

2020-2021 ANNUAL PERFORMANCE REPORT

Office of the Chief Electoral Officer
&
Commissioner for Legislative Standards



www.elections.gov.nl.ca

www.legislativestandardscomm.gov.nl.ca

MESSAGE FROM THE CHIEF ELECTORAL OFFICER & COMMISSIONER FOR LEGISLATIVE STANDARDS

It is with pleasure that I present the 2020-21 Annual Performance Report for the Office of the Chief Electoral Officer (OCEO) and the Commissioner for Legislative Standards (CLS).

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 Conflict of Interest provisions under the **House of Assembly Act** (Part II – Conflict of Interest) and the Code of Conduct for Members of the House of Assembly provisions of the **House of Assembly Accountability, Integrity and Administration Act** (Part V). The Commissioner is also responsible for hearing the appeals of public office holders under the **Conflict of Interest Act, 1995**. The Commissioner may provide advice and offer 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.

This is a report of our progress and achievements for the fiscal year ending March 31, 2021. It was prepared under my direction in accordance with the **House of Assembly Accountability, Integrity and Administration Act**, based on the requirements for a Category 3 entity as per the **Transparency and Accountability Act**. I am accountable for the results reported in this document.

Sincerely,



Bruce Chaulk

Chief Electoral Officer
Commissioner for Legislative Standards

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SECTION A

Office of the Chief Electoral Officer

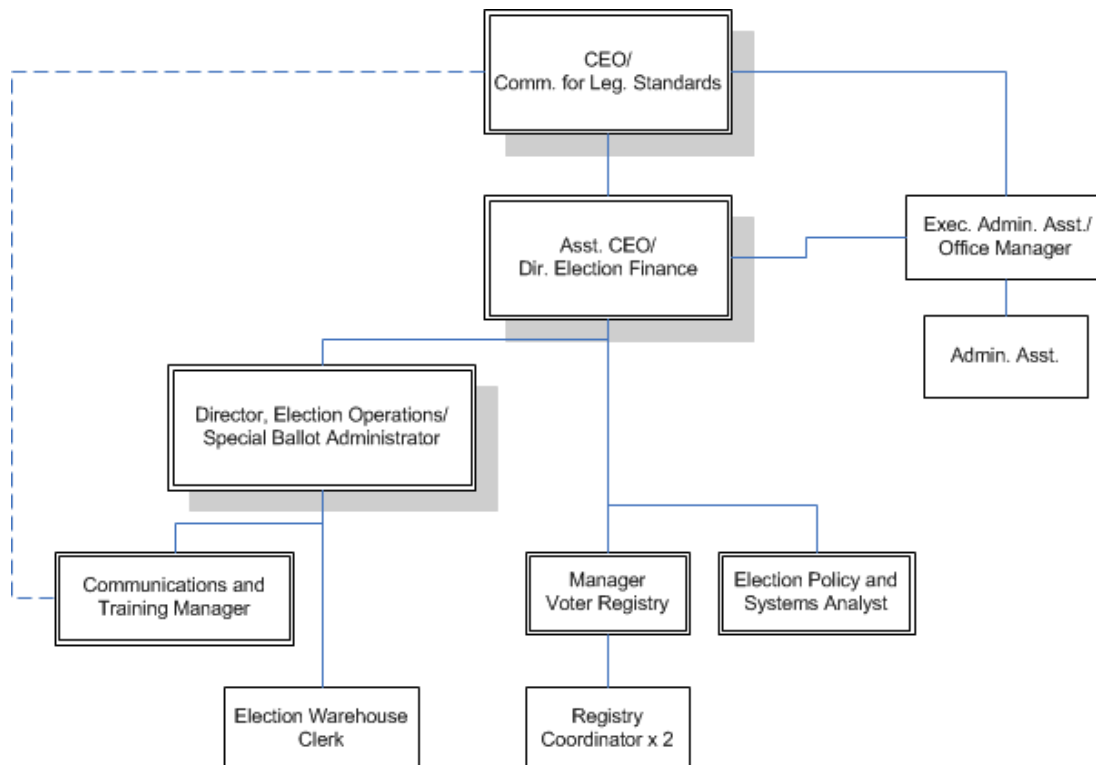
OVERVIEW

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

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

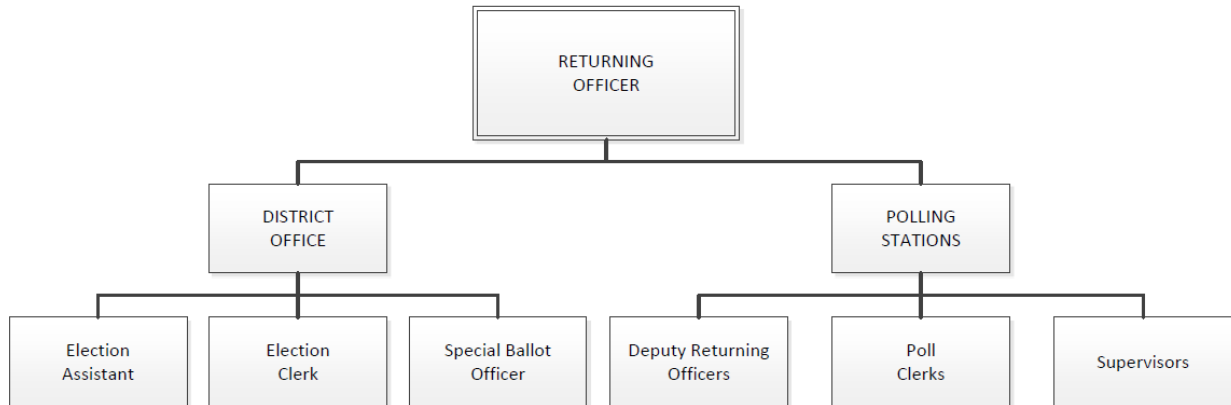
In addition to the responsibilities associated with provincial elections, OCEO works cooperatively with federal, provincial and municipal governments in the sharing of information relative to the maintenance of an accurate, comprehensive and up-to-date permanent list of electors. These initiatives are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

OCEO has 11 permanent positions. Of these positions, three are men and five are women. There are three positions vacant.



This core group is supplemented by a significant number of temporary office employees and electoral field staff during election events. During a Provincial General Election, OCEO is responsible for hiring and training over 4,000 temporary employees from 40 electoral districts throughout Newfoundland and Labrador. The contributions of these temporary employees before, during, and after electoral events are invaluable to OCEO. The organizational chart below outlines the staffing requirements of a sample district Returning Office. In addition to the core Returning Office staff, Returning Officers have the responsibility

of hiring and training people to work in the polls in their districts. Some districts have as many as 56 polls for which to recruit and train staff.



For the fiscal year ending March 31, 2021 the program expenditures for the office were \$7,524,752 (refer to Appendix A for detailed program expenditures).

OCEO is located at 39 Hallett Crescent in St. John's. The telephone number is 729-7987 (1-877-729-7987 toll-free) and the fax number is 729-0679. The Elections Newfoundland and Labrador website (www.elections.gov.nl.ca) provides information about the functions of OCEO, information for electors about the voting process, electoral district information and district maps, as well as election and election finance reporting.

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; and,
- c) perform all other duties that are imposed by him or her by or under the Act.

LINES OF BUSINESS

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

Facilitating the Right to Vote

Every Canadian Citizen who is 18 years of age or older and is a resident of Newfoundland and Labrador has the right to vote. OCEO facilitates this right by communicating to electors how, when and where to vote: 'how' encompasses the various voting methods available; 'when' details the dates and deadlines that apply to those voting methods; and, 'where' relates to the locations where voting is available. OCEO works to ensure our headquarters and field staff are well trained in electoral processes and procedures so the electorate will have the best possible election experience.

Administration of Electoral Events and Operations

Preparation for an election is a continuous process consisting of diverse and numerous types of duties and responsibilities, including:

- hiring election field and headquarters staff;
- designing and delivering training;
- preparing and printing voters lists and electoral district maps;
- responding to and incorporating feedback from stakeholders;
- organization and planning of administrative and legislated electoral events, such as opening district offices throughout the province, Special Ballot voting, the issuance of the election writ, the nomination deadline, advance poll voting, voting in Personal Care Homes and Hospitals, election results and election day;
- procurement and maintenance of supplies for headquarters, district offices and satellite offices;
- coordination and delivery of supplies throughout all parts of Newfoundland and Labrador (factoring in geographical and weather challenges); and,
- maintenance of communication channels with internal and external stakeholders, including Voter Information Cards, advertising and outreach campaigns.

Preparation and Delivery of Election Training

The staff at OCEO is responsible for designing and delivering election training to all field staff required for the electoral event. In the case of a general election, training is delivered to approximately 160 Returning Officers, Election Clerks and Special Ballot Officers.

OCEO typically holds multiple training sessions over the course of several weeks in the lead up to an election. The content is developed in-house and is delivered and facilitated by core OCEO staff members.

The OCEO updates this training as internal processes are modified to make the delivery of a voting event more efficient.

Designing and delivering such a large training package also requires that the staff at OCEO stay up to date on adult learning principles, training and facilitation techniques. This is achieved through continuous training for internal staff and participation in interjurisdictional groups on new and innovative electoral training techniques and practices.

Delivery of Effective Public Relations and Communications

Information pertinent to an electoral event must be communicated to the public clearly and in a timely manner.

For a general election, OCEO typically launches three campaigns for advertising: 'Are you on the Voters List', Special Ballots, and General Election Information. These campaigns include print, radio and online advertising, as well as householder mail-outs and an addressed Voter Information Card that is distributed to over 360,000 registered voters in the province. Twitter is also used to relay messages to the public.

Public notices, public service announcements, information brochures, news releases and media kits are also a few of the tools used to inform key stakeholders about our processes.

In terms of outreach, OCEO works with public interest groups and community groups in an effort to better meet their needs. For example, OCEO was engaged by the Coalition of Persons with Disabilities to collaborate on improving the accessibility of election information and resources. Presentations are also given to other similar community groups to explain what accessible resources are available to electors.

Finally, OCEO's website (www.elections.gov.nl.ca) is an effective tool in the communication of up-to-date information pertaining to our business operation.

Maintenance of Voters List and Electoral Boundaries

The Voter Registry maintains voter and geographic data necessary to ensure a continued 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 Registry and the production and maintenance of the Permanent List of Electors.

In addition, the 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; and responding to information requests and ensuring safeguarding of data.

Adherence to Election Finance Provisions

The Election 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**.

HIGHLIGHTS AND ACCOMPLISHMENTS

The following highlights and accomplishments were achieved during the 2020-21 reporting period:

- Administered Humber-Gros Morne by-election.
- Implemented new electoral management system, VoterView.
- Administered 51st provincial General Election.

REPORT ON PERFORMANCE

ISSUE 1: PREPAREDNESS	
Objective #1	
<i>By March 2021, the Office of the Chief Electoral Officer will have completed all electoral readiness measures.</i>	
Indicators	Actual Performance
<p>Completed training sessions for all Returning Officers, Election Clerks and Special Ballot Officers.</p>	<ul style="list-style-type: none"> • In early November 2020, Elections NL held an in-person training session for all new Returning Officers, Elections Clerks and Special Ballot Officers. This was identified as a top priority for training as most existing district office staff had already managed an election or by-election. Only those who had not yet completed an electoral event were scheduled for training, due exclusively to the upcoming general election. • An in-person training session was scheduled to take place in Corner Brook from November 24-25, 2021, but was canceled due to a COVID-19 outbreak in the area. • Due to complications related to the ongoing global pandemic, the snap election call and winter weather, Elections NL was unable to train the remaining Returning Officers, Election Clerks or Special Ballot Officers in person. • Instead, training handbooks and supplementary materials were shipped to each district office staff member. They were also assigned a Returning Officer Coordinator to whom they could direct questions at any time.
<p>Completed assembly of election supplies for deployment to all district Returning Offices.</p>	<ul style="list-style-type: none"> • OCEO procured and staged required election supplies and materials throughout 2020 in preparation for a general election call. • Election supplies and materials were delivered to Returning Offices shortly after the writ of election on January 15, 2021 and were completed by January 21, 2021.

ISSUE 2: MAINTENANCE	
Annual Objective	
<p><i>By March 2021, 2022 and 2023, the Office of the Chief Electoral Officer will have maintained the Voter Registry to ensure readiness for elections and by-elections, and will report on this objective each year in the planning cycle.</i></p>	
Indicators	Actual Performance
Maintained the permanent list of electors.	<ul style="list-style-type: none"> New data was incorporated from: provincial municipalities; municipal engineering departments (which included new or updated street names and civic numbers); and Vital Statistics (which included deceased persons and legal name changes).
Apportioned population to polling divisions within established electoral districts.	<ul style="list-style-type: none"> During the 2020-21 reporting period, work was completed by the OCEO to apportion polling divisions based on the number of registered electors in order to better prepare for and administer future electoral events.
Explored options for future developments and improvements to electoral management systems.	<ul style="list-style-type: none"> During the 2021 General Election, the OCEO entered into an agreement with DataFix to utilize the company's electoral management software – VoterView – to facilitate the Special Ballot voting process. After the election concluded, OCEO entered into an extended contract to use the software to support the daily work of the Voter Registry unit.

OPPORTUNITIES AND CHALLENGES

The Office of the Chief Electoral Officer faced an obvious challenge during the 2020-21 reporting period – delivering the 51st General Election during the COVID-19 pandemic. On the eve of the election the Province went into a complete Level 5 Lockdown. At that time, Newfoundland and Labrador saw a sudden and severe rise in cases due to a new variant in the most populated area of the province which caused significant public fear. This resulted in severe operational difficulties for Elections NL as staff began resigning, rendering the delivery of in-person voting impossible.

Observations:

- The legislated Special Ballot timelines created significant challenges for the 51st General Election.
- Even utilizing Express Post for mailing Special Ballots to and from electors caused challenges due to the short special ballot period.

- The winter election created challenges for every aspect of election delivery, but in this case the impact on Special Ballot voting was most prominent. Snowstorms resulted in office closures and mail delays.
- The timelines in the special ballot legislation requires a review to ensure there is sufficient time available for elector enfranchisement.

SECTION B

Commissioner for Legislative Standards

OVERVIEW

The Commissioner for Legislative Standards (the Commissioner) is an officer of the House of Assembly appointed by the House (section 34 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 the responsibilities assigned under the **House of Assembly Act** and the **House of Assembly Accountability, Integrity and Administration 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 in St. John's. The telephone number is 729-0714 (1-877-729-7987 toll-free) 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.

Every elected MHA is required to file a disclosure statement with the Commissioner within 60 days of his or her appointment and before the second April 1 after his or her appointment or election. 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 for Members of the House of Assembly ("Code of Conduct") provisions of Part V of the **House of Assembly Accountability, Integrity and Administration 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 their 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, Integrity and Administration Act**.

Disclosure Statements

Within 60 days of their 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 their office to the Speaker who presents the report to the House of Assembly.

HIGHLIGHTS AND ACCOMPLISHMENTS

The following highlights and accomplishments were achieved during the 2020-21 reporting period:

- Issued one public report under the **House of Assembly Accountability, Integrity and Administration Act**.
- Issued one public report under the **House of Assembly Act**.

REPORT ON PERFORMANCE

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 recommendations to the House regarding 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'.

The same objective and indicators identified in this report apply to the entire 2021-23 planning cycle for the Commissioner for Legislative Standards.

ISSUE: COMPLIANCE WITH LEGISLATION	
Annual Objective	
<i>By March 2021, 2022 and 2023, the Commissioner for Legislative Standards will have facilitated member compliance with legislative requirements regarding annual disclosure statements.</i>	
Provided support to members, as necessary.	The Commissioner provided the members with the forms and guidelines necessary to prepare their disclosure statements.
Reviewed annual disclosure statements.	The Commissioner reviewed disclosure statements for all members relating to the reporting period. The review process of members' filings can take considerable time as it involves back and forth communication between the members and the Commissioner.
Provided advice to members, as necessary.	The Commissioner provided advice, on a confidential basis, to members on issues as they arose.
Responded to inquiries and/or complaints, as necessary.	The Commissioner responded to inquiries and/or complaints, as received from members, in a timely and confidential manner.

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 Commissions 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 2021

FINANCIAL STATEMENTS: APRIL 1, 2020– MARCH 31, 2021



LEGISLATURE (excluding The Office of the Auditor General)
STATEMENT OF REVENUE AND EXPENDITURE
For the Period 1 April 2020 to 31 March 2021
Unaudited

	Original Estimates	Operating Budget	Actual Expenditures & Revenue	Savings (Over-runs) from Original Budget	Savings (Over- runs) from Operating Budget
3.1.01. OFFICE OF THE CHIEF ELECTORAL OFFICER					
01. Salaries	1,232,300	4,394,400	3,988,622	(2,756,322)	¹ 405,778
Operating Accounts:					
<i>Employee Benefits</i>	4,500	4,500	521	3,979	² 3,979
<i>Transportation and Communications</i>	286,900	2,105,800	1,939,006	(1,652,106)	³ 166,794
<i>Supplies</i>	39,000	275,500	252,923	(213,923)	⁴ 22,577
<i>Professional Services</i>	33,000	58,800	58,757	(25,757)	⁵ 43
<i>Purchased Services</i>	231,000	1,259,800	1,186,293	(955,293)	⁶ 73,507
<i>Property, Furnishings and Equipment</i>	72,000	120,000	73,297	(1,297)	⁷ 46,703
02. Operating Accounts	666,400	3,824,400	3,510,797	(2,844,397)	313,603
10. Grants and Subsidies	-	130,800	30,347	(30,347)	⁸ 100,453
	1,898,700	8,349,600	7,529,766	(5,631,066)	819,834
02. Revenue - Provincial			(5,014)	5,014	⁹ 5,014
Total: Office of the Chief Electoral	1,898,700	8,349,600	7,524,752	(5,626,052)	824,848

1. Overruns due to unbudgeted costs of Humber-Gros Morne By-Election and the General Election 2021.
2. Savings due to less conference registrations than anticipated due to Covid-19.
3. Overruns due to unbudgeted costs of Humber-Gros Morne By-Election and the General Election 2021.
4. Overruns due to unbudgeted costs of Humber-Gros Morne By-Election and the General Election 2021.
5. Overrun as legal fees were more than anticipated.
6. Overruns due to unbudgeted costs of Humber-Gros Morne By-Election and the General Election 2021.
7. Overruns due to unbudgeted costs of Humber-Gros Morne By-Election and the General Election 2021.
8. Overruns due to unbudgeted costs of Humber-Gros Morne By-Election and the General Election 2021.
9. Revenue related to forfeited nomination fees.