ELECTIONS BC

A non-partisan Office of the Legislature

Annual Report

2009 - 2010

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October 18, 2010

Speaker of the Legislative Assembly
Province of British Columbia
Parliament Buildings
Victoria, British Columbia
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Honourable Speaker:

I have the pleasure to submit Elections BC's Annual Report for the 2009/10 fiscal year. This document reports on the activities Elections BC has undertaken between April 1, 2009 and March 31, 2010 in support of Elections BC's 2009/10 – 2011/12 Service Plan. This report is filed in accordance with section 13 (1) (a) of the *Election Act*.

Respectfully submitted,

Craig James
Acting Chief Electoral Officer

c. E. George MacMinn, Q.C., Clerk of the Legislative Assembly

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Message from the Acting Chief Electoral Officer

Over the 2009/10 fiscal year, under the direction of my predecessor, Elections BC conducted a provincial general election and made improvements in the administration of the provincial electoral process in British Columbia. This report compares the actual results of our activities to the Elections BC 2009/10 – 2011/12 Service Plan.

On May 12, 2009, Elections BC successfully delivered the 39th General Election and the 2009 Referendum on Electoral Reform. Over 37,000 election officials were hired to conduct voting at more than 1,600 voting places across the province. These two events were administered efficiently, effectively and economically.

The remainder of the fiscal year following the general election was busy with post-election activities, including the receipt and review of financing reports for candidates, political parties, constituency associations, advertising sponsors and referendum proponents and opponents; a survey of political parties regarding Elections BC's administration of the election; and investigations.

Elections BC also worked on projects aimed at improving electoral administration. An Electoral Management Reference Model was developed and published, providing a unique and comprehensive template for electoral administration. We also completed the first phase of a project to align Elections BC's geography system to the Digital Road Atlas, which is the new standard for electronic mapping. Finally, in February 2010, Elections BC granted approval in principle to the HST initiative petition and began registering canvassers.

Under the *Election Act*, the Chief Electoral Officer's term ends 12 months after the return of the last writ for the second consecutive general election. Accordingly, planning began during 2009/10 for the end of Harry Neufeld's term on June 5, 2010 and the transition to a new Chief Electoral Officer.

Craig James
Acting Chief Electoral Officer

The organization

Elections BC is an independent, non-partisan Office of the Legislature responsible for conducting provincial general elections, by-elections and referenda, and administering the recall and initiative process as detailed in provincial legislation.

Vision

To be leaders in electoral administration.

Mission

To serve democracy in British Columbia through the fair and impartial administration of the provincial electoral process.

Mandate

To administer the provincial electoral process in British Columbia in accordance with the *Election Act*, *Recall and Initiative Act* and *Constitutional Amendment Approval Act.*

Elections BC's corporate values are:

- Accountability
- Impartiality
- Independence
- Integrity
- Transparency

These values were selected through an all-staff consultation process. By staying true to these values, Elections BC will earn and maintain the trust of its clients and stakeholders.

CORE PROGRAM AREAS

For operational purposes, in 2009/10 Elections BC comprised five program areas.

Executive

The Executive program area provides organizational leadership and is responsible for legislation, Orders and Regulations, compliance, enforcement and investigations, partnerships, inter-jurisdictional liaison and collaboration, reporting to the Legislative Assembly, communications and voter outreach, and public education programs regarding voter registration and the electoral process.

Electoral Finance and Corporate Administration

The Electoral Finance and Corporate Administration program area is responsible for political party and constituency association registration, campaign finance reporting, advertising sponsor registration and financial disclosure as well as conducting financial compliance reviews of political parties, constituency associations, candidates, advertising sponsors, leadership contestants and recall and initiative participants.

The program area is also responsible for corporate finance and administration and human resource services for Elections BC's core group of public service employees and more than 37,000 temporary staff and election officials during major electoral events.

Corporate Planning and Event Management

The Corporate Planning and Event Management program area is responsible for the effective and efficient planning and administration of provincial electoral events, including general elections, by-elections, referenda, recall petitions, initiative petitions and initiative votes. This includes ensuring Elections BC is in a constant state of readiness for on-demand events, as well as leading the planning, preparation and administration of scheduled events.

Corporate Planning and Event Management manages Elections BC's 85 District Electoral Officers, coordinates event support activities across other program areas and leads post-event reporting, evaluation and assessment.

Corporate Planning and Event Management is also responsible for the organization's strategic planning and development and maintenance of Elections BC's planning framework, risk management and performance measurement programs.

Voter Registration and Boundaries

Voter Registration and Boundaries is responsible for voter registration, including enumeration, management and maintenance of the provincial register of voters, maintenance of electoral district and voting area boundaries as well as the production of high-quality electoral data, reports and other information services.

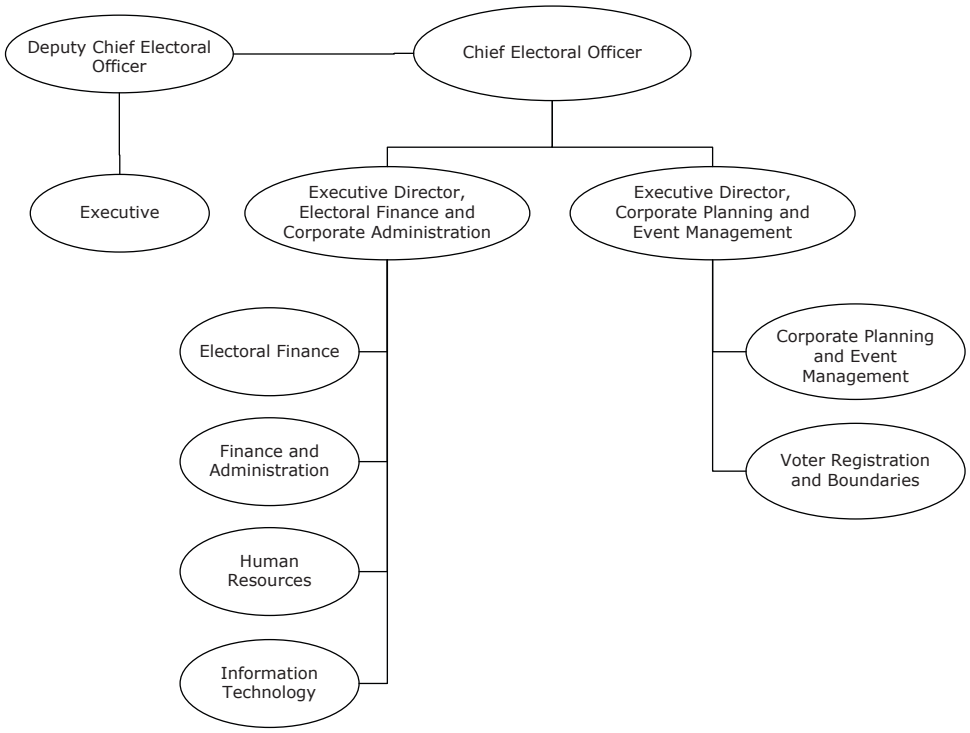
The Voter Registration and Boundaries program area is also responsible for providing a variety of products necessary for the administration of electoral events including the provincial voters list, an address register, the Integrated Digital Electoral Atlas, electoral maps, street indexes and the Location Index, and reports regarding the quality of the voters list.

Information Technology

The Information Technology (IT) program area provides information management systems, computer infrastructure and technical services for Elections BC. The program area leads IT planning, develops and implements IT policies, procedures and standards, implements corporate IT projects and performs systems operations, administration, security and maintenance.

ORGANIZATION CHART

In 2009/10 Elections BC was structured as follows:



Report on performance

Elections BC's four corporate goals serve as the basis upon which organizational performance is measured.

The four goals are:

1. Ensure ongoing support and enhancement of the electoral process.
2. Ensure effective and efficient administration of electoral events.
3. Provide an inclusive and accessible electoral process.
4. Be a learning organization that develops and shares best practices.

These goals, which are strategically aligned with the organization's vision and mission, reflect the four key performance areas in which Elections BC must be successful to effectively deliver its mandate. These goals were approved by senior management following strategic planning sessions with all staff. In 2009/10, Elections BC established objectives and implemented strategies to achieve these goals for the organization to deliver the province's 2009 General Election and Referendum on Electoral Reform, as well as any on-demand events. Elections BC's performance in achieving these goals is assessed against well-designed performance measures established for each goal.

GOAL 1: ENSURE ONGOING SUPPORT AND ENHANCEMENT OF THE ELECTORAL PROCESS

Maintaining organizational and systems readiness for fixed-date or on-demand events requires cross-program coordination and integration throughout the business and financial cycle. Keeping the electoral and other information systems up to date, maintaining the policy and legislative framework, providing ongoing investments in voter registration and recruiting appropriately skilled staff are critical to the success of Elections BC.

Objectives:

Elections BC's 2009/10 objectives were to:

1.1 Produce quality and timely electoral information.

1.2 Develop and maintain policy and legislative frameworks that permit innovation and facilitate compliance.

1.3 Maintain a sound infrastructure that meets our organizational needs.

Strategies:

Elections BC intended to:

- Maintain and improve the voters list and address register through:
  - implementing data-quality standards and regular measuring of list quality against those standards
  - expanding and enhancing data access agreements
  - reviewing, analyzing and improving data exchange and integration processes, and
  - contacting voters directly and through mailings.
- Work proactively and cooperatively with policy and legislative specialists to shape the development of legislation to improve clarity and simplify processes and services for voters and clients.
- Study and report on what is necessary for Elections BC to implement BC-STV, if voters chose that system in the 2009 Referendum on Electoral Reform.
- Monitor compliance and evaluate legislation and policy changes to address issues.
- Maintain a legislative interpretation compendium.
- Maintain the corporate risk management program.
- Research requirements and investigate options for electoral technology renewal.
- Review voting administration procedures to identify efficiencies and establish best practices.

Elections BC again exceeded the performance targets set for maintaining a high quality voters list in 2009/10. Having a high-quality voters list enabled Elections BC to better deliver services to voters during the 2009 provincial election and referendum on electoral reform.

Key performance measure for Goal 1 - Elections BC will maintain a high-quality voters list measured through coverage, currency and net currency[1]		
Performance Measure	**2009/10 Target**	**2009/10[2] Actual**
Coverage	90%	92.5%
Currency	80%	89.7%
Net currency	72%	83.0%

[1] Coverage is the percentage of voters on the list compared to the number of eligible voters in the province. Currency is the percentage of voters on the list at the right address. Net currency is the percentage of eligible voters on the list at the right address.
[2] May 12, 2009 estimate provided by BC Stats

HIGHLIGHTS OF 2009/10

Objective 1.1

Voters list quality

- As a result of the comprehensive mail-based enumeration of voters conducted between February 2, 2009 and April 21, 2009, the revised voters list provided to political parties, candidates and election officials included 91.4% of estimated eligible voters.

Event reporting

- Published a series of reports of the Chief Electoral Officer on the 2008 Electoral Boundary Redistribution, the 2009 Enumeration, the 2009 General Election and Referendum on Electoral Reform and two Statements of Votes respecting the 2009 General Election and the 2009 Referendum on Electoral Reform.

Objective 1.2

Legislative change

- Consulted with the Election Advisory Committee on the Chief Electoral Officer's recommendations for legislative change.
- Provided input to the Local Government Elections Task Force.

Facilitating compliance

- Signed memorandums of understanding with the RCMP and municipal police forces establishing protocols for the process of referring investigations to the appropriate police force, and with the Criminal Justice Branch establishing a protocol for how the Chief Electoral Officer will refer a matter to the Criminal Justice Branch.
- Conducted investigations into alleged corrupt voting and the financial affairs of several political entities, and conducted compliance reviews on more than 930 financing reports filed by political entities.

Objective 1.3

Strategic planning

- Completed the Strategic Plan 2010-2014.

Documenting electoral administration

- Finalized the Electoral Management Reference Model which provides a solid and shared understanding of the business of election management as it exists today. The model will facilitate collaboration, shared technology and business practices among Canada's electoral administrators.

Digital Road Atlas 2

- Completed the first phase of a project to align Elections BC's geographic data, including electoral district and voting area boundaries, to the new standard for the digital road network throughout B.C., the Digital Road Atlas 2. Adoption of this road network will lead to increased accuracy in geocoding (spatially positioning an address location) addresses and lead to increased efficiencies in sharing digital information with other organizations and agencies, including Elections Canada, BC Stats and GeoBC.

GOAL 2: ENSURE EFFECTIVE AND EFFICIENT ADMINISTRATION OF ELECTORAL EVENTS

Electoral events give British Columbians the opportunity to participate in the democracy of their province. As custodian of that right, Elections BC must ensure the efficient and effective administration of electoral events through the implementation of redistributed electoral boundaries, the development of voters lists, organizational readiness and the provision of a wide range of opportunities for eligible voters to participate in events.

Objectives:

Elections BC's 2009/10 objectives were to:

2.1 Maintain an appropriate level of readiness to administer all electoral events.

2.2 Administer electoral events using detailed event plans created and delivered by Elections BC staff.

Strategies:

Elections BC intended to:

- Administer the redistribution, enumeration, election and referendum on electoral reform according to the approved event plans including:
  - communicating extensively with voters to inform them about electoral activities and encourage registration and voting
  - hiring and training over 37,000 election and voter registration officials
  - conducting voting and counting
  - reporting and publishing election results
- Review legislated electoral finance disclosure and expense reports.
- Review event administration processes to improve planning and delivery of future electoral events.
- Conduct quarterly reviews to confirm by-election and recall and initiative petition event readiness.

Elections BC achieved the performance measure for this goal during 2009/10, under highly challenging conditions of significant organizational stress resulting from major legislative change and the administration of two by-elections within a year of a general election and referendum. Both Elections BC's strong planning culture as well as tremendous dedication by staff enabled the achievement of this measure.

Key performance measure for Goal 2 - Elections BC will establish and achieve event-readiness milestones		
Performance Measure	**2009/10 Target**	**2009/10 Actual**
Percentage event-readiness milestones achieved on time	100%	100%

HIGHLIGHTS OF 2009/10

Objective 2.1

Event readiness

- Revised forms, guides and processes in preparation to administer the HST initiative petition.

Objective 2.2

2009 General Election and Referendum on Electoral Reform

- The 2009 Referendum on Electoral Reform was held in conjunction with the 39th Provincial General Election on May 12, 2009.
- 346 candidates were nominated.
- 85 District Electoral Officers and 91 Deputy District Electoral Officers hired over 37,000 officials to conduct voting at more than 1,600 voting places across the province.
- Total combined cost for these events was $37,382,136.
- At the end of General Voting Day, there were 2,995,465 registered voters on the voters list, representing 92.5% of estimated eligible voters.
- Voter turnout for the 2009 election was 51.0% of eligible voters.
- The results of the referendum did not meet either threshold of required support as established by the *Electoral Reform Referendum 2009 Act.*

HST initiative petition

- Granted approval in principle to the HST initiative petition and began registering canvassers and initiative petition advertising sponsors.

GOAL 3: PROVIDE AN INCLUSIVE AND ACCESSIBLE ELECTORAL PROCESS

This goal recognizes the need for the province's electoral processes to be inclusive and accessible for all British Columbia's voters. Ensuring the organization makes information and services available that meet voters' needs is fundamental to the success of Elections BC and the province's democracy.

Objectives:

Elections BC's 2009/10 objectives were to:

3.1 Provide high-quality services to clients in a manner that is responsive to their needs.

3.2 Provide the public with easy-to-understand information and materials about the electoral process.

Strategies:

Elections BC intended to:

- Consult with voters and other clients to identify ways to improve their experience with the electoral process.
- Develop and implement long-term public education strategies to engage voters and improve democratic participation.
- Hold structured annual meetings with all registered political parties to provide information, reinforce roles and gather feedback.
- Investigate options for developing new voting, counting and voting place procedures and using technologies to increase efficiency and provide better service to voters.

Elections BC participated in developing a client survey of B.C. municipalities that was to be administered by another organization, with the results reported on as a key performance measure in the 2008/09 Annual Report. Due to issues within the organization administering the survey, the survey has been delayed and results were still not available at the time of publication of this report. The results of that client survey will be published on the Elections BC website when available.

Key performance measure for Goal 3 - Elections BC will conduct an annual survey of selected client groups to evaluate client response to specific programs or services. *The 2009/10 survey is of voters' satisfaction with the way Elections BC administered the election.*

Performance Measure	2009/10 Target	2009/10 Actual
Percentage average annual satisfaction score	80%	86%

HIGHLIGHTS OF 2009/10

Objective 3.1

Services to sight-impaired voters

- To assist sight-impaired individuals, Elections BC provided all election communications material via the VoicePrint broadcast service and made Braille lists of candidates available in every voting place.

Helping voters with special needs

- Improved accessibility tools were developed for voting places.
- Election and voter registration materials were translated into 16 languages.
- A video entitled "Meeting Your Needs" to advise voters with disabilities of their voting options was posted to the Elections BC website.

Objective 3.2

Media support

- Collaborated with media outlets to generate 'earned' media opportunities and ensured the publication of accurate information by using news releases, media advisories, story ideas, backgrounders and articles for publication, in addition to numerous media interviews.

Engaging the public

- "5 days of voting" theme was used to promote advance voting as an additional voting opportunity available to all voters.
- Advertised "5 days of voting" at GM Place during Vancouver Canucks playoff games.
- Mailed a brochure entitled "Get ready to vote" to 1.6 million homes.
- Elections BC website received over 280,000 hits during the campaign period.
- Liaison officers focused on the needs of Aboriginal communities and young voters to raise awareness of the electoral process and promote voter registration in their targeted communities.

"Democracy on Location"

- A YouTube video contest for B.C. middle and secondary students to celebrate the second annual United Nations International Day of Democracy. The promotion invited students to create a short video about democracy in their lives at school, home or with their friends, and was a joint initiative between Elections BC and the Office of the Speaker of the Legislative Assembly.

"I just wanted to say thank you….I vote and I am blind….Thanks again for making my voting process accessible and something I could do secretly."

Sarah M.
Kelowna

"Thank you very much for your reminders and phone calls offering help. You people are fantastic and the amount of help and guidance available is greatly appreciated."

Financial Agent
Registered Political Party

GOAL 4: BE A LEARNING ORGANIZATION THAT DEVELOPS AND SHARES BEST PRACTICES

Elections BC is a highly focused and dynamic organization that is ready to respond to scheduled and on-demand electoral events. The organization is committed to the development and implementation of sound business and human resource policies and procedures that encourage best practices, partnerships with external clients and support for the organization's staff.

Objectives:

Elections BC's 2009/10 objectives were to:

4.1 Participate in, encourage and support partnerships and inter-jurisdictional cooperation.

4.2 Encourage and support staff in professional development.

4.3 Establish a learning and teaching culture that fosters innovation.

Strategies:

Elections BC intended to:

- Expand and enhance partnerships with key stakeholders including data providers, municipalities and other electoral jurisdictions.
- Observe and learn from electoral events and their management in other jurisdictions.
- Participate in Canadian electoral conferences.
- Refine and maintain employee performance and development plans.
- Improve the staff training program.

Despite staff taking on additional workloads to administer the 2009 General Election and Referendum on Electoral Reform and conduct necessary post-event activities, Elections BC was able improve upon its score from last year and meet its target for this performance measure. Elections BC is proud of its staff's commitment to being a learning and teaching organization.

Key performance measure for Goal 4 - Elections BC will encourage staff participation in a variety of education activities		
Performance Measure	**2009/10 Target**	**2009/10 Actual**
Percentage calculated learning index[3] score for EBC's permanent staff	80%	80.2%

[3] The learning index is an aggregate measure of Elections BC staff participation in workshops, conferences, the CCEO Electoral Technology Committee, partnership agreements, inter-jurisdictional sharing and employee training.

HIGHLIGHTS OF 2009/10

Objective 4.1

B.C. election and referendum visitor's program

- Twenty-five guests from across Canada, the U.S. and Australia who were interested in British Columbia's absentee voting process and voter identification requirements came to Victoria to observe the election and referendum and meet with Elections BC staff.

Inter-jurisdictional cooperation

- The Chief Electoral Officer and Director, Voter Registration and Boundaries made a presentation at an international conference of voter registration officials and shared British Columbia innovations in voter registration and technology with representatives from jurisdictions in the U.S.
- The Chief Electoral Officer chaired the 2009 Conference of Canadian Election Officials in Alberta.
- Three staff made presentations at the annual conference of the international Council on Governmental Ethics Laws (COGEL).
- Human resources staff attended a working group meeting hosted by Elections Canada on the recruitment of election workers.

Objective 4.2

Professional development

- Staff attended courses, workshops and conferences on topics such as: project management, effective communication skills, emergency preparedness, career development, various computer software, ethics, electoral finance and election administration.
- Provided career transition support to long-term temporary employees hired for the redistribution, enumeration, general election and referendum.
- The Executive Director, Electoral Finance and Corporate Administration continued to serve on the Professional Development Review Committee of the Institute of Chartered Accountants of B.C.

Objective 4.3

Learning culture

- An Elections BC Planning Manager appointed as a replacement District Electoral Officer during the 2009 General Election gave all staff valuable insight into how our field operations work during a general election, and how Elections BC can continue to improve delivering elections and other events.

Financial report

The Select Standing Committee on Finance and Government Services reviews and makes recommendations to the Legislative Assembly regarding the budget estimates for Elections BC.

Following the Committee's pre-budget consultation process which concludes on November 15 of each year, arrangements are made for each of the eight Statutory Officers to appear before the Committee. In the case of Elections BC, a submission is made to the Select Standing Committee on Finance and Government Services regarding the Office's budget estimates, three-year rolling service plan and its annual report. By mid-December, the Committee has generally concluded its work in this area and its report to the House on the matter becomes public. The witnesses to the Committee are the Statutory Officers themselves and the are generally supported by senior officials from their Offices who bring additional expertise to the hearings.

Elections BC met with the Committee on November 25, 2009. The Chief Electoral Officer provided the Committee with a comprehensive review of Election BC's financial results for the previous fiscal year (2008/09) along with the budget requirements for ongoing operations and preparations for an upcoming province-wide door-to-door enumeration required by the *Election Act*.

The Committee recommended that Elections BC's ongoing (non-event) operating budget for fiscal years 2010/11 through 2012/13 be reduced from $7.753 million to $7.740 million.

The 2009/10 operating budget and results shown on the next page include the operating costs incurred in fiscal 2009/10 to administer the 2009 General Election and Referendum on Electoral Reform.

Operating budget

	2009/10 Budget $	2009/10 Actual $	Variance $
Funding			
Estimates	41,440,000	41,440,000	-
Total Funding	41,440,000	41,440,000	-
Expenses (Note 1)			
Salaries of permanent and temporary employees	23,044,000	21,233,230	1,810,770
Employee benefits	1,860,000	1,226,598	633,402
	24,904,000	22,459,858	2,444,172
Travel	136,000	86,680	49,320
Centralized management support services	1,233,000	1,021,299	211,701
Professional services	1,614,000	1,428,702	185,298
Information systems	3,671,000	3,291,849	379,151
Office and business expenses	4,071,000	4,233,812	(162,812)
Advertising and publications	2,618,000	2,409,950	208,050
Utilities, supplies, operating equipment	82,000	137,538	(55,538)
Amortization	596,000	555,149	40,851
Building occupancy - Short-term Non-ARES	2,378,000	2,130,875	247,125
Transfers/grants (Note 2)	130,000	130,000	-
Other expenses	7,000	8,903	(1,903)
Total Expenses (Note 3)	41,440,000	37,894,585	3,545,415
Funding Returned	-	3,545,415	

Note 1 - The budget is the Estimates budget based upon anticipated activities at the beginning of the year and does not include reallocations of budget made during the fiscal year.

Note 2 - Transfers/grants is for funding the registered opponent and proponent groups for the 2009 Referendum on Electoral Reform.

Note 3 - The budget includes additional funding for the 2009 General Election and Referendum on Electoral Reform. The ongoing (non-event) operating budget for 2009/10 was $7,753,000.

Appendices

Appendix A: Political party registrations and deregistrations

Appendix B: Constituency association registrations and deregistrations

Appendix C: Orders of the Chief Electoral Officer

Appendix D: Minutes of the Election Advisory Committee

Appendix A - Political party registrations and deregistrations

As of March 31, 2010, there were 23 political parties registered in B.C.

The following political party registrations and deregistrations occurred between April 1, 2009 and March 31, 2010.

Political party registrations

- Western Party

Voluntary political party deregistrations

- Annexation Party of BC, The
- Confederation Party of British Columbia
- Moderate Democratic Movement, The

Involuntary political party deregistrations

The following political party was deregistered for failure to file a supplementary 2007 annual financial report:

- Planting Seeds Party

The following political party was deregistered for failure to file a 2008 annual financial report:

- Herb Party, The

The following political parties were deregistered for failure to field sufficient candidates:

- British Columbia Democratic Futures
- Citizens Action Party
- Emerged Democracy Party of British Columbia
- Link BC
- Party Of Citizens Who Have Decided To Think For Themselves And Be Their Own Politicians

Appendix B - Constituency association registrations and deregistrations

As of March 31, 2010, there were 95 constituency associations registered in B.C.

The following constituency association registrations and deregistrations occurred between April 1, 2009 and March 31, 2010.

The high level of deregistration was due to the implementation of the new electoral district boundaries, which resulted in the mandatory deregistration of all constituency associations registered under the previous electoral districts.

Constituency association registrations

BC NDP:
- Abbotsford-Mission Constituency Association BC NDP
- Fort Langley-Aldergrove Constituency Association BC NDP
- Maple Ridge-Mission Constituency Association BC NDP

British Columbia Conservative Party:
- Chilliwack Constituency Association British Columbia Conservative Party
- Chilliwack-Hope Constituency Association British Columbia Conservative Party
- West Vancouver-Capilano Constituency Association British Columbia Conservative Party

British Columbia Social Credit Party:
- Abbotsford West Constituency Association British Columbia Social Credit Party

Independent:
- Delta South Constituency Association Independent MLA Vicki Huntington

Constituency association deregistrations

BC NDP:
- Abbotsford-Clayburn Constituency Association BC NDP
- Abbotsford-Mount Lehman Constituency Association BC NDP
- Chilliwack-Kent Constituency Association BC NDP
- Chilliwack-Sumas Constituency Association BC NDP
- Cowichan-Ladysmith Constituency Association BC NDP
- Fort Langley-Aldergrove Constituency Association BC NDP

- Kamloops Constituency Association BC NDP
- Kelowna-Mission Constituency Association BC NDP
- Maple Ridge-Mission Constituency Association BC NDP
- New Westminster Constituency Association BC NDP
- North Vancouver-Lonsdale Constituency Association BC NDP
- Peace River North Constituency Association BC NDP
- Peace River South Constituency Association BC NDP
- Port Moody-Westwood Constituency Association BC NDP
- Prince George North Constituency Association BC NDP
- Skeena Constituency Association BC NDP
- Surrey-Cloverdale Constituency Association BC NDP
- Surrey-Tynehead Constituency Association BC NDP
- Surrey-Whalley Constituency Association BC NDP
- Vancouver-Fairview Constituency Association BC NDP
- Vancouver-Kingsway Constituency Association BC NDP
- Vancouver-Langara Constituency Association BC NDP
- West Vancouver-Garibaldi Constituency Association BC NDP

British Columbia Conservative Party:

- Surrey-White Rock Constituency Association British Columbia Conservative Party

British Columbia Social Credit Party:

- Abbotsford-Clayburn Constituency Association British Columbia Social Credit Party
- Peace River South Constituency Association British Columbia Social Credit Party
- Prince George North Constituency Association British Columbia Social Credit Party
- Prince George-Mount Robson Constituency Association British Columbia Social Credit Party
- Prince George-Omineca Constituency Association British Columbia Social Credit Party
- Vancouver-Hastings Constituency Association British Columbia Social Credit Party

Green Party Political Association of British Columbia:

- Alberni-Qualicum Constituency Association Green Party Political Association of British Columbia
- Nanaimo Constituency Association Green Party Political Association of British Columbia
- Nelson-Creston Constituency Association Green Party Political Association of British Columbia

- Powell River-Sunshine Coast Constituency Association Green Party Political Association of British Columbia
- Vancouver-Langara Constituency Association Green Party Political Association of British Columbia
- Victoria-Hillside Constituency Association Green Party Political Association of British Columbia

Party Of Citizens Who Have Decided To Think For Themselves And Be Their Own Politicians:

- Burnaby-Edmonds Constituency Association Party Of Citizens Who Have Decided To Think For Themselves And Be Their Own Politicians

Appendix C: Orders of the Chief Electoral Officer

Section 280 of the *Election Act* establishes the authority of the Chief Electoral Officer to make specific or general Orders under certain circumstances. Between April 1, 2009 and March 31, 2010, 53 Orders were made by the Chief Electoral Officer. The orders are reproduced below:

ORD001-2009
April 20, 2009

Some alternative absentee voting packages were issued by the North Vancouver-Lonsdale district electoral office containing the incorrect certification envelope, which did not have a space for the witness' signature as required by s. 106 of the *Election Act*. The certification envelopes received from the affected voters were considered at the final count without a witness' signature.

ORD002-2009
April 23, 2009

A voter was mistakenly informed at a district electoral office that her electoral district of residence was Penticton and was instructed to vote for candidates in the incorrect district. The voter was subsequently permitted to vote based on the correct electoral district. The certification envelope containing the ballots for the incorrect electoral district remained unopened at the final count.

ORD003-2009
April 24, 2009

Voters who vote by alternative absentee voting in the office of the District Electoral Officer under s. 104 of the *Election Act* are required to sign a declaration that the voter is eligible to vote by alternative absentee voting. An election official in the district electoral office for New Westminster used the incorrect certification envelope for several voters, which did not have the printed declaration. All other requirements of the voter's declaration were met. Certification envelopes received from the affected voters were considered at the final count as if the correct envelopes were used.

ORD004-2009
April 24, 2009

An election official at the Comox Valley district electoral office erred in placing a blank certification envelope containing the ballots marked by a voter in the ballot box. An empty certification envelope containing the voter's information and declaration was subsequently placed in the same ballot box. At the close of general voting on General Voting Day the two certification envelopes were attached together and considered as a single envelope for the voter at the final count.

ORD005-2009
April 24, 2009

An election official in the Shuswap district electoral office erred by not requiring a voter to accept a referendum ballot and by not including it in the certification envelope for that voter. A blank referendum ballot was subsequently placed in a secrecy envelope and placed in the ballot box without a certification envelope. At the close of general voting on General Voting Day the secrecy envelope was attached to the voter's certification envelope and considered as a single envelope at the final count.

ORD006-2009
May 1, 2009

The Reform Party of British Columbia was granted an extension to the deadline to submit the endorsement of candidates required by s. 60 of the *Election Act* in order for the party name to appear on the ballot. Although there was no record of receipt of an endorsement of candidates, the political party provided evidence that the endorsement document had been faxed to Elections BC before the end of the nomination period.

ORD007-2009
April 30, 2009

A nominee was granted an extension to the deadline to submit the signed financial disclosure document required by s. 54 of the *Election Act* in order to be a candidate. The nominee's nomination documents had been accepted by the District Electoral Officer and a certificate of candidacy was issued to the candidate on April 24, 2009, however it was later discovered that the financial disclosure form was not signed.

ORD008-2009
April 30, 2009

A voter who submitted an alternative absentee voting package erred by returning the sealed secrecy envelope containing the ballots outside of the sealed certification envelope bearing the name and declaration of the voter. The secrecy and certification envelopes were attached together and considered as a single envelope at the final count.

ORD009-2009
May 8, 2009

Voters who vote by alternative absentee voting in the office of the District Electoral Officer under s. 104 of the *Election Act* are required to sign a declaration that the voter was eligible to vote by alternative absentee voting. An election official at the Victoria-Beacon Hill district electoral office erred in placing a certification envelope containing the ballots marked by a voter in the ballot box before the voter had signed the declaration. An empty certification envelope containing the voter's information and signed declaration was subsequently placed in the same ballot box. At the close of general voting on General Voting Day the two certification envelopes were attached together and considered as a single envelope at the final count.

ORD010-2009
May 8, 2009

Some alternative absentee voters voting in several district electoral offices were issued ordinary ballots instead of write-in ballots. The ballots cast by these voters were not rejected at the final count on the basis that the incorrect ballots were used.

ORD011-2009
May 11, 2009

Two alternative absentee voters voting in the Abbotsford West district electoral office were issued ordinary ballots instead of write-in ballots. The certification envelopes containing the marked ordinary ballots were placed in the ballot box. When the error was discovered, the voters were asked to return to the district electoral office to vote using the correct ballots. The certification envelopes containing the marked write-in ballots were also placed in the ballot box. One certification envelope for each of these voters was marked as remaining unopened at the final count and the other certification envelopes were considered as if they contained the only votes cast by these voters.

ORD012-2009
May 8, 2009

In Richmond Centre and Richmond East, ordinary ballots were printed in error with the sequential serial numbers in the space intended for the voter number on the stubs and counterfoils. Despite the requirements of s. 86 of the *Election Act* that the ballots be in the form established in Form 2 of the Schedule to the *Election Act*, these ballots were accepted for use in the May 12, 2009 General Election.

ORD013-2009
May 8, 2009

Election officials in the North Vancouver-Lonsdale district electoral office erred in not recording counterfoil numbers on several certification envelopes as required by s. 105 of the *Election Act*. The certification envelopes received from the affected voters were accepted as if they had the required counterfoil numbers recorded on them.

ORD014-2009
May 8, 2009

An election official at the West Vancouver-Sea to Sky district electoral office erred in placing voter's marked election ballot and the counterfoil from the voter's referendum ballot in a secrecy envelope, which was then placed in a certification envelope and put in the ballot box. The marked referendum ballot was then placed in a secrecy envelope and placed in the same ballot box. At the initial count the secrecy envelope and certification envelope were attached together and considered as if the secrecy envelope was contained in the certification envelope for the final count.

ORD015-2009
May 8, 2009

The election officials at an absentee advance voting opportunity in Vancouver-Fraserview erred and did not place marked ballots for six voters in secrecy envelopes and certification envelopes as required by s. 101 of the *Election Act*. The marked ballots were placed directly in the ballot box. The voters were then asked to vote again using the proper procedures. At the initial count the ballots that were not contained in secrecy envelopes and certification envelopes were removed, sealed in an envelope marked as being subject to this Order and not counted. The certification envelopes containing marked ballots issued to these voters were dealt with at the initial and final counts as if they were the only votes cast by the affected voters on that day.

ORD016-2009
May 8, 2009

Several voters were incorrectly advised at an advance voting opportunity in Prince George-Valemount to vote under the absentee provisions of s. 101, but were issued an ordinary ballot instead of a write-in ballot. The ballots cast by the affected voters were not rejected at the final count on the basis that ordinary ballots were used.

ORD017-2009
May 11, 2009

A voter was incorrectly advised at an advance voting opportunity in Fort Langley-Aldergrove to vote under the absentee provisions of s. 101. When this error was discovered, the voter was invited to return and vote using the proper procedures for their electoral district of residence. The certification envelope remained unopened at the final count and the entry in the absentee voting book for the voter was struck through.

ORD018-2009
May 11, 2009

An election official at an advance voting opportunity in Victoria-Beacon Hill erred in putting a voter's marked write-in ballot and marked referendum ballot directly into the advance voting ballot box rather than in a certification envelope in an absentee ballot box. When this error was discovered, the voter was invited to return and vote using the proper procedures. The write-in ballot was removed from the advance voting ballot box at the initial count and was not considered in the count.

ORD019-2009
May 11, 2009

A voter in Peace River North erred in putting a marked election ballot in an absentee advance voting ballot box without a secrecy envelope or certification envelope, and a marked referendum ballot in the same box in a secrecy envelope but without a certification envelope. An empty, signed certification envelope was also placed in the ballot box. At initial count, the election ballot was placed in a secrecy envelope, and both secrecy envelopes were attached together to the certification envelope and considered as a single envelope at the final count.

ORD020-2009
May 11, 2009

A voter in the Nechako Lakes electoral district submitted an alternative absentee voting package with the sealed secrecy envelope containing the ballots outside of the sealed certification envelope bearing the name and declaration of the voter. The secrecy and certification envelopes were attached together and considered as a single envelope at the final count.

ORD021-2009
May 11, 2009

Due to an error by an election official in Vancouver-Fraserview, the ballots of a voter attending an advance voting opportunity were placed in the ballot box containing certification envelopes for absentee advance voting. At initial count, the voter's ballots were provided to the election officials responsible for the voting station where the ballots were issued and were included in the initial count for that voting station.

ORD022-2009
May 11, 2009

An election official at an absentee advance voting opportunity in Delta South did not notice that two write-in ballots were stuck together and issued both ballots to a voter. During preparations for the final count, the secrecy envelope was opened and examined by the District Electoral Officer to determine if both write-in ballots were marked. If only one write-in ballot was marked by the voter, the other ballot would be set aside and not considered at the final count.

ORD023-2009
May 11, 2009

Two voters resident in other electoral districts were present at a special voting opportunity in Burnaby-Edmonds and were issued ordinary ballots instead of write-in ballots. The certification envelopes containing the marked ordinary ballots were placed in the ballot box. When the error was discovered, the voters were invited to vote during advance voting or general voting for the correct electoral district. The certification envelopes for each of these voters were not forwarded to the other electoral districts for inclusion in the final count and the entries for the voters in the special voting opportunity voting book were struck through.

ORD024-2009
May 11, 2009

A team of election officials in Richmond Centre erred in using a general voting book and administering voting at a seniors' home using general voting procedures instead of special voting procedures. The ballots cast were considered at the initial count as if they were cast at the assigned voting place on General Voting Day. The ballots cast at the special voting opportunity were combined with the ballots cast at the voting station on General Voting Day.

ORD025-2009
May 12, 2009

Election officials in the Surrey-Green Timbers district electoral office erred in not recording counterfoil numbers on several certification envelopes as required by s. 105 of the *Election Act*. The certification envelopes received from the affected voters were accepted as if they had the required counterfoil numbers recorded on them.

ORD026-2009
May 12, 2009

Some alternative absentee voters voting in the Westside-Kelowna district electoral office were issued ordinary ballots instead of write-in ballots. The ballots cast by the affected voters were not rejected at the final count on the basis that the incorrect ballots were used.

ORD027-2009
May 12, 2009

A team of election officials at a site-based voting area in Vancouver-Fraserview erred in updating the residential address of non-resident voters to the address of the site-based voting area. The officials administered general voting to non-resident voters and did not use certification envelopes as required by s. 98 of the *Election Act*. The ballot box was sealed and remained unopened at the initial count and the final count. The voters were permitted to vote again using the correct procedures.

ORD028-2009
May 12, 2009

An election official at an absentee voting opportunity in Delta South did not notice that two write-in ballots were stuck together and issued both ballots to a voter. During preparations for the final count, the secrecy envelope was opened and examined by the District Electoral Officer to determine if both write-in ballots were marked. If only one write-in ballot was marked by the voter, the other ballot would be set aside and not considered at the final count.

ORD029-2009
May 12, 2009

A team of election officials at a special voting opportunity in Penticton erred in not issuing certification envelopes as required by s. 98 of the *Election Act*. The ballot box was sealed and remained unopened at the initial count and the final count. The voters were permitted to vote again using the correct procedures.

ORD030-2009
May 12, 2009

Election officials at two voting stations in Burnaby-Edmonds and Juan de Fuca erred in not having all voters sign the general voting books as required by s. 96 of the *Election Act*. The ballots were considered at initial count as if the voters had signed the necessary declaration in the voting books.

ORD031-2009
May 12, 2009

Election officials in Burnaby-Edmonds and Nelson-Creston erred by providing ordinary ballots instead of write-in ballots to two voters voting under absentee provisions. When the errors were discovered, the voters were invited to vote again using the correct procedures. The second time they voted, the certification envelopes were marked by the officials in such a way that they could be distinguished from the first set of envelopes. The first set of certification envelopes was set aside and not considered at the initial or final counts.

ORD032-2009
May 12, 2009

A team of election officials in Burnaby-Edmonds erred in using the incorrect voting book at a site-based voting area. The ballots were considered at the initial count as if the correct voting book had been used.

ORD033-2009
May 12, 2009

At two voting locations in Surrey-Newton and Victoria-Swan Lake election officials erred by not providing certification envelopes to all voters voting under absentee provisions. The ballots that were not in certification envelopes were set aside and were not considered at the initial or final counts.

ORD034-2009
May 12, 2009

An election official at an absentee voting opportunity in Vancouver-Fraserview did not notice that two write-in ballots were stuck together and issued both ballots to a voter. During preparations for the final count, the secrecy envelope was opened and examined by the District Electoral Officer to determine if both write-in ballots were marked. If only one write-in ballot was marked by the voter, the other ballot would be set aside and not considered at the final count.

ORD035-2009
May 12, 2009

A voter whose personal information was omitted from the voters list for reasons of personal safety was permitted to vote under the provisions of s. 104 of the *Election Act* until 5 p.m. Pacific Time on May 12, 2009 because the voter had not been advised by the District Electoral Officer of the deadline to cast a ballot under the provisions of s. 104 of the Act.

ORD036-2009
May 12, 2009

The election officials at two voting locations in Cariboo-Chilcotin did not have sufficient ballots for all the voters who attended the voting stations. Write-in ballots and photocopies of ballots were used and considered at the initial and final counts as if they were the ballots officially supplied for the election and referendum.

ORD037-2009
May 12, 2009

An election official in Penticton erred by not providing certification envelopes to all voters voting under absentee provisions. The write-in ballots that were not in certification envelopes were set aside and were not considered at the initial or final counts.

ORD038-2009
May 12, 2009

An election official in Nanaimo erred by not providing certification envelopes to all voters voting under special voting provisions. The ballots that were not in certification envelopes were set aside and were not considered at the initial or final counts.

ORD039-2009
May 12, 2009

An election official in Burnaby-Edmonds erred by placing the secrecy envelope containing one voter's marked ballots in a certification envelope prepared for another voter. The empty certification envelope for the voter who voted was also placed in the ballot box. The voter whose certification envelope was used improperly then chose not to vote. At the initial count, the two certification envelopes were attached together. At the final count, the secrecy envelope was placed in the correct certification envelope. The entry for the voter who chose not to vote was struck from the voting book.

ORD040-2009
May 12, 2009

Election officials at several voting places in Surrey-Fleetwood did not have sufficient ordinary ballots. Write-in ballots were used for voters voting under s. 99 of the Act. The ballots were considered at the initial and final counts as if the correct ballots were issued.

ORD041-2009
May 12, 2009

A team of election officials at a special voting opportunity in Nanaimo erred in not providing certification envelopes to all voters as required by s. 98 of the *Election Act*. The ballots that were not in certification envelopes were set aside and were not considered at the initial or final counts.

ORD042-2009
May 12, 2009

A voter in Shuswap mailed their completed voting package under s. 106 of the *Election Act* to the District Electoral Officer but the package was not delivered in error and was returned to the voter. The voter was unable to deliver the voting package to the Shuswap district electoral office by the close of general voting. The voter was permitted to return the voting package to the District Electoral Officer of another electoral district and the voting package was accepted by the appropriate District Electoral Officer as if it had been received by the deadline.

ORD043-2009
May 13, 2009

The election officials at an absentee voting opportunity in Surrey-White Rock did not have an adequate supply of certification envelopes for all voters who attended the voting station. The officials used blank envelopes and recorded the required information, verbally administered the declaration required by s. 87 of the *Election Act* and the voters signed the envelopes to indicate their agreement with the declaration. These envelopes were accepted as valid certification envelopes for consideration at the final count.

ORD044-2009
May 15, 2009

In Burnaby-Edmonds and Nanaimo, election officials visited several facilities to administer general voting to residents of site-based voting areas. The election officials erred in entering some voters' names into the incorrect voting books. The ballots were considered at the initial count as if the correct voting books were used.

ORD045-2009
May 19, 2009

An election official in Prince George-Valemount erred in preparing two certification envelopes for a voter who attended an absentee voting station. A referendum ballot was placed in one envelope and an election ballot in another. The two certification envelopes issued to the voter were attached together and considered as a single envelope at the final count.

ORD046-2009
May 19, 2009

Some alternative absentee voting packages were issued by the Burnaby-Edmonds district electoral office containing the incorrect certification envelope, which did not have a space for the witness' signature as required by s. 106 of the *Election Act*. The counterfoil numbers were not recorded on several certification envelopes as required by s. 105 of the *Election Act*. Certification envelopes received from the affected voters were considered at the final count without a witness' signature and as if they had the required counterfoil numbers recorded on them.

ORD047-2009
May 19, 2009

An election official in Cariboo-Chilcotin erred in placing a voter's marked election ballot and the counterfoil from the voter's referendum ballot in a secrecy envelope, which was then placed in a certification envelope and put in the ballot box. The marked referendum ballot was then placed in a secrecy envelope and placed in the same ballot box. At the initial count, the secrecy envelope and certification envelope were attached together and considered as if the secrecy envelope was contained in the certification envelope at the final count.

ORD048-2009
May 22, 2009

An election official in Chilliwack-Hope placed the secrecy envelope containing one voter's marked ballots in a certification envelope prepared for another voter. The empty certification envelope for the voter who voted was then placed in the ballot box. The voter whose certification envelope was used improperly was then issued a second certification envelope. At the initial count, the empty certification envelope for the first voter was attached to the certification envelope containing the marked ballots. At the final count, the certification envelope was opened and the secrecy envelope was placed in the correct certification envelope.

ORD049-2009
May 22, 2009

An election official in Kelowna-Lake Country entered the wrong voter's name on a certification envelope after the voter had already signed the declaration on the envelope and in the voting book. The District Electoral Officer entered the correct name on the certification envelope during preparations for the final count.

ORD050-2009
May 25, 2009

A voting place in Cariboo-Chilcotin did not have sufficient ordinary ballots. Write-in ballots were used and considered at the initial count as if the correct ballots were used.

ORD051-2009
May 29, 2009

The British Columbia Patriot Party was granted an extension to July 31, 2009, to file with the Chief Electoral Officer its annual financial report for the 2008 calendar year.

ORD052-2009
September 9, 2009

A candidate in Vancouver-Kensington was granted an extension to October 5, 2009, to the September 9, 2009 late filing deadline to file an audited election financing report for the 2009 General Election.

ORD053-2009
October 5, 2009

A candidate in Vancouver-Kensington was granted a further extension to October 13, 2009, for filing their audited election financing report for the 2009 General Election.

Appendix D: Minutes of the Election Advisory Committee

Friday, March 5, 2010
8:30 a.m. – 1:15 p.m.
Fairmont Waterfront Hotel
900 Canada Place Way, Vancouver, British Columbia

Attending:

Committee Members
Hector MacKay-Dunn, BC Liberal Party (departed at 11:30 a.m.)
Kelly Reichert, BC Liberal Party
Leslie Kerr, BC NDP
Jan O'Brien, BC NDP (departed at 12:45 p.m.)
Murray Weisenberger, Green Party Political Association of British Columbia

Elections BC
Harry Neufeld, Chief Electoral Officer (Chair)
Linda Johnson, Deputy Chief Electoral Officer
Nola Western, Executive Director, Electoral Finance and Corporate Administration
Anton Boegman, Executive Director, Corporate Planning and Event Management
Amie Foster, Executive Program Manager (minutes)
Kevin Atcheson, Researcher/Policy Analyst

1. Purpose of Meeting

Harry Neufeld advised that the purpose of this Election Advisory Committee meeting was to review in detail Elections BC's proposed recommendations for legislative amendments. Following this consultation and the Committee members' feedback, the recommendations will be made in a report to be tabled in the Legislature on April 12, 2010.

Harry Neufeld asked all attendees to introduce themselves.

Murray Wiesenberger stated that the Green party Political Association of British Columbia was happy to support all of the proposed recommendations. He also presented the Chief Electoral Officer with a letter proposing additional legislative changes regarding public policy matters.

Harry Neufeld reminded all EAC members that Elections BC makes recommendations on the 'plumbing' or technical side of electoral legislation only and that public policy issues are outside of the mandate of Elections BC. Public policy matters are best raised with the Ministry of the Attorney General or Members of the Legislative Assembly.

2. Review of Proposed Legislative Amendments to the *Election Act*

The responsibility for Elections BC's legislative matters rests with the Deputy Chief Electoral Officer, Linda Johnson, who led discussion on the proposed recommendations.

Recommendation, s. 1, 19, 82, 88, 92, 93, 109, 118, 119, 120, 121, 122, 124, 125, 126, 273
The definition of "Voting Officer" should be removed from the definitions in section 1 of the Act. Remove the requirement that a voting officer and a second election official be appointed to each voting station. Establish that the District Electoral Officer must appoint sufficient election officials to conduct the election proceedings, without specifying tasks associated with a specific election official's role in a voting place. Replace all references to "Voting Officer" with "the election official responsible".

Discussion
Hector MacKay-Dunn of the BC Liberal Party asked a clarifying question regarding the possible impact on voters at the voting place.

Linda Johnson responded that it would simply allow for greater flexibility in staffing to address the changing flow of voters throughout General Voting Day. She also stated that the costs of running elections are primarily human costs and that this would allow for staffing flexibility, which could be especially beneficial in urban areas.

Jan O'Brien of the BC NDP asked if this change would mean that shrinking budgets could result in increased workloads for election workers.

Harry Neufeld assured EAC members that event budgets have not faced the same pressures as operational budgets and that the current model is a very inefficient use of human resources.

Hector MacKay-Dunn of the BC Liberal Party asked how this compares to the federal model.

Harry Neufeld stated that Elections Canada is facing the same recruitment challenges and is also considering changes.

Murray Weisenberger of the Green Party Political Association of British Columbia asked if the DEO and DDEO roles would remain the same.

Anton Boegman assured Murray Weisenberger that they would, and stated that the current model requires Elections BC to employ 37,000 people during a general election for positions that are increasingly complex. He stated that many of the people available for this type of work do not have the necessary skills and that these changes could reduce the number of staff needed while still providing excellent service to voters.

No concerns were raised.

Recommendation, s. 31(1), (2)
Amendments to the Act should not apply until six months after Royal Assent, unless a *Gazette* notice of readiness is published earlier.

Discussion
No concerns were raised.

Recommendation, s. 22
Permit the CEO to appoint District Registrars of Voters and Deputy District Registrars of Voters to future electoral districts when an enactment establishes electoral districts that are to take effect at a future time. This will also require an amendment to s.12(2)(e) regarding the CEO's duties and powers.

Discussion
No concerns were raised.

Recommendation, s. 29(e)
For certainty, amend section 29(e) to include a requirement for voters to be registered at their current residential address for the purpose of voting.

Discussion
Linda Johnson stated that this recommendation would explicitly state what is already in law to reduce confusion at the voting place.

No concerns were raised.

Recommendation, s. 31(1)
Amend s. 31 to permit individuals who will be fully qualified as of General Voting Day for a fixed-date election to register prior to meeting those qualifications, but no earlier than 60 days before the election is called.

Discussion
No concerns were raised.

Recommendation, s. 32(4)
Amend 32(4) to include the place of arrest or trial as residence options for incarcerated voters.

Discussion
Anton Boegman stated that the location of arrest is easily verifiable.

Jan O'Brien of the BC NDP asked for the participation figures for incarcerated voters.

Anton Boegman stated that Elections BC does not keep statistics regarding incarcerated voters. However, in 2005 one individual was a candidate while incarcerated.

No concerns were raised.

Recommendation, s. 41(3)(b)
Either clarify that voters who present a Certificate of Indian Status are not required to provide proof of residential address, or remove reference to the Certificate of Indian Status as a form of identification that can be used to satisfy the requirements of the Act. The Chief Electoral Officer may establish the Certificate of Indian Status as a type of document that may be used for the purposes of satisfying the requirement to prove a voter's identity. An additional document of a type approved by the CEO may be used to prove the voter's residential address.

Discussion
Linda Johnson noted that it was unclear whether this was a drafting error. However, it appears to have been an unanticipated situation that some voters were not required to provide proof of residential address.

Jan O'Brien of the BC NDP asked if this change could be a potential barrier to older voters.

Linda Johnson assured EAC members that it specifically applies to voters with Indian Status cards.

Kelly Reichert of the BC Liberal Party agreed that there was some confusion for scrutineers during the 2009 General Election regarding this issue.

No concerns were raised.

Recommendation, s. 41(3), 41.1
As an exception to sections 41(3) and 41.1, provide discretion to election officials administering voting in medical facilities, institutions and long-term care facilities to only require one document with the voter's name, and permit the voter to make a solemn declaration as to the voter's residential address.

Discussion
No concerns were raised.

Recommendation, s. 41.1
Permit a child, grandchild or sibling who is 18 years of age or older to vouch for a voter.

Discussion
No concerns were raised.

Recommendation, s. 41.2
Establish how an individual may satisfy a challenge to their right to register by making parallel provisions to those in s. 111.

Discussion
No concerns were raised.

Recommendation, s. 42.1, (new section)
Establish that in a residence-to-residence enumeration, an individual may provide the information necessary to register another member of their family, or an individual resident at the same address, or to update that individual's registration information.

Discussion
Leslie Kerr of the BC NDP asked a clarifying question about the current information needed to register a voter.

No concerns were raised.

Recommendation, Part 5, Division 1
Require individuals who declare their intent to become a candidate and nominees selected by their registered political party and/or constituency association to be a candidate in the next election in an electoral district to file a notice with Elections BC within 15 days after their declaration or selection as the nominee. This notice of intent should include the designation of a financial agent. This would allow Elections BC to communicate with the potential candidate and financial agent well in advance of the election period to ensure knowledge of and facilitate compliance with the election financing provisions. A notice of intent would not be available for public inspection, and would not form part of the individual's nomination documents.

Discussion
Linda Johnson stated that the goal of this recommendation is to facilitate compliance by communicating the rules and establishing a relationship with potential candidates as early as possible.

Jan O'Brien of the BC NDP expressed concern regarding this recommendation due to the increased administrative burden on potential candidates and the effect of the requirement on political parties. She pointed out that some individuals declare their intent to be a candidate for a political party before the party has held a nomination contest.

Nola Western asked Jan O'Brien and other members of the EAC how this recommendation could be amended to their satisfaction.

The EAC agreed to the following revised wording:

"Require a notice to be filed with the Chief Electoral Officer within 15 days after an individual declares their intent to become a candidate or is selected by their registered political party and/or constituency association to be a candidate in the next election in an electoral district, whichever is later. This notice of intent should include the designation of a financial agent. This would allow Elections BC to communicate with the potential candidate and financial agent well in advance of the election period to ensure knowledge of and facilitate compliance with the election financing provisions. A notice of intent would not be available for public inspection, and would not form part of the individual's nomination documents."

Recommendation, s. 54(3)(c)(d)(e), 54(4), 57(3)(b)
Replace the requirement for solemn declarations in the nomination process with a requirement for a signed declaration by the individual nominated.

Discussion
Hector MacKay-Dunn of the BC Liberal Party asked a clarifying question regarding how often this is an issue.

Linda stated that it is a common complaint and can be a barrier.

No concerns were raised.

Recommendation, Part 5, Division 3
Add a section in the *Election Act* which guarantees access to rental properties covered by the Residential Tenancy Act by candidates or their representatives during a campaign period for the purpose of campaigning.

Discussion
Kelly Reichert of the BC Liberal Party agreed that there are frequent questions about this during elections and that it would be useful to have the information in the *Election Act*.

No concerns were raised.

Recommendation, s. 70(2)(b)
Include reference to voter registration in the type of proceedings for which a scrutineer may be appointed.

Discussion
No concerns were raised.

Recommendation, s.72
Include reference to voter registration in the types of proceedings for which a solemn declaration is required of a candidate representative.

Discussion
No concerns were raised.

Recommendation, s. 93
Establish that individuals who are vouching for a voter may be present at voting proceedings.

Discussion
No concerns were raised.

Recommendation, s. 96(2)(a.1)
Establish that voters who have proven their identity and place of residence when registering in conjunction with voting are not required to again prove their identity in order to receive a ballot.

Discussion
No concerns were raised.

Recommendation, s. 98(3)(c)
Replace reference to a special voting area with reference to a site-based voting area.

Discussion
No concerns were raised.

Recommendation, s. 103, 106, 107
For fixed-date elections, allow voting packages to be requested and issued up to 60 days in advance of the election being called. Establish that voters must not complete and submit their voting packages until after the election is called. Voting packages postmarked or received before the election is called will not be considered at final count.

Discussion
Jan O'Brien of the BC NDP asked about the composition of the vote-by-mail package.

Hector MacKay-Dunn of the BC Liberal Party asked about the number of packages that were late versus the number not returned at all.

Anton Boegman provided some statistics regarding vote-by-mail.

Linda Johnson stated that Elections BC sees the low rate of return as a consequence of the current time constraints. Linda Johnson also stated that the current legislation is problematic for military personnel abroad who want to vote provincially.

Jan O'Brien of the BC NDP asked if 60 days would be enough or if 90 days would be preferable.

Linda Johnson responded by saying that the length of time could be considered at the time of drafting.

No objections were raised.

Recommendation, s. 109(4)
Permit individuals to assist one or more voters in the individual's care.

Discussion
EAC members expressed concern about the difficulty in defining the term "in a person's care," and were uncomfortable with giving caregivers the opportunity to assist an unlimited number of individuals.

Recommendation, s. 155(3)(m), 157(3)(1)
Replace the requirement for a solemn declaration with a requirement for a signed declaration of the financial agent.

Discussion
No concerns were raised.

Recommendation, s.156(2)(c)
Allow a political party to be registered using a name of a political party that has been deregistered for at least four years if the party name was not used on a ballot during the previous 10 years.

Discussion
Hector MacKay-Dunn of the BC Liberal Party asked about party registration.
Nola Western confirmed that if this recommendation were drafted into law it would not affect any party that has had their name on a ballot in the previous 10 years.

No concerns were raised.

Recommendation, s. 156(3)
Repeal s.156 (3) as it is no longer required.

Discussion
No concerns were raised.

Recommendation, s. 176(1)
Amend s. 176(1) to include an individual who failed to file any report required under the *Election Act*.

Discussion
Linda Johnson stated that this recommendation is designed to protect candidates.

Murray Weisenberger of the Green Party Political Association of British Columbia asked about potential penalties.

Kelly Reichert of the BC Liberal Party suggested that a prohibition could be for a period of seven years, which would mirror other prohibitions under the Act.

Jan O'Brien of the BC NDP stated that seven years seemed to be a long time.

No further concerns were raised.

Recommendation, s. 183(3)
Amend s. 183(3) to include fundraising functions held during the 60 day pre-campaign period.

Discussion
No concerns were raised.

Recommendation, s. 189(4)
Amend s. 189(4) to refer to "obtain the copy of the tax receipt..." instead of "destroy the copy of the tax receipt…"

Discussion
No concerns were raised.

Recommendation, s. 207, 208, 209, 210, 211, 212, 245
Replace references to "the form prescribed by regulation" to "the form specified by the CEO".

Discussion
No concerns were raised.

Recommendation, s. 220(5)(a)
Amend s. 220(5)(a) to read "by June 30" rather than "before June 30."

Discussion
No concerns were raised.

Recommendation, s. 221
Amend section 221(1) from "…the election financing report under section 209…" to "…an election financing report under Division 6 of this Part."

Discussion
No concerns were raised.

Recommendation, s. 222
Amend section 222(1) from "…the contestant financing report under section 211…" to "…a contestant financing report under Division 6 of this Part."

Discussion
No concerns were raised.

Recommendation, s. 239
Registration should only be required if the value of sponsored election advertising is $500 or more. This is consistent with requirements of the *Canada Elections Act*.

Discussion
Kelly Reichert of the BC Liberal Party expressed concern with the $500 figure stating that "a lot can be done with $500."

Linda Johnson responded by noting that the $500 figure was simply to harmonize the legislation with federal and Ontario rules. She then asked if there was a threshold that the BC Liberals would be comfortable with.

Kelly Reichert of the BC Liberal Party agreed that the line had to be drawn somewhere.

Murray Weisenberger of the Green Party Political Association of British Columbia stated that not much can be done for $500.

Jan O'Brien of the BC NDP stated that she liked the proposed consistency with the federal rules.

No further concerns were raised.

Recommendation, s. 239, 264(1)(h)
Establish an administrative penalty that may be imposed by the Chief Electoral Officer for conducting election advertising without being registered. To parallel other provisions in the Act regarding contraventions, the consequences of failure to comply with the requirement to register prior to conducting election advertising could also include publication of the name of the individual or organization in the B.C. *Gazette*. Provision could be made for the individual or organization to seek relief from the court for the penalty.

Discussion
No concerns were raised.

Recommendation, s. 240(3)(b)
Remove the requirement for election advertising sponsor applicants to make a solemn declaration and replace with a requirement for a signed declaration only.

Discussion
No concerns were raised.

Recommendation, s. 244(1)
Require all registered election advertising sponsors to file an advertising disclosure report, regardless of the value of advertising sponsored.

Discussion
No concerns were raised.

Recommendation, s. 252(2)
In order to permit thorough investigation and sufficient time to commence prosecution of offences, extend the time limit to two years from the time the CEO becomes aware of the facts.

Discussion
Jan O'Brien of the BC NDP asked about the frequency of investigations being withdrawn due to insufficient time.
Hector MacKay-Dunn of the BC Liberal Party stated that he was uncomfortable with extending the time period as outlined. He stated that the general trend of extending court proceedings in Canada is unfair to the accused, and that with appropriate resources Elections BC should have sufficient time to conduct their work.

Recommendation, s. 264
For clarity, amend 264(1)(d) to add reference to transmitting new poll results on General Voting Day.

Establish that contravening s. 235.1 by exceeding advertising limits by third party election advertising sponsors is an offence under s. 264.

Discussion
No concerns were raised.

Recommendation, s. 278(1)
Amend s. 278(1) to include reference to election advertising sponsors who are subject to a penalty under s. 235.2.

Discussion
No concerns were raised.

Recommendation, Schedules, Form 1
Remove reference to 9 a.m. on the writ as established in Form 1 of the Schedule to the *Election Act* to clarify that ordinary nominations are to be accepted by a DEO after the election has been called, or amend s. 56(1). It should be noted that while the *Constitution Act* establishes when a fixed-date election will be held, the Lieutenant Governor's authority is not diminished and a writ may not be issued on the day contemplated by that Act.

Amend the form of the writ to include a signature line for the Attorney General to countersign the Great Seal.

Discussion
No concerns were raised.

Recommendation, Schedules, Form 3
Remove reference to electoral district from the stub of the write-in ballot (Form 3) in the Schedules to the Act.

Discussion
No concerns were raised.

3. Recommendations for amendments to the *Recall and Initiative Act*:

Recommendation, s. 4(3), 20(1)(b), 101(1), 148(1)
Establish authority for the Chief Electoral Officer to specify forms under the Act rather than requiring a Regulation.

Discussion
No concerns were raised.

Recommendation, s. 48(4)
Amend the base amount established in section 48(3) to reflect adjustments to the CPI between January 1, 1996 and the present.

Discussion
No concerns were raised.

Recommendation, s. 50(4), 97(3)(b), 125(4), 144(3)(b)
Remove the requirement for financial agents and initiative and recall advertising sponsor applicants to make a solemn declaration and replace with a requirement for a signed declaration.

Discussion
No concerns were raised.

4. Other Issues

Linda Johnson reminded Committee members that public policy must be decided by the policy makers – it is not Elections BC's role as an independent Office of the Legislature to recommend changes to public policy. Elections BC does, however, identify outcomes of public policy, track trends in other jurisdictions and monitor relevant court cases regarding electoral legislation. Relevant information is then put forward in the CEO's report for consideration by legislators.

Public policy matters for consideration – *Election Act*

Provisional registration of 16 year olds
Consider permitting the provisional registration of otherwise qualified individuals when they are 16 years of age or older.

Discussion
The discussion centered on the potential advantages of the early engagement of future voters.

Door-to-door enumeration
Consider amendment to s. 42 to provide greater flexibility to the CEO to determine the best process for conducting enumerations. While door-to-door enumeration may prove to be effective in some parts of the province, alternative approaches such as mail-based enumeration may be more effective in other locations and circumstances.

Discussion
The discussion focused on the comparative cost of a door-to-door enumeration ($24 million) versus the cost of a multi-faceted approach as determined by the Chief Electoral Officer ($3 million). It also focused on the difficulties in reaching people in their homes and possible privacy concerns.

Harry Neufeld stated that very few jurisdictions continue to conduct door-to-door enumerations (Manitoba and Yukon), and they do not see gains in participation or better list quality over other jurisdictions. Harry Neufeld reminded EAC members that the flexible approach employed in the 2009 Enumeration resulted in the highest quality list in B.C.'s history and encouraged EAC members to review the 2009 Enumeration report.

The BC Liberal Party and the BC NDP expressed support for door-to-door enumeration. Kelly Reichert of the BC Liberal Party stated that the law was changed in the last year to require a door-to-door enumeration and that the party continues to support this method of enumeration. Leslie Kerr of the BC NDP indicated that they support a door-to-door enumeration and that they were interested in a consistent approach across the province. Murray Weisenberger of the Green Party Political Association of British Columbia supported providing flexibility to the CEO in this regard.

Nomination Deposits
Consider eliminating the nomination deposit or amending the basis upon which it is refunded. This would be consistent with an October 2007 decision by the Ontario Superior Court, which found a similar model to that currently in effect in B.C. to be unconstitutional.

Discussion
Linda Johnson raised this vulnerability and stated that the trend in Canada is moving away from the return of nomination deposits based solely on electoral success. Instead, many jurisdictions return nomination deposits based on compliance with financing rules.

Volunteers
Consider amending the definition of a volunteer to exclude a person who is self-employed if the service they provide is one that is normally charged for by that person. This is consistent with provisions of the *Canada Elections Act*.

Discussion
The BC NDP asked a clarifying question, stating that "if a person's job is writing press releases, and they volunteer to do the same, they would be excluded?"
Linda Johnson stated that this is how the law works at the federal level.

Campaign Finance Rules
Consider review of campaign finance provisions in light of national trends and shifting public expectations and social attitudes.

Discussion
Linda Johnson stated that this is an area that may benefit from some review to ensure it remains aligned with society's expectations.

Strata properties
Consider preventing strata corporations from passing bylaws that prevent access to strata properties by candidates or their agents during a campaign period for the purpose of campaigning. Strata corporations could restrict such activity from common areas, but access to individual properties within a strata development could be determined by the property owners as is done in other residential properties.

Discussion
There was general agreement from all members of the EAC that access to eligible voters is important.

Disclosure – Registered charities
Legislators could consider exempting registered charities from the requirement to disclose the names of contributors who gave more than $250. Alternatively, the disclosure period could be shortened from six months before the election is called to the period beginning 60 days before the start of the campaign period and ending at the end of the campaign period.

Discussion
No discussion.

Administrative penalties
Consider establishing administrative penalties and provide the CEO with authority to enter into compliance agreements and to make such agreements public.

Discussion
No discussion.

Public policy matters for consideration – *Constitution Act*

Move fixed-date general elections to the fall
Consider amending the *Constitution Act* to establish that general elections shall be held in the fall. It would be preferable that the date be selected with consideration giving to the timing of local government elections, fixed-date federal elections and statutory holidays. Due to weather concerns, concluding voting before the end of October would be preferred.

Discussion
Linda Johnson stated that like B.C., P.E.I. originally had their fixed-date general elections in the spring, however, to prevent conflict with the budget cycle it was later moved to the fall.

Move General Voting Day to Saturday
Consider changing General Voting Day to a Saturday for all provincial general elections and by-elections.

Discussion
Linda Johnson stated that this would make it easier for voting officials to get time away from their regular employment and may result in more applicants and better quality election officials.

Additionally, Elections BC continues to see a trend of voters switching to advance voting from general voting. The existing period between advance voting and general voting provides little time to mark the voting books for general voting to indicate those voters who voted at advance voting. General voting on Saturdays would allow extra time for this process.

Scheduling of by-elections
In light of the establishment of fixed-dates for general elections, and the considerable public concern expressed regarding the requirement for the October 2008 by-elections within 8 months of the scheduled 2009 General Election, legislators may wish to consider amending section 35(4) of the *Constitution Act* so a by-election is not required if a vacancy occurs within one year prior to a general election to be conducted in accordance with s. 23 of that Act.

Discussion
Harry Neufeld stated that this change was made in Ontario when they established fixed-date elections.

The BC NDP representatives expressed concern over the possibility of the constituents of an electoral district being left for one year without representation.

Linda Johnson responded by saying that six months or nine months may also be considered and that Elections BC had simply raised it as a point of discussion.

Public policy matters for consideration – *Electoral Boundaries Commission Act*

Rural Representation
Following the preliminary report of the Cohen Commission there was considerable concern raised regarding the preservation of rural representation. With the increasing urbanization of the province and a growing population, there could potentially be a dramatic increase in the number of MLAs required to address the requirements of the Act regarding the key principle of representation by population. Before the next electoral boundaries commission is appointed, it is important that this matter be addressed so clear terms of reference may be established in law.

Discussion
Harry Neufeld noted that legislators may wish to address this before the formation of the next boundaries commission.

Saskatchewan has guaranteed northern seats, however their population is growing in those regions. Most other jurisdictions remain closer to electoral parity than British Columbia.

Public policy matters for consideration – *Recall and Initiative Act*

Regulations
Consider amendment to s. 171 of the Act to establish authority for the CEO to make Regulations in relation to the recall process.

Discussion
Linda Johnson stated that recall is an electoral process and for consistency it would make sense for the CEO to have regulatory authority over this process.

Issues identified in the 2003 Report of the CEO
Consider amendment of the *Recall and Initiative Act* to address the issues identified in the 2003 report of the CEO.

Discussion
Linda Johnson noted that there are several issues outlined in the report that have not yet been addressed. She also stated that separating the recall and initiative legislation into two separate Acts could potentially clarify their distinct purposes for all stakeholders.

Public policy matters for consideration – *Referendum Act*

Regulations
Consider amendment to s. 6 of the *Referendum Act* to establish authority for the CEO to make Regulations in relation to the conduct of a referendum.

Discussion
Harry Neufeld stated that the referendum Regulations in 2009 were very late which caused administrative challenges for Elections BC.

Murray Weisenberger of the Green Party Political Association of British Columbia asked how input from the Legislature would work if the CEO had the authority to make referendum Regulations.

Linda Johnson stated that another process for review may be appropriate such as the EAC or a committee. Practically speaking, in the current model the drafters look for information and support from Elections BC anyway.

5. Next meeting and closing comments:

Linda Johnson thanked each member of the EAC for their comments and reminded attendees that the recommendations for legislative change report would be limited to the recommendations discussed with the EAC today. The report is scheduled to be tabled in the Legislative Assembly on April 12, 2010.

Harry Neufeld noted that his preference would be to have all of the technical amendments in place by spring 2011 to ensure sufficient time for the orderly implementation of the changes in advance of the 2013 General Election. He reminded the EAC that Bill 42 came into effect less than one year before the 2009 General Election and Referendum on Electoral Reform and it put significant pressure on Elections BC and the parties.

Harry Neufeld also told the members of the EAC that Elections BC intends to develop a suite of recommendations for legislative change specifically related to the modernization of the voting process. These recommendations, expected to be presented to the EAC in the fall of 2010, will be designed to update an outdated voting process and will potentially reduce costs, improve efficiency, speed the voting process, allow scrutineers rapid information about who has voted and require fewer election workers.

Other jurisdictions in Canada including New Brunswick and Ontario are also experimenting with potential changes to the voting process, with New Brunswick establishing a business case for vote tabulation machines in the voting place.

Both of these jurisdictions will conduct a general election in the next year, and there will likely be opportunities to observe their new processes.

Harry Neufeld invited final comments from the members of the EAC:

Kelly Reichert of the BC Liberal Party expressed interest in the voting place modernization project, and in the possibility of observing voting place modernization procedures during the general elections in New Brunswick and Ontario. Harry Neufeld offered to provide the contact information for Elections New Brunswick and Elections Ontario.
Murray Weisenberger of the Green Party Political Association of British Columbia asked about the rationale behind the requirement for additional signatures on candidate nomination forms. Harry Neufeld responded by saying that the recommendation was not generated by Elections BC and that it serves no administrative purpose although in some jurisdictions it is intended to be a deterrent to frivolous candidates. Murray Weisenberger stated that the Green Party wants to see increased candidate participation and that in their view the signature requirement is a barrier. Harry Neufeld reminded Murray Weisenberger that this issue is one for the policy makers.

Leslie Kerr of the BC NDP stated that she was very interested in the voting place modernization project and that she felt voter turnout was in part the responsibility of the parties.

Finally, Harry Neufeld reminded the EAC of the Annual Political Party Information Session expected to take place in October or November. At that time all post-election reports will be complete and Elections BC will be focusing on the 2013 General Election.
thereafter posted on the Elections BC website.

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