

Meeting Notes

PRESENT

Elections BC

- Anton Boegman, Assistant Chief Electoral Officer, Electoral Operations
- Nola Western, Assistant Chief Electoral Officer, Funding and Disclosure
- Jodi Cooke, Electoral Finance Officer
- Tricia Poilievre, A/Executive Services Manager
- Cody Robertson, Information Technology Support

Political Parties (alphabetically by party name)

- BC First Party: Sal Vetro, Anton Kuipers
- BC NDP: Jan O'Brien, Leslie Kerr
- British Columbia Conservative Party: Jeff Bridge, Jack Burton
- British Columbia Liberal Party: Chad Pederson, Jason Chabot
- British Columbia Libertarian Party: Lewis Dahlby
- British Columbia Patriot Party: May Stokes
- British Columbia Social Credit Party: Carrol Woolsey, Anthony Yao
- Communist Party of BC: Sam Hammond, Gabriel Au
- Democratic Reform B.C.: Joe England, Lyne England, Jim Ferguson
- Nation Alliance Party: Wei Ping Chen, Wei Wang
- Delta South Constituency Association of the Independent MLA Vicki Huntington: Bernadette Kudzin, Phil Horan, Alex Bovey

Introduction

Anton Boegman, Assistant Chief Electoral Officer, Electoral Operations, welcomed attendees and expressed regrets from the Acting Chief Electoral Officer, Craig James, who was unavoidably detained in Victoria.

The annual Political Party Information Sessions are held in the interest of fairness and transparency. While not required by statute, the purpose of the annual Political Party Information Session is to advise registered political parties on the role, programs and services of Elections BC, and to provide parties with information at key points in the electoral cycle.

Initiative Vote Planning

Anton Boegman provided attendees with a high-level status update on plans for the September 24, 2011 initiative vote.

On September 13, 2010, the Select Standing Committee on Legislative Initiatives referred the HST initiative petition to Elections BC to conduct an initiative vote, which will be held on September 24, 2011, as required by the *Recall and Initiative Act*.

The *Recall and Initiative Act* does not define the process for conducting an initiative vote. Section 13(2) of the Act establishes that conduct of the vote will be defined by Cabinet Regulation, following consultation with the Chief Electoral Officer. Accordingly, Elections BC has begun consultation with the Ministry of the Attorney General. The *Recall and Initiative Act* is also silent on the drafting of the initiative vote question. Elections BC's perspective is that the Chief Electoral Officer should draft the question, that it should reflect the intent of the draft Bill, and it should provide voters with a clear choice.

Attendees asked for clarification regarding whether the event will be an initiative vote or a referendum, since the Premier has indicated that the will of a simple majority of voters will be honoured rather than the higher thresholds under the *Recall and Initiative Act*. Elections BC is planning for an initiative vote, as that is required by legislation.

Attendees also asked questions related to electronic balloting, timing of the planning process and the format of the initiative vote question.

Initiative Vote Financing

Nola Western, Assistant Chief Electoral Officer, Funding and Disclosure, presented an overview of the financing rules for an initiative vote.

Initiative vote financing provisions are detailed in the *Recall and Initiative Act*. The rules are similar to those during an election: they include expenses limits, rules on making and receiving contributions, and disclosure requirements.

Similar to an initiative petition, there may be proponents and opponents for an initiative vote. Proponents and opponents must apply to Elections BC within 30 days after public notice of the initiative vote has been published. There may be up to five opponents and six proponents (five, plus the initiative petition proponent, who does not have to become an initiative vote proponent but has an automatic right to do so). The application process to become an opponent or proponent is complex and can involve several steps. Elections BC is working on a brochure to explain the process.

The initiative vote period is from 60 days before, and lasts until General Voting Day – July 26 to September 24. During the initiative vote period, only registered proponents or opponents or third party advertisers may spend money to promote or oppose, directly or indirectly, the initiative. Both sides have an equal spending limit, which is \$1.52 for every registered voter at the start of the initiative vote period. Given the number of registered voters on October 21, the total spending limits for each side would be approximately \$4.55 million, to be split among the total number of proponents or opponents. However, during the time leading up to the initiative vote period there are no spending limits on anyone.

All expenses for proponents and opponents will need to be disclosed. This includes expenses incurred before the initiative vote period, even though there is no limit during this time. There are no contribution limits for proponents and opponents, other than anonymous contributions. Anonymous contributions are limited to \$10,000 for each proponent and each opponent.

Initiative vote financing reports are due 90 days after General Voting Day, so the due date will be December 23, 2011. These are similar to the reports filed by political parties and candidates after an election.

Initiative vote advertising is advertising conducted during the initiative vote period that promotes or opposes, directly or indirectly, the initiative. Individuals and organizations other than registered proponents or opponents who wish to sponsor initiative vote advertising must register with the Chief Electoral Officer, comply with a \$5,000 spending limit, and file advertising disclosure reports. Similar to election advertising, all initiative advertising requires an authorization statement.

Attendees asked whether organizations that collect donations year-round and were registered as proponents or opponents would have to distinguish between regular contributions and contributions meant for the initiative vote campaign. Organizations would need to ask contributors the purpose of their donation. It was also noted that online and cash donations can be a maximum of \$100.

Review of Elections BC's website

Anton Boegman provided attendees with an orientation of Elections BC's website, www.elections.bc.ca. The website was redeveloped before the 2009 General Election; the goal was to provide more intuitive navigation and the ability to access key information from more than one channel. For example, access to the Online Voter Registration system is available from three places on the home page.

Attendees asked about web and communications plans for recall and the initiative vote. Once more information is known about the initiative vote, and if recall applications are received, relevant content will be placed on the website.

Attendees provided feedback regarding the design of the website and information available on it.

Financial Reports and Political Contributions System (FRPC)

Jodi Cooke, Electoral Finance Officer, demonstrated Elections BC's Financial Reports and Political Contributions System (FRPC), including search options, report details and how to view search results.

FRPC is a system Elections BC maintains to publish financial reports filed with Elections BC under the *Election Act* and *Recall and Initiative Act*, and political contribution data contained in financial reports filed under the *Election Act*. Elections BC is required to provide access to financial reports in its office; FRPC makes these reports easily accessible to people not in Victoria.

The information published in FRPC was previously maintained in two separate systems. The new combined system features increased search capacity. Types of reports published in FRPC include annual financial reports, election financing reports, leadership contestant reports, deregistration reports and recall and initiative financing reports.

Attendees were encouraged to test the system and send any questions or suggestions for improvement to Electoral Finance at Elections BC.

Recall Petition

Anton Boegman provided attendees with a brief overview of Elections BC's current planning status respecting recalls, and advised them of the legislation and processes related to the administration of recall petitions.

Applications for recall petitions may not be made in the 18 months following a general election. For the current electoral cycle, the earliest date that recall petitions can be accepted is November 15, 2010.

Elections BC is in the final phases of planning for recall petitions. Some procedures have been fine-tuned through the recent initiative petition process, including updates to forms and guides, enhancements to the Recall and Initiative Verification System (RIVERS) and efficiencies in the canvasser registration process.

The application process is described in section 19 of the *Recall and Initiative Act*. An applicant must be a registered voter in the electoral district for which the application is made. The application must include the name of the Member, the name and residential address of the applicant, a statement of 200 words or less of why, in the opinion of the applicant, the member should be recalled, a solemn declaration and a \$50 processing fee. Upon receiving an application, Elections BC will confirm that the application package is complete and correct, and then notify the proponent, the Member and the Speaker of the Legislative Assembly that the application has been approved in principle. Within seven days of approval in principle, Elections BC will issue the petition to the proponent.

A recall petition must be signed within 60 days. Signers must have been registered to vote in the electoral district as of May 12, 2009, and they must currently be registered in the province. If a voter has moved to another electoral district since the last election, they are eligible to sign a petition in the electoral district they lived in on May 12, 2009, not the district they live in currently. To meet the legislated requirements, 40% of eligible voters must sign the petition.

Petition verification occurs over 42 days, and has three phases: a manual submission confirmation, computer verification using RIVERS, and signatory verification through a BC Stats survey. If the petition fails at any point during verification, verification will stop. If the petition meets the 40% threshold, the Chief Electoral Officer reports the results to the Member and the Speaker, and the Member ceases to hold office and their seat is vacant. A by-election must be called within 90 days, and the recalled Member may run as a candidate.

Attendees asked questions about disqualified signatures on the HST initiative petition, previous recall petitions and the use of the voters list for recall petitions.

The majority of disqualified signatures on the initiative petition were because people signed who were not eligible to sign – either they were not registered voters, or they signed the petition for the wrong electoral district. The voters list that can be provided to recall proponents has names and addresses of the people in that electoral district who were registered as of May 12, 2009, and are eligible to sign the recall petition. In the 1998 recall petition of Paul Reitsma (Parksville-Qualicum), the Member resigned before verification was complete.

Recall Petition Financing

Nola Western presented the financing rules for a recall petition.

Recall financing rules are very similar to initiative vote financing rules. There is one proponent – the registered voter who applied for the recall petition. The MLA can be considered similar to an opponent. There can only be one proponent per recall petition, but there can be more than one recall petition in one electoral district at the same time.

The recall petition period begins when approval in principle is granted and continues until the petition is submitted to Elections BC or on the last day for signing the petition, whichever occurs first. During the recall petition period, there are spending limits for the proponent and the MLA. Since the petition may be issued up to seven days after approval in principle is granted, the recall petition period may begin up to seven days before signatures are collected.

Only proponents, MLAs and registered third party advertisers may incur recall expenses. The spending limits are equal for both the proponent and the MLA. The limits are calculated using a base amount of \$25,000 and adjusted for changes to CPI, as well as for electoral districts with more than 25,000 registered voters and for those that are sparsely populated. The average recall petition spending limit would be around \$36,000. There are no contribution limits, but recall participants may not accept more than \$1,500 in anonymous contributions. Contributions from out of province or out of Canada are acceptable.

The proponent and the MLA must file financing reports, due 28 days after the end of the recall petition period. Reports must include information on expenses, contributions, loans, fundraising functions and other income and expenditures. They must also disclose the names of contributors who made recall contributions totalling more than \$250 in value.

Third party advertisers have no spending limit, but they must register with Elections BC and file a disclosure report. If a political party wishes to do recall advertising, it must register as a third party advertising sponsor.

The Year Ahead

Local Government Elections

Nola Western informed attendees that Elections BC will soon have a new mandate around local government elections. After the 2008 local government elections, it was identified that improvements to the process were needed. A Local Government Elections Task Force was appointed to examine the issues and make recommendations to government. In May 2010, the task force made recommendations in five key areas to: ensure accountability, enhance transparency, strengthen compliance and enforcement, increase accessibility, and expand education and information.

The changes that affect Elections BC are those around campaign finance compliance and enforcement. Elections BC will become responsible for publishing the campaign finance reports filed by local government candidates – this will be done by creating an online database similar to FRPC. The last local government elections had 2,400 candidates, compared to only 345 in the last provincial general election. Elections BC will also have a role in accepting complaints from the public, particularly campaign finance complaints. Previously, campaign finance complaints were referred directly to the police.

The impacts on candidates include an expanded solemn declaration, a ban on anonymous contributions, expenses limits, new disclosure forms and deadlines, and advertising sponsorship information.

Legislation is expected in Spring 2011. This process is being driven by the Ministry of Community, Sport and Cultural Development, with Elections BC providing technical input. Elections BC is also working on a new system similar to FRPC for local government elections disclosure information, and working on new guides and forms.

Special Committee to Appoint a Chief Electoral Officer

Harry Neufeld's term as Chief Electoral Officer ended on June 5, 2010, as was scheduled in the *Election Act*. Since that time, Craig James has been Acting Chief Electoral Officer.

Under the *Election Act*, the Chief Electoral Officer must be appointed by the Legislative Assembly upon the recommendation of an all-party committee of MLAs. That committee has been established, and the position was posted with an application deadline of October 15, 2010. The committee will now be establishing a meeting schedule for review and consideration of the applications they received. Elections BC expects that a new Chief Electoral Officer will be appointed during the spring 2011 legislative session.

Recommendations for Legislative Change

After every general election, the Chief Electoral Officer issues a report regarding recommended changes to the *Election Act*. The most recent report was tabled in April 2010, and contained recommendations for technical changes to the Act that would clarify certain sections of the legislation and make the administration of elections more efficient.

Because of the large events on the calendar for 2011, Elections BC is concerned about the administrative burden on resources if the *Election Act* is changed in 2011. As well, changes to the Act could be confusing for voters and District Electoral Officers during the initiative vote. Because of those concerns, Craig James has written to the Attorney General requesting that any changes to the *Election Act*, other than removal of the requirement for a door-to-door enumeration, be deferred until after the spring 2011 legislative session.

Special and Suggested Projects

Attendees were asked to give feedback on any special projects or activities that they believe Elections BC should be undertaking in the next year.

Attendees proposed ideas and asked questions relating to the use of technology in voting and electronic balloting. At present, adequate security is not possible in order to make internet voting an option. Electronic balloting would likely be too expensive at the provincial level. It has been used in some municipal elections because the process is more complex, with different ballots to count (e.g. council, school board, etc.).

Attendees asked questions about making voting compulsory, as it is in Australia. While turnout is high, election administrators in Australia have noted the problem of uninformed votes – people voting simply because they have to, and checking either the first or last name on the ballot. As well, this would be a public policy issue which is not for Elections BC to decide.

Announcements

Publications

Elections BC has two reports that will be published shortly: the 2009/10 Annual Report and the Report of the Chief Electoral Officer on the HST Initiative Petition. These will both be distributed online rather than in hard copy.

Voters List Release Dates

On November 22, Elections BC will send letters regarding the fall release of the voters list to MLAs and registered political parties, who are eligible to receive copies of the voters list. The spring release of the voters list will be May 25.

Future Sessions

Attendees were asked for feedback regarding the agenda, location and time of the information session and suggestions for future sessions. Most attendees found the agenda informative and useful. Holding the sessions in Richmond was seen as convenient for attendees arriving from the ferry or airport. A suggestion was made to hold the sessions at a location along one of the Skytrain routes. For timing, some attendees suggested that a half day would be adequate; however, it would have to be in the afternoon as people from Victoria would not be able to arrive early enough for a morning session.

Closing Comments

Attendees were thanked for their participation and reminded that once the meeting notes are finalized, they will be available on the Elections BC website.

Questions regarding information presented at the Political Party Information Session should be directed to Tricia Poilievre, A/Executive Services Manager (250-952-6226), for forwarding to the appropriate program area for response. However, questions specific to campaign financing are best directed to the staff in Electoral Finance.

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