

# Annual REPORT 2013



October 20, 2014

The Honourable Daryl Reid  
Speaker of the Legislative Assembly  
Room 244 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Dear Mr. Speaker:

I have the honour of submitting to you the annual report on the activities of Elections Manitoba. This report is submitted pursuant to subsection 32(1) of *The Elections Act* and subsection 107(1) of *The Election Financing Act*. In accordance with subsection 32(5) of *The Elections Act* and subsection 107(1) of *The Election Financing Act*, annual reporting under these statutes have been combined.

The applicable legislation states that the Speaker must table the report in the Assembly forthwith without delay if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

While no new recommendations are included in this report, several recommendations are carried forward from 2012. Pursuant to subsection 32(4) of *The Elections Act* and subsection 107(3) of *The Election Financing Act*, an annual report that contains recommendations for amendments to these Acts stands referred to the Standing Committee on Legislative Affairs for consideration of those matters. The above-noted subsections also provide that the Committee shall begin its consideration of the report within 60 days after the report is tabled in the Assembly.

Respectfully yours,



Shipra Verma, CA  
Chief Electoral Officer



# TABLE OF CONTENTS

<b>I</b>	INTRODUCTION.....	5
<b>II</b>	ANNUAL ACTIVITIES.....	7
<b>III</b>	ELECTION ACTIVITIES.....	17
<b>IV</b>	IMPLEMENTING LEGISLATIVE CHANGES.....	19
<b>V</b>	LEADERSHIP CONTEST.....	21
<b>VI</b>	LOOKING FORWARD.....	23
<b>VII</b>	RECOMMENDATIONS.....	25





## INTRODUCTION

Guided by the strategic planning process carried out in 2012, staff at Elections Manitoba focused their efforts on project planning and development for the upcoming general election. The strategic plan identified six focus areas to ensure effective delivery of the election, while ensuring that all stakeholders' needs are met and all legislative requirements are upheld.

The strategic focus areas are as follows:

- Amendments – Implementing legislative requirements
- Accessibility – Maintaining strong accessibility of the electoral process to all eligible voters
- Staff Development – Continuing to develop staff to provide optimal service
- Awareness – Providing election information to all voters
- Assistance – Providing assistance to political participants and other stakeholders
- Service – Enhancing service through effective use of technology and internal capabilities

To meet the requirements of new legislation passed in 2012, Elections Manitoba conducted a study to examine whether a permanent voters list should be established for provincial elections in Manitoba. The study surveyed the history and best practices for the use of permanent lists in other Canadian jurisdictions, analyzed the requirements for creation and maintenance of a permanent list, and identified next steps for implementation, should legislation be passed to adopt a permanent list. A report on the permanent voters list was tabled in the Legislature in June 2013.

With the resignation of the MLA for Morris in February, our office began immediate preparations for a by-election. Later in the year, with a second vacancy in Arthur-Virden, preparation began for a second by-election. As the writ for both by-elections was issued on December 27, 2013, most of the election activities took place in 2014 and will be reported in that year's annual report.

A new website was launched in 2013, combining both election-specific and ongoing corporate information in one location, while enhancing the user experience through a responsive website design.

Several key staffing developments took place in 2013, including the appointment of Shipra Verma as Chief Electoral Officer and David Manahan as Deputy Chief Electoral Officer. Long-time staff member Mary Skanderbeg also retired in 2013.





## ANNUAL ACTIVITIES

### A. ACTIVITIES RELATED TO THE ELECTIONS ACT

#### i. Working with Advisory Committees

Elections Manitoba consults with representatives from all political parties on an annual basis with respect to *The Elections Act* (EA) and *The Election Financing Act* (EFA). These advisory committees are legislated under each act. For a report on *The Election Financing Act* advisory committee, see page 13.

#### **The Elections Act Advisory Committee**

This advisory committee met on April 24, 2013. Topics discussed at the April meeting included the draft report on the Permanent Voters List (see details on page 19), preparations for the anticipated Morris by-election, and a draft recommendation to amend *The Elections Act*, with respect to requirements for nomination papers.

#### **Committee Members for 2013**

Registered Party	Representative
Communist Party of Canada-Manitoba (CPC-M)	Darrell Rankin
Green Party of Manitoba (GPM)	James Beddome
Manitoba Liberal Party (Liberal)	Nora Fien
New Democratic Party of Manitoba (NDP)	Nanci Morrison
The Progressive Conservative Party of Manitoba (PC)	Kathryn Lee

#### ii. Delivering Public Information and Education Programming

In September, Elections Manitoba partnered with Elections Canada in its annual Democracy Week initiative, helping to organize a free public workshop at the University of Manitoba. Entitled, *“Whose Democracy Is It? Citizen Engagement and Diversity in Manitoba and Canada,”* the event featured keynote speaker Paul Vogt, Visiting Scholar in the Department of Political Studies at the University of Manitoba. He was joined in a panel discussion by Mia Rabson, Winnipeg Free Press Ottawa correspondent; Angela Cassie, Director, Communications and External Relations for the Canadian Museum for Human Rights; and Cheryl McKenzie, Host/Producer for Aboriginal Peoples Television Network.

In support of its ongoing public information and education mandate, Elections Manitoba continued to offer the Your Power to Choose (YPTC) curriculum-based election education program in 2013. The key component of Your Power to Choose is the delivery of in-class facilitated workshops that teach students about citizenship and democracy while developing the habit of participation.

The following provides an overview of the program's reach in 2013:

- 153 workshops delivered in total, including public schools, independent schools, First Nations schools, adult learning centres and community groups
- 3,625 students/learners participated
- 43 electoral divisions reached

In addition to delivering workshops in schools throughout the province, our office engaged with Manitoba voters and future voters through participation in a variety of events, including:

- Special Area Groups for Educators (SAGE) conference
- Teachers' Institute on Parliamentary Democracy
- Red River Heritage Fair

## **B. ACTIVITIES RELATED TO *THE ELECTION FINANCING ACT***

### **Processing Annual Financial Returns**

To demonstrate compliance and maintain transparency with the public, registered parties and constituency associations are required to disclose their annual financial activities. Candidates must also report on outstanding liabilities and loan status.

### **I. Registered Parties**

Annual statements for 2012 were required to be filed by April 2, 2013 or by an approved extension date and were filed as follows:

### **Annual Filing by Registered Parties for 2012**

<b>Registered Party</b>	<b>Extension Date (if applicable)</b>	<b>Filed Date</b>
CPC-M	April 19/13	April 19/13
GPM	April 30/13	April 29/13
Liberal	May 15/13	May 13/13
NDP	n/a	March 28/13
PC	n/a	March 26/13

## Registered Party Annual Financial Statements

Filed in 2013 for the Calendar Year Ending December 2012

	CPC-M	GPM	Liberal	NDP	PC
<b>Income and Expenses</b>					
Contributions <sup>1</sup>	\$3,692	\$5,499	\$112,160	\$652,635	\$794,678
Transfers	-	170	10,676	70,805	81,762
Other Income	600	11,193	150,722	980,115	961,725
Total Income	4,292	16,862	273,558	1,703,555	1,838,165
Expenses	6,979	8,701	162,076	1,095,792	1,002,081
Surplus (Deficit)	(2,687)	8,161	111,482	607,763	836,084
<b>Assets and Liabilities</b>					
Assets	1,358	13,673	14,898	246,000	318,392
Liabilities	19,987	41	20,223	101,357	169,853
Net Worth (Deficit)	(\$18,629)	\$13,632	(\$5,325)	\$144,644	\$148,539

<sup>1</sup> Excludes contributions made during the election period for the Fort-Whyte by-election.

## II. Annual Allowance Paid to Registered Parties for 2012

All registered parties are entitled to receive an annual allowance to assist with administrative and certain operating costs, including costs incurred in complying with *The Election Financing Act* (EFA).

The annual allowance for a calendar year is payable to a registered party once the party's annual statement has been reviewed by the Chief Electoral Officer. Alternatively, the party's financial officer may make a written request to the Chief Electoral Officer that the allowance not be paid. The amount of allowance paid is public information and is provided below:

### Annual Allowance Paid in 2013 for 2012

Registered Party	Amount certified	Payment date
CPC-M	\$773	May 14/13
GPM	\$8,701	May 9/13
Liberal	\$63,255	May 27/13
NDP	Original amount: \$278,811 Adjusted amount: \$195,167	Issued: May/13* Adjusted: Dec. 6/13
PC	Declined	-

\* The original cheque was returned to Elections Manitoba pending amendments to the legislation.

### III. Contributions\* Received by Registered Parties for 2012

The EFA sets rules for contributions to political entities. Under the EFA, only individuals who live in Manitoba may make contributions, and the total amount of all contributions made by any individual must not exceed \$3,000 per year. An additional contribution of up to \$3,000 may also be made to one or more leadership contestants during a leadership contest period.

Registered parties must report on the value of all monetary and non-monetary contributions received in their annual returns. The table below shows the total value of contributions made to registered parties in 2012, as reported in 2013.

#### Contribution to Registered Parties in 2012

	CPC-M	GPM	Liberal	NDP	PC	Total
\$250.00 or More - Total value	\$3,067	\$2,600	\$72,320	\$714,454	\$737,263	\$1,529,704
\$25.00 to \$250.00 - Total value	605	3,763	56,555	234,207	384,371	679,501
Less Than \$25.00 - Total value	20	110	1,383	14,576	38,883	54,972
Total of all Contributions	\$3,692	6,473	\$130,258	\$963,237	\$1,160,517	\$2,264,177

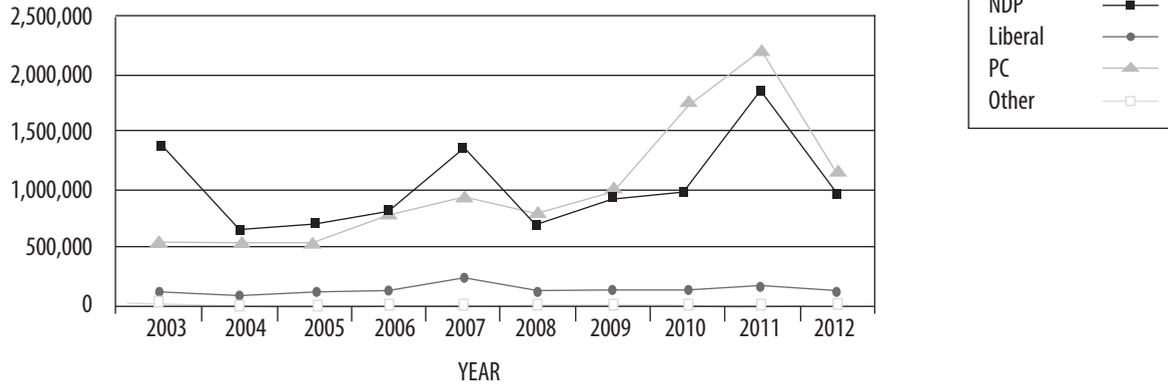
\* Includes all contributions received during the year, including election periods for the Fort-Whyte by-election.

#### Historical Summary of Contributions Received by Registered Parties

Reporting Year	Liberal	NDP	PC	Other	Totals
2003	\$174,730	\$1,309,763	\$536,538	\$24,231	\$2,045,262
2004	127,028	715,532	547,563	9,849	1,399,972
2005	135,808	790,183	557,512	8,884	1,492,387
2006	138,985	862,684	864,393	12,750	1,878,812
2007	221,508	1,306,764	949,403	17,280	2,494,954
2008	136,546	722,502	834,710	9,413	1,703,171
2009	157,511	927,872	999,581	12,930	2,097,894
2010	152,633	1,012,747	1,742,924	12,914	2,921,218
2011	169,840	1,763,304	2,227,047	18,888	4,179,079
2012	\$130,258	\$963,237	\$1,160,517	\$10,165	\$2,264,177

## Contribution Analysis

AMOUNT IN CDN\$



## IV. Constituency Associations

The financial officer for a constituency association must provide information to the Chief Electoral Officer regarding contributions or balances remaining on any loans. These constituency association returns state the name and address of all contributors, as well as the total value of their contributions to the association during that year.

An annual contribution to the constituency association totaling \$250 or more is public information.

## Contribution of \$250 or More to Constituency Associations

	Liberal	NDP	PC
Total number of constituency associations	57	57	57
Total number of contributions of \$250 or more	-	1	-
Total value of contributions \$250 or more	-	\$320	-

## Yearly Comparison of Constituency Associations Reporting Contributions of \$250 or More

Year	# of Constituency Associations	Reporting Contributions of \$250 or More	Total Contributions of \$250 or More
2004	171	4	\$2,055
2005	171	3	2,595
2006	172	5	3,746
2007	174	8	6,315
2008	174	0	0
2009	175	2	787
2009*	30	1	500
2010	173	4	1,631
2011	171	4	1,240
2012	171	3	2,513
2013	171	1	\$320

\* Transitioning to new boundaries established by the 2008 Boundaries Commission

### V. Manitoba Tax Credits Claimed for Political Contributions

Only registered candidates and parties may issue tax receipts for contributions received. The tax receipts can be used to claim tax credits as per section 4.11(1.1) of *The Income Tax Act*. An individual's political contribution tax credit for a taxation year ending after 2004 is the lesser of \$650 and the amount determined according to the following table:

Total contributions (T)	Political Contribution Credit (PCC)
\$400 or less	$PCC = .75 \times T$
More than \$400 but not more than \$750	$PCC = \$300 + (T - \$400)/2$
More than \$750	$PCC = \$475 + (T - \$750)/3$

Constituency associations and leadership contestants may not issue tax receipts.

## Manitoba Tax Credits Claimed for Political Contributions

Tax Year	Individual Returns	Corporate Returns*	Total Credit
2004	\$728,462	\$2,018	\$730,480
2005	792,686	-	792,686
2006	944,841	-	944,841
2007	1,551,826	-	1,551,826
2008	969,134	-	969,134
2009	1,092,884	-	1,092,884
2010	1,493,803	-	1,493,803
2011	2,287,870	-	2,287,870
2012	2,347,693	-	2,347,693
2013	\$ 1,158,297	-	\$1,158,297

\* As of January 1, 2001, contributions from corporations are not permitted under *The Election Financing Act*. Credits claimed by corporations are for contributions prior to 2001; however, tax credits may be claimed up to five years after contributions are made.

## VI. Candidates' Outstanding Liabilities and Loan Balances

Any candidate who has outstanding liabilities or loans must file a statement with the Chief Electoral Officer for every year that the liabilities or loans remain outstanding.

### From the 2011 General Election:

- At the end of 2013, 12 candidates were required to file an outstanding liability and/or loan return. Of these, 10 candidates filed returns with the Chief Electoral Officer. In the case of the two candidates who failed to file, the matter was referred to the Commissioner of Elections.

Complete details can be found in the relevant returns which are available for viewing at Elections Manitoba or via Elections Manitoba's website.

## VII. The Election Financing Act Advisory Committee

The EFA advisory committee met on April 23, 2013. Specific items discussed included final guidelines on election communication by third parties, planned improvements to the recordkeeping tool for official agents, and updates to forms and guides as per *The Election Financing Act*. Also on the agenda were findings of the survey of official agents and auditors following the 2011 general election and the 2012 Fort Whyte by-election, preparations for the anticipated Morris by-election, and an overview of the new annual allowance formula and process. Two new proposed amendments to the EFA were also introduced. See details on page 31.

## Committee members for 2013:

Registered Party	Representative
CPC-M	Darrell Rankin
GPM	John Redekopp
Liberal	Melody Johnson
NDP	Kevin Dearing
PC	Kathryn Lee

## C. DEVELOPING STAFF AND SHARING BEST PRACTICES

There were several opportunities in the year for Elections Manitoba to participate in meetings and forums allowing for the exchange of information and ideas related to democracy and the electoral process:

- As part of Elections Manitoba's study of the adoption of a permanent voters list for Manitoba, staff met with representatives of Elections BC to understand the systems and practices used to maintain and update their permanent list. Elections Manitoba staff also participated in Elections BC's visitor program for their general election in May.
- In October, staff travelled to Rankin Inlet to observe the Nunavut territorial election.
- Elections Manitoba staff attended an inter-jurisdictional recruitment and training working group session in Ottawa to share ideas and best practices for the development and implementation of Returning Officer/Assistant Returning Officer and field training.
- In December, Elections Manitoba staff attended the annual conference of the Council on Governmental Ethics Laws (COGEL) in Québec City. As the preeminent organization of government ethics administrators, COGEL's membership includes individuals working in the fields of governmental ethics, freedom of information, elections, lobbying, and campaign finance.

## D. PUBLIC INTEREST DISCLOSURE

*The Public Interest Disclosure Act*, known as Whistleblower Protection, came into effect in April 2007. There have been no disclosures within Elections Manitoba, although the organization remains fully aware of the Act and is ready to ensure its regulations are met should an employee come forward with a concern.

The Act gives employees a clear process for disclosing concerns about significant and serious matters (wrongdoing) in the Manitoba public service, and strengthens protection from reprisal. The Act builds on protections already in place under other statutes, as well as collective bargaining rights, policies, practices and processes in the Manitoba public service.

Wrongdoing under the Act may be: contravention of federal or provincial legislation; an act or omission that endangers public safety, public health or the environment; gross mismanagement; or, knowingly directing or counseling a person to commit a wrongdoing. The Act is not intended to deal with routine operational or administrative matters.

The following is a summary of disclosures received by Elections Manitoba for fiscal year 2013 – 2014:

Information Required Annually (per Section 18 of The Act)	Fiscal Year 2013– 2014
The number of disclosures received, and the number acted on and not acted on. <i>Subsection 18(2)(a)</i>	NIL
The number of investigations commenced as a result of a disclosure. <i>Subsection 18(2)(b)</i>	NIL
In the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations or corrective actions taken in relation to the wrongdoing, or the reasons why no corrective action was taken. <i>Subsection 18(2)(c)</i>	NIL

## E. GOVERNMENT ADVERTISING

Section 92 of *The Election Financing Act* regulates the kind of information a government department or Crown agency can publish or advertise leading up to and during elections and by-elections.

Any person who believes that a department or Crown agency has violated Section 92(2) may file a complaint with the Commissioner of Elections.

Section 93 of *The Election Financing Act* requires that, if the Commissioner of Elections finds that a complaint is justified, the Commissioner must advise the Chief Electoral Officer of the particulars of the violation. The particulars are then to be published in the annual report.

For the 2013 annual report, Commissioner Bill Bowles provided the following particulars to Elections Manitoba:

*The Department of Family Services wrongfully advertised and published information about a government activity during the election period for the by-elections held January 28, 2014 in the electoral divisions of Morris and Arthur-Virden. Specifically, on January 28, 2014 the department sponsored an event commemorating the 98th anniversary of women’s suffrage in Manitoba. The department had associated itself with the event in prior publications and had a department representative act as master of ceremonies. The government also distributed an invitation to the event during the election period.*

## F. OTHER ACTIVITIES

### **Website**

In May 2013, Elections Manitoba launched its new website. The new website achieved two important objectives: First, the site provides users access to election-specific and ongoing corporate information in one location, without the need to toggle between two different websites. Second, the user experience is further enhanced through a responsive design, which allows the website to work effectively on both desktop and mobile devices.

The website continues to provide valuable information for all stakeholders, including voters, political participants, media, educators and the general public. The site supports Elections Manitoba's public disclosure requirements by providing access to financial return data and other public information required by statute.



## ELECTION ACTIVITIES

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### **By-elections**

While Elections Manitoba maintains a state of readiness to conduct an election at any time, once a vacancy occurs in the Legislative Assembly, preparations to deliver an election within a specific electoral division begin. This was the case in February, with the resignation of Mavis Taillieu, MLA for Morris.

Later in the year, preparation began for a second by-election, when Arthur-Virden MLA Larry Maguire resigned his seat.

Writs were issued for both by-elections on December 27, 2013, with voting day on January 28, 2014. Enumeration took place in January, with weather proving a significant challenge. Two days were added to the normal 14-day enumeration period to ensure a more complete voters list.

A full report on the conduct of the Morris and Arthur-Virden by-elections, as well the financial administration and campaign finance components, will be provided in the 2014 annual report.





## IMPLEMENTING LEGISLATIVE CHANGES

### PERMANENT VOTERS LIST REPORT

#### **Background**

On June 14, 2012, Bill 33, *The Elections Amendment Act*, received Royal Assent and came into force. The new legislation called for Elections Manitoba to examine whether a permanent voters list should be adopted for Manitoba. Following consultation with the advisory committee under section 200 of *The Elections Act*, the report was tabled in the Legislative Assembly in June 2013.

In preparing the report, Elections Manitoba reviewed existing literature regarding history of voter registration, researched best practices of other jurisdictions, and drew from our own experience of conducting elections.

#### **Guiding Principles**

The report compared two processes of voter registration, enumeration and a permanent register, while outlining the guiding principles of a voters list. The guiding principles are as follows:

- Integrity – Creation and maintenance processes must be transparent and fair
- Accessibility – The voter registration process must be accessible
- Upholding voters rights – Voters must be allowed to opt out
- Quality – Voters lists must meet standards of accuracy, currency and completeness
- Privacy/security – Information must be kept private and secure
- Reliability – All data sources must be reliable

#### **Benefits and Challenges of enumeration and a permanent register**

The report assessed the benefits and challenges of both enumeration and a permanent register with respect to upholding the guiding principles. The two key benefits of enumeration outlined in the report were the ability to create a current voters list in “real time” and the opportunity to inform voters of an upcoming election in person, while providing them with the information they need to vote. Challenges of enumeration included recruitment and retention of staff, voters not being at home, safety concerns, and high cost.

The main benefits of a permanent register were determined to be better data security and cost savings over the long term. Among the challenges cited were the high initial creation costs, reliance on secondary data sources and less face-to-face contact with voters during an election.

#### **Foundational elements**

Prior to the development of a permanent register of voters, it is recommended that an all-party consensus be obtained on the guiding principles and methodology. One avenue for gaining this consensus could be consultation with the *Elections Act* advisory committee.

Once consensus is attained, several other foundational elements were outlined for a permanent register. These include the establishment of a methodology for creation and maintenance of the register, consistency in address formats, an updated provincial road network, partnership agreements with reliable data sources and one final province-wide enumeration during which date of birth and gender information will be collected.

The importance of an IT infrastructure to support the permanent register was also noted in the report. Before creation could begin, business and system requirements would need to be identified, including voter access portals and security features. Based on the experience of other jurisdictions as well as Elections Manitoba's own analysis, it was recommended that a software solution be built to manage and maintain the permanent register, as significant modifications and customization would be required for any commercial solution currently available.

Finally, this section of the report noted the additional human resource component required for the creation and maintenance of a permanent register, as well as new operational and communications initiatives that would need to be developed to facilitate the collection and management of data.

### ***Legislative amendments***

Finally, several significant amendments would be required to enact a permanent register, the first being the authority to gather date of birth and gender information from voters. This information would allow Elections Manitoba to assign a unique identifier to each voter's record which, in turn, facilitates the authentication and management of the voter's information within the database.

In order to facilitate the creation and maintenance of a permanent register, several additional amendments would be recommended.

### ***Conclusion***

Elections Manitoba is well-positioned to implement a permanent register. We estimate that it would take four years following the next General Election to complete all the initiatives required to establish a permanent register for Manitoba. Therefore, a timely decision is crucial to moving forward.



## LEADERSHIP CONTEST

The *Election Financing Act* requires public disclosure of leadership contestants' financial statements. This enhances the fairness and transparency of the process registered parties follow to choose their leaders.

The Manitoba Liberal Party held a leadership contest on October 26, 2013. There were three contestants.

### 2013 Leadership Contest – Manitoba Liberal Party Filing Deadline: January 27, 2014

Contestant	Extension (if applicable)	Date Filed
Axworthy, Bob	April 22/14	April 22/14
Bokhari, Rana	n/a	January 24/14
Lamont, Dougald	n/a	January 24/14

### 2013 Leadership Contestants' Financial Statements – Manitoba Liberal Party

	Axworthy, Bob	Bokhari, Rana	Lamont, Dougald
	Final	Final	Final
<b>Income and Expenses</b>			
Contributions	\$13,090	\$8,903	\$ 18,748
Other Income	895	367	-
Total Income	13,985	9,270	18,748
Expenses	13,454	9,232	20,579
Surplus (Deficit)	531	38	(1,831)
<b>Assets and Liabilities</b>			
Assets	1,887	38	1,781
Liabilities	1,356	-	3,613
Net Worth (Deficit)	\$531	\$ 38	(\$1,831)





## LOOKING FORWARD

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In the year ahead, Elections Manitoba will begin recruitment of returning officers and assistant returning officers for the 41<sup>st</sup> general election. As of the year end, approximately 75 positions out of the required 114 were vacant; others were to be filled by individuals returning from the 40<sup>th</sup> general election.

An advertising and community outreach campaign will take place to recruit for the vacant positions. To help streamline the process, an online fillable PDF application form is being developed for Elections Manitoba's website. New website content is also being developed to outline the position responsibilities and requirements, as well as the screening process. Elections Manitoba will also be creating and implementing an on-line assessment tool to assist with the screening of the applicants.

Returning officer and assistant returning officer training will be held over three sessions, with the first scheduled for November 2014. Training materials for returning officers and field staff are being revised and updated with the assistance of a training specialist. A series of animated videos is being developed to enhance the field training materials and ensure consistency in delivery and content across electoral divisions.

In the coming year, further study will be conducted on creation and maintenance of a permanent voters list in preparation for a final enumeration in the 41<sup>st</sup> general election, should legislation be passed to adopt a permanent list.

Elections Manitoba will host the annual Conference of Canadian Elections Officials in August 2014. Each year, the conference provides a forum for electoral administrators from jurisdictions across Canada to exchange information and opinions on electoral, referendum and election financing management. The conference is also an opportunity for conference participants to benefit from the expertise of speakers from other related disciplines. Following the conference, a workshop on the permanent voters list will be held with representatives from almost every Canadian jurisdiction (provincial, territorial, federal).





## RECOMMENDATIONS

Legislation allows the Chief Electoral Officer to recommend amendments to Manitoba's electoral law in order to improve and/or update the electoral process and better serve the electorate. The Chief Electoral Officer's recommendations are published in Elections Manitoba's annual reports.

The Chief Electoral Officer consults with the advisory committees when drafting recommendations; however, what is ultimately recommended is at the sole discretion of the Chief Electoral Officer.

### **The Election Financing Act**

The following recommendations are carried forward from 2012:

#### **1. Nomination Papers.** s. 55 – Part 6

**Recommendation:** That section 55 be amended as follows:

- i. Reduce the number of voters' names, addresses and signatures required on a candidate's nomination paper from 100.
- ii. Include the name of the person or persons collecting the voters' names on the nomination paper.

**Background:** Section 55 of *The Elections Act* requires candidates to obtain the name, address and signature of at least 100 eligible voters in their electoral division for their nomination paper. While this requirement provides a validation that the individual has support to stand as a candidate, it has been seen by some political participants as a barrier to participation. In addition, some candidates have questioned the length of time it takes for the returning officer to verify a nomination paper or resolve issues.

The number of names required in many other jurisdictions is considerably less. Manitoba, Québec, and Canada are the only jurisdictions to require 100 names. It should also be noted that the size of the electoral divisions in Québec and Canada are considerably larger than those in Manitoba. The required number of names varies in other jurisdictions, from four in Saskatchewan to 75 in British Columbia.

With the exception of Ontario and Québec, other jurisdictions also require a deposit of funds upon filing a nomination paper. Canada requires the sum of \$1,000, with all other jurisdictions requiring between \$100 and \$500. The requirement of a deposit could be viewed as an obstacle for some candidates and is not recommended. Hence, considering the Québec and Ontario models where no deposit is required, and the electoral divisions are 2 ½ to 3 times larger than in Manitoba, the number of names of those nominating a candidate in Manitoba could be reduced in order to be more consistent with other jurisdictions.

To further facilitate the nomination process, it is recommended that, for each name collected on the nomination paper, the person collecting that name be identified. To expedite the collection of names, nomination papers are sometimes circulated by the candidate to his or her campaign workers. While this can be efficient for a candidate, it can result in multiple individuals collecting required information.

Once the candidate has submitted his or her nomination paper, the returning officers must verify that each person signing a nomination paper is an eligible voter within the electoral division. This process in itself is a time-consuming task but can be compounded by the difficulty returning officers sometimes have in reading the name and address of those who have signed. This, in turn, can delay the process of verifying the names. In these cases, the returning officers may be required to contact the campaign office for verification. If the returning officer knows who collected each name on the nomination paper, this may make it easier for campaign staff to verify the name and address listed.

By both reducing the number of voters required for a nomination paper, and requiring that the name of the individual collecting names be identified, the process will facilitate participation while enhancing efficiency.

## **2. Leave of Absence for Returning Officers and Assistant Returning Officers.** s. 17(2)

**Recommendation:** Lengthen the leave of absence period in section 17(2) for the returning officer (RO) and assistant returning officer (ARO) to 14 days after election day so that it coincides with the completion of all returning officer and assistant returning officer duties under *The Elections Act*.

**Background:** Currently a leave of absence for returning officers and assistant returning officers ends the day a candidate is declared elected, which is seven days after the election. The very important task of returning the writ of election, which officially names the candidate to be sworn in as an MLA, usually does not occur for seven more days. This additional time allows for a candidate or voter to make application to the courts for a recount if they believe one is necessary. During this week there are also reports the RO and ARO must complete, followed by the closing of the office. Extending the end of the leave will allow them more time to complete these tasks. The extension would mean that the leave for returning officers and assistant returning officers would be extended by an additional week.

## **3. Institutional Voting Stations** s. 137(1)

**Recommendation:** This recommendation has two components:

First, expand the use of institutional voting stations to include facilities such as assisted or supportive living facilities or any other residential facility operated for the purpose of the care and treatment of senior citizens to better serve the senior population of Manitoba.

Second, extend an institutional voting station established in a health care facility to a co-located facility or residence where seniors or persons with a disability reside. This will increase accessibility to voting for this group of Manitobans.

**Background:** Currently, institutional voting stations must be established in health care facilities and correctional facilities. Health care facilities are defined in *The Elections Act* as hospitals, personal care homes and development centres. In today's environment, many seniors are opting to live in intermediate facilities that provide services for their needs, such as independent living facilities, 55+ residences and supportive living facilities. Individuals in these facilities have differing mobility capabilities and many would benefit from having a voting station in their building.

Under current legislation, a voting station can only be established in multiple residences of 100 or more units, so seniors who reside in smaller facilities are required to travel to voting locations outside of their building. By adopting the first part of this recommendation, voting would be more accessible to those seniors who live in residences with fewer than 100 units, but would still benefit from a location within their building.

Several other jurisdictions in Canada allow for voting in seniors residences as described above. They are British Columbia, Alberta, Saskatchewan, Ontario, Québec, Nova Scotia as well as Canada.

With regard to the second part of the recommendation, it is often the case in rural Manitoba that assisted living accommodations are attached to personal care homes. By allowing residents of these co-located facilities to vote in the adjoining health care facility where an institutional voting station has been established, residents of the co-located facilities would have improved access to voting. The establishment of these voting stations should be identified by the returning officer and approved by the Chief Electoral Officer as is the case with additional advance voting locations in section 125(5).

#### **4. Providing Copies of Preliminary Voters List** s. 75 (1)

**Recommendation:** Expand who may receive the preliminary voters list in a set date election to include candidates as defined in *The Election Financing Act*.

**Background:** In a set date election, the preliminary voters list is completed eight to 14 days prior to the issue of the writs and acceptance of nomination papers. Current legislation in section 75(1) reads that the preliminary voters list must be given to each candidate in the election. A candidate is defined in *The Elections Act* as a person whose nomination papers have been accepted by the returning officer; however, nomination papers cannot be accepted by the returning officer until after the issue of the writ. A candidate is defined in *The Election Financing Act* as a person who is nominated by registered party or a constituency association of a registered party as its candidate in an electoral division.

Further, section 95(1) states that a voters list may be used to “assist a registered political party, a candidate nominated under this Act, a candidate as defined in *The Election Financing Act* or a member of the Assembly to communicate with persons on the list.”

In the last general election, based on section 95(1), we were able to provide the preliminary voters list to candidates under *The Election Financing Act*. However, because the definition of candidate differs between *The Elections Act* and *The Election Financing Act*, it will clarify the entitlement to receive the voters list if section 75(1) is amended to read that a candidate as defined under *The Elections Act* or *The Election Financing Act* is entitled to receive the preliminary voters list.

## 5. Absentee Voting s. 140 (4) - 6(b), 143(3 & 4), 146(1)

**Recommendation:** Change the timeline when returning officers are able to accept an absentee application and when a completed ballot package can be issued and subsequently returned to the returning officer. A consequence of this change should allow for a write-in ballot with only a registered party name to be an acceptable ballot.

**Background:** Absentee voting is available for those who will be absent during advance voting and on election day. Those who take advantage of absentee voting include vacationers, those on business outside the province, students attending school outside the province and members of the Canadian Forces serving outside the province.

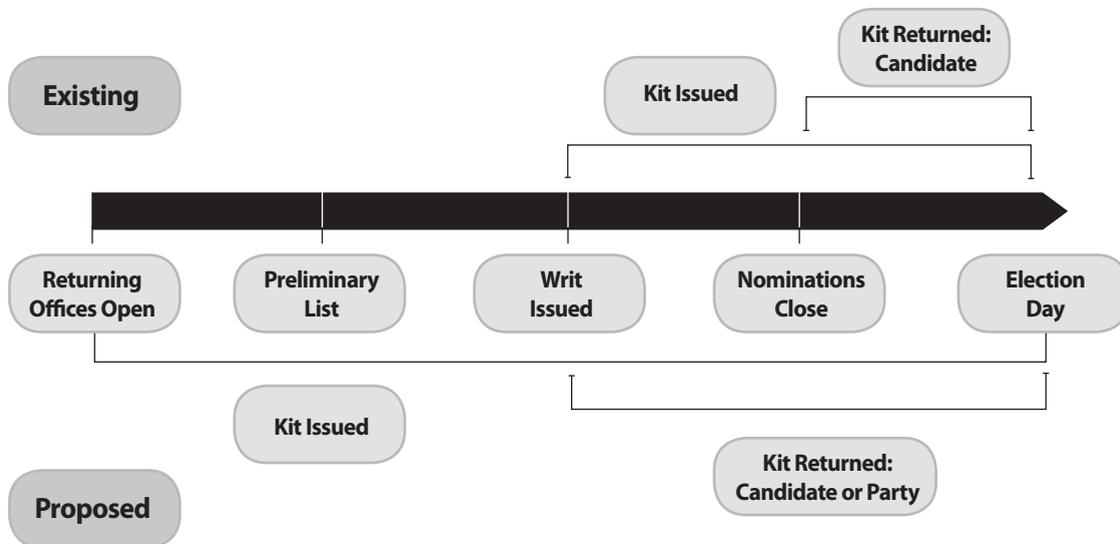
Current legislation for absentee voting directs voters to apply to the Chief Electoral Officer before an election is called and directly to a returning officer after an election is called. Any applications in the possession of the Chief Electoral Officer when writs are issued are sent to the appropriate returning officer. The returning officer ensures all applications are properly completed and the required identification has been supplied. The voter is then issued a voting package which includes directions, a write-in ballot and the necessary envelopes for returning the completed ballot. If nominations are closed, a list of candidates is also included in the package. If nominations are not yet closed, arrangements are made to send the final list of candidates to the voter either via email, fax or phone. It is not until after the voter is made aware of the official candidates that they can return their ballot to the returning officer. As the legislation in section 146 (1) (f) reads “at the close of nominations,” it implies that a ballot can not be cast until the close of nominations. Voters are then required to return the voting package to the returning office no later than 8:00 pm on election day.

During a set date election, returning offices are open up to 75 days in advance of election day so that enumeration may begin. During the last election, due to the earlier awareness of the election, absentee applications were being received by returning officers long before the writs were issued. Often these applications were hand delivered and voters expected to be able to receive a ballot and vote for a candidate when they made their application when, in fact, returning officers had to wait for the writs to be issued before issuing a voting package. It was reported by returning officers that some voters were very frustrated because their travel plans did not necessarily allow them to provide an exact location to which the voting package could be mailed when the writs would be issued.

In order to better serve voters who are utilizing the absentee voting opportunity the following is recommended:

- That applications be accepted by returning officers after enumeration has begun. Offices in each electoral division are opened at that time and are convenient for voters.
- That absentee voting kits can be issued to voters any time after the preliminary voters list is complete. Having the preliminary voters list complete will allow for the striking off of the voters name on the list to allow tracking of those who have voted. By having an earlier date than that of the issue of the writ it will allow for easier movement of the kit to the voter, especially in overseas locations. Part of the directions to absentee voters would be that they must not complete or return their voting kit until after an election is called. This would reduce issues such as delivering ballots to Canadian Forces personnel and having them returned in time, which has been a challenge in past elections. Elections British Columbia has a comparable recommendation made for similar reasons.
- That, due to voting packages being returned before the close of nominations, a write-in ballot from an absentee voter be accepted if only a registered party name is written on the ballot. British Columbia, Alberta, Saskatchewan, Nova Scotia, and Newfoundland accept the name of a registered party as a valid ballot.

The following figure illustrates how the timeline would change under this recommendation:



## 6. Notice of Election s. 51 (2)

**Recommendation:** Remove the requirement to post the notice of election in each rural voting area.

**Background:** Current legislation reads that the notice of election must be posted in the returning office and, if the electoral division contains a rural voting area, in at least one conspicuous place in that area. Section 51 (3) also allows the Chief Electoral Officer to direct or authorize for additional notice to be given to the public.

The legislation appears to date back to the 1930s when it was to be posted in two conspicuous locations in each voting subdivision and also in locations where meetings of municipal council were held. With today's technology and the advertising campaign undertaken to promote election day, the revision period, advance voting and nominations, the benefits of posting the notice in each voting area in the electoral division is less efficient than using technology. It is also increasingly more difficult to get approval from different locations to post the notice in facilities and often there is a cost associated with the posting.

## 7. Set Election Period s. 49(1) (c) clause (i)

**Recommendation:** In 2008 a set election date was established. It is recommended that section 49(1) (c) clause (i) be amended as well to establish a set election period after the writ is issued rather than a variable period of at least 28 days but not more than 35 days from the issue of the writ.

**Background:** A set election date provides for greater service and efficiency in the conduct of elections as well as a more level playing field for all political participants. Eliminating the possibility of a variable election period would further level the playing field while also providing clarity for all stakeholders. It would allow for more equitable and efficient management of election expenses within the spending limits. It would also assist campaigns to better manage expenses incurred in the non-election period, thereby preventing allocation issues of expenses between reimbursable election expenses and non-reimbursable non-election period expenses. A set election period would also assist in recruiting election officials and may also assist in the recruitment of volunteer campaign workers. BC and Ontario also have set election dates and have a set election period of 28 and 29 days respectively.

## 8. Revision Period s. 77(1)

**Recommendation:** Shorten the revision period in section 77(1) to end on the third Monday before election day rather than the second Thursday before election day, to provide time to deliver the official list of voters to locations for the first Saturday of advance voting.

**Background:** Section 77(1) stipulates that revision end on the second Thursday before election day; therefore the revised voters list is completed on the next day, which is the second Friday before election day. Section 125(5) allows for advance voting to begin in any location the next

day, which is the second Saturday before election day. This makes it very difficult to complete the revised list of voters, print the official list and deliver it to advance voting locations, which are often some distance from the returning office, for that Saturday. In many communities, Saturday is an ideal day to hold advance voting. Under the current Act, however, this it may not be possible to hold advance voting on a Saturday, as an official voters list cannot reach distant or remote locations in time.

Even with a shortened revision period, there would still be 25 days of revision following 33 days of enumeration, which would allow for a substantial length of time to compile a complete voters list.

## **The Election Financing Act**

The following recommendations are carried forward from 2012:

### **1. Restrictions on Government Advertising s. 92**

**Recommendation:** That section 92 of *The Election Financing Act* be clarified and strengthened by including a specific restriction for the use of government resources.

**Background:** Section 92 of the EFA places restrictions on government advertising during the last 90 days before and on election day in the case of a fixed date election and during the election period in other elections. The intent of this section is to prevent the use of public resources by the government for campaigning purposes, thereby maintaining fairness in the electoral process while ensuring continuity of the necessary business of the government. While section 92 is consistent with the underlying intent of the EFA to ensure fairness in campaign financing, it does not contain an explicit reference to 'government finances or resources' which can lead to challenges in interpretation. By including a specific reference to the use of government resources in this section, greater clarification would be achieved in the interpretation of the legislation.

### **2. Recoverability of Late Filing Fees s. 70**

**Recommendation:** To amend section 70 to include a time period for recovery of late filing fees, in order to apply the late filing fees more effectively. Accordingly, the section should be amended to state that the late filing fee must be paid within 30 days of receiving the notice from the Chief Electoral Officer.

**Background:** A person who fails to file information, a statement, report or record by the filing deadline is subject to a late filing fee. Once the filing deadline has passed, a late filing fee is assessed at \$25 per day for each day the failure continues, to a maximum of 30 days. The person is notified of the amount payable once the information is received or, if the information has not been received, once the deadline has passed. The payment deadline for late filing fee is currently not specified in the EFA. However, in practice we request the payment be made in 30 days, which is consistent with other filing requirements. In order to clarify the timeline for payment of late filing fees, it is recommended the section be amended to specify a 30-day period.

## OTHER ACTS RELEVANT TO THE CONDUCT OF ELECTIONS

### 1. Referendum Regulations

**Recommendation:** That a Referendum Act be developed. The Act should deal with the administrative conduct of referendums and campaign finance provisions.

**Background:** This recommendation was first introduced in 2000 and repeated in 2001 through 2008. At the May 2, 2006 Standing Committee on Legislative Affairs, the Premier of Manitoba proposed bringing in a Referendum Act after the upcoming general election. As reasons grow for the possible use of referendums, so does the need to have rules clearly articulated by all Members via the Legislative Assembly.

There are three statutes in Manitoba that require a referendum to be held under certain circumstances. They are:

- i. *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act*
- ii. *The Manitoba Hydro Act*
- iii. *The Manitoba Public Insurance Corporation Act*

All three statutes provide for the referendum to be conducted and managed in the same manner as a general election under *The Elections Act*, with necessary modifications.

Many provisions of *The Elections Act* are readily transferable to a referendum. However, there are certain matters of conduct specific to a referendum that would require regulations. Specifically:

- How and when, precisely, is the referendum question established?
- What is the duration of the referendum period, given that no nomination period exists?
- Are there to be referendum committees? How are they to be established, registered and/or regulated?
- Would referendum committees be subject to campaign finance provisions?
- May referendum committees appoint scrutineers to be present at the voting places?
- Would there be unique referendum recount rules?
- Who may apply for a recount?
- May referendums and elections be held simultaneously?
- Does the same tariff for payment of officers apply?
- Are there to be referendum offences?
- Are results binding?

General elections also have campaign finance provisions for such participants as candidates and registered parties. Referendum legislation should contain similar provisions for campaign finances. Section 11(3) of *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act*, section 15.3(4) of *The Manitoba Hydro Act* and section 14.1(4) of *The Manitoba Public Insurance Corporation Act* address this requirement by providing for regulations to be made. Campaign finance matters to be addressed either through regulations or referendum legislation should include spending limits, contributions, public disclosure of finances, provisions for public financial support, registration of participations and official agents.

Groups and individuals participating in a referendum (i.e. referendum committees) should be required to display an authorization on sponsored advertisements. As with elections, voters in referendums have a right to know who is participating and attempting to sway their vote.

Referendum legislation exists in several Canadian electoral jurisdictions. Québec has all pertinent subjects included in its Referendum Act. Alberta, British Columbia and Saskatchewan have a minimal number of subjects included in their respective legislation and deal with most matters by regulation. Canada deals with most subjects in its legislation.

The creation of a Referendum Act would bring clarity to all matters concerning the conduct of a referendum. In the interim, regulations could be developed under the existing legislation.

# ELECTIONS MANITOBA ORGANIZATIONAL CHART

