

Election Advisory Committee (EAC) Minutes

Monday, October 26, 2015

9 a.m. - noon.

Fairmont Waterfront
900 Canada Place, Vancouver, British Columbia

PRESENT

Committee Members (alphabetically by political party name)

Raj Sihota, BC NDP

Joan Robinson, British Columbia Conservative Party

Laura Miller, British Columbia Liberal Party

Sharon White, British Columbia Liberal Party

Bob Lorriman, Green Party Political Association of British Columbia

Elections BC Staff

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

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

Anton Boegman, Deputy Chief Electoral Officer, Electoral Operations

Stephany Laverty, Executive Coordinator (minutes)

Regrets

Michael Gardiner, BC NDP

Matt Toner, Green Party Political Association of British Columbia

Meeting convened at 9:02 a.m.

1. Welcome and Introductions

Keith Archer, Chief Electoral Officer (CEO) welcomed attendees and described the role of the Election Advisory Committee (EAC) as established by sections 14-16 of the *Election Act*.

Keith then gave a brief overview of the agenda with the primary focus of discussion reflecting the impacts of the amendments to the *Election Act* passed in May 2015. Keith noted that he would also provide an update on the Electoral Boundaries Commission and Nola would provide an update on Electoral Finance.

Elections BC administered other unscheduled events since the last general election, which, although not discussed in detail at this meeting, serve to illustrate the need for

Elections BC to be in a state of readiness to administer on-demand events. These events include:

The 2013 Westside – Kelowna by-election, the initiative petition in 2013, the 2015 Metro Vancouver Transportation and Transit Plebiscite, the 2015 recall petition in Burnaby North, the 2015 recall petition in Maple Ridge – Mission, and the receipt of warrants and preparation for two upcoming by-elections in Coquitlam – Burke Mountain and Vancouver – Mount Pleasant.

Discussion/Questions

- What was the initiative petition?
 - The initiative petition sought to amend the *Police Act*.

2. Election Act Update

Anton Boegman and Nola Western led members through a review of the changes to the *Election Act* (Bill 20) passed in May 2015.

Anton explained that under s. 3 of the *Election Act*, amendments to the *Election Act* do not apply for elections called within six months after they come into force. The Chief Electoral Officer can bring amendments into effect sooner, after consulting the Election Advisory Committee and publishing notice in the BC Gazette. Elections BC anticipates publishing such notice for these changes in early November.

Anton then provided a review of the voting administration amendments included in Bill 20.

Advance voting days

Under s. 76 of the *Election Act* there will be two extra days of advance voting, the Saturday and Sunday immediately preceding the week before General Voting Day. This change will increase the number of days of advance voting from four to six. Depending on schedules for the venues holding advance voting, the locations might need to alternate or change depending on the needs of the electoral district.

Elections BC is redesigning the provincial Where to Vote cards to provide detailed information on advance poll locations and General Voting Day locations.

Discussion/Questions

- Will moving the advance polls cause some confusion?
 - Some confusion may result but Elections BC staff will make their best efforts to communicate any changes to the public.
- Are mobile polls available as they are federally?
 - Mobile polls are provided and voters can also vote at any time after the writs are issued until General Voting Day at the DEO office.

Vouching

All individuals who vouch for the identity of another voter must first show ID, as required under s. 41.1 of the *Election Act*. The voucher then has to make and sign a solemn declaration to vouch for another individual's identity. Friends may only vouch for one person but family members may vouch for any number of immediate family members.

Discussion/Questions

- No discussion or questions

General Voting Day real-time lists

S. 96 of the *Election Act* allows Elections BC to provide "bingo" sheets five times per day, at specific times, during General Voting Day to candidate representatives (scrutineers). Candidate representatives can also take a photo of the form to email to their respective parties.

Discussion/Questions

- Can any party access the information or does it have to be a candidate representative?
 - This information is only available to candidate representatives at the voting station. They can provide the information to the candidate they are representing by taking a photo and sending it or taking a hard copy of the sheet.

DEO provision of voter information

District Electoral Officers (DEOs) will have encrypted laptops to capture turnout information during advance voting. Elections BC will provide the voter turnout information to the candidates in an electoral district after each day of advanced voting, as required under s. 97 of the *Election Act*.

Discussion/Questions

- How will the information be provided?
 - Elections BC will provide the turnout information electronically to the candidate.

"Voted information"

Section 51 of the *Election Act* now requires the CEO to provide registered parties, candidates, and former candidates, upon request, a list of voters that indicates which voters on the list voted in the last election.

Discussion/Questions

- No discussion or questions

Privacy and restrictions on use of Information

Section 275 of the *Election Act* establishes that the voters list and other personal information is subject to privacy provisions, including a prohibition on use for commercial purposes. This section requires that a registered political party, candidate or other individual who wishes to obtain a copy of the voters list or other records containing personal information, file an acceptable privacy policy with the Chief Electoral Officer prior to receiving the record.

Discussion/Questions

- No discussion or questions

Closed period of general registration

Under s. 37 of the *Election Act*, general registration for voting closes the day after Writ Day. Elections BC will finalize the voters list as of that day and that list will be the one used for the election. Voters are still able to register or update their voter registration when they go to vote.

Discussion/Questions

- No discussion or questions

Nomination period

Section 56 was amended and now requires nomination documents for a scheduled general election to be submitted by 1 p.m. on the seventh day after the election is called. For by-elections and unscheduled general elections, the nomination documents must be filed between 9 a.m. on the third day after the election is called and before 1 p.m. on the 7th day.

Discussion/Questions

- Can you write the candidate's name in for voting in advance polls such as in the federal election?
 - If voting at a DEO office or through a mail-in ballot, or out-of-district, voters can write either the candidate's name or the party name.

Nola Western then presented the following changes to the campaign financing rules resulting from the amendments to the *Election Act*.

Repeal of 60 day pre-campaign period

The 60 day pre-campaign period has been repealed so election expense limits now only apply during the campaign period. There are no longer expense limits for goods or services used prior to the campaign period but anything used in relation to the campaign, regardless of when it is used, must still be disclosed.

The Consumer Price Index adjustments for the expenses limits will be established just prior to the next general election. The adjusted amounts will be published on the Elections BC website and in the BC Gazette, and written notice will be given to all registered political parties and candidates.

Discussion/Questions

- Is there a limit on the number of days in a campaign period?
 - A campaign period is 29 days total and commences on the day the election is called.

Fundraising communications

Section 203 was amended to add communications with a primary purpose of raising funds to the list of election expenses that are not subject to the spending limits.

Discussion/Questions

- No discussion or questions

Leadership contestant financing reports

Contestants for the leadership of a registered political party will no longer have to file a contestant financing report if they are acclaimed and incur no financial transactions in relation to the leadership contest.

Discussion/Questions

- No discussion or questions

Advertising on General Voting Day

Section 233(3) of the *Election Act* provides some exceptions to the ban on election advertising on General Voting Day. An amendment to that section now allows messages for the sole purpose of encouraging voters to vote, to be posted on the internet on General Voting Day. These messages may not suggest who to vote for, or against.

Question

- How is this worded in the act?
 - S. 233(3)(d) describes the permissible message as “a message that was transmitted to the public on the internet for the sole purpose of encouraging voters to vote in the election”.

- Will it be difficult to monitor internet messaging on General Voting Day?
 - Elections BC has successfully monitored activities on General Voting Day in the past and will continue to perform this task in the future.

3. Voter Registration Update

Anton Boegman provided members with an update on voter registration procedures and practices that were revised following the passage of the amendments to the *Election Act*.

Privacy policy requirement

Elections BC drafted a template based on consultation with the Office of the Information and Privacy Commissioner and privacy best practices. The privacy policy requirements and a template will be published on Elections BC's website once finalized. Either the template or a privacy policy with the required components will have to be submitted to, and accepted by, Elections BC to receive records that contain personal information, including the voters list.

The elements required in a privacy policy are:

Scope – sets out who the policy does and does not apply to and what personal information it protects

Restrictions on use – identifies who can use the information that is received but limits that use to the purposes of the *Election Act*

Security – lays out reasonable security arrangements to address standard risk and how the party would respond to risk

Disposition of personal information – sets out how to securely deal with information once it is no longer needed

Tracking of distribution – reasonable methods for tracking distribution of information and ensuring confirmation that anyone given the materials will abide by the policy

Privacy breach – sets out what the party considers a breach and what actions need to be taken in case of a breach

Compliance audit – there must be an acknowledgement that Elections BC has the right to audit compliance with the policy

Duration/termination – sets out the effective dates of the policy

Declaration/signature block – party representative must have name and contact information included and sign that the party is agreeing to the policy

Discussion/Questions

- Will Elections BC penalize breaches?

- Breaches must be reported to the Office of the Information and Privacy Commissioner and Elections BC. Regulations of the CEO and the *Election Act* set out what will occur in case of contravention to this requirement.
- Will EBC be publishing breaches?
 - Elections BC is still working through development of response to breaches.
- Will principal officers sign the privacy policy or every member?
 - Principal officers will sign on behalf of their party.

Process to receive voters list

Anton reviewed the process, developed in response to the *Election Act* amendments, for parties to receive a copy of the voters list. The new process is very similar to the prior process for receiving the information but with two key changes:

- Parties must indicate if they want a list with or without information on whether a voter voted in the last election.
- Elections BC must receive and approve, or have on file, the party's privacy policy prior to releasing any voters list information.

Discussion/Questions

- When will these changes be implemented?
 - Elections BC intends to have these changes in place for the semi-annual distribution of the voters list to political parties at the end of November.
- A member asked for clarification on the list and what defines a political party.
 - A political party is an organization that runs candidates in an election. Only registered political parties are entitled to copies of the voters list. A party can sit out one election but must run two candidates in the next election or be deregistered. Not all registered parties request voter list information.
- Will the privacy information impact the list of donors?
 - The information available publicly on the EBC website will not be subject to the privacy policy but personal information provided by EBC that is not on the website will be subject to the policy.

4. Regulations Consultation

The Chief Electoral Officer proposes two Regulations, in addition to the amendments to the *Election Act*, as permitted under legislation. Under s. 16(2)(e) of the Act, the Chief Electoral Officer must consult with the Election Advisory Committee before putting any Regulation into effect, except during the election period of a general election. Anton Boegman led the consultation and discussion on both Regulations.

Voter Registration Regulation

The first proposed Regulation is a Voter Registration Regulation that will add BCID information and the last six digits of a person's provincial personal health number as a permissible piece of shared information between a voter and Elections BC. This information is in addition to the two other pieces of shared information that Elections BC can collect, the BC driver's licence number and last six digits of an individual's social insurance number. This Regulation would provide Elections BC staff and the individual registering online or over the phone more ways to confirm identity.

Discussion/Questions

- A member stated that in the next few years a BC services card will have a picture.
 - The BC services card or a BC driver's licence would serve as photo ID for registering in person or voting.
- Can Elections BC cross-check the BCID, personal health number, social insurance number, or BC driver's licence number to confirm?
 - Elections BC under a Memorandum of Understanding with the Insurance Corporation of British Columbia (ICBC) can check BC driver's licence numbers and would be able to check BC ID numbers. EBC cannot check the personal health numbers or social insurance numbers for validity.
- Could Elections BC obtain further identifying information from the BCID, personal health number, social insurance number, or BC driver's licence when it is provided, such as gender?
 - Elections BC can ask for this information but the individual is not required to provide it. However, this information can help to distinguish between members of the same household.
- Can online or telephone registration occur at the same time as other registration?
 - Online or telephone registration can occur at any time during the general registration period by contacting Elections BC on the phone or through the EBC website. When the general registration period ends on the day after an election is called (known as Day 1), only registration in conjunction with voting is available.
- Can you register at the time of voting?
 - Yes as long as you have the correct identification.

Electoral Purposes for Access and Use of Information Regulation

The second proposed Regulation provides clarity on electoral purposes under the *Election Act*. The definition of electoral purposes falls under three categories, provincial purposes, municipal purposes, and federal purposes.

Provincial purposes includes administration of the *Recall and Initiative Act* and *Referendum Act*, participation in a recall petition by a proponent or MLA, and communications with voters, soliciting campaign support and political contributions,

recruiting party members by provincial political parties, constituency associations, candidates and MLAs.

Municipal purposes includes local governments' administration of municipal electoral events under applicable local election legislation.

Federal purposes includes administration of the *Canada Elections Act* and the federal *Referendum Act* by the Chief Electoral Officer of Canada.

Discussion/Questions

- What does this Regulation mean for parties who have an affiliation with a federal party?
 - Elections BC would expect that provincial political parties would not share this information with their federal counterparts as it would be protected under the previously discussed privacy policy.
- Will the privacy policy allow the parties to use the information for these purposes?
 - The privacy policy sets out how the party is to store the information and who has access to the information to use it for electoral purposes.

5. Electoral Boundaries Commission Update

The Chief Electoral Officer provided an update on the activities of the Electoral Boundaries Commission over the past year.

After the Preliminary Report was tabled in the Legislature on March 26, 2015, a second round of public hearings was held. The Commission's Final Report was tabled in the Legislature on September 24, 2015. The Commission's work is now complete and the Members of the Legislative Assembly will decide whether to adopt the proposals.

The proposals include creating two new electoral districts, one in Surrey and one in Richmond/New Westminster. This would increase the number of electoral districts in British Columbia from 85 to 87. Under the *Electoral Boundaries Commission Act*, the Commission could not recommend reducing the number of districts in the Cariboo – Thompson Region, the Columbia – Kootenay Region, or the North Region. These regions are the only areas in the province with electoral districts below the +/- 25% permissible deviation from the average population, a standard set out in the Act.

Based upon the benefits realized by the Commission by Elections BC providing the administrative support to this Commission, the Commission recommended that Elections BC provide the administrative support for future commissions. The Commission also identified growing population inequality among electoral districts as a matter the Legislative Assembly may wish to consider.

Discussion/Questions

- What is the provincial average population for an electoral district?
 - 53 119 is the average, based on the census estimates from 2014.
- When can the parties expect to receive the street indexes, maps, etc.?
 - Once the Legislative Assembly passes a new *Electoral Districts Act*, Elections BC will produce the materials. (The member requested that the information be provided as soon as possible after acceptance.)
- When will the boundaries be passed?
 - Motion 26 to approve the recommendations of the Electoral Boundaries Commission was brought forward in the Legislature on October 22, 2015 which suggests that a decision could come during the fall session.

6. Electoral Finance Update

Nola Western provided an update on provincial electoral finance and local electoral campaign financing.

Local elections campaign financing

A new workgroup was created at Elections BC to administer the requirements under the *Local Elections Campaign Financing Act*. Following the 2014 General Local Elections, 3,622 disclosure statements were filed. For comparison, about 800 are filed provincially after a provincial general election.

The core group of staff was supplemented by a team of temporary staff, who have since departed Elections BC. The core group are now reviewing the few remaining files and administering campaign financing for local by-elections and non-election assent voting.

The *Report of the Chief Electoral Officer on the 2014 General Local Elections* was tabled in September and is available on the Elections BC website. The report includes information on how the new team was set up, statistics, and contains 13 recommendations for changes to the *Local Elections Campaign Financing Act*.

Bill 43 – 2015, the *Local Elections Campaign Financing (Expense Limits) Amendment Act* was introduced in the Legislature on October 22, 2015. Government has indicated that it does not expect the Bill to pass but will be used as a basis for further public consultation on spending limits for local elections.

The next local general elections will be in October 2018.

Discussion/Questions

- Will the local elections candidates and elector organizations want something like the Election Advisory Committee?
 - There is a Technical Advisory Committee established under the *Local Election Campaign Financing Act* made up of representatives involved in local elections and local elections campaign financing.

Provincial electoral finance

The redistribution of the boundaries will occur following the Legislative Assembly's determination on the proposals of the Electoral Boundaries Commission. This decision will have an impact on registered constituency associations.

The old districts will be abolished and new districts established. Constituency associations registered under the old districts will have to deregister, either voluntarily or mandatorily, and new constituency associations can register under the new electoral districts. Once the *Electoral Districts Act* is passed, Elections BC will contact parties with constituency associations to review the process.

Discussion/Questions

- Will deregistering the constituency association require filing a deregistration report?
 - Yes a deregistration report will have to be filed with Elections BC.

7. Closing Comments and General Discussion

The Chief Electoral Officer thanked the members for attending and invited members to share any further comments or questions.

Discussion/Questions

- A member commented on the cost benefit of administering the Commission through EBC.
- A member commented on Elections BC's need to ensure that those voting are actually registered voters
 - Electoral fraud is something that Elections BC takes seriously. A generic allegation is very difficult to follow up, as opposed to a specific complaint, which is something that Elections BC staff can follow up on and investigate. Elections BC investigates all instances of apparent multiple voting.
- A member described mobile polls federally in nursing homes and asked how Elections BC ensures that elderly or disabled people who are mentally unaware have voted?
 - Mobile teams from Elections BC go into care facilities and make the offer to residents and patients. If there is no acceptance of the service, they move on to the next individual. Elections BC staff are trained in how to discreetly, and in a non-partisan manner, record the vote of the person if the individual needs assistance marking their ballot.

Attendees may forward any questions regarding this meeting to Stephany Laverty, Executive Coordinator by phone at 250-952-6226 or by email at Stephany.laverty@elections.bc.ca

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The meeting was adjourned at 11:20 a.m.