



ELECTIONS BC
Province of British Columbia

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Election Advisory Committee Minutes

**Tuesday, November 18, 2008
1:00-4:00 pm**

**Delta Vancouver Airport Hotel
de Havilland Room**

PRESENT

Committee Members (alphabetically by political party name)

BC Liberal Party: R. Hector MacKay-Dunn, Kelly Reichert
Green Party Political Association of British Columbia: Douglas Gook (designate)
New Democratic Party of British Columbia: Nikki Hill, Laura Nichols

Regrets

British Columbia Marijuana Party: Michelle Rainey
Green Party Political Association of British Columbia: Sven Biggs

Elections BC Staff

Harry Neufeld, Chief Electoral Officer (Chair)
Linda Johnson, Deputy Chief Electoral Officer
Nola Western, Director, Electoral Finance and Corporate Administration
Kevin Atcheson, Research/Policy Analyst
Jennifer Horvath, Executive Program Manager (Minutes)

1. Welcome and Introductions

Harry Neufeld welcomed committee members and designates to the 21st meeting of the Election Advisory Committee. Elections BC staff present were introduced.

The composition of the committee as legislated in the *Election Act* was described, and its legislated responsibilities were reviewed.

Harry Neufeld explained that the Election Advisory Committee meeting earlier planned for Spring 2008 was postponed to assess implementation issues arising out of Bill 42, the *Election Amendment Act, 2008*, some of which require Election Advisory Committee review and input.

Harry Neufeld led the committee through the meeting agenda and introduced the first topic.

2. Changes to Legislation

Linda Johnson noted that the “Cole’s notes” document provided as a handout has been developed as a quick reference to the amendments to the *Election Act* arising out of Bill 42, and expressed that the committee might find it useful.

Bill 42 was introduced and first read on April 30, and was amended by Order paper and passed in the Legislative Assembly on May 29, 2008. Section 3 of the *Election Act* establishes that amendments do not apply to elections called within six months of their enactment. Most of the amendments to the Act as a result of Bill 42 took effect upon Royal Assent, but did not apply to the by-elections in Vancouver-Burrard and Vancouver-Fairview. The amendments to Parts 9 and 10 of the Act took effect on November 1, 2008. Elections BC is prepared to publish a notice in the *B.C Gazette* on November 27th indicating that those amendments will apply for the general election scheduled for May 12, 2009. Enumeration amendments as described in section 42 will not come into effect until September 1, 2009.

Linda Johnson further explained the changes to the *Election Act* in detail for the benefit of the committee, highlighting the following points:

Part 1 – Interpretation and Application

- Government, Crowns, and Members of the Legislative Assembly have been exempted from some of the provisions of the *Election Act* to ensure that regular and necessary MLA and government activities are not considered election activities for the purposes of determining election expenses during the 60 day pre-campaign period

Part 2 – Election and Other Officials

- A new clause established that the Chief Electoral Officer has the duty to ensure the *Election Act* is enforced; this was previously implied in the Act, but is now explicit
- Where more than one Deputy District Electoral Officer is appointed in an electoral district, only one must be designated to perform the duties of the District Electoral Officer should they be incapable of fulfilling their duties

Part 3 – Calling an Election

- The publication of the notice of election has been moved up in the calendar because of fixed dates for general elections

Part 4 - Voters

- Previous ID requirements for registering in conjunction with voting have been replaced with the requirement to provide certain government-issued ID, a native status card, or two pieces of other ID as authorized by the Chief Electoral Officer
- If ID is not available, the voter can be vouched for
- B.C. vouching rules are much more generous than federal rules
- A qualified voter, who has the necessary documents and lives in same electoral district, can vouch for a voter who does not have the necessary ID
- Vouchers can also be a spouse or family member, or someone who is in a legal position to make personal care decisions for a voter
- Scrutineers can now be present at the voter registration station, and can challenge registration applicants
- Voter registration can now be done orally over the telephone, which requires a Regulation to ensure safeguards are in place
- Door-to-door enumeration will apply to the 2013 election

Hector MacKay-Dunn asked whether types of acceptable ID have been decided upon. Harry Neufeld replied that many hours have gone into creating a list of acceptable types of ID. Linda Johnson added that a list will be included in newspaper advertisements published in the coming weeks, and that Elections BC has adopted many of the same ID rules as set by Elections Canada. Elections BC is learning from the many challenges faced by Elections Canada in the recent federal election, has expanded upon their rules, and has added more items such as hospital bracelets and letters of attestation. A householder will also be distributed in April including information about voter ID and vouching.

Harry Neufeld noted that Elections Canada found the biggest group disfranchised by the new ID rules were the elderly. He stated that this was not the intent of the Act, and that Elections BC is taking steps for this not to happen in British Columbia.

Part 5 - Candidates

- Candidate nominations used to require 25 signatures from eligible voters resident in the electoral district, now that number is 75
- Candidate nominations used to require a deposit of \$100, now the amount is \$250
- The criteria for the return of the nomination deposit is still the same, at 15% of the popular vote
- The nomination period ends on Day 10 instead of Day 15
- Braille lists of candidates will be available in all voting places
- In the case of a by-election or unscheduled general election, the ordinary nomination period is Day 6 to Day 10. For fixed-date elections, the ordinary nomination period begins when the writs are issued.
- April 14, 2009 will be the last day for standing nominations and the first day for ordinary nominations
- All documents for a standing nomination can now be filed at the same time
- Certificates of candidacy for all standing nominations will be issued shortly after the election is called
- District Electoral Offices will be sent public inspection copies of necessary documents; original nomination documents will be retained at Elections BC

Part 6 - Voting

- Advance voting hours have been expanded to 8 a.m. - 8 p.m. for all four days of advance voting to allow for greater access for voters
- Special voting areas such as at long-term care facilities where residents are listed in their own pre-printed voting book are now called "site-based" voting areas
- District Electoral Officers have looked at new developments in their electoral districts to assist in identifying site-based voting areas
- Correctional facilities and work camps are not considered site-based voting areas as they are not permanent residences

Douglas Gook expressed concern for tree-planting camps. Linda Johnson explained that as work camps are temporary and are not permanent homes, teams could be sent to those camps to administer voting, but the process is treated as absentee voting. Those voters could also vote by mail through the District Electoral Office.

- To register in conjunction with voting by mail, a notary would be necessary to witness the solemn declarations if copies of ID are not available, but if the voter is already on the voters list, then ID would not be required to vote by mail
- ID exemptions are made for armed forces voting in certain circumstances

Part 7 – Counting of the Vote

- New amendment establishes that recount requests be made on the same grounds as a judicial recount and establishes a deadline for making the request

Part 8 – Invalid Elections

- No amendments

Nola Western noted that many of the changes to Parts 9, 10 and 11 of the *Election Act* have been previously discussed with the committee and have been included as recommendations in the Chief Electoral Officer's reports to the Legislative Assembly. As well, political parties and constituency associations have been advised of many of the changes via newsletters and letters.

Nola Western described changes to Parts 9, 10 and 11, highlighting the following points:

Part 9 – Registration of Political Parties and Constituency Associations

- Registered political parties and registered constituency associations must now provide Elections BC with a contact name, bank account numbers, and addresses of each principal officer
- The Chief Electoral Officer is able to suspend the registration of a political party or constituency association that has failed to meet the deadline of 60 days to advise the Chief Electoral Officer of any changes to registration information
- While suspended, an organization cannot issue tax receipts, be named on a ballot, incur election expenses or make political contributions. Income tax receipts cannot be issued after a period of suspension for contributions received during the suspension period.
- Deregistered political parties and constituency associations have been required to file audited financial reports, unless a constituency association was deregistered due to electoral boundary changes
- The Act now allows for filing of unaudited deregistration financial reports if the political party or constituency association has incurred \$5,000 or less in expenses and received \$5,000 or less in political contributions since their last report
- The Chief Electoral Officer can still require an audit of any report if Elections BC feels it is warranted
- Deregistered organizations now have six months to file the deregistration report and transfer any surplus funds to the Chief Electoral Officer

Part 10 – Election Financing

Nola Western noted that many of the changes to Part 10 are minor administrative changes that have been recommended for quite some time.

- A 60-day deadline has been established for appointing a new financial agent or auditor
- Separate bank accounts are required for each candidate, political party and constituency association
- Deputy financial agents are allowed to file financial reports if the financial agent is absent or incapable
- Lateral transfers of money, goods and services between candidates, and vertical transfers between political parties, constituency associations and leadership contestants is allowed
- The definition of election expenses has been changed to expand the period to which election expenses apply, now identifying the relevant period to start 60 days before the start of the campaign period

- Political contributions over \$100 are allowed to be made via the internet, EFT, or debit, as long as the political contribution is made with a credit card in the name of the contributor or from the contributor's bank account
- Provincial entities are now prohibited from accepting political contributions from federal political parties or their electoral district associations
- Financial agents must now retain tax receipts for ineligible political contributions rather than destroy such receipts
- Financial agents must report the due date for loans
- Political parties may incur leadership contestant expenses on behalf of their leadership contestants
- Financial agents are now allowed to reimburse campaign workers for election expenses paid out of their own pocket
- The number of candidates a political party fields, the number of registered voters and the geography of the electoral district no longer have any impact on the election expenses limits of candidates or political parties
- Each political party and each candidate now have two election expenses limits; one beginning 60 days before the start of the campaign period, and one during the campaign period itself
- The 60 day pre-campaign period does not apply to by-elections or non-fixed date general elections
- For a scheduled general election the limits are:
 - Parties: \$1.1 million in the 60 day pre-campaign period and \$4.4 million in the campaign period
 - Candidates: \$70,000 in the 60 day pre-campaign period and \$70,000 in the campaign period
- Limits and time periods are separate and distinct, and unused portions cannot be carried forward
- Limits will be adjusted for changes to the CPI for elections called after January 1, 2010
- Expenses incurred in holding a fundraising function are not subject to the election expenses limits
- Transactions of primarily controlled entities such as clubs or other organizations must be included in the financial reports of parties or constituency associations
- Loan due dates, transfers of goods and services and transfers to/from leadership contestants must be reported
- The Chief Electoral Officer may issue a Regulation establishing a basis of accounting other than generally accepted accounting principles, although there is no intention to do so at this time

Part 11 – Election Communications

- The definition of election advertising has been expanded specifying that advertising taking a position on an issue associated with a political party or candidate is election advertising
- Time period for which election advertising is applicable is increased by including the 60 days before the campaign period and the campaign period itself
- The new definition specifically exempts certain things from being election advertising including: sending a document directly to the sponsor's members, employees or shareholders; or, a transmission by an individual of their personal political views on a non-commercial basis via the internet or by phone or text
- Tenants and strata residents have been given the right to post election advertising on their premises, but landlords and strata councils may set reasonable limits on the size or type of election advertising

- Election advertising is required to have an authorization statement which identifies the sponsor or financial agent
- Candidate election advertising is now allowed to identify the political party financial agent rather than the candidate's financial agent
- Certain types of election advertising set by Regulation are not required to have an authorization statement
- The Chief Electoral Officer and his representatives are allowed to remove and destroy election advertising that does not have the required authorization statement
- Certain types of election advertising are exempt from the advertising prohibition on General Voting Day: notice of an event that the political party leader intends to attend or invitations to meet or hear a political party leader; a message on the internet that was there before General Voting Day and not changed before the close of voting; and, distribution of pamphlets or the posting of signs or banners (the no-campaigning 100 metre zone around voting places continues)
- Publication of new election opinion surveys on General Voting Day is prohibited
- Spending limits on third-party election advertising sponsors established
 - During the period beginning 60 days before the campaign period and ending at the close of general voting, election advertising sponsors are limited to sponsoring election advertising with a total value of \$3,000 in relation to a single electoral district, and \$150,000 overall
- Limits will be adjusted for CPI after January 1, 2010
- The 60 day pre-campaign period does not apply to by-elections or non-fixed date general elections
- Penalties have been established for exceeding the third-party spending limits
- Third parties may apply for court relief if they did overspend
- Third parties are required to be independent of registered political parties, registered constituency associations, candidates and agents and are prohibited from sponsoring election advertising on behalf of or together with any of these entities
- The reporting period for third parties is extended to encompass the 60 day pre-campaign period

Linda Johnson described changes to Parts 12 and 13, highlighting the following points:

Part 12 - Offences

- The Chief Electoral Officer may refer matters to the Criminal Justice Branch if the Act is contravened
- All monetary fines have doubled
- Jail time is still one or two years

Part 13 - General

- Requirement for general notices has been expanded
- Public notices must be available online and notices of election and election by voting must be cited on television and radio
- The authority of the Chief Electoral Officer is expanded to regulate ID documents, accounting method, and exempting specific classes of advertising

Recall and Initiative Act

- The *Recall and Initiative Act* has been amended for continuity between it and the *Election Act*

Linda Johnson reiterated that all but Parts 9 and 10 came into effect on May 29, 2008, and that Elections BC intends to publish a notice of readiness in the B.C. *Gazette* on November 27, 2008 to enable the amendments to Parts 9 and 10 to apply to any election called after the Gazette date.

Committee members did not express any concerns in this regard.

Harry Neufeld invited committee members and designates to provide introductions.

3. Proposed Revisions to Regulations

Linda Johnson and Nola Western presented the following new and amended Regulations for consideration by the committee:

Election Advertising Regulation

This new Regulation would allow an exemption to certain classes of advertising from the requirement for an authorization statement. Exempted items include clothing, novelty items and other small items of nominal value intended for personal use.

Voter Registration Regulation Amendment

This amended Regulation adds the requirement for individuals to disclose either their B.C. driver's license number or the last six digits of their social insurance number when registering to vote over the telephone. The information collected will not appear on the voters list or anywhere else that would put personal information in jeopardy. This new addition will balance accessibility and convenience with the need for an accurate voters list, and parallels existing requirements for online voter registration.

An amended Schedule of forms was presented to the committee regarding the following Regulations:

- Election Financing Regulation
- Advertising Sponsor Disclosure Report Regulation
- Leadership Contestant Financing Regulation
- Political Party and Constituency Association Financial Reports Regulation

Changes to the forms contained in the Schedules of the above Regulations were made for cosmetic reasons, such as the inclusion of a preferred date format, or to reflect new requirements as a result of Bill 42, such as the addition of loan due dates, and changes to distinguish between pre-campaign and campaign period expenses. No new forms were created.

No concerns were expressed by the Election Advisory Committee about the draft new and amended Regulations.

The Regulations will be deposited with the Registrar of Regulations in the Legislative Counsel Office of the Ministry of Attorney General on or before November 27, 2008.

4. New Voting Area Boundaries

Harry Neufeld noted that redistribution of voting area boundaries was necessary for the 2009 provincial general election. The changes in boundaries allow for population growth, especially in urban areas, and reflect the fact that British Columbia's 79 electoral districts will increase to 85 at the next election, as unanimously agreed upon by the Legislative Assembly.

Areas receiving additional electoral districts include the Okanagan, Lower Mainland, and southern Vancouver Island. Elections BC staff are required to digitally depict boundaries of electoral districts and voting areas. Voting areas will increase from the current 8,600 to 10,200. Correspondingly, this increase will also necessitate the need for more ballot boxes, and if desired by candidates, more scrutineers.

In the creation of the new voting area boundaries, Elections BC made every effort to respect municipal, regional district, and federal boundaries. As well, voter accessibility was an important factor. There is a statutory maximum of 400 registered voters designated to each voting area, although in some rural areas that number is kept substantially lower to accommodate voters who would otherwise have to travel long distances. Many urban areas will contain approximately 300 voters per voting area to allow for population growth and to ensure that the voting area boundaries will remain the same for the 2013 General Election.

Over the summer, draft voting areas maps were sent to District Electoral Officers for review and comment. The rationalization of those reviews and the summary of findings are almost complete.

Boundary sets and new maps are presently being created for presentation and readability, including the very detailed task of labelling roads and other geographical landmarks.

Some electoral districts will be contained on one map sheet; others with a more urban/rural mix will be comprised of up to 15 map sheets. The map sheets include voting area boundaries, hydrography, communities, towns, municipalities, some institutions, road names, and park information. The maps will be in colour using hill-shade to show elevation.

Linda Johnson advised that a DVD containing a provincial map, electoral district and voting area maps, and a Table of Concordance will be sent to all registered political parties, and is planned to be sent out before the end of the year. As well, all map products provided on the DVD will be available for download via the Elections BC website.

The street index, which has been provided in the past, is currently limited in distribution arising from an issue regarding intellectual property. The street index will be provided to political parties upon request and with a signed agreement that it will be used for electoral purposes only.

The maps will be in PDF format, and will be a common printable size for parties to print on plotters in-house, or at a printing company. Location Index maps are standard letter-size.

The online voter registration system, as well as the "ED Finder" application on the Elections BC website are scheduled to show both current and new electoral districts as of early December.

Elections BC's intent is to publish a *Gazette* notice of the voting area boundaries in December 2008. These new boundaries will not come into effect until the writs of election are issued, scheduled for April 14, 2009.

5. Political Party Information Session

Linda Johnson advised the committee that the second annual Political Party Information Session is scheduled for Friday, November 28, 2008 at the Best Western Richmond Hotel and Convention Centre.

It is a full day session intended to provide information to political parties about recent changes to the *Election Act*, as well as information about electoral district redistribution and the upcoming general election on May 12, 2009.

The focus of the meeting will be on what registered political parties need to know to be ready for the election and referendum, including information about nominations, planning and campaign financing, and Elections BC's enumeration strategy.

All registered parties have been invited to send up to three delegates. There is no registration fee, and lunch and breaks will be provided.

6. Other Business

Harry Neufeld asked for any further questions from the committee.

Douglas Gook expressed concern about seasonal workers around the province working in remote camps and their voting opportunities.

Linda Johnson stated that District Electoral Officers are encouraged to make contact with companies that have such camps or large groups of temporary workers to make arrangements for voting, including sending in mobile teams between advance voting and General Voting Day. Many companies in the past have flown workers out of remote locations to facilitate voting, or District Electoral Officers have trained camp workers as election officials, enabling voting on site. District Electoral Officers will make appropriate arrangements, and will work with camp coordinators to make them aware of voting options.

Harry Neufeld stated that mail-in voting packages are another alternative. Application can be made for a voting package, and after the writs are issued a voting package will be sent to the voter. Voting by mail is a good option for those in remote locations, especially if the company arranges for the return of the packages to the District Electoral Office by the deadline of 8:00 p.m. on General Voting Day.

Linda Johnson added that Elections BC will work directly with CFB Esquimalt to train ship personnel as election officials to administer voting when ships are overseas. Elections BC also works with CFB Comox.

Harry Neufeld stated that in the absence of any concerns being expressed by the committee with regard to the proposed Regulations, they will be deposited and Elections BC will Gazette readiness for Parts 9 and 10 as of November 27, 2008. The *Election Act* amendments in Bill 42 will be in effect for any election called after that date.

Minutes of the meeting will be distributed for review and approval in the near future, and thereafter posted on the Elections BC website.

The meeting was adjourned with thanks to the committee members for their attendance.