

# Annual Performance Report 2011-12

Office of the Chief Electoral Officer  
Commissioner for Legislative Standards





## Message from the Chief Electoral Officer/ Commissioner for Legislative Standards

It is with pleasure that I present the 2011-2012 Annual Performance Report for the Office of the Chief Electoral Officer (OCEO) and the Commissioner for Legislative Standards.

The OCEO, or Elections Newfoundland and Labrador (ENL), is responsible for exercising general direction and supervision over the administrative conduct of elections and for enforcing fairness, impartiality, and compliance with the *Elections Act, 1991*.

The Commissioner for Legislative Standards is responsible for the enforcement of Conflict of Interest provisions under the *House of Assembly Act* (Part II – Conflict of Interest). The Commissioner may provide advice and recommendations to members of the House of Assembly in the filing of their annual disclosure statements, and is responsible for reporting to the Speaker annually on the affairs of the Commissioner.

The OCEO produced a Business Plan for 2011-2014 and this is a report of our progress and achievements for the fiscal year ending March 31, 2012.

This report was prepared under my direction in accordance with the *Transparency and Accountability Act*. I am accountable for the results reported in this document.

Sincerely,



**Victor Powers**  
Chief Electoral Officer  
Commissioner for Legislative Standards



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**Section A**

**Office of the Chief Electoral Officer  
(OCEO)**

## Overview

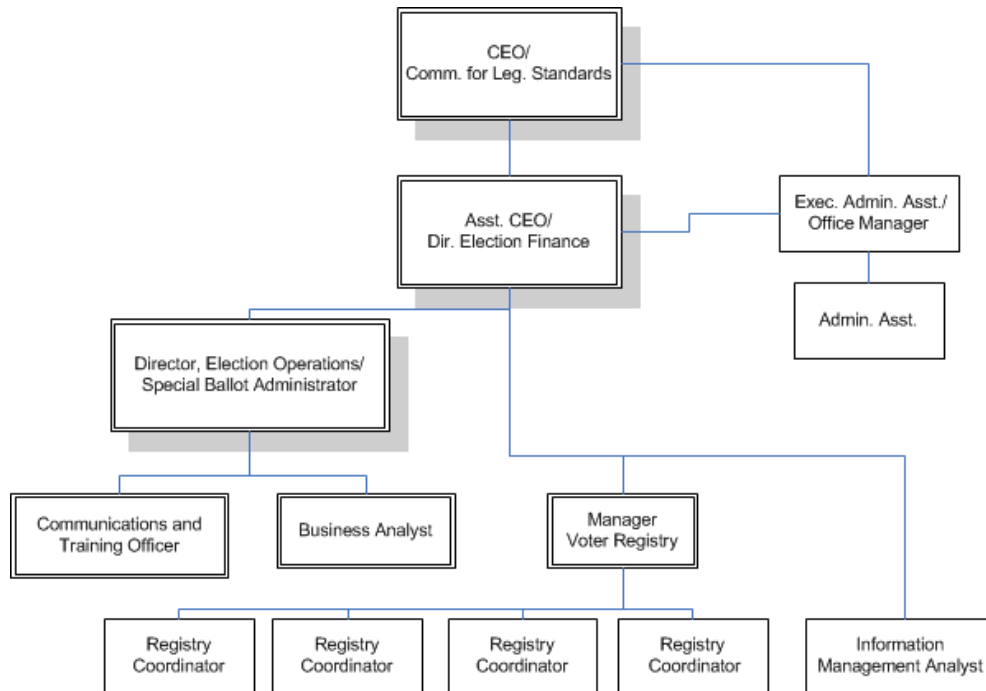
The Office of the Chief Electoral Officer (OCEO) is a non-partisan office responsible for the conduct of provincial elections, by-elections and plebiscites. The OCEO is accountable to the House of Assembly and to the people of Newfoundland and Labrador.

The OCEO is responsible for ensuring fairness, impartiality and compliance with all aspects of the *Elections Act, 1991*.

In addition to responsibilities associated with provincial elections, the OCEO works cooperatively with federal, provincial and municipal governments in the sharing of information relative to the maintenance of an accurate, comprehensive and up-to-date permanent list of electors. These initiatives are supplemented by promotional activities aimed at encouraging voter registration.

The relatively small permanent staff of the OCEO is dependent on and appreciative of the work contributed by a large number of temporary office employees and electoral field staff employed before, during, and after electoral events.

The OCEO employs 13 permanent staff members. Of these 13, ten are women and three are men.



For the fiscal year ending March 31, 2012, the operating budget for the office was \$5,691,600.

The OCEO is located at 39 Hallett Crescent, St. John’s, in the O’Leary Industrial Park. The telephone number is 729-0712 and the fax number is 729-0679. The Elections Newfoundland and Labrador website ([www.elections.gov.nl.ca](http://www.elections.gov.nl.ca)) provides information about the OCEO itself, as well as information for electors about the voting process.



## Role and Mandate

In accordance with the *Elections Act, 1991*, it is the duty of the Chief Electoral Officer to:

- a) exercise general direction and supervision over the administrative conduct of elections and to enforce on the part of election officers fairness, impartiality and compliance with [the Act];
- b) issue to election officers those instructions that he or she considers necessary to ensure effective execution of [the Act];
- c) perform all other duties that are imposed on him or her by or under [the Act].

## Lines of Business

The OCEO provides the following lines of business in carrying out its mandate.

### ***Facilitate Elector's Right to Vote***

Every Canadian who is normally a resident of Newfoundland and Labrador and is at least 18 years of age has a right to vote in a provincial election. The OCEO facilitates this right by communicating to electors the necessary information required to vote in a convenient and effective manner. The OCEO works to ensure that its staff is well trained and versed in electoral processes and procedures so that the electorate will have the best possible election experience.

### ***Election Preparation***

Preparation for an election is a continuous process consisting of a myriad of duties and responsibilities, including: ordering and maintenance of supplies; preparation and distribution of materials to the field; designing and conducting training and providing support to election officials; and preparation and maintenance of communication channels with internal and external stakeholders.

### ***Voter Registry and Boundary Issues***

The Voter Registry division of the OCEO maintains voter and boundary data necessary to ensure a constant state of readiness for elections, by-elections, plebiscites and/or boundary redistribution.

The exchange of information with federal, provincial and municipal governments and the continuous updating of both voter and geographic data are key functions of the Voter Registry. In addition, the Voter Registry provides a range of services to Newfoundlanders and Labradorians during and between electoral events through maintenance of voter and address data; implementation of voting area boundary adjustments; managing address resolution and collection; responding to inquiries; and protecting the privacy of voter data.

### ***Election Finance***

The Election (Political) Finance area provides education, guidance and assistance to candidates and political parties with respect to the Election Finance provisions of Part III of the *Elections Act, 1991*.

Duties in this area include: examination of financial returns from political parties and election candidates; provision of guidelines respecting Part III requirements to auditors, registered candidates and political parties; reimbursement of election expenses; and publishing reports on the political financing affairs of the office.

### ***Communications***

The OCEO uses various methods to communicate clearly with its primary clients on matters pertinent to its mandate. Public notices and public service announcements, information brochures, paid advertising, press releases and media information kits are just a few of the methods employed to inform stakeholders of what they need to know about our processes. Additionally, OCEO's website ([www.elections.gov.nl.ca](http://www.elections.gov.nl.ca)) is a vital tool in communicating information pertaining to our business operations.

## Report on Performance

### ***Vision***

OCEO's vision is to be an organization that inspires confidence on the part of all those involved in the electoral process by exercising impartiality, excellence and professionalism.

### ***Mission Statement***

By 2017, the Office of the Chief Electoral Officer will have implemented programs and services required to support Provincial General Elections and By-Elections.

## Highlights and Accomplishments

During the 2011-2012 reporting period, the Office of the Chief Electoral Officer experienced several notable highlights and accomplishments. These include:

- Administered the 2011 Provincial General Election
- Realized significant budget savings and operational efficiencies compared to previous Provincial General Elections through the application of electoral planning and process redesign
- Implemented the first direct-to-electors communication tool used in a Newfoundland and Labrador Provincial General Election - the Voter Information Letter
- Completed the development of a redesigned training program for election officials and launched it in time for the 2011 Provincial General Election
- Hosted two Bachelor of Political Science students from Memorial University for their field placements
- Launched a redesigned website with improved functionality and updated information

## Report on Issues

### Issue: Preparedness and Maintenance

The OCEO is expected to maintain a constant state of preparedness for elections and potential by-elections. Therefore, OCEO must ensure that all business areas are working together to form a cohesive and efficient operation. An integral part of the election process is the maintenance of the voters list which must be kept up-to-date to ensure an accurate elector database. The Voter Registry division at OCEO is responsible for the maintenance of the voters list, along with electoral boundary work.

<b>Goal</b>	
By March 31, 2014, the Office of the Chief Electoral Officer will have enhanced its ability to maintain the Voter Registry.	
<b>Objective</b>	
By March 31, 2012, the Office of the Chief Electoral Officer will have incorporated new voter data into the Voter Registry and explored options for a comprehensive electoral management computer system.	
<b>Measure</b>	
<ul style="list-style-type: none"> <li>Incorporated new data and explored options for a comprehensive electoral management computer system.</li> </ul>	
<b>Indicators</b>	<b>Actual Performance</b>
<ul style="list-style-type: none"> <li><i>New data incorporated.</i></li> <li><i>Options explored for a comprehensive electoral management computer system.</i></li> </ul>	<ul style="list-style-type: none"> <li>New data was incorporated through a combination of core and event-based processes. The Voter Registry unit completed regular data entry work through daily operations. Data was provided voluntarily through public updates and existing data sharing agreements. For example, as a direct result of the May 2, 2011 Federal General Election, the OCEO received a large data update and were able to incorporate the data in June and August in time for the Provincial General Election.</li> <li>Additionally, operational activities directly related to the 2011 Provincial General Election resulted in a large amount of new and updated data. These activities included swear-ins at the polls on regular polling day, a multi-campaign mailing effort to every household in the province and the returned mail from the Voter Information Letters.</li> <li>The OCEO continued its exploration of tools and techniques that contribute to the facilitation of efficient and cost-effective election operations across all business units.</li> </ul>

### Discussion of Results – Issue: Preparedness and Maintenance

During the reporting period, the OCEO made considerable progress toward achieving its goal of enhancing its ability to maintain the Voter Registry by meeting the objective. In addition to the traditional annual data incorporation updates established in data sharing agreements with existing partners, the OCEO received a valuable data update in the returned Voter Information Letters that were sent just prior to the 2011 Provincial General Election. When considering the implementation of this project, all aspects of the process, including the returned mail, was recognized as a value-added element and an important factor when considering the project's overall value to the OCEO's operations.

In the months prior to the election, the OCEO generated a substantial increase in the number of voluntary elector additions and updates through two separate mail campaigns sent to every household in the province. Subsequent to the election, we were able to incorporate the new data gathered through swear-ins into the Permanent List of Electors. During the reporting period, the Voter Registry entered 18,214 of 29,254 swear-ins recorded on the October 11, 2011 polling day.

During the same time period, the OCEO continued its exploration of tools and techniques that contribute to the facilitation of efficient and cost-effective election operations across all business units. The OCEO continued to actively work with the subcommittees of the Canadian Chief Electoral Officers to leverage the knowledge and experience of other jurisdictions in all areas including technology and voting methodologies.

<b>Objective (2013)</b>
By March 31, 2013, the Office of the Chief Electoral Officer will have continued to incorporate multi-source data and explore additional sources.
<b>Measure</b>
<ul style="list-style-type: none"> <li>Incorporated new data and explored options for a comprehensive electoral management computer system.</li> </ul>
<b>Indicators</b>
<ul style="list-style-type: none"> <li><i>New data incorporated.</i></li> <li><i>Options explored for a comprehensive electoral management computer system.</i></li> </ul>

## Opportunities and Challenges

Between the 2007 and 2011 Provincial General Elections, the Office of the Chief Electoral Officer experienced a large growth period in its available core resources. Between the two events, the office permanently added several new positions which allowed it to concentrate more deeply on key business functions such as data maintenance, communications, training, technology and strategic planning.

As such, there is an opportunity to continue to build on the progress made during this new era of expanded growth and available resources by leveraging the skills and experiences gained during that period, particularly during the 2011-12 reporting period.

An ongoing challenge for the OCEO, as always, is that because by-elections can be called at any time, the office must be in a state of constant election-readiness.

## **Section B**

### **Commissioner for Legislative Standards**

## Overview

The Commissioner for Legislative Standards is an officer of the House of Assembly appointed by the House (section 43 of the *House of Assembly Act*). The Office of the Commissioner for Legislative Standards has traditionally been held by the same individual who holds the position of Chief Electoral Officer.

In addition to responsibilities assigned under the *House of Assembly Act* and the *House of Assembly Accountability Act*, the Commissioner is also responsible for hearing the appeals of public office holders under the *Conflict of Interest Act, 1995*.

The Commissioner's office is located at 39 Hallett Crescent, St. John's, NL, A1B 4C4. The telephone number is 729-0714 and the fax number is 729-0679.

## Role and Mandate

Under the *House of Assembly Act* (Part II – Conflict of Interest), the Commissioner is responsible for the enforcement of the Conflict of Interest provisions of the Act as they pertain to current Members of the House of Assembly (MHAs) and former MHAs.

On April 1 of each year, every elected MHA is required to file disclosure statements with the Commissioner. After doing so, the Commissioner prepares public disclosure statements for each member which are then made available for viewing by the public.

The Commissioner provides advice to members regarding whether or not steps need to be taken to ensure their obligations under legislation are fulfilled. The Commissioner is required to provide opinions, make recommendations or conduct inquiries on matters pertaining to the obligations of members under Part II of the *House of Assembly Act* or under the Code of Conduct provisions of Part V of the *House of Assembly Accountability Act*.

As an officer of the House of Assembly, the Commissioner must report annually on the affairs of the office to the Speaker of the House of Assembly, who then presents the report to the House.

The mandate of the Commissioner for Legislative Standards is to ensure that the Conflict of Interest legislation is followed by all members.



## **Lines of Business**

The Commissioner for Legislative Standards provides the following lines of business in carrying out his mandate.

### ***Inquiries***

The Commissioner for Legislative Standards may conduct inquiries to determine whether a member has failed to fulfill an obligation under the conflict of interest provisions of the *House of Assembly Act* or the code of conduct provisions of the *House of Assembly Accountability Act*.

### ***Disclosure Statements***

Within 60 days of his or her election or appointment, before the second April 1 following this date and before each April 1 thereafter, every elected member and appointed minister is required to file with the Commissioner a disclosure statement in a form determined by the Commissioner. This must be a full statement of the member's private interests other than certain personal property identified under subparagraph 20(a)(iv) of the *House of Assembly Act*.

The Commissioner then prepares a public disclosure statement for each member, which is submitted to the member for review and is then placed on file at the Commissioner's office and made available to the public for inspection during normal business hours.

During this process the Commissioner may provide advice, give an opinion and/or make recommendations to members to ensure they have fulfilled the Member's disclosure obligations under the Act.

### ***Annual Reporting***

The Commissioner reports annually upon the affairs of his/her office to the Speaker who presents the report to the House of Assembly.

## Report on Performance

### *Vision*

- The Office of the Commissioner for Legislative Standards' vision is to maintain an environment where the highest ethical standards are in place for the House of Assembly.

## Report on Issues

### Issue: Compliance with Legislation

The Commissioner for Legislative Standards is assigned responsibility for investigating and conducting inquiries (if necessary) to determine whether a member has failed to fulfill any obligation under the *Code of Conduct*. The Commissioner is also responsible for reporting to the House with recommendations as to appropriate sanctions similar to the ones that are available for breached Conflict of Interest duties in Part II of the *House of Assembly Act*.

Therefore, the primary issue for the Commissioner for Legislative Standards is 'Ensuring Compliance with Legislation'.

<b>Goal</b>	
By March 31, 2014, the Commissioner for Legislative Standards will have facilitated member compliance with legislative requirements regarding annual disclosure statements.	
<b>Objective</b>	
By March 31, 2012, the Commissioner for Legislative Standards will have supported members elected in the 2011 Provincial General Election to ensure that all necessary information has been collected for annual disclosure statements.	
<b>Measure</b>	
<ul style="list-style-type: none"> <li>Supported members elected in the 2011 Provincial General Election to ensure that all necessary information has been collected for annual disclosure statement.</li> </ul>	
<b>Indicators</b>	<b>Actual Performance</b>
<ul style="list-style-type: none"> <li>Ensure all new members receive all necessary information regarding annual disclosure requirements.</li> <li>Review all member disclosure statements.</li> <li>Identify any potential conflicts of interest and work with members to resolve issues as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>All members were sent the reporting packages which contained all necessary information regarding annual disclosure statements.</li> <li>43 of the 48 member disclosure statements were received and 39 were reviewed by March 31, 2012. The review process of members' filings can take considerable time as it involves back and forth communication between the members and the Commissioner. The review of all remaining statements was completed after the end of the current reporting period.</li> <li>All potential issues were resolved.</li> </ul>

## Discussion of Results

During the reporting period, the Commissioner for Legislative Standards received and reviewed the annual member disclosure statements.

<b>Objective (2013)</b>
By March 31, 2013, the Commissioner for Legislative Standards will have continued to support members in the filing of their annual disclosure statements.
<b>Measure</b>
<ul style="list-style-type: none"> <li>Supported members to ensure that all necessary information has been collected for annual disclosure statement.</li> </ul>
<b>Indicators</b>
<ul style="list-style-type: none"> <li><i>Ensure all new members receive all necessary information regarding annual disclosure requirements.</i></li> <li><i>Review all member disclosure statements.</i></li> <li><i>Identify any potential conflicts of interest and work with members to resolve issues as necessary.</i></li> </ul>

## **Appendix A**

### **Financial Statements**

*Please note that although the following statement is labeled "Office of the Chief Electoral Officer", it includes the financial information for the Commissioner for Legislative Standards.*

*Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2012 (Unaudited).*



**OFFICE OF THE CHIEF ELECTORAL OFFICER***CURRENT*

	<b>Actual</b>	<b>Estimates</b>	
		<b>Amended</b>	<b>Original</b>
	\$	\$	\$
<b>3.1.01. OFFICE OF THE CHIEF ELECTORAL OFFICER</b>			
01. Salaries .....	<b>3,029,594</b>	3,029,600	3,319,500
02. Employee Benefits .....	<b>3,652</b>	5,000	5,000
03. Transportation and Communications .....	<b>635,842</b>	643,200	720,200
04. Supplies .....	<b>66,735</b>	69,600	69,600
05. Professional Services .....	<b>55,658</b>	62,000	65,000
06. Purchased Services .....	<b>903,821</b>	911,800	992,800
07. Property, Furnishings and Equipment .....	<b>48,826</b>	49,000	69,500
10. Grants and Subsidies .....	<b>539,819</b>	540,000	450,000
	<b>5,283,947</b>	5,310,200	5,691,600
02. Revenue - Provincial .....	<b>(1,115)</b>	-	-
Total: Office of the Chief Electoral Officer	<b>5,282,832</b>	5,310,200	5,691,600
<b>TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER</b>	<b>5,282,832</b>	5,310,200	5,691,600
<b>TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER</b>	<b>5,282,832</b>	5,310,200	5,691,600