



Elections Canada Advisory Board

MEETING SUMMARY

Semi-Annual Meeting
September 15, 2016

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About the Elections Canada Advisory Board

The mandate of the Elections Canada Advisory Board (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 September 15, 2016. Presentations covered a number of topics such as Elections Canada's strategic planning, electoral systems, online voting perspectives, mandatory voting and Elections Canada's plans for modernization and renewal.

1. Strategic Planning

Presentation

The Advisory Board was provided with an overview of EC's strategic priorities and operating environment for the new electoral cycle in order to set the stage for the consideration of the Board going forward.

The agency is currently working on three streams of strategic priorities: (1) electoral services modernization, which includes leveraging technology to simplify and improve the process to serve electors at the polls; (2) electoral reform, which includes both the Chief Electoral Officer's recommendations for legislative changes, as well as support to Parliament in its study of electoral reform options, and (3) asset replacement, which includes investment in EC's IT hardware and software, telephony and physical assets. For each stream, a governance committee has been established and progress is being made.

The government also has an ambitious agenda. The Special Committee on Electoral Reform (ERRE) has been meeting throughout the summer with experts, and it will continue its work with its upcoming cross-country consultation process and report due on December 1. The CEO appeared before ERRE in July, during which time he highlighted some of the key operational challenges of implementing a new electoral system. If the Government does move forward with reform, it will be an important part of Elections Canada's agenda. While there are a number of unknowns related to electoral reform, the Agency must be ready to respond when the Government decides on its position.

The Liberal Party's 2015 election platform also included a range of other changes to the electoral framework (e.g. repealing elements of the *Fair Elections Act*, regulating pre-writ spending or leaders' debates and expanding the vote for Canadians living abroad). The government could choose to introduce legislation to deal with these matters at any time. Given the number of potential legislative initiatives on electoral matters, it will be important for EC to present the CEO's recommendations report early in the fall session. The report is planned to be tabled in Parliament on September 27 and key aspects of EC's modernization agenda is dependent on these recommendations.

With respect to the appointment of a new Chief Electoral Officer, it requires a resolution of the House of Commons. No process has been announced to date regarding the identification of potential candidates for the position. The Agency's goal is to move the recommendations and modernization agenda ahead as far as possible so that a new CEO can arrive to a well-advanced process.

Discussion

Members discussed the importance of engaging those who traditionally have issues participating in the electoral process, including Indigenous people and those with disabilities, which is one of the most significant themes included in the CEO's recommendations report. Members discussed the importance of working with different organizations to assist in developing the recommendations related to

accessibility and inclusiveness. Members also made note of the importance in balancing the notion of increasing accessibility, while sustaining integrity.

The Advisory Board discussed the process underway by ERRE and its cross-country consultation, including Elections Canada's role, and the importance of letting civil society and Parliament undertake their roles in the process. Board members also asked about various aspects of electoral reform such as: the time it would take to implement a new electoral system and the possibility of a redistribution of electoral districts; the timing of legislation in order to implement Parliament's desired changes; and the ability of an electoral system to increase voter turnout. Members also discussed the timing of a possible referendum and the ability to hold a referendum under the current *Referendum Act*.

2. Electoral Reform

Presentation: Electoral Systems

Laura Stephenson, Associate Professor of Political Science at Western University, provided the Advisory Board with an information session on various electoral systems, including: theories of elections (majoritarian and proportional); types and various aspects of electoral systems; and a number of important considerations in the design of electoral systems.

Professor Stephenson described three large families of electoral systems: majoritarian, proportional representation and mixed systems, which typically involve first-past-the-post mixed with a proportional system to correct disproportionality.

Professor Stephenson discussed key elements to consider in the design of electoral systems, including district magnitude (or the number of seats per riding), thresholds, electoral formula and ballot structure.

She also reviewed a number of important considerations in the choice of electoral system, such as the effect on political parties, representation, accountability and governance.

Finally, Professor Stephenson examined some of the administrative considerations at play regarding the implementation of a new electoral system including education, the treatment of invalid votes (especially where ballots are more complex) and the counting process. She noted that Canadians, who are used to having results on election night, could have concerns with a lengthier process.

Discussion

Members discussed the role of the MP in various systems, the effect on political parties and party behaviour that a change in the electoral system might bring about, as well as the effect of thresholds. There was also consideration of the impact of coalitions on the effectiveness of and accountability for government decision-making. Questions were raised about how electoral districts could be constructed under a new system, including questions on the protection of certain communities or the introduction of reserved seats for particular groups, including Indigenous peoples.

Members asked about the need for greater use of technology under a new electoral system, especially with respect to ballot counting, as well as the need for civic education. They also asked about experience in other countries vis-à-vis electoral literacy and the effect on turnout when more complicated systems were introduced.

Presentation: Mandatory Voting

Paul Thomas, Member of the Advisory Board and Professor Emeritus in the Department of Political Studies at the University of Manitoba, gave a presentation on mandatory voting. Professor Thomas described mandatory voting and gave an overview of the options and rules in some of the countries that use it, including: options for protest votes (i.e. casting empty or spoiled ballots, or choosing “none of the

above”); rules about the necessity of attending the polls or casting a ballot; and the complications and incentives in choosing mandatory voting.

Professor Thomas examined the various claims and arguments made in favour or against mandatory voting, including philosophical, political and administrative arguments.

Members were left with a number of questions for discussion, including options to increase turnout other than mandatory voting, the need for mandatory voting in Canada and the possible impact on voter turnout. Members were also asked to what extent political parties should be expected to do more to engage and motivate citizens.

Discussion

Members discussed the importance of understanding the underlying reasons why people do not vote. They looked at the results of the surveys of electors following the 42nd general election, including information on the 4 million Canadians who said they did not vote for reasons such as being too busy, forgetting, voting being inconvenient, or being ill or disabled, and how to understand and engage this group. Members also talked about the importance of civic education and of engaging youth early to encourage participation. Some members pointed out that youth are not necessarily uninformed, but rather they do not feel like the political class represents their interests. They raised the possibility of conducting studies to learn how to engage these segments of the population without having to institute mandatory voting.

Presentation: Online Voting

Members were presented with a number of perspectives of online voting – both arguments for and against – as well as a number of considerations for discussion. Online voting continues to create strong, divided opinions from political, social and technological standpoints. Decisions surrounding online voting will need to be reached in consultation and collaboration with stakeholders, including electors, political entities and electoral management bodies; however, we are far from a consensus of opinions. Electoral management bodies have a responsibility to follow the ongoing discussions and examine complex logistics of implementation, while continuing to support existing voting channels.

There are a number of arguments for and against online voting ranging from those who point to examples in other countries, or ask why they cannot vote online when they can do all of their banking from their smart phone, to those who express concerns about hacking, security of personal information and the secrecy of the vote.

There are also a number of logistical issues when it comes to online voting, such as: technical, legal, societal and political concerns with digital identity; manual election controls that need to apply to the secrecy, integrity and trust of the electoral process; the acquisition and cost of an online voting system; and the need for public awareness and acknowledgement of strong principles and beliefs about the electoral system and online voting.

At this time, Elections Canada's focus remains on the research aspect of online voting and on preparing the Agency for potential change accordingly. Clear guidance from Parliament is needed to move forward in this area.

Discussion

Members asked about the processes and rules used by other countries, such as: where electors can cast their vote; how to ensure that voters are not being pressured by someone to vote in a specific way if the vote is not taking place in a controlled environment; and the possibility of an increase in expatriate voting using online options.

Members discussed concerns over the security of online voting and the risk of hacking, as well as the experience of countries where online voting is used and the incidences of hacking. Members stressed the importance of investigating new technologies being used by banks and financial institutions. Members also wondered whether or not some electors would rank convenience as more important than the secrecy of their ballot.

Members discussed the importance of defining what online voting would mean for Canada, including the continuation of traditional voting methods and whether online voting means voting online in a controlled environment, like a polling place, or voting from home on a computer.

The Advisory Board discussed the direction and effort that Elections Canada could undertake with respect to exploring options and planning for online voting. Members highlighted the importance of focusing on how online voting could help electors, ensuring that electors do not feel online voting is something being forced upon them, and assuring them of the integrity of the information as it is recorded at polling places. Members suggested testing online voting during a mock student election where there is no consequence on the outcome of an election. Some suggested that hackers could be invited by Elections Canada, as a contest, to identify any potential weaknesses in the system.

3. Elections Canada's Plans for Modernization and Renewal

Presentation

The Advisory Board was presented with an update of Elections Canada's modernization agenda that includes the re-engineering of voting services. The Agency has met with field staff to discuss the ways to improve frontline service; engaging returning officers is essential to EC's modernization initiatives so that they can be prepared to implement changes for the next general election.

Beyond improvements to voter services at the polls, there are a number of areas in which Elections Canada will seek to make improvements. These include the registration of Indigenous and young (18 – 24 years) electors to the National Register of Electors. The Agency must also bring some improvements to the preparation and execution of the voting services on First Nations communities in light of operational issues encountered in some communities during the election. To keep up with voters' expectations, EC must also consolidate its existing suite of online services and expand it in the area of services to candidates, including electronic filing of nomination papers and post-election returns. The CEO has made recommendations to Parliament that would enable these new features.

There have been some initial discussions with Parliamentarians on efforts to allow electors to vote at any advance or ordinary polling location in their electoral district and the results have been mixed. There is agreement with the principle of not assigning voters to any particular location, but most MPs also wish to continue to have election results reported according to the small-scale polling divisions that voters belong to. These two proposals can only be reconciled at a high operational cost. For now, the Agency is working towards a system whereby voters will have to attend to a designated polling location, but will be able to vote at any table in that place, which EC believe can reduce wait times considerably. The recommendations to be put forth by the CEO will request the flexibility to allow for these changes.

Members were also provided with information on the use of special ballots (voting by mail or at an Elections Canada point of service), including the number of users during the 2015 election. Because the availability of these services is not well-known among electors, the Agency sought out advice from Advisory Board members on possible steps to promote or increase the availability of these services. Options include more aggressive promotion of voting by special ballot or increasing the number of special locations (i.e. college and university campuses, YMCAs, Friendship Centres, etc.).

Discussion

Members discussed the retention rates, adaptation skills and evolving role of returning officers and wondered if there would be issues with trying to find and keep people in these positions as changes are implemented and more technology is introduced. Members also asked about the percentage of election costs that are related to labour and discussed how some of the modernization efforts could reduce them.

The Advisory Board talked about the possibility of more aggressive advertising of special ballots, including the concerns of some that electors should at least wait until the close of nominations to cast

their ballot, or what impact an increase in electors voting early in the campaign might have on the way political parties operate.

The prospect of further expanding the scope of special ballot voting “kiosks” was welcomed by most members. They encouraged the Agency to continue offering services at universities and to increase the reach to smaller universities, colleges and trade schools to ensure more students could benefit.

Members discussed the importance of having positive relationships with schools and providing places for students to register and to vote.

4. The Way Forward: Roundtable Discussion

As this was his last meeting with the Advisory Board before his retirement, the CEO shared his views on the importance of the advice and views of Members, and his desire for the Board to continue under the next CEO. Members shared their best wishes with Mr. Mayrand on his retirement.



AGENDA

Wednesday, September 14, 2016

6:30–7:30 p.m. Dinner

Thursday, September 15, 2016

8:30–8:45 a.m. 1) Welcome

- Welcome from Co-Chairs and Adoption of Agenda
- Introduction of new ECAB Members

8:45–10:00 a.m. 2) Strategic Planning

- Presentation and Discussion: “Challenges ahead regarding the modernization agenda, electoral reform and CEO transition”

10:00–10:15 a.m. Break

10:15–11:45 a.m. 3) Electoral Reform

- Presentation and Discussion: “Briefing on Electoral Systems”

11:45a.m.–12:45p.m. Lunch

12:45–1:45 p.m. 4) Electoral Reform

- Presentation and Roundtable: “Briefing on Online Voting and Mandatory Voting”

1:45–2:45 p.m. 5) Elections Canada’s Plans for Modernization and Renewal”

- Presentation and Roundtable: “Electoral Services Modernization”

2:45–3:00 p.m. 6) 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
Mrs. Wendy Grant-John
Mr. David Smith
Mr. Alex Tapscott
Mr. Paul Thomas
Mr. Michael Wilson
Ms. Cathy Wong