

Election Advisory Committee
1:00 p.m., April 14, 1997
Administration Boardroom, Robson Square Provincial Court
First Floor, Plaza Level, 800 Hornby Street, Vancouver, British Columbia

Attending:

Committee Members (alpha by Party):

British Columbia New Democratic Party: Brian Gardiner, Sherry Hyde (for Bruce Ralston)

Green Party of B.C.: Steve Kisby, with Guests Stuart Parker and David Cursons

Liberal Party of British Columbia: R. Hector MacKay-Dunn, George Taylor (for David George),
with Guests Sonja Sanguinetti and Jim Pipe

Natural Law Party: Alan Brooke (for Steve Beck)

Progressive Democratic Alliance: David Massey

Reform Party of B.C.: Bruce Hallsor

Elections BC:

Robert Patterson, Chief Electoral Officer

Linda Johnson, Deputy Chief Electoral Officer

Synneva Leonard, Manager of Election Operations

Ken Maskell, Manager of Registration Operations

Linda Stagg, Administrative Assistant

Welcome and Introductions:

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

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

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

Proposal - Section 18:

District Electoral Officer appointments should be rescinded with redistribution.

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

Discussion:

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

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

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

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

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

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

Proposal - Section 24, 25:

Establish one day of the week as general voting day.

Identify one day of the week on which all elections would be held. Currently, Elections BC must create and maintain, at significant additional costs, six election calendars or 'game plans', one for each day of the week on which an election may be held. In order for government to retain flexibility with respect to the day on which an election is called, it would be necessary to permit an increase to a maximum of six days in the election period, which could range from a minimum of 29 days to a maximum of 35 days.

Discussion:

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

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

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

Proposal - Section 32 (4):

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

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

Discussion:

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

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

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

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

Proposal - Section 46:

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

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

Discussion:

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

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

Mr. Parker expressed his concern about using the Motor Voter program as a means to maintain the Voters List. He says he feels the Green Party membership, many of whom do not drive, receive a lower standard of voter registration service. He noted in Nelson-Creston at the May 1996 general election, a large number of voters had to fill out registration and change-of-address forms at the voting place.

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

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

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

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

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

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

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

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

Proposal - Section 48:

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

Although the Act reduced the number of additional Voters Lists made available to candidates to eight, evidence from the May 1996 general election indicates that this number can be reduced even further. At the last election, the average number of copies picked up by candidate campaigns was three preliminary lists and four revised lists. The recent changes to the federal Act provide one printed and one electronic version of the preliminary list and the same for the revised list, plus up to four additional printed copies of the revised list. It is recommended that the number of additional lists (both preliminary and revised) be reduced to four.

Discussion:

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

Proposal - Section 55:

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

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

Discussion:

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

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

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

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

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

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

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

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

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

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

Proposal - Section 55 (1):

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

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

Discussion:

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

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

Proposal - Section 57:

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

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

Discussion:

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

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

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

Proposal - Section 57 (b):

b) Standing nominations are nullified by an electoral district redistribution (documents and deposit to be returned to the candidate); make provision for filing for the new (future) electoral districts.

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

Discussion:

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

Proposal - Section 57 (10, 11):

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

Discussion:

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

Proposal - Section 60:

a) Require party endorsement to be filed with nomination papers.

Standing nominations may be filed well in advance of an election being called. If a nominee is representing a registered political party, the nomination documents state the party name. The Chief Electoral Office has no supporting documentation to confirm the representation. It is recommended for standing nominations, that the filed documentation include an endorsement from the registered political party.

Discussion:

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

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

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

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

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

Proposal:

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

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

Discussion:

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

Proposal - Section 64:

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

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

Discussion:

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

Proposal - Section 67:

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

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

Discussion:

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

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

Proposal - Section 70:

Permit campaigns to pre-sign and photocopy scrutineer appointments.

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

Discussion:

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

Proposal - Section 74:

Time off work for voting to be three hours.

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

Discussion:

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

Proposal - Section 77, 78:

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

a) Recommend changing the name of "Special Voting" and "Alternative Absentee Voting" to terminology that is more intuitive for the voter, if possible. One suggestion is that everything other

than General Voting, Advance Voting, and Absentee Voting could be called 'Special Voting' opportunities.

b) The term "special voting area" implies that voting is done by certificate envelope when, in fact, General Voting procedures are followed. It is recommended that the word 'special' be replaced with another term to eliminate the implication of envelope voting. Suggestions are: designated, limited, reserved and restricted.

Discussion:

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

There were no concerns expressed regarding terminology changes.

Proposal:

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

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

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

Discussion:

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

Proposal - Section 81:

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

Discussion:

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

Proposal - Section 86:

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

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

Discussion:

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

Mr. Kisby said he thinks logos are a good idea for voters with language difficulties, but adds it

would also need to be mandatory that pre-election education material from Elections BC also include these logos. They would have to be registered as part of the party registration process. Other jurisdictions publish party platforms and include their visual identity.

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

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

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

Proposal - Section 86 (4):

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

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

Discussion:

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

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

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

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

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

Proposal:

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

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

Discussion:

Mr. Kisby asked for a mock-up of a ballot with a smaller circle. Ms. Johnson said Elections BC

would also look at some international ballots.

Proposal - Section 128:

Commence Final Count earlier.

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

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

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

Proposal - Section 139, 140:

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

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

Proposal - Section 140:

a) Allowing only 24 hours for the Court Registry to establish the date, time and place for a judicial recount is too short, as it is for giving notice of the filing of the petition commencing the application and for service of the application materials upon the affected individuals. 72 hours is recommended.

b) The phrase "affected individuals" found in Section 140 should be clearly defined by identifying the individuals by their role in the election.

c) Delete section 140 (4) (a). Service of the petition commencing the application should suffice as notice. Also, provide that service of legal process by fax should be deemed proper service.

Section 140 (4) (a), requiring notice of filing an application, is basically redundant and should be deleted in light of clause (b) which requires service of the petition commencing the application for a judicial recount within 24 hours of the filing of the application. In order to proceed as quickly as is practicable, it should be stated that service of legal process by fax should be deemed proper service. It follows that candidates and parties must provide a fax number that will be in service until the conclusion of all steps to bring an election to a close.

Discussion:

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

Proposal - Section 273:

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

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

Wrap-Up:

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

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

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

The next meeting is scheduled for 1:00 PM, Thursday, May 22, 1997,
Administration Boardroom, Court Services, Robson Square Provincial Court
First Floor, Plaza Level, 800 Hornby Street, Vancouver, British Columbia V6Z 2C5
