

Election Advisory Committee 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 Valeriote, 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
- Daniel Posey, Director, Voter Services
- Arlene Carlson, Executive Coordinator (minutes)
- Alexandra Ashcroft, Executive Coordinator (minutes)

Guests

Office of the Information and Privacy Commissioner

- 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 leans 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.