



ELECTIONS BC

A non-partisan Office of the Legislature

Report of the Chief Electoral Officer
on Recommendations for Legislative Change

October 2014

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October 7, 2014

Honourable Linda Reid
Speaker of the Legislative Assembly
Province of British Columbia
Parliament Buildings
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Madame Speaker:

I have the pleasure to present the *Report of the Chief Electoral Officer on Recommendations for Legislative Change, October 2014*.

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

Sincerely,

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



Table of contents

Introduction	1
The Election Advisory Committee	2
Priority issues	3
Appendix A: Additional recommendations	6



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.

As the ability to make changes to the *Election Act* 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.

This report highlights three specific issues that Elections BC considers most deserving of consideration and debate. The proposals put forth in this report seek to improve the accessibility and efficiency of the electoral process in B.C.

In addition to these three priorities, Elections BC would also like to refer legislators to a small number of issues in the *Election Act* that are largely technical in nature but cause recurring business problems for Elections BC and/or our stakeholders. Brief explanations of these challenges and recommendations for resolving them are contained in the appendix to this report. Elections BC also endorses the technical recommendations included in parts seven and eight of the [Report of the Chief Electoral Officer on Recommendations for Legislative Change, April 2010](#).

Elections BC is still examining what changes are necessary to modernize B.C.'s voting model while maintaining its accessibility. Upon completion of this review and a broad consultative process with stakeholders, a proposal for a new voting process will form the basis of another report of the Chief Electoral Officer, anticipated to be submitted to the Legislative Assembly in spring 2015.

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 making a recommendation to the Legislative Assembly to amend an Act. The Election Advisory Committee was consulted on September 30, 2014, regarding the recommendations contained in this report.

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

BC Liberal Party: Laura Miller
Sharon White

BC NDP: Michael Gardiner
Raj Sihota

Green Party of BC: Marcus Madsen (absent)
Bob Lorriman

BC Conservative Party: Jeff Bridge

Priority issues

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. 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 for within the existing legislation.

These are the three issues that Elections BC considers most worthy of attention.

Facilitating 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.

Other jurisdictions have already taken steps to address this issue by allowing the provisional registration of otherwise eligible individuals under the age of 18. Nova Scotia legislation permits the Chief Electoral Officer to collect the registration information of 16- and 17-year-olds who may become eligible to vote. Quebec also has a provisional register of potential voters who, unless they decline, are automatically added to the voters list when they turn 18. In Alberta, although the amendment has not yet come into force, the legislature has passed legislation enabling the Chief Electoral Officer to request directly from school boards the registration information of 16- and 17-year-olds for the purposes of provisionally registering them to vote. Nine American states currently have provisional registration for 16- or 17-year-olds, and Australia has addressed this issue by allowing provisional voter registration of 17-year-olds. The UK Electoral Commission registered 16- and 17-year-olds in Scotland in order to facilitate their participation in the 2014 Scottish Independence Referendum.

The Chief Electoral Officer recommends that legislators consider allowing the provisional registration of individuals when they are 16 years of age. The voting age would 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.

Trialing new voting technologies

There is growing interest in a number of jurisdictions about the possibility of introducing new voting technologies as a method for increasing the accessibility and efficiency of the electoral process. Current provisions in the *Election Act* envision a voting and counting process that is paper based and limit the ability of Elections BC to adopt, even on a pilot project basis, some new voting technologies.

The Chief Electoral Officer recommends that legislators consider providing greater flexibility to the Chief Electoral Officer to introduce, on a pilot basis, a variety of new voting technologies. These could include, for example, technologies that provide increased accessibility for voters with disabilities (e.g. sip-and-puff ballot marking devices) or optical ballot scanners to allow more efficient results reporting.

Elections BC endorses the recommendations of the [Independent Panel on Internet Voting](#) as described in the panel's recommendations report submitted to the Legislative Assembly earlier this year. The panel recommended the province go slowly on this topic, take a province-wide co-ordinated approach to Internet voting and establish an independent technical committee, chaired by the Chief Electoral Officer, to evaluate Internet voting systems and support jurisdictions that wish to implement Internet voting.

Flexibility for advance voting opportunities

Since 2001, a steadily increasing number of British Columbians have been taking advantage of advance voting opportunities. At the 2013 General Election, over 20% of all votes were cast at advance voting.

The *Election Act* requires that advance voting opportunities be held from 8 a.m. to 8 p.m. on the Wednesday, Thursday, Friday and Saturday of the week before General Voting Day for an election. While this is appropriate for most areas of the province, some parts of the province, particularly rural areas, do not have sufficient population to justify the cost and effort of establishing and staffing a full four-day advance voting opportunity in their communities. Hence, advance voting is not available in some smaller communities.

To make this voting opportunity available to a larger number of voters, the Chief Electoral Officer recommends that legislators consider providing greater flexibility to District Electoral Officers to establish advance voting opportunities on any of the days of the advance voting period, or for a limited number of hours during the day. Elections BC does not intend to reduce the length of advance voting in communities that traditionally warrant an advance voting opportunity. To ensure this provision is applied carefully and consistently, the limited opportunities would require the prior approval of the Chief Electoral Officer. Advance voting opportunities available for other than the full four-day period would be clearly identified as such in communications to voters, candidates and political parties.

For the 2013 General Election, Elections BC established a class of special voting opportunity (authorized under s. 77 of the *Election Act*) that provided voters with a voting experience similar to what is now recommended. Voters in the communities where these “special voting-advance” opportunities were available responded very positively to the experience. However, providing these opportunities under the special voting framework created new administrative challenges for Elections BC. These challenges could be avoided with the legislative change recommended here.

Appendix A: Additional recommendations

Inconsistent requirements for proving identity (s. 41.1)

When election officials administer vouching, they are administering a statutory declaration that has full effect in law. The provincial standards established by the Ministry of Justice for taking statutory declarations establish that the person administering the declaration must be satisfied as to the identity of the person making the statement. While an individual vouching in the “friend” category of voucher has to meet this requirement, a voucher in the “family” or “personal care” categories does not have to establish their identity. This inconsistency can result in a perception that vouching is open to abuse. By making all vouchers have to first prove their identity, this inconsistency would be removed and the process of administering vouching would be standardized.

Recommendation

Amend s. 41.1(2)(b)(ii) and (iii) such that individuals vouching for voters under these categories must first be able to prove their identity by producing their own identity documents similar to s. 41.1(2)(b)(i).

Specific authority to provide voter turnout information to candidates (ss. 96, 97)

Candidates play an important role in voter participation. During voting proceedings, candidate representatives observe voting, track who has already voted and feed that information into their “get out the vote” efforts. Concurrent with declining voter participation, candidates have also experienced challenges in finding sufficient volunteers to act as candidate representatives, which has impacted their ability to effectively perform this function.

Candidate representatives have the authority to observe and inspect voting documents during voting proceedings. Elections BC, however, does not have the authority to create records on voter turnout and provide these to candidate representatives. Elections Canada and most Canadian provincial election agencies have legislation authorizing the production of turnout records (e.g. bingo cards) during voting.

When consulted on this issue, all political party representatives on the Election Advisory Committee requested that the *Election Act* also be amended to require the Chief Electoral Officer to provide individual voter participation information to political parties after an election. This is not an operational requirement of Elections BC, and the Chief Electoral Officer does not take a position on this request.

Recommendations

Amend s. 96(3)(b) to authorize an election official to provide to a candidate representative, as directed by the Chief Electoral Officer, a written record of the voter sequence numbers of voters who have voted, excepting new registrations.

Amend s. 97 to authorize the District Electoral Officer to send to each candidate, at the end of each advance voting day and as directed by the Chief Electoral Officer, the voter sequence number of each voter who has voted, excepting new registrations.

Fundraising function expenses (s. 200)

S. 200 of the *Election Act* stipulates that a registered constituency association must not incur an election expense unless the expense is incurred on behalf of a selected candidate and the expense is incurred during the period between when the election is called (Writ Day) and when the individual becomes a candidate.

An election expense is defined in s. 183 as “the value of property or services used within the period beginning 60 days before a campaign period and ending at the end of the campaign period by or on behalf of a candidate, registered constituency association or registered political party.” In addition, s. 203(1)(f) states that expenses incurred in holding a fundraising function are election expenses, although they are not subject to the spending limits. Therefore, a registered constituency association cannot hold fundraising functions during the 60 day pre-campaign period or the campaign period except for the few days between Writ Day and when the candidate receives their certificate of candidacy.

Recommendation

Amend s. 200 to specifically allow constituency associations to incur election expenses related to fundraising functions during the 60 day pre-campaign period and the campaign period. The expenses could still be attributed to the candidate, as required by s. 200(3).

Leadership contestant financing report thresholds (s. 211)

Currently, every time a political party selects a new leader, a leadership contestant financing report is required to be filed within 90 days. The report is required by the contestant even if there is only one contestant, the leader is selected by acclamation and no money was received or spent in relation to the event.

Recommendation

Amend s. 211 to not require a leadership contestant financing report if there is only one leadership contestant and no political contributions have been received or leadership contestant expenses incurred in relation to the contest.

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