



2007 Political Party Information Session

Friday, October 26, 2007 Richmond • BC Meeting Notes

Attending:

Elections BC

- Linda Johnson, Deputy Chief Electoral Officer
- Jill Lawrance, Director, Event Planning and Management
- Nola Western, Director of Electoral Finance and Corporate Administration
- Linda Shout, Executive Coordinator

Political Parties (alphabetical by party name)

- British Columbia Liberal Party: Jason Chabot
- British Columbia Libertarian Party: Keith Lim
- British Columbia Unity Party: Roy Adams, Tom Landers
- Green Party Political Association of British Columbia: Brian Makinen, Andrew Schulz
- Link BC: Harvey Maser
- Nation Alliance Party: Wei Ping Chen, Tie Jun Wang, Jade Zhou
- New Democratic Party of BC: Liz Wood

Handouts: [Agenda](#)
[Elections BC Business Cycle](#)
[Jargon 101](#)
[Election Calendar](#)
[Annual Report 2006-07](#)

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Introduction

The purpose of the political party information session is to advise registered political parties on the role, programs and services of Elections BC, and to provide parties with information at key points in the election cycle. The current *Election Act*, passed in 1995, established an Election Advisory Committee (EAC). Only parties that have an elected member in the Legislative Assembly, or that ran candidates in at least 50% of electoral districts in the previous general election, have members on the EAC. The EAC was established to advise the Chief Electoral Officer on how well the *Election Act* was working, especially in areas related to electoral finance (see sections 14-16 of the *Election Act* for more information).

Although the EAC has served the advisory role well, meetings have increasingly focused on Elections BC's operations. In the interest of fairness and transparency, this information should be available equally to all registered political parties. Therefore, an annual information session for all registered political parties was developed. The October 26, 2007 session was the first, and all registered political parties were invited to send up to three representatives to the session.

Elections BC 101

The [Canadian Charter of Rights and Freedoms](#) establishes that Canadian citizens have a right to vote to elect representatives to provincial and territorial legislatures and federal parliament. Each province has its own legislation that sets the rules for provincial or territorial legislatures, and an Act that defines who is eligible to vote and be a candidate, and how elections are to be run. In B.C. that Act is the *Election Act*.

Elections BC is separate from other provincial and federal election organizations and is only responsible for administering elections at the B.C. provincial level. Elections BC does not administer federal or municipal elections, although it does cooperate with other election administrators.

The [Local Government Act](#) establishes that municipalities may pass a bylaw allowing them to use the provincial voters list during their municipal elections. The B.C. *Election Act* also allows this use of the provincial voters list. Elections BC has developed a voter registration form that meets the requirements of the *Local Government Act* and provincial *Election Act*, and municipalities often use this to collect new registrations and updates, providing these to Elections BC to improve the quality of the provincial voters list.

Each level of government has its own election law, and they can be quite different in such areas as residency requirements, campaign periods, nomination processes and campaign finance rules. Election law, including B.C.'s *Election Act*, is very prescriptive: it says exactly who does what, when and how.

Elections BC's Independence

The Chief Electoral Officer (CEO) is an independent Officer of the Legislature. This means that the CEO and staff are independent of government. The CEO does not report to Cabinet or the Premier; he reports to the Legislative Assembly as a whole through the Speaker of the House.

The CEO appoints District Electoral Officers (the election officials who administer elections at the district level). In some other provinces, these officials are appointed by the government. Elections BC staff are required to act in a non-partisan manner, and election officials must sign an oath that they will conduct themselves impartially.

Elections BC and other independent Officers meet annually with an all-party Committee, the Select Standing Committee on Finance and Government Services, to report on the year's operations and present a budget proposal for the coming three years. The Committee makes a recommendation to the Legislative Assembly on whether to approve or amend Elections BC's proposed budget, and the entire House votes on it.

Elections BC staff are appointed according to public service rules, and are exempt from union membership. The Deputy Chief Electoral Officer (DCEO) is not an Officer of the Legislature, but is a senior public servant.

CEO Responsibilities

The *Election Act* requires the CEO to submit an [annual report](#) and reports on electoral events to the Legislative Assembly. The CEO also makes a [report on recommendations for legislative change](#) following each general election. The CEO recommends changes that would make elections work better for parties, candidates and voters. Although the CEO makes recommendations on changes to the law, the CEO does not make recommendations to government on public policy. The CEO's role is advisory rather than directive.

Voter Registration: The CEO is responsible for maintaining the provincial voters list and ensuring opportunities for registration. The CEO has the authority to share voters list information in a limited way under certain circumstances. Elections BC receives drivers' license address updates from ICBC, and is advised of deceased persons by Vital Statistics. These two sources of data, combined with information from the National Register of Electors maintained by Elections Canada, assist Elections BC in maintaining a complete and current voters list.

Event Administration: The CEO is also responsible for the administration of all aspects of election administration, including the candidacy process, voting opportunities, counting and reporting of election results.

Public Education: The *Election Act* does not mandate the CEO to conduct public education on the democratic process. The CEO is required to inform the public about how, where and when to register and vote. Increasingly, declining voter turnout and low public awareness about democracy are a concern. Last year, the

CEO asked for and received increased funding to develop public education programs to increase knowledge and raise awareness about the electoral process.

Electoral Finance: The CEO is responsible for the administration of political party registration, campaign finance, and regulation of third party advertisers.

Compliance with Legislation: Elections BC is responsible for ensuring compliance with the *Election Act*, and investigates complaints and allegations of irregularities. Genuine cases of electoral fraud or intentional campaign finance violations are extremely rare. Elections BC investigates potential cases of irregularities in order to help participants correct their mistakes or take different action in the future. Elections BC focuses on facilitating compliance.

Recall and Initiative: The CEO is also responsible for the administration of initiative and recall petitions under the [Recall and Initiative Act](#). This legislation allows citizens to petition for the removal of an MLA between elections, or to have a new law or amendment to an existing law introduced in the Legislative Assembly.

B.C.'s recall and initiative legislation is unique in the Commonwealth. There has never been a successful initiative petition in B.C., though there have been several attempts. A successful petition would need approximately 280,000 signatures. Proponents (people who have applied for a petition) have said they believe following the formal initiative petition process raises the profile of an issue and has an influence on government policy. For more information, see the [Elections BC website](#).

Other Legislation: There are other laws that affect Elections BC but are not administered by the CEO. The [Constitution Act](#) sets out the fixed date for elections, timing of by-elections, and other rules governing the Legislative Assembly, but the CEO does not administer that Act. Section 20 of the [Income Tax Act](#) provides rules for income tax receipts for political contributions.

Government makes Regulations under the [Referendum Act](#) establishing the authority for the CEO to administer a referendum in a specific way. Although the CEO may advise government on such Regulations, it is not within the CEO's authority to make referendum rules. The *Constitutional Amendment Approval Act* establishes that if an amendment is proposed to the Constitution of Canada, the Legislative Assembly of B.C. cannot make a resolution to authorize the amendment without first holding a referendum on the issue in B.C. (see http://www.qp.gov.bc.ca/statreg/stat/C/96067_01.htm). It's anticipated that such a referendum would be conducted by Elections BC, but the CEO is not responsible for the administration of this Act.

Elections BC has no direct involvement with the administration of the *Electoral Boundaries Commission Act*, except that the CEO is automatically a member of a Commission established under that Act. Elections BC does not have a role in setting electoral district boundaries, nor does it have any influence over the Commission's decisions beyond making a public submission to the current Commission, pointing out where current boundaries are problematic for voters or election delivery.

Once boundaries are established by the [Electoral Districts Act](#), Elections BC will adopt the new boundaries into our database and use them.

Referendum Education: Before the 2005 Referendum on Electoral Reform, government established an independent Referendum Information Office to provide neutral information to the public on the referendum topic. Consistent with Elections BC's neutral stance on elections, EBC did not provide information to the public on the referendum topic. The role of Elections BC in relation to referendum information was to provide voters with information on the mechanics of the referendum regarding when and where to vote.

It is likely that the same model will be followed for the 2009 referendum, but no decisions have yet been made. Government has committed to providing public funds for yes/no groups, but Elections BC has not been advised on how the funds will be administered or the groups regulated. It is anticipated that Elections BC will have some role.

Elections BC has advised government that referendum legislation is needed in the Spring 2008 session to allow enough time to prepare for the referendum. More information should be available at next year's party information session.

Elections BC's Organizational Structure

Elections BC is divided into five program areas with the following responsibilities:

- Executive: policy and legislation, strategic partnerships, strategic planning, communications, and ongoing operation of the organization
- Event Planning and Management: event planning, candidate services, voting administration, vote counting
- Geographic and Voter Data Services: voter registration, maintaining the provincial voters list and geography base, producing voters lists and map products
- Information Technology: ensuring Elections BC has robust, secure systems to handle and protect the personal information of almost three million registered voters, and an accessible website
- Electoral Finance and Corporate Administration: political party registration, campaign finance, third party registration and disclosure, compliance reviews. Also responsible for corporate administration and human resources.

Directors of the program areas and some other senior staff form the Senior Management Team, which meets weekly and makes decisions on a consensus basis.

Roles and Responsibilities of Political Parties

[Section 155\(1\)](#) of the *Election Act* defines a political party as “an organization that has as a primary purpose the fielding of candidates for election to the Legislative Assembly.”

Responsibilities of political parties:

- endorse at least two candidates in one of two general elections
- help candidates and financial agents understand the law, party policies and procedures, and meet the requirements of the *Election Act*
- tell Elections BC of any change to party registration information within 60 days of any change (including changes to principal officers, address changes, bank accounts opening or closing)
- file annual financial reports by March 31 of each year and election financing reports 90 days after General Voting Day.

Political parties may be deregistered if they do not fulfill these obligations.

Benefits of Registration

An organization does not have to be registered in order to be a political party, but there are important benefits:

- the party name will be on the ballot under the candidate's name (this helps voters to identify a party's candidate)
- issuing tax receipts. Unregistered political parties and unregistered constituency associations cannot issue tax receipts for political contributions.
- incurring election expenses. An election expense is the value of property or services used during a campaign period by or on behalf of a candidate , registered constituency association or registered political party to promote or oppose, directly or indirectly, the election of a candidate or political party (see [s.183\(1\)](#) of the *Election Act*).
- making political contributions. Unregistered political parties and unregistered constituency associations may not make political contributions (see s. 186 (3) of the *Election Act*).

Electoral Finance

Two key principles underlying electoral finance rules are equality and transparency.

Election expenses limits help level the playing field and prevent parties or candidates from spending an unfairly large amount of money to secure a win. Full and open disclosure through financial reporting helps reduce the potential for buying influence.

Support to Financial Agents

Financial agents need to understand the potential consequences of their actions. Financial agents are just that - agents - and parties, constituency associations and candidates must ensure that the financial agent they appoint is both willing and competent. The consequences for not filing reports or exceeding expenses limits are severe; parties can be deregistered and a sitting MLA can lose their seat.

Making Financial Reports Accessible

Elections BC scans all financial reports and posts them on the Elections BC website.

However, scanned images are difficult to analyze. To address part of this problem, Elections BC developed an online searchable database of political contributions, called the [Political Contributions System](#). Political contribution information from 2005 onwards has been entered into the system.

Users can search by multiple criteria, such as by party, constituency association, candidate, name of contributor, year, or electoral district. Results can be downloaded to a text (.txt) file for analysis.

By providing contribution information to Elections BC electronically, parties will increase accuracy and reduce data entry costs for Elections BC. Parties have been provided with instructions on the electronic format required, and these instructions can be provided at any time.

Ongoing Training and Support

Elections BC has developed and published a number of forms, guides and manuals to support parties, candidates and financial agents in meeting their obligations (please see <http://www.elections.bc.ca/fin/finance.htm#B>). Information packages are mailed to every financial agent and auditor when they are appointed, and yearly at annual report time.

Elections BC staff provide individual training sessions annually and around electoral events. They will also meet with parties to provide training, or attend Annual General Meetings or other meetings on request.

Electoral Finance Questions

A question was raised regarding the differences between Elections BC forms and business accounting processes. Nola Western noted that the *Election Act* requires different information than that required for other types of financial statements, hence the unique forms.

The Coming Year: Elections BC Activities

Handout: [The Coming Year](#) (PowerPoint presentation)

In the coming year, Elections BC will be finalizing and starting to implement plans for four inter-related events: a targeted enumeration, an electoral district/voting area (ED/VA) redistribution, a general election and a referendum on electoral reform.

Targeted Enumeration

The outreach to voters that is called enumeration has changed form over the years. Electoral agencies throughout Canada are moving away from door-to-door enumeration because this approach is no longer effective due to societal changes and it is very expensive.

Elections BC maintains a “continuous” voters list and undertakes a targeted campaign to solicit new registrations and updates to existing registrations as an election approaches.

In February 2009, Elections BC will send a mailing to every residential address in B.C. The mailing will provide targeted registration information for that address and will encourage voters to take advantage of existing registration channels – Online Voter Registration (OVR) and the telephone to update their information as necessary.

This will be followed by targeted mailings to specific geographic areas of the province, and registered voters whose records are suspected of being out-of-date. Targets will be identified through analysis of various data sources, such as the Census, the National Register of Electors and the provincial voters list.

The mailings will be supported by an advertising campaign that will be integrated with general election and referendum advertising.

In the final phase, enumeration will involve field outreach to residents of special voting areas (such as long term care facilities) and the homeless, with the objective of improving access to registration for these two groups.

Elections BC has requested an amendment to section 36 of the *Election Act* to allow voters to register by phone; currently the law allows voters to only update their registration by phone.

Targeted enumeration ends on April 21, 2009 – this is Day 7 of the election period and the last day for general registration according to the *Election Act*. After this period, those who are not registered or whose registration is out-of-date can still vote, but they must register in conjunction with voting.

ED/VA Redistribution

New electoral boundaries may be passed into law in the Spring 2008 legislative session. To help voters identify their current and new electoral district (ED), Elections BC's ED Finder and Online Voter Registration (OVR) tools will be available. The information about current and future EDs will be included in the same mailing going to every address regarding registration. Elections BC will also distribute Where to Vote cards during the election period to all registered voters and these will prominently display the new electoral district name.

Within each electoral district, Elections BC defines voting area (VA) boundaries so that there are approximately 400 registered voters in each voting area. A Gazette notice of these boundaries will be published in November 2008. Immediately following the Gazette notice, map products for all electoral districts will be available to registered political parties. Parties will receive a CD with ED maps, ED/VA maps, street index and conversion tables.

General Election and Referendum on Electoral Reform

The general election and referendum will be conducted in tandem, as they were in 2005. To prepare, Elections BC is recruiting and training District Electoral Officers (DEOs) who will deliver the election and referendum in each district. Offices will open on April 1, 2009, in preparation for Writ Day on April 14.

Elections BC has an increased focus on making the voting process more accessible for voters with disabilities and low literacy levels. Improvements will include a revised template for voters with visual impairments: Braille versions of the referendum question and List of Candidates in each voting place; special training for election officials in assisting voters with disabilities; and, use of plain language in written materials.

There will also be more "hands on" training for election officials, training materials available in plain language, and additional counting staff made available to assist with counting referendum ballots.

Questions About the Coming Year

Q: Will the targeted field enumeration be comprehensive?

A: Yes. DEOs will identify homeless shelters, soup kitchens and other similar facilities and work with administrators to determine the best registration opportunity for that facility. Some long term care facilities will be designated as special voting areas, which will mean that residents can use a simpler voting procedure.

Q: Why bother with enumerating if voters can register at the voting place?

A: Campaign expense limits are determined based on the number of registered voters in an electoral district. Registered voters will get a Where to Vote card telling them exactly where to go to vote, and voting is faster and more

convenient for voters if they don't have the extra step of registering at the voting place.

Q: Is it possible to get a voters list between elections?

A: Elections BC produces lists for registered parties and MLAs twice per year. November 22 is the production date for the next list. Parties can write to Elections BC and request a list. Given that an election is approaching and a targeted enumeration will take place before the election, the list is not at its most current right now.

Electoral District Redistribution

The *Electoral Boundaries Commission Act* establishes a Commission after every second provincial general election (every eight years) to propose changes to the electoral district boundaries based on recent population changes.

Each Commission is made up of a retired or sitting Judge of the B.C. Supreme Court or Court of Appeal, who is usually appointed chair. The CEO is a Commissioner, and the third Commissioner is someone recommended by the Speaker upon agreement by the leaders of government and the official opposition.

The Commission was originally mandated to make recommendations to the Legislative Assembly on the number and names of electoral districts in B.C., and was permitted to recommend an increase in the number of MLAs from the current 79 to a maximum of 85. The Commission was to recommend boundaries for both the current single member plurality and proposed BC single transferable vote systems. This was to help voters make an informed choice in the 2009 referendum on electoral reform.

On October 24, 2007, government introduced the [*Electoral Boundaries Commission Amendment Act*](#). This potential legislation instructs the Commission to recommend 87 electoral districts, and sets out a revised report timeline. If passed, the Act requires the Commission to submit its final report on April 15, 2008.

Elections BC's Role with the Commission

Elections BC signed a formal agreement with the Commission to provide technical support in the area of mapping. The Commission uses Elections BC's map base and Elections BC provides some technical staff. These staff signed non-disclosure agreements, and are not involved in any way with Commission decision-making. Elections BC has not been, nor should it be, advised of the Commission's decisions. Both offices maintain complete independence from each other.

Although Elections BC does not get an advance look at the boundaries, the partnership between the two offices does have advantages. Using the same map base greatly speeds up the process of incorporating boundaries into Elections BC's systems and reduces the risk of errors. Also, the Commission will recommend the

boundaries be established in the form of geographic co-ordinates instead of legal descriptions (lengthy geographic descriptions called “metes and bounds”).

Voting Area Boundaries

The CEO has the responsibility under the *Election Act* of establishing voting area boundaries. A voting area is a small part of an electoral district, like a neighbourhood, containing usually no more than 400 voters. Work on new voting area boundaries has already begun for urban areas, but cannot be finalized until the new electoral district boundaries are established in law.

Map Products for Political Parties

Elections BC provides a number of map products to registered political parties and candidates. After the new electoral district boundaries become law and new voting area boundaries are finalized, the following products will be made available:

- Electoral district and voting area maps
- Street index, listing address ranges and voting areas
- Conversion table, comparing 2005 voting areas to 2009 voting areas.

Electoral District Redistribution: What Does It Mean for Registered Constituency Associations?

A constituency association is the local organization of a political party or independent MLA. Fewer than a dozen political parties have registered constituency associations. Parties may register constituency associations in as many or as few electoral districts as they wish.

Benefits of having a registered constituency association:

- they may issue income tax receipts for eligible contributions
- they may incur election expenses on behalf of their candidates in certain time periods
- they may make political contributions (an unregistered constituency association, cannot contribute to candidates, parties or leadership contestants).

Drawbacks include:

- increased administration
- filing annual and election financing reports.

After new electoral district boundaries become law, registered constituency associations will be automatically deregistered when writs are issued for the next provincial general election (April 14, 2009).

Parties can voluntarily deregister their constituency associations and/or register new associations as soon as new district boundaries become law. Based on the current

timetable, Elections BC hopes that a new *Electoral Districts Act* will receive Royal Assent in June, 2008.

Elections BC recommends that parties deregister constituency associations early, rather than waiting for writs to be issued. To deregister, every association must transfer all its assets to the party or a newly registered association, and a financial report must be filed. When the writs are issued, financial agents will be busy with the election and the subsequent election financing reports.

If an association has been deregistered on writ day, and has not registered a new association, that association cannot issue tax receipts, incur election expenses or make political contributions to a party or candidate.

Parties should wait, however, to deregister their constituency associations until after the new electoral boundaries become law. If they deregister the associations before that time they will have to file an audited financial report. If a constituency association is deregistered because the old electoral district has been “disestablished,” the financing report need not be audited unless the CEO requests an audit report.

When the new boundaries legislation is passed, parties can register a new constituency association even if the “old” association is still registered. Former associations can transfer their assets directly to a new association, have the same financial agent, and may be able to keep the same bank account. Elections BC will work with parties and constituency associations to make the process as easy as possible.

Elections BC’s advice is to deregister as soon as new boundaries become law (probably in the summer and early fall of 2008).

Nomination of Candidates

Elections BC advised parties to work with their candidates to enjoy the benefits of early candidacy and to ensure that the endorsement process is completed in a timely way so that party names will appear on the ballot.

Nominations

To be a candidate in the election, nominees must go through the nomination process prescribed by the *Election Act*. It is completed when they are issued a certificate of candidacy by the Chief Electoral Officer.

Benefits of Candidate Status

It is only after a candidate has received their certificate of candidacy that they may:

- issue tax receipts for eligible political contributions, making fundraising easier
- receive a candidate kit, which includes an electoral district/voting area map, street index, election calendar and important guides and forms
- receive copies of the voters list as permitted by the *Election Act*.

Nominees may choose the standing or ordinary nomination process. The standing nomination process is administered by the CEO Office. The ordinary nomination process is administered in the field by District Electoral Officers (DEOs). The same forms are completed by both, but there are differences in when the certificate of candidacy may be issued.

Standing Nominations

(Day 0 – Day 6, 4:30 p.m (Pacific time) or April 14, 2009 – April 20, 2009)

Elections BC recommends this process, as there are important benefits for candidates. Nominees can submit all their forms except for two before the writ is issued. Once the writ is issued, a nominee may submit the final two forms and receive their certificate of candidacy, becoming an official candidate (with all associated benefits) as early as Writ Day.

Ordinary Nomination Process

(Day 6 – Day 15, 1 p.m. (Pacific time) or April 20, 2009 – April 29, 2009)

This process is the same as for standing nominations, but is administered through DEO offices. Nominees submit their applications to the DEO office in order to receive their certificate of candidacy.

After nominations close at 1 p.m. (Pacific time) on April 29, 2009, EBC produces the List of Candidates and begins producing ballots.

Of 412 candidates in the last election, 59% used the standing nomination process. 27% of the 412 candidates filed their nomination documents during the last three days of the nomination period. This is a disadvantage to them, as they could have had the benefits of candidacy much earlier.

Elections BC has recommended that the *Election Act* be amended to allow standing nominees to submit all their documents prior to Writ Day. Elections BC also recommended that nominations close on Day 10. Too many nominees wait until the last minute to file their papers, resulting in a very tight timeline from the close of nominations for producing ballots and shipping them to advance voting places.

Parties were advised not to submit standing nominations now, but to wait until the new electoral district boundaries have been passed into law.

Distribution of Nomination Kits

It was noted that some parties would prefer Elections BC to distribute nomination kits directly to potential candidates rather than providing quantities to parties to distribute. Elections BC committed to surveying parties on this issue.

Parties and nominees can go online and print the necessary material to file a nomination (see <http://www.elections.bc.ca/reg/nomkit.htm>). Elections BC will send a nomination kit to anyone who asks for one.

Political Party Endorsements

In order for a party name to appear with its candidate's name on the ballot, EBC must receive a written endorsement signed by two principal officers of the party. The endorsement must be made in writing and received at the CEO office by the close of nominations – 1 p.m. (Pacific time) on Day 15 (April 29, 2009).

Without that endorsement, Elections BC is not permitted to print the party name under the candidate name on the ballot.

Elections BC has produced a form to simplify the process for parties. Parties can write in the name of their candidate for each electoral district, and the cover sheet has a place for two principal officers to sign. Parties can use another format, but the endorsement must be made in writing. Endorsement letters can also be filed individually with nomination documents.

Next Political Party Information Session

Parties were advised that the next session will focus on more specific information in relation to upcoming electoral events. The new electoral district boundaries should be known and parties will be advised when they can expect maps and other products to be available. Event plans will be finalized, and referendum legislation should be in place.

Parties were invited to send in their ideas for agenda topics for the next meeting. Other questions, comments and feedback would also be welcome.

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