

ANNUAL REPORT 2005

*Including conduct of the
Fort Whyte by-election
December 13, 2005*





December 15, 2006

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

Dear Mr. Speaker:

I have the honour of submitting to you my annual report on the activities of Elections Manitoba including the conduct of the Fort Whyte by-election held December 13, 2005. This report is submitted pursuant to subsection 32(1) of *The Elections Act* (as amended December 13, 2006) and subsection 99(1) of *The Elections Finances Act*. In accordance with subsection 32(5) of *The Elections Act* and subsection 99(2.1) of *The Elections Finances Act*, post-election and annual reporting under these statutes have been combined.

The applicable legislation states that the Speaker shall lay the report before the Legislative Assembly forthwith if the Assembly is in session or, if not, within 15 days after the beginning of the next session.

Pursuant to subsection 32(4) of *The Elections Act* and subsection 99(3) of *The Elections Finances 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. Furthermore, these subsections provide that the Committee shall begin its consideration of the report within 60 days after the report is laid before the Assembly.

Respectfully yours,

Richard Balasko
Chief Electoral Officer

Organizational Chart

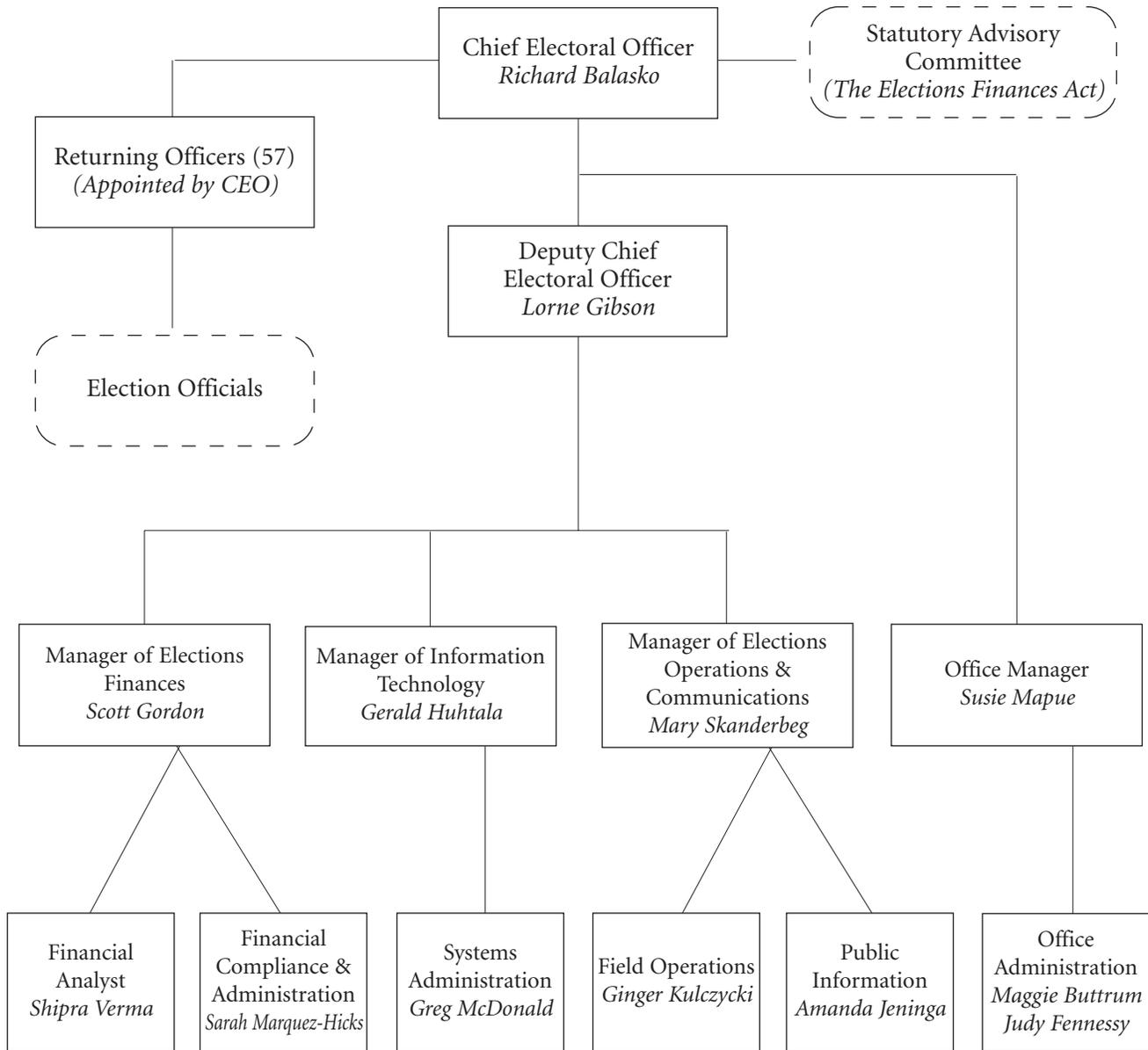


Table of Contents

Organizational Chart	2
Introduction	5
Ongoing Activities	6
Service to Stakeholders.....	6
Service to Voters.....	6
Increasing Support to Political Participants.....	7
Strength from Within.....	9
Fulfilling Our Mandate & Commitment to Manitobans	10
Education.....	10
Compliance Assistance and Disclosure.....	10
Fort Whyte By-election	17
Operational Conduct.....	17
Financial Administration.....	18
Campaign Finance.....	20
Looking Forward	23
Recommendations	25
<i>The Elections Act</i>	25
<i>The Elections Finances Act</i>	26
Other Acts Relevant to the Conduct of Elections.....	27

Introduction

The election planning cycle neared its midpoint in 2005 with Elections Manitoba activating a new strategic approach aimed at improving voter awareness and developing new ideas for delivering fair and accessible elections in Manitoba.

The new strategic approach builds on lessons learned from considerable research that shed light on why only 54 per cent of voters cast ballots in the general election of 2003. Our new approach places a stronger emphasis on meeting stakeholders' needs and on values such as relevance, convenience and accessibility.

In 2005, Elections Manitoba applied research results to enhance its communications strategy and continued looking for improvements to services for all stakeholders. Some of the recommendations developed in 2005 would introduce significant and innovative changes to the running of elections in Manitoba. These projects were driven by six strategic goals that were adopted in 2004 and continue to guide our plans.

Those goals are:

- Making the electoral process more accessible to voters
- Expanding assistance to political participants
- Increasing front line service
- Improving communications to all stakeholders
- Leveraging technology to become more efficient
- Preparing our core staff to provide better service

Some of the new approaches developed in 2005 were tested in the December 13 by-election in Fort Whyte. Information about that by-election is provided later in this report.

By-election

Elections Manitoba was responsible for one by-election in 2005. It was in the electoral division of Fort Whyte. A federal election was also underway during the by-election.

Ongoing Activities

SERVICE TO STAKEHOLDERS

Throughout 2005 considerable time was invested developing new and innovative ways to best serve Manitobans. Elections Manitoba assessed best practices in other jurisdictions as it refined its communications strategy, developed a new education program and processes to improve enumeration, expand voting opportunities and increase support for political participants.

Elections Manitoba staff participated in two training sessions in 2005. Our managers took part in a media relations seminar and all of our core staff received project management training through a three-day course. These sessions were part of our continuing goal to prepare staff to provide better service.

SERVICE TO VOTERS

In 2005, we continued building our most complete and accurate voters list by working with other organizations and utility services that maintain urban and rural address databases. We started investigating how adding these addresses into our geographic information system (GIS) and voters list software could allow us to develop more accurate maps, voters lists and other resources to help enumerators reach every household in the province.

Throughout this process, we shared our voters lists with municipalities, towns and school divisions for the 2006 municipal and school board elections.

We continued to review poll locations and electoral division maps to ensure voting is as accessible as possible across Manitoba. Maps help enumerators provide the best possible coverage of voting areas. Returning officers rely on maps to select the best poll locations for voters.

Improving Quality of Service

Elections Manitoba consulted the Legislative Assembly human resources branch as part of its review of criteria for returning officers and assistant returning officers. The review was conducted to further improve hiring processes and ensure recruitment of skilled people to manage returning offices across the province.

Improving enumerator safety was also a priority in 2005. We developed additional procedures to protect enumerators as they build the voters list by traveling to voters' homes. Safety practices such as working in close proximity of one another plus carrying cell phones and personal alarms were developed.

At the time of writing, a slate of recommendations presented in the 2004 Annual Report was incorporated into Bill 22. *The Elections Act* has been rewritten in plain language with a majority of our recommendations coming into force in December 2006. The recommendations were guided in part by an in-depth survey of voters and non-voters conducted after the 2003 general election.

Expanding Communications Efforts

In 2004, Elections Manitoba turned its focus to a strategically-driven approach to communications. In 2005, we continued to refine the strategy. This strategy provides a foundation to build, strengthen and leverage advertising and public information activities.

Based on our commitment to bring home the value(s) of democracy through participation and fairness, the strategy builds awareness of and confidence in Manitoba's electoral process.

The strategy was applied to *Your Power to Choose*, Elections Manitoba's new curriculum-based education program aimed at new and future voters. It will also be applied to advertising and communications plans for the next general election.

INCREASING SUPPORT TO POLITICAL PARTICIPANTS

Elections Manitoba's finance department introduced new resources to help political participants comply with the law. Elections Manitoba strives to be an accurate and impartial source of information in order to make the process as straightforward as possible.

Simplifying the process

An examination of the process for reviewing parties' financial returns led to the development of a new financial database. The automated review process resulted in more timely and improved service for candidates, parties and constituency associations.

In 2005, Elections Manitoba completed its filing disks for party annual returns (Form 920) and party campaign returns (Form 921). The disks, similar to commercial tax return software, simplify preparation and allow electronic submission of returns.

Leadership contest support

New regulations for political party leadership contests were applied when the Green Party of Manitoba chose a new leader in July. New legislation governing leadership contests was proclaimed in 2002. Elections Manitoba provides pro-active support to leadership hopefuls through a new legislative

reference guide and summary guide. These plain-language documents are available online and in print.

A Collaborative Approach

The Chief Electoral Officer consults two committees to seek advice on the proper administration of electoral legislation.

The Elections Finances Act advisory committee is comprised of one appointed representative from each registered political party. It is also customary to include the chief financial officers of registered political parties.

The Chief Electoral Officer met with the advisory committee twice in 2005. A January meeting was held to identify media associations for a proposed election communications advisory committee that would become active when new third party spending legislation is proclaimed. Amendments to third party legislation were passed in 2000, but had not been proclaimed by the end of 2005.

In October, the Chief Electoral Officer met with the advisory committee to discuss the pending Fort Whyte by-election and recommendations for *The Elections Finances Act* that were to appear in the 2004 Annual Report.

Although not required by law, the Chief Electoral Officer also meets with representatives from political parties on the ad hoc committee for *The Elections Act*. The ad hoc committee met in October to discuss the pending Fort Whyte by-election (including enumerator safety and additional locations for advance polls) and recommendations that were to appear in the 2004 Annual Report.

In addition to the collaboration noted above, Elections Manitoba developed a process to provide polling area maps and proposed polling station locations to political participants so any concerns can be addressed before the next election.

STRENGTH FROM WITHIN

Elections Manitoba believes internal excellence is essential for providing quality service for our stakeholders.

Leveraging Technology

Running elections requires producing accurate information on tight deadlines. Information technology continues to play a larger role as we improve online management and field support tools.

The 2005 Fort Whyte by-election provided an opportunity to use our address database to track completion of enumeration and revision. This gave the returning officer an at-a-glance view of her team's progress. The returning officer gave a positive report of this system which is being considered for the 39th general election.

Bringing Home Best Practices to Manitobans

Elections Manitoba also looks to Canada's broader electoral community, learning from the successes of other electoral jurisdictions and applying best practices to what we do here in Manitoba.

The Electoral Technology Accord entered its second year with new groups added for electoral finance and geographic information systems. The accord broadens our ability to share services, knowledge and resources among jurisdictions across Canada. In 2005, members met to develop a common electoral data model including areas such as enumeration, geographic information and finance.

The Canadian Election Resource Library (CERL) also marked its second anniversary in 2005. The Canada-wide elections Intranet site spearheaded by Elections Manitoba averaged about 250 visits per month in 2005. The project is a joint initiative among 14 electoral jurisdictions across Canada who share operating and set-up costs. The site continues to be maintained by a shared staff person based at Elections Manitoba.

Election offices from across Canada participate in CERL by sharing ideas, experiences and information. The site includes a message board and the ability to share documents. Usage increased in 2005 as more electoral agencies added resource material to the site.

A representative from our finance department visited Elections Canada to obtain a better understanding of best practices that could be implemented in Manitoba.

Each of these initiatives is intended to improve our efficiency and the electoral experience for all Manitobans.

Fulfilling Our Mandate & Commitment to Manitobans

While Elections Manitoba is most visible at election time, the ongoing activities between elections truly demonstrate our commitment to delivering the highest level of service to Manitobans.

EDUCATION – YOUR POWER TO CHOOSE

A growing trend across Canada and in Manitoba shows a decline in voter turnout among youth 18-24 years-old. This prompted Elections Manitoba to review its education program.

Elections Manitoba created a guide to help educators implement the province's new civics curriculum for grades six, nine and 11. Called *Your Power to Choose*, this one-of-a-kind curriculum resource introduces students to the values of citizenship, democracy and the power of choice.

Engaging and interactive, lessons and activities in the guide are adaptable to many classroom and learning levels. Students learn how to assess issues, make informed decisions and experience the impact and power of their choices. Through this experience students gain understanding of the electoral process in Manitoba and respect for fairness, life-long learning and the habit of participating.

Development of the guide included a review of similar programs across Canada and consultation with education experts, educators and students.

Your Power to Choose adds to our ongoing election simulation presentation which continued throughout 2005 with 10 presentations delivered to classrooms in Winnipeg and rural Manitoba. These presentations introduce students to the electoral process through a simulated election on an issue chosen by the class.

COMPLIANCE ASSISTANCE AND DISCLOSURE

Elections Manitoba reviews annual financial information filed by candidates, parties and constituency associations – and ensures the information is disclosed to the public.

By assisting with compliance, and ensuring that the process is fair and transparent, Elections Manitoba upholds the integrity of the electoral process.

Registration of Parties

- According to *The Elections Finances Act*, a political party can register with Elections Manitoba.
- A registered political party may issue official tax receipts for contributions and have its name printed on the ballots with the name of the candidates endorsed by the party.
- Once registered, a political party's name and abbreviation are protected under *The Elections Finances Act*. Other registered political parties may not use the same name or abbreviation.

Registered Political Parties in 2005

Political Party	Date of Registration	Registration Number	Chief Financial Officer	Date of Appointment
CPC-M	Apr. 30/99	P-9905	Cheryl Gray	May 18/03
GPM	Aug. 28/99	P-9907	Zev Rumstein	Apr. 4/05
Liberal	Dec. 12/80	P-8003	Cecilia Connelly	May 17/04
MMP	Mar. 9/88	P-8808	Don Ives	Dec. 30/93
NDP	Nov. 17/80	P-8001	Wayne Copeland	Nov. 24/03
PC	Nov. 25/80	P-8002	Kenneth Lee	Apr. 19/04

Unofficial abbreviations used in this report for registered political parties:

CPC-M	Communist Party of Canada – Manitoba
GPM	The Green Party of Manitoba
Liberal	Manitoba Liberal Party
MMP	Manitoba Marijuana Party
NDP	New Democratic Party of Manitoba
PC	The Progressive Conservative Party of Manitoba

Yearly Comparison of Number of Registered Political Parties

Year	# of Registered Political Parties	Year	# of Registered Political Parties
1980	3	1993	7
1981	3	1994	7
1982	5	1995	4
1983	5	1996	4
1984	6	1997	4
1985	7	1998	4
1986	7	1999	7
1987	7	2000	7
1988	8	2001	7
1989	8	2002	7
1990	7	2003	6
1991	7	2004	6
1992	7	2005	6

Political Party Annual Statements and Returns for Contributions

To demonstrate compliance and maintain transparency with the public, parties are required to file financial statements each year. (Separate statements are filed for financial activities during an election.)

- Returns filed with the Chief Electoral Officer are public information and are open to inspection by anyone.
- Copies of the latest annual party returns and an archive of past returns can be found on Elections Manitoba's website.
- Original copies of returns are also available for viewing at Elections Manitoba.

Annual statements for 2004 were required to be filed by April 1, 2005 and were filed as follows:

Political Party	Date Filed
CPC-M Communist Party of Canada – Manitoba	May 26, 2005 ¹
GPM The Green Party of Manitoba	February 14, 2005
Liberal Manitoba Liberal Party	March 31, 2005 ²
MMP Manitoba Marijuana Party	April 7, 2005 ^{2,3}
NDP New Democratic Party of Manitoba	March 31, 2005 ²
PC Progressive Conservative Party of Manitoba	April 8, 2005 ³

¹ Statement filed after expiry of extended deadline but within 30 days of receiving notice under section 69 of *The Elections Finances Act*. Amended statements were subsequently filed.

² Amended statements were subsequently filed.

³ Statements filed before the expiry of extended deadline.

A detailed list of contributors is filed with the annual financial statement.

Registered Political Party Annual Financial Statements (2004)**

	CPC-M \$	GPM \$	Lib. \$	MMP \$	NDP \$	PC \$
Income and Expenses						
Contributions ¹	4,524	4,025	102,270	0	560,846	456,707
Transfers	0	0	3,163	0	4,116	6,896
Other Income	0	693	35,906	0	64,934	139,631
Total Income	4,524	4,718	141,339	0	629,896	603,234
Expenses and Transfers	7,207	1,320	135,294	18	744,673	552,633
Surplus (Deficit)	(2,683)	3,398	6,045	(18)	(114,776)	50,601
Assets and Liabilities						
Assets	1,821	5,992	26,065	112	271,491	234,350
Liabilities	2,518	0	12,553	343	63,894	94,271
Net Worth (Deficit)	(697)	5,992	13,512	(231)	207,597	140,079

¹ Excludes contributions received during the election period.

Contributions Received by Registered Political Parties (2004)¹

	CPC-M	GPM	Liberal	MMP	NDP	PC	Total
\$250.00 or More							
Total value \$	3,016	400	62,565	0	401,856	381,564	849,401
\$25.00 to \$250.00							
Total value \$	2,715	3,075	61,169	0	297,119	150,343	514,421
Less Than \$25.00							
Total value \$	93	550	3,294	0	16,557	15,656	36,150
Total of all Contributions \$							
	5,824	4,025	127,028	0	715,532	547,563	1,399,972

¹ Includes all contributions received during the year, including the election period.

**Financial statements for 2005 are filed in 2006 and will be summarized in the 2006 Annual Report.

Constituency Association Annual Returns for Contributions

Constituency associations are also required to disclose their financial activities.

- Constituency association returns state the name and address of all contributors, as well as the aggregate value of their contributions to the constituency association during that year.
- An aggregate annual contribution to the constituency association totaling \$250 or more is public information.
- Returns that show a constituency association had financial activity are posted on Elections Manitoba's website. Paper copies of these and all other returns are also available for inspection.

Contributions of \$250 or More to Constituency Associations (2005)

	Liberal	NDP	PC
Total Number of Constituency Associations	57	57	57
Number Reporting Contributions of \$250 or more	1	2	0
Contributions \$250 or more	\$850	\$1,745	\$0

Note: The Communist Party of Canada – Manitoba, The Green Party of Manitoba, and the Manitoba Marijuana Party do not have constituency associations.

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
1986	163	12	\$27,635
1987	161	6	\$9,152
1988	181	8	\$23,633
1989	187	2	\$2,472
1990	176	6	\$6,807
1991	172	2	\$925
1992	171	0	\$0
1993	171	0	\$0
1994	171	3	\$1,312
1995	171	1	\$2,039
1996	171	0	\$0
1997	171	4	\$10,536
1998	171	4	\$5,690
1999	171	8	\$11,637
2000	171	5	\$7,323
2001	171	4	\$1,895
2002	171	5	\$9,673
2003	171	2	\$940
2004	171	3	\$3,555
2005	171	3	\$2,595

Candidates' Campaign Deficits and Loan Balances

From the 2003 general election:

- Five candidates reported campaign deficit and/or loan balances outstanding at the beginning of 2005.
- An amendment was made to one candidate's 2004 return. As a result, the outstanding balance was eliminated by the end of 2004.
- Of the remaining four candidates, one eliminated the outstanding balance by the end of 2005. The remaining three candidates reported outstanding balances as of the end of 2005.

From the 2004 Minto by-election:

- One candidate reported campaign deficit and/or loan balances outstanding at the beginning of 2005. This balance was eliminated by the end of 2005.

Manitoba Tax Credit Program

The Income Tax Act (Manitoba) allows for a tax credit for a percentage of eligible monetary contributions made to a registered political party and registered candidate.

Manitoba Tax Credits Claimed for Political Contributions (1982 - 2004)*

Tax Year	Individual Returns \$	Corporate Returns \$	Total Credits \$
1982	293,500	54,200	347,700
1983	429,200	47,300	476,500
1984	520,400	69,000	589,400
1985	642,900	90,100	733,000
1986	863,356	119,598	982,954
1987	476,617	65,708	542,325
1988	1,115,750	136,091	1,251,841
1989	642,722	68,720	711,442
1990	1,019,617	93,542	1,113,159
1991	470,509	54,817	525,326
1992	512,373	38,387	550,760
1993	539,930	87,426	627,356
1994	634,297	91,109	725,406
1995	1,038,872	123,903	1,162,775
1996	558,774	87,700	646,474
1997	560,071	71,617	631,688
1998	553,526	82,243	635,769
1999	1,229,513	116,735	1,346,248
2000	562,901	98,876	661,777
2001	537,700	26,545*	564,245
2002	623,059	6,037*	629,096
2003	1,195,568	2,342*	1,197,910
2004	728,462	0*	728,462
Total Tax Credits Claimed Since 1982	\$15,749,617	\$1,631,996	\$17,381,613

* As of January 1, 2001, contributions from corporations are not permitted under *The Elections Finances Act*. Credits claimed by corporations are for contributions made prior to 2001.

Fort Whyte By-election

It is essential for Elections Manitoba to be ready to conduct an election when required. Extensive planning and preparations are necessary. Special planning was required for the Fort Whyte by-election, considering it might be conducted at the same time as a federal general election.

OPERATIONAL CONDUCT

Concurrent Elections

The Fort Whyte by-election was called after the member resigned to run in the next federal election. This resulted in conducting a winter by-election during a federal election campaign. Voting day was December 13, 2005.

Aware of the potential confusion for voters, one of the main challenges was helping voters understand that Manitoba's voters list is prepared through door-to-door enumeration while a database is maintained to produce a continuous voters list for federal elections. In addition, Elections Manitoba sent voting day reminders to voters' homes during the final week of the by-election. This was the second time the direct mail approach was used in a by-election.

Our team of 55 enumerators faced their own challenges posed by working through early winter weather and shorter daylight hours that meant some enumerators had to work after dark. As a safety precaution, enumerators were equipped with personal alarms and were assigned to work within close proximity of each other.

Despite frosty weather and early nightfall, enumerators registered 93% of Fort Whyte voters with 95% accuracy. After all the votes were counted, Fort Whyte's voter turnout was 38.07%.

By-election	Voter Turnout
<i>Fort Whyte 2005</i>	38.07%
Minto 2004	47.18%
Turtle Mountain 2004	47.09%
Lac du Bonnet 2002	59.30%
Kirkfield Park 2000	54.87%
Tuxedo 2000	46.03%
Charleswood 1998	41.82%
Portage la Prairie 1997	55.27%
AVERAGE	48.70%

Fort Whyte voter turnout for the 2003 general election was 56.61%.

Pilot Projects

For the first time in a Manitoba election, a returning office used a database to track enumerated addresses alongside the total number of addresses in each polling subdivision. This improved enumeration speed, accuracy and management.

With three advance voting stations, Fort Whyte voters had more advance voting opportunities than voters in previous elections. Elections Manitoba plans to implement more advance voting locations in the next provincial election.

FINANCIAL ADMINISTRATION

The finance department continued to provide a high level of service throughout the by-election. In addition to improved payroll processing, we reviewed and updated training for returning office staff, including one-on-one training opportunities.

Summary of Returning Office Operations Expenditures for Fort Whyte

Election Officials Fees and Travel:

Returning officers and assistant returning officers	\$15,504
Office support	12,017
Enumeration officials	16,810
Revision officials	1,405
Poll officials	25,396
Payroll benefits	3,182
Subtotal	\$74,314

Training:

Enumeration officials	2,670
Poll officials	4,830
Subtotal	\$7,500

Travel:

Returning officers and assistant returning officers	\$250
Office support	49
Enumeration officials	638
Revision officials	565
Poll officials	100
Subtotal	\$1,602

Total Election Officials' Fees and Travel **\$83,416**

Office Expenditures:

Advertising	\$669
Computer related	311
Courier & postage	337
Furniture and equipment rental	4,007
Office rental	4,200
Office supplies	649
Polling place rental	4,320
Printing - Ballots	2,297
Printing - Other	241
Repairs and maintenance	1,235
Supplies - paper	980
Telephone	3,208

Total Returning Office Expenditures **\$22,454**

Total Electoral Division Operations Expenditures **\$105,870**

Summary of Elections Manitoba Office Expenditures

Advertising	\$39,664
Computer related	493
Courier	931
Furniture and equipment rental	220
Office supplies	348
Printing	3,548
Postage	1,506
Professional fees	24,335
Salaries	25,921
Telephone	1,657
Travel	232
Total Elections Manitoba Office Expenditures	\$98,855

Total Election Expenditures **\$204,725**
 (Total Electoral Division Operations & EM Office Expenditures)

CAMPAIGN FINANCE

Candidates and parties must file statements for financial activity during an election or by-election, in addition to annual statements.

FORT WHYTE

Filing deadline for parties and candidates was March 15, 2006.

Party	Return Filed	Extension Date
Green Party	18-Apr-06	18-Apr-06
Liberal	19-Apr-06	18-Apr-06
NDP	14-Mar-06	N/A
PC	31-Mar-06	31-Mar-06

Candidate	Return Filed	Extension Date
Shelagh Pizey-Allen (Green)	18-Apr-06	18-Apr-06
Jean Paterson (Lib) ¹	15-May-06	15-May-06
Christina McDonald (NDP)	13-Mar-06	N/A
Hugh McFadyen (PC)	19-Apr-06	19-Apr-06
Hugh McFadyen (PC) - amended	13-Jul-06	N/A

¹ Statement filed receiving notice under section 69 of *The Elections Finances Act*.

An auditor may be paid up to:

- \$30,000 as audit fees for auditing an election return of a political party
- \$1,600 as audit fees for auditing an election return of a candidate
- \$500 as subsidy for providing consulting service to assist the official agent in planning and monitoring an appropriate record keeping and accounting system

Total audit subsidy paid was \$18,638.65.

Summary of Candidate Income, Expenses, Assets, Liabilities, Spending Limits and Reimbursements for the 2005 Fort Whyte By-election

Fort Whyte	McDonald Christina NDP	McFadyen Hugh PC	Paterson Jean Lib	Pizey-Allen Shelagh Green
Assets and Liabilities				
Assets	\$189	\$2,880	\$443	\$309
Liabilities	\$15,348	\$14,608	\$25	\$234
Surplus / (Deficit)	(\$15,159)	(\$11,728)	\$418	\$75
Income				
Contribution	\$0	\$0	\$2,640	\$0
Transfers	\$4,421	\$18,130	\$4,321	\$309
Other	\$0	\$0	\$330	\$0
Total	\$4,421	\$18,130	\$7,291	\$309
Expenses				
Election	\$18,334	\$27,347	\$6,134	\$234
Non-Election	\$1,246	\$2,511	\$739	\$0
Transfers	\$0	\$0	\$0	\$0
Total	\$19,580	\$29,858	\$6,873	\$234
Surplus / (Deficit)	(\$15,159)	(\$11,728)	\$418	\$75
Overall Spending Limits	\$47,727	\$47,727	\$47,727	\$47,727
Reimbursements				
Candidate	\$9,167	\$9,253	\$0	\$0
Party	\$0	\$4,357	\$3,067	\$0
Total Reimbursement	\$9,167	\$13,610	\$3,067	\$0

**Registered Political Parties Summary of Income, Expenses, Reimbursements and
Spending Limits for the 2005 Fort Whyte By-Election**

	Green \$	Lib. \$	NDP \$	PC \$
Income				
Contributions ¹	1,511	46,938	184,590	125,501
Transfers	0	0	0	5,073
Other	0	6,449	36,344	11,977
Total Income	1,511	53,387	220,934	142,551
Election Expenses				
	0	20,793	5,675	0
Transfers				
	309	2,421	4,420	29,898
Surplus				
	1,202	30,173	210,839	112,653
Party Reimbursements				
Direct Reimbursements ²	0	10,397	2,837	0
Transferred Reimbursement ³	0	3,067	0	4,357
Spending Limits				
Advertising	28,204	28,204	28,204	28,204
Overall ⁴	56,406	56,406	56,406	56,406

¹ Contributions include money received and the value of donations-in-kind.

² Only three political parties qualified for reimbursement. The amount reimbursed was 50 per cent of actual election expenses (total election expenses less donation-in-kind).

³ Candidate reimbursements transferred to political parties as per section 76 of the EFA.

⁴ The number of names on the revised voters list for all electoral divisions in which the registered political party endorses candidates is multiplied by the amount permitted on a per voter basis (\$3.0103).

Looking Forward

Elections Manitoba anticipates several new initiatives in the coming year. These initiatives, guided by our six strategic goals and extensive research, will produce further improvements for voters and political participants. We will also provide additional training and resources for field staff and continue development of our education program.

Looking for efficiencies

A complete review of returning office operations will be conducted including an audit of poll books to help improve polling place operations, and an examination of the current enumeration process to improve delivery of voting information at the doorstep.

Maps will be reviewed against new legislation anticipated for 2006. Where necessary, voting areas will be redrawn to ensure equitable access for every voter and help improve safety for enumerators.

We also look forward to building our team of returning officers and assistant returning officers in preparation for the next general election. In 2003, returning officers and assistant returning officers were selected via open, merit-based competitions for the first time. In 2005 we filled more than two thirds of returning officer positions from a pool of talented staff that had been created since 2003. Recruitment will continue in 2006.

Training of returning officers and other field staff will be enhanced in 2006, with many manuals and training presentations being revised in plain language. We will finalize software and online management tools to further assist field staff during elections and improve their communications with our main office.

Enhancing support tools for political participants

Campaign finance can present challenges, especially for volunteers who are less familiar with legislative requirements.

We will assist political participants with their compliance responsibilities by rewriting finance guides and reorganizing information on our website. In addition, the filing disks mentioned earlier in this report will be distributed to political parties in 2006 to simplify the filing process. Error-checking features in the software should also improve the accuracy of the returns and speed up the review process at Elections Manitoba.

Financial administration

Returning officers are responsible for the financial administration of their offices, polling locations and staffing in their electoral divisions. Elections Manitoba will provide additional assistance through:

- Payroll systems enhancements and
- Revising the *Returning Officer's Manual* to include a separate, comprehensive financial administration section. As well, we will increase financial administration training provided to returning officers.

Finding new and improved ways to serve voters

We will continue building relationships with municipalities to develop map data, and connect with qualified, civic-minded people in the community who may be interested in working for Elections Manitoba in the next general election.

Educating new and future voters

We will build on the success of our education program while working with teachers and students to educate future voters about the electoral process and the value of participation in democracy.

- Pilot copies of the *Your Power to Choose* education guide will be distributed to schools representative of Manitoba's population, complete with evaluation tools for teachers and students. Results expected in 2006 will guide delivery of a final version to schools throughout the province.
- Elections Manitoba will review its election simulation presentation, reviewing its content and presentation style to increase its relevance and effectiveness.
- As student elections present one of the earliest opportunities to participate in the democratic process, Elections Manitoba will explore opportunities to support schools with resource materials to assist student candidates, the student body and administration participate in school elections.

Recommendations

The 2003 Annual Report included 28 recommendations each for *The Elections Act* and *The Elections Finances Act*. The 2004 report presented eight additional recommendations for *The Elections Act* and three for *The Elections Finances Act*. At the time of writing, the majority of recommendations have been dealt with in Bill 22 which was passed in the Manitoba Legislature and came into force in December 2006. Several outstanding issues remain and are brought forward in this report as recommendations.

THE ELECTIONS ACT

1. Nomination papers

[100 signatures to nominate a candidate]

Recommendation: That section 55 of *The Elections Act* be amended to reduce the number of signatures on the nomination paper for a candidate from 100 to between 25 and 50 eligible voters.

Background: Section 55 of *The Elections Act* requires candidates to obtain the names and signatures of 100 or more persons eligible to vote in an election for their nomination paper. The number of names required in many other jurisdictions is considerably less. Manitoba, Quebec, and Canada are the only jurisdictions to require 100 names. It should also be noted that the size of the electoral divisions for Quebec and Canada are considerably larger than those of Manitoba. The required number of names varies in other jurisdictions from four in Saskatchewan to 25 in British Columbia, Alberta, Ontario, New Brunswick, and The Yukon. Fifteen names are required in Northwest Territories and Nunavut while 10 are needed in Prince Edward Island and Newfoundland.

With the exception of Quebec, other jurisdictions also require a deposit of funds upon filing of a nomination paper. Canada requires \$1,000 with all other jurisdictions requiring either \$100 or \$200. The requirement of a deposit could be viewed as an obstacle for some candidates and therefore it is not recommended. However, considering the Quebec model where no deposit is required, and the electoral divisions are two and a half to three times larger than in Manitoba, the number of names of those nominating a candidate in Manitoba could be reduced to make the relationship between the number of names required and the population of an electoral division more relevant and more consistent with other jurisdictions.

Returning officers are instructed to be vigilant in their verification process for nomination papers. This includes verifying names and addresses to ensure that the 100 persons signing a nomination paper are qualified voters within the electoral division. This process can take several hours to perform and often a candidate or their representative will have to return later in the day to receive the official receipt for the nomination paper. This can be inconvenient especially for candidates in rural areas who may have to drive a

considerable distance to attend at the returning office.

This matter has also been raised by The Green Party of Manitoba.

THE ELECTIONS FINANCES ACT

1. Plain language

[no references in *The Elections Finances Act*]

Recommendation: *The Elections Finances Act* should be re-written in plain, gender-neutral language.

Background: *The Elections Finances Act* is an important statute and it is essential that it be understood by candidates, election officials and the public. Many volunteers also regularly use *The Elections Finances Act* to assist candidates, political parties and constituency associations in complying with the legislation's requirements.

At the May 2, 2006 meeting of the Standing Committee on Legislative Affairs, the Premier of Manitoba proposed bringing in a plain-language rewrite of *The Elections Finances Act* after the next general election. A plain-language re-write of the Act would streamline and enhance processes that exist in the present statute. It would also provide an opportunity to bring Manitoba's election provisions in harmony with best practices in other jurisdictions across Canada and benefit people who have difficulty reading. The principles of plain language have been applied to the amended sections of *The Elections Finances Act*. However, many sections remain more complex and wordy than they need to be. It is recommended that *The Elections Finances Act* be rewritten in plain language just as *The Elections Act* has been rewritten.

2. Adjusting contribution limits

[s.41]

Recommendation: Contribution limits in section 41 of *The Elections Finances Act* should be adjusted every three years by changes to the Winnipeg Consumer Price Index. The adjustment should be rounded to the next highest \$100.

Background: Section 41 of *The Elections Finances Act* states that an individual's contribution is limited to \$3,000 in a year in respect of contributions to registered political parties, candidates and constituency associations and an additional \$3,000 for a leadership contestant in a leadership contest period. These limits are not adjusted for inflation as is the case with spending limitations nor is there a prescribed periodic review of the contribution limit amount.

Spending limitations in *The Elections Finances Act* for candidates and registered political parties in an election are adjusted by monthly changes in the Winnipeg Consumer Price Index [s.52]. Spending limitations in respect of a registered political party's annual advertising limit are adjusted by changes in the Winnipeg Consumer Price Index every

year [s.54.1(4)]. Contribution limits should also be adjusted for inflation changes.

Contribution limit adjustments that occur too frequently may confuse contributors and may lead to misunderstandings about how much may be contributed in a year. There may also be confusion if the contribution limit amounts are increased by small amounts. For example, the \$3,000 contribution limit for registered political parties, candidates and constituency associations, if adjusted for inflation after its first year using the Consumer Price Indexes for January 1, 2001 and January 1, 2002 would have been \$3,037.72 ($120.8 / 119.3 \times \$3,000$). It may be better to increase the limits every three years by changes to the Consumer Price Index and round the increase to the nearest \$100. In such a case the \$3,000 contribution limit after its first three years using the Consumer Price Indexes for January 1, 2001 and January 1, 2004 and by rounding to the next highest \$100 would have been adjusted to \$3,200 ($125.7 / 119.3 \times \$3,000$).

3. Third party campaign finance provisions [not yet proclaimed]

Recommendation: *The Elections Finances Act* should provide for the third party \$5,000 spending limit in section 55.2(1) to be adjusted for inflation.

Background: Campaign finance provisions were passed in 2000 but have not yet been proclaimed. The following is recommended should the decision be made to proclaim these provisions.

Section 55.2(1) of *The Elections Finances Act* states that a third party shall not incur election communication expenses of more than \$5,000 during an election period. There is no provision in the Act to adjust the spending limit amount for changes in the Consumer Price Index as there is for the spending limits of registered political parties and candidates [s.52]. The Act should provide for the third party \$5,000 spending limit to be adjusted for changes in the Consumer Price Index.

OTHER ACTS RELEVANT TO THE CONDUCT OF ELECTIONS

Past recommendations regarding other acts relevant to the conduct of elections were addressed in Bill 22. *The Controverted Elections Act* has been incorporated in *The Elections Act* and *The Electoral Divisions Act* has also been amended. The remaining recommendations have been updated to include new information.

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: At the May 2, 2006 meeting of the Standing Committee on Legislative Affairs, the Premier of Manitoba proposed bringing in a Referendum Act after the next general election. There are now three statutes in Manitoba that require a referendum to be held under certain circumstances. They are:

1. *The Balanced Budget, Debt Repayment and Taxpayer Protection Amendment and Consequential Amendments Act* ('*The Balanced Budget Act*')
2. *The Manitoba Hydro Act*
3. *The Manitoba Public Insurance Corporation Act*

The Balanced Budget Act, requires that a referendum be held for certain tax increases as outlined in subsection 10(1). This subsection states that the government shall not present a bill to increase the rate of any tax imposed by an Act or part of an Act listed below, unless the government first puts the question of the advisability of proceeding with such a bill to the voters of Manitoba in a referendum, and a majority of the persons who vote in the referendum authorize the government to proceed with the changes:

- a) *The Health and Post Secondary Education Tax Levy Act*
- b) *The Income Tax Act*
- c) *The Retail Sales Tax Act*
- d) Part I of *The Revenue Act*

The Manitoba Hydro Act states that a referendum must be held before the Legislative Assembly can present a bill to privatize the corporation and is outlined in subsection 15.3(1).

Section 14.1(1) of *The Manitoba Public Insurance Corporation Act* requires a referendum prior to government taking any steps to privatize the corporation or all or any part of its insurance undertaking or present to the Legislative Assembly a bill to authorize or effect such a privatization. This bill was introduced on December 12, 2003 and on June 10, 2004 received Royal Assent.

All three Acts instruct the Chief Electoral Officer to conduct and manage the referendum in the same manner as an election under *The Elections Act* with any necessary modifications. These instructions are in subsections 11(1) of *The Balanced Budget Act*, 15.3(2) of *The Manitoba Hydro Act* and 14.1(2) of *The Manitoba Public Insurance Corporation Act*.

In order to be ready to conduct a referendum, preparations have been based on a careful review and modification of *The Elections Act*. Many provisions of *The Elections Act* are readily transferable to a referendum. However, some provisions of *The Elections Act* are not readily transferable and, in some cases, *The Elections Act* does not contemplate certain consequences of referendums. Subsection 11(3) of *The Balanced Budget Act*, subsection 15.3(4) of *The Manitoba Hydro Act* and 14.1(4) of *The Manitoba Public Insurance Corporation Act* address this requirement by providing for regulations to be made. The Acts also allow for the possibility that the subject of campaign finance be

included in either a Referendum Act or regulations.

Regulations regarding procedures are outlined as follows:

The Lieutenant Governor in Council may make any regulations that the Lieutenant Governor in Council considers necessary respecting the referendum process to give effect to subsection 10(1), including, without limiting the generality of the foregoing,

- a) governing the preparation of a voters list;
- b) governing the expenses, if any, that may be incurred, and the contributions, if any, that may be made, and by whom, in connection with a referendum;
- c) where greater certainty is required, modifying to the extent necessary the provisions of *The Elections Act* to make them applicable to the requirements of a referendum (section 11(3) of *The Balanced Budget Act*).

The Manitoba Hydro Act and *The Manitoba Public Insurance Corporation Act* add to section (b) above by saying:

“including placing limits on such expenses and contributions and establishing registration and reporting requirements for persons or organizations who make such contributions or incur such expenses”.

The following questions need to be addressed in either an Act or regulation:

- 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? May referendum committees appoint scrutineers to be present at the polls?
- 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?

General elections also have campaign finance provisions for such participants as candidates and political parties. Referendums should contain similar provisions for campaign finances.

In general, campaign finance provisions are concerned with money and other resources, and the impact they have on the electoral process and public policy. People with access to abundant resources have a significant advantage over people who do not. A key to campaign finance laws involves minimizing resource differences. Legislation often contains provisions for public financial support; spending limits and accepting contributions; public disclosure of finances; and for participants to register and have an

agent. In addition to these, provisions must exist for the independent administration and enforcement of such laws.

In Manitoba, *The Elections Finances Act* contains campaign finance provisions for candidates, constituency associations and registered political parties. Such provisions are related primarily to elections. The third party provisions have been passed but have not been proclaimed.

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.

In addition, referendum committees should be required to appoint a financial agent and register with the Chief Electoral Officer if there is financial activity above a threshold amount.

Undoubtedly, additional issues could arise.

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. Prince Edward Island, the Yukon, Northwest Territories and Nunavut all have separate Plebiscite Acts. Ontario has taxpayer protection legislation similar to Manitoba.

Over time there has been momentum towards the increased possible use of referendums. *The Balanced Budget, Debt Repayment and Taxpayer Protection Act*, *The Manitoba Hydro Act* and *The Manitoba Public Insurance Corporation Act*, received Royal Assent on November 3, 1995, July 6, 2001, and June 10, 2004 respectively. As reasons grow for the possible use of referendums, so to does the need to have rules clearly articulated by all Members via the Legislative Assembly.

In the interim, regulations should be articulated under the existing legislation.

2. The Legislative Assembly Act

Recommendation: The following matters are not dealt with by *The Elections Act* or *The Elections Finances Act*, but by *The Legislative Assembly Act*. At this point, they are referred to the Legislative Assembly for consideration.

Background: Over the past few elections, Elections Manitoba has received suggestions that a set date for elections should be implemented. In addition, submissions have been made to support various systems of proportional representation.

The representatives of two registered political parties also brought forward similar suggestions during past meetings of the ad hoc committee on *The Elections Act*.

Fixed Election Date

Ontario, British Columbia and Newfoundland and Labrador now have fixed election dates and the issue is being explored in other jurisdictions including the national level.

Ontario's first fixed election date is scheduled for October 4, 2007. *The Election Statute Law Amendment Act*, passed by the Ontario Legislature in 2005, provides for a general election to be held on the first Thursday in October in the fourth calendar year following the most recent election.

Legislation in British Columbia was passed in 2000 to set the general election date. The election date amendment to the *Constitution Act* received Royal Assent on August 27, 2001 and took effect on December 9, 2002. General elections in BC must now be held on the second Tuesday in May in the fourth calendar year following the previous general election. The first fixed-date election was held in BC on May 17, 2005. The province's next general election is scheduled for May 12, 2009.

Newfoundland and Labrador amended its *House of Assembly Act* in 2004 to set the province's first fixed-date election for Tuesday, October 9, 2007. Future elections are set for the second Tuesday in October in the fourth calendar year following the most recent general election.

In 2006, the Northwest Territories passed legislation to set elections on the first Monday in October in the fourth calendar year after the most recent general election.

At the national level, a bill to set fixed election dates was introduced to Canada's House of Commons in 2006. Bill C-16 would amend the *Canada Elections Act* to set federal elections on the third Monday in October in the fourth calendar year following the last general election. The proposed date for the first fixed-date federal election is October 19, 2009. The bill received third reading in November and has been sent to the Senate.

Prince Edward Island plans to hold a plebiscite on fixed election dates at the same time as its next general election. The question will be formulated by the Lieutenant Governor in Council.

In New Brunswick, the final report of the *The Commission on Legislative Democracy*, submitted to the Legislature in January 2005, included a recommendation to set fixed election dates. In spring 2006, the government of the day responded positively to fixed election dates.

Proportional Representation

The subject of proportional representation is also being reviewed in several jurisdictions.

In 2005, the Ontario government approved legislation to amend the province's *Election Act* to allow the Chief Election Officer access to the permanent register of electors in order to select volunteers for the Citizens' Jury on Political Finance Reform and the Citizens' Assembly on Electoral Reform.

The assembly on electoral reform, which convened in September 2006, may recommend an electoral system different from the existing first-past-the-post system, in which case the government would hold a referendum on the alternative. The assembly's report is due in May 2007.

British Columbia plans to hold its second referendum on electoral reform in conjunction with its 2009 general election.

In British Columbia, a Citizens' Assembly on Electoral Reform was created to assess all possible models for electing Members of the Legislative Assembly, including preferential ballots, proportional representation, and their current first-past-the-post system. In 2004, the Assembly spent time learning about electoral systems, holding public hearings and finally recommended a single transferable vote (STV) system to the people of British Columbia.

The question of electoral reform was put to BC voters in a referendum held simultaneously with the BC general election in May of 2005. A double-threshold was required for the results to be binding. At least 60% of the validly cast ballots had to be in favour of STV and more than 50% of the validly cast ballots in at least 48 of 79 electoral districts had to be in favour of STV for the new system to be adopted.

The first threshold was not met; across all electoral districts, 57.69% were in favour of STV. The second of the two thresholds was met, with over 50% of validly cast votes in favour of STV in 77 of 79 electoral districts. And in the two electoral districts that did not meet the threshold, the percentage voting "yes" was still substantial at 49.54 and 49.40%.

The government said that it will not rewrite the referendum rules after-the-fact and adopt STV, nor will it ignore that so many people voted to change to the STV model. Instead, it acknowledged a potential design flaw in the terms of reference for the citizen's assembly that may have impacted how people voted in the referendum. The assembly was not asked to demonstrate how its proposed STV model might apply on an electoral map.

As a result, the BC government asked the Electoral Boundaries Commission — established in the fall of 2005 to review boundaries for the 2009 provincial election — to also identify the best and fairest way to configure BC's electoral districts under the STV model.

The boundary information will better inform British Columbians about the two electoral

options – the current system and STV. A second referendum on electoral reform will be conducted in conjunction with BC's 2009 general election. The rules and thresholds that applied in 2005 will apply in 2009. Although the wording of the referendum question is not yet known, the government has indicated voters will choose between STV and the current system.

In Québec, both the National Assembly and the Government of Québec had established commissions to hold province-wide public hearings on various electoral subjects, including proportional representation.

In December of 2004, the Quebec government tabled a draft bill proposing the implementation of a new voting system. The draft bill provided for a new mixed-member proportional electoral system.

The draft bill was submitted to a special parliamentary committee for study. Eight citizens randomly chosen among persons who responded to a call for applications monitored the draft bill and presented their opinion to the members of the committee. The committee tabled its findings in 2006 following consultations with the population and members of the National Assembly. A proportional representation system was among the recommendations; it has yet to be approved.

The Commission on Legislative Democracy was introduced in New Brunswick in December 2003 with the mandate of presenting a report and recommendations back to the legislature by late 2004. The commission submitted its final report to the Legislature in January 2005 with many recommendations including one calling for a 2008 referendum on changing to a mixed-member proportional representation system.

Also in 2005, a majority of Prince Edward Islanders voted against a mixed-member proportional representation model.

The Legislative Assembly had commissioned a report on proportional representation. The report was tabled in the PEI Legislature in spring 2002. It reviewed various types of proportional representation systems currently being used in Belgium, Germany, Switzerland, France, Ireland, New Zealand, Malta and Iceland and outlined three possible proportional representation scenarios for consideration. Following tabling of the report, the Premier established a one-person commission to look at proportional representation.

Commissioner Norman H. Carruthers presented a report in December of 2003 that recommended more education and public engagement is required before any decision can be made regarding changing the electoral system. *The Commission on Prince Edward Island's Electoral Future* was then established in January 2005 to further Carruthers' work.

Several public meetings were held in the spring of 2005, and on May 28 the commission held a press conference to present a proposed proportional representation system for PEI. Twelve public meetings were then held in September and October of 2005, and an

information package was sent to all households which was also backed up by a media campaign.

The commission recommended the province implement a mixed-member proportional representation model with 17 electoral districts and an additional 10 members to be elected from party lists.

In a plebiscite held on November 28, 2005, Islanders were asked:

Should Prince Edward Island change to the Mixed-Member Proportional System as presented by the Commission on PEI's Electoral Future? The majority of Island voters (63.58 per cent) said no. The proposed system was favoured by 36.42 per cent of voters.

The Government of Yukon contracted a former commissioner of Yukon, Ken McKinnon, to report on electoral reform in the Yukon. During his contract, Mr. McKinnon was an official observer at the Citizens Assembly on Electoral Reform in British Columbia. Mr. McKinnon concluded in his final report, which was tabled in the Legislative Assembly, that "the Yukon has effected most of the above objectives [voter turnout, voting by 18 - 25 year-olds, gender and minority representation, making every vote count] and there is no apparent wide popular and public support at this time for further adjustments to our present electoral system. It is my recommendation that a Yukon Citizen's Assembly on Electoral Reform not be immediately established."

Beginning in 2001, *The Law Commission of Canada* conducted extensive research and public consultations in preparing their report on electoral reform. This report has now been tabled in the House of Commons. In the Executive Summary of the report it is stated that "While there is no single magic bullet that will instantaneously stimulate Canadians' involvement in the political system, a consensus appears to be emerging among political parties of all stripes, experts in electoral behaviour, and grassroots organizations that electoral system reform is a good starting point for energizing and strengthening Canadian democracy." The Executive Summary closes in saying "Electoral reform is thus a necessary step to energize and strengthen Canadian democracy". The recommendation made in that report is to add an element of proportionality to Canada's electoral system by adopting a mixed member proportional system.