



ELECTIONS BC

A non-partisan Office of the Legislature

Report of the Chief Electoral Officer
on Recommendations for Legislative Change

November 2011

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ELECTIONS BC
Province of British Columbia

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November 21, 2011

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

I have the honour to present the Report of the Chief Electoral Officer on Recommendations for Legislative Change, November 2011.

While I endorse all of the recommendations and public policy matters for consideration identified by my predecessor in the Report of the Chief Electoral Officer on Recommendations for Legislative Change, April 2010, I would like to highlight the technical amendment and public policy matters contained in this report as priorities of Elections BC under my leadership.

This report is submitted to the Legislative Assembly in accordance with section 13(1)(d) of the *Election Act*.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Archer'.

Keith Archer, Ph.D.
Chief Electoral Officer
British Columbia



Table of contents

Table of contents	i
1 Introduction	1
2 The Election Advisory Committee	2
3 Issues and recommendations	3



1 Introduction

After each general election Elections BC conducts a thorough review of the processes used to administer the election in order to identify what went well and what could be improved. This review includes consultation with stakeholders, including senior election officials, voters, non-voters and political parties. Many of the improvements that are identified through this review can be implemented through changes to administrative procedures and training, but some improvements cannot be made within the bounds of the existing legislation and/or public policy framework.

As the ability to make changes to the *Election Act* and set public policy lies solely within the authority and mandate of the Legislative Assembly, the Chief Electoral Officer's role is to follow the process outlined in the *Election Act* for making recommendations respecting amendments to the legislation. Following the 2009 General Election, the Chief Electoral Officer published the Report of the Chief Electoral Officer on Recommendations for Legislative Change, April 2010.

Since that report was published, Elections BC has continued to strive to find efficiencies that reflect the changing economic climate, and improvements that reflect the increasing expectations of voters for an electoral process that is ever more accessible and service-oriented. A new Chief Electoral Officer has also been appointed.

While the recommendations made in April 2010 are still relevant and worthy of consideration, this report is intended to highlight four very specific issues that Elections BC considers most deserving of consideration and debate.

2 The Election Advisory Committee

The *Election Act* establishes an Election Advisory Committee to advise the Chief Electoral Officer on the functioning of the Act, particularly with respect to the financing provisions of the political process.

The Election Advisory Committee consists of the Chief Electoral Officer, who chairs the committee, two representatives of each registered political party that is represented in the Legislative Assembly, and one representative of each additional registered political party that endorsed candidates in at least one half of the electoral districts in the most recent general election. Members of the Legislative Assembly are not eligible to be members of the Election Advisory Committee.

The Chief Electoral Officer is required to consult the Election Advisory Committee in a number of instances, including before the CEO makes a recommendation to the Legislative Assembly to amend an Act. The Election Advisory Committee was consulted on October 28, 2011 regarding the recommendations contained in this report, as required by Section 16(2) of the *Election Act*.

The members of the Election Advisory Committee at the time of consultation on the recommendations contained in this report were:

BC Liberal Party	Chad Pederson Cathy Young
BC NDP	Leslie Kerr* Jan O'Brien
Green Party of BC	Murray Weisenberger

* (not in attendance for the October 28, 2011 Election Advisory Committee meeting)

3 Issues and recommendations

Electoral administration issues invariably arise that cannot be resolved within the existing legislation. Changes in voter behaviour put pressure on processes that were not designed to accommodate the increased volumes or heightened needs or expectations of voters. However, when re-examining these processes in the context of meeting the changing needs of our stakeholders, we can also find new opportunities for improvement that take us beyond what is allowed within the existing legislation.

These are the four issues that Elections BC considers most worthy of attention. The first issue can be addressed with a technical amendment to the *Election Act*. The remaining three issues are public policy matters that legislators may wish to consider. While it is not the role of the Chief Electoral Officer to advocate for specific public policy, nor to comment on the public policies reflected in law, the Chief Electoral Officer is uniquely positioned to identify issues related to existing public policy and it is appropriate that these issues be brought to the attention of legislators. These matters are raised respectfully, acknowledging the sole authority of legislators to establish the legal framework of public policies pertaining to electoral democracy in British Columbia.

Voter-centric election model

The *Election Act* requires that a Voting Officer be appointed for each ballot box and assigns specific duties to that official. The Voting Officer must be assisted by another election official. The limiting language in the Act prevents innovation and efficiency in voting places and has restricted Elections BC from establishing more effective and cost-efficient models of conducting voting proceedings.

Over 37,000 election officials were hired for the 2009 General Election, and their roles have become increasingly complex. Simply by removing the specific references to Voting Officer, roles could be simplified and there could be greater flexibility and potential cost savings in staffing voting places.

The resulting modernization of the voting model would also provide better service to voters by minimizing line-ups in voting places.

Recommendation:

Amend sections 1, 19, 82, 88, 92, 93, 109, 118, 119, 120, 121, 122, 124, 125, 126 and 273 by:

- removing the definition of “Voting Officer” in section 1 of the Act and replacing all references to “Voting Officer” with “the election official responsible”;
- removing the requirement that a Voting Officer and a second election official be appointed to each voting station, and
- establishing 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.

Efficient and effective voter registration

The *Election Act* was amended in 2008 to require a door-to-door enumeration prior to a general election conducted in accordance with section 23(2) of the *Constitution Act*. The requirement for door-to-door enumerations was previously repealed on the basis that it was a very costly and intrusive voter registration method and was no longer required to maintain a complete and current voters list. The quality of the preliminary voters list for the 2009 General Election was much higher than in previous elections, and was due -in part -to the successful mail-based enumeration conducted early that year.

Innovations such as access to the National Register of Electors for new registrations and updates, registration by telephone and online via the Elections BC website and data sharing by the Insurance Corporation of B.C. and the B.C. Vital Statistics Agency have all contributed to ongoing improvement of voters list quality. The national trend is toward a continuously maintained voters list as is currently in place in B.C.

To ensure the most efficient and cost-effective methodologies are used to ensure a high quality voters list, it is recommended that legislators consider providing greater flexibility to the Chief Electoral Officer to determine the best process for conducting enumerations.

Encouraging youth participation

The lowest voter registration rates are for young voters 18-24 years of age. There is a positive correlation between voting and being registered as a voter before General Voting Day. The most effective means of registering youth may be to approach them before they graduate from high school. Currently, voter registration is restricted to those at least 18 years of age, an age when many youth have left high school.

Australia has addressed this issue by allowing provisional voter registration of 17 year olds. Several American states have provisional registration for 16 or 17 year olds, or have introduced Bills or declared their intention to do so in this regard.

Legislators may wish to consider allowing the provisional registration of individuals when they are 16 years of age. The voting age could remain at 18, with provisional registration becoming an active registration on an individual's 18th birthday. Permitting early registration at the age of 16 would permit Elections BC to work with schools and the driver licensing program to ensure maximum exposure to the registration process for young voters. Many high school teachers have expressed support for this concept as it would allow meaningful action by their students in the context of civics education.

Improving the accessibility of registration opportunities for youth may have a longer-term effect on voter engagement and turnout.

Trialling new voting technologies

As identified in the August 2011 discussion paper on Internet voting, there is a growing interest amongst voters and other stakeholders in the possibility of implementing Internet voting or other new technologies as additional methods to participate in the electoral process in B.C. Under current legislation that envisions a voting process that is entirely paper-based, Elections BC is unable to conduct trials of these new technologies.

Legislators may wish to consider providing greater flexibility to the Chief Electoral Officer to introduce, on a pilot basis, a variety of new voting technologies.

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