



Elections Canada Advisory Board

MEETING SUMMARY

Semi-Annual Meeting

October 2, 2014

Table of Contents

About the Elections Canada Advisory Board	2
1. Update from the Chief Electoral Officer	3
2. Audit and Evaluation.....	5
3. Code of Ethics.....	8
4. The Way Forward: Roundtable Discussion	10
Appendix A: Agenda.....	11
Appendix B: Meeting Participants	12

About the Elections Canada Advisory Board

The mandate of the Elections Canada Advisory Board is to study and provide advice on matters related to Canada's electoral system, including the conduct of elections, electoral participation both by voters and political participants, regulatory compliance, and electoral reform.

The Advisory Board held its most recent semi-annual meeting on October 2, 2014. Presentations were given on a number of topics in preparation for the next general election, including the requirement for an independent audit of poll officials introduced by Bill C-23, as well as the Chief Electoral Officer (CEO)'s evaluation report of the next general election. In addition, participants discussed the pros and cons of proposing a code of conduct or ethics for registered federal political entities.

Members were given an opportunity to discuss each topic.

1. Update from the Chief Electoral Officer

Presentation

The Advisory Board meeting was the first in a series of three this fall as Elections Canada (EC) prepares for the 2015 general election. These meetings and discussions help the agency to adjust its approach to key initiatives prior to the general election. A second meeting took place on October 6–7, 2014, with the Advisory Committee of Political Parties (ACPP). The CEO was also seeking a meeting with the Standing Committee on Procedure and House Affairs to share his plans for the 2015 general election.

The agency is currently finalizing its plans for the next general election. A large part of this work involves organizing EC's efforts in making the voting process as efficient and seamless as possible for electors. Additional investments are being made in staffing and procedures to ensure greater compliance at the polls and to minimize errors.

Past experience shows that most errors are caused by exceptional procedures, which occur in serving electors who cannot produce proper identification or are not registered when they arrive at the polls. In an effort to try to minimize the occurrence of these exceptional procedures, the agency will invest more resources in informing electors of the requirements to vote before they arrive at the polls.

As a result of Bill C-23, the agency has also updated its Voter Identification Policy and expanded the list of authorized pieces of identification. The policy sets criteria for determining authorized identification, lists the pieces of authorized identification, and provides guidance to ensure the consistent application of identification requirements. One of the new features of the identification policy is to allow electors to present documents in an electronic format. In advance of the election, electors will be informed about the identification requirements and authorized pieces of identification.

The agency is also reviewing the accessibility of polling stations following a number of human rights cases involving the Canadian Human Rights Commission and Tribunal. In order to fulfill its human rights obligations, EC is currently implementing and assessing 25,000 potential sites across the country against 35 accessibility criteria. The results of this work will be shared with electors with disabilities through EC's website. These activities will also entail significant costs.

In addition to efforts to ensure accessible polling stations, EC will pilot a project in the next election to provide a more convenient voting experience for youth and urban Aboriginal electors. This will include voting at satellite offices on 39 campuses, 18 Friendship Centres and 3 YMCAs across the country.

Also new for the 2015 election, EC is required by Bill C-23 to issue written opinions, guidelines and interpretation notes (OGIs) on the application of the *Canada Elections Act* (CEA) to political entities. These OGIs can be triggered in two ways: political parties can ask EC to issue an opinion, or can ask for guidelines and interpretations of the Act; or the CEO can trigger issuance of guidelines and interpretation notes. One issue of concern for the agency is that there is no filtering mechanism to allow EC to refuse to issue a note on a particular topic. The agency is concerned about an overload of requests and that it may be faced with some frivolous requests. EC is establishing a process to ensure transparency for all comments received from political parties, such as posting these comments on the

agency's website. The CEO also intends to establish a steering committee composed of chief agents of political parties (or their representatives) to participate in this process.

Discussion

Members discussed the type of training that is provided to poll officials in the lead up to an election and queried whether the 3.5 hours of in-class training in addition to manuals and online tutorials is sufficient to bring down the level of errors. Members noted that the electoral process is becoming more complicated and, considering that most poll officials are on short-term assignment, it is difficult to avoid errors. Additionally, members were concerned that those electoral officers who may be less familiar with technology could experience difficulty with accepting identification documents in an electronic format. The CEO explained to members that training of election workers starts the week prior to advance polls and that each Returning Officer trains about 800 people. In addition, it is difficult to have full-day scheduled training with people who may work full or part-time and it is increasingly difficult to find people to do the jobs as the tasks become more complicated. Turnover is high; about half of the workers at each election are new and have never worked at an election before. In addition, the *Canada Elections Act* does not allow for specialization of tasks, which would be much more efficient than training election workers as generalists.

Members discussed EC's cost estimates and supported the CEO's intention to share this information with parliamentarians, as costs for the upcoming general election will increase.

Members discussed EC's approach to its information program for electors, especially using social media. A number of participants felt EC should use social media as a means to communicate and respond to questions from electors that relate to EC's mandate or to have a more youth-friendly website where youth could access information about registration, voting, and identification requirements. Members also urged EC to identify its limits and use caution before embarking into social media.

2. Audit and Evaluation

A. Presentation – *Mandatory Independent Audit (s. 164.1 of the Canada Elections Act)*

Recent amendments to the CEA by Bill C-23 now require an independent audit of the performance of poll workers (DRO, Poll Clerk, and Registration Officer) with respect to a range of procedures at the polls. The audit will also provide an opportunity for EC to identify improvements to administrative controls, including manuals and training materials.

In order to avoid misunderstanding and misinterpretations of the audit results, it is important that there be a common understanding among stakeholders of the objectives of the audit, as well as of the role of the various participants in the process, including EC. The purpose of the audit is not to validate the results, but to measure performance of poll workers with respect to the application of procedures.

The audit methodology established by the independent auditor will need to be aligned with the objectives of the audit and take into account the characteristics of the voting procedures and the relative importance of the different procedures to the integrity of the voting process.

Of particular note is the fact that 91% of electors are already registered when they arrive at the polling station and have the identification they need in order to vote. They will vote without leaving any paper trail other than having their name struck from the voters' list. For this majority of voters, the process is not easily audited.

It is also important to distinguish procedures that are critical from those that do not have any impact on the integrity of the voting process.

The sampling methodology must be designed to allow results that can be generalized at the national level.

The audit results will be reported at the national level and not at the electoral district level. This is in line with the objective of the audit, which is not to validate the results, but to measure performance of poll workers.

Discussion

Some members expressed concern about hiring one of the large consulting or accounting and audit firms to carry out this type of audit on polling procedures, given such a firm's possible lack of knowledge of election-related procedures. In addition, members were concerned that the outcome of an uninformed or poorly designed audit could have the unintended effect of undermining the trust Canadians have in the agency. Members also warned that there may not be a large number of firms bidding to undertake such an audit. Other members were confident that professional auditors would be able to perform such an audit.

Members made two key recommendations regarding who should be involved in the establishment of such an audit. Members felt that a committee or group of election experts could assist EC in setting the parameters of the audit and assist the CEO in rationalizing what is and is not included in the audit.

Members also suggested that such a group could assist EC in interpreting and reporting the audit results. Some suggested creating a sub-committee of the Advisory Board, while others suggested bringing together a group of experts including provincial and international electoral management personnel, former politicians and academics to assist with the audit. A further suggestion was made that EC discuss the governance of the audit process with its internal audit committee.

According to members, a group of experts could meet with the auditing firm, provide guidance on election law and procedures, and assist to the extent appropriate in the design of the audit. This would ensure an informed audit that would be of maximum benefit to stakeholders as well as a budget kept within reasonable limits. In addition, the possibility of interim reports as the work progressed might be of assistance both to the committee of experts and to the audit firm itself.

Members advised that the audit will need a sophisticated and immediate communication strategy to ensure that the rate of error, which is inescapable when administering an election, is not seen as a failure by EC and the resulting numbers are not used inappropriately.

Members discussed what the scope of the audit should be and urged the CEO to focus on value for money. Members agreed that while the law is to be fully endorsed and respected, the audit must be designed in light of the requirements of practicality and value for money. It was proposed that the audit for the 2015 election could include limited objectives that could be expanded for subsequent elections based on the experience in 2015.

Finally, members advised the CEO to ensure the prior buy-in of Parliament and other stakeholders on his proposal for the audit. They also suggested that when the CEO presents his election budget to Parliament, through the Standing Committee on Procedure and House Affairs, he also show them the cost of the proposed audit.

B. Presentation – Measuring and Reporting on What Matters: Elections Canada Advisory Board Consultation on Evaluation Framework

For the last two general elections, the CEO has, by his own initiative, produced an evaluations report. This report, which serves as a bridge between the statutory report on the election and the subsequent report of recommendation, enables the CEO to account for and comment on the effectiveness of the administration of the election, the factors that attributed to the experiences of voters and political participants during the election, and areas of the electoral framework that need to be improved.

Key success criteria in past evaluation reports have included a positive electoral experience for both electors and political participants. For the report on the 2015 general election, two success criteria will be added: that Canadians have confidence in the reliability of the results of the election and EC's administration and regulation of the event; and that EC demonstrates its ability to prepare for, administer, and regulate the election in a predictable, transparent, effective, and timely manner.

The CEO proposes to assess the 2015 general election from multiple perspectives, including: electoral management, elector experience, political participant, and electoral framework.

Discussion

Members held a short discussion on the presentation of the evaluations framework and will discuss it in more detail at the next meeting prior to the 2015 general election. In their short discussion, members asked about the methods used for measuring and demonstrating key success criteria.

3. Code of Ethics

Presentation – A Discussion Paper on a Code of Ethics and Code of Conduct for Political Parties

Dr. Paul Thomas presented the above noted discussion paper which he had been commissioned to prepare for EC. The paper outlines the implications and key issues related to the adoption and implementation of a code of ethics (or conduct) for political parties. The objective of this presentation was to stimulate a discussion on the opportunities and possible contents of a code, as well as to highlight some of the advantages and disadvantages of adopting a code.

In his presentation, Dr. Thomas outlined the context of the debate on the need for a code, including the complicated, turbulent, and challenging environment that political parties and EC operate in. He also highlighted a number of existing challenges facing western democracies: increased cynicism regarding politicians and the political process, which is reflected in low turnout numbers; evolutions in technology which are enabling new methods for campaigning; and the costs of campaigns that are increasingly centralized and characterized by the use of sophisticated communications strategies.

Dr. Thomas gave examples of existing codes including Manitoba's *Shared Code of Ethical Conduct* and the all-party agreement to the *Seven Standards of Public Life* in the UK. In addition, the presentation mentioned that Harry Neufeld, when he was CEO of Elections BC, suggested a code before the 2005 election and that the current CEO of Canada recommended that consideration be given to the adoption of a code in his report "Preventing Deceptive Communications with Electors."

Finally, the presentation raised questions about the process for formulating and adopting a code, the type of code it should be, the coverage of a code, and what provisions should be included in a code.

Discussion

Board members engaged in a brief discussion of what a code might look like on the federal scene in Canada. They discussed whether or not the conversation about and implementation of a code should be led by the CEO or by others. Members also queried the effectiveness of the existing codes in Manitoba and the UK and whether or not they have translated into practice.

Members recommended more research and work in a number of areas, including: the principles to be included in a code, what it would be called, how to ensure commitment from all of the players, and whether or not sanctions would be useful.

While members concluded that it would be beneficial to have a public discussion of the idea of a code of conduct for political parties at the federal level in Canada, they urged that it would be best to wait until after the 2015 election as parties and EC are currently focused on the next election.

Members noted the need to address the issue of an elector’s right to privacy – the extent to which political parties increasingly gather and retain information which an elector would consider “personal or private.” This is a topic of concern that should be given attention in the near future, possibly before the 2015 election.

Members expressed concern regarding the handling of electors’ personal information by political parties and that Canadians are generally unaware of the type of information held, they can’t find out what is held, and they don’t have a way to change it. Members urged the CEO to work with the Privacy Commissioner to engage in a discussion with political parties. Members also suggested that the Privacy Commissioner could be invited to a future Advisory Board meeting to discuss the topic.

4. The Way Forward: Roundtable Discussion

Members agreed on a number of items for the future, including the following:

- Proposed future meeting dates are: April 9, 2015; September 17, 2015; May 5, 2016; and September 15, 2016.
- The Board may meet on January 22, 2015, in the case of an anticipated election call prior to the fixed election date of October 19, 2015.
- At the next meeting, the CEO would like to engage members on these items:
 - the evaluation report for the next general election
 - how EC could benefit from the participation of members as observers in the next general election



AGENDA

Wednesday, October 1, 2014

7:00–8:30 p.m. Dinner

Thursday, October 2, 2014

7:30–8:30 a.m. Breakfast

8:30–9:45 a.m. 1) Welcome and Introduction

- Welcome from Co-Chairs and Adoption of Agenda
- Approval of Meeting Summary: June 3, 2014
- CEO Update

9:45–10:00 a.m. Break

10:00 a.m.–12:00 p.m. 2) Audit and Evaluation

- Presentation and Roundtable: “Audit of Polling Procedures and Performance of Poll Officials”
- Presentation and Roundtable: “Evaluation Framework for the General Election”

12:00–1:00 p.m. Lunch

1:00–2:45 p.m. 3) Code of Ethics

- Presentation and Roundtable: “Discussion Paper on a Code of Ethics and Code of Conduct for Political Parties”

2:45–3:00 p.m. 4) The Way Forward: Roundtable Discussion

Appendix B: Meeting Participants

Mr. Ian Binnie, Co-Chair
Ms. Sheila Fraser, Co-Chair
Mr. Marc Mayrand
Ms. Lise Bissonnette
Mr. Bob Rae
Mr. Roy Romanow
Ms. Michèle Thibodeau-DeGuire
Mr. Paul Thomas
Ms. Cathy Wong