

2013

## COMPLIANCE REVIEW: FINAL REPORT AND RECOMMENDATIONS

A Review of Compliance with  
Election Day Registration and Voting Process Rules

By Harry Neufeld, Reviewer

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*Includes the Chief Electoral Officer of Canada's Response*



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## TABLE OF CONTENTS

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<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>COMPLIANCE REVIEW CONTEXT .....</b>	<b>9</b>
Ontario Superior Court Decision.....	9
Supreme Court of Canada Decision .....	10
Public Trust at Risk.....	10
The Compliance Review.....	11
Information Gathering.....	11
Stakeholder Engagement .....	12
Interim Report .....	13
Final Report and Recommendations .....	13
<b>CAUSES OF NON-COMPLIANCE.....</b>	<b>14</b>
Complexity .....	14
Supervision .....	15
Recruitment.....	17
Training .....	19
Updating the List of Electors.....	21
Historical, Cultural and Jurisdictional Factors.....	24
<b>ADDRESSING THE CAUSES OF NON-COMPLIANCE .....</b>	<b>26</b>
Errors and Expectations.....	26
Moving to a New Model of Voting Services .....	27
The “New Brunswick” Model .....	28
Addressing Compliance for 2015.....	34
Beyond the New Model.....	35
<b>RECOMMENDATIONS.....</b>	<b>36</b>
<b>ANNEXES .....</b>	<b>53</b>



## EXECUTIVE SUMMARY

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*This document is a final report and list of recommendations following a six-month review of the problem of “non-compliance” with rules and standards set out for election officers to follow in federal elections.*

*Elections Canada commissioned an independent electoral management consultant to lead the review and to author this report. This report is delivered to the Chief Electoral Officer of Canada to fulfil the commission mandate. Its contents and recommendations are expected to be given due consideration from senior management at Elections Canada as they set priorities and develop plans to prepare for the 42nd general election, scheduled for October 19, 2015, and for the elections that follow.*

All Canadian citizens, 18 years of age or older, have the right to vote in the federal electoral district in which they reside. The *Canada Elections Act* provides a wide range of procedural safeguards designed to protect the integrity of the electoral process. A subset of these safeguards requires voters to demonstrate eligibility (identity, citizenship, age, and residency) before they can receive a ballot.

For the vast majority of electors that are already registered at their correct address, Election Day procedures involve a simple, efficient check of a single piece of photo ID to confirm identity and address of residence. However, for any persons who are not registered, or do not possess acceptable identification documents at the time of voting, election officers must administer special “exception” procedures prescribed in legislation.

Ensuring voter eligibility through the administration of these special “exception” procedures is an expected part of election officers’ duties. Errors that involve a failure to properly administer these procedures are serious. The courts refer to such serious errors as “irregularities” which can result in votes being declared invalid.

Concerns about election officers not properly administering the special “exception” procedures used during voter registration and identity vouching were first raised in a legal dispute regarding the conduct of the May 2011 election in the electoral district of Etobicoke Centre. Errors in administering eligibility safeguards, identified in ten selected polls in that district, were deemed so serious that the Ontario Superior Court declared the election “null and void”.

The Supreme Court of Canada subsequently reversed that decision, finding that the evidence did not meet the test for annulling an election set out in the *Canada Elections Act*. Nevertheless, the case revealed that election workers had made a significant number of serious errors — amounting to administrative “irregularities” — in the course of their duties. While the case was underway,

Canada's Chief Electoral Officer publicly committed to Elections Canada taking measures to improve compliance with procedures and standards on voting days.

Throughout the Etobicoke Centre court case there was judicial agreement that, despite the presence of "irregularities", there was no evidence of fraud or ineligible voters being provided ballots. However, the core integrity of the electoral process was publicly questioned as a result of media coverage indicating election officers had not properly applied procedural rules prior to issuing ballots.

As part of the compliance review, a national audit of poll documentation was undertaken. Results showed that problems associated with compliance in the Etobicoke Centre riding were not unique. The audit made clear that most Canadian election officers struggle to administer complex rules for "exception" procedures they must conduct as part of their temporary Election Day roles.

An estimated 15 percent of voters need some type of "exception" process to be administered before they can be issued a ballot. While administering "regular" voting procedures is usually straightforward, the audit showed that errors are made in the majority of cases that require the use of non-regular processes. Serious errors, of a type the courts consider "irregularities" that can contribute to an election being overturned, were found to occur in 12 percent of all Election Day cases involving voter registration, and 42 percent of cases involving identity vouching.

Overall, the audit estimated that "irregularities" occurred for 1.3 percent of all cases of Election Day voting during the 2011 federal election. More than 12 million Canadian citizens cast ballots on May 2, 2011 and the audit indicates that the applications of specific legal safeguards, in place to ensure each elector is actually eligible to vote, were seriously deficient in more than 165,000 cases due to systemic errors made by election officials. Averaged across 308 ridings, election officers made over 500 serious administrative errors per electoral district on Election Day..

Obviously, this is unacceptable. Aside from legal concerns, public trust in proper administration of the electoral process is at serious risk if these error rates are not addressed. Establishing what causes these errors, and identifying practical steps that can be taken to address those causes, have been the primary objectives of this compliance review.

The review has established that there are multiple causes of error: complexity; supervision; recruitment; training; updating the list of electors; and historical, cultural and jurisdictional factors all play contributing roles in the errors made by election officers on Election Day. The reality of election work must be considered in order to properly understand this problem; more than 200,000 election officers need to be recruited and trained, most often for a single day's work that happens only once every few years.

Stakeholders involved in the review process identified many potential solutions that could help improve compliance for the 2015 election. However, there was a widespread consensus among participants that fully addressing the compliance problem requires a fundamental redesign of the voting process. Redesign, through simplification and rationalization, is necessary in order to reduce the risk of errors so that the administrative burden that is now placed on election officers is

manageable. Such redesign will involve extensive amendment to the framework of electoral legislation.

Unfortunately, it is not possible to implement a new voting services model nationwide in time for the next federal election. However, if Parliamentarians give permission, Elections Canada could prepare a new model for pilot implementation before or during the 42<sup>nd</sup> general election in 2015. This new approach could then, potentially, be legally defined and nationally implemented in time for the 2019 federal election.

For 2015 it is recommended that a series of modest legal amendments, along with substantial administrative modifications, be given priority to address non-compliance. These recommendations focus on the changes required to minimize the number of serious errors — “irregularities” — that will otherwise occur.

Legislative change within the next year is essential if the recommendations detailed in this report are to be made effective. It is recognized this presents a significant challenge for the Chief Electoral Officer and Elections Canada. Without amendments to the Canada Elections Act, procedural compliance cannot be significantly improved in the 42<sup>nd</sup> general election.

Compliance within the current structure of election rules presents great difficulties for the members of the public who are temporarily hired to administer the voting process on Election Day. That problem can be remedied, but only with the cooperation of Parliamentarians who must begin a process of modernizing electoral laws both in the immediate short term, and over the longer term.

#### **THE CHIEF ELECTORAL OFFICER OF CANADA’S RESPONSE**

The Compliance Review has highlighted the vital role that accuracy in electoral administration plays in public confidence in our electoral system and the results it produces.

Elections Canada agrees with Mr. Neufeld’s finding that significantly improving rates of accuracy among election officers administering procedures on election-day requires a fundamental redesign of the current voting services model.

We are in the process of developing a new model for voting services, broadly based on the approach proven successful in New Brunswick provincial and municipal elections. The new model would fundamentally change the way services are delivered, including re-structuring the functions and roles of election officers and introducing technology into polling sites, for example an electronic voters list that can be updated in real-time and automated tabulation of results.

To date Elections Canada’s objectives in developing this new model have been to deliver more convenient and responsive services to voters, to increase overall efficiency by simplifying the tasks and related training of election officers and to improve their working conditions. As a result of Mr. Neufeld’s review, we acknowledge a need to make compliance a greater focus during the design and testing of the new model.

Mr. Neufeld notes, and Elections Canada agrees, that there is insufficient time to fully implement a new voting services model for the 2015 general election, assuming that Parliament were to



agree to a new model. The magnitude of change required would pose significant risk and extensive testing will be essential to demonstrate that the new model works before adopting it on a national scale.

We will begin to engage parliamentarians and various stakeholders later this spring on details of the new voting services model and a proposed pilot. In 2014 we will seek Parliamentary approval to proceed with the pilot, which we intend to conduct by January 2015, during an electoral event. We plan to roll out the new model throughout Canada after the 2015 general election.

While a new voting services model would address fundamental compliance issues by 2019, we agree with Mr. Neufeld that improvements to existing programs are required immediately for the 2015 election, even though we expect these improvements will reduce, but not in themselves resolve, the non-compliance problem.

Elections Canada agrees with Mr. Neufeld's recommendations to overhaul administrative practices in time for the 2015 general election, including: introducing new initiatives to reduce the need for registration and vouching on election-day; improving quality control at polling sites; simplifying procedures; clarifying written instructions; improving recruitment practices; modernizing training; and measuring levels of compliance on an ongoing basis.

We note that many of the improvements that Mr. Neufeld recommends for implementation during the 2015 general election have the potential to be carried forward into the new voting services model, to be used during subsequent elections.

In 2010 Elections Canada recommended a number of amendments to legislation<sup>1</sup>, largely supported by the Standing Committee on Procedure and House Affairs<sup>2</sup>, which would reinforce administrative changes we plan to implement in order to improve compliance during the 2015 general election.

I would like to express my gratitude to Mr. Neufeld and to the many individuals and agencies that generously gave their time and energy to this review, expressed their candid views on the nature of the compliance problem, and shared their suggestions for improvement. These stakeholders included elections field staff and front-line election workers, political party representatives and provincial, territorial and international electoral agencies. I look forward to further engagement with all stakeholders as we develop our plans to implement changes arising out of this review.

A detailed response to each of Mr. Neufeld's recommendations can be found in the Recommendations section of this report, including a summary of legislative amendments, drawn from Elections Canada's 2010 Recommendations Report, which we will be seeking prior to the 2015 general election<sup>3</sup>.

Marc Mayrand  
Chief Electoral Officer

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<sup>1</sup> *Responding to Changing Needs – Recommendations from the Chief Electoral Officer of Canada Following the 40th General Election*

<sup>2</sup> *Response to the Chief Electoral Officer's Recommendations for Legislative Reforms Following the 40th General Election*

<sup>3</sup> Chief Electoral Officer Of Canada's Response to Recommendation 11 of this report



## COMPLIANCE REVIEW CONTEXT

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This compliance review stemmed from a legal challenge regarding the conduct of the May 2, 2011 federal general election in the Ontario electoral district of Etobicoke Centre.

### Ontario Superior Court Decision

A judicial recount for that election had declared the winning candidate to be the elected Member of Parliament by a margin of 26 votes. The second place candidate applied to the courts requesting the election be overturned on the basis that “irregularities” had affected the result.<sup>1</sup>

The case was heard by Justice Thomas R. Lederer of the Ontario Superior Court of Justice, who on May 18, 2012 issued a decision declaring the results of the contested election to be “null and void”.<sup>2</sup>

In the written judgement, reasons to void the election centred on evidence that election officers had made a significant number of serious administrative errors. This was determined through a detailed review of documented voting records in ten out of that district’s 236 polling stations.

The judge found that, in these ten polls, procedural “irregularities” invalidated 79 votes. Some 52 votes were invalid because election officers made serious errors in the administration of voter registration procedures, and the remaining 27 cases involved serious errors within the application of identity vouching procedures.

Of the 79 votes this judgement “set aside”, 41 were deemed invalid because no required documentation could be found. Twenty-seven other votes were rejected because individual election officers had improperly recorded legally “material” information, or not recorded it at all. Eleven votes were rejected because election officers had not applied a legal requirement to ensure that each person vouching for the identity of another voter was first established to be a registered voter, and confirmed to be living within the same polling division boundaries as the voter for whom they were vouching.

Because 79 “irregular” votes within these ten polls exceeded the 26-vote plurality that had originally decided the election, and citing case law precedents that established “if the number of irregular votes exceeds the plurality of votes cast, the election cannot stand”,<sup>3</sup> Judge Lederer declared the Etobicoke Centre election overturned.

It should be noted this decision was made on the basis that important procedural requirements had not been met, and not due to evidence indicating that ineligible voters had been permitted to vote.

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<sup>1</sup> Section 524(1)(b) of the *Canada Elections Act* states: “Any elector who was eligible to vote in an electoral district, and any candidate in an electoral district, may, by application to a competent court, contest the election in that electoral district on the grounds that . . . there were irregularities, fraud or corrupt or illegal practices that affected the result of the election.”

<sup>2</sup> *Wrzesnewskyj v. Attorney General (Canada)*, 2012 ONSC 2873 (CanLII); available online at: <http://www.iijcan.org/en/on/onsc/doc/2012/2012onsc2873/2012onsc2873.html>

<sup>3</sup> *Wrzesnewskyj v. Attorney General (Canada)*, at para. 71 citing *O’Brien v. Hamel*, *supra*, at para. 25.

## Supreme Court of Canada Decision

The sitting Member of Parliament for Etobicoke Centre promptly appealed the judgement of the Ontario Superior Court to the Supreme Court of Canada.

The Supreme Court's October 25, 2012 judgement was a split 4/3 decision, ruling in favour of the appellant and confirming the original election result in Etobicoke Centre. Most appeal argument centred upon exactly what constituted "irregularities that affected the result of the election".<sup>4</sup> The majority and dissenting views cast markedly different perspectives on that central argument.

The majority held that "only votes cast by persons not entitled to vote are invalid".<sup>5</sup>

The minority view was that irregular votes should be considered invalid, and that sufficient proven administrative "irregularities" were a valid reason to annul an election. They stated:

The term "irregularities" . . . should be interpreted to mean failures to comply with the requirements of the Act, unless the deficiency is merely technical or trivial.<sup>6</sup>

The majority view did not disagree with this approach to defining "irregularities". However, with the view that enfranchisement is the paramount democratic principle to protect, they established that two tests need to be met in order to demonstrate that an "irregularity" affected the result of an election.

First, it is necessary to show that a statutory safeguard associated with establishing entitlement to vote was not properly administered. Second, the judge must decide, based on all evidence before the court, whether a person who voted was not entitled to.

The majority ruling found no proof that administrative breaches of statutory provisions had resulted in ineligible persons voting. On this basis, the evidence before the Court was deemed not to meet the test for annulment of an election prescribed by the *Canada Elections Act*.

Nonetheless, the case found that election officers made many serious errors in their duties on Election Day in the 2011 Etobicoke Centre election, and the Supreme Court made it clear that such errors in other circumstances could contribute to a court overturning an election.

## Public Trust at Risk

Perhaps of more importance than the legal precedent established, publicity surrounding the court case brought into question the impact of administrative errors on the integrity of the electoral process. Election Day administration is widely understood by the public to involve election officers ensuring that every participating elector meets certain registration and identification requirements

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<sup>4</sup> *Canada Elections Act*, sec. 524(1)(b); available online at: <http://www.elections.ca/content.aspx?section=res&document=index&dir=loi/fel/cea&lang=e>

<sup>5</sup> Supreme Court of Canada, *Opitz v. Wrzesnewskyj*, 2012 SCC 55; Introduction of majority opinion, second para., page 6; available online at: <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/12635/1/document.do>

<sup>6</sup> *Opitz v. Wrzesnewskyj*; Introduction of dissenting opinion, third para, page 10.

before they are issued a ballot. These are widely recognized as essential procedural safeguards that must be enforced consistently for election results to be considered legitimate and meaningful.

Citizens' trust in their electoral institutions and democratic processes are put at risk when established voting rules and procedures are seen not to be followed. Even the perception of problems can be extremely detrimental to this trust. Public trust in an electoral process is fundamental to perceptions about the legitimacy of democratic governance.

## The Compliance Review

It was within this overall context that the compliance review was initiated. While the court case was still underway, Marc Mayrand, the Chief Electoral Officer of Canada, publicly committed Elections Canada placing "a major priority on strengthening measures aiming to improve compliance with procedures and standards applicable on voting days".

He went on to outline the foundations upon which the review was subsequently designed:

Our intention is threefold: first, to review the voter registration and voting process based on what transpired in Etobicoke Centre; second, to assess the effectiveness of existing checks and balances; and third, to engage key stakeholders in implementing solutions for the 2015 election.<sup>7</sup>

Over the summer of 2012 Elections Canada managers agreed to a general process and timetable for the compliance review, and selected an independent Reviewer. The Reviewer's mandate appears in Annex F of this report; the Reviewer's biography is in Annex G.

The first task the Reviewer undertook was to develop a detailed workplan proposing the review's exact approach, stakeholder engagement strategy, analysis methods and support requirements. The workplan for the compliance review was agreed to on September 27, 2012 and work started immediately.

## Information Gathering

The workplan was founded on information gathering. The Reviewer started with interviews of election administrators and officials at all levels federally and in various provinces and territories. Then came design and assignment of a formal research project to study 'best practices' for election officer compliance at national and international levels.<sup>8</sup> A historical analysis of the evolution of the legislated duties of federal poll officials was also designed, and commissioned to an academic

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<sup>7</sup> Parliament of Canada, House of Commons, Standing Committee on Procedure and House Affairs, Evidence, Tuesday, May 29, 2012. Available online, between markers 1140 & 1145, at:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5614754&Language=E&Mode=1&Parl=41&Ses=1>

<sup>8</sup> *Best Practices for Ensuring Compliance with Registration and Voting Procedures*, prepared by Rohan Kumbhavi, Elections Canada Policy and Research Analyst. Available online at: [www.elections.ca](http://www.elections.ca)

authority.<sup>9</sup> The Reviewer himself undertook a detailed analysis of legislation related to compliance requirements, and a comprehensive review of election officer procedures and training materials.<sup>10</sup>

A detailed “conformity audit” conducted on the voting records of the ten disputed polls in Etobicoke Centre was followed with a random 1,000-poll national audit, as well as audit measurements of conformity with Election Day procedures in three federal by-elections held on November 26, 2012. Those audits, which confirmed election officer non-compliance to be a systemic problem in federal elections across Canada, are summarized in Annex C.

First-hand information gathering and detailed election observation was conducted during by-elections in the ridings of Durham, Calgary Centre and Victoria in October and November, 2012. Further interviews were conducted with election administrators who managed those elections, and the Reviewer observed and interacted with election officers, in all roles at numerous locations, during training sessions and on Election Day.

## Stakeholder Engagement

The review framework’s second structural component was a series of activities designed for the review process to engage genuinely and meaningfully with representatives from key stakeholder groups. These groups were identified as:

1. political party technical experts (on elections);
2. front-line election workers from the three by-elections;
3. federal election field management personnel;
4. Chief Electoral Officers from provinces/territories across Canada; and
5. senior management and staff at Elections Canada headquarters.

Annex E lists representatives from each of these groups that were involved in compliance review consultations.

Face-to-face compliance workshops were organized and held with members of the first three stakeholder groups listed, with each session facilitated by the Reviewer. These focused on causes of non-compliance by election officers, and established what types of effective solutions are available to implement in time for the 2015 general election. Group workshop participants tackled the compliance problem with great energy and enthusiasm, providing rich detail and significant insights.

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<sup>9</sup> ‘The Evolution of the Duties to be Fulfilled by Poll Staff with Regards to Registration and Voting on Polling Day and Advance Polling Days, 1920 to 2012’, prepared by Professor Louis Massicotte, Université Laval.

<sup>10</sup> See Annex A: *Table of Legislated Responsibilities for Election Officers* and Annex B: *Polling Station Process Flow*.

## Interim Report

The third major element in the review workplan called for an “Interim Report”<sup>11</sup> to document and distill what had been learned to that point through the process of gathering information and engaging stakeholders. The Reviewer prepared this report for translation and distribution in both official languages to all review participants and members of stakeholder groups, who received it in the third week of January, 2013.

The Interim Report served as a way to develop a more complete shared understanding, between review participants, of the causes of non-compliance and of potential solutions to the problem. Secondary purposes were: to obtain critical review and feedback on anything the report may have overlooked; to identify any other additional causes of non-compliance; and to have review participants state the solutions they preferred in the context of what they had learned to that point. Most of the 105 review participants who received the Interim Report offered superb detailed feedback.

## Final Report and Recommendations

The review planning framework’s fourth and final structural element called for an examination and analysis of all feedback provided by review participants. It also allowed time for further detailed research as deemed necessary and, finally, for the Reviewer to develop and document his findings, make recommendations and prepare and submit this report.

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<sup>11</sup> *Compliance Review – Interim Report*. Available online at: [www.elections.ca](http://www.elections.ca)

## CAUSES OF NON-COMPLIANCE

### Complexity

To most Canadians, the federal voting process appears simple and straightforward. About 85 percent exercise their franchise through a “regular” voting procedure, free from administrative obstacles. They often find they can complete the voting process at a polling station in three minutes or less.

These are voters who:

- are registered in advance;
- have a driver’s licence or equivalent photo ID to verify their name and address;
- bring the personalized “voter information card” that Elections Canada mails to them; and
- go to their specific assigned voting location on Election Day.

Unfortunately, the remaining 15 percent of voters do not experience such speed, simplicity or streamlined administration.<sup>12</sup>

For one or more reasons, these voters comprise a wide range of “exception” cases that require election officers to administer special processes before they can issue a ballot. It is during these more complex procedures — registration, vouching, oaths, translation assistance, eligibility challenges, et cetera<sup>13</sup> — that election officers often err. Too frequently, the errors are so serious that the courts would judge them to be “irregularities” that violate the legal provisions that establish an elector’s entitlement to vote.

The procedures that poll staff must apply as they manage many different “exception” cases on Election Day are complex, cumbersome to administer, often time-consuming, and procedurally frustrating for voters. Legislation prescribes these methods, including *what* tasks are required and *who* must undertake them.

Written instructions that election officers and voters must follow to complete these complex procedures, such as instruction manuals and forms, are generally not user-friendly. They can be exceedingly difficult to follow. To a great extent they mirror the *Act*’s highly prescriptive language, which tends to be more legalistic than practical when describing exact procedures to follow.

Complex procedures, exacerbated by no less complex written instructions, are major contributors to errors by election staff, who must administer the safeguard requirements, and by voters, who must demonstrate that they meet those requirements. All groups and individuals consulted in this review identified complexity as *a* significant, if not *the most* significant, cause of non-compliance with

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<sup>12</sup> For a detailed description of the 17 types of “exception” processes, and the rates of their administrative occurrence, see pages 8–13 of the *Compliance Review – Interim Report*. Available online at: [www.elections.ca](http://www.elections.ca)

<sup>13</sup> See Annex B for a visual representation of the procedural complexity associated with administering “regular” voting procedures alongside these “exception” conditions.



Election Day procedures. Evidence obtained in detailed audits undertaken during the compliance review<sup>14</sup> supports this view.

It is especially likely that complexity will result in errors during elections, where most staff are hired only once every few years and must follow very particular instructions. Administering election procedures simply cannot require the vast majority of election officers to master very complex tasks that are difficult to understand — after all, this is only a one-day job. However, it is precisely this requirement that has gradually evolved into being under current legislative arrangements. The result is that important parts of the job have become difficult to understand and challenging to administer.

At present *all* election officers who hold the two key positions per ballot box — the Deputy Returning Officer and the Poll Clerk — are required to know how to deal with *every* type of “exception” case. Previous rounds of amendment to electoral legislation have resulted in a snowballing accumulation of duties<sup>15</sup> where additional requirements, such as proof of identity and address, are expected to be delivered within the existing “polling division” service model. The structure of election officer responsibilities set out in the existing model creates unnecessary complexity for both voters and election officers. Procedural compliance may be compromised in the resulting environment of:

- Frustrated voters — waiting in an assigned queue yet unable to be served by apparently unoccupied staff at one or more neighbouring polling stations; or having to ‘tell their story’ a number of times to different staff, each of whom is limited in law to handle only a part of each voter’s case; and
- Frustrated voting staff — guided by unclear or inconsistent instructions to record information that has already been captured multiple times, often by another election official at the same voting location.

With the advantage of hindsight, it is evident that numerous changes to legislation during past years have contributed to a cumulative level of complexity that cannot be accommodated within the existing voting services model without causing intolerable levels of error.

## Supervision

The *Canada Elections Act* is deeply rooted in an historic approach to voting administration that originally developed in 19<sup>th</sup> Century England. As a result, legislated provisions regarding supervision of voting site activities are mostly notable by their absence.

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<sup>14</sup> See Annex C for summary results of audits taken from four different elections. Identity vouching procedures are unquestionably the most complex “exception” process administered at polling stations. The level of irregularities for vouching averaged 25 percent. During two of these elections, quality assurance programs involving Onsite Conformity Advisors (OCAs) were applied. However, vouching irregularities still averaged 21 percent during the OCA monitored elections. This indicates that overly complex procedures cannot be remedied simply by improved quality assurance.

<sup>15</sup> An analysis of how these duties progressively accumulated over time is detailed in the paper ‘*The Evolution of the Duties to be Fulfilled by Poll Staff with Regards to Registration and Voting on Polling Day and Advance Polling Days, 1920 to 2012*’, authored by Professor Louis Massicotte, Université de Laval.



Canada's constitutional and legislative framework provides that the country be divided into electoral districts as the basis of representation. Each district must be further sub-divided into polling divisions<sup>16</sup> for purposes of election administration. It is clear that there must be at least one pair of election officers assigned to administer the vote for each polling division – a Deputy Returning Officer and a Poll Clerk.

The *Canada Elections Act* now, and in every version since Confederation, assumes that these two election officers will conduct their duties autonomously, in full compliance with the election statute. It assumes that election officers will follow directives given to them by their Returning Officer (who transmits them from the Chief Electoral Officer), and will faithfully and accurately count and report voting results for their polling division after voting closes on Election Day.

Under the current model, each Deputy Returning Officer must “return” the marked ballots and all voting documentation to their Returning Officer. Each Returning Officer must “return” their Writ of Election, (on which the voting results are recorded) and all voting documentation for their district to the Chief Electoral Officer. The Chief Electoral Officer then communicates these returns as the official election results, which formally determine duly elected Members of Parliament following each general election.

This model of delegated, massively-decentralized responsibility was well suited to simple election rules in a large, mostly rural country, as Canada was at Confederation. Early in the country's history a “poll” was the location in a rural community where the voters within a defined area could vote on Election Day. Often this was where the Deputy Returning Officer worked or lived. Even in cities, each poll would provide its own location where voting occurred on Election Day — and again, often this was the living room of one of the two assigned election officers.

However, as the country urbanized, and motorized, the practical, obvious efficiencies of electors from multiple polling divisions being able to vote at a single location led to “central polls”. It made good sense to place multiple “polling stations” – one ballot box and pair of officials per polling division – at a single “polling place” location such as a community centre, church hall or other convenient public building.

Only in recent decades have requirements for supervising voting sites, and the need for additional officers to help administer registration and voting at central polls, been recognized in the *Canada Elections Act*. Section 124 (2) of the *Act* gives a Returning Officer discretion to appoint a “Central Poll Supervisor” at a central polling place with four or more polling stations – it assumes that no supervision is necessary at polling locations housing fewer than four polling stations.

Section 124(2) further states that a supervisor must “supervise proceedings and keep the returning officer informed” about any matters that affect proceedings. The *Act* however gives no actual authority to a Central Poll Supervisor to monitor, instruct, intervene or correct any actions of Deputy Returning Officers and Poll Clerks at polling stations within a voting site. Their formal role mandates

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<sup>16</sup> As of October 2012 the 308 federal electoral districts in Canada were subdivided into a total of 64,572 polling divisions, with an average of 210 divisions per riding. Each polling division requires an absolute minimum of two election officers on Election Day. The average number of registered voters per polling division is 382.

them to do little more than ensure adequate voting supplies are available, deal with traffic flow, and ensure proper signage and parking arrangements.

The manner in which staff roles and polling station structures are provided for within the current legislative framework reflects a primary concern for safeguarding the *impartiality* of proceedings at a local level. The *Act* envisages partisan election officers paired together at every ballot box, keeping a watchful eye on one another, preventing foul play. Evolving complexity has, however, created a further concern; that procedures are administered *accurately*. Simply pairing off partisan officers, with no appointed supervisor with a clear mandate to supervise proceedings, does not ensure the tasks will be executed correctly.

Deputy Returning Officers and Poll Clerks who are unclear about how to handle complicated “exception” cases will make errors. Going unchecked, they are likely to continue repeating those errors throughout the day. Audit evidence indicates that unresolved errors continue throughout Election Day, even when a Central Poll Supervisor is present at the voting location. Because the *Act* does not properly define a chain-of-command, problems and disputes have nowhere to be escalated. Deputy Returning Officers must make procedural decisions “on the fly” under pressure of an ever-growing line of electors who must wait as each lengthy “exception” process is administered.

Participants in the compliance review regularly commented that there is an absence of clear and meaningful supervision within the current legislative framework. The legal and societal importance of procedures related to voting and registration-at-the-time-of-voting, demands that election officer activities must be appropriately, uniformly and consistently supervised.

## Recruitment

Recruiting an appropriately skilled workforce of more than 230,000 temporary workers at each federal election is a mammoth challenge by any measure. Election Officers, who are assigned to work at voting sites, make up 200,000 of these positions.

Achieving this within current constraints of the *Canada Elections Act* is additionally challenging for two major reasons.

First, recruiting Election Officers for Election Day involves each Returning Officer finding between 600 and 800 capable persons in their electoral district. These persons must be willing to work a 14 to 16-hour day, on a Monday, which is a regular work day for most citizens. They must be willing to work for a fixed fee that is close to or less than the minimum wage set by the province or territory where they live.<sup>17</sup> The stipulation that all voting must halt at a polling station if an election officer is

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<sup>17</sup> The *Canada Elections Act*, Section 542, specifies that the Governor in Council has responsibility for setting the federal election fees tariff. In practice, Treasury Board, a statutory Cabinet committee established under the *Financial Administration Act*, decides. A formula for an automatic annual increase was introduced into the election tariff in 2007, but rates paid to federal election officers have not kept pace with rates paid to provincial, territorial and local government election workers. The federal fee tariff is currently below the current minimum wage standards in several provinces.

absent<sup>18</sup> permits no meal or other breaks. Clearly these work conditions and compensation levels are not likely to attract large numbers of appropriately skilled persons for a one-day job.

Second, the *Act* requires that candidates for the political parties that placed first and second in the most recent election in each district must be permitted to nominate all the Deputy Returning Officers (Section 34) and all the Poll Clerks (Section 35) respectively. A similar provision exists for nominating Registration Officers (Section 39). Candidates representing the two leading parties have until the 17<sup>th</sup> day before Election Day to assemble their list of nominees. Each Returning Officer must therefore wait until this statutory deadline passes before addressing whatever recruiting shortfalls remain. Amplifying this problem is the fact that candidate nominations generated only 29 percent of the polling station officers appointed in the most recent federal general election. Being barred from recruiting election officers required to fill all places until just over two weeks before Election Day, and one week before Advance Voting, creates a significant barrier to succeeding at orderly hiring and training of qualified personnel.

The entire concept of pairing partisan election officers at each polling station “to make sure things are done right” quite naturally becomes ineffective unless each campaign nominates enough officers. Additionally, a vast majority of Compliance Review participants strongly believed that appointing election officers on any basis other than merit is inconsistent with the principle of administrative neutrality, and contrary to predominant Canadian values. Some suggested the appointment of partisan election officers is also inconsistent with established international electoral practices.<sup>19</sup>

Beyond the need to address these statutory constraints, there are opportunities to improve the recruitment process at an administrative level. The Compliance Review process has repeatedly made clear that many of the citizens who make themselves available to work as election officers in federal elections also hold similar positions in provincial/territorial and local government elections. Many of these individuals are highly altruistic in outlook, and show themselves to be more interested in serving the democratic process and providing a public service than in working for a wage. Some have worked in many elections and understand well the overarching democratic principles they follow, the time required for different procedures to be done correctly, and the intricacies of dealing with various “exception” processes.

Historically, there has been no concerted effort to recognize and value the contribution of these essential election workers, nor to deliberately grow and improve the quality of their ranks. At each government election level, these individuals must apply anew for a position as an election officer and only after each electoral event officially begins. They must attend the same training session as those who have never performed in the role before. Their experience goes unrecognized in the compensation model, and in any kind of orderly progression through increased responsibility in

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<sup>18</sup> Under the heading, “General Guidelines for Your Team”, the manual issued to Deputy Returning Officers and Polls Clerks (p. 14) states: “If you leave for a washroom break, voting must be suspended. Resume voting when both are present. No one else can act in your presence.” Anticipating an obvious question, the next line says: “Bring your meals or arrange to have them delivered.”

<sup>19</sup> See, for example, the *Code of Conduct for the Ethical and Professional Administration of Elections*, p. 10 published by the International Institute for Democracy and Electoral Assistance. Available online at: [http://www.idea.int/publications/conduct\\_admin/](http://www.idea.int/publications/conduct_admin/)

subsequent elections. Finally, these workers have no communication of any kind between elections to advise them when another election employment opportunity might arise (most Canadian jurisdictions now have fixed election dates), what rule changes they might be expected to administer at the next election, or even whether their contact information is up-to-date to allow orderly hiring when an election nears.

There is an opportunity for Canadian election management bodies, at least at the federal and provincial/territorial levels, to collaborate to establish an “electoral worker database” of information about citizens with election officer experience who are willing, interested and capable of performing official duties in subsequent elections. Managing this cadre of experienced personnel would benefit from use of the same kinds of motivational communication techniques that highly successful volunteer organizations use. Ideally, more young election workers would be recruited and made to feel that they are truly valued and that their work at successive elections is personally rewarding, enjoyable and something to look forward to. Engaging municipal and provincial election bodies to help develop and maintain a repository of known, capable and experienced election workers would add administrative complexity, but such a shared information resource has the potential to pay back even greater value. Over time, it could be useful to explore the concept of ‘certified’ election workers, and to start to create a level of professionalism within this important, but periodic and highly temporary workforce.

Improved recruitment strategies of the type outlined above should attract more than the minimum required number of skilled and qualified election officers to work at voting sites each Election Day. Having capable, experienced human resources in place is essential for achieving high levels of compliance with complex election rules and administrative procedures.

## Training

All participants in the compliance review, including senior members of Elections Canada management, fully agree that training election officers effectively is absolutely critical to achieving compliance with election rules and procedures.

Elections Canada managers also concede that existing arrangements for training election officers have proven inadequate. For years, the approach has been for each Returning Officer to select several Training Officers to teach courses to nominated and recruited election officers, by role, in the two-weeks prior to Election Day. These courses generally run at the office of the Returning Officer on evenings and weekends. Frequently training as many as 60 officers at the same time, the Training Officer primarily works through an overview of a detailed procedures manual handed out at the start of the class. In addition to being trained on procedures, election officers must also learn about expectations regarding their interaction with the voting public, including assisting voters with disabilities and understanding official language requirements. Election officers are asked to take the manual home, review it, and have it on-hand to refer to on Election Day. A flat fee is paid to attend the mandatory training session; no additional compensation is paid to read the manual.

Efforts are now underway within Elections Canada to completely update this approach and modernize the training regimen. Until 2011, time simply was not available for any such large-scale

overhaul of the education program used to train more than 200,000 temporary officers at every election. Successive minority governments between 2004 and 2011 kept the organization's primary focus on "readiness", not modernization. At the same time, legislative amendments were introduced that added significant levels of procedural complexity to election officer roles.<sup>20</sup>

A great number of criticisms of the training approach arose in workshops with stakeholders during the review. Participants debated "how long" training sessions should be, and "how much" detail there should be on the large number of "exception" conditions that election officers must administer on Election Day. Currently, most election officers receive two-and-a-half to three hours of training. Some roles, such as that of Information Officer, can be trained in a shorter time.

One camp's opinion was that three hours is the absolute longest training time that is reasonable for any election officer assigned a one-day, minimum wage job. Some argued that "information overload" occurs in far less time and said current difficulties recruiting election workers will increase exponentially if training sessions are made longer. It was suggested that far less time could be spent on training, with less resulting confusion, if sessions focused on dealing with typical cases and left dealing with exceptions for learning on-the-job, under guidance from a knowledgeable, well trained poll supervisor. This was met with the argument that supervisors are not even present in many voting locations, and that the current legislation does not envisage already-busy Central Poll Supervisors training others on the job.

Another camp argued that training should take as long as needed to ensure that election officers thoroughly understand every procedural aspect of their official duties before starting work. It was suggested that various training session lengths could be tested, and evaluations of the "student" knowledge levels measured after each. India was cited as an example, where civil servants act as election officers and receive one full week of training prior to Election Day.

Some review participants were emphatic that continuing to conduct classroom training, predominantly by reviewing a thick training manual, is an entirely ineffective and outmoded way to teach adults the detailed procedures they need to know to perform a complex, one-day job. Those with backgrounds in adult learning argued that most persons who are willing to work as election officers do not generally fit the profile of individuals who learn best by listening or reading. They argued that a better approach would be to learn by doing, which comes naturally to most adults.

That very little "experiential" learning is possible while covering a 90-page manual in a three-hour lecture was generally agreed to be a problem.

While debates over approach never led to a consensus, there was wide agreement on three basic learning objectives for election officer training:

- what it is they are required to do;

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<sup>20</sup> Bill C-31, *An Act to amend the Canada Elections Act and the Public Service Employment Act*, received royal assent on June 22, 2007. It introduced a requirement for every elector to prove their identity and residential address before being issued a ballot, and a responsibility for election workers to prepare special forms that track which registered voters cast ballots within each half hour, and to provide a copy of the separate completed and signed forms to each candidate representative 22 times during Election Day.



- how they are to perform the tasks required; and
- why they need to perform those tasks in the way described.

In this light, inadequate or ineffective training carries significant negative implications for procedural compliance.

At the same time, Returning Officers face a major logistical challenge in training 600 to 800 election workers (many with day jobs) in the available two-and-a-half weeks prior to Election Day. Making that training effective, practical and enjoyable adds further difficulty.

Ensuring every election officer has a foundation of knowledge about their duties and legal responsibilities presents is an enormous curriculum development and training arrangement challenge. For the general election of 2015, it is imperative that each election officer be trained on the importance of being able to recognize and prevent “irregularities”.

## Updating the List of Electors

“A good list makes for a good election”.

Election administrators around the globe live by this adage.

A list of voters is accepted as a procedural safeguard and administrative control tool in democracies all over the world. To vote in Canada, electors must be duly registered in the district in which they live, and their name and address must appear on the list at the voting station to which they are assigned to vote before they can be provided a ballot. The list is permitted to be scrutinized by candidates and their representatives, and objection procedures are available to legally disqualify persons who do not meet the required eligibility criteria of citizenship, age and residency. As soon as a voter is provided a ballot, a list “strike-off” procedure occurs to prevent duplicate voting.

Different approaches are used to create and update voters lists, ranging from creating a list by enumerating at every citizen’s residence at the start of an election, to leveraging a citizen registry. In Canada, the current approach is to maintain a National Register of Electors (NRoE) and permit new voters to apply to register at any time, including on Election Day. Unlike many countries that maintain a permanent registry, voter registration is non-mandatory in Canada and a citizen can ask to be removed from the register at any time. Nevertheless, Elections Canada estimates that 93.9 percent<sup>21</sup> of eligible Canadians are currently listed on the National Register of Electors.

The *Canada Elections Act* uses the “polling division” as a basic conceptual building block around which all detailed voter registration and voting procedures are constructed. There is a historic legal requirement that each participating elector must ultimately have their name appear on the polling division voters list *for the specific polling station* to which they are assigned to vote. It is important to understand that the *Act* still requires that there be one polling station that is uniquely established for each polling division. A polling division is a sub-unit of geography within an electoral district; each

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<sup>21</sup> Presentation entitled ‘National Register of Electors and the E-Registration Service’ prepared by Nan Smith, Director, National Register of Electors, Elections Canada, November 2012.

district has an average of several hundred polling divisions making up the entirety of that district's geography and most polling divisions have 300 – 500 voters registered within their boundaries.

In practical terms, a polling station is simply a table with a ballot box, a polling division voters list, blank ballots, a poll book and two election officers — the Deputy Returning Officer and Poll Clerk — located at the specific voting site that electors living in one or more polling divisions are assigned to attend.

A perfect voters list would have every participating voter registered in advance of Election Day with their details current and accurately recorded on the list. Ideally their name would be spelled exactly the same way as it appears on the identity documents they must produce, and each voter's residential address would reflect identically on the list and the ID they show.

Elections Canada maintains the National Register of Electors centrally, and derives electronic update information from such sources as change of address data from provincial driver's licence files, federal tax files, and formal data exchange arrangements with provincial and territorial electoral agencies that also maintain permanent voter registers. Because these automatic updates do not provide a fully accurate list when an election is called, the agency undertakes a diverse range of list "revision" activities during each federal election period, including door-to-door list registration activities covering some 10 percent of dwellings where mobility is known to be high.

Maintaining address currency is the most significant challenge in managing the National Register of Electors. Elections Canada's regularly measured "currency" of the register data indicates that 85 percent of registered electors are listed at their current address at any given time. Statistics Canada reports that 13 percent of Canadians move annually<sup>22</sup> and there is inevitably a time lag between a residential move and updating tax files, driver's licence files or provincial voters lists to be shared with Elections Canada. In addition, every day, new voters come of age, or gain citizenship while others pass away.

The public policy response to the fact that, regardless of the approach used, it is nearly impossible to make voters lists complete and accurate in advance of Election Day, is to allow qualified electors to register at the time of voting. Elections Canada's official reports indicate that, over the past four general elections, an average of 6.25 percent of voters needed to register at the time of voting.<sup>23</sup>

However, the audit conducted as part of the Compliance Review (summarized in Annex C) found that confusion amongst some staff led to technical non-compliance with registration procedures and resulted in fewer registration documents than were legally required. The actual number of voters

<sup>22</sup> Statistics Canada, 2008. Special tabulation, based on 2006 Census of Population.

<sup>23</sup> Table information below is derived from various public election reports of the Chief Electoral Officer of Canada.

Election	E-Day Registrants	E-Day Voters	% E-Day Registrants
41st General Election – May 2, 2011	757,539	12,490,692	6.06%
40th General Election – October 14, 2008	730,939	11,935,356	6.12%
39th General Election – January 23, 2006	796,101	12,700,392	6.27%
38th General Election – June 28, 2004	764,185	11,978,806	6.38%



that have been required to register on Election Day is now thought to be closer to eight percent of all voters.

The audit highlighted two common and related errors within the subset of voting records where registration was shown to be required: a registration certificate not being completed (6.5 percent of cases), or a certificate not being returned following the election (17.8 percent of cases).

Procedures require that voters who are already registered, but who have moved from one polling division to another, must complete a full registration process. Follow-up investigations, as well as discussion with numerous front-line poll workers administering registration in the by-elections of November 2012, indicate that election officers struggle to understand why a new registration would be required when it is quite evident that the elector they are dealing with is already registered on the national register, but simply not at their current address. Many are under the impression that they simply need to complete a “correction certificate”, a form whose actual purpose is to collect information about voters whose situation has not changed but *whose details have been recorded incorrectly* on the printed list (a misspelled name or a change to a married name, for example) — a very subtle distinction.

Much confusion prevails and temporary election officers openly question the logic of why they can very simply update the registration of a person with a legal name change with a “correction certificate”, while they must use far more effort to complete a “registration certificate” to re-register an already registered voter who has only changed addresses. Indeed, 70.7 percent of “registration certificates” collected during the 2011 general election were for citizens who were already registered on the National Register of Electors.

Unfortunately, while the logic of election staff is understandable, it is inconsistent with the legal requirement that corrections can only be made to information about registrants who are already on the voters list printed for the polling division in which they reside. The legal fiction is that the Election Day polling division voters list is either being added to (“registration certificates”) or corrected (“correction certificates”). The reality is that the national register is only being added to when there are new first-time registrants; updates occur whenever address and other data differs for existing registrants.

Clearly the entire process for registration at the time of voting requires significant re-engineering. At the moment, it is the largest source of “irregularities” during federal elections – some 11.8 percent of all registration activity on Election Day in May, 2011 showed serious errors, according to the national audit undertaken for this review. That represents 0.9 percent of all votes cast on Election Day in the last federal election. Less abstractly, it equals 114,693 voters potentially having the validity of their votes put in question. For voter registration alone, this is an average of 372 “irregularities” per electoral district.

In addition to clarifying, simplifying and ultimately re-designing the process of registering voters at the time of voting, it would be logical to address ways to substantively improve the quality of the list immediately before the 2015 election. New and innovative approaches toward pre-vote revisions may be available to yield a better version of a “good list” for Election Day.

## Historical, Cultural and Jurisdictional Factors

The approach the *Canada Elections Act* sets out to provide voting services has been used for a very long time.

Some argue that basic concepts have not been reformed since Confederation — additional features have simply been added piecemeal over decades. Others point out that Canada inherited its entire framework of election law from the United Kingdom — British law made Returning Officers responsible for district elections, and Deputy Returning Officers for voting at “polls”, in the early 19<sup>th</sup> century.

Times have changed, yet the basic voting services model has not. Most Canadians now vote in urban settings, at central polling locations that house many polling stations. Meanwhile, electoral law and procedures still reflect an assumption that voting occurs at single station locations in separate rural communities.

Clearly the model is an antique. It could benefit from significant modernization. But many participants in the review were resigned in their belief that further “tweaks” cannot improve the current approach to providing voting services significantly — indications of widespread and serious procedural errors in Etobicoke Centre and the national audit signal unmistakably that an overhaul is urgently required.

However, built-in resistance to changing the mechanics of voting is strong. This is a historically-defined process. It uses terms and requires procedures that are seemingly to be performed in the same way they always have been and always should be. All can agree that this process has served the country well, which makes policy makers and election administrators all the more hesitant to redefine it. Alternate approaches seem to present enormous transition difficulties, with associated costs and risks, especially when another election always seems to be just around the corner. And the challenge of defining a new voting service model with all the formal, intricate, highly evolved — even elegant — electoral integrity components that the current system embodies is conceptually daunting. For these good reasons and others, the challenged and challenging “polling division” model continues in active use in nearly every province and territory in the country.

With this historically obsolete voting services model come a number of related cultural factors with implications for compliance.

The cultural and demographic attributes associated with persons who are available to work as election officers for a federal election (“elections held on Mondays”) tend to be the same for provincial, territorial and local government elections.

No verified statistics are available, but it appears that a significant majority of election workers serve at more than one jurisdictional level.<sup>24</sup> Differences in procedures and legal requirements between jurisdictions may cause compliance problems. Some Canadian jurisdictions do not require showing

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<sup>24</sup> This fact was widely reported during research interviews undertaken to establish compliance best practices among Canadian provincial and territorial electoral management bodies. See *Best Practices for Ensuring Compliance with Registration and Voting Procedures*. Available online at: [www.elections.ca](http://www.elections.ca)

any identity documents whatsoever before voting; others allow different types of documents to be used as proof of identity and address. Some authorities completely disallow vouching; others allow a single individual to vouch for an unlimited number of voters. Required periods of residency differ from one election to another; local governments will frequently allow persons who own property to vote even if they don't reside in the area. Detailed lists of differences go on and on.<sup>25</sup>

It is understandable how election officers, who work at each jurisdictional level only once every few years, might confuse procedures. Sometimes they are known to apply the wrong rule schema, creating unintentional non-compliance. Most of these workers assume — reasonably perhaps, but incorrectly — that election law in Canada is uniform. It is not. Each jurisdiction sets out its own specific procedural requirements with surprisingly large differences in the detailed legal prescriptions that apply.

Another societal factor, associated with current voting arrangements across Canada, is the existence of what some call a “culture of service”. This ethos can lead members of the public, who temporarily become election officers, to do everything they possibly can to ensure that every person who shows up to vote gets a ballot to mark.

This approach sometimes results in non-compliant voting, for example when an elderly person turns up to vote at a location other than the one to which they are legally assigned. Or perhaps a ballot is issued to someone lacking proper identity documents, because an election officer recognizes them and feels quite sure they are qualified to vote. Another known example is when members of Canadian Forces personnel in uniform go to vote at civilian polling stations and are provided ballots — separate legal rules and arrangements for voting by Canadian Forces electors make such votes technically non-compliant.

Finally, there is a set of cultural expectations around Election Day itself. When members of the public go to cast their ballots, they expect efficient and orderly service. They don't want to wait in line for what they consider an unreasonable time. They expect the location where they are assigned to vote to be convenient, and they tend to have little patience with the “bureaucratic process” associated with obtaining a ballot. After all, everyone knows that voting is a fundamental right. When these expectations go unmet, electors can become rude and impatient with election officers. This combination of expectations can create an environment of stress that leads election officers to take shortcuts and make procedural errors.

The factors that underlie election officer non-compliance are numerous, deeply rooted and sometimes hard to detect. They are unquestionably difficult to manage within the current legal framework.

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<sup>25</sup> The legislated differences between federal and provincial/territorial election law are summarized in the *Compendium of Election Administration in Canada: A Comparative Overview*. Available online at: [http://www.elections.ca/res/loi/com/compoverview2012jun\\_e.pdf](http://www.elections.ca/res/loi/com/compoverview2012jun_e.pdf)

## ADDRESSING THE CAUSES OF NON-COMPLIANCE

### Errors and Expectations

The Supreme Court's majority decision in the Etobicoke Centre appeal case recognized that, given the nature of Canadian federal elections and the fact that ordinary citizens conduct them, some degree of human error is inevitable.

At paragraph 46 of their judgement in *Opitz v. Wrzesnewskyj*,<sup>26</sup> Justices Deschamps, Abella, Rothstein and Moldaver JJ. state:

The practical realities of election administration are such that imperfections in the conduct of elections are inevitable. . . . A federal election is only possible with the work of tens of thousands of Canadians who are hired across the country for a period of a few days or, in many cases, a single 14-hour day. These workers perform many detailed tasks under difficult conditions. They are required to apply multiple rules in a setting that is unfamiliar. Because elections are not everyday occurrences, it is difficult to see how workers could get practical, on-the-job experience.

However, the Supreme Court was not suggesting that election officials are excused from ensuring they perform their duties to anything less than the highest of standards. At paragraph 69 in the same decision the Justices state:

In recognizing that mistakes are inevitable, this Court does not condone any relaxation of training and procedures. . . . The CEO has an obligation to ensure, as far as reasonably possible, that procedures are followed. . . . Failure to live up to this mandate would shake the public's confidence in the election system as a whole and render it vulnerable to abuse and manipulation.

One crucial question this review has struggled with is what error rate might be publicly acceptable for Election Day registration and voting procedures. Most review participants, and a cross-section of citizens the Reviewer surveyed informally, said that this should be a very low rate indeed.<sup>27</sup> The majority indicated the acceptable percentage as “zero”. None thought the error rates established in the contested Etobicoke Centre election, or in the figures indicated in the national sample audit, to be even remotely acceptable to an average Canadian.

The assumptions behind this — that serious errors in election procedures simply should not be made and that the only acceptable errors might be purely clerical or unrelated to procedural safeguards — raises the bar for procedural improvement. Public trust is at risk if the rate of error is not significantly reduced by the next general election.

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<sup>26</sup> Supreme Court of Canada, *Opitz v. Wrzesnewskyj*, 2012 SCC 55; available online at: <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/12635/1/document.do>

<sup>27</sup> See collected responses to question number four appearing in Annex H of the *Compliance Review – Interim Report*; available online at: [www.elections.ca](http://www.elections.ca)

However, reducing the current rate of serious errors during registration and vouching transactions forms an immense challenge that should not be underestimated.

## Moving to a New Model of Voting Services

A core finding of this review is that election officer error rates will not be much improved just by enforcing existing procedures more rigorously. Findings from the audit of the November 2012 by-elections reinforce this: adding a compliance advisor role to monitor activities at voting sites led, at best, to only modest reductions in error rates.<sup>28</sup>

There is broad consensus among participants in this review that comprehensively addressing the existing causes of error requires moving to a new voting services model. That model needs to reduce, consolidate and streamline individual tasks and change *who* those tasks are assigned to. This level of change is not merely a “tweak” of the existing system with better enforcement of rules, or more in-depth training. The nature of the change required is fundamental and structural and cannot be achieved without changes to the framework of electoral legislation.

Even before the Etobicoke Centre court challenge, Elections Canada was researching alternative voting service models that might be used to restructure and improve the current approach set out in the *Canada Elections Act*.

In recent years, many senior election managers across Canada have come to regard the “polling division” model as increasingly unsuited to 21st century realities. Further, there is broad consensus in the electoral administration community that significant opportunities for improved voter service, procedural compliance, as well as efficiency gains, would come from applying modern information technology. Particularly compared to humans hired to work at an unfamiliar task for a single day, properly programmed computers are exceedingly capable of executing detailed instructions and complex processes accurately. However, to use technology in the voting process inevitably involves a “re-design” of the voting services model, and would require restructuring the legal framework that defines the process.

For several years, Elections Canada has been working to identify a simple and streamlined model for voting services, motivated by a desire to increase efficiency, improve voter experience and improve access to the electoral system.

The context of the Etobicoke Centre legal case and this review’s own findings suggest strongly that moving to a new model carries potential to significantly reduce rates of error by election officers. However, the new model must be developed in such a way that compliance is a core design requirement. That design must *take into account the realities of the election context*. The new model’s design must explicitly strive for accurate procedures and record-keeping. It must enable a typical election officer — a non-expert, with limited training, who works in the role only occasionally

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<sup>28</sup> See Annex C to compare the “2011 General Election” column percentage error rates to those listed for the Victoria and Durham by-elections. Note that Calgary Centre did not have on-site Conformity Advisors and was treated as a statistical “control” group.

but for long hours, under intense pressure and public scrutiny — to achieve full compliance with all rules and procedures.

### The “New Brunswick” Model

As part of its research in finding an alternative model to propose to Parliamentarians, Elections Canada examined whether the “New Brunswick” model for providing voting services could be “re-engineered” to meet federal electoral standards and national delivery requirements.

A modified approach to providing voting services was pioneered in New Brunswick during that province’s 2008 local government elections. The Chief Electoral Officer of New Brunswick, Michael Quinn, describes the genesis of the design for the model being inspired by a recommendation made by the province’s “Commission on Legislative Democracy”:

That the electoral process be updated and streamlined to make it easier to cast a vote; make the rules around elections more clear and understandable; and provide a more flexible and efficient process for administering elections. . .<sup>29</sup>

The New Brunswick model entirely removes the concept of polling stations from the voting equation. Instead, each voter “checks-in” to prove eligibility, then obtains a token and exchanges it for a ballot, marks their ballot and deposits it in a ballot box. At each stage, voters simply present themselves to the “next available officer” — there’s no need to go to a specific table. The use of networked computers for voters list look-ups at the “check-in” stage, and an automated scanner-tabulator at the ballot deposit stage, provides substantial efficiency gains.<sup>30</sup>

Because Elections New Brunswick is mandated to manage provincial elections as well as local government elections, it quickly saw benefits in applying the same model in a provincial election. It made a case for moving in this direction, proposed legislative changes, and was permitted to use the new voting services model in the 2010 provincial election. That provincial election was successfully held, successful local government elections followed in 2012, and the model is now firmly established as the standard for local and provincial elections in New Brunswick.<sup>31</sup>

The “New Brunswick model” features important improvements over the traditional “polling division” model, still used federally, and in all other provinces and territories in Canada.

Elections Canada conducted a careful analysis that demonstrated that a “re-engineered” implementation of the New Brunswick model could meet all major electoral process requirements contained in the Canada Elections Act. However, the national agency’s approach to an envisioned implementation of the model differs from New Brunswick’s in one fundamental way — it assumes all voting locations would be equipped with “real time” access to a national computerized voters list,

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<sup>29</sup> The Commission on Legislative Democracy, Province of New Brunswick, 2004, *Summary of Recommendations*, page 15. This document can be accessed at: <http://www.electionsnb.ca/pdf/cld/CLDSummary-e.pdf>

<sup>30</sup> See Annex D for a fuller description of how the “New Brunswick model” works.

<sup>31</sup> Preparations are currently underway to use the model in ten New Brunswick local government by-elections scheduled for May 13, 2013. The model will also be used in the next scheduled New Brunswick provincial general election — Election Day will be September 22, 2014.

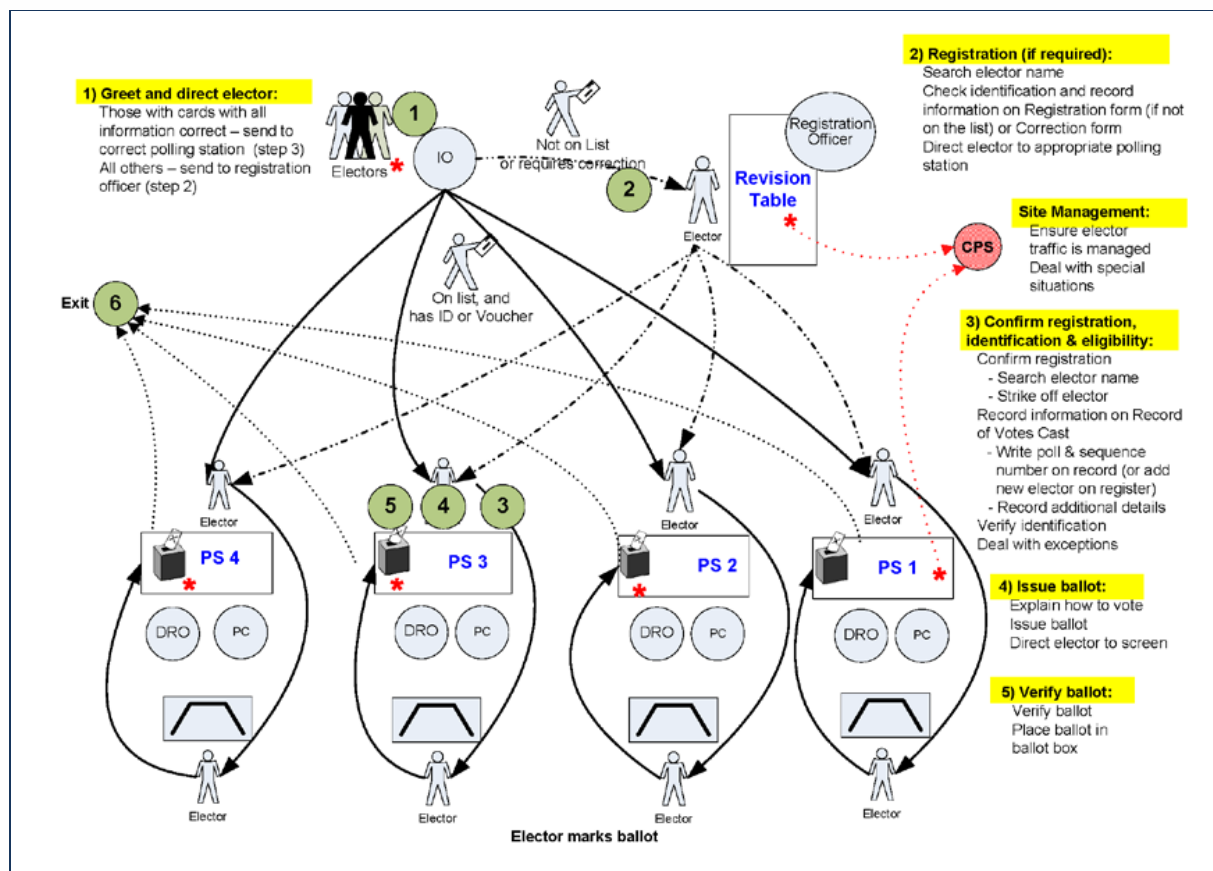


utilizing Internet data communications. This capability would allow for “live” voter registrations and updates, and automated list “strike-off” processing in all locations.

*(Diagrams of the flow of voters through voting sites under the current “polling division” model and Elections Canada’s proposed “re-engineered” voting operations model are shown on the following two pages.)*



## Current "polling division" voting services model



### Abbreviation Legend:

IO – Information Officer

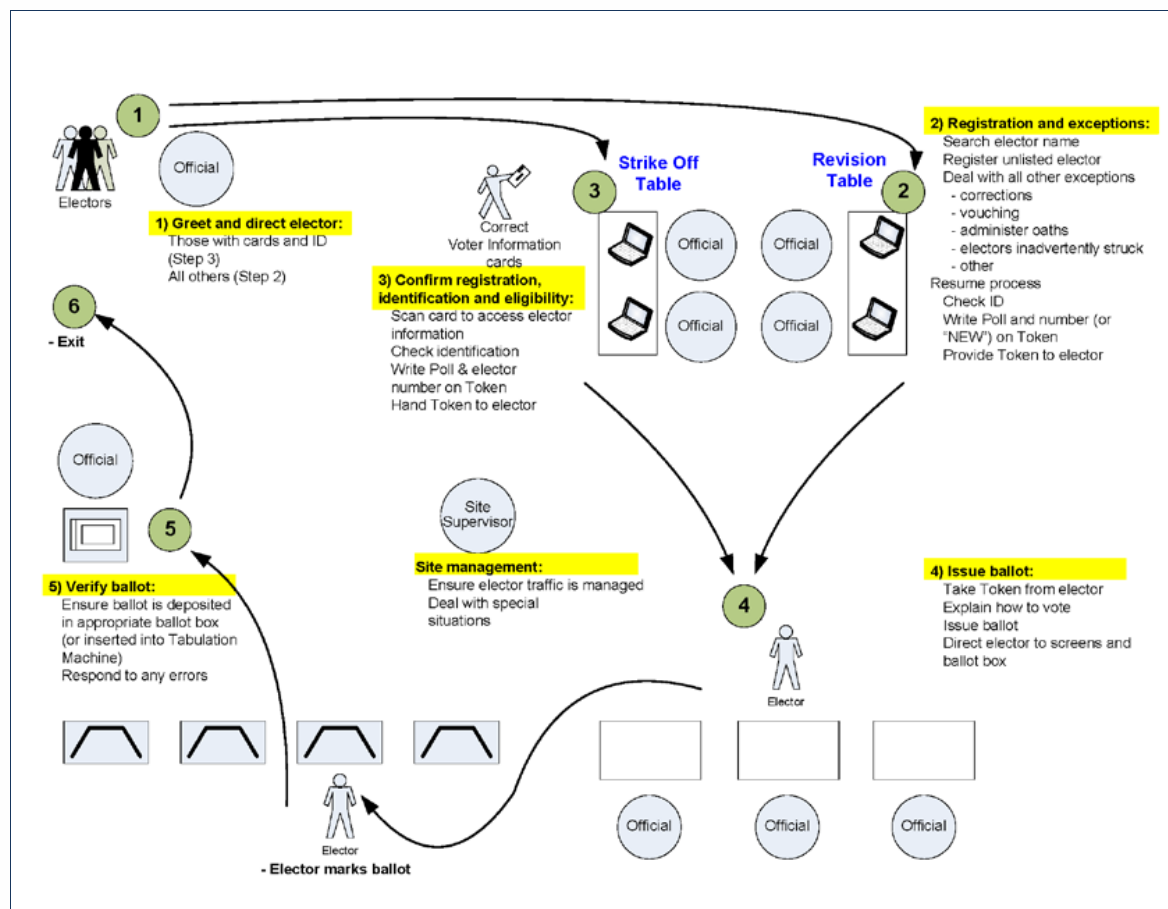
CPS – Central Poll Supervisor

PS – Polling Station

DRO – Deputy Returning Officer

PC – Poll Clerk

## Proposed “re-engineered voting operations” model



There are many indications that a move toward a streamlined “re-engineered” model, along the lines of the one used in New Brunswick, has the potential to significantly improve procedural accuracy by resolving the major causes of non-compliance with voting day procedures identified during this review.<sup>32</sup>

### Reducing complexity

The re-engineered model breaks down election officers’ duties into more manageable, specialized tasks. It also provides a “live” electronic voters list and a possibility of ballot scanners for automated tabulation of voting results.

The model includes the potential to manage complex “exception” cases as a separate stream. That complexity could be reserved for specialized and experienced staff, reducing the potential for errors.

Automated support for “striking-off” voters’ names on the list could be built in such a way that candidate campaign offices receive information on which voters have turned up to cast a ballot in “real time”. This would alleviate the considerable administrative burden currently experienced by

<sup>32</sup> Elections New Brunswick has expressed a willingness to partner with Elections Canada to accurately measure compliance levels experienced under their model. They believe the 10 pending by-elections of May 13, 2013 offer an opportunity to capture “live” measures of compliance as well as perform a post-election detailed audit review.

election officers who need to continually fill out *Statements of Electors Who Voted* (“bingo sheets”) and provide copies of them to all candidate representatives every half hour.

The model combines potential for fast, accurate automated vote tabulation with the insurance of paper ballot audit trails. This would likely shorten and simplify closedown procedures for the vast majority of staff, with the polling site as a whole responsible for providing results rather than each individual polling station unit.

### ***Supporting improved supervision***

Re-allocating tasks by function would make most roles under this model simpler. Supervisors could focus their priorities on staff dealing with complex cases. In smaller voting sites, supervisors could be trained to deal with “exception” cases, in addition to supervising.

Incorporating automated system features carries potential to add valuable information about compliance. Key compliance indicators could be captured and used as a “real time” management tool by supervisors on Election Day.

### ***Improving recruitment***

The new model does not tie tasks to particular individuals, creating the potential for better working conditions because election officers could be replaced with other officers, in order to allow proper breaks.

It would also provide potential for a less labour-intensive, more cost-effective use of human resources; for example by “scaling” services to meet levels of demand. This would likely reduce overall person-hours required. At the same time, improved working conditions would also remove difficulty in recruiting the number of individual staff required.

It would also make dealing with difficult cases more effective, by assigning a handful of most experienced and capable staff per voting site to the complex roles, while making the majority of roles considerably easier to perform.

### ***Improving training***

Allocating tasks by function, and streaming “exception” cases to specialist staff, would enable training to target individual roles, and reduce the amount of information most staff would need to learn.

With most staff learning fewer procedures, training could focus on practice sessions demonstrating simpler, rote tasks, rather than assimilating complicated and detailed information about how to deal with many different types of “exceptions”.

Most staff would therefore likely require less training while some specialist staff, such as those dealing with “exception” cases, would likely require more targeted training.

### ***Improving the voters list***

The live, electronic voters list would no longer be polling division based for front-end users.

Data for voters already on the register, but whose information must be revised in some way, could be found and updated on this electronic list. Persons who presented themselves at an incorrect voting location could be efficiently redirected to their assigned voting site — or possibly they could be accommodated by “vote anywhere” features designed into the re-engineered model. Anyone already registered would not need to be treated as a new voter, allowing for more efficient processing in an “update” stream.

Potentially, voters could check their new registration information, or updates to existing registration data, on-the-spot to verify accuracy. This could be one way to help ensure that the list becomes more accurate going forward.

System controls could ensure consistent and accurate addressing formats, and links to street index and postal code lookup tables would help improve the quality of address data captured. This, in turn would allow for better maintenance of registration records between elections.

### ***Changing the culture of service provision***

Handling “exception” cases with a much smaller subset of experienced staff, with assistance from supervisory staff, carries the potential for more accurate and consistent application of the rules.

Requiring that system rules be met for all cases is likely to improve compliance and consistency, and carries the potential for better reporting without additional overhead.

Each type of “check-in” process could have a step-by-step script on the screen, allowing the officer to process each voter in a fully compliant manner. This would likely lead to extremely high levels of compliance in the enforcement of voting eligibility rules.

### ***Implementation Challenges***

Elections Canada recognizes that moving to a new model, similar to the approach in New Brunswick, will require fundamental changes to election legislation and substantial redefinition of election officers’ roles. This would constitute a paradigm shift, with far-reaching impacts on all the support structures underpinning election delivery. Changes would include new voting procedures, instructional materials, training methods and content, materials and supply requirements, human resource and financial management procedures, management information collection, and IT support systems.

Realistically, in the time available before the 42<sup>nd</sup> national general election, a new voting services model cannot be implemented without unacceptable risk. Yet, moving to a new voting services model is ultimately necessary to fully enable temporary election officers to easily, systematically and consistently comply with more efficient procedures and rules.

The most prudent approach would be to define and rigorously test a pilot implementation of a new model in the next election, and then implement it nationally before the 43<sup>rd</sup> general election, now scheduled for 2019.

Elections Canada senior management approved a comprehensive business case for “Re-engineering of Voting Process” in the summer of 2012 and a project charter for a “Re-engineered Voting Operations” pilot project was subsequently drafted. The approval of that charter, and the final preparations of a detailed project plan for the model’s development and pilot implementation, now depends on how the organization decides to improve compliance. Appropriately, management has purposely held off on finalizing the design of the alternative voting services model until it resolves the priorities and scope of the action plan it will prepare in response to this report’s recommendations.

Re-engineering federal voting services using the New Brunswick model as the foundation for change holds great promise for comprehensively addressing the many outstanding problems of the current “polling division” format. Serious efforts should be made to prepare and demonstrate workings of the re-engineered model to the various Committees of Parliament that must approve it for a pilot implementation before, or during, the 2015 general election.

Pilot testing a re-engineered model before or during the 2015 election will be a significant commitment for Elections Canada. It will aim to prove that there is a comprehensive longer-term solution to improved procedural compliance by election officers, as well as provide a number of other benefits, including greater access and improved services to voters.

### **Addressing Compliance for 2015**

The compliance challenge remains for the 2015 general election, despite the fact that a new voting services model has been identified which holds considerable promise as being a sustainable solution that addresses the causes of serious error by election officers.

It remains critical that the 42<sup>nd</sup> general election has a very low incidence of serious errors by election officers. Even though the preferred final solution will not be available, maintaining Canadians’ trust in their electoral system requires that the compliance problem be effectively addressed to minimize error rates.

Modest changes to existing legislation, as well as more extensive changes to administrative procedures and support mechanisms, are required to minimize the rates of serious error while continuing to use the “polling division” model for the general election of 2015.

This review has identified a list of pragmatic legislative amendments and administrative modifications that would help to achieve significant compliance gains for the 2015 general election. Please see the following section of this report titled ‘Recommendations’ for details.

## Beyond the New Model

This review's primary finding is that a fundamental redefinition of how voting services are provided is necessary for Canadian federal elections. An alternative model has been identified and could be available nationwide for the 2019 general election. In coming years, Elections Canada must stay fully alert to the high probability that any re-engineered voting approach is unlikely to endure as long as the veteran "polling division" model has.

But, what's next? Most compliance review participants thought voting via the Internet will be the next logical, evolutionary step in voting methods. Most expected Internet voting in federal elections to become a reality within their own lifetimes. Some indicated they were already "I-voting" in their local government elections.

In recent years, Elections Canada studied the ways and means to provide Internet-based voting. At one point it publicly stated its intent, contingent on Parliamentarians' approval, to pilot I-voting in a by-election after 2013.

However, during the summer of 2012 Elections Canada's senior management decided to scale back efforts on Internet voting and delay any I-voting pilot project until after the next general election. Reasons given for this decision included high costs and risks during a period of fiscal restraint, a critical lack of publicly available user "authentication" methods, and the fact that expected benefits and gains in efficiency are likely several years away. Modest research efforts are being continued.

Current Internet voting systems carry with them serious, valid concerns about system security, user authentication, adequate procedural transparency, and preserving the secrecy of the vote. However, evolving technology and societal expectations seem very likely to modify this equation in coming years.

A prudent, yet visionary approach will manage the inevitable evolution of voting arrangements to include electronic interactions between electors and institutions of democracy. During that evolution, it is best that proactive assessments are made of the compliance implications of proposed voting methods.



## RECOMMENDATIONS

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The identified systemic problem of election officer non-compliance has no single solution. Multiple interlinked causes underlie the serious procedural errors polling staff now make at every voting location in a federal election on Election Day. Likewise, multiple parallel solutions are needed to improve compliance levels and eliminate “irregularities”.

Review participants indicated a general consensus that Canada must adopt a new voting services model that adds the requirement for compliance into the design and delivery of Election Day registration and voting procedures. Redesign is needed to develop robust, efficient registration and voting procedures. The slow, additive formation of current requirements for administering Election Day has become an equation too difficult to satisfy. The 200,000 members of the public, who provide their services once every few years to serve as election officers, need and deserve more modern, streamlined and logical arrangements.

It is simply not practicable to fully implement a new voting services model for the next general election. However, since current voting arrangements may need to serve for a number of future elections yet, and because it is so vitally important to reduce rates of serious error as soon as possible, concerted efforts are needed to address the compliance problems within the current model.

For this reason, recommendations from this review focus mainly on what to do to minimize serious errors in the current “polling division” model for the next general election. These are essential to maintain public trust in the electoral process and to give all political stakeholders confidence that only eligible electors are voting, that qualified voters are not being disenfranchised by administrative error, and that procedural safeguards protecting against duplicate voting and impersonation are enforced consistently and vigorously.

To substantially improve rates of compliance with Election Day registration and voting procedures in the 2015 general election compels modest amendments to the *Canada Elections Act*. To allow time for implementation, such amendments should be passed into law no later than spring 2014.

Coupled with the legislative changes, Elections Canada should also give priority to a range of administrative modifications as it prepares for the 2015 general election. All of the administrative changes recommended here are worthy of pursuit whether or not Parliamentarians agree to the legislative changes required. However, administrative changes alone cannot be expected to reduce the level of “irregularities” to the desired minimum.<sup>33</sup> At best, they might close the existing compliance gap by half.

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<sup>33</sup> To address compliance levels, Elections Canada hired 95 Onsite Conformity Advisors (OCAs) to monitor election officer performance and advise Central Poll Supervisors of required procedural corrections during by-elections in November, 2012. OCAs were assigned in the districts of Victoria and Durham. However, post-election audits measuring compliance actually achieved during these by-elections indicate that systematic improvement is unlikely using only administrative levers. See Annex C for a summary of the audit results. Note that the by-election in the riding of Calgary Centre did not use OCAs. It was a “control” district to establish a comparison for the audit.



The recommendations that follow are a “short list” prioritized and selected from the many useful suggestions articulated by review participants over the past six months. They reflect a balance between the practical limits of Elections Canada’s organizational capacity, the time needed to structure and implement legislative change, and what will best improve compliance in the short and the longer terms.

Each major recommendation is objective-based and is supplemented with suggested strategies for achieving compliance improvements. Elections Canada must decide whether or not to accept each individual recommendation, and for those it accepts, which specific strategies it will use to improve compliance.

*To improve election officer compliance with election rules and procedures, for the 2015 general election and elections that follow, the Reviewer concludes that Elections Canada should accept, adopt and develop an action plan for implementing the following 12 recommendations:*

## 1. MINIMIZE THE NEED FOR REGISTRATION AND VOUCHING ON ELECTION DAY

- a. Investigate ways to reduce the number of voters who must register or re-register at the time of voting, for instance by:
  - i. Undertaking a significant voter registration update campaign immediately prior to the scheduled general election, using both online and manual registration and update methods.
  - ii. Giving Registration Officers access to a wider voters list (beyond the polling division level, perhaps at the electoral district level) so details of registered voters who have simply moved can be updated on-site, rather than forcing already registered voters to re-register on Election Day.
  - iii. Improving the accuracy of procedures for capturing new registrations and updates to data made on Election Day into the National Register of Electors, by providing field offices more time for processing and by assigning experienced Revision Officers to supervise this work to ensure mistakes or omissions do not result in these electors having to re-register.
- b. Investigate ways to reduce the number of voters who must have their identity and address of residence vouched for on Election Day, for instance by:
  - i. Improving and extending the pre-vote advertising campaign that encourages electors to bring appropriate identification to the polling site with them.
  - ii. Widening use of the Voter Information Card as a valid piece of address identification for all voters.

### THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE

Elections Canada agrees that further reducing the number of voters who rely on registration (975,000, or eight percent of voters during the 2011 general election) and vouching procedures (120,000, or one percent) on election-day in order to vote would help reduce administrative errors.

For 2015, we plan to conduct pre-election registration drives aimed at groups with low registration rates, such as students. We will assess these plans in light of the reviewer's recommendations.

In April 2012, Elections Canada launched a new online voter registration service that enables electors to confirm that they are properly registered on the voters list and to update their address if they have moved. During an election, electors will be able to update their address only if they have moved within their electoral district. Constraints in the *Canada Elections Act*, related to documentary proof of identification prevent us from allowing electors to update their address if they moved between ridings or to register as new electors.

In 2010, we recommended changes to the legislation<sup>4</sup> that would allow us to offer and promote a full online voter registration service. Implementing this change would reduce the number of voters needing to register on election-day as well as improve the quality of the voters lists.

Registration officers are currently provided a voters list covering the voting site, which usually contains several polling divisions. We will consider extending this to the electoral district level but this may not be feasible until the new model is in place, when the national voters list would be accessible in real-time via technology implemented at the polls.

For 2015, we plan to revise our voter identification policy to permit the Voter Information Card (VIC) to be used as proof of address for all electors when it is accompanied by another approved piece of identification. We will also look at simplifying the list of acceptable pieces of identification. These measures should improve access, simplify the process for electors and election workers and reduce the requirement for vouching.

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<sup>4</sup> *Responding to Changing Needs*, recommendation I.10, "Registration of Electors by Internet". This recommendation was supported by the Standing Committee on Procedure and House Affairs.

## 2. IMPLEMENT QUALITY CONTROL MECHANISMS AT POLLING SITES

- a. Ensure there is a supervisor in charge at every voting site, that their authority is clear, and that each supervisor has the power to ensure polling staff comply with legally required procedures.
- b. Request modification to the *Canada Elections Act* to give legal status to these new powers of supervision, using the following types of provisions:
  - i. Modify the “Central Poll Supervisor” and “Deputy Returning Officer” titles in legislation and replace them with “Poll Supervisor” and “Voting Officer” respectively.
  - ii. Provide clear authority, decision making, and dispute resolution powers to the Poll Supervisor. Make it clear that all other staff at the voting site report to the Poll Supervisor, and that the Poll Supervisor reports to the Returning Officer.
  - iii. Require that a Poll Supervisor be present at every voting site and that the Returning Officer has discretion to appoint one or more Assistant Poll Supervisors where this is needed for effective supervision.
  - iv. Allow the Poll Supervisor in very small voting sites to also act as an Information Officer and/or Registration Officer.
- c. Develop training focused on the core elements of a Poll Supervisor role including expertise in all types of “exception” processes, in dispute resolution methods, in standard problem escalation procedures, and in accessing the support mechanisms available.
- d. Develop simple-to-use tools, such as a quality assurance checklist, to help Poll Supervisors monitor election officers’ compliance with procedures.

### THE CHIEF ELECTORAL OFFICER OF CANADA’S RESPONSE

Elections Canada agrees with the recommendation to improve quality control at polling sites by ensuring there is a staff member at each site who has clear authority to act in a supervisory role.

The enactment of our 2010 recommendation for legislative change<sup>5</sup> would provide flexibility for Returning Officers to appoint supervisors to polling sites wherever it is considered necessary. The authority and role of supervisors can be clarified through revised internal guidelines and training.

While we agree that the role and authority of supervisors could be clarified in the legislation, the new voting service model for 2019 would revise the roles and responsibilities of all polling site staff, including supervisors.

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<sup>5</sup> *Responding to Changing Needs*, recommendation I.3, “Additional Election Officers for Polling Sites”. This recommendation was supported by the Standing Committee on Procedure and House Affairs.

### 3. REDUCE PROCEDURAL COMPLEXITY ASSOCIATED WITH REGISTRATION AND VOTING

- a. Undertake a comprehensive review, in the context of the legal framework established for the 42<sup>nd</sup> general election, to critically reassess and redesign Election Day registration and voting procedures, placing priority on simplification, streamlined processing and ease-of-understanding for voters and election officers alike.
- b. To further support the simplification of procedures for polling staff, request the following amendments to the *Canada Elections Act*:
  - i. Reduce, as much as possible, the number of verbal oaths required from electors. Where legal formality is warranted to ensure procedural integrity, instead require signed declaration forms.
  - ii. Allow Candidate Representatives to be appointed to monitor an entire voting location, to remove the need to be specifically appointed (with redundant paperwork) to oversee each individual polling station at that site;
  - iii. Allow the Statement of Electors Who Voted (“bingo sheet”) to be completed only once every hour, instead of every half hour.

#### THE CHIEF ELECTORAL OFFICER OF CANADA’S RESPONSE

Elections Canada agrees to make changes to registration and vouching procedures, within the scope of the existing legislation, in order to help reduce rates of error in the administration of these procedures during the 2015 election.

We agree that it is necessary to simplify procedures election officers are required to follow when administering vouching and other oaths. However, we do not believe that the legislation should be changed to reduce the number of oaths because these oaths provide an important means to respond to exceptional circumstances under the current voting model, for example requiring an elector to confirm an apparent error in their details on the voters list before issuing a ballot. The difficulties with oaths can be addressed administratively in 2015 by making them simpler and, in the longer term, through specialized functions under a new voting model.

In 2010, Elections Canada made a recommendation<sup>6</sup>, also made by the reviewer, to enact a provision allowing for the appointment of candidate representatives to polling sites, rather than to individual polling stations. Implementation of this recommendation would reduce unnecessary paperwork and the administrative burden placed on candidate representatives, and on election workers, allowing them to concentrate on core tasks.

Elections Canada agrees that the current provision requiring the Statement of Electors Who Voted (‘Bingo Sheet’) be made available half hourly, upon request, can impact the quality and timeliness of service to voters. The new voting model that we intend to propose includes an ability to provide real- time, electronic access for candidates and parties about who has voted, replacing

the current paper-based process. In the meantime, for 2015, we do not intend to seek modification to legislation. We will however revise policies and guidelines requiring Returning Officers to engage locally with candidates to tailor provision of 'who has voted' information to specific, agreed-upon requirements.

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<sup>6</sup> *Responding to Changing Needs*, recommendation I.5, "Candidates' Representatives: Appointment, Administration of Oath and Movement While Ballots Are Counted". This recommendation was supported by the Standing Committee on Procedure and House Affairs.

#### **4. SIMPLIFY WRITTEN INSTRUCTIONS FOR ALL ELECTION OFFICERS**

- a. Reduce, consolidate, standardize and simplify all written procedures, forms and other printed materials that election officers use based on:
  - i. Using plain language targeted to the audience.
  - ii. Keeping terms consistent and simple.
  - iii. Providing examples of good practice in the instructions, such as showing properly completed forms.
  - iv. Including pictures, colour and other effective instruction aids.
  - v. Ensuring all instructions are consistent across supplies, forms, manuals and training materials.
- b. Introduce "quick-reference" instruction summaries for each type of voting "exception" process, which the appropriate election officers can quickly check as they administer such exceptions.

#### **THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE**

Elections Canada agrees with this recommendation and we will review and revise election officer instructions prior to 2015 in order to make them simple and consistent for the target audience, i.e. members of the public who work for as little as one day with minimal training.



## **5. ADOPT A USER-CENTRIC APPROACH TO DESIGNING AND TESTING PROCEDURES, MATERIALS AND TRAINING**

- a.** Make the perspective and actual experience of “real” first-time users a key component of the design and testing of all major changes to registration and voting procedures and materials, for instance by:
  - i. Consulting front-line poll staff to help inform the practical design of new procedures and materials.
  - ii. Seeking specialist communications expertise to design materials for use by electors and election officers.
  - iii. Using “real life” simulations to thoroughly test any changes, using ordinary citizens as voters and poll staff before implementation; then responsively take feedback to adjust procedures, materials and training approaches as necessary.
  - iv. Surveying front-line poll staff immediately after elections to identify issues that may have an impact on procedural compliance, and establish what improvements could be usefully made to procedures, materials or training content.

### **THE CHIEF ELECTORAL OFFICER OF CANADA’S RESPONSE**

Elections Canada agrees with the reviewer’s recommendation to prove, through rigorous testing involving actual users, that procedures, materials and training are simple for election officers and voters to use, before using these products in an election.

We intend to involve a representative cross-section of front-line election officers and members of the public in the re-design and testing of procedures, materials and training that will be used during the 2015 general election. Rates of compliance with procedures by election workers will be one of the important criteria used during testing to measure the effectiveness of re-designed products.

We agree to implement mechanisms, including revising our post-election staff survey, to obtain more direct feedback from front-line election workers about the quality of procedures, materials and training and in particular any issues that may impact upon rates of compliance.

## 6. IMPROVE WORKING CONDITIONS FOR POLLING STAFF

- a. Request an amendment to the Canada Elections Act to make the Chief Electoral Officer responsible for updating, publicizing and otherwise managing and being accountable for all aspects of the elections fee tariff, including establishing and regularly reviewing the fee rates.
- b. Modify the elections fee tariff to meet or exceed the average compensation rates provided to provincial, territorial and local government election officers holding equivalent responsibilities.
- c. Compensate election officers who must travel long distances, or pay parking fees, to attend training or attend their assigned voting location on Election Day.

### THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE

Elections Canada accepts the reviewer's finding that working conditions contribute to current rates of error among election officers.

We believe that a new voting services model has the potential to substantially improve working conditions. One important feature of the new model is that election officers will be dedicated to administering specific tasks within a polling site, such as checking identification, rather than being responsible for all processes and exceptions as is the case currently. This change is expected to provide more flexibility to rotate staff, facilitating better working conditions such as proper meal breaks.

While re-design of the voting services model offers opportunity for substantial improvement, we agree that steps must be taken now to help improve working conditions for election officers for the 2015 election.

Elections Canada agrees that the Federal Elections Fees Tariff needs to be revised in order to better reflect current rates of compensation.

Whether or not Parliament agrees to place direct responsibility for the tariff of fees with the Chief Electoral Officer, as recommended by the reviewer, we intend to review rates of compensation for election officer roles and anticipate proposing adjustments to the elections fee tariff prior to the 2015 general election. This will help to attract and retain qualified election workers.

The Standing Committee on Procedure and House Affairs recommended an increase to fees following our advice in 2010. Implementing this recommendation<sup>7</sup> would help facilitate fairer compensation for election officers.

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<sup>7</sup> *Responding to Changing Needs*, recommendation IV.6, "Updating the Rules Respecting the Tariff of Fees". This recommendation was supported by the Standing Committee on Procedure and House Affairs.

## 7. MODIFY THE APPROACH FOR RECRUITING ELECTION WORKERS

- a. To ensure that Returning Officers have the maximum time practicable to successfully recruit quality staff:
  - i. Request an amendment to the *Canada Elections Act* to remove all authority for candidates to nominate election officers (which now affects timely staff recruitment); require instead that each Returning Officer recruit and hire election officers solely on merit.
  - ii. Instruct Returning Officers to hire sufficient recruitment officers before the Writs of Election are issued, for fixed election dates.
- b. Introduce new measures to widen the pool of applicants for election officer roles, such as:
  - i. Developing a database to capture information about election workers. Use it to communicate directly with these staff about Election's Canada's appreciation of their contributions, and about opportunities to work at future events.
  - ii. Collaborating with provincial and territorial election management bodies to use the ongoing database as a shared repository of experienced, qualified election workers.
  - iii. Targeting younger staff (e.g. 16 – 18 year olds) as election officers. Give them an opportunity to increase experience and responsibility over successive elections.
- c. Develop mechanisms for ensuring all those considered for hire as an election officer in the 2015 general election have minimum skill levels, for example by introducing literacy and numeracy screening tests.

### THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE

Elections Canada accepts the reviewer's finding that legislative provisions granting candidates the authority to nominate election officers no longer provide an effective check and balance at polling sites and impact the timely recruitment of qualified election officers.

We agree that the legislation should be amended to remove these provisions so that all election officers may be recruited directly. Elections Canada has previously indicated to Parliament that these provisions adversely impact the recruitment and training of election officers.

We note that removal of these provisions would not necessarily preclude partisans from applying and being appointed to election officer roles, however they would do so through a consistent, transparent and merit-based hiring process. Should this recommendation not be accepted, it would be important to implement our 2010 recommendation<sup>8</sup> to advance the cut-off date for receiving nominations and transferring this authority to parties or electoral district associations.

We will aim to design the new voting services model in such a way that proper checks and balances are ensured at polling sites through the use of well-designed procedures, effective supervision and new technology.

We agree with the reviewer that new measures are needed to improve recruitment of election workers. While we already share lists of names of election workers, with their consent, with our

provincial and territorial colleagues this process should be more rigorous and formalized and we will work towards doing this. We will also consider improving our engagement with staff from previous federal, provincial and municipal elections to encourage them to serve during the 2015 election.

We also believe that online recruitment tools hold significant potential to further assist in the recruitment and training of election officers. Indeed, during the 2011 election some 130,000 election officers (72%) were recruited by applying on the Elections Canada website. We intend to explore further uses of the internet to improve our recruitment and training practices.

Elections Canada agrees to develop measures, such as screening tests or evaluations during training, to ensure that election officers have the required skills to perform their role. We will also continue to encourage returning officers to hire 16 and 17 year-olds as election workers and will consider new initiatives to re-enforce this.

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<sup>8</sup> *Responding to Changing Needs*, recommendation I.2, "Appointment: Deputy Returning Officers, Poll Clerks and Registration Officers". This recommendation was partially supported by the Standing Committee on Procedure and House Affairs.

## **8. IMPROVE THE QUALITY OF TRAINING PROVIDED TO ELECTION OFFICERS**

- a.** Take steps to minimize variances in the training approach across different districts, ensuring a minimum nationwide standard of curriculum that includes all the critical knowledge each election officer requires to prevent serious errors.
- b.** Implement best-practice adult teaching methods for election officer training, emphasizing experiential learning opportunities, such as practicing specific election procedures, using forms and materials, and scenario role-playing.
- c.** Enable field training staff to focus on practical exercises at class training sessions, by imparting general background information outside of the classroom; for example, by introducing self-directed online (or take-home video) pre-training sessions.
- d.** Consider including an evaluation component for the pre-training that requires each applicant to demonstrate a basic knowledge of their role before attending a class training session.

### **THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE**

Elections Canada agrees that modernizing our training program - using proven adult learning principles, requiring consistency of core messages and incorporating technology - is vitally important to reduce errors by election officers. We accept that this requires a fundamental change of approach to training.

Building on best practices from provincial and territorial election agencies, we intend to introduce, for the 2015 general election, new online pre-training modules and to comprehensively redesign class training so that it focuses on reinforcing learning through hands-on activity. We also intend to impose new standards requiring trainers to deliver, as part of class training, a number of fundamental, key messages in order to ensure consistency in the application of standards and rules on election day.

## 9. MEASURE AND REPORT ON COMPLIANCE AT EVERY ELECTION

- a. In order to build public trust, undertake an audit of national registration and voting compliance rates after each election using a random sample of voting sites, and:
  - i. Apply methods and techniques developed during the compliance review.
  - ii. Make compliance measurements part of the standard public reporting that accompanies every election.
- b. Aim to develop a “compliance by design” culture within the organization, in particular when seeking to build and implement any future changes that affect front-line service delivery, for example, by requiring staff to demonstrate how proposed changes will maintain or improve compliance.
- c. Consider implementing a “random audit” system to allow Returning Officers to efficiently evaluate registration and voting process compliance at their own electoral district level, and to report results with their formal election close-down documentation.

### THE CHIEF ELECTORAL OFFICER OF CANADA’S RESPONSE

Elections Canada accepts the reviewer’s finding that measuring and reporting on compliance with voting day procedures for future elections will help us understand rates of accuracy going forward and to measure the effect of further improvements.

We agree to conduct further audits and introduce new measures to enable a better understanding of rates of compliance with procedures, and to make findings from audits a component of the public reporting that accompanies future elections.

We agree to take steps to reinforce compliance as one of the priorities to be considered by Elections Canada personnel when developing systems, procedures and materials going forward, much like we do for privacy and accessibility.



## **10. INCORPORATE COMPLIANCE REQUIREMENTS INTO THE REDESIGN AND TESTING OF A NEW VOTING SERVICES DELIVERY MODEL**

- a.** Incorporate compliance principles into Elections Canada's current efforts to "re-engineer" a voting service delivery model, such as:
  - i. Designing procedures and instructions to be simple, logical and very difficult to do wrong, so that staff find it easy to conform to rules and standards.
  - ii. Ensuring "regular" voting is streamed, in a series of stages, to direct each elector to the next available staff member per stage.
  - iii. Permitting staff that deal with "regular" cases to focus on doing a simple range of tasks quickly and accurately.
  - iv. Arranging to filter "exception" cases to a small number of staff who are specialized in dealing with more complex procedures.
  - v. Allowing individual election officers to be replaced by other trained officers with equivalent expertise during the day, as required.
  - vi. Ensuring that numbers of staff at a voting site are permitted to be increased or decreased based on expected voting service demands.
  - vii. Incorporating methods for easily measuring whether procedures are being followed correctly into the core design of the model, both to resolve issues on the spot and for post-election audits of compliance.
- b.** Assuming that Elections Canada plans to seek Parliamentary approvals to conduct a pilot implementation of a re-engineered voting services model (based on the model used in New Brunswick) before or during the 2015 general election, it should carefully consider how the pilot will prove that high levels of compliance can be delivered within the new model, for example by:
  - i. Demonstrating that the new model is built to facilitate compliance with Election Day procedures as an integral element of the design.
  - ii. Ensuring the pilot implementation accurately measures key elements of compliance (to be compared to the "polling division" model). This should be automated, to the maximum extent possible, and fully incorporated into the procedural design.

### **THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE**

Elections Canada has begun work to redesign the voting services model and, subject to approval by Parliament, intends to be ready to conduct a pilot of the new model by January 2015.

We agree with the reviewer's recommendation to incorporate compliance requirements into the design and testing of the new model.

The pilot will set out to demonstrate that the model leads to improved compliance in the administration of procedures in order to safeguard the integrity of the voting process, while at the same time increasing efficiency, improving working conditions and improving the quality of services for voters.

In 2010 we recommended changes to legislation<sup>9</sup> authorising Elections Canada to conduct pilots of new services during by-elections or general elections, notwithstanding any contrary provision in the Act and with prior approval of the House of Commons committee that considers electoral matters. Implementing these changes would give Elections Canada greater flexibility in the way that it conducted testing of new voting services.

<sup>9</sup> *Responding to Changing Needs*, recommendation I.1, “Authority to Conduct Pilot Projects”. This recommendation was supported by the Standing Committee on Procedure and House Affairs.

## 11. ASSIST LEGISLATORS IN RENEWING THE ELECTORAL LEGISLATIVE FRAMEWORK

- a. Pursue the objective of redefining the legal mechanisms to improve procedural compliance, and to modernize voting services, in three stages:
  - i. First, work through the *Canada Elections Act* amendments agreed necessary for improving procedural compliance during the 42nd general election.
  - ii. Second, develop a shared understanding regarding the proposed re-engineered voting services model, and obtain formal permission to conduct a pilot implementation.
  - iii. Third, subject to a successful pilot implementation, establish the legislative provisions needed to permit a full national implementation of the redesigned service delivery model.
- b. Provide guidance to legislators and staff of Parliamentary Committees designated responsible for reviewing any proposed modifications to electoral legislation in a collaborative, transparent and non-partisan way.

### THE CHIEF ELECTORAL OFFICER OF CANADA’S RESPONSE

Elections Canada agrees that a program of legislative reform is necessary to address the issue of non-compliance by election officers with election-day procedures. A limited set of legislative amendments, drawn from the 2010 Recommendations Report, would facilitate improving compliance for 2015:

- Changes allowing Elections Canada to offer a full online voter registration service.
- Changes providing flexibility for Returning Officers to appoint supervisors to polling sites, wherever it is considered necessary.
- Changes allowing for the appointment of candidate representatives to polling sites, rather than to individual polling stations.
- Changes making the Chief Electoral Officer directly responsible for the tariff of fees for election officer roles.
- Changes enabling Elections Canada to recruit all election officers directly, rather than receiving nominations from candidates.

- Changes providing Elections Canada with greater flexibility in the way it would pilot new voting services.

A more rigorous and effective solution would result from a redesigned voting services model which, subject to approval by Parliament, we intend to pilot for 2015 and implement nationally for the following election. Consultation and discussion with parliamentarians, and other key stakeholders, is central to any proposal to reform electoral legislation.

## **12. ENGAGE STAKEHOLDERS IN A CONTINUED DISCUSSION REGARDING ELECTORAL PROCESS EVOLUTION**

Engage with key stakeholder groups, using mechanisms already in place or tested during the compliance review, to:

- a. Review, test and collaborate to define the evolution of the re-engineered voting services model and establish how compliance can be made easy, and easily measured.
- b. Develop a shared understanding regarding public expectations for increased voting convenience and ease of ballot access, and establish agreement on appropriate methods for implementing procedural safeguards that protect the integrity of the voting process.
- c. Monitor internet voting developments and agree on compliance standards required to ensure security, privacy and transparency before pilot implementation testing begins.

### **THE CHIEF ELECTORAL OFFICER OF CANADA'S RESPONSE**

Elections Canada consults key stakeholders on an ongoing basis. During this review political parties, returning officers and front-line election workers, and provincial and territorial electoral agencies were consulted, all of whom play an important role in maintaining confidence and trust in our electoral system. We will continue to engage these stakeholders on proposed changes to the electoral system.



## ANNEXES

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### ANNEX A

Table of Legislated Responsibilities for Election Officers .....	55
--	----

### ANNEX B

Polling Station Process Flow .....	62
------------------------------------	----

### ANNEX C

Summary of Conformity Audit Measures .....	63
--	----

### ANNEX D

The New Brunswick Model .....	66
-------------------------------	----

### ANNEX E

List of Review Participants .....	70
-----------------------------------	----

### ANNEX F

Mandate of Reviewer .....	74
---------------------------	----

### ANNEX G

Biography of Reviewer .....	75
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### ANNEX H

Acknowledgements .....	76
------------------------	----





## ANNEX A – TABLE OF LEGISLATED RESPONSIBILITIES FOR ELECTION OFFICERS

No.	Officer	Duty or power	CEA Ref.
1	CPS or DRO	Post notice of poll in polling place	64(3)
2	DRO	Receive from Returning Officer ballot papers, material for marking ballots, templates, copies of Chief Electoral Officer's instructions, list of electors, ballot box, envelopes, supplies, etc.	119(1)
3	DRO	Safekeeping of materials received from Returning Officer	119(2)
4	CPS	Attend central polling place to supervise proceedings and keep the Returning Officer informed of any matter that may affect proceedings	124(2)
5	IO	Provide information to the electors	124 (1)(a)
6	DRO	Receive from candidates' representatives written authorizations for acting as scrutineers	135(2)
7	DRO	Administer oath of secrecy to candidates' representatives	135(4)
8	DRO	Before opening of polling station, initial back of all ballot papers in presence of scrutineers	138(1)
9	DRO	If requested by scrutineers, before poll is opened, count all ballot papers intended to be used	139
10	DRO	At opening of poll, open ballot box and ascertain it is empty in front of scrutineers, seal box and put it on table	140
11	DRO	Call electors to vote	141
12	DRO	Ensure that every elector is admitted into polling station and that electors are not disturbed in or near polling station	142(1)
13	DRO	If thought advisable, direct that not more than one elector for each voting compartment may enter the room where voting is held	142(2)
14	DRO and PC	Ensure that each elector, upon arriving at the polling station, declares his or her name and address	143(1)

No.	Officer	Duty or power	CEA Ref.
15	PC	Ascertain that each elector's name is on the voters' list, or is entitled to vote under ss. 146 to 149 therefore requiring a prescribed oath	143(2)
16	DRO and PC	Receive from each elector proof of identity and address meeting established criteria	143(2)
17	DRO	Administer oath to voter with no ID (person being vouched for), and to a corresponding elector with ID (voucher) who must be registered in the same polling division, and who vouches for such elector's identity and address	143(3)
18	DRO and PC	Require elector, if having reasonable doubts as to residence of elector, to swear an oath as to residence	143(3.2)
19	DRO and PC	If satisfied that registered elector's identity and residence have been proven, cross elector's name off list and allow vote	143(4)
20	DRO and PC	Ensure that no voucher vouches for more than one other elector	143(5)
21	DRO	Advise oath taker of voter qualification and of penalties for violating Elections Act	143.1
22	DRO and PC	Require elector, if having reasonable doubt as to voter's qualification, to take a prescribed oath	144
23	DRO	Administer prescribed oath to voter whose qualification is in doubt	144
24	DRO	Administer prescribed oath to voter in case of a mistake in the relevant entry of list of electors	146
25	DRO	Administer prescribed oath to person requesting to vote if another person has already voted under that name	147
26	DRO	Administer prescribed oath to elector who claims that his or her name has been crossed off the list of electors in error, under subsection 176 (2) or (3) regarding advance voters	148
27	DRO	Refuse ballot to an elector who refuses to take prescribed oaths	148.1
28	DRO	Receive transfer certificates from electors	149a)

No.	Officer	Duty or power	CEA Ref.
29	DRO	Ascertain with the Returning Officer, that an elector, whose name is missing from the list of electors at the polling station, is properly listed on the preliminary list of electors or was registered during revision period	149b)
30	DRO	Receive registration certificates from voters with transfer certificates	149c)
31	DRO	Hand ballot paper to qualified elector	150(1)
32	DRO	Explain to each elector how to indicate his or her choice	150(2)
33	DRO	Fold the ballot so that its serial number and the initials of the deputy returning officer are visible	150(2)
34	DRO	Direct electors how to mark the ballot and to return the marked ballot folded as when provided	150(2)
35	DRO	Receive marked ballots from voters	151(1)(d)
36	DRO	On receiving ballot from voter, verify that it is the same ballot that was handed to the elector by examining serial number on the counterfoil and DRO initials on the back of the ballot	151(2)
37	DRO	Remove and destroy the counterfoil in full view of the elector and all other persons present	151(2b)
38	DRO	Return the ballot to elector to deposit in the ballot box or, at elector's request, deposit it in the ballot box	151(2c)
39	DRO	Mark inadvertently handled ballot as spoiled, place it in envelope and give elector another ballot	152(1)
40	DRO	Allow qualified elector who is in polling station or in line at the door at close of voting hours, to vote	153(2)
41	DRO and PC	Assist electors unable to vote because of illiteracy or a physical disability	154(1)
42	DRO	Provide a template to an elector who has a visual impairment	154(2)
43	DRO	Administer prescribed oath to person who wishes to assist an elector in marking ballot	155(3)
44	DRO	May appoint and swear a language or sign language interpreter to assist DRO in communicating information to electors	156
45	DRO	Receive from RO transfer certificates of electors delivered to electors whose name is on the list of electors for polling station	160(e)

No.	Officer	Duty or power	CEA Ref.
46	Reg Officer	Receive applications for polling day registration made at registration desk	161(2)(a)
47	DRO	If so authorized, receive applications for polling day registration made at polling station	161(2)(b)
48	Reg Officer	Permit one candidate representative (scrutineer) of each candidate to be present to observe registration proceedings at the registration desk	161(3)
49	Reg Officer or DRO	Check whether applicant satisfies requirements for polling day registration (ID)	161(4)
50	Reg Officer or DRO	When requirements satisfied, complete registration certificate and require elector to sign the certificate	161(4)
51	Reg Officer or DRO	Administer oath to registering elector being vouched for and to elector vouching for elector	161.1
52	Reg Officer or DRO	Advise oath taker of the qualifications for electors.	161.1
53	DRO	Direct poll clerk to make entries in prescribed form	162(a)
54	PC	Make entries in prescribed form as directed by DRO	162a)
55	PC	Indicate, beside the name of the elector on the list of electors, that elector has voted	162(b)
56	PC	Indicate on prescribed form that elector has voted under a transfer certificate and give number of certificate	162(c)
57	PC	Indicate on prescribed form that elector has voted, under par. 149(b), without his or her name being on official list of electors	162(d)
58	PC	Indicate on prescribed form that elector has voted under s. 146	162(e)
59	PC	Indicate on prescribed form that elector has taken an oath and the type of oath	162(f)
60	PC	Indicate on prescribed form that elector refused to provide ID referred to in par. 143(2)(a) or (b), or to take an oath	162(g)
61	PC	Indicate on prescribed form that elector has been allowed to vote under ss. 148.1(2)	162(h)
62	PC	Indicate on prescribed form that elector has voted under s. 147, and that oaths have been taken	162(i)

No.	Officer	Duty or power	CEA Ref.
63	PC	Indicate also any objection made on behalf of any of the candidates to a person voting under s. 147 and indicate the candidate's name	162(i)
64	PC	Every 30 minutes, provide to candidate's representatives identity of electors who voted on polling day, except voters who registered on that day	162(i.1)
65	PC	Indicate on prescribed form that elector has voted under a registration certificate issued under ss. 161(4)	162(j)
66	DRO and PC	Maintain the secrecy of the vote	163(1)
67	DRO	Draw attention of elector to an offence committed regarding secrecy of voting and to punishment applicable for such offence	164(3)
68	DRO	Abstain from initialing any papers except ballots that could be used as ballots, or making any mark on any ballot that would allow the vote to be identified with a particular elector	167(3)
69	DRO	Immediately after the close of the polling station, count the votes in the presence of the poll clerk and candidate representatives, and if no candidate representatives are present, in the presence of at least two electors	283(1)
70	DRO	Supply poll clerk, and all the persons present and who so request, with a tally sheet to keep their own score of the voting.	283(2)
71	DRO	Count number of electors who voted at polling station,	283(3)(a)
72	DRO	Make an entry at end of list of electors stating number of electors who voted in polling station	283(3)(a)
73	DRO	Sign list of electors and place it in envelope	283(3)(a)
74	DRO	Count spoiled ballots, place them in envelope, indicate on envelope number of spoiled ballots, and seal it	283(3)(b)
75	DRO	Count unused ballots not detached from books of ballots, place them with stubs of used ballots in envelope supplied for the purpose,	283(3)(c)
76	DRO	Indicate on envelope number of unused ballots and seal the envelope	283(3)(c)

No.	Officer	Duty or power	CEA Ref.
77	DRO	Total numbers arrived as above in order to ascertain that all ballots provided by RO are accounted for and counts reconcile	283(3)(d)
78	DRO	Open ballot box and empty its contents onto a table	283(3)(e)
79	DRO	Examine each ballot, show ballot to persons present	283 (3)(f)
80	DRO	Ask poll clerk to make note on tally sheet beside name of candidate for whom vote was cast	283(3)(f)
81	DRO	Reject any ballot paper not supplied by him or her	284(1)(a)
82	DRO	Reject ballot paper not marked in a circle at the right of candidates' names	284(1b)
83	DRO	Reject ballot paper marked for a person who is not a candidate (s. 76)	284(1)(c)
84	DRO	Reject ballot paper marked in more than one circle at the right of the candidates' names	284(1)(d)
85	DRO	Reject ballot paper on which there is any writing or mark by which the elector could be identified	284(1)(e)
86	DRO	When ballot found with counterfoil attached, remove and destroy counterfoil while concealing number on it and without examining it	284(3)
87	DRO	Initial and count ballot that was not previously initialed, if satisfied that it is a valid ballot	285
88	DRO	Keep record, of every objection to a ballot, give a number to the objection, write that number on the ballot and initial it	286(1)
89	DRO	Decide every question that is raised by an objection made by a candidate or his or her representatives	286(2)
90	DRO	Prepare a statement of the vote, setting out number of votes for each candidate, and the number of rejected ballots	287(1)
91	DRO	Place original statement of vote and a copy of it in separate envelopes	287(1)
92	DRO	Give a copy of statement of the vote to each of the candidate's representatives present at the count	287(2)
93	DRO	Place ballots for each candidate into separate envelopes, write on each envelope name of candidate and number of votes received, and seal it	288(1)



No.	Officer	Duty or power	CEA Ref.
94	DRO and PC	Sign the seal on each envelope of ballots per candidate, and allow witnesses to sign as well	288(1)
95	DRO	Place into separate envelopes rejected ballots, registration certificates and list of electors, and seal each of the envelopes	288(2)
96	DRO	Seal, in a large supplied envelope, the envelopes containing marked ballots for candidates, spoiled ballots, unused ballots, rejected ballots, and official list of electors	288(3a)
97	DRO	Seal in a large envelope any other election documents, except envelopes containing statements of the vote and registration certificates	288(3b)
98	DRO	Place large envelope in ballot box and envelope that contains a copy of the statement of the vote	288(4)
99	DRO	Seal the ballot box	288(5)
100	DRO	Send ballot box, with envelope containing original statement of vote and envelope containing registration certificates, to Returning Officer	290(1)
102	DRO or CPS	Maintain order during voting hours	479(2)
103	DRO or CPS	Cause to be removed any partisan material, contrary to sec. 166(1)(a) or (b), from the polling place	479(7)

**Abbreviation Legend:**

CEA = *Canada Elections Act*

CPS = Central Poll Supervisor

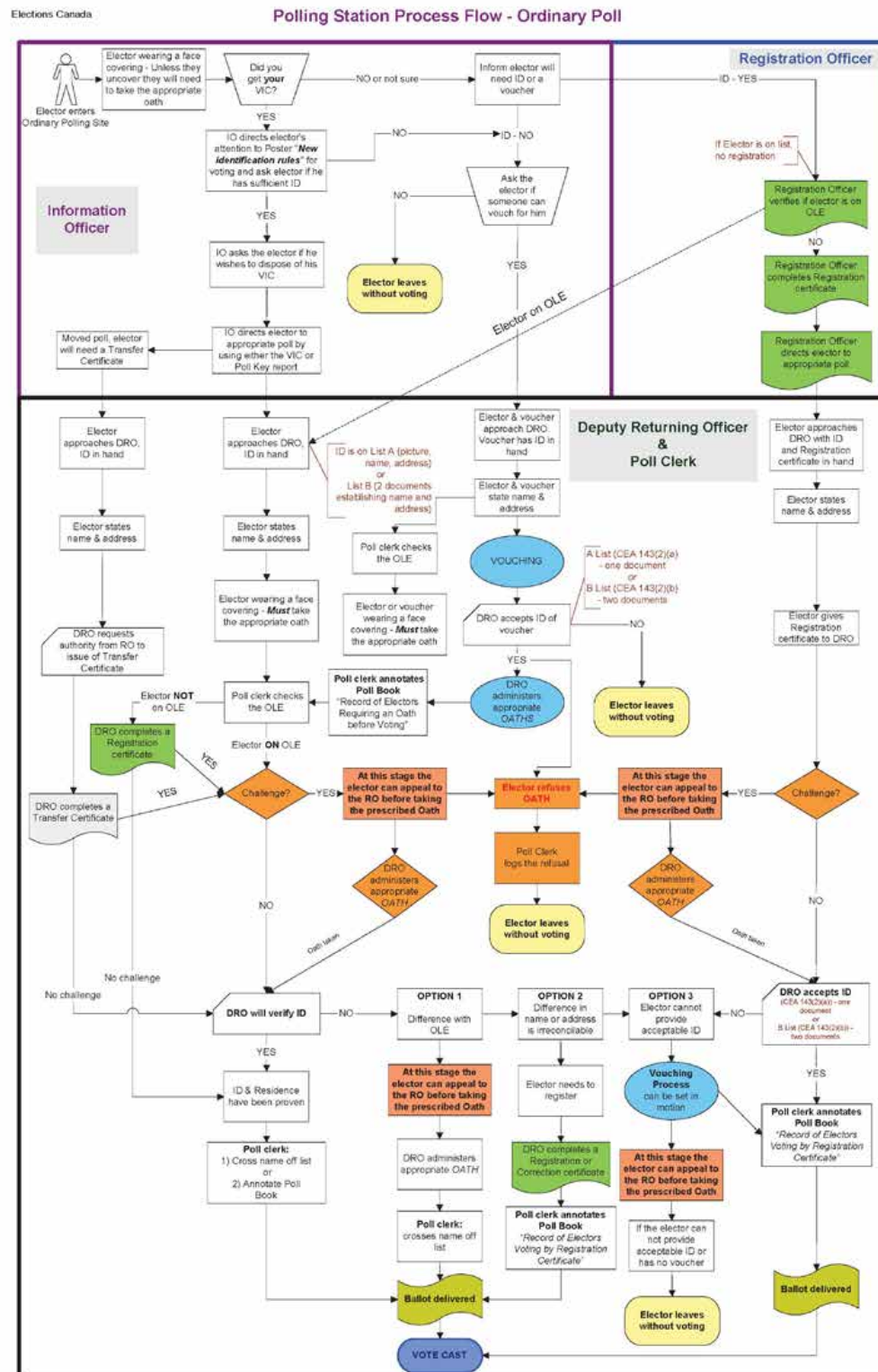
DRO = Deputy Returning Officer

IO = Information Officer

PC = Poll Clerk

Reg Officer = Registration Officer

## 62 FINAL REPORT – COMPLIANCE REVIEW



## ANNEX C – SUMMARY OF CONFORMITY AUDIT MEASURES

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The table in this annex is a summary of results from compliance audits conducted by Elections Canada between September and December 2012:

- A sample of 1,000 polls from the 2011 federal general election
- The 10 polls that were the subject of the Etobicoke Centre legal contestation
- A sample of 50 polls from the 2012 Victoria by-election
- A sample of 50 polls from the 2012 Durham by-election
- A sample of 50 polls from the 2012 Calgary Centre by-election

Rates of error identified in the 2011 general election and the 3 by-election samples were used to project *overall numbers of errors estimated to have occurred within these events*. Margins of error for these audits were obtained with a 95% level of statistical confidence.

The Etobicoke Centre sample contains only those polls considered in the legal contestation and results from that audit are not representative of any wider population group.

The audits took place at Elections Canada's distribution centre in Ottawa. Specialists and trained staff audited poll records which are sent to the distribution centre at the conclusion of each election. Audits were undertaken one polling station at a time and were exclusively paper-based. All elements in the audit relate to whether, and to what extent, information was captured on hand-written documentation. The audit provided for results to be reported only at an aggregated national level, but not at an electoral district level.

The audit first considered, of all voters in each sample, which cases involved registration and/or vouching procedures. For all cases involving registration and/or vouching, every step that should have been completed by election officers was checked to determine whether it had been completed correctly. Failures to properly complete steps were then classified as either serious errors ("irregularities") or other errors.

The table contains both: (i) estimated number of times *each individual step* was not completed correctly; and (ii) 'total irregularities', which estimates the number of *voters* for whom at least one major error was made during that event.

An "irregularity" is a failure by an election officer to administer safeguards demonstrating that a voter is entitled to receive a ballot. *It is important to note that the failure of an election officer to administer these safeguards does not, in and of itself, mean that the voter was not in fact eligible to vote.*

		2011 General Election		Elections Centre		Victoria by-election		Durham by-election		Calgary Centre by-election	
		Estimate	%	Number in Sample	%	Estimate	%	Estimate	%	Estimate	%
	<b>All Voters</b>										% formula used
(1)	Total number of voters*	12,490,692		1,957		33,071		20,280		24,091	note
(2)	Total number of polling stations in sample	1,000		10		50		50		50	note
(3)	Voters who were pre-registered and met standard ID requirements	11,516,289	92.2%	1,749	89.4%	30,322	91.7%	28,467	97.2%	22,098	(3)(1)
(4)	Voters who needed to register on polling day	974,403	7.8%	197	10.1%	2,749	8.3%	813	2.8%	1,993	(4)(1)
(5)	Voters who needed to be vouched for	120,171	1.0%	33	1.7%	677	2.0%	250	1.0%	139	(5)(1)
	<b>Voters needing to register on polling day</b>										
	<i>Irregularities</i>										
(6)	Registration Certificate not completed at polling site	63,115	6.5%	95	48.2%	14	0.5%	29	3.6%	8	(6)(4)
(7)	Name of voter not captured on Registration Certificate	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	(7)(16)
(8)	Address of voter not captured on Registration Certificate	1,210	0.2%	1	1.1%	0	0.0%	0	0.0%	0	(8)(16)
(9)	Registration Certificate not signed by voter	32,629	4.1%	14	14.9%	67	2.7%	15	2.1%	34	(9)(16)
(10)	Registration Certificate not signed by poll official	44,689	5.6%	4	4.3%	95	3.8%	39	5.4%	205	(10)(16)
(11)	<b>Total registration irregularities (% of voters registering on polling day)</b>	<b>114,693</b>	<b>11.8%</b>	<b>109</b>	<b>55.3%</b>	<b>176</b>	<b>6.4%</b>	<b>82</b>	<b>10.1%</b>	<b>248</b>	<b>12.4%</b>
(12)	<b>Total registration irregularities (% of all voters)</b>		<b>0.9%</b>		<b>5.6%</b>		<b>0.5%</b>		<b>0.3%</b>		<b>1.0%</b>
	<i>Other errors</i>										
(13)	Record not found on Final List of Electors	199,839	20.5%	92	46.7%	225	8.2%	154	18.9%	156	(13)(4)
(14)	Record not found in Poll Book	289,517	29.7%	183	92.9%	481	17.5%	140	17.3%	478	(14)(4)
(15)	Registration Certificate not returned to Elections Canada by Returning Officer	173,652	17.8%	103	52.3%	255	9.3%	98	12.0%	207	(15)(4)
(16)	Registration Certificate returned to Elections Canada by Returning Officer	800,751	82.2%	94	47.7%	2,494	90.7%	715	88.0%	1,786	(16)(4)
(17)	Electoral district or poll not captured on Registration Certificate	41,029	5.1%	34	33.0%	5	0.2%	73	10.1%	180	(17)(16)
(18)	Registration Certificate not dated by voter	59,403	7.4%	16	15.5%	90	3.6%	48	6.7%	65	(18)(16)
(19)	Registration Certificate not dated by poll official	63,402	7.9%	16	15.5%	138	5.5%	77	10.8%	287	(19)(16)
(20)	Confirmation that ID and address verified not provided on Registration Certificate	106,997	13.4%	34	33.0%	80	3.2%	37	5.1%	282	(20)(16)
(21)	Voters needing to register on the day who also needed to be vouched for	53,909	6.7%	0	0.0%	299	12.0%	107	15.0%	89	(21)(16)
(22)	Confirmation that vouching required not provided on Registration Certificate (in cases where voter needed to be vouched for)	13,747	25.5%	0	0.0%	48	16.0%	18	16.8%	20	(22)(21)
(23)	Registration Certificate does not capture voucher information (in cases where voter needed to be vouched for)	22,318	41.4%	0	0.0%	39	13.0%	22	20.5%	35	(23)(21)
(24)	Name of voucher on Registration Certificate doesn't match name in Poll Book (in cases where voter needed to be vouched for)	45,271	84.0%	0	0.0%	178	59.5%	49	45.8%	74	(24)(21)
	<b>Voters needing to be vouched for</b>										
	<i>Irregularities</i>										
(25)	Record in Poll Book does not identify both a voter and a voucher	45,868	38.2%	4	12.1%	118	17.5%	60	20.7%	19	(25)(5)
(26)	Voucher vouched more than once	361	0.3%	2	6.1%	0	0.0%	5	1.7%	0	(26)(5)
(27)	Voucher not from within voter's polling division	4,866	4.0%	13	39.4%	20	3.0%	0	0.0%	10	(27)(5)
(28)	<b>Total vouching irregularities (% of voters who were vouched for)</b>	<b>50,735</b>	<b>42.4%</b>	<b>13</b>	<b>39.4%</b>	<b>192</b>	<b>28.4%</b>	<b>38</b>	<b>13.1%</b>	<b>26</b>	<b>19.0%</b>
(29)	<b>Total vouching irregularities (% of all voters)</b>		<b>0.4%</b>		<b>0.7%</b>		<b>0.6%</b>		<b>0.1%</b>		<b>0.1%</b>
	<i>Other errors</i>										
(30)	Record of voter in Poll Book is incomplete	44,824	37.3%	18	54.5%	213	31.5%	58	20.1%	47	(30)(5)
(31)	Record of voucher in Poll Book is incomplete	59,604	49.6%	6	18.2%	296	43.8%	126	43.5%	55	(31)(5)



	Description
Notes	(a) Audit results for the 2011 General Election and By-Elections are expressed as population estimates—that is, rates of error are given for these events as a whole, using the sample as the basis for estimates. (b) Audit results for Etobicoke Centre relate only to the ten polls that were the subject of the legal contestation—this sample is not representative of any wider population group.
(1)	Estimated number of registered voters who cast ballots on election day. *This differs from the value in the Official Voting Results because it is based on a sample of polling divisions. The estimated value is used in the denominator of the estimated rates below, rather than the true known value, because the resulting rates have less sampling variability.
(2)	Total number of polling stations that were audited in each sample.
(3)	Estimated number of voters on the Official List of Electors that were able to meet ID requirements without needing to be vouched for.
(4)	Estimated number of voters who registered on polling day, using evidence collected from Registration Certificates, Poll Books and Final List of Electors (FLE).
(5)	Estimated number of voters, using evidence from Poll Books and Registration Certificates which indicated vouching was required. Includes both voters who were on the list of electors and who registered on polling day.
(6)	Estimated number of all registrations that were required on polling day where both a Registration Certificate was not found and a record was not found on the Final List of Electors, but record in Poll Book indicated registration required.
(7)	Estimated number of Registration Certificates where voter's name is not captured. Note: including a Registration Certificate in the study requires that the voter's name is captured and therefore this value must = zero.
(8)	Estimated number of Registration Certificates where voter's address is not captured.
(9)	Estimated number of Registration Certificates where voter has not signed the form.
(10)	Estimated number of Registration Certificates where poll official has not signed the form.
(11)	Estimated number of individual cases where at least one irregularity was found, i.e. a Registration Certificate was not completed at the poll site, and/or name or address or signature of voter or signature of poll official not captured. Percentage expressed as proportion of voters who needed to register on polling day.
(12)	Estimated percentage of individual cases where at least one irregularity was found (as above) expressed as proportion of all voters.
(13)	Estimated number of all registrations that were required on polling day where a record was not found on the Final List of Electors.
(14)	Estimated number of all registrations that were required on polling day where a record indicating that the voter was registered was not captured in the Poll Book.
(15)	Estimated number of all registrations that were required on polling day where a Registration Certificate was not found at Elections Canada's central storage facility.
(16)	Estimated number of all registrations that were required on polling day where a Registration Certificate was found at Elections Canada's central storage facility.
(17)	Estimated number of Registration Certificates where electoral district or polling division number was not recorded.
(18)	Estimated number of Registration Certificates where the date was not recorded by the voter.
(19)	Estimated number of Registration Certificates where the date was not recorded by the poll official.
(20)	Estimated number of Registration Certificates where the tick box indicating that ID and address were verified was not checked.
(21)	Estimated number of all registrations that were required on the day where the voter also needed to have their ID and/or address vouched for.
(22)	Estimated number of Registration Certificates where the voter also needed to have their ID and/or address vouched for where the tick box confirming that vouching was required was not checked.
(23)	Estimated number of Registration Certificates where the voter also needed to have their ID and/or address vouched for where voucher information was not recorded on the reverse side of the certificate.
(24)	Estimated number of Registration Certificates where the voter also needed to have their ID and/or address vouched for where the voter's name on the certificate does not match the name in the Poll Book. Note: count includes cases where the name is not recorded on either the certificate or in the Poll Book.
(25)	Estimated number of all cases where vouching was required and there is no record in the Poll Book clearly indicating both who the voter and who the voucher are.
(26)	Estimated number of all vouchers who vouched for more than one voter.
(27)	Estimated number of all cases where the voucher was registered to vote in a different polling division to the voter.
(28)	Estimated number of individual cases where at least one irregularity was found, i.e. there was no record in the Poll Book clearly indicating who the voter and who the voucher are, and/or the voucher vouched more than once or was registered to vote in a different polling division to the voter. Percentage expressed as proportion of voters who needed to be vouched for.
(29)	Estimated percentage of individual cases where at least one irregularity was found (as above) expressed as proportion of all voters.
(30)	Estimated number of all cases where vouching was required and the record of the voter in the Poll Book does not capture all the information required or does not capture it accurately, e.g. name or address of voter not provided.
(31)	Estimated number of all cases where vouching was required and the record of the voter in the Poll Book does not capture all the information required or does not capture it accurately, e.g. name or address of voter not provided.

## ANNEX D – THE NEW BRUNSWICK MODEL

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Canadian election administration circles recognize the “**New Brunswick model**” as an innovative approach to modernizing voting arrangements while keeping all the classic election integrity features associated with supervised voting and a paper ballot audit trail. Staff at Elections New Brunswick developed this model and first used it in a province-wide election in 2008.

This model, by simplifying and streamlining the duties of officials, upholds the integrity of elections while making the experience of voting speedier, more efficient and intuitively easy-to-understood for voters.

The model is also variously known as the “bank teller”, “hotel check-in” or “re-engineered voting operations” model. One fundamental difference, compared with the traditional Canadian “polling division” model, is that it no longer restricts each voter to one specific team of two officials — the Deputy Returning Officer and the Poll Clerk — to process their voting-related transactions.

In re-engineering the process, Elections New Brunswick analysed all of the steps in the Election Day registration and voting process and then re-designed its approach to use “task-based” polling officials. New titles were created to describe the task roles: Constable, Voters List Officer, Poll Revision Officer, Ballot Issuing Officer, Ballot Box Officer, and Poll Supervisor.

By separating out functions, the many complicated tasks which the Deputy Returning Officer/Poll Clerk team formerly had to learn and carry out were narrowed, regrouped and reattributed to the newly named officials in easy-to-learn, smaller subsets of duties. It’s a multi-stage process in which voters are served efficiently, by whichever task-based election officer is next available. Supplemented with applied information technology, the New Brunswick voting services model has proven an ability to improve processing efficiency for voters, yet reduce the number of election officials required in an average voting site.

From a voter’s perspective, the **three-stage process** involves verifying registration, obtaining and marking a ballot, then inserting that ballot into a ballot box. Computer technology can increase overall efficiencies in the first and third stages. However, in the second stage each ballot issued remains paper-based; each voter still marks his or her individual ballot choice behind a voting privacy screen.

A key feature of this model is that voters who are properly registered in advance are directed to the first of two voter flow “streams”; those who are unregistered or who require special assistance enter the second stream. (See following diagram with streams 2A and 2B.) As electors enter the voting site, a Constable queries the registration status of each person, and directs them to the appropriate stream, where the **first stage** of verification / registration is performed.

Voters who bring their Voter Information Card (VIC), and indicate to the Constable that their name and address information is recorded correctly, are directed to a check-in table. There, one of a number of Voters List Officers (usually using portable computers with hand scanners, to scan each

electors' VIC barcode) will verify the voter's identity, "strike" them from the Election Day voters list, and then provide the elector with a "token" to admit them to the second stage of vote processing.

Electors who do not bring their VIC with them, or who are not yet registered to vote, or whose VIC information is not fully correct, are directed in a second "stream" to a table with multiple Poll Revision Officers, who usually also use portable computers. These Poll Revision Officers are specifically trained to look up existing registrations; verify voting assignments across the district; examine authorized identity documents; correct existing registrations as needed; process new registrations; administer oaths; redirect misguided voters to their correct voting site; and handle other issues associated with ensuring electors meet voting qualification rules. Each voter who satisfies all eligibility criteria and is properly registered then receives a token to use at the second stage. Each voting token bears the voters list sequence number information associated with the voter to whom it is provided.

In the **second stage** the voter may go to any one of the available Ballot Issuing Officers located nearby. In very large voting sites, an extra Constable may be put in place to assist with directing voters. Each voter exchanges their token for a blank ballot. During this exchange the Ballot Issuing Officer collects and keeps each voter's token, records the ballot being issued in his control register, and prepares the ballot for the voter. He then instructs the elector to take his or her blank ballot behind the next available voting privacy screen, mark their choice with the supplied pen, place the ballot in a provided privacy folder, and then to proceed to a Ballot Box Officer who oversees one or more ballot boxes near the exit of the voting site. Should the voter mismark their ballot, they are told to return to the same Ballot Issuing Officer that issued it.

At the **third stage** the Ballot Box Officer instructs the voter how to deposit their ballot into either the correct ballot box, or, if automated vote tabulation equipment is being used, into a scanner sitting atop a single oversized ballot box. This instruction focuses on ensuring that the voter's choice remains completely secret as they deposit their ballot. If manual vote counting is used the voter's polling division number will be identified in a portion of the ballot exposed at the top of the privacy folder. The voter is instructed to simply tip the specially-designed folder up to let their ballot drop through the slot at the top of the correspondingly numbered ballot box. Where automated counting is used, the voter is shown how to feed their ballot into the tabulator's scanner feeding mechanism without exposing their voting choice.

In both cases, after the voter deposits their ballot, they hand their empty secrecy folder back to the Ballot Box Officer and then exit the voting site. Empty secrecy folders are later returned to Ballot Issuing Officers for continuous re-use.

The New Brunswick model works with or without the use of technology at the first stage and third stage of the process. The advantages of computerized automation in the first stage (electronic voter check-in) relate to being able to:

- process a line of waiting electors more efficiently by using a shared electronic voters list for the voting site;



- keep accurate real-time records at each voting site of all voters that are “struck-off” after being issued a voting token;
- ease the process of advising candidate representatives and party scrutineers about which electors have “checked-in” to vote and how many new registrants have been processed per polling division; and
- measure voter traffic volumes during the day accurately, to help plan staffing levels in future elections.

As well, in sites with a large number of assigned voters, using computer technology in this first “check-in” stage has been shown to reduce required staffing levels compared to fully manual procedures. However, in very small volume voting site a cost analysis may not justify automated technology and fully manual procedures (using printed lists, ruler, pencils etc.) may be judged more appropriate.

Advantages of using computerized vote-counting technology in the third stage (automated ballot scanning and tabulation) relate to the speed and accuracy with which results for an entire voting location can be calculated, printed and communicated following the close of voting, while still providing traditional polling division-level results.

In the case of very close overall results within a district of voting, all physical ballots remain available to be recounted by hand or by machine, to meet either judicial or administrative requirements. Again, for low volume voting locations, a cost analysis may not support computerized scanning and vote tabulation technology.

Fiscally, the system has proved to be cost-neutral, compared to the “polling division” voting services model, provided technology is deployed only where there is demonstrated cost efficiency.

Elections New Brunswick reports that post-election feedback from returning officers, following the past three provincial and local government elections,<sup>34</sup> indicates the new system is much more efficient and user friendly to both the voters and the election staff at voting locations.

When New Brunswick used a traditional “polling division” voting services model, a voting site with 10 assigned polling divisions serving 3,000 to 5,000 eligible voters would have required a minimum staffing complement of 26 election officers:

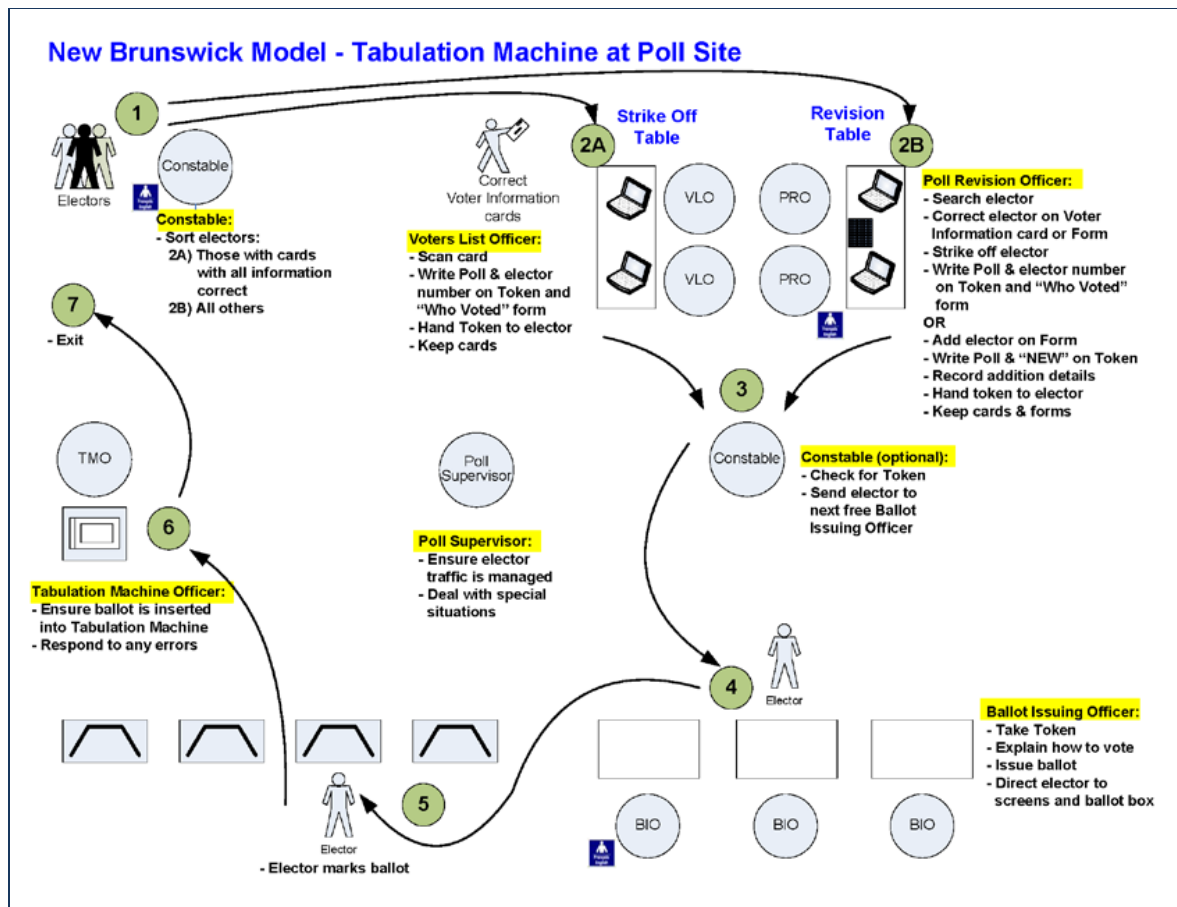
- 2 Constables;
- 3 Revising Agents;
- 10 Deputy Returning Officers;
- 10 Poll Clerks;
- 1 Poll Supervisor.

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<sup>34</sup> Elections New Brunswick is responsible for administering elections for that province’s Members of the Provincial Legislature, Municipal Mayors and Councillors, District Education Councillors, and Regional Health Authority Board Members. The new voting services system was used province-wide in 2008, 2010 and 2012.

Using their new model at the same voting site, a typical staffing complement is 18 election officers:

- 3 Constables;
- 5 Voters List Officers;
- 3 Poll Revision Officers;
- 4 Ballot Issuing Officers;
- 2 Ballot Box Officers; and
- 1 Poll Supervisor.



## ANNEX E – LIST OF REVIEW PARTICIPANTS

### BY-ELECTION POLL OFFICIALS

Poll Official	Role	Electoral District
ALLIN, Karen	Registration Officer	Durham
ARCHIBALD, Jason	Poll Clerk	Calgary Centre
BAILEY, Nigel	Poll Clerk	Victoria
CARLO, Anthony	Information Officer	Durham
COOMBS, Geoffrey	Information Officer	Victoria
HENDERSON, Tina	Onsite Conformity Advisor	Victoria
HERGERT, Martha	Deputy Returning Officer	Calgary Centre
HORNETT-TWIGG, Mary	Central Poll Supervisor	Victoria
HYDE, Roberta	Registration Officer	Victoria
JENSEN, Darlene	Onsite Conformity Advisor	Durham
LAVOIE, Louise	Registration Officer	Calgary Centre
MERZBACHER, Danna	Onsite Conformity Advisor	Durham
MORIN, André	Deputy Returning Officer	Durham
MURRANT, Valerie	Poll Clerk	Durham
SCOTT, Joanne	Deputy Returning Officer	Victoria
THOMAS, Mike	Onsite Conformity Advisor	Victoria
WILKINS, Leslie	Central Poll Supervisor	Calgary Centre
WONG, Wai King	Information Officer	Calgary Centre
YEO, Isia	Central Poll Supervisor	Durham

## POLITICAL PARTY TECHNICAL EXPERTS

Expert	Political Party	City
AKPATA, John	Marijuana Party	Ottawa, Ontario
ARLOW, Will	Canadian Action Party	Staffordville, Ontario
BOYDEN, Johan	Communist Party of Canada	Montréal, Quebec
COCKBURN, Isaac	New Democratic Party	Ottawa, Ontario
DESNOYERS, Annie	Bloc Québécois	Victoriaville, Quebec
FENWICK, Drew	Green Party of Canada	Winnipeg, Manitoba
GULLON, Al	Progressive Canadian Party	Ottawa, Ontario
JAMIESON, Rob	Liberal Party of Canada	Ottawa, Ontario
KWANTES, Luke	Christian Heritage Party of Canada	Smithers, British Columbia
WHITE, Liz	Animal Alliance Environment Voters Party of Canada	Toronto, Ontario

## RETURNING OFFICERS AND FIELD LIAISON OFFICERS

Name	Role	Electoral District/Region
BROWN, Norman	Returning Officer	Miramichi
BROWN, Robert	Returning Officer	New Brunswick Southwest
DUPONT, Laurel	Returning Officer	Elmwood–Transcona
DUTTON, Marvin	Returning Officer	Saskatoon–Humboldt
EDELMAN, Sue	Returning Officer	Yukon
GALLANT, Karen	Returning Officer	Egmont
GEORGE, David	Returning Officer	Mississauga–East–Cooksville
HARVEY, Max	Field Liaison Officer	Newfoundland
JANKO, Patricia	Returning Officer	Battlefords–Lloydminster
JIWA, Rizwana	Returning Officer	Vancouver South
MACDOUGALL, Phyllis	Returning Officer	Westlock–St. Paul
MOORE, Mark	Returning Officer	Windsor–Tecumseh

Name	Role	Electoral District/Region
POIRIER, Marie	Returning Officer	Pontiac
ROBINS, Marlene	Returning Officer	Regina–Qu`Appelle
RYTWINSKI, Ted	Field Liaison Officer	Ontario
STONE, David	Returning Officer	St. John's East
TRÉPANIÉ, Bertrand	Returning Officer	Abitibi–Témiscamingue
WEI, Albert	Returning Officer	Richmond
WHITTOM, Roy	Returning Officer	Gaspésie–Îles-de-la-Madeleine
WILLCOCKS, Nina	Returning Officer	York–Simcoe

## ADVISORY COMMITTEE OF ELECTORAL PARTNERS

Name	Role	Province
ARCHER, Keith	Chief Electoral Officer	British Columbia
BODA, Michael	Chief Electoral Officer	Saskatchewan
BROCK, David	Chief Electoral Officer	Northwest territories
CROKEN, Lowell	Chief Electoral Officer	Prince Edward Island
DROUIN, Jacques	Chief Electoral Officer	Quebec
ESSENSA, Greg	Chief Electoral Officer	Ontario
FJELDHEIM, Brian	Chief Electoral Officer	Alberta
KACHUR, Richard	Representative	Federation of Canadian Municipalities
KUSUGAK, Sandy	Chief Electoral Officer	Nunavut
POWERS, Victor	Chief Electoral Officer	Newfoundland and Labrador
QUINN, Michael	Chief Electoral Officer	New Brunswick
TEMPORALE, Richard	Chief Electoral Officer	Nova Scotia
VERMA, Shipra	Acting Chief Electoral Officer	Manitoba
WAUGH, Jo-Ann	Chief Electoral Officer	Yukon

## ELECTIONS CANADA OFFICIALS

Name	Role	Elections Canada Sector
ALLEN, Kevin	Returning Officer	Electoral District of Calgary Centre
DEGUEFÉ, Belaineh	Deputy Chief Electoral Officer	Policy, Planning & Public Affairs
EMO, Carolyn	Assistant Returning Officer	Electoral District of Victoria
GEORGE, Robert	Returning Officer	Electoral District of Victoria
JACMAIN, Sylvie	Director	Field Programs and Services
JEFFERSON, Sharon	Acting Assistant Returning Officer	Electoral District of Durham
KRAUS, Danielle	Assistant Returning Officer	Electoral District of Calgary Centre
MAYRAND, Marc	Chief Electoral Officer	Elections Canada
MOLNAR, Rennie	Deputy Chief Electoral Officer	Electoral Events
PERRAULT, Stéphane	Deputy Chief Electoral Officer	Legal Services
ROUSSEL, Michel	Senior Director	Field Readiness & Event Management
SPERLING, Allan	Returning Officer	Electoral District of Etobicoke Centre
WERRY, Ralph	Acting Returning Officer	Electoral District of Durham

## ANNEX F – MANDATE OF REVIEWER

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1. Act as an independent expert to conduct a compliance review of the registration and voting processes, guided by analysis of the evidence of irregularities that occurred during the May 2011 general election in the electoral district of Etobicoke Centre.
2. Oversee the design and conduct of detailed conformity audits that will determine the extent of documented non-compliance with voter registration and identity vouching procedures.<sup>35</sup>
3. Perform an analysis of the roles, responsibilities and compliance requirements for each type of election officer present at polling locations on Election Day.
4. Assess procedures related to the recruitment, hiring and training of these election officers as well as for the management and support staff who work in the returning offices.
5. Assess practices related to the return of voting and registration materials from returning offices to Elections Canada headquarters in Ottawa.
6. Identify the cause, or causes, of procedural non-compliance by elections officers on Election Day.
7. Prepare recommendations regarding the most effective solution, or solutions, to address the cause, or causes, of non-compliance and, if necessary, include identification of required legislative changes needed to implement those recommendations.
8. Provide a final report and presentation detailing the cause, or causes, of non-compliance errors and specific recommendations on what may be done to minimize irregularities in time for the next election in 2015, and beyond.

### Out-of-Scope:

The compliance review shall not require any consideration of roles and responsibilities for elections officers performing duties associated with:

- Voting in the Returning Office;
- Voting by Mail;
- Canadian Forces Voting;
- Advance Poll Voting; or
- Mobile Poll Voting.

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<sup>35</sup> Compliance problems with voter registration and vouching were the central issues raised in the Etobicoke Centre election challenge case.



## ANNEX G – BIOGRAPHY OF REVIEWER

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**Harry Neufeld** is a Canadian election administration professional with more than 30 years of management experience across the entire spectrum of legislation, policy, process, technology and logistics issues associated with the delivery of electoral democracy.

He currently works as an independent electoral management consultant and is based in Calgary, Alberta.

In June 2010, Harry completed an eight-year statutory term as Chief Electoral Officer for the province of British Columbia.

He had previously held senior management positions with BC Systems Corporation, EDS Canada, Elections BC, Elections Canada, and the United Nations.

In addition to working directly for electoral management bodies, an international organization, a crown corporation, and the corporate private sector, Harry has nine years of experience working as an independent electoral consultant. He has advised international electoral assistance agencies and electoral commissions around the globe.

His consulting work has involved assignments in Australia, Botswana, Britain, Guinea, Guyana, India, Iraq, Jamaica, Jordan, Libya, Mexico, Russia, South Africa, Sweden, Uganda, and Zimbabwe as well as numerous electoral jurisdictions in the United States and Canada.

Harry began his career in elections focused on computerizing the management of electoral information. In 1982, his first major assignment was to assist a technical team and help Elections BC computerize its provincial voters list and introduce information technology into the management of elections. British Columbia was the first provincial jurisdiction in Canada to successfully automate its voters list.

In the early 1990s, Harry became Elections Canada's first Director of Information Technology, and was responsible for computerization of lists of electors, digitized mapping services and the introduction of general office automation.

## ANNEX H – ACKNOWLEDGEMENTS

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This review was conducted with the assistance and contribution of a great number of people. While it may appear this report only represents the efforts of a single commissioned individual, in reality it involved concerted efforts by upwards of 150 persons.

Representatives of the three different stakeholder groups — political party experts, by-election poll workers and election field management personnel — played a crucial role in developing the collective depth of understanding needed to comprehend how multiple sources of non-compliance could be addressed with appropriate solutions. The leaders of electoral management bodies in all Canadian provinces and territories were generous in providing detailed information about how compliance is managed in their jurisdictions, and were candid about the challenges they all face. As well, election professionals from across the country and around the world shared their insights on how compliance can be measured, what their experience has been in addressing non-conforming activity on the part of election officers, and confirmed how relatively little attention this aspect of electoral administration has been given.

Elections Canada’s headquarters staff, at all levels, gave the compliance review process priority. Management cleared the way for review activities to be supported administratively, and line staff frequently went beyond the call of duty to ensure review activity coordination and all related logistics were delivered on time and with consistent professionalism.

Finally, there are three persons whose contribution was essential during the review process.

First, Sarah Levesque-King, an executive assistant in the Electoral Events sector at Elections Canada, consistently cleared administrative road blocks and resolved scheduling and production challenges with seemingly magical levels of efficiency, grace and good humour.

Second, Deputy Chief Electoral Officer Rennie Molnar inspired all involved to give the compliance problem their best intellectual energy, drew clear boundaries to ensure assessments coming out of the review process were truly independent, and challenged this Reviewer to think longer and write shorter.

And last, but by no means least, is the contribution of Mark Lawson. Mr. Lawson has been acting in an Elections Canada senior director role while on an executive exchange program involving a one-year leave of absence from his position as the Deputy Electoral Commissioner for New Zealand. It was Mark who provided the “glue” that kept the compliance review process focused, coordinated, documented and delivered according to plan without a single milestone date missed or fiscal budget component exceeded. All that, plus his Kiwi knack for pleasantly but persistently asking hard questions like: “Why would you do it that way? Has no one considered this alternative?” added immeasurable value.



Harry Neufeld – Reviewer – March, 2013