

September 2, 2016

Standing Committee on Rules and Procedures
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9

Dear Members of the Standing Committee on Rules and Procedures,

Re: Opportunities for more open and transparent elections

OpenNWT is a non-profit organization that works to make government in the Northwest Territories more open, transparent and accountable. An important part of this goal is how elections are operated. OpenNWT has developed five specific recommendations for electoral reform here in the Northwest Territories. Each of the following recommendations has been developed to enhance and strengthen our census system, and to provide more accountable, transparent elections.

The five recommendations are:

1. Change the voting system from “first-past-the-post” to “ranked voting”
2. Implement a reimbursement program for campaign expenses
3. Lower campaign spending limit to \$20,000 and designate an additional \$10,000 travel amount
4. Cap personal contributions to the greater of 25% of expenses or \$7,500
5. Mandate that Elections NWT follow the principals of open government and has oversight provided by the ATIPP Act

More information on each of the five recommendations is included in the attached submission, and I would be happy to answer any additional questions regarding these recommendations when Standing Committee holds public hearings on the matter.

Regards,



David Wasylciw
Chair, OpenNWT

Cc:

Members of the 18th Assembly

Opportunities for more open and transparent elections Recommendations to Standing Committee on Rules and Procedures

Electoral Reform

One of the most important parts of how a democracy works is the actual mechanisms behind our elections. In the NWT, we currently utilize a “first past the post” system like the rest of Canada to elect a consensus government that then selects a Premier and Executive Council from amongst those elected. Our unique system of government deserves a better approach to electing candidates that better follows the principals of consensus government.

Recommendation 1: Change the voting system from “first-past-the-post” to “ranked voting”

First, the voting system recommended by OpenNWT, and the most “consensus-like” model of voting, is a called ranked voting. In a ranked voting system, the successful candidate ends up having a majority of the votes in the riding. In this system when residents vote they rank their choices of candidate on the ballot in order of preference. If, after the first count, no candidate achieves 50.1% of the vote, the last place candidate is dropped and the second choices indicated on those votes are applied. This continues until one candidate has a majority of votes in the riding. Similar systems are currently successfully used in democracies around the world.

Since the NWT’s current system of government does not include political parties, systems of proportional vote systems are not applicable. However, counting ballots through a ranked voting system would be similar to the Alternative Vote system used in Australia’s lower house of Parliament and earlier this year, the Government of Ontario passed a bill to modernize municipal elections¹ which will allow municipalities to use ranked ballot voting as soon as 2018.

Improving Campaign Finance Rules and Regulations

Campaign financing is another important aspect of elections in the NWT. Financial considerations are often seen as a barrier to running for office, and in general far too often money can be an influencing decision in politics. The recommendations included below seek to reduce the impact of money on

¹ Ontario Passes Legislation to Allow Ranked Ballot Option for Municipal Elections,
<https://news.ontario.ca/mma/en/2016/06/ontario-passes-legislation-to-allow-ranked-ballot-option-for-municipal-elections.html>

elections so that elections become more about the ideas a candidate has rather than how many ads they can afford to run.

Recommendation 2: Implement a reimbursement program for campaign expenses

As the Auxiliary Report of the Chief Electoral Officer on Issues Arising from the 2011 General Election indicated public financing or allowances for campaigns is the primary jurisdictional distinction in campaign finance regimes across Canada. The basic idea is that a candidate who receives a representative sample of the vote (i.e. 10%) receives a reimbursement of campaign expenses. This system exists in Canada at the Federal level², most provincial/territorial systems and even some municipal systems. Manitoba's reimbursement program additionally covers up to 100% of reasonable child care and disability expenses³. Financing of elections this way would make the NWT a leader amongst the territories, and more importantly, would increase the viability of campaigning for those who would not normally consider putting their name forward. In line with the 18th Assembly's mandate commitment to improve access to elections for women, this would improve the ability of those candidates that might not have access to personal funds to enter NWT politics.

The overall expense to Elections NWT would be relatively small, for example, if none of the candidates in the 2011 election had received any contributions and the public financing was set at a 50% expense reimbursement for those candidates that receive 15% of the vote, both reasonable percentages, the cost would have been only \$174,908. If contributions received were included in the calculation the cost would have been only \$52,249. In the 2015 election, if all contributions were ignored, the cost of such a program would have been \$96,700, and if contributions were received it would have cost only \$44,000. While the existence of a program like this would cause a slight bump in spending, it would be balanced by the other recommendations below.

This expense is an important balance on the electoral system to remove money as a defining part of the equation. Looking at campaigns across the NWT, money is clearly not the defining factor in success; however, it is a clear differentiator and a clear concern of potential candidates entering politics. The possible financial cost to the NWT can be controlled by adjusting the total campaign spending limit and the percentage of reimbursement.

² Elections Canada, Campaign Financing, <http://www.elections.ca/content.aspx?section=pol&dir=can/man/ec2015&document=p3&lang=e>

³ Elections Manitoba, Reimbursement Program <http://www.electionsmanitoba.ca/en/Finance/Reimbursement>

Recommendation 3: Lower campaign spending limit to \$20,000 and designate an additional \$10,000 travel amount

Linked to a reimbursement of campaign expenses, it is also worth considering the overall expense limit for campaigns. Currently set at \$30,000, the cap is reached by few candidates and provides ample room for most campaigns. Often, the argument used for maintaining a high expense limit is inter-community travel for those running in geographically diverse ridings. However, in the 2011 election only three candidates spent more than \$20,000, each of those in Yellowknife ridings, which would not have faced any travel expenses. In fact, the overall average spending for the 2011 election was \$7,925. If the Yellowknife ridings are removed from the equation, the average campaign spending drops to only \$5,875. The numbers would suggest that all the higher expense cap has done is enable higher spending in Yellowknife rather than enable those in spread out ridings to spending more money traveling.

Further to that, the average spend of all successful candidates was \$12,950, and when Yellowknife candidates are removed from the calculation, the average spend for successful candidates is only \$8,948. This clearly demonstrates that the current expense cap is not a determining factor, nor is it used in the ridings where one would expect it to be most useful. If the expense cap were to be lowered to \$20,000 with an additional \$10,000 travel amount set aside specifically for travel (as Federal campaign law allows for) it would limit the expense of public campaign financing without materially affecting the average campaign. Candidates would also be able to spend money on travel from the overall spending cap of \$20,000, but by having an additional amount for travel it addresses the concerns of limiting travel.

Recommendation 4: Cap personal contributions to the greater of 25% of expenses or \$7,500

It is also important to consider the impact of unlimited personal contributions on the electoral system. In the current system, candidates may receive a tax receipt from their campaign for up to the \$1,500 contribution limit; however, candidates are also able to contribute as much additional funding to their campaign as they need and can afford.

Some limits to the amount that a candidate can contribute may be warranted to ensure a level playing field. Limiting a candidate's contribution to the legal maximum of a donation, or linking a candidate's self-financing of their campaign to a percentage of the total expense from the campaign would be an important change to the finance regime. Again, this would be an additional tool to increase participation in politics from those candidates that might not consider running due to the financial considerations. At the same time, it would "level the playing field" to equalize those with considerable personal resources and those without.

General

Recommendation 5: Mandate that Elections NWT follow the principals of open government and has oversight provided by the ATIPP Act

This is an overarching recommendation that can be applied to any organization associated with the Legislative Assembly or the Government of the Northwest Territories. Elections NWT should be mandated to follow the principals of open government and open data. The Open Government Partnership's Open Government Declaration⁴, as agreed to by Canada and a number of provincial governments seeks to improve the availability of government activities by ensuring that information, including raw data, is published in a timely manner and in formats that easily facilitate reuse by the public. To enable access to election records for those living across the territory it is even more vital that elections data and information be made available online. In the past many records could only be viewed in person at the Elections NWT office. While this is starting to change it should be a key part of the Elections NWT mandate.

Additionally, through this recommendation OpenNWT seeks to make sure that government organizations are proactive about providing information and have oversight for the times when they do not. At the moment, Elections NWT is not covered by the Access to Information and Protection of Privacy (ATIPP) Act and this should change.

Learn more about OpenNWT at OpenNWT.ca, or follow us on Twitter [@OpenNWT](https://twitter.com/OpenNWT)

⁴ Open Government Partnership, <http://www.opengovpartnership.org/about/open-government-declaration>

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