

Election Advisory Committee (EAC) Minutes

05 February 2020
1:30 – 2:00 p.m.

Meeting conducted via conference call originating in
the Office of the Chief Electoral Officer

PRESENT

Committee Members (alphabetically by political party name)

- Jordan Reid, BC NDP
- Raj Sihota, BC NDP
- Emile Scheffel, British Columbia Liberal Party
- Andrew Brown, Green Party Political Association of British Columbia

Elections BC Staff

- Anton Boegman, Chief Electoral Officer (Chair)
- Yvonne Koehn, Deputy Chief Electoral Officer, Corporate Services
- Jodi Cooke, Executive Director, Electoral Finance
- Amie Foster, Director, Corporate Planning and Strategic Initiatives
- Dan Posey, Analyst, Executive Services
- Arlene Carlson, Executive Coordinator (minutes)

REGRETS

- Paul Barbeau, British Columbia Liberal Party
- Sat Harwood, Green Party Political Association of British Columbia

Meeting commenced at 1:30 p.m.

1. Welcome and Introductions

Anton Boegman, Chief Electoral Officer (CEO), welcomed attendees and described the role of the Election Advisory Committee (EAC) as established by sections 14-16 of the *Election Act*. He reviewed the agenda and introduced the Elections BC participants, then asked the committee members to introduce themselves.

2. Recommendations Report Status – Cyber threats to electoral integrity

The September 2019 meeting of the Committee was a consultation to discuss recommendations specifically focused on mitigating the potential risks to electoral integrity in B.C. posed by emerging threats in the areas of disinformation, foreign interference, and

non-transparent election influence activity. Anton thanked the Committee members for the feedback provided on the draft recommendations at that time and advised that Elections BC anticipates that this report will be tabled in the legislature in the near future. If there are any substantive changes to the recommendations as the report is finalized, EAC members will have an opportunity for consultation on those changes.

3. Overview: Bill 43 – The *Election Amendment Act, 2019*

Today's meeting is a consultation under section 16 (2) (e) of the *Election Act*, under which Elections BC is required to consult with the EAC prior to making a regulation of the Chief Electoral Officer.

Bill 43 – The *Election Amendment Act 2019* implemented all of the priority recommendations from the CEO's May 2018 Report on Recommendations for Legislative Change.

The four priority recommendations were:

- Enabling the greater use of technology in the voting place including electronic voting books for real-time voter strike-off, on-demand ballot printers to facilitate out-of-district voting, and the use of electronic tabulators to quickly and accurately count hand-marked paper ballots.
- The establishment of a provisional voters list for 16-17 year olds that would automatically add these voters to the permanent list when they turn 18, and would support greater engagement and participation by young voters.
- Expanded access to voter data held by other provincial sources to improve the currency and accuracy of the permanent voters list.
- Extending the campaign period by between 4-10 days in the event of an on-demand provincial general election to provide more opportunity for voter registration, candidate nomination processing, and the establishment of district electoral offices.

A major theme of the *Election Amendment Act, 2019* was to enable greater flexibility to meet the future needs of voters and other political stakeholders. This was done by replacing a number of prescriptive sections of the Act with CEO regulations. Rather than having the requirements specified in legislation, they will instead be specified in regulation (which are easier to change in the future – if necessary). To allow for some changes to be implemented, some existing CEO regulations must also be amended.

There are four regulations (new and amended) resulting from the *Election Amendment Act, 2019* to be discussed at this meeting. They are:

- Voter Registration Regulation (B.C. Reg. 206/2015)
- Nomination Contest Regulation
- Leadership Contestant Financing Reports Regulation (B.C. Reg. 433/99)
- Political Party and Constituency Association Financial Reports Regulation (B.C. Reg. 434/99)

The *Election Amendment Act, 2019* also introduced extensive changes to the *Election Act* to modernize voting processes in time for the next scheduled provincial election in 2021. These changes involve the greater use of proven election technology to make voting faster and more accessible, improve service to voters, provide faster election night results, and provide more timely voter participation data to help parties get-out-the-vote. The regulations to enable these changes are currently under development, and Elections BC will consult with the Committee on those regulations at a later date.

Committee members were emailed consultation copies earlier today of the following four regulations noted above.

4. Amendments to the Voter Registration Regulation (VRR)

The Voter Registration Regulation was originally established to specify additional information that Elections BC could request on voter registration forms, as well as the specific information that voters were required to provide if they were registering over the telephone or using the Online Voter Registration system.

- The *Election Amendment Act, 2019* introduced new authority for the CEO to establish a List of Future Voters of 16 and 17 year old 'youths' who are Canadian citizens and residents of British Columbia.
- The proposed amendments to the VRR permit the CEO to collect the same personal information that is currently collected from eligible voters from 16 and 17 year olds during an application for inclusion on the List of Future Voters.
- The proposed amendments to the VRR also permit the CEO to collect email addresses and cellular phone numbers from voters and youths during registration, if they choose to provide them. The purpose of collecting this contact information is to facilitate new means of communication with voters and youths, and to potentially enable new means of providing information on where/when to vote.

Discussion Questions

- Question: I believe that the collection of cell phone numbers and email addresses will be new for all voters, is that correct?
 - Answer: Yes
- Question: Will that contact information be part of the information that political parties receive from Elections BC?
 - Answer: No

5. Amendments to the Political Party and Constituency Association Financial Reporting Regulation, and the Leadership Contestant Financing Reports Regulation

These two existing regulations require amendment because the *Election Amendment Act, 2019* removed the requirements for the CEO to establish forms for financial disclosure requirements by regulation, and permitted the CEO to specify those forms instead. However, the CEO must continue to establish regulations that outline the information

contained on financial reporting forms. These changes are reflected in these two proposed amendments.

The proposed amendments are required to retain the CEO's authority to request the information contained on the currently regulated forms, and this approach allows greater flexibility in form design moving forward. Generally, all of the information contained in these regulations was previously identified in the regulated forms.

The amended regulations will also establish classes of advertising modeled on the requirements of the Third Party Sponsor Disclosure Reporting Regulation, with some additional classes to provide greater transparency for British Columbians about advertising practices by political participants.

Discussion Questions

- Question: I'm curious to know, for political party and constituency association reporting, can you describe what is included in "income not related to political contributions".
 - Answer: Gross fundraising function income not reported as political contributions is income that is specifically identified in the *Election Act* as funds that do not meet the definition of political contributions. The most common example includes a single ticket purchased by an individual where the ticket price is \$50 or less.

6. Nomination Contest Regulation (NCR)

The *Election Amendment Act, 2019* also established notification requirements for political parties relating to nomination contests, and financial disclosure requirements for nomination contestants. The new Nomination Contest Regulation (NCR) has been structured to align with the two previous amended regulations.

- Question: What if an acclaimed nomination contestant has incurred no expenses, will there be a form for that?
 - Answer: The Act requires a signed statement from those who are appointed and did not incur any transactions. There will be a declaration form for that and the contestant will only be required to submit that one form.

7. General Discussion Questions

- Question: In terms of information included on financing reports, can you clarify that income received means only income from contributions, not employment.
 - Answer: Yes, that is correct.
- Question: With the new rules around canvassing at strata properties, does Elections BC plan to find a way to communicate these in some way to strata corporations?
 - Answer: We have not reviewed that subject as yet. Please bring that question forward to a future meeting. In the meantime we will also capture that in our planning considerations.

8. Closing Remarks

The Election Advisory Committee will need to meet for consultations on a more regular basis over the coming year. Dan Posey provided Committee members with an overview of the Regulations that are currently in development. The second round of changes to electoral finance regulations should be ready in about one month's time.

Anton Boegman thanked members for their comments and asked that they provide any feedback on the Regulations discussed by next Wednesday, February 12 to Amie Foster, Director, Corporate Planning and Strategic Initiatives by email at Amie.Foster@elections.bc.ca.

Anton thanked the group for their time and adjourned the meeting at 2:00 p.m.