

Office of the Chief Electoral Officer
Commissioner for Legislative Standards

ANNUAL PERFORMANCE REPORT

2012-2013



2012-2013

**MESSAGE FROM THE CHIEF ELECTORAL OFFICER/
COMMISSIONER FOR LEGISLATIVE STANDARDS**

It is with great pleasure that I present the 2012-13 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, 2013.

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

OVERVIEW

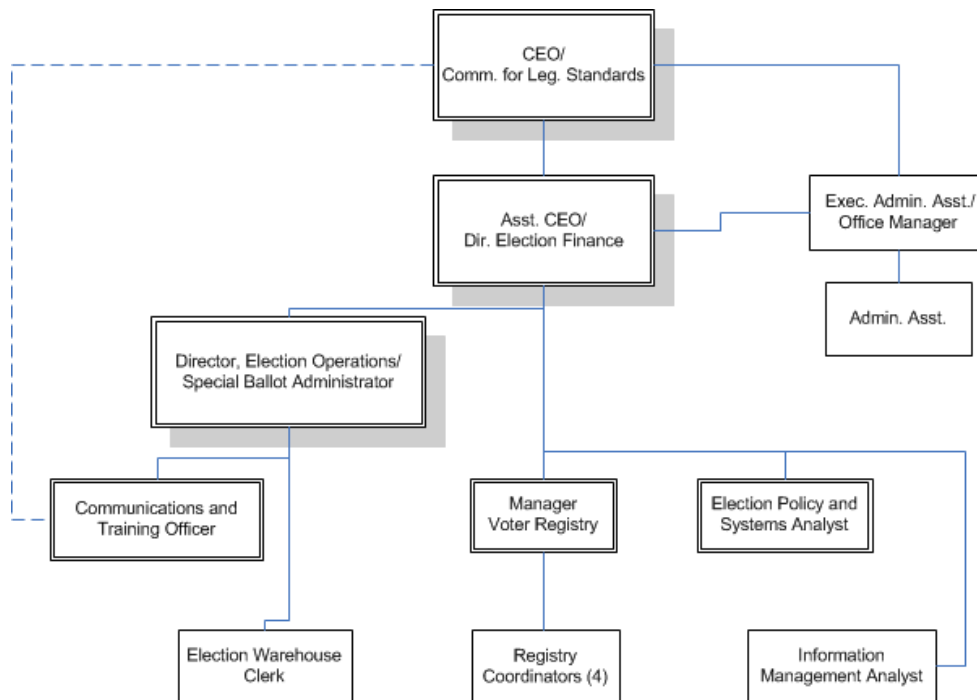
The Office of the Chief Electoral Officer (OCEO) is a non-partisan office responsible for the conduct of provincial elections, by-elections and plebiscites. The OCEO is accountable to the House of Assembly and to the people of Newfoundland and Labrador.

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

In addition to 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 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 12 permanent staff members. Of these 12, seven are women, four are men, and one position is currently vacant.



For the fiscal year ending March 21, 2013, the operating budget for the office was \$1,422,700.

The OCEO is located at 39 Hallett Crescent, St. John's, in the O'Leary Industrial Park. The telephone number is 729-0712 (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 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 by 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 the Right to Vote

Every Canadian citizen who is normally 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 maintaining inventory of supplies; preparation and distribution of materials to electoral districts; designing and conducting training; 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, informational brochures, paid advertising, press releases and media 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) 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 2012-13 reporting period, the Office of the Chief Electoral Officer experienced the following notable highlights and accomplishments:

- Initiated a redesign process for election forms in preparation for the 2015 General Election.
- Explored new delivery options for future election training.
- Initiated a review of voting procedures to identify potential process improvements.

REPORT ON ISSUES

Issue: Preparedness and Maintenance

The OCEO is expected to maintain a constant state of preparedness for elections and by-elections. Therefore, the 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 the OCEO is responsible for the maintenance of the voters list, along with electoral boundary work.

Goal	
By March 31, 2014, the Office of the Chief Electoral Officer will have enhanced its ability to maintain the Voter Registry.	
Objective	
By March 31, 2013, the Office of the Chief Electoral Officer will have continued to incorporate multisource data and explore additional sources.	
Measure	
<ul style="list-style-type: none"> Incorporated new data and explored options for a comprehensive electoral management computer system. 	
Indicators	Actual Performance
<ul style="list-style-type: none"> New data incorporated. 	<ul style="list-style-type: none"> New data was incorporated from: provincial municipalities; municipal engineering departments (which included new addresses and civic numbers); and, Vital Statistics (which included deceased persons and name changes). The Voter Registry division also received many calls and applications from electors around the province who wished to either be added to the voters list or to update their information. The process of incorporating new data is quite lengthy and requires significant grooming and analysis prior making actual changes. During the 2012-13 reporting period, the Voter Registry division was particularly active with municipality work. Over 200 towns and communities were contacted by Elections Newfoundland and Labrador (ENL) to arrange for the exchange of voter data in anticipation of the municipal elections coming up in September 2013.

<ul style="list-style-type: none"> Options explored for a comprehensive electoral management system. 	<ul style="list-style-type: none"> The OCEO continued its exploration of tools and techniques that contribute to the facilitation of efficient and cost-effective election operations. OCEO met with an election technology vendor in November 2012 to preview a potential solution to assist in facilitating comprehensive election management.
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DISCUSSION OF RESULTS

Issue: Preparedness and Maintenance

During the reporting period, the OCEO continued to work toward the goal of enhancing the ability to maintain the Voter Registry by meeting the annual objective. In addition to performing regular, daily maintenance to the voters list, the Voter Registry division had a particularly successful year in its partnership with provincial municipalities. In anticipation of the September 2013 municipal elections, ENL contacted over 200 towns and communities to arrange for the delivery of the provincial voters list. This is part of a data-exchange agreement that ENL has with the municipalities. After the municipal elections, the towns and communities will return the voters lists to ENL with the updates and changes they received during the elections.

During the same reporting period, the OCEO continued its exploration of tools and techniques that contribute to the facilitation of efficient and cost-effective election operations.

Objective (2014)
By March 31, 2014, the Office of the Chief Electoral Officer will have improved voter information in support of the 2015 Provincial General Election.
Measure
Improved availability of voter information in preparation for the 2015 Provincial General Election.
Indicators
<ul style="list-style-type: none"> New options explored for making election information accessible to the public.

OPPORTUNITIES AND CHALLENGES

The OCEO is active in its partnerships with other elections offices across the country. Staff members from the office have been able to exchange ideas with other jurisdictions and this presents the opportunity to improve election materials and processes in time for the next election in 2015.

An ongoing challenge for the OCEO is that the office must be in a state of constant readiness because by-elections can be called at any time. The call of a by-election has the potential to hinder progress on planned improvements to processes and procedures but also provides the opportunity to test process improvements.

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 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 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, in the O'Leary Industrial Park. 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.

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 of 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 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'.

Goal	
By March 31, 2014, the Commissioner for Legislative Standards will have facilitated member compliance with legislative requirements regarding annual disclosure statements.	
Objective	
By March 31, 2013, the Commissioner for Legislative Standards will have continued to support members in the filing of their annual disclosure statements.	
Measure	
<ul style="list-style-type: none"> Supported members to ensure that all necessary information has been collected for annual disclosure statements. 	
Indicators	Actual Performance
<ul style="list-style-type: none"> Ensure all new members receive all necessary information regarding annual disclosure statements. 	<ul style="list-style-type: none"> There were no new members during the 2012-13 reporting period.
<ul style="list-style-type: none"> Review all member disclosure statements. 	<ul style="list-style-type: none"> All of the 48 member disclosure statements were received and reviewed by March 31, 2013. 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.

<ul style="list-style-type: none"> Identify any potential conflicts of interest and work with members to resolve issues as necessary. 	<ul style="list-style-type: none"> The Commissioner continues to provide advice to members on issues as they arise. These issues are reported separately to the members or the appropriate authority as required by the Act.
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DISCUSSION OF RESULTS

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

Objective (2014)
<p>By March 31, 2014, the Commissioner for Legislative Standards will have continued to support members in the filing of their annual disclosure statements.</p>
Measure
<p>Supported members to ensure that all necessary information has been collected for annual disclosure statements.</p>
Indicators
<ul style="list-style-type: none"> Ensure all new members receive all necessary information regarding annual disclosure statements. Review all member disclosure statements. Identify any potential conflicts of interest and work with members to resolve issues as necessary.

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 2013 (Unaudited)

Financial Statements: April 1, 2012 – March 31, 2013

	Actual	Estimates	
		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	907,534	911,700	951,700
02. Employee Benefits	2,932	5,000	5,000
03. Transportation and Communications	24,071	62,000	62,000
04. Supplies	11,285	12,000	12,000
05. Professional Services	60,668	70,000	70,000
06. Purchased Services	142,948	163,000	163,000
07. Property, Furnishings and Equipment	8,634	9,000	9,000
10. Grants and Subsidies	80,884	150,000	150,000
	1,238,956	1,382,700	1,422,700
02. Revenue - Provincial	(8,687)	-	-
Total: Office of the Chief Electoral Officer	1,230,269	1,382,700	1,422,700
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	1,230,269	1,382,700	1,422,700
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	1,230,269	1,382,700	1,422,700