

2021-2022 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 we present the 2021-22 Annual Performance Report for the Office of the Chief Electoral Officer (OCEO) and the Commissioner for Legislative Standards (CLS).

The OCEO, or Elections NL, 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, 2022. It was prepared under our 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**. We are accountable for the results reported in this document.

Sincerely,



Travis Wooley
Chief Electoral Officer (Acting)



Ann Chafe
Commissioner for Legislative Standards (Acting)

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SECTION A: OFFICE OF THE CHIEF ELECTORAL OFFICER

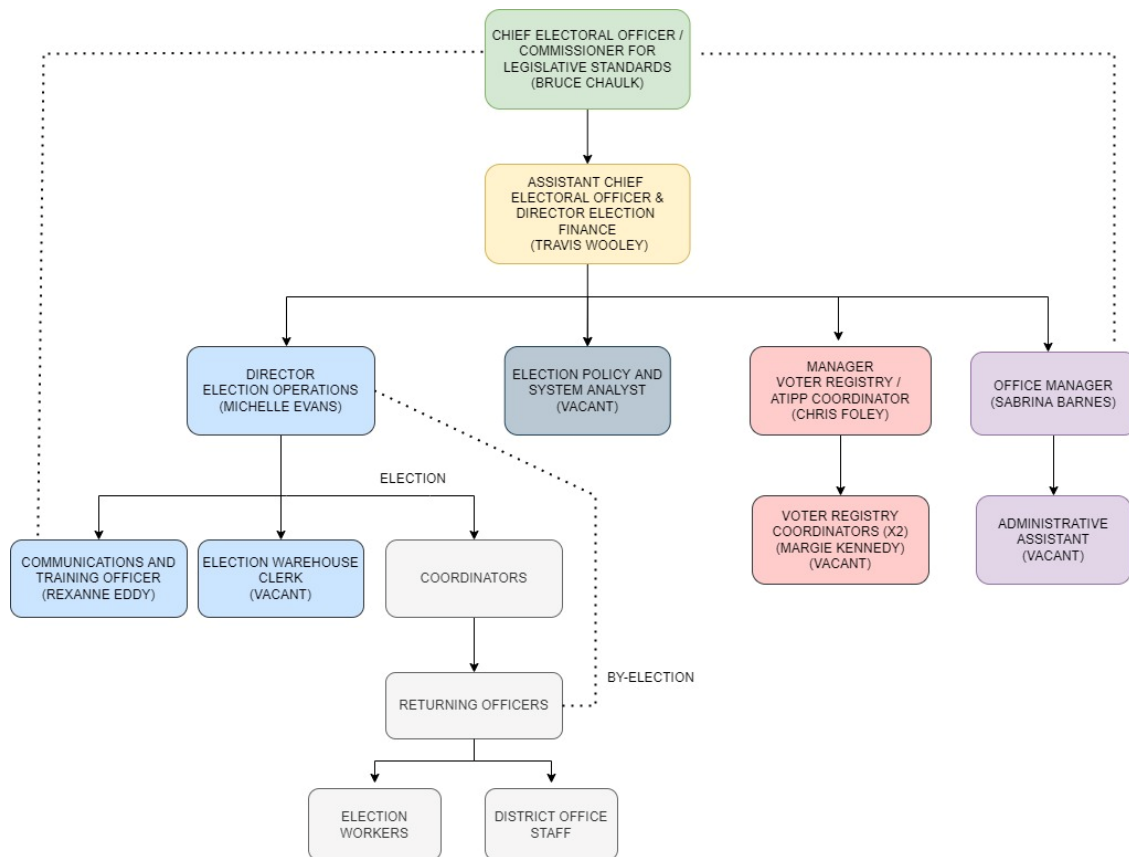
OVERVIEW

The Office of the Chief Electoral Officer (OCEO) is a non-partisan office responsible for the conduct of provincial elections, by-elections and plebiscites. 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** (the “Act”).

In addition to the 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 OCEO has 11 permanent positions. Of these positions, four are vacant.



A significant number of temporary office employees and electoral field staff supplement this core OCEO group during election events. During a Provincial General Election, the OCEO is responsible for hiring and training over 4,000 temporary employees from 40 electoral districts throughout Newfoundland and Labrador. Returning Officers are accountable for the hiring and training of staff in their own districts.

For the fiscal year ending March 31, 2022 the program expenditures for the office were \$2,381,454 (refer to Appendix A for detailed program expenditures).

The 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 NL website (<https://www.elections.gov.nl.ca>) provides information about the functions of the 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.

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.

LINES OF BUSINESS

The 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. The 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. The OCEO ensures our headquarter and field staff are 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;
- preparing and printing voters lists and electoral district maps;
- continuous improvement cycle – identifying opportunities to improve processes and implementing changes;
- 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;
- implementation and maintenance of elector management software;
- procurement and maintenance of supplies for over 50 district and satellite offices, and approximately 2,000 polling stations;
- 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 the 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 250 Returning Officers, Election Clerks and Special Ballot Officers, and approximately 4,000 Election workers.

The OCEO holds multiple training sessions between electoral events and 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 enhance service delivery to electors.

Designing and delivering such a large training package also requires that the staff at the OCEO stay up to date on 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, practices, and topics.

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, the 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, the OCEO works with public interest groups and community groups in an effort to better meet their needs. For example, the 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, the 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, responding to information requests, and ensuring the safety and integrity 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 2021-22 reporting period:

- Implementation of new software (Voter View) in electoral operations and processes.
- Use of Voter View to update and maintain voter list to ensure accuracy and validity.
- Close out of administrative activities for the 51st Provincial General Election.
- Review of candidate financial statements for the 51st Provincial General Election.
- Report on General Election 2021.

REPORT ON PERFORMANCE

ISSUE 1: PREPAREDNESS	
Objective #1	
<i>By March 2022, the Office of the Chief Electoral Officer will have completed Newfoundland and Labrador's 51st general election and will have initiated election evaluation processes.</i>	
Indicators	Actual Performance
Initiated process for evaluating the performance of district Returning Officers during the 51 st general election.	<ul style="list-style-type: none"> • In-person voting on February 13, 2021 suspended due to emergence of COVID variant. No election day materials available to base performance of Returning Officers.
Initiated logistics and planning for election debriefing meetings throughout the province with Returning Officers.	<ul style="list-style-type: none"> • Sessions not held in FY 2021-2022 due to emergence of COVID variation in Q3/Q4. • RO debriefing sessions rescheduled for May/June 2022 in St. John's, Clarenville, Grand Falls-Windsor, Corner Brook, and online through WebEX.

ISSUE 2: MAINTENANCE	
Annual Objective	
<p><i>By March 2022, 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 2021-22 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"> After the 2021 election, the OCEO entered into an extended contract with DataFix to use Voter View software to support the daily work of the Voter Registry unit.

OPPORTUNITIES AND CHALLENGES

Opportunities

- The OCEO began implementing Voter View to support decentralization of Elections NL’s operations. In addition, the process has begun of updating training materials and operational guides to represent this decentralization of activities. This will better utilize resources at District offices; providing enhanced voter services such as simplified online Special Ballot application and online registration.
- Collaborate with other government departments to share data to improve accuracy of voter’s list. OCEO could enter into information sharing agreements with Department of Motor Vehicles or Health and Community Services to enhance our dataset with property locations, elector name updates, and elector address changes.

- Using new technology to administer electoral processes including online candidate portals to distribute voters' lists and election documentation, delivery of election training materials for election workers, as well as a depository for election forms and materials for election officials.

Challenges

An All-Party Committee was established in 2021 to modernize the Elections Act, 1991. The Committee's mandate is to identify means to enhance accessibility of voting in Newfoundland and Labrador.

The OCEO welcomes the ongoing review of the Elections Act, 1991. Should new legislation be passed by the House, the OCEO will require significant time to implement before an election event can be held. This undertaking will include:

- time to interpret the legislation;
- update policies, procedures, and forms;
- produce new training materials;
- implementation and procurement of any new technology;
- deliver training to Returning Officers throughout the Province;
- produce and/or procure new electoral materials for approximately 2,000 polling locations.

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**).

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.

VISION

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

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 2021-22 reporting period:

- No public reports were issued under the **House of Assembly Accountability, Integrity and Administration Act**.
- No public reports were issued 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 2022-23 planning cycle for the Commissioner for Legislative Standards.

ISSUE: COMPLIANCE WITH LEGISLATION	
Annual Objective	
<i>By March 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 2022

FINANCIAL STATEMENTS: APRIL 1, 2021- MARCH 31, 2022



LEGISLATURE (excluding The Office of the Auditor General)

STATEMENT OF REVENUE AND EXPENDITURE

For the Period 1 April 2021 to 31 March 2022

Unaudited

		Estimates	
	Actual	Amended	Original
	\$	\$	\$
OFFICE OF THE CHIEF ELECTORAL OFFICER			
OFFICE OF THE CHIEF ELECTORAL OFFICER			
<i>CURRENT</i>			
3.1.01. OFFICE OF THE CHIEF ELECTORAL OFFICER			
01. Salaries	1,254,200	1,254,400	1,174,400
Operating Accounts:			
<i>Employee Benefits</i>	2,546	4,500	4,500
<i>Transportation and Communications</i>	85,792	242,600	244,400
<i>Supplies</i>	36,911	54,000	54,000
<i>Professional Services</i>	83,795	113,000	113,000
<i>Purchased Services</i>	304,481	459,000	459,000
<i>Property, Furnishings and Equipment</i>	8,772	8,800	7,000
02. Operating Accounts	522,297	881,900	881,900
10. Grants and Subsidies	606,098	800,000	800,000
	2,382,595	2,936,300	2,856,300
02. Revenue - Provincial	(1,141)	-	-
Total: Office of the Chief Electoral Officer	2,381,454	2,936,300	2,856,300
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	2,381,454	2,936,300	2,856,300
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	2,381,454	2,936,300	2,856,300