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

Dear Standing Committee Members,

Re: Review of the Report of the Chief Electoral Officer on the Administration of the 2015 General Election

Thank you very much for soliciting feedback from candidates regarding the 2015 general election. Overall, the administration of the election went well and was without significant flaws, although there is always room for improvement.

This submission includes overarching comments about the election and electoral policy in the NWT, as well as feedback and recommendation from the election itself. Finally, I have also included a number of comments regarding the Report of the Chief Electoral Officer on the Administration of the 2015 General Election.

Judging the success of an election is a difficult thing - If it is measured by complaints, or accuracy of counts then certainly the 2015 general election was a success. However, if measured by turnout and media coverage the results from 2015 are more mixed. Turnout in small communities continued to be quite high whereas turnout in Yellowknife has continued to drop. A number of factors could have influenced this including incorrect names on the voter list inflating voter totals, election fatigue from the number of elections in a short period, cold weather or simply disenfranchisement of the entire process. This must be considered by the 18th Legislative Assembly to do what they can to engage residents. It is incumbent on everyone – MLAs and regular citizens alike - to ensure the strength and resilience of our northern democracy.

One overarching comment on the Report of the Chief Electoral Officer on the Administration of the 2015 General Election is that the report places significant focus on moving elections online through online marketing, online voting and online administration. It is important to remember that connectivity in the NWT can be quite limited at times with most communities (including Yellowknife) existing with only a single connection to the internet and no redundancy. Other communities have such limited bandwidth that the entire community shares the equivalent of a single high-speed cable modem for the entire community.

Certainly, improvements can be made to back end services, but it is important to remember that the internet isn't the be all and end all of public services. With voter turnout mixed across the territory, no one living in their community is more than a 10 or 15 minute drive from a polling station. Moving voting online isn't a magic elixir to improve voter engagement. It is important to look beyond the allure of making voting as easy as clicking "Like" on Facebook and truly consider how the public can be better engaged.

In the same vein, the continual extending of advance voting opportunities has gone far beyond the original purpose of providing limited advanced opportunities for electors to cast the vote in case they were unavailable. As more and more advance days become available, it reduces the impact of the actual polling day and the campaign.

Also of continuing concern is that the mandate of Elections NWT continues to not include getting more candidates running, encouraging and simplify the process of running or making elections more accessible to candidates. For the past number of elections, while there have been minor improvements to the campaign process there have been no significant efforts undertaken to encourage more candidates of all types. This needs to change.

Thank you for taking the time to review submissions and if you have any questions or would like to follow up on any of the issued I raised please feel free to contact me at david@wasylciw.com or 867-446-3059.

Regards,



David Wasylciw

Submission to the Standing Committee on Rules and Procedures regarding the 2015 General Election

General Comments on the 2015 General Election

General comments and recommendations on the 2015 election based on my election experience have been included below and are organized into a number of broad categories. As well, a summary of the recommended changes/improvements is included.

Summary of Recommendations:

General

1. This decision [to delay NWT elections in case of overlap with Federal elections] should be changed to move elections six weeks earlier, rather than eight weeks later.

Voter Turnout / Disenfranchisement

2. The NWT should move to a four month residency requirement [for voter eligibility] so that new northerners are a more welcome part of our community.
3. The deadline [for revisions to the voter list] should be extended until closer to voting day.
4. If early voting opportunities are to continue they should start two days earlier as it would provide an opportunity for those going to camps to vote.
5. Voting in the Office of the Returning Officer should return to being available for an entire day without the mid-day closure as has been the case in the past.
6. Multidistrict polls should be available at every mine site with a high percentage of NWT residents employed.
7. Elections NWT should partner with all mining companies to ensure that considerable communication is sent to workers about what identification they need to vote at multidistrict polls (whether they are on the list or not).
8. All voting locations should be easily accessible by transit (where communities have transit), and be easily accessible on foot.

Administrative Issues

9. Campaign packages should be available to candidates to review in advance of the dropping of the writ.
10. Elections NWT should ensure that all PDF forms in campaign packages have "saving" enabled.
11. To streamline the nomination process, remove the requirement for nomination signatures (or, at minimum, lower the required number to 1 or 2 signatures).

12. Elections NWT should provide the systems to ensure that the same information need only be entered in financial reports once.
13. The ability to issue digital tax receipts should be investigated as another way of reducing the administrative burden for campaigns.
14. The categorization of campaign expenses used in previous elections should be restored.
15. Importance of staff training cannot be understated and must be continually improved.
16. To improve the quality of voter lists more work, including an enumeration, needs to be completed prior to the 2019 general election.
17. Elections NWT should investigate a solution similar to the “bingo sheets” used in Federal elections, or directly entering data into their electronic system on-site throughout the Polling day.
18. Efforts need to be made to improve the necessary systems so that poll results are posted earlier.
19. Candidates should be able to scrutinize the count of every vote cast in a given election.

Other Issues

20. For certain polling locations...additional non-partisan signage could be a helpful indicator [that they are polling locations and that it is Election Day].
21. A Tuesday, or Friday may be a more appropriate election day as it would allow for better local media coverage on the day before and day of.
22. The merits of creating a voting holiday should be explored based on experiences in other jurisdictions.
23. Elections NWT should run open sessions for all potential candidates and/or agents that would provide the opportunity to give general information about the process and inform them of Election Act changes between elections.
24. Elections NWT should resume soliciting input from candidates and agents directly before preparing the post-election report

Additional Issues Raised by the Report of the CEO on the 2015 General Election

25. A significantly extended term [of office for the CEO] seems to provide no benefit to the public good.
26. [CEO] position [should] turnover at the two year mark after an election..to allow for post-election follow-up.
27. A great deal of communication with residents about how the e-mail addresses will be used and shared should be required [before they are added to the voters list].
28. If e-mails are to be collected, it may be worth exploring the collection of telephone numbers as well.

29. More should be done to verify the permanent list and in communities with significant turnover of population perhaps a limited enumeration should be completed.
30. If this recommendation [limiting third party campaign advertising spending] is adopted...require significant consultation with the NGO community and that any requirements do not place an undue burden on those organizations.
31. Elections NWT could employ the use of courier services and prepaid return courier services to deliver/receive absentee ballots [to quicken the process].
32. If in the next election, the NWT moves to implement electronic voting, it should actually reduce and nearly eliminate the need for advance voting opportunities as you could vote from anywhere on polling day.
33. Any extension of the early voting opportunities needs to be carefully weighed against the negative consequences to the campaign period and fairness to candidates.
34. The [Elections] Act should not be changed to remove the ability for candidates to provide oversight of the count [of advance votes or votes cast in the Office of the Returning Officer].
35. Requirements to publish election information in northern newspapers should remain as it is an important way to keep citizens informed.
36. This [candidate pre-registration] could be better addressed through initiatives like community workshops for potential candidates rather than creating additional red tape and bureaucracy.
37. This [combining Elections NWT and MACA's Municipal Elections Office] seems like a clear cost savings/efficiency for the GNWT.
38. The Elections NWT mandate should be further expanded to provide additional resources for potential candidates and to promote the idea of running at a territorial level.

Detailed Feedback and Comments

General

- Election Timing
 - In a year with multiple, overlapping elections, the 17th Legislative Assembly made a decision to delay the next territorial election by eight weeks to avoid any campaign overlap. This moved the territorial election from October 5th, to November 23rd. I believe that this decision could be improved upon. **(1) This decision should be changed to move elections six weeks earlier, rather than eight weeks later.** An earlier election would avoid voter fatigue and allow candidates to campaign in warmer weather. This would simplify putting up signs, hanging out campaign material and talking to residents at their doors.

- In the Report on the 2015 General Election, a similar recommendation is included (CEO Recommendation 8) except with the suggestion that elections be held in late spring or early summer. This would either involve significantly shortening, or lengthening the term of a given Legislative Assembly. In either case, this could leave legislative business unexpectedly unfinished, or unduly extend the term of elected officials, which is not always popular with the electorate. By moving a month ahead of a scheduled date with overlap, it should ensure that a territorial campaign happens outside a federal writ period.

Voter Turnout / Disenfranchisement

- Eligibility to Vote
 - Currently, the legislated voter eligibility residency requirement for new residents is set to 1 year which prevents new northerners from voting. A number of residents in the Frame Lake riding indicated that they were (relatively) new to the NWT, and would not be able to vote due to this requirement. Most other jurisdictions in Canada have a much shorter timeframe. **(2) The NWT should move to a four month residency requirement so that new northerners are a more welcome part of our community.** The Report on the 2015 General Election included a recommendation to move residency to a 6 month period (CEO Recommendation 5), although again, this would continue to disenfranchise new residents to the NWT that move in at typical moving times (spring).
- Voters list edits closed too early (9th of November)
 - The revisions to the Voters List closed on November 9th which contributed to the low quality of the voters lists. **(3) This deadline should be extended until closer to voting day** as it would simplify the Election Day process for residents. It would also improve the ability for names to be struck from the list, and voters to register in advance.
- Voting in the Office of the Returning Officer
 - Voting in the Office of the Returning Officer begins only two weeks in advance of polling day. However, many residents of the NWT work two week shifts at mining camps, which makes it difficult for those individuals to vote. For example, in this election period, early voting opportunities opened on the morning of November 11th at 11am. Current camp schedules have workers leaving for camp on either the Tuesday or Wednesday morning. If those same voters had applied for an absentee ballot there is a good chance they would not have received it in time for their shift at camp (and many wouldn't think the process applicable).

(4) If early voting opportunities are to continue they should start two days earlier, it would provide an opportunity for those going to camps to vote.

- In addition, the split-shift hours of the Returning Officers offices were problematic for a number of residents. A number of people complained to my campaign about the split shift hours. **(5) Voting in the Office of the Returning Officer should return to being available for an entire day without the mid-day closure as has been the case in the past.**

- **Multidistrict Polls**

- **(6) Multidistrict polls should be available at every mine site with a high percentage of NWT residents employed.** This is especially the case on sites where workers are employed on a 2 week rotation basis as those workers are unable to vote in advance in their community.
- **(7) Elections NWT should partner with all mining companies to ensure that considerable communication is sent to workers about what identification they need to vote at multidistrict polls (whether they are on the list or not).** This was compounded by the early closing of the voter list which makes it more difficult for residents outside of Yellowknife to vote (as they are not on the list and need more documentation).

- **Poll Locations**

- Specifically, the poll location for Frame Lake has been William MacDonald School for a number of elections. This location has been complained about in the past, and the problems remain. It is inaccessible to transit, out of the way and difficult for residents without cars to access.
- **(8) All voting locations should be easily accessible by transit (where communities have transit), and be easily accessible on foot.** It is especially important to make sure that the voting locations aren't a barrier to any resident especially when voting occurs in the winter months which can discourage voters from making the trip.

Administrative Issues

- **Nomination packages (including signature sheets) in advance**
 - **(9) Campaign packages should be available to candidates to review in advance of the dropping of the writ.** This would allow candidates to study the new packages, identify any concerns or questions so that when the writ period begins, potential candidates have had the opportunity to address basic questions.

- Nomination and Candidate Financial Information Forms
 - This was the first year of a new type of digital election packages from Elections NWT. However, the forms provided could not be saved, and information reset upon closing the file. This was extremely frustrating and caused much wasted time for the campaign team while re-entering information. **(10) Elections NWT should ensure that all PDF forms in campaign package have “saving” enabled.**
 - The requirement for candidate to obtain 15 nomination signatures is out dated and does not serve any particular purpose, beyond proving that a candidate either knows 15 people in a riding, or can cold knock on 15 doors in the riding to get the necessary signatures. Many electors do not seem to be aware that nomination signatures are not an endorsement of a candidate, or even a commitment to vote for them, they simply enable a potential candidate to take part in the electoral process. **(11) To streamline the nomination process, remove the requirement for nomination signatures (or, at minimum, lower the required number to 1 or 2 signatures).**
 - Rather than entering names and addresses separately to track campaign contributions and separate paper tax receipts, **(12) Elections NWT should provide the systems to ensure that the same information need only be entered in financial reports once.** Duplicating information provides little value and simply adds burden for campaign agents.
 - **(13) The ability to issue digital tax receipts should be investigated as another way of reducing the administrative burden for campaigns.** This was requested by a number of contributors who also pointed out that local sports and recreational organizations are often able to do this.
 - In the candidate financial information forms, Elections NWT no longer required the categorization of expenses into pre-set categories. These changes makes the information collected from candidates difficult to compare to previous election spending, and leaves too much determination up to campaigns. **(14) The categorization of campaign expenses used in previous elections should be restored.** Especially since after the 2015 election, Elections NWT categorized all of the candidate campaign expenses into these categories anyway.

- Information from Returning Officers
 - At the beginning of the campaign period, and throughout the campaign, there seemed to be issue with training around the new online systems and interpretation of the Election Act regarding nomination papers and vote count supervision. While election events happen only every four years, **(15) the**

importance of staff training cannot be understated and must be continuously improved.

- Voters list problems
 - Voter lists, while considerably improved from 2011, continued to contain a number of names of individuals that had left the north, moved, or just at the incorrect address. A number of long term residents found incorrect information. Based on my estimates at least 10-15% of extra names were on the lists. **(16) To improve the quality of voter lists more work, including an enumeration, needs to be completed prior to the 2019 election.** The number of additional names included on the list continues to exaggerate the low voter turnout issues that were widely reported after the election. Enumerations have been requested by MLAs in the past two assemblies although each time the request seems to have been rebuffed.

- Information for campaigns on election day
 - For candidates collecting information throughout the voting day can be a significant challenge. For residents that are sworn in at the polls, rather than being entered into the electronic tracking system, names were recorded manually on-site. **(17) Elections NWT should investigate a solution similar to the “bingo sheets” used in Federal elections, or directly entering data into their electronic system on-site throughout the Polling day.** This meant that campaign staff had to continually inspect and copy by hand information on additional electors. This makes get out the vote efforts more challenging than at other levels of government. Considering that candidates in the NWT have no party infrastructure to rely on, changes like this could greatly improve the ease for candidates and their volunteers.

- Elections Results
 - A number of residents complained about the slow pace of official results on election night. As a candidate, this was especially frustrating since results from individual polls seemed to be certified long before being officially published by Elections NWT. **(18) Efforts need to be made to improve the necessary systems so that poll results are posted earlier.**

- Lack of clarity for the count of advance polls (No scrutineering of advance polls)
 - Candidates were able to have scrutineers observe the regular polls and the votes cast in the Office of the Returning Officer, but were unable to observe other

advance polls. While there needs to be a balance of personal privacy (considering the low vote numbers), **(19) candidates should be able to scrutinize the count of every vote cast in a given election.**

Other Issues

- Turnout
 - While not a direct reflection on the election, an issue that came up with a number of residents was that they wanted to vote in the community they originally came from. They didn't feel Yellowknife (Frame Lake specifically) was their "home" and didn't want to vote for candidates in local ridings. This had a direct impact on voter turnout. Beyond significant communications and education about the process from Elections NWT, it is unclear what can be done about this.

- Election Day Advertising
 - After the 2011 general election it was identified that Elections NWT did not undertake significant Election Day advertising which in some case could have contributed to the low turnout. Again in the 2015 general election, Elections NWT did not do much "day of" advertising. **(20) For certain polling locations that are somewhat hidden from the road (such as Range Lake North School, William Macdonald School or even the Multiplex), additional non-partisan signage could be a helpful indicator.** The cost for non-partisan "Vote Today" type signage would be low considering the significant possible upside.

- Polling Day (of the week)
 - While discussed after the 2011 election Polling Day continues to be a Monday, and I believe this has an impact on voter turnout. Considering there is little to no local media on Sundays, and Elections NWT does not place physical advertisements near polling locations many individuals get busy, forget, or just don't set the day aside. **(21) A Tuesday, or Friday may be a more appropriate election day as it would allow for better local media coverage on the day before and day of.** The Report on the 2015 General Election includes a similar recommendation (CEO Recommendation 7), except with the suggestion of Saturday as the voting day of the week.
 - In some jurisdictions around the world voting days are holidays and are celebrated community events. In the NWT, voting days are neither. **(22) The merits of creating a voting holiday should be explored based on experiences in other jurisdictions.**

- Pre-Election Information for Candidates and Agents
 - **(23) Elections NWT should run open sessions for all potential candidates and/or agents that would provide the opportunity to give general information about the process and inform them of Election Act changes between elections.** Broadly targeted sessions could allow people considering running, or serving as an agent, to understand the process better in advance and likely lead to less process questions or issues with paperwork throughout the campaign period. Elsewhere in Canada political parties would take on this role, but since they do not exist at the territorial level, the same type of service should be provided in a non-partisan fashion.

- Post-Election Feedback
 - While the Elections Act provides for candidates and agents to provide feedback to the Chief Electoral Officer, I would suggest that **(24) Elections NWT resume soliciting input from candidates and agents directly before preparing the post-election report** similar to the Standing Committee's approach. As evidenced by the Report on the 2015 General Election included written comments from only a single candidate whereas the Report on the 2011 General Election included written comments from nine candidates.

Additional Issues Raised by the Report of the Chief Electoral Officer on the 2015 General Election

Due to the broad nature of the recommendations included in the report, I wanted to provide feedback to the Standing Committee on a number of areas that were not addressed above.

- Chief Electoral Officer Term of Office (CEO Recommendation 1)
 - The lengthening of the term of the CEO position makes sense when considered in the context of other jurisdictions; however, in the NWT the position is still relatively new standalone position and likely benefits from a turnover of incumbents to bring different approaches to the position. **(25) A significantly extended term seems to provide no benefit to the public good.** That said, there is no barrier to an incumbent CEO seeking re-appointment to the position.
 - With respect to the timing of the end of the term, **(26) it may make more sense to have the position turnover at the two year mark after an election.** This would provide a new CEO the time to prepare for an election, and enough time for the incumbent CEO to finish post-election "wrap-up". Using 12 months after

an election as a marker could be problematic, as for example it's taken nearly 10 months for the Standing Committee to begin the public review of the election report, never mind any additional follow-up.

- Collection of E-Mail Addresses on the voters list (CEO Recommendation 9)
 - As a candidate, this would be extremely useful information (if provided on the voters list); however, **(27) a great deal of communication with residents about how the e-mail addresses will be used and shared should be required.** Already, voters are occasionally surprised when they realize candidates are even provided names and addresses from the list.
 - Additionally, **(28) if e-mails are to be collected, it may be worth exploring the collection of telephone numbers as well.**

- Maintaining Permanent List of Electors (CEO Recommendation 10)
 - The continuation of the permanent electors list has been a concern of candidates and MLAs for a number of years. One of the challenges for candidates is that the list is only tested every four years. While the concept of a permanent list is a reasonable one, for whatever reason it seems to raise a number of problems especially with regards to striking old names/addresses from the list. **(29) More should be done to verify the permanent list and in communities with significant turnover of population perhaps a limited enumeration should be completed.**

- Campaigning and third party advertising (CEO Recommendation 12)
 - Limitations on third party advertising were discussed after the 2011 election with a determination that the issue could be too complex and was not a significant problem in the NWT. **(30) If this recommendation is to be adopted, I would urge the Standing Committee to require significant consultation with the NGO community and that any requirements do not place an undue burden on those organizations.** Since most third-party election advertising during the election period is by NGOs that have asked candidates questions or are promoting particular issues work needs to be done to minimize their administrative burden. As this advertising is generally non-partisan in nature it is an important distinction that must be maintained.

- Absentee Ballots (CEO Recommendations 15 and 21)
 - Understandable concerns have been raised about absentee ballots and the time required to send/receive the ballots. The preferred solution seems to be to

invest in electronic internet-based voting infrastructure. While certainly possible, this will likely lead to significant IT costs, security concerns and in general is a large scale solution. Alternatively, **(31) Elections NWT could employ the use of courier services and prepaid return courier services to deliver/receive absentee ballots.** Couriers seem to be able to securely deliver a package anywhere in Canada in a matter of days. While this wouldn't solve every situation, it would certainly be more affordable.

- Expanding Voting in the Office of the Returning Officers (CEO Recommendation 25)
 - This recommendation is special concern. Expanding advance voting in the returning officer to commence directly after the nomination period closes essentially pushes the entire election into the pre-election period, or furthers the perception of elections in the NWT as popularity contents. **To allow voting as soon as candidates have registered to vote pre-empts door to door campaigning, candidate forums, news media reporting and simply relies on initial name recognition.** This likely provides sitting MLAs a significant advantage simply due to their name recognition. **In practice, this change could move elections nearly entirely into the pre-election period.**
 - In fact, **(32) if in the next election, the NWT moves to implement electronic voting, it should actually reduce and nearly eliminate the need for advance voting opportunities as you could vote from anywhere on polling day.**
 - **(33) Any extension of the early voting opportunities needs to be carefully weighed against the negative consequences to the campaign period and fairness to candidates.**

- Count VORO Polls in Advance/Changes to allow for only a Poll Clerk to Witness counting of VORO polls (CEO Recommendation 26/27)
 - These two recommendations are connected quite closely. If, for administrative reasons, votes in the office of the returning officer are counted in advance it is suggested that candidates should not have any oversight of the count.
 - Removing the right for candidates to have scrutineers monitoring vote counting is counter to every other part of the electoral process in the NWT. If we are to expand the opportunities and importance of advance voting presumably more votes will be cast this way and observance of the count will be even more important. **(34) The Act should not be changed to remove the availability of candidate oversight from the count.**

- Publication of Election Information/Financial Reporting (CEO Recommendation 36)
 - This recommendation seeks to remove the requirement for Elections NWT to place ads in the paper publicly reporting on candidate financial information. While in this modern age, the internet provides many opportunities for more detailed reporting; in the NWT it is still important that at least some limited information be published in print media. There are a significant number of northerners that do not use Facebook, or would not view the elections website to check for such information. **(35) Requirements to publish election information in northern newspapers should remain as an important way to keep citizens informed.**
 - Elections NWT should also be congratulated for, beginning with the election of the 17th Legislative Assembly, posting detailed candidate financial reports on their website in PDF and the more reusable and open data friendly Excel file format.

- Candidate Registration (Pre-Writ Period) (CEO Recommendation 39)
 - This recommendation seems like it could lead to a number of potential policy and operational issues. Making candidates register prior to becoming candidates presumes a number of things, such as that a pre-registered candidate will actually become a candidate. If an individual changes their mind about running, or can't get the necessary nomination signatures then none of the restrictions on candidates should have applied.
 - In general the Act polices candidates for election, prior to becoming a candidate there should be no particular requirements on individuals. If they do decide to become a candidate then all of the rules apply (including retroactive ones such as pre-writ spending limits). At the same time, prior to becoming nominated as a candidate, individuals may not call themselves candidates, much like someone that isn't a medical doctor can't call themselves one. This is an important rule that is not necessarily communicated well to potential candidates. **(36) This could be better addressed through initiatives like community workshops for potential candidates rather than creating additional red tape and bureaucracy.** In this past election, the rules were not clear to some potential candidates which led to confusion in the media and general public about what was or was not allowed.

- Elections NWT Mandate Expansion (CEO Recommendation 41)
 - Moving from two election bodies in the NWT to a single organization has significant merit. In the absence of a by-election, Elections NWT exists without

an election to operate. At the same time, the Municipal Elections Office is more active, but could likely benefit from the shared experience skills of the territorial election. **(37) This seems like a clear cost savings/efficiency for the GNWT.**

- Additionally, **(38) the Elections NWT mandate should be further expanded to provide additional resources for potential candidates and to promote the idea of running at a territorial level.** In an environment without political parties and limited election-related NGOs, Elections NWT has the opportunity to provide more workshops, or other outreach programming.

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