

Office of the Chief Electoral Officer
Commissioner for Legislative Standards

ANNUAL PERFORMANCE REPORT

2016-2017



2016-2017

MESSAGE FROM THE CHIEF ELECTORAL OFFICER / COMMISSIONER FOR LEGISLATIVE STANDARDS

It is with great pleasure that I present the 2016-17 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 enforcement of Conflict of Interest provisions under the *House of Assembly Act (Part II – Conflict of Interest)*. 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, 2017. 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

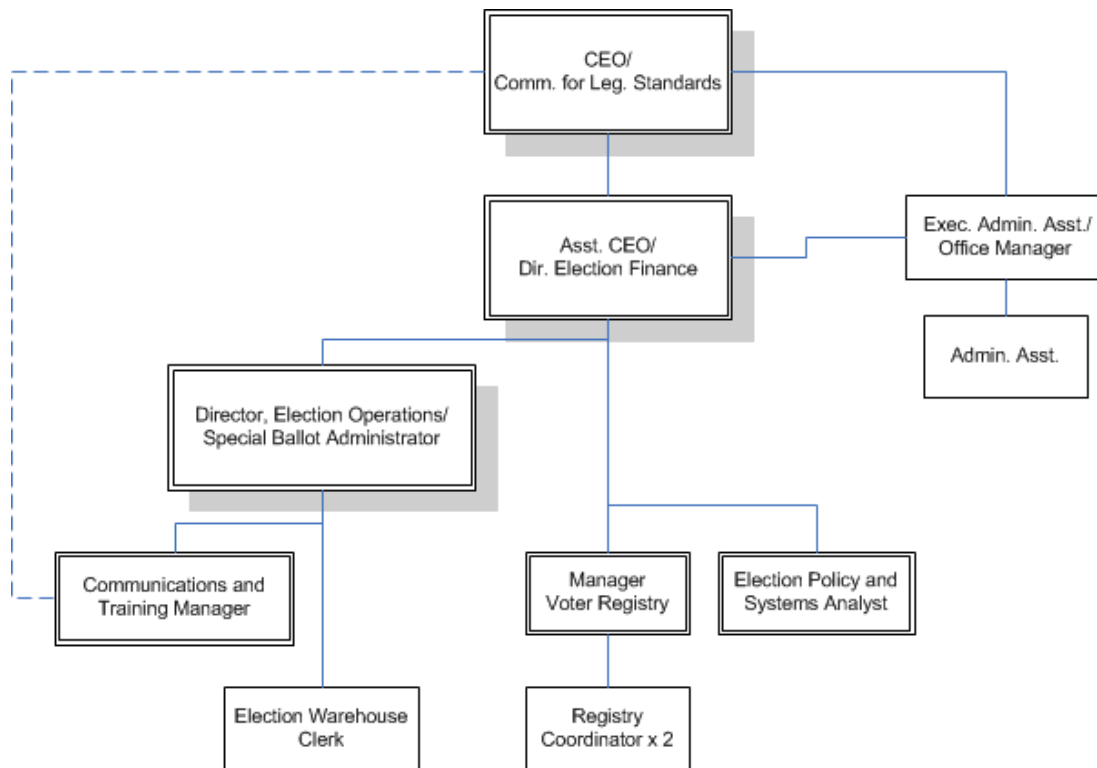
The Office of the Chief Electoral Officer (OCEO) is a non-partisan office responsible for the conduct of provincial elections, by-elections and plebiscites. The OCEO is accountable to the House of Assembly and to the people of Newfoundland and Labrador.

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 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 11 permanent staff members. Of these positions, six are women and five are men.



For the fiscal year ending March 31, 2017 the program expenditures for the office were \$1,686,767 (refer to Appendix A for detailed program expenditures).

The OCEO is located at 39 Hallett Crescent, St. John's, in the O'Leary Industrial Park. 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 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;
- 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 Operations

Preparation for an election is a continuous process consisting of a variety of duties and responsibilities including: analyzing voter data and trends; designing and conducting training; providing support to election officials; preparation and maintenance of communication channels with internal and external stakeholders; continued revision of forms and administrative documentation; maintenance of supply inventories; and preparation and distribution of materials to electoral districts.

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 redistributions.

The exchange of information with federal, provincial and municipal governments and the continued 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 Finance area provides 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 political parties and election events.

Communications

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

REPORT ON PERFORMANCE

HIGHLIGHTS AND ACCOMPLISHMENTS

The following highlights and accomplishments were completed during the 2016-17 reporting period.

- Explored new delivery options for future election training

- Completed audits of 126 candidate election returns from the 2015 General Election
 - Issued election expense reimbursements to eligible candidates
 - Issued nomination fee reimbursements to eligible candidates

- Provided professional advice and services to School Districts
 - School District Elections were held across the province for the first time since the amalgamation of the regional School Boards into the respective English and French School Districts. Elections NL provided support to the districts through correlation of school district zones to provincial electoral districts and polls in order to generate and supply voter lists, preparation of district maps, provision of election supplies, and assistance with logistics, resources and staffing.

- Updates made to over 52,000 elector records along with adjusting and updating several hundred poll boundary descriptions.

- Completed performance reviews of Returning Officer and Returning Officer Coordinators for all 40 Electoral Districts
 - Recommendations were presented with respect to areas in which additional training was required, districts in which technical or resource challenges were encountered, recommendation of which Returning Officer and Returning Officer Coordinators should be retained for future events, and what resourcing needs are required going forward.

- Completed audit of approximately 20,000 electors sworn in at regular polls and updated the Provincial Permanent List of Electors to include these electors.

- Mr. Bruce Chaulk was appointed as Chief Electoral Officer on December 12, 2016.

REPORT ON ISSUE**Issue: Preparedness and Maintenance**

The OCEO is expected to maintain a continued 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.

The same objective and indicators identified in this report apply to the entire planning cycle for the Office of the Chief Electoral Officer.

Objective	
By March 31, 2017, 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.	
Indicators	Actual Performance
<ul style="list-style-type: none"> 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). During the 2016-17 reporting period, the Voter Registry division made over 52,000 updates to the permanent List of Electors as a result of information sharing agreements.
<ul style="list-style-type: none"> Apportioned population to polling divisions within established districts. 	<ul style="list-style-type: none"> During the 2016-17 reporting period, work was completed by OCEO to apportion polling divisions based on the number of registered electors in order to better prepare for and administer future electoral events
<ul style="list-style-type: none"> Explored options for future developments and improvements to electoral management system. 	<ul style="list-style-type: none"> OCEO in conjunction with OCIO explored potential technological and process improvements that could be utilized for comprehensive and efficient election management through its regular collaboration with other jurisdictions.

DISCUSSION OF RESULTS

Issue: Preparedness and Maintenance

During the 2016-17 reporting period, the OCEO continued to successfully enhance its ability to manage and improve voter registry operations. Technical solutions to various operational challenges have been developed and requirements documents to implement those solutions have been drafted. Voter Registry procedures continued to be reviewed and improved to facilitate more streamlined communication with our strategic partners. There has also been a focus on communication with Provincial Returning Officers to enable more consistency in approaches to the management and maintenance of poll boundary information.

During this period, the OCEO continued to enhance its business partnerships and worked closely with the Newfoundland and Labrador Statistics Agency, as well as federal and municipal partners to manage, maintain and update the voter registry. In addition the OCEO was actively engaged in support of the municipal elections that were held in September of 2017. Most prominently, this entailed drafting of updated Information Sharing Agreements with all municipal jurisdictions in the province, supplying each municipality with an updated list of electors, and providing professional advice on electoral matters.

This reporting period also saw the completion of poll boundary design work and subsequent updates to elector records. In addition, the OCEO provided several municipalities with assistance through generation of electoral lists during the administration of by-elections, as well as one municipal plebiscite.

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 the ability to exchange ideas with other jurisdictions and this presents the opportunity to explore improvements to election materials and processes for the next provincial general election in 2019.

An ongoing challenge for the OCEO is that the office must be in a state of continued readiness because by-elections can be called at any time. Though the call of a by-election has the potential to hinder progress on planned improvements to processes and procedures, by-elections also provide the opportunity to test new ideas and processes on a smaller scale.

The OCEO has also identified an increasing trend of voting in Newfoundland and Labrador through Advance Polls. As the volume of voting during Advance Poll days increases it challenges the available resources and timelines of deliverables within an election calendar, however this challenge gives the OCEO the opportunity to find innovative, efficient, and effective solutions to meet this growing trend of Advance Poll voting.

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

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 planning cycle for the Commissioner for Legislative Standards.

Objective	
By March 31, 2017, the Commissioner for Legislative Standards will have facilitated member compliance with legislative requirements regarding annual disclosure statements.	
Indicators	Actual Performance
<ul style="list-style-type: none"> • Provide support to members, as necessary. 	The Commissioner provided the members with the forms and guidelines necessary to prepare their disclosure statements.
<ul style="list-style-type: none"> • Review 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.
<ul style="list-style-type: none"> • Provide advice to members, as necessary. 	The Commissioner provided advice, on a confidential basis, to members on issues as they arose.

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 2017

Financial Statements: April 1, 2016 – March 31, 2017

	<u>Actual</u>	<u>Estimates</u>	
		<u>Amended</u>	<u>Original</u>
	\$	\$	\$
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	902,901	909,000	909,000
Operating Accounts:			
<i>Employee Benefits</i>	1,346	4,500	4,500
<i>Transportation and Communications</i>	23,564	46,900	46,900
<i>Supplies</i>	3,726	6,600	9,000
<i>Professional Services</i>	35,355	35,400	33,000
<i>Purchased Services</i>	141,302	146,000	146,000
<i>Property, Furnishings and Equipment</i>	4,538	7,000	7,000
02. Operating Accounts	209,831	246,400	246,400
10. Grants and Subsidies	574,222	574,500	500,000
	1,686,954	1,729,900	1,655,400
02. Revenue - Provincial	(187)	-	-
Total: Office of the Chief Electoral Officer	1,686,767	1,729,900	1,655,400
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	1,686,767	1,729,900	1,655,400
TOTAL: OFFICE OF THE CHIEF ELECTORAL OFFICER	1,686,767	1,729,900	1,655,400