Minutes
Election Advisory Committee
December 14, 2005

10:00 am – 12:00 pm
Seymour Suite, Fairmont Waterfront Hotel
900 Canada Place Way, Vancouver, British Columbia

Attending:

Committee members (in alphabetical order by political party name)
BC Liberal Party: Hector MacKay-Dunn, Hoong Neoh (on behalf of Kelly Reichert)
BC Marijuana Party: Kirk Tousaw
Green Party of BC: Scott Hean
New Democratic Party of B.C.: Nikki Hill

Elections BC
Harry Neufeld, Chief Electoral Officer (Chair)
Linda Johnson, Deputy Chief Electoral Officer
Linda Shout, Executive Coordinator (minutes)

1. Introductions and Administrative Matters

Meeting participants introduced themselves. A number of former Committee members have
been reappointed to the EAC. Scott Hean was welcomed as a newly appointed member of the
Committee for the Green Party of B.C.

2. Role of the Election Advisory Committee (EAC)

Harry Neufeld provided a handout outlining the legislated composition and role of the EAC.
Currently, the Committee has seven members. Each registered political party represented in
the Legislative Assembly may appoint two Committee members, and each party that ran
candidates in at least one half of all electoral districts in the previous general election is
permitted one representative to the Committee. The Chief Electoral Officer is automatically
designated Committee Chair.

Committee members were reminded that if a member is not able to attend, another individual
may be sent in their place. Advance notice in writing (via email, fax or mail) to the Chief
Electoral Officer is required.

Draft meeting minutes are generally distributed to attendees one week after the meeting for
their review and comment. The finalized minutes are posted to the following page of the
Elections BC website immediately following the review period:
http://www.elections.bc.ca/eac/eacmain.htm.

Although the Committee was originally expected to focus on the provisions of the *Election
Act* relating to the financing of the political process, this has not been the main focus recently.
In the last electoral cycle, the Committee considered matters such as reduction in services
provided by Elections BC to the parties as a result of budget constraints and voters list

maintenance issues. Over the coming months, the major focus of the Committee will be consultation regarding recommended amendments to the *Election Act*.

3.   Throne Speech Implications

The Speech from the Throne of September 12th, 2005, contained four announcements that will have a major impact on electoral administration over the next four years. Harry Neufeld provided a summary of the announcements.

Electoral Boundaries Commission
An Electoral Boundaries Commission was to be established by November 30th, 2005. Electoral Boundaries Commissions have three members: a Commission Chair who is a judge or retired judge of the B.C. Supreme Court or Court of Appeal; a person who is not an MLA or government employee, nominated by the Speaker and agreed to by the Premier and Leader of the Official Opposition; and the Chief Electoral Officer.

The mandate of the Commission has changed from that of previous Commissions. This Commission has been tasked with proposing and finalizing electoral district boundaries under both the current, single member plurality (SMP) system and the Citizens' Assembly-designed B.C. single transferable vote (BC-STV) system. An extended timeframe has been allowed to accommodate this more complex mandate. There is an expectation that the question of representation and the proposed BC-STV system will likely be raised during the Commission's public hearings. The Commission will provide a preliminary report to the Speaker in mid-August 2007 on both boundary sets, with a final report due February 15th, 2008.

Referendum on Electoral Reform

A referendum will be held in tandem with local government elections on November 15th, 2008. It is expected that the referendum will be administered by Elections BC parallel to the local government elections, as local governments do not have the legislated authority to administer provincial referenda and there are significant differences between the jurisdictions regarding voting opportunities and eligibility requirements.

The referendum result will determine which system is used in the following provincial general election, scheduled for May 12, 2009.

Provincial General Election

Results of the referendum will likely be known by the first week of December 2008, and writs of election for the next general election will be issued in early April 2009, just four months later. This allows for very little time in which to implement changes for an election under the BC-STV system, should that be necessary. It also represents a significant challenge to political parties, candidates and those parties with constituency associations to be ready for a new system.

Province-wide Enumeration

Government has announced that there will be a full enumeration before the next provincial general election. The Throne Speech did not provide details on the enumeration methodology, such as a door-to-door enumeration or another method as determined by Elections BC. The Throne Speech did, however, clearly express the requirement to have a fully updated voters list before the next general election.

Pacific Centre for Social Innovation

Government also announced the establishment of the Pacific Centre for Social Innovation. The Centre has the mandate to explore three themes, including the decline in voter participation. The Centre's role is to establish best practices based on current research and thinking worldwide. It is not the Centre's role to act upon its findings, but it will make recommendations, some of which can be expected to impact electoral administration in B.C.

These announcements have implications for the role and work of the EAC, including input into the design of new legislation, procedures and approaches to public education, as well as the ultimate delivery of the 2009 provincial general election under the system supported by voters in the referendum.

In response to questions, Harry Neufeld explained that Deputy Chief Electoral Officer Linda Johnson, Director of Electoral Finance Nola Western and he recently met with the Select Standing Committee on Finance and Government Services regarding the need for additional funding to plan for Throne Speech related activities. As the length of time between the referendum and the provincial general election is very short, extensive preparation to administer an election under either the SMP or BC-STV systems must be completed in advance of the referendum result.

The Select Standing Committee on Finance and Government Services makes recommendations regarding the annual budgets of all Independent Officers of the Legislature. This funding would be in addition to the approximately $6.5 million Elections BC requested as its annual operating budget, which is the same amount appropriated the past two fiscal years.

4. Post-Election Processing and Reporting

Linda Johnson reported that Elections BC continues to be busy with post-election activities. The Statements of Votes for the general election and referendum have been tabled in the House and posted to the Elections BC website (http://www.elections.bc.ca/elections/elections-results.htm). Electoral Finance staff are reviewing over 700 financial report filings by candidates, political parties, advertising sponsors and constituency associations. Geographic and Voter Data Services staff processed new and updated registrations in order to provide an updated list to local governments who requested one for use in the November 19, 2005 local government elections.

A number of audits are also being conducted. All disqualified ballots are being reviewed to determine why they were disqualified. It appears that, in almost every case, the error resulted from election officials not following instructions correctly. A review of other anomalies, such

as voters potentially voting more than once, is also being conducted. Investigation typically reveals that these individuals are elderly, and may have voted once via a team sent to their nursing home or extended care facility and again on voting day if a family member took them to a voting place.

A preliminary review of potential cases of multiple voting indicates that approximately 50% of the 40 cases under review were likely elderly voters who live in long term care facilities. There are more potential cases during this event, which may have been due to the complexity added by administering a referendum at the same time as the election.

Once an investigation into each case has been concluded a report will be provided to EAC members. There do not appear to be any systemic issues or errors affecting a particular district.

Linda Johnson explained that the Chief Electoral Officer may issue Orders permitting variance from the *Election Act* in the instance of an emergency, mistake or other unusual circumstances. For example, an Order may be made allowing an extension to a financial filing deadline for a candidate or political party. During the 38th provincial general election, the Chief Electoral Officer issued a number of Orders. Each Order is published in Elections BC's Annual Report, and those relevant to a particular electoral event are summarized in the Chief Electoral Officer's statutory report on that event.

The Chief Electoral Officer's (CEO) report on the 38th provincial general election will be tabled in early 2006. Previously, the CEO report has contained recommendations for legislative change. In order to raise the profile of these recommendations, a separate report will be produced and tabled by March 31, 2006.

5.   The Legislative Amendment Process

Linda Johnson distributed a graphic summarizing the legislative amendment process. A great deal of work occurs before a request for legislation is put forward. All government ministries, agencies, and independent offices follow the same process of developing a conceptual plan, conducting research and identifying issues, developing policies to address issues, developing a procedural framework and cost analysis, and consulting with stakeholders. If Cabinet agrees to address the recommended legislative change, it must be reviewed by the appropriate caucus and legislative review committees. The Bill must then be drafted, based on instructions provided by the originating ministry or office, before the Bill is finally introduced.

The Attorney General is responsible for the legislation affecting Elections BC, and ministry staff are aware of the need for Elections BC to maintain strict neutrality in the way we approach the legislative amendment process. For example, Elections BC advises the Official Opposition when we make recommendations for legislative change.

There is a lot of legislative work to do over the coming years, including developing a legislative framework for the electoral reform referendum and for the BC-STV system. The EAC will be consulted on legislative changes recommended by Elections BC, although it is government that will actually initiate these changes. Elections BC will keep the EAC

informed as it conducts research on the BC-STV legislative framework and identifies implications for parties.

6.   Previous Recommendations for Legislative Change

Linda Johnson distributed a handout on recommendations made to government regarding legislative change following the 1996 and 2001 provincial general elections and some subsequent recommendations. These recommendations have been reviewed by previous Election Advisory Committees. Some recommendations were acted upon, and are not included on the current list. The Senior Management Team of Elections BC is currently reviewing the list and will make its own recommendations on items to add or remove.

Three public policy issues will be raised in the report of recommended changes for government's consideration. One is the impact of fixed election dates on election financing and third party advertising. A second is the requirements for registration of political parties. B.C. has the lowest threshold of political party registration requirements of any electoral jurisdiction in Canada. Out of 48 political parties registered at the time of the May, 2005 election, only 25 fielded candidates. On average, most provinces have 4-6 registered parties, with 13 registered federally.

The third issue is public participation in electoral democracy. This issue goes beyond voter turnout to include public engagement in the political process and the effect this may have on voter participation. For example, those who work on a political campaign or as an election worker may be more likely to vote due to exposure to the process. Manitoba's *Elections Act* requires an employer to grant an unpaid leave of absence to an employee who is a candidate, election officer or enumerator or volunteer for a candidate or political party (employers can apply to the Labour Board for an exemption under certain circumstances). Given the desire to increase citizen participation in the democratic process and the growing need for qualified, committed election officials, this may be an approach for B.C. to consider.

All political parties that fielded candidates in the previous election were recently surveyed on their experience of various aspects of electoral administration. Ten parties responded. Responses were very favourable for the most part, and generally did not suggest that legislative change was necessary.

Committee members were asked to review the recommended legislative changes document and provide their feedback by email by **January 16th, 2006**. Members were also invited to identify any additional areas of electoral public policy they feel should be put forward in addition to the three already discussed.

Elections BC's Senior Management Team will review the document and a revised version will be forwarded to the EAC for detailed review and discussion in early February 2006.

Linda Johnson noted that there will be other opportunities to make recommendations for legislative change to the current *Election Act* as the conceptual model and procedural framework for BC-STV is developed. Research may indicate improvements to the way the electoral process is administered that could apply under either system. Although the report on recommended legislative changes will be tabled in March 2006, we will still have the ability to bring changes forward after that date.

Harry Neufeld noted that Elections BC has recommended to the Attorney General that legislation be introduced no later than the Fall of 2007 and passed in Spring of 2008 along with the new electoral district boundaries under both the SMP and BC-STV systems. BC-STV legislation and boundaries would then be known and inform the debate prior to the referendum in the Fall of 2008. Royal Assent would be granted to the appropriate legislation and boundaries following the referendum. Elections BC intends to limit the amount of duplicated work and reduce preparation costs by advocating for overlapping legislation, processes and forms to the maximum possible.

Linda Johnson suggested that she provide an orientation to EAC members on the BC-STV system as designed by the Citizens' Assembly. Committee members agreed. The orientation session will take place in March or April of 2006.

It was suggested that once new legislation is passed a consolidated version of the *Election Act* be produced. Linda Johnson noted that if the government does not produce one, Elections BC will.

7. Future Meetings:

Harry Neufeld suggested that there were other matters beyond legislative changes that could be brought to the EAC for consultation in this electoral business cycle. One is the matter of data provided to the parties. Data formats, for example, have not changed since the mid 1980s. This will be a lengthy process, and EAC members will be encouraged to bring others from their parties with the appropriate expertise to the table. EAC members expressed interest in consulting on this issue.