policy Analyst

Meeting commenced at 1:32 p.m.

1. Welcome and Introductions

Anton Boegman, Chief Electoral Officer (CEO), opened the meeting. He stated that he was joining the meeting from Elections BC's office, which is located on the traditional territories of the Lekwungen speaking people, the Esquimalt and Songhees First Nations. Anton acknowledged with respect their stewardship of the lands he was on. He also welcomed attendees, and asked Elections BC participants, committee members and guests to introduce themselves.

Anton reviewed the agenda, and then described the role of the Election Advisory Committee (EAC) as established by sections 14 - 16 of the *Election Act*. He noted that while not all agenda items today fall under the requirements of section 16, it is in the spirit of that section that Elections BC makes use of this Committee to engage more broadly on other aspects of political campaigning and election administration. He identified that items one and two on today's agenda – an update on the Campaign Activity Code of Practice and a review of the 2020 Provincial General Election - fall under this broader engagement.

2. Campaign Activity Code of Practice Update

Anton noted that the Campaign Activity Code of Practice is a voluntary Code. Its intent is to facilitate compliance and promote best practices and fair play in political campaigning, by highlighting and clarifying use of information and campaigning rules under the *Personal Information Protection Act* and the *Election Act*. It is an undertaking strongly supported by both himself and by the Information and Privacy Commissioner, and reflects the reality that there are areas where their two mandates touch, with political campaigning being a key example.

The version of the Code presented at the EAC meeting in June 2020 was a second draft, and Anton

thanked those who provided feedback on it. The version being presented today is considerably changed from that draft. It is much more streamlined, and incorporates amendments to address several concerns that were raised.

Anton provided context for new EAC members: Commissioner McEvoy first suggested a Campaign Activity Code of Practice in a February 2019 investigation report on how political parties handle personal information. In discussions shortly thereafter, the Commissioner and the Chief Electoral Officer agreed that there might be benefits in including elements of campaign finance in a Code as well. Initial drafts of the Code were presented to the EAC in September 2019 and June 2020.

Anton turned the floor over to Commissioner McEvoy to outline the change in approach, summarize the changes made, and highlight key aspects of the updated version.

The Commissioner noted that his office has been busy at work on a number of fronts, and this particular file is one that both offices are keen to move forward on. After careful consideration of both previous efforts and international best practices, including other Commonwealth jurisdictions, both offices have settled on this approach which distills the core concepts of the modern digital campaign into a one-page commitment of eight fair campaigning principles.

The Commissioner displayed a draft copy of the Code, and explained that its purpose is to identify key areas of regulatory focus for candidates and organizers, and to provide a roadmap of best practices for conducting a fair campaign using voters' personal information. There is also reference to guidance which his office will develop separately to be released at the same time as the Code. It will reflect the current state of the law and provide some examples.

In terms of next steps, the Commissioner invited participation by representatives of the three political parties represented on this committee in a working group that would meet to finalize the content of the Code over the summer. Elections BC and the OIPC would jointly facilitate the working group. The Commissioner asked that committee members please forward the contact information of a representative to serve on this working group to Ethan Plato and Aidan Brand by the end of this week. Aidan and Ethan will coordinate a suitable initial meeting time, and they look forward to working with representatives through the summer.

Discussion Questions

- Question: Under point five, there is a reference to “proactively disclosing the use of matching algorithms and artificial intelligence systems”. Could you explain what you mean by that please?
 - Answer: This would require disclosure of the algorithms in use by organizations, so that voters have some sense of the logic of how those things work, even if the software is proprietary. The voter is entitled to some idea of the logic and how that information is being used. Voters have a right to know what information political parties have collected, and to correct that information in case of errors or discrepancies.
- Question: Can you please connect for me how the campaign code fits in with the Privacy Commissioner's report that you mentioned?
 - Answer: The code grew out of a report the Privacy Commissioner tabled on political party collection of information in 2018. British Columbia is the only jurisdiction in Canada where privacy legislation applies to political parties. In preparing this report, we looked at what

each political party was doing in terms of data collection and provided advice on how to comply with the law. Each party agreed with the recommendations and they have now been implemented. During our research we found that in the UK, there is a mandatory Code to which political parties must adhere. Our office felt it would be helpful if political parties here could sign on to a concise document reflecting the legal requirements with the idea of enhancing public confidence and trust. Thus, this became the last recommendation in the Privacy Commissioner's report. As well, we had started to work on guidance that is now in the process of refinement.

- Question: In the draft, the phrase is "I hereby commit..." Could you please clarify who "I" represents? Is the intention that these be completed by a person or by the party?
 - Answer: The intention is that party representatives would sign one on behalf of the party, and individual candidates would sign on behalf of themselves as well.
- Question: Would it become public knowledge whether the parties sign on to the Code or not?
 - Answer: Yes, that would be public facing information. The intent is that during the next election we would be able to respond to questions from the public with regard to privacy and transparency that we are working together with the parties who have signed on, and that they can have confidence that their information will be used properly and will be protected.

The Commissioner thanked committee members for their questions and advised them that Ethan and Aidan will reach out to them with regard to the working group. The three guests from the OIPC left the meeting.

3. Review of Provincial General Election 2020

Anton introduced the next agenda item, which is a presentation of key administrative insights and statistics from the 2020 Provincial General Election. He noted that the CEO's report on the election will be deposited with the Speaker soon.

Anton turned the floor over to Charles Porter for the first part of the review.

Charles began the presentation with some statistics from the 2020 Provincial General Election.

Officials and voting places:

- 17,905 election officials
- 6,277 voting areas
- 341 advance voting places
- 1,253 general voting places

Voter registration and turnout:

- 3,524,812 registered voters at the close of voting
- 1,898,553 registered voters who voted
- 14,921 rejected ballots
- 53.90% voter turnout (as a percentage of registered voters)

Candidates and political parties:

- 17 registered political parties
- 10 registered political parties that endorsed candidate
- 332 candidates

Charles discussed the efforts made by Elections BC to maintain election readiness during the minority government through general readiness activities and planning assignments, and ongoing appointments of district electoral officers (DEO) and deputy district electoral officers. However, the primary focus of EBC prior to the 2020 election was implementing the legislative changes in the *Election Amendment Act*, 2019.

In February 2020, with the onset of the pandemic, we began educating ourselves about election preparations in other jurisdictions, and formed a relationship with the Provincial Health Office. At that time, much was unknown about the pandemic, and it seemed likely that the next election in BC, whether it was on the fixed date of October 16, 2021, or earlier, would be held under pandemic considerations. It was a steep learning curve and three main challenges were identified: providing safe and accessible voting opportunities for at-risk individuals and communities, providing safe voting places and offices, and establishing an increased vote-by-mail capacity. Based on experiences in other jurisdictions, as well as a survey we conducted of voters intentions to use vote-by-mail, we were aware of potential issues and knew the demand would be high.

In discussions with the Provincial Health Office, possible issues were identified in relation to strict application of the *Election Act*, and we received guidance from the Ministry of Health and WorkSafeBC in June 2020 about physical distancing, administrative controls, engineering controls and personal protective equipment (PPE).

The advice received indicated the pandemic could still be present in 2021, so plans for safe voting places and district electoral offices were developed in consultation with a provincial task group.

PPE and pandemic supplies purchased:

- 3,000 cloth masks
- 671,000 disposable masks
- 9,000 acrylic barriers
- 36,000 bottles of hand sanitizer
- 11,000 face shields
- 2,300 boxes of gloves
- 16,000 containers of disinfectant wipes

In July of 2020, while Election BC was still planning for the October 2021 fixed date election, significant media speculation began about a possible early election call. The Premier did not rule out the possibility of an early election call, so EBC re-assessed the risk of a potential snap election as “high”. At this point EBC stopped work on all other projects, including voting modernization, in order to focus on election readiness. By August, preparations were underway, including virtual workshops for DEOs, and the design and procurement of materials for vote-by-mail. A significant increase in voting by mail

was anticipated (as much as 25% to 30% of all votes cast), so sufficient supplies and materials were acquired. Work was also underway to find voting places and district electoral offices, determining what would work within pandemic rules and the current *Election Act*, and what variations would be required. It was decided to use CEO Orders for any necessary adaptations, and, if implemented, these would be published to provide transparency. The Orders were developed prior to the election call, so they could be issued on short notice if necessary. The Orders would work in alignment with the *Election Act* to establish the administrative framework for any pandemic election.

Typically, a full, multi-faceted provincial enumeration is carried out before a fixed-date election to ensure the voters list is as complete and accurate as possible. In preparing for a snap election, there was insufficient time to plan and complete a full enumeration. Instead Elections BC made use of a “data enumeration” to revise the voters list. This included expedited processing of National Register of Electors data, yielding approximately 80,000 new registrations and 180,000 updates to existing records.

After the election call, general registration lasted from September 21-26, 2021. During this time there were approximately 400,000 Online Voter Registration transactions. Of these, approximately 15,000 were new registrations and 230,000 were updates. 93% of these transactions were associated with a request for a voting package.

Going into this election, pandemic safety concerns were a high priority. Safety protocols included capacity limits, PPE, protective barriers, hand sanitizing stations, and frequent cleaning of voting stations and frequently touched surfaces. Additional strategies included the enhanced use of vote by mail and providing more advance voting opportunities to spread out the number of people in voting opportunities. EBC also reached out through communication channels to ensure the public knew they would be safe in voting places.

A variety of changes in voter behavior were observed in 2020, but it is unclear if these changes will continue into the future. There was a reduction in election officials from 23,369 in 2017 to 17,905 in 2020. This was deliberate to ensure physical distancing and help to offset other high costs associated with the 2020 election. Advance and general voting places were reduced slightly.

- Advance voting places
 - 347 in 2017
 - 341 in 2020
- General voting places
 - 1,317 in 2017
 - 1,253 in 2020

The number of voters using advance voting opportunities has increased in each election since 2001 and this trend will likely continue. The number of voters voting at their assigned voting place on voting day has been trending downward over time, but the large drop from 2017 to 2020 is likely due to the pandemic and voters taking advantage of other opportunities.

Preparations were made for a large number of vote-by-mail requests. 724,279 voters requested a vote-by-mail package. The rate of return of these ballots was very high at 83.4%. 604,111 packages were returned by the close of voting, which equated to 31.4% of all ballots cast in the election. This was a

massive increase from 2017 when only 0.3% of all ballots cast in the election were from vote-by-mail. It is not known if this trend will continue. Of those who requested but did not return a vote-by-mail ballot, over 55,000 voted in-person at another voting opportunity.

Assisted-telephone voting was significantly expanded in 2020 to include:

- voters with vision loss or disability (same as 2017)
- voters living in care facilities and patients in hospitals experiencing an outbreak
- voters self-isolating during the last week of the campaign period
- Canadian Forces members deployed overseas
- First Nation communities instituting quarantine measures

Assisted-telephone voting was invaluable in providing flexibility to deal with the unique and challenging circumstances of a pandemic election. Safeguards are in place to ensure privacy and the secrecy of the vote.

Voters were kept informed through ad campaigns, the EBC website, Where To Vote cards, the Voters' Guide, communication partners and contractors, political parties and the media. Key messages included how to vote safely and how to vote by mail.

Preparing to count nearly 700,000 absentee ballots (approximately 600,000 vote-by-mail ballots, and 100,000 other absentee ballots) while ensuring workers' safety was a significant logistical challenge. Dedicated teams were assigned specific preparation tasks in each electoral district. All 87 electoral districts began final count 13 days after General Voting Day, as scheduled, and completed final count within the set three-day period. In addition, one judicial recount was conducted in West Vancouver-Sea to Sky.

2020 voter turnout as a proportion of registered voters was lower than in recent years at 53.9%. This lower percentage rate was due in part to the lack of a full enumeration prior to the election, which would have removed registered voters who had moved away from the province.

Of those votes cast, turnout by voting opportunity in 2020 was:

- General voting 28.8%
- Advance voting 35.4%
- Special voting 0.4%
- Absentee voting in electoral district 1.3%
- Absentee voting out of electoral district 0.6%
- Absentee advance voting 0.7%
- Alternative absentee voting in DEO office 1.3%
- Alternative absentee voting by mail 31.4%

At this point Charles turned the floor over to Yvonne Koehn.

Yvonne informed the committee she would briefly touch on electoral finance and reporting, complaints

and investigations. To begin, Yvonne presented campaign finance and reporting facts.

- Three political parties and 240 candidates qualified for election expense reimbursements.
- \$6.6 million was spent by candidates during the campaign period.
- In total \$8.1 million was spent by 10 registered political parties during the campaign period.
- 224 registered election advertising sponsors spent a total of \$635,145 on advertising activities.
- At this time, reviews of 57% of election financing reports have been completed.
- Over \$4.2 million has been paid out in eligible election expense reimbursements to candidates and registered political parties.
- A total of 455 entities filed reports:
 - 443 filed by the original deadline of January 22, 2021.
 - Six filed after the deadline and paid the late filing fee.
 - Six received extensions to the late filing deadline due to extenuating circumstances. All of these reports have since been filed.

In preparation for the election, the Commissioner of Canada Elections was contacted by our investigations team to discuss likely emerging trends, as well as learn what mechanisms the Commissioner put in place at the federal level to monitor and ensure appropriate adherence to election advertising regulations.

Meetings were also held with social media representatives from Facebook, Twitter and TikTok to ensure that they understood the regulations around election advertising. These meetings established important lines of communication in the event that their assistance was required. Attempts to contact WeChat were unsuccessful.

Other preparatory activity included meeting with representatives of the Canadian Security and Intelligence Services to ensure EBC would be alerted in the event of any threats to election integrity. They indicated that the risk environment was not high, but that all intelligence parties were aware of the election and vigilant for any risks that may develop. In addition, the RCMP and the BC Association of Chiefs of Police were contacted to ensure they were aware of election rules, and to provide a fact sheet for distribution to patrol officers to guide them in the event of issues arising at voting opportunities.

167 complaints were received during the course of the election.

- 38% of these were about the experience during voting, including untrained workers, concern about the location of voting places, issues when interacting with EBC staff, and issues with the vote-by-mail process, including “candidates not on the ballot.” This last item was primarily related to the number of write-in ballots that were issued during initial stages of the election period prior to the close of nominations, as required by legislation.
- 26% were related to campaign tactics such as possible slander, media wrongdoing and vote buying.
- 22% were related to signage, such as signs within 100 metres of a voting place, other sign placement concerns and advertising rule infractions.
- 14% were related to other issues.

62 of the 167 complaints led to an investigation, and 37% of the investigations resulted in a warning letter. Nearly all of the warning letters related to offences which do not have a corresponding Administrative Monetary Penalty (AMP) provision. Most of these offences were related to advertising on voting day or campaigning within 100 metres of a voting place.

EBC would like to see a change to legislation so that AMP provisions cover these offences. Where AMPs are available, investigations lean toward that process, as it is an appropriate enforcement tool for the level of contravention. If an AMP is not available, the only tool available is a full offence prosecution. The investigations team chose to issue warning letters in these cases because the contraventions would not meet crown counsel charge approval standards due to the minor and apparently inadvertent nature of the events. For example, a candidate who inadvertently runs an ad on General Voting Day probably does not require a full court prosecution. If investigations had other means to enforce these rules, many of these would likely have been handled through that process.

- 29% of the investigations resulted in recommending an AMP.
- 18% were unsubstantiated or referred to another program area within EBC for response.
- 5% were referred to an outside agency or police. Referrals usually occur if the investigations team needs them to assist on a file or if the issue is primarily covered by legislation other than the *Election Act*.
- 11% are ongoing.

Discussion Questions

- Question: Talking about investigations and AMPs, and specifically complaints about campaigning within 100 metres of a voting location, I would like to raise the issue that a lot of people working on campaigns are volunteers and they do not bring tape measures with them. I have a concern about how those rules are applied and enforced versus making sure that the campaigners understand the rules.
 - Answer: We do have a range of responses to complaints depending on the circumstances. In this case we used warning letters, and would continue to do so where appropriate. Repetitive behavior would also factor in to our response level along with the extent of the issue uncovered. There is still some judgement involved in that process. We took this approach to use the opportunity to communicate to those who fell in that category. Volunteers do need to know what the rules are, and we are happy to provide additional communication materials that would ensure their understanding of the rules. However, in the end, it is our obligation to uphold the law and maintain a level playing field. Currently we do not have flexibility so our hands are tied going down the offence route. Usually we try to solve the problem immediately by reaching out, and inadvertent offenders are usually apologetic. The AMP is one more tool we can use. Depending on circumstances, it would not be used all of the time, however given the nature of these offences, it is more effective and more appropriate than prosecution.
- Question: Of the 4,000 odd mail-in ballots that arrived late, were there any complaints from people who did not have their votes counted? Were any exempted because they received the wrong ballot?
 - Answer: The number of late arriving packages was just over 4,000 province wide, and we were reaching out to make sure people knew when they had to have these in the mail. We monitored

the Canada Post situation closely but there were no systemic issues. If we received calls from voters who were concerned that they had not received their vote-by-mail packages in a timely manner, our operators were trained to identify other voting opportunities for callers. There were drop off locations throughout the province, including at Service BC locations, district electoral offices, and every voting place, so voters had multiple channels to return their packages. In BC we do not have a tracking system like they have in the United States, where election mail can be tracked throughout the return journey. We worked extremely closely with Canada Post to expedite receipt of packages. We even stationed an election official at the depot in Richmond to accept packages. As to whether or not there were complaints from people who did not have their votes counted because of late arrival, if their package arrived late the voter would not know that.

- Question: Was there any case where a package arrived late and was accepted?
 - Answer: No – not in this election. In previous vote by mail referenda, there have been instances where packages should have been received by the deadline, but were not due to errors by service providers. For example, there was a situation where a bin of packages was shipped to Montreal by mistake. In these exceptional circumstances, we issued an Order to enable us to accept those ballots. There were however no instances of this type during this election.
- Question: I am interested in the pie chart on investigations and complaints and I raise this because of the 5% of cases that were referred to the RCMP. One of the challenges we had was with the signage and racially targeted vandalism. Was the small percentage related to that issue and is there something we can do about it?
 - Answer: We have no data on this at our fingertips, we are still in the middle of reviewing our investigations. We will be searching for patterns to decide whether or not to make recommendations for legislative change.
- Question: I received a warning letter about a Facebook ad that continued running on election day, is there a remedy for that if the ad is difficult to remove?
 - Answer: Some offences are subject to AMPs, for others the only remedy is prosecution. The offences are set out in the Act, and legislators have determined which are more serious. We want to have a broader ability to apply an AMP instead of prosecution. The key is we want to be able to obtain flexibility to levy an appropriate response; for example, if the act was involuntary, or the candidate had good intentions, we would prefer to issue a warning. A repeat offense might then be subject to an AMP, and fraudulent voting would perhaps be subject to possible prosecution. We would like to be able to look at all offences and be able to apply the appropriate tool based on their severity.
- Question: Is there work happening in the digital space, I thought I heard of some forthcoming changes in this field?
 - Answer: This office tabled a report in May of 2020, entitled Digital Communications, Disinformation and Democracy, Recommendations for Legislative Change. It contains recommendations on applying rules to the digital campaign space, and determining if our legislation is fit for purpose.

4. Review & Discussion of New Regulations

Anton introduced three new regulations resulting from Bill 43 – Election Amendment Act, 2019 which was passed with unanimous support from legislators and received Royal Assent on November 28, 2019. This Act implemented in its entirety the May 2018 Report on Recommendations for Legislative Change tabled by the Chief Electoral Officer following the 2017 Provincial General Election. A key theme of the Election Amendment Act, 2019 was to enable greater flexibility by replacing a number of prescriptive sections of the Election Act with CEO regulations.

The three regulations under consideration, copies of which were emailed to committee members yesterday, are:

- Voting Opportunities Regulation
- Voting Options Regulation
- Advertiser Information Regulation

The Voting Opportunities Regulation

The Voting Opportunities Regulation establishes the voting procedures and requirements for:

- voters voting in another voting area within their electoral district, away from their assigned voting place on Final Voting Day;
- voters voting outside of their electoral district on Final Voting Day; and,
- voters voting outside of their electoral district at a special voting opportunity (for example, a mobile team administering voting at an acute care hospital, or a remote work camp).

For each of these three circumstances, the regulation first applies election procedures set out in the Act. For the first two, the relevant procedures are section 96 (2) to (5). These procedures outline voter ID requirements, registration updating requirements, the voter declaration, and the voting process. For special voting in another district, the relevant procedures are s. 98 (3) and (4) and s. 96 (4) and (5), which cover similar elements.

The Voting Opportunities Regulation then establishes the requirements around the use of certification envelopes for voters, based on the voting technologies that are deployed to a voting place.

For voting in another voting area, if an Electronic Voting Book (EVB) is not used, voters will have their marked ballots placed in secrecy envelopes and then certification envelopes prior to going into the ballot box. For voting in another district, if the ballot issued is a write-in ballot, and if an EVB is not used, or if an EVB is used but not connected to a network, again, voters will have their marked ballot placed in a secrecy envelope and then a certification envelope prior to going into the ballot box. For special voting where connected EVBs will not be used, the same secrecy and certification envelope process will apply. In these circumstances, the election official will not be able to verify in real-time whether the voter has voted previously. Therefore, the same integrity checks used for absentee voting in a paper-based model are required. The ballots in certification envelopes will be considered and counted at final count.

If connected EVB's are used in these voting places, with a ballot-on-demand printer, then ordinary ballots for these voters will be printed out, marked by the voters, and then placed in the ballot box. These will be counted at initial count.

The Voting Options Regulation

The Voting Options Regulation establishes the following:

- procedures for voting at the district electoral office using write-in ballots before ordinary ballots are available;
- the assisted telephone voting period of availability;
- procedures for assisted telephone voting;
- procedures for individuals needing assistance while telephone voting; and,
- rules to maintain the secrecy of the ballot during assisted telephone voting.

The procedures for voting in the district electoral office before ordinary ballots are available are very similar to how voting was administered using this option prior to Bill 43. The primary difference is that these procedures now incorporate a sorting envelope that will enable these write-in ballots to be transcribed onto ordinary ballots and counted via tabulators during initial count. The sorting envelope acts in the fashion of a certification envelope, enabling the voter's identity to remain secret during the transcription and counting process.

For assisted telephone voting, the regulation establishes:

- the period of time that assisted telephone voting will be available;
- procedures for voting using this option;
- how a voter may be assisted when voting by this option (these are modeled on current procedures in voting places that ensure election officials mark the ballot in accordance with the voter's wishes); and,
- how the secrecy of the ballot is maintained during this option.

Assisted telephone voting was piloted during the 2017 general election and proved invaluable during the pandemic election last fall. The requirements for this type of voting were established as a special voting option using the CEO's authority under s. 77(6). The *Election Amendment Act, 2019* made assisted telephone voting a permanent voting option under the new section 108.01. This regulation expands on that section.

Assisted telephone voting begins following the close of general registration, and ends once there are no voters remaining in the queue after the close of voting; this is similar to how voters in a line-up at a voting place are permitted to vote even if they actually cast their ballot after 8 p.m. The procedures used to vote are the same as those that were used in 2017 and 2020.

The regulation further establishes safeguards to ensure that the secrecy of the ballot is maintained and that the ballot is marked in accordance with the voters' wishes. These include:

- the use of an encoded 'telephone voting number' that may only be decoded by authorized personnel;
- limitations on the actions that may be taken by election officials that have assisted a voter in marking their ballot or that directly observed that process; and,
- the requirement that two election officials hear the voter's preference and confirm back to the voter

that the ballot has been marked in accordance with their wishes.

The regulation also establishes processes to permit a voter to be assisted in a manner similar to other voting opportunities. This may be necessary for instances where a voter is hard of hearing or has other barriers to using a telephone.

The Advertiser Information Regulation

The Advertiser Information Regulation (AIR) establishes a list of additional types of information the CEO may require an advertiser to produce. This may be necessary during the review of financial reports, or to assist with compliance and investigations. Section 276.01 of the *Election Act*, which was added by the *Election Amendment Act, 2019*, establishes a definition of “advertiser” and allows for the CEO to request information from an advertiser in relation to election advertising messages transmitted to the public. Section 276.01 (3) includes a list of the types of information that may be requested from an advertiser and also allows for the CEO to prescribe other types of information by regulation. That is what this new regulation does.

Section 2 (a) through (e) of the regulation lists the additional types of information the CEO may request. These include:

- contact information of person who sponsored the ad;
- how the ad was transmitted;
- financial information related to the ad;
- transcripts of the ad message and when transmitted; and,
- copies of documents used by the advertiser to verify the identity of the person who placed the ad.

Anton opened the floor to questions, recognizing that members have only just received the draft regulations, and likely will require additional time to review them and provide any feedback. There were no further questions.

Anton then asked Dan Posey to provide brief highlights of two further regulations that are currently under development. The first is the Election Counting Regulation, which will govern rules around counting and transcription. It will also address DEO recounts, the quality assurance process and post-election day verification. This regulation is on track to be presented to the committee this fall.

The second is a Ballot Form Regulation. Instead of having the ballot forms set out in the Schedule to the Election Act, they will instead be set out by CEO regulation. As Elections BC develops the new tabulation system that will support new ballots, there will be rigorous testing before this regulation is brought forward to the committee.

5. Closing Remarks

Anton Boegman thanked committee members for their comments and asked that they provide any feedback on the three regulations discussed by July 8, 2021. He also reminded members that they can anticipate hearing back from the Privacy Commissioner on next steps in relation to the Code of Practice. The meeting was adjourned at 3:28 p.m.

Election Advisory Committee Minutes

1 March 2022

9:30 a.m. – 12:00 p.m.

Meeting conducted via Zoom video conference originating at the Office of the Chief Electoral Officer

PRESENT

Committee Members (alphabetically by political party name)

- Heather Stoutenburg, BC NDP
- Jordan Reid, BC NDP
- Cameron Stolz, British Columbia Liberal Party
- Lindsay Coté, British Columbia Liberal Party
- Jeremy Valeriot, Green Party Political Association of British Columbia
- Jonina Campbell, Green Party Political Association of British Columbia

Elections BC Staff

- Anton Boegman, Chief Electoral Officer (Chair)
- Charles Porter, Deputy Chief Electoral Officer, Electoral Finance & Operations
- Yvonne Koehn, Deputy Chief Electoral Officer, Corporate Services
- Aidan Brand, Director, Corporate Planning & Strategic Initiatives
- Alexandra Ashcroft, Executive Coordinator (minutes)

Meeting commenced at 9:33 a.m.

1. Welcome and Introductions

Anton Boegman, Chief Electoral Officer (CEO), opened the meeting. He stated that he was joining the meeting from Elections BC's office, which is located on the traditional territories of the Lekwungen speaking people, the Esquimalt and Songhees First Nations. Anton acknowledged with respect their stewardship of the lands he was on. He also welcomed attendees, and asked Elections BC participants, committee members and guests to introduce themselves.

Anton reviewed the agenda, and then described the role of the Election Advisory Committee (EAC) as established by sections 14 - 16 of the *Election Act*. He drew specific attention to Section 16 (2) of the Act, which identifies specific instances of where consultation with the EAC is required: before making recommendations to amend the Act, before establishing CEO regulations, and before publishing notice of early implementation of legislative amendments. He identified that all three of these would apply to today's meeting.

2. Recommendations for legislative change following October 24, 2020 Provincial General Election

Anton provided background information about the 2020 Provincial General Election as it was unlike any other in British Columbia's history. The election was held on short notice during the COVID-19 pandemic

and during a province-wide state of emergency. Voting places operated under pandemic response protocols and an unprecedented number of voters voted by mail. Furthermore, for the first time, more voters voted at advance voting and by mail than on election day. Despite significant administrative challenges, the election was safe, secure, and accessible thanks to the tremendous efforts from election officials, voters, and political participants across the province.

Anton also informed members that following each election, Elections BC conducts a comprehensive post-event review. The review includes surveying key stakeholders, as well as carrying out a detailed internal review to identify what went well and what could be improved. Some of the improvements identified from the 2020 Provincial General Election can be accomplished administratively, while others require legislative change.

Following this explanation, Anton provided context to the 2020 post-event review, which was shaped by two key factors. First, Elections BC had just received the significant and historic amendments to the *Election Act* in 2019. While these changes had not been fully implemented for a provincial election, any new recommendations resulting from the review of the 2020 election have to integrate with the 2019 amendments. Second, assessment and analysis had to be focused in order to ensure recommendations address issues that are expected in the future, rather than a reaction to the unique circumstances of the 2020 election.

Based on the review of the 2020 election, Elections BC identified two priority recommendations, as well as a number of technical recommendations for legislators to consider.

Anton then began presenting the recommendations, starting with the first priority recommendation which is aimed at improving the accessibility, efficiency, and integrity of the vote-by-mail process. The tremendous vote-by-mail increase in 2020 was driven by several factors including health and safety reasons, convenience, and voter familiarity with the vote-by-mail process. It remains to be seen whether interest in voting by mail will remain at the high level seen in 2020. Regardless, a number of key enhancements can be made to improve the efficiency of vote by mail processes, to increase accessibility and service levels to voters, and to enhance electoral integrity.

One of the recommended enhancements is to modernize how voters prove their identity when voting by mail. The legislation establishes a number of integrity checks in the current vote-by-mail process. Voters sign a declaration that confirms their identity and eligibility to vote and a different individual witnesses this declaration. Voters who register in conjunction with voting by mail, or who need to update their registration to a different electoral district, must also prove their identity and residential address by including physical photocopies of acceptable ID in their returned vote-by-mail package. These methods were problematic during the election as both of these authentication methods have been in place since the mid-1990s, before the development and widespread adoption of secure digital technologies.

Instead of providing a witness signature, voters can provide their birthdate on their vote-by-mail package to confirm their identity. This is an international best practice that has been integral to past provincial vote-by-mail events. Using a birthdate as a shared secret allows Elections BC to efficiently confirm a voter's identity, ensure they only vote once, and prevent an individual from voting using another voter's voting package. This model was used in 2020 under a CEO Order, because securing a witness signature went against public health requirements for many voters during the pandemic. Given the model's success, Elections BC is recommending that the use of a voter's birthdate as a means of

proving identity should replace the current requirement of providing a witness signature on vote-by-mail packages.

Following that explanation, Anton described another recommended vote by mail enhancement based on the 2020 election. In 2020, the requirement for voters who were registering or updating their information to provide physical photocopies of acceptable identification proved to be challenging. While this method was workable, it was administratively burdensome for voters and for Elections BC officials. Physical copies of identification documents had to be reviewed manually as a part of the package screening process, which was inefficient and increased package processing times. Furthermore, access to a photocopier or printer is not universal and pandemic conditions exacerbated this barrier.

Given that a number of secure digital solutions exist, Elections BC is recommending that the CEO be given the authority to establish identity verification requirements for vote by mail. This would include the ability for voters to prove their identity and residential address digitally when they request a vote-by-mail package online, eliminating the need to provide physical copies of documents.

Anton also presented the recommendation to improve the accessibility of vote-by-mail by providing voters with more options for returning their vote-by-mail package. Currently, voters can only return their vote-by-mail package by mail or in person at a district electoral office. In 2020 because of the unprecedented use of vote-by-mail, voters had both of these options, as well as the opportunity to return their vote-by-mail package in person at any voting place or Service BC location. These additional channels were established through emergency CEO order, and were particularly beneficial for voters who requested their package late in the campaign, when it was too late to return their package by mail. To ensure this accessibility is maintained, Elections BC recommends that voters be allowed to return their voting package to any voting place in the province, as well as defined locations (such as Service BC centres) that can be specified by the CEO. Consequentially, in order to enable implementation of these changes, Elections BC is also recommending that election officials be able to process vote-by-mail packages “as soon as possible” rather than “immediately upon receipt” as the Act currently requires.

Additional vote-by-mail enhancement recommendations discussed by Anton included formalizing a process for the correction of inadvertent errors that would otherwise disfranchise voters, establishing a custom write-in ballot for vote-by-mail, and establishing a definition for when a voter has “cast” their vote-by-mail ballot.

The overall error rate for mail-in ballots in 2020 was extremely low, but voters do make mistakes when voting by mail. Voting by mail is an unsupervised voting opportunity, in which there is no opportunity for election officials to fix inadvertent errors made by voters when completing their package. Elections BC successfully piloted a correction process in two previous provincial vote-by-mail events, and it is a best practice internationally with respect to vote-by-mail.

Allowing voters to correct a mistake on their voting package would be a beneficial enhancement to the vote-by-mail process. For example, if a voter forgot to include their birthdate, or forgot to sign their certification envelope, after receipt Elections BC could contact them to offer an opportunity to provide the necessary information to ensure their vote could be considered. To ensure Elections BC can count as many ballots as possible, Elections BC is recommending the Act be amended to establish a formal correction process for incorrectly completed vote-by-mail packages and certification envelopes.

The final vote-by-mail recommendations presented also address issues identified in 2020 that have broad application in future elections.

Anton expressed that creating a custom ballot and instructions for vote-by-mail is an important part of accessibility. Voters voting by mail have different information needs, are required to complete different steps, and are not instructed and supervised by election officials. Therefore, Elections BC's recommendation is to provide the CEO with the authority to set a different write-in ballot form for vote-by-mail.

Furthermore, Anton emphasized that establishing a clear definition for when a vote-by-mail voter has cast their ballot would help support clear communications with voters, as well as support integrity by reducing the potential for multiple voting by voters that use this option.

Discussion Questions

- Question: Has Elections BC considered clarifying the vote-by-mail data provided to parties?
 - Answer: The challenge with capturing vote-by-mail participation data is that it is not available in an accurate format until vote by mail packages have been received and processed. Thus, a voter can cast their vote by mail, but Elections BC will not know they have voted until the receipt and processing steps have taken place (which may be days after the voter has put their package in the mail). Establishing a clear definition for when a vote-by-mail voter has voted will help with that. In addition, some of the other processes envisioned in the *Election Amendment Act, 2019* will allow for early processing of vote-by-mail ballots, which may make participation information available earlier than previously.
- Question: What would the correction process look like if a voter sent an incomplete package?
 - Answer: Elections BC piloted a correction process used in other jurisdictions during the 2018 Referendum. Voters who sent incomplete packages were contacted by a priority-post letter, or in some cases a phone call, and were presented with a correction opportunity.
- Question: In the past, has there been participation information for those who have incomplete ballots?
 - Answer: Elections BC reports on valid votes and rejected ballots, and for vote by mail, also reports on package requests and packages received. Often times the voter information from an individual who has an incomplete package is unknown until after the close of voting, so Elections BC cannot contact these voters to make the correction. Through the proposed correction process, Elections BC hopes to identify these issues earlier and provide a correction opportunity before the close of voting.
- Question: How or why does the write-in ballot need to be different for vote-by-mail?
 - Answer: The part of the ballot where the voter would mark their choice would look identical; the only difference would be in the instructions. Providing custom instructions on the paper that contains the ballot is effective in getting voters to complete their ballot correctly. So the section the voter fills in (to vote) will be identical, but the instructions will be customized based on the voting opportunity.
- Question: Have you thought about asking voters to provide their email or phone number on the certification envelope itself in the event of any issues?

- Answer: Elections BC asks for that information when the voter requests their vote-by-mail package. It is important information to collect on the front end so Elections BC is able to contact the voter if there are any challenges providing them with their vote-by-mail package.

After the discussion, Anton presented the second priority recommendation which is to establish clarity and consistency on how write-in ballots are adjudicated. Elections BC adjudicates ballots based on criteria established in section 123 of the *Election Act*. The Act establishes that voter intent is key when interpreting ballots. For example, section 123(c) states that write-in ballots with misspelled candidate or party names should not be rejected, as long as they clearly indicate the voter's intention to vote for a candidate in their electoral district.

In modern election campaigns, party leaders have increasingly become synonymous with their party and its campaign. They are the focus of a large portion of the party's advertising and messaging to the public. While voters do not directly vote for a party leader in B.C.'s Westminster-style parliamentary system, many voters think that they are voting for a party leader when they cast their ballot. For this reason, the intent of a voter who writes the name of a party leader on a write-in ballot is likely clear, even if the leader is not running in the voter's electoral district. This position was reinforced during the judicial recount in West Vancouver-Sea to Sky during the 2020 election. Basing his assessment on the Supreme Court of Canada Opitz decision, the presiding justice in the recount decided to accept ballots marked for a party leader as votes for the candidate running in that district.

After the priority recommendations, Anton turned the floor over to Charles Porter and Yvonne Koehn to present the technical recommendations.

Charles spoke to the technical recommendations related to administration, accessibility and integrity.

The administrative recommendations Charles presented included:

- Amending s. 87 to allow for the use of a secrecy envelope or sleeve, instead of just an envelope. Sleeves provide the same level of security while reducing costs and processing time.
- Amending s. 28 to require a notice of election be published as soon as possible after an election call, rather than within the current set 8-day timeframe. In an unscheduled election call, it is challenging or impossible to schedule publication in parts of B.C. within eight days, given reduced newspaper publication frequency.
- Ensuring times set under the *Election Act*, or by a CEO s. 280 order during the election period, are not subject to the Interpretation Act, which shifts dates forward when they fall on a holiday or a non-business day. Dates, times and deadlines that occur during the election period are time-sensitive and certainty is required.
- Authorizing the CEO to conduct final count and recounts for ballots administered under the remote voting provisions of the *Election Act* (sections 106, 108, and 108.01). Currently in the *Election Act*, only District Electoral Officers and their staff, not the CEO or headquarters staff, may prepare for or conduct final count or conduct recounts. As such, current practice has evolved to work around this issue. When Elections BC HQ staff assist with final count preparations, they are appointed as election officials by the local District Electoral Officer (DEO) adding burdensome administration. Furthermore, ballots from remote voting opportunities, such as vote-by-mail, are centrally received by Elections BC but must be sent to DEOs for counting. Sorting, mailing and receiving these ballots at district electoral offices is time and resource-intensive. If the CEO were authorized to count centrally, results would be available sooner.

The accessibility recommendations Charles presented included:

- Amending s. 109(1)(a) to extend the assistance and translation provisions to voters at a district electoral office. Currently, assistance provisions set out for a “voting opportunity” would not apply during district electoral office voting, which is technically an “alternative voting option”.
- Amending s. 109.01 to require an individual assisting in the completion of a vote-by-mail package to record their name on the voter’s certification envelope. This will establish consistency between vote-by-mail and other voting opportunities.
- Amending the Act to exempt Site-based Voting Area (SVA) residents from proving their residential address when voting at the opportunity established for their SVA. Instead, these voters would be required to present identification proving only their name. SVAs are residential care facilities, providing both medical care and a permanent home to their residents. It can be difficult for these voters to access usual forms of ID in a care setting. Furthermore, documentary proof of address is not practically needed when voting is being administered at the voter’s home.

The integrity recommendation Charles presented was:

- Amending s. 72 to prohibit candidate representatives from communicating the results of counting until the conclusion of initial count on Final Voting Day.

Discussion Questions

- Question: In reference to the integrity recommendation, what would be considered the conclusion of initial count?
 - Answer: The conclusion of initial count would be once the official results are released from Elections BC.
- Question: What challenge does this recommendation address?
 - Answer: With the rapid flow of information in the modern world, mixed with misinformation and disinformation, Elections BC wants to ensure that only accurate results from Elections BC as a trusted information source are communicated to the public when Elections BC is confident a result has been achieved through the appropriate process. Elections BC does not want social media posts announcing a candidate has won prior to the official result being made public.
- Question: Is Elections BC looking to prevent the communication of results from individual voting places to party staff or to prevent candidates from declaring they are a winner prematurely?
 - Answer: The issue is public communication of results or partial results through sources other than the Elections BC website, which is where the official results will be posted. Elections BC does not want candidate representatives providing live results on social media from a voting place when a count is ongoing.
- Question: If the results at a particular voting place are late, is Elections BC recommending that candidates cannot make comments until a winner is declared by Elections BC?
 - Answer: Language is key for this recommendation. The intent is not to prevent candidates from making comments, or from provincial media from “calling a race”, but to prevent the dissemination of specific results that have not been released publically. If initial count is complete at a voting place, then the results are reported and publically available. If initial count is ongoing at a voting place, Elections BC does not want that information made available to the public.

- Question: Following the count of a ballot box, scrutineers are provided with a statement of votes from Elections BC. What is the problem with sharing that information publically?
 - Answer: We will consider this question. Thank you for the feedback on this recommendation; we will take a closer look at all aspects of this recommendation. Please provide any further comments once the recommendations summary document is shared after the meeting.

Following the discussion questions, Yvonne spoke to the technical recommendations related to service, transparency and enforceability.

Yvonne presented the following service recommendations:

- Amending the Act to allow candidates to complete their standing nomination package during the ordinary nomination period if they start their nomination submission during the standing nomination period. This will provide candidates more flexibility without any administrative drawbacks.
- Amending the Act to allow the CEO or appointed officials to correct nomination and financial documents on behalf of the candidate or political participants that contain minor errors or omissions. The reasoning behind this recommendation is that resubmitting documents can cause delays in acceptance of a nomination and is a burden to political participants who must resubmit or amend financial reports to address minor errors or omissions. Currently, minor errors can only be corrected by candidates who file their nomination papers in person at the DEO Office.
- Removing the requirement for acclaimed or appointed nomination contestants to file a signed statement attesting that they did not incur any expenses or receive political contributions for the nomination contest. This requirement is a burden to political participants without any significant benefit or transparency for the public.

Yvonne presented the following transparency recommendations:

- Amend the Act to require that Elections BC publish financial reports and data that are currently posted to Elections BC's Financial Reports and Political Contributions System (FRPC) as an extension of the provisions designed for in-person public inspection of these materials. The ability to disclose financial report and contribution information through publication rather than public inspection would provide greater clarity on the legal bounds regarding these disclosures. Guidance from legislators on retention periods could help balance transparency and contribution privacy considerations.
- Prescribe classes of personal information such as home address, personal contact information and signature for redactions. This would ensure privacy concerns are addressed and documents are redacted consistently, because currently there is limited authority for the CEO to redact information before it is made public in FRPC or on the Elections BC website.
- Remove the provision that requires the submission of a privacy policy acceptable by the CEO before accessing public inspection material, except for voters lists and participation information.
- Instead of Elections BC publishing a notice of an Administrative Monetary Penalty (AMP) in the Gazette as soon as possible, publish AMP information periodically on the EBC website, as well as in the annual report. This would be a more efficient tool for public notification of these penalties, which is important as Elections BC anticipates a higher volume of penalties to be published in the future with the introduction of new administrative monetary penalties in 2019.

Yvonne presented the following enforceability recommendations:

- Given the short time frames surrounding Final Voting Day advertising contraventions, advertising takedown powers for digital platforms would be an important tool to support the CEO's enforcement of the Act. Currently, the CEO has no powers to compel the take down of non-compliant ads on Final Voting Day.
- To ensure the mandatory requirements for political participants under the Act are always enforceable through specific provisions, it is critical that the CEO has a flexible, fair and effective "toolbox" of regulatory mechanisms. The Act currently establishes both AMPs and offences for different types of non-compliant activity; however, some requirements of the Act have no applicable penalty for contravention and others only have the option for offence investigation. AMPs are relatively time-efficient and allow for flexibility based on mitigating factors. Offences typically require a longer investigation, a determination by Crown Counsel on whether to lay charges, and a trial in Court. Furthermore, they are reserved for more serious cases of non-compliance. As such, Elections BC is recommending amendments that would authorize:
 - penalties for fraudulent nomination documents;
 - late filing requirements for disclosure reports;
 - penalties for party failure to report nomination contest info;
 - AMPs for ads on Final Voting Day, ads & campaigning within 100m of a voting place, advertising using another organization's or individual's property;
 - AMPs in cases of unintentional multiple or corrupt voting; and
 - an option to enter into a public censure or compliance agreement instead of applying an AMP.

Anton thanked Charles and Yvonne for their presentations and proceeded with the final part of this agenda item, a review of public policy considerations for legislators and enhancements to Elections BC's 2020 Digital Communications, Disinformation and Democracy report.

Anton emphasized while it is not the role of Elections BC to take a position on public policy, Elections BC is uniquely positioned to identify issues related to existing public policy and bring these issues to the attention of legislators. Some changes to public policy may enhance the ability of the CEO to enforce the *Election Act*, or provide remedies to known issues. In raising these items, Elections BC acknowledges the sole authority of legislators to make laws pertaining to electoral democracy in British Columbia.

The first consideration Anton highlighted is the number of nominator signatures required by candidates. Currently, the *Election Act* requires candidates to gather 75 signatures from nominators as a part of their application package. Nominators must be voters in the electoral district the prospective candidate wishes to run in. This threshold has been a requirement in B.C. since 2008, and while thresholds vary across other Canadian jurisdictions, B.C.'s threshold is on the higher end of the scale. Further, recent feedback from candidates and parties indicated that the number of nominator signatures required was a barrier to participation. For these reasons, Elections BC suggests that legislators may wish to examine whether this threshold is still appropriate for B.C.

The second consideration Anton highlighted is the creation of a mechanism that would allow the writs of an election to be withdrawn during an extreme emergency. Elections BC's experience administering an election during the COVID-19 pandemic highlighted the importance of the Chief Electoral Officer's

emergency powers under the *Election Act*. While these powers are broad and substantive, in relation to the election schedule they only enable the Chief Electoral Officer to modify the timing of an action under the *Election Act*, or establish a new date for that action to take place. They do not allow for the writs of election to be withdrawn in an extreme emergency that could make it unsafe to hold an election or severely limit accessibility of the electoral process, such as a major natural disaster.

The last public policy consideration Anton presented in this section of the agenda relates to voters list access. The voters list contains personal information of all registered voters in the province and is provided to authorized electoral participants to assist in communicating with voters and in campaigning to support increased voter participation. Due to the sensitivity of this information, recipients are required to implement a privacy policy around their use of the voters list.

The evolving national and international political environment highlights these privacy considerations, as well as concerns about personal safety. Federally in 2019, the Canadian Nationalist Party became a registered federal political party. This party promotes white nationalist views, and its founder and leader was charged with wilful promotion of hate. Under the *Canada Elections Act*, Canada's Chief Electoral Officer was compelled to provide the party access to the National Register of Electors. If a similar party emerged in B.C., Elections BC would be required to do the same.

At the local level in Alberta in 2021, a mayoralty candidate threatened to arm himself and go to the homes of healthcare workers, which raised concerns about access to the voters list. As a result, the city decided not to share the lists with any candidates.

For these reasons, Anton explained Elections BC will be highlighting this issue for legislators to consider. Anton also expressed that legislators may wish to create reasonable limits on access to the voters list where there is reason to believe that use of the list may compromise voter safety.

During the final section of the recommendations for legislative change presentation, Anton focused on enhancements to Elections BC's 2020 Digital Communications, Disinformation and Democracy report.

The first recommendation in the Digital Communications, Disinformation and Democracy report proposed restrictions on intentionally impersonating or making false statements about political parties, candidates or Elections BC. Elections BC will recommend extending this to protect vendors and contractors that provide services to the Chief Electoral Officer from intentional impersonation or false statements. Elections BC believes this will provide an additional layer of security for electoral administration.

Another recommendation in the 2020 report focused on establishing specific timeframes within which digital platforms must remove non-compliant advertising, and establishing a duty of care for digital platforms to minimize the harm caused by non-compliant content. Elections BC also recommended instituting significant and meaningful fines for digital platforms that fail to remove non-compliant content within the established timeframe, or fail to meet their duty of care. However, following further review, Elections BC feels additional compliance measures would be appropriate. As such, Elections BC is recommending the CEO be given the authority to prohibit a digital platform from carrying election advertising if they have consistently demonstrated non-compliance with the period for takedown and duty of care provisions. This would impose a significant penalty on platforms that fail to come into compliance with the *Election Act*.

Discussion Questions

- Question: Why is Elections BC only targeting digital platforms?
 - Answer: The focus in the report was the digital environment. In the analogue world, Elections BC has effective tools to resolve compliance issues. For example, Elections BC has the ability to take down or cover up signs. In the digital world, Elections BC does not have the same ability. Elections BC works with digital platforms and they are largely supportive, but depending on where the platform is hosted, it may be almost impossible to remove non-compliant advertising.
- Question: What is the necessity of write-in ballots? If there is a scheduled election, are write-in ballots still required or is there a way to hold ballots until candidates are nominated?
 - Answer: Write-in ballots are required when voters need to vote prior to the close of the nomination period. For example, there may be voters who are leaving the province shortly after an election is called. Elections BC's would like to reduce the use of write-in ballots as much as possible moving forward. For example, a planned enhancement to the online vote-by-mail package request system is to ask voters if they want their package held (if there is sufficient time) until ordinary ballots are ready for their electoral district.

Anton thanked EAC members for their attention as he, Charles, and Yvonne presented the recommendations and public policy considerations. He also informed members that they would receive a summary of recommendations for legislative change following the meeting and Elections BC would be pleased to accept their feedback by close of business on March 8, 2022.

3. Implementation of *Election Amendment Act, 2019*

Anton introduced two new regulations resulting from Bill 43 – *Election Amendment Act, 2019* which was passed with unanimous support from legislators and received Royal Assent on November 28, 2019. This Act implemented in its entirety the May 2018 Report on Recommendations for Legislative Change tabled by the Chief Electoral Officer following the 2017 Provincial General Election. A key theme of the *Election Amendment Act, 2019* was to enable greater flexibility by replacing a number of prescriptive sections of the *Election Act* with CEO regulations.

The two regulations under consideration, copies of which were emailed to committee members yesterday, are:

- the Vote Counting Regulation; and
- the Ballot Form Regulation

Vote Counting Regulation

The Vote Counting Regulation establishes the following:

- requirements for transcription for instances where a ballot cannot be interpreted by vote-counting equipment;
- requirements for the quality assurance process for vote counting equipment; and
- the requirements for a DEO when conducting a manual recount of ballots under s. 136, including requirements for preparing and delivering ballots to a DEO conducting a recount in another electoral district.

Section 1 defines the *Election Act* as the Act Elections BC is concerned with in the regulation. Sections 2 and 3 set out the circumstances in which ballots may be transcribed at initial count, as required under section 120.01 (5)(a) of the *Election Act*, and the procedures that must be followed during the transcription process.

Under the *Election Act* (s. 79.04(5)), vote-counting equipment must be programmed to notify the voter if the ballot is unreadable when it is inserted. The voter would then be able to get a new ballot and mark it in such a way that it can be read, or they can cast their ballot without a valid candidate selection, knowing that it will be rejected.

As this notification and correction process exists in the legislation, the transcription process outlined in the regulation only applies to ballots that are inserted into the vote-counting equipment during initial count without the voter present. The regulation sets out three circumstances where this could occur.

First, write-in ballots will have to be transcribed onto ordinary ballots in order to be inserted into vote-counting equipment. Ordinary ballots inserted into the vote-counting equipment that are damaged in such a way that the vote-counting equipment cannot read them, or contain a clear mark that cannot be read, will also need to be transcribed onto an appropriate ordinary ballot for the voter's electoral district. This could occur without the voter present if the ballot was placed into an auxiliary compartment when the voter voted. For example, in the case of a long line-up, power outage, or if the ballot was placed in a certification envelope (e.g. in the case of mail-in ballots that are specified for counting during initial count).

The transcription process will take place during preparations for initial and final count. Ballots may only be transcribed if the voter's intent is clear. If the voter's intent is not clear, a ballot is not eligible for transcription, and would be rejected at the count. Candidates and candidate representatives that are entitled to be present at initial count and final count may observe the transcription procedure.

Section 4 of the regulation establishes a process that allows candidates or candidate representatives to object to the transcription of a ballot. Objections can only be made at the time of transcription, the decision of the election official is final (subject to a recount), and appropriate documentation must be completed. If a ballot is not accepted for transcription, the existing provisions under the *Election Act* to object to a rejected ballot would still apply.

Section 5 of the regulation establishes the quality assurance process required for vote-counting equipment under s. 120.02 (1) of the Act. The Quality Assurance (QA) process must take place after the completion of initial count. The QA process will incorporate two steps:

- logic and accuracy testing of at least one piece of vote-counting equipment used during initial count in each electoral district; and
- a hand count of the ballots counted during initial count by a selected piece of vote-counting equipment in each electoral district.

At least one piece of vote-counting equipment per electoral district must be selected for the post-initial count logic and accuracy testing step and the hand count step of the QA process. If the CEO specifies that ballots in certification envelopes will be considered under the authority of section 115 (2) of the Act, then at least one piece of vote-counting equipment used to count these ballots must be selected for the logic and accuracy testing step of the QA process.

The logic and accuracy test involves using the vote-counting equipment to count the ballots in a set of marked test ballots, and comparing a record of the expected results of the count with the record produced by the vote-counting equipment. The hand count step involves conducting a hand count of the ballots associated with a single piece of vote-counting equipment and comparing the results produced by the hand count to the record produced by the equipment at initial count.

The DEO must consider the results of the QA process when deciding whether a DEO recount will take place, and the results of the QA process must be reported to the Chief Electoral Officer.

Sections 6 and 7 establish the requirements for recounts conducted by DEOs. One of the advantages of the modernized election administration brought into law by the Election Amendment Act, 2019 is that tabulators can count ballots from any district in the province, rather than needing to be sent to their “home” district for counting during final count. However, this presents some complexities around arranging for recounts, which are addressed by Section 6 of the regulation.

Section 6 sets out the procedures that must be followed if a DEO conducting a recount requires the original ballots that were counted in another electoral district to be sent to their office for the purposes of the recount. This process requires the DEOs of the districts where ballots subject to recount were cast to create and retain copies of the ballots, and deliver the originals to the DEO conducting the recount.

Section 7 sets out the procedures to be followed by the DEO in conducting a recount under section 136 of the Act. The ballots must be counted by hand, without using vote counting equipment, per the criteria in sections 122 and 123 of the Act. Candidates and candidate representatives may be present and may object to the acceptance or rejection of a ballot. An election official who considered a set of ballots at initial count is not permitted to participate in a recount of those ballots during a DEO recount.

Discussion Questions

- Question: Can you please speak to the rights of candidate representatives in respect to processes you described?
 - Answer: Elections BC will provide opportunities for candidate representatives to watch the processes described. The procedures currently in place for scrutineers in voting places will remain and access to voting places as per the current legislation will be maintained.

Ballot Form Regulation

The Ballot Form Regulation establishes the form of ordinary ballots, which can be used with vote-counting equipment, and the form of write-in ballots. The requirements for the ballots are set out in section 86 of the Act, and the ballot forms provide sample text and placeholder text for example purposes.

Section 1 of the regulation sets out a required definition. While sections 2 and 3 establish the ballot forms that are prescribed for the purposes of s. 86 (2) and (5) of the Act.

The ordinary ballot form, which will appear as Schedule 1 of the regulation, is populated with the following text:

- placeholder text for the year, event title, electoral district and EDC (Electoral District Code)
- instructions on how to mark the ballot

- sample candidate names, arranged in alphabetical order by surname
- sample political party names and wording to indicate if a candidate has requested to be shown as “independent”

The write-in ballot form, which appears as Schedule 2, is populated with the following text [subject to change]:

- “Provincial Event” heading
- “Write-in Ballot” heading
- instructions on how to mark the ballot
- “I vote for” text
- warning against reproduction of ballot

Discussion Questions

- Question: This is a question regarding ordinary ballots. The Act says an individual votes by filling in the blank space provided on the ballot opposite the name of the candidate they would like to vote for. However, I noticed the instructions say to mark the ballot with an X or to fill in the circle. Are those the only markings the tabulator can read?
 - Answer: Our recommended marks are an X or filling in the circle, but the tabulator will have a threshold to detect marks within the sensor area. It is a low threshold, but if the ballot cannot be read the tabulator and technical officer present will alert the voter who will then have the opportunity to mark the ballot correctly. Furthermore, if a ballot was placed into an auxiliary compartment (rather than a tabulator), in the transcription process it could be determined that the voter’s intent is clear and transcribed so the tabulator can interpret their vote.

Anton informed members that Elections BC would be pleased to accept their feedback on the regulations by close of business on March 4, 2022.

Impact on future by-elections

The final agenda item Anton discussed with EAC members was the impact of the completion of Elections BC’s implementation of the *Election Amendment Act, 2019* on future by-elections.

When the *Election Amendment Act, 2019* received Royal Assent at the end of November 2019, not all elements of that legislation came into force. These primarily related to Elections BC’s implementation of the modernized voting place. In early February this year, Anton wrote to the Attorney General requesting that Cabinet bring into force all remaining provisions of the *Election Amendment Act, 2019* as soon as possible. Once this is complete, Elections BC will be in a position to deposit the final two regulations of that Act, which were reviewed today, and will be ready to administer a by-election under this model.

The *Election Act* has a provision that amendments to the Act do not apply for six months, unless consultation is had with the EAC and early readiness is Gazetted. As this is the case, Anton signaled Elections BC’s intent to Gazette early readiness as soon as possible to EAC members.

With a by-election pending in Vancouver-Quilchena, this is a very important opportunity for B.C. to have its first election under the new modernized model. This model will not only provide significant benefits to voters in terms of increased accessibility and an improved voter experience at the voting place, but it will also enable Elections BC to provide close to real-time voter participation information to campaigns to support their get out the vote efforts. It will also see the first use of tabulators to count paper ballots, and thus will see results from initial count produced and reported within minutes of the close of voting on election night.

The first elections under this new model will be a new experience for voters, campaigns and Elections BC. Elections BC will make sure there is information and communications on the changes to expect. Elections BC also plans to use voter exit-surveys to capture their initial perspectives. This, along with lessons learned sessions with parties and other stakeholders, will allow for any corrections prior to the next scheduled provincial election in 2024.

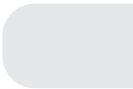
Discussion Questions

- Question: Will updated forms and guides be available in the coming weeks so campaigns, candidates, and candidate representatives have current information?
 - Answer: This is currently under development and it is our intention to have a full suite of information available.
- Question: This is a question not related to anything presented today. Currently, when rebate cheques are sent by EBC, they are sent to Financial Agents in their personal name. This creates administrative problems and opportunities for malfeasance. Going forward, can rebate cheques be made in the party's name rather than the Financial Agent's name?
 - Answer: This is a good point and Elections BC will look into it.
- Question: This question is in regards to timelines to submit for claim reimbursements. Instead of the hard deadline, would it be possible to have a late filing timeline?
 - Answer: Currently, there is an ability to receive extensions for filings if Elections BC is made aware of extenuating circumstances.

4. Closing Remarks

Anton thanked committee members for their comments and asked that they provide any feedback on the two regulations discussed by end of business March 4, 2022 and feedback on the recommendations by end of business March 8, 2022.

The meeting was adjourned at 11:27 a.m.



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