

Meeting Notes

PRESENT

Elections BC

- Keith Archer, Chief Electoral Officer
- Anton Boegman, Deputy Chief Electoral Officer, Electoral Operations
- Nola Western, Deputy Chief Electoral Officer, Funding and Disclosure
- Amie Foster, Manager, Executive Services
- Louise Sawdon, Manager, Electoral Finance

Political Parties (alphabetically by party name)

- BC First Party: Sal Vetro
- BC NDP: Jan O'Brien, Leslie Kerr
- British Columbia Liberal Party: Mark Robertson
- British Columbia Libertarian Party: Gabriel Scheare, Marisa Palmer
- British Columbia Patriot Party: May Stokes
- British Columbia Social Credit Party: Carrol Woolsey
- Delta South Constituency Association of the Independent MLA Vicki Huntington: Eric Sykes, Phil Horan, Alex Bovey
- Green Party Political Association of British Columbia: Murray Weisenberger, David Pearce
- Independent MLA John van Dongen, Sherri Wacker, Cathy Armstrong
- New Wave: Ranjit Ahluwalia
- Platinum Party of Employers Who Think and Act to Increase Awareness: Espavo Sozo, Bernard Yankson
- Unparty: The Consensus-Building Party: Mike Donovan

Welcome and Introductions

Keith Archer, Chief Electoral Officer (CEO), introduced himself and welcomed attendees to do the same. Keith noted that although his appointment as CEO had commenced on September 1, 2011, this was his first opportunity to meet with this group.

Keith then provided attendees with an overview of EBC's activities over the previous 12 months:

- In October 2011, several members of Elections BC's Senior Management Team attended Elections Ontario's Visitors Program. Elections Ontario's branding of the General Election focused on process. Taglines included "We make voting easy" and "More days, more ways." The event saw the lowest voter turnout in Ontario history with less than 50% participation.
- In early October, the resignation of the MLA from Port Moody-Coquitlam caused Elections BC to begin preparations for a by-election.
- In late October 2011, the first convictions under the *Election Act* were administered. The distribution of unauthorized material by a campaign and the disclosure of costs for the production of unauthorized material resulted in a candidate's expenses limit being exceeded.

An investigation by the RCMP resulted in convictions for a member of the campaign team and a supplier.

- Representatives from Elections BC (EBC) traveled to Edmonton to participate in Elections Alberta's debrief on their 2011 door-to-door enumeration. The frank assessment of challenges with door-to-door enumeration reinforced the earlier position of Elections BC to recommend eliminating the requirement for province-wide door-to-door visitation in advance of fixed date general elections,
- In November 2011, a report highlighting four recommendations for legislative change was tabled in the Legislative Assembly. The report affirmed previous recommendations, added one additional recommendation, and highlighted the strategic priorities of Elections BC:
 - provide for modernization of the electoral process
 - eliminate the requirement for a province-wide door-to-door enumeration
 - establish a provisional register for 16 and 17 year olds
 - provide authority to pilot the use of technology in the voting process
- During the spring session of the Legislative Assembly, Bill 33 removed the requirement for a province-wide door-to-door enumeration. The debate on the Bill highlighted ongoing concerns, on both sides of the House, with the quality of the voters list. Elections BC has attempted to mitigate some of these concerns by including the following in the enumeration plan:
 - A province-wide mail-out
 - targeted enumeration in Site-based Voting Areas and among people who are homeless
 - electoral district (ED) specific targeted efforts that focus on known areas of lower quality representation on the voters list, such as large immigrant communities, highly mobile residential areas, new residential developments, urban aboriginal groups, aboriginal reserves, homeless shelters, etc.
 - youth-focused initiatives that are directed by EBC HQ
- The April 2012 by-elections in Port Moody-Coquitlam and Chilliwack-Hope were used as a platform to pilot voting modernization initiatives, some of which will be adopted for the upcoming provincial general election (GE).
- After the Port Moody-Coquitlam and Chilliwack-Hope by-elections, Elections BC determined that the BC Government and Service Employees Union (BCGEU) conducted election advertising with a value exceeding the spending limit. Penalties specified in the *Election Act* are 10 times the over-expenditure and a prohibition from advertising in next general election. The BCGEU was advised that the penalty would be \$3.1 million, and that relief could be sought from the Court. The BCGEU sought and was awarded relief from the penalties.
- EBC staff members attended the Elections Alberta Visitors Program (including a Senate nomination election) in April. A number of features of this event were of particular interest to EBC including:
 - new third party advertising legislation
 - Senate nomination election held in conjunction with a general election
 - comparison of training provisions for staff in Alberta and BC

- In May Keith attended an Elections Canada event on youth engagement. The meeting highlighted the growing challenge of youth disengagement from electoral politics across the country, and identified some potential partners to engage with in addressing this topic.
- At the July Conference of Canadian Election Officials (CCEO), the CEOs agreed that youth engagement is a significant issue, that jurisdictions can share research on this topic, and where appropriate, common strategies on engagement may be developed among interested agencies.
- The discussion at the CCEO also focused on Internet voting, with an update on activities in other jurisdictions:
 - the Ontario legislature had passed a Bill requiring Elections Ontario to conduct an Internet voting pilot in a by-election prior to July 2013. They have since stepped away from this commitment.
 - Elections Canada previously indicated that it would pilot an e-voting option, (at voting kiosks), by 2013. It later revised the commitment to 2015, and finally indicated that e-voting would not be pursued at this time
- In the summer of 2012, EBC became aware of some public comments by government on the possibility of identifying the next B.C. Senator through a Senatorial nomination election. The anticipated retirement of one of the six B.C. Senators in November 2012 meant that a Senatorial nomination election in conjunction with the May 14, 2013 general election was a possibility. The CEO had no statutory authority to spend money on this activity, yet if EBC were to conduct a successful event, it was necessary to perform some preparatory work in fiscal 2012-13. The CEO wrote to the Attorney General for advice, and she subsequently confirmed government's interest in this possibility. The CEO then wrote to the Select Standing Committee on Finance and Government Services to request funding for preparatory work. The funding was granted.
- Elections Quebec held a Visitors' Program for their September 2012 election. Representatives of Elections BC noted several important takeaways from that program:
 - Elections Quebec updates the voters list using health records
 - Elections Quebec writes to residents who are 17 years of age to advise them that they will be added to the voters list when they turn 18 unless they write requesting otherwise. Very few do request otherwise, and thus, Quebec has the highest quality list in Canada.
 - this event demonstrated that decline in turnout is not inevitable or irreversible. Turnout in Quebec increased from 57% in 2008 to 75% in 2012 using a list of similar quality. The primary difference between these events was that in 2012 several high profile public policy issues resulted in significant voter interest.

Keith also highlighted some recent developments in election administration:

- During the 2011 federal election in Etobicoke Centre, the Returning Officer count showed Opitz defeated Wrzesnevskyj by 25 votes. Based on that margin, a judicial recount was required. The recount concluded that Opitz had won by 26 votes and he was declared elected. Wrzesnevskyj appealed to the Ontario Federal Court, arguing that errors by election officials (particularly registration errors) in that district exceeded the margin of victory. The Ontario

Court overturned the election, and called for a by-election within six months. The case was then appealed to the Supreme Court of Canada. The ruling is expected very soon.¹

- An issue regarding robocalls, or automated calling, arose during the 2011 federal general election. It was apparent from complaints received by Elections Canada that parties have begun to engage in a variety of practices with this new technology. Some voters view these calls as irritating and in some instances, there were allegations that the calls were used to misdirect voters and/or to engage in voter suppression activities. Elections BC has experienced little of this to date, but is aware of this new possibility.
- On July 16, 2012, Elections Ontario announced that two USB drives containing the name, gender, voting history and address of as many as 2.4 million people had been lost or misplaced. A thorough search failed to locate the USB drives. The loss occurred during the voters list update following Ontario's general election.

Questions from attendees:

How can Elections BC prevent third parties from being granted relief by the courts from penalties established by the *Election Act*?

- The opportunity to seek relief from penalties established by the *Election Act* is established in law.

Is it too late for legislative change regarding nomination deposits for the 2013 General Election?

- Any legislative change within six months of the 2013 General Election would be subject to section 3 of the *Election Act* and could be deferred until after the event.

What would be required to establish a Quebec style “negative check-off” in British Columbia?

- A registration model like the one used in Quebec would require legislative change. Their model has been developed over an 18-year period under substantially different legislation.

Legislative Change

Nola Western explained that the only change in legislation since 2009 was the repeal of the requirement for a province-wide door-to-door enumeration. This change is expected to result in a voters list as-good or better than in 2009, with expected costs reduced from \$29.9 million to \$7.5 million.

Nola also explained that the B.C. Court of Appeal had ruled that the pre-campaign period for third-party advertisers was unconstitutional – the entire pre-campaign period no longer applies to third parties.

¹ On October 25, 2012, The Supreme Court issued its judgment in the Etobicoke Centre case. It reversed the decision of the lower court and upheld the appeal of Opitz. The judgement can be accessed here: <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/12635/1/document.do>

Independent Panel on Internet Voting

The Independent Panel on Internet Voting (IPIV) is underway. The CEO has been asked to chair the panel, which will consider prospects for Internet voting for local and provincial elections in British Columbia. Panelists were invited in early August, and the group has met twice since that time. The authority for the establishment of the panel is in section 12 of the *Election Act*. The budget for the panel's work is \$420,000, which is expected to be spent over two fiscal years. Feedback from the public will be welcomed through the IPIV website in due course, and will likely be formatted to ask specific questions. The detailed work plan will be defined in December.

Questions from attendees:

Can Internet voting address the issue of voter turnout?

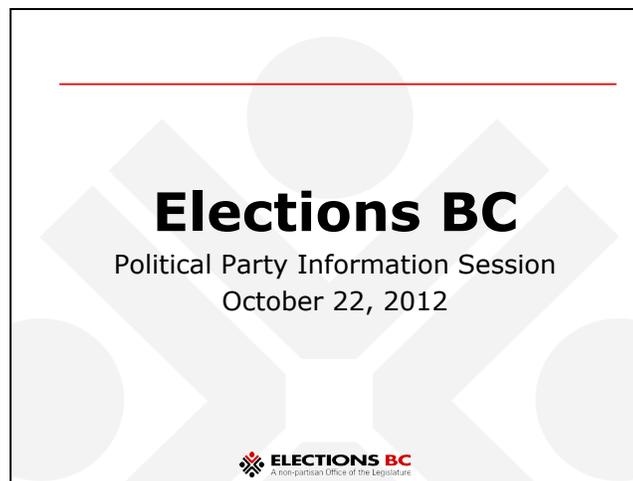
- The effect of the availability of Internet voting on voter participation has been mixed in other jurisdictions. There is no clear evidence that it increases turnout.

What will Internet voting cost? What will the panel consider?

- The panel will investigate security, cost, experience in other jurisdictions, confidence in the outcome and other issues before making any recommendations.

General Election Planning

Anton Boegman provided attendees with a high-level overview of the voting modernization and communications strategy for the 2013 General Election. Click on the slide below to view the PowerPoint presentation:



Questions from attendees:

Are absentee voting and vote-by-mail the same thing?

- Vote-by-mail is one of five types of absentee voting. It is also called alternative absentee voting and is established by section 106 of the *Election Act*. Other absentee opportunities include:
 - Absentee – out of voting area (section 99)
 - Absentee – out of electoral district (section 100)
 - Absentee – advance – out of electoral district (section 101)
 - Alternative absentee – voting in the office of the District Electoral Officer (section 104)

Do people keep the Where to Vote Cards (WTV)? Is there a requirement to bring the WTV with you when you vote?

- Under the newly established voting process, the WTV card makes voting faster, and provides a form of identification for those who need it. Voters will be encouraged to bring their WTV cards with them when they vote, however, it is not a requirement to participate; voters will not be turned away if they do not have their WTV card at the time of voting.

Can identification created by a party for its members be recognized as an official form of identification for the purposes of voting?

- There are a series of government issued types of identification that are accepted at the voting place. Some discretion is also left to the CEO. An offline discussion was recommended for further clarification.

How common is multiple voting?

- Multiple voting is very rare, and is usually a simple mistake. A common example occurs when an individual living in a residential care facility votes when a mobile team administers voting at the facility. Then, on General Voting Day, a family member takes the same individual to a voting place. There are checks on the system to ensure that multiple ballots from a single individual are not counted.

Campaign Finance

Nola Western provided attendees with a high-level overview of key provisions of B.C.'s campaign finance rules, as well as some best practices. Click on the slide below to view the PowerPoint presentation:



Questions from attendees:

How do you issue a tax receipt for services-in-kind?

- Tax receipts may only be issued for monetary contributions. If a supplier or service provider wants a tax receipt, they must be paid for the service they provide, and then make a separate donation. This is sometimes known as “cheque swapping.”

Can donations be made by testamentary trusts, foreign sources, or citizens of other countries?

- Yes, foreign sources which are not charitable organizations, and non-citizens may make political contributions. Nola suggested that they discuss testamentary trusts in more detail offline as more information was needed.

What are the rules for online fundraising?

- Nola suggested that they discuss this question in more detail offline as more information would be needed to answer the question.

Are anonymous contribution limits associated with a candidacy or a calendar year?

- Anonymous contribution limits for candidates are associated with the candidacy; anonymous contribution limits for constituency associations and political parties are based on calendar year.

Do you have to be a registered political party to have a constituency association?

- You must be an MLA or a registered political party.

Do you have to claim re-used campaign supplies?

- You must calculate the actual cost to purchase the item today, and report the value of anything that was used during the pre-campaign or campaign periods. Nola reminded attendees that they should not spend anything without first speaking with their financial agent, as it is the financial agent’s responsibility to ensure the campaign does not overspend.

What are the benefits of party or constituency association registration?

- Registered political parties and constituency associations may:
 - issue income tax receipts for eligible political contributions
 - transfer money, goods and services within the party family, (i.e. between the registered political party, registered constituency associations and candidates)
 - only registered political parties may be identified on the ballot and incur election expenses. Registered constituency associations are also permitted to incur election expenses on behalf of a candidate, under specific circumstances.

Unregistered political parties and constituency associations are not entitled to do any of these things.

Attendees asked for clarification regarding fundraising events.

- Tax receipts for tickets to a fundraising function can only be issued for the amount paid over and above the per person cost of the event. For example, if a fundraising event ticket cost \$50 and the expenses for the event cost \$5 per person, the tax receipt can be written for \$45. Nola cautioned that fundraisers are complex, and recommended that they call EBC for more information before hosting a fundraising event.

Are there contribution limits at events?

- Other than for cash contributions and anonymous contributions, there are no contribution limits. Any individual or organization (other than charitable organizations, federal political parties or electoral district associations registered under the *Canada Elections Act*, or unregistered political parties or constituency associations) can make a political contribution of any amount.

Anonymous contributions are not permitted unless the contribution is made in response to a general solicitation for funds (e.g., passing the hat) at a function held by or on behalf of the organization or individual to whom the contribution is provided and the amount contributed has a value of less than \$50. The financial agent may want to consider having someone supervise the “passing of the hat” to ensure that no one places a \$50 bill or more in the hat. They should also make it known that if there is a total of \$50 or more contributed anonymously per individual in attendance, the total amount collected by passing the hat will be considered a prohibited contribution and must be sent to the Chief Electoral Officer for remittance to the Consolidated Revenue Fund.

The total amount of anonymous contributions that a registered political party or registered constituency association can accept is limited to \$10,000 in any calendar year.

The total amount of anonymous contributions that a candidate, leadership contestant or nomination contestant can accept is limited to \$3,000 in any one election or contest.

Candidates

Anton Boegman provided attendees with an explanation of the nomination process for the 2013 General Election. Click on the slide below to view the PowerPoint presentation:



Questions from attendees:

Can you change the nomination form to include EBC's logo, so signatories understand that it is an official document issued by the agency?

- Anton explained that the cover sheet does include the logo and that space on the form is an issue. He also agreed to consider the request for future events beyond 2013.

Can nominees collect signatures immediately?

- Yes. Nominees can contact EBC at any time to request a nomination kit or can download nomination forms from the EBC website. Anton encouraged attendees to utilize the standing nomination process.

Are the nomination forms online fillable?

- No, the forms must be signed.

Do they have to be registered or just eligible voters to sign a nomination form?

- They must be eligible voters; they do not need to be registered.

Does a candidate have to be endorsed by their political party?

- Yes, candidates representing a political party must be endorsed by the party. The party can submit one letter of endorsement for all candidates.

Can a financial agent be a candidate?

- Yes.

Can an individual be the financial agent for more than one candidate?

- Yes.

Do individuals need to have specific credentials to be a financial agent or auditor?

- Financial agents do not need any specific credentials but they must meet the requirements established under section 176 of the *Election Act*.

- Auditors must be authorized to be the auditor of a company under the *Business Corporations Act*. This means they must be a Chartered Accountant, Certified General Accountant or be authorized by the Auditor Certification Board.

Do all candidates need an auditor?

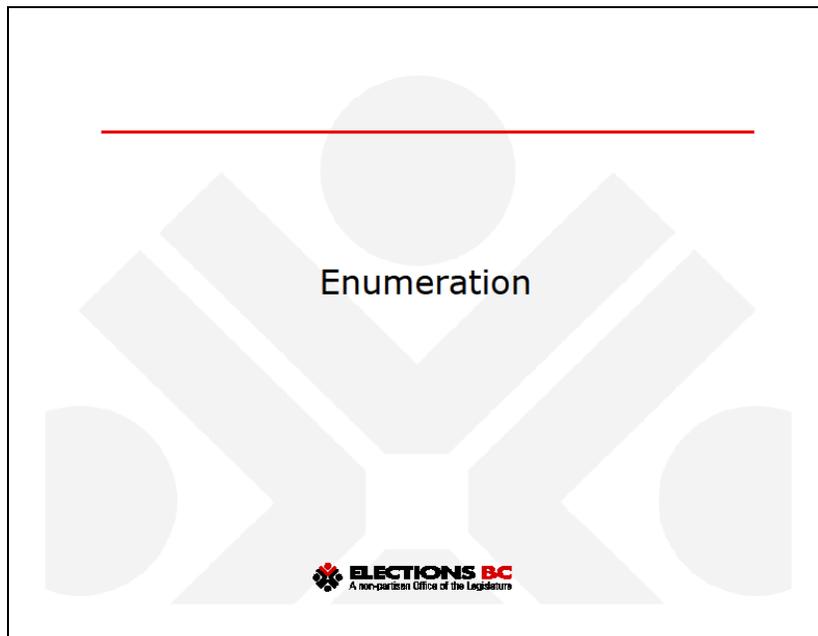
- All nominees must appoint an auditor and include the name of their auditor on their nomination documents. However, their election financing reports only need to be audited if their total election expenses or political contributions are \$10,000 or more.

What is the difference between an eligible voter and a registered voter?

- An eligible voter is an individual that meets the requirements for voting under section 29 of the *Election Act*. A registered voter is an eligible voter that is registered to vote.

Enumeration

Anton Boegman provided attendees with a description of the 2013 Enumeration strategy. Click on the slide below to view the PowerPoint presentation:



Questions from attendees:

Is it possible to collect email addresses during the 2013 Enumeration for political party use?

- It is not possible under EBC's current processes and procedures.

Will an advertising campaign accompany the province-wide mail-out?

- Yes, the enumeration advertising campaign and the mail-out will be concurrent.

Will there be a concerted effort to target youth?

- Yes, Elections BC is working with Apathy is Boring, a not-for-profit, non-partisan, organization with links to youth organizations across the province. Apathy is Boring's strategy will focus on young people at post secondary institutions, events, festivals and other social functions.

What is the strategy for targeting First Nations?

- The District Electoral Officers will create profiles of the electoral districts, and will then determine the best strategy for reaching out to underrepresented voters in their district. Tools at their disposal include registration drives, mobile voting and door-to-door enumeration.

Will Elections BC post their operational plans for comment by the political parties?

- While EBC is interested in political party input, it is very important for Elections BC remain neutral in their dealings with the political parties. EBC must not become an instrument for the parties to compete with one another. Once complete, district-based enumeration plans will be posted on the EBC website. Parties are encouraged to support planned enumeration activities in all electoral districts.

How will community outreach work in B.C.'s economic hot spots?

- Outreach efforts in these areas will be defined by the District Electoral Officers (DEOs). Each DEO will have teams of enumerators at their disposal for 16 days to do door-to-door visitation in areas of high mobility.

Will the advertising campaign highlight that voting is a right? That eligible voters "should" vote?

- Elections BC has focused on accessibility and voting/registration requirements, however, we are conducting experimental research to test our messaging.

Closing Comments

Attendees were thanked for their participation and reminded that once the meeting notes are finalized, they will be available on the Elections BC website.

Keith expressed that he hoped that participants would leave the meeting with an understanding of the preparations underway and some practical advice. He added that political parties are an essential part of the process and that he wished them successful events ahead.

The next political party information session will take place in Fall 2013.

Please direct questions regarding information presented at the Political Party Information Session to Amie Foster, Manager, Executive Services, by phone at 250-952-6226 or by email at amie.foster@elections.bc.ca.

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