

Office of the Chief Electoral Officer
Commissioner for Legislative Standards

ANNUAL PERFORMANCE REPORT

2013-2014



2013-2014

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

It is with great pleasure that I present the 2013-14 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, 2014.

This report was prepared under my direction in accordance with the *House of Assembly Accountability, Integrity and Administration Act*, based on the requirements for a Category 2 entity as per 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

TABLE OF CONTENTS

***Section A: Office of the Chief Electoral Officer* 1**

Overview 3

Role and Mandate 4

Lines of Business 5

Report of Performance 6

Highlights and Accomplishments 6

Report on Issues 7

Opportunities and Challenges 8

***Section B: Commissioner for Legislative Standards Officer* 9**

Overview 11

Role and Mandate 11

Lines of Business 12

Report on Performance 13

Report on Issues 14

***Appendix A: Financial Statements*..... 17**

Financial Statements for the OCEO and the Commissioner for
Legislative Standards (as one entity) 19

SECTION A

Office of the Chief Electoral Officer

OVERVIEW

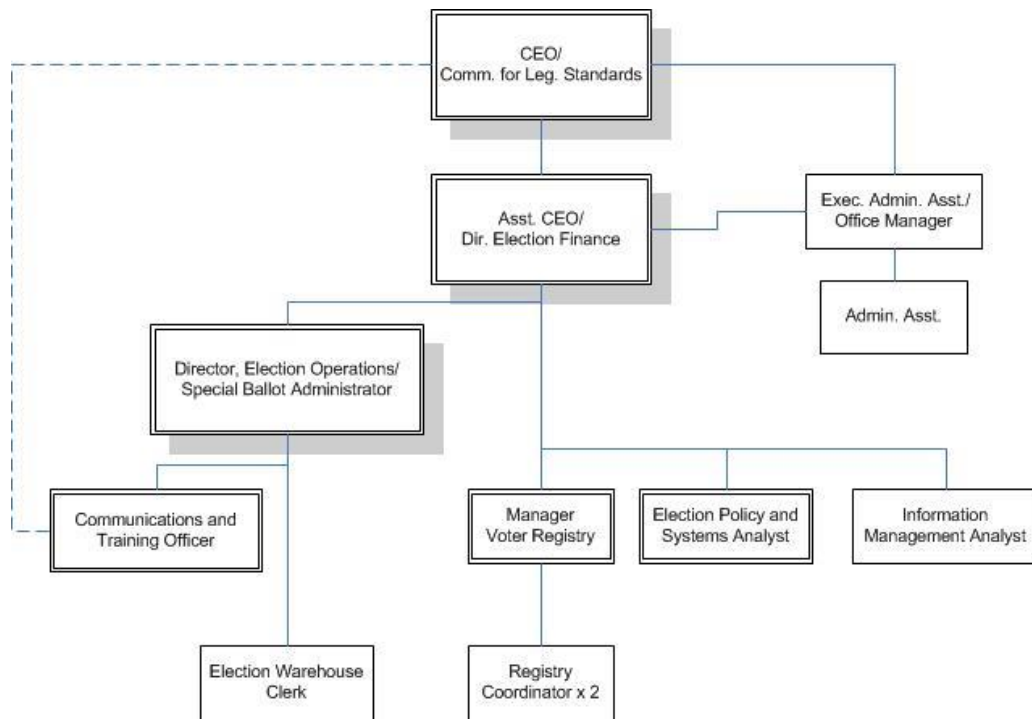
The Office of the Chief Electoral Officer (OCEO) is a non-partisan office responsible for the conduct of provincial elections, by-elections and plebiscites. The OCEO is accountable to the House of Assembly and to the people of Newfoundland and Labrador.

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, seven are women, and five are men.



For the fiscal year ending March 31, 2014, the actual expenditures for the office was \$1,419,661.

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 2013-14 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.
- Administered two by-elections during which process and quality assurance enhancements were successfully deployed.

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, 2014, the Office of the Chief Electoral Officer will have improved availability of voter information in support of the 2015 Provincial General Election.	
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 or updated street names and civic numbers); and Vital Statistics (which included deceased persons and legal 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 to making actual changes. During the 2013-14 reporting period, the Voter Registry division made over 50,000 updates to the permanent List of Electors as a result of information sharing agreements with municipalities. These updates were based on information received from municipalities as a result of municipal elections held 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. Database software was updated and new reporting and audit functionality was deployed to mitigate potential error and enhance process efficiency. OCEO is continuing to meet with technology vendors and other jurisdictions to preview potential solutions to further assist in facilitating comprehensive and efficient election management within a quality assurance framework.
---	---

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 as a result of partnerships with provincial municipalities. The OCEO provided over 200 municipalities with voter lists to support the administration of municipal elections that were held September 2013 and continued to assist municipalities throughout 2013-2014 through the provision of voters lists in support of municipal by-elections. As a result of the reciprocal nature of the data-sharing agreements, these lists were returned with required updates to electoral data identified during municipal 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.

OPPORTUNITIES AND CHALLENGES

The OCEO is active in its partnerships with other electoral 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. Based on learning from jurisdictional analysis and review, the office has identified the opportunity to initiate and foster enhanced inter-departmental sharing of data among provincial departments to maintain more current electoral data.

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 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 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, 2014, 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 two new members during the 2013-14 reporting period. Upon their election, the Commissioner provided the new members with the forms and guidelines necessary to prepare their disclosure statements. The members filed their disclosure statements within 60 days of their election as required by subparagraph 20(a)(iv) of the <i>House of Assembly Act</i>.

<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, 2014. The review process of members' filings can take considerable time as it involves back and forth communication between the members and the Commissioner.
<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, on a confidential basis, to members on issues as they arise. These issues are reported separately to the members or the appropriate authority as required by the Act.

DISCUSSION OF RESULTS

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

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 2014 (Unaudited)

Financial Statements: April 1, 2013 – March 31, 2014

	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	1,032,234	1,032,300	869,700
02. Employee Benefits	3,535	4,100	4,500
03. Transportation and Communications	82,680	83,700	50,300
04. Supplies	12,821	12,900	9,000
05. Professional Services	58,318	59,300	88,000
06. Purchased Services	209,750	210,300	146,000
07. Property, Furnishings and Equipment	7,011	7,100	7,000
10. Grants and Subsidies	13,312	16,400	-
Total: Office of the Chief Electoral Officer	1,419,661	1,426,100	1,174,500
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	1,419,661	1,426,100	1,174,500
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	1,419,661	1,426,100	1,174,500