

September 16, 2016

Mr. Kevin O'Reilly, MLA
Chair, Standing Committee on Rules and Procedures
Legislative Assembly of the Northwest Territories
By email attachment

Dear Mr. O'Reilly,

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

Thank you for encouraging this opportunity to present comments with respect to the administration of the 2015 Territorial General Election.

I am writing to you in my capacity as Vice President of the Board of the Yellowknife YWCA. The mission of the Yellowknife YWCA is to build **safe and equitable communities where women, girls and families can realize their full potential**. The right to vote and the opportunity to participate in the electoral system are cornerstones in the construction of safe and equitable communities. As we expect any candidate is aware, elections are not only about rules and procedure but the people who participate. We urge you to consider a perspective of gender and inequality when evaluating the existing practices, procedures and laws that govern elections in the Northwest Territories.

I will offer our comments on several of the specific recommendations found in the Report of the Chief Electoral Officer on the Administration of the 2015 General Election (the "Report"). As you review our comments, I hope you will keep in mind three themes:

1. You have an opportunity with this process of review to improve and strengthen the participation of women in the democratic process including not only as electors but also as candidates and, potentially, through a strong message that gender based violence cannot be part of the political fabric in the Northwest Territories.
2. The Northwest Territories can be a leader of democratic change by improving the practice, process and system of elections in a way that increases and improves public participation in the electoral process, including especially for those groups most unrepresented in the current political system.
3. Information and education is empowering. Rather than an elite few "in the know," improved access to comprehensible information helps to level the playing field.

Recommendations and Comments

VOTERS

In the Report, two major changes are proposed to the method of voting: changing the election day to Saturday and moving to electronic voting. Any changes that makes voting more accessible to women is, in our view, positive and arguably overdue.

No data was provided to estimate the number of registered female voters who cast ballots versus male voters who cast ballots. It would be helpful in the future to know whether there is a significant disparity in order to then better tailor available information about voting and where or how that information is distributed. Particularly because some of the available data leads at least to a suspicion that women may not have, or are not finding, opportunities to have their voices heard in the election of their leaders.

Page 50 of the Report shows the ballots cast at the Fort Smith Correctional institutions for men and for women. The men voted at a much higher rate than the women, 50% of those eligible versus 38%. At the risk of being trite, the inmate population is a captive audience. It is striking that the women seemingly chose not to vote and bears questioning why.

Also at page 50 are the number of votes cast at the three main campuses of Aurora college. While I acknowledge that people of both genders attend all campuses, I note that the Fort Smith (Thebacha) and Inuvik (Aurora) campuses focus on programs in fields traditionally occupied by men namely mechanics/carpentry and oil and gas related, whereas the Yellowknife campus has a strong component of areas in which women remain dominant, for example social work and nursing. Small numbers of votes were cast at any of the college campuses, only 10 and 13 in Fort Smith and Inuvik. However notably not a single ballot was cast at the Yellowknife campus. The reasons behind these number might have nothing to do with gender but the question is, again, worth answering.

Efforts to make voting more accessible should be encouraged. Women remain predominantly responsible for child care. Women whose work is in the home with children may find it more challenging to arrange child care on weekdays when other family or friends are working out of the home. Women who work out of the home during the day may have child care responsibilities in the morning and evening but be unwilling to demand their right to time off during the work day. We note here the continuing existence of gender inequality in many workplaces and the discomfort that a female employee might feel asking a male boss for time to go vote. While many women work part time and shift work, these concerns would be less critical given the likely increased access to family or friends to assist with home or child responsibilities if voting were moved to a Saturday or eliminated entirely if online.

Regardless of when or how voting takes place, but especially if there is a change, information and education about voting specifically and the electoral process generally should be encouraged not only in the immediate lead up to an election but as a standing responsibility on the Elections NWT office. For example, elections staff can attend high schools, college campuses and community clubs and societies to give organized presentations to small groups to help develop a better understanding of what voting is *and how to do it*¹. This is also an opportunity to gather information about what barriers exist.

CANDIDATES

There cannot be greater diversity among our elected leadership if there is not first greater diversity among the candidates.

Efforts to level the playing field in respect of available financial resources, including third parties (Recommendation 12), and clarity around spending limits (Recommendation 32) are positive steps. Similarly, educational supports for citizens considering mounting a campaign as well as their team, such as official agents, will help take the mystery out of the process and may encourage non-traditional candidates to put themselves forward.

Elections NWT should be empowered and expected to enforce all rules in a meaningful way against individuals who abuse them. Discretion should always be available for situations of honest mistake. On the other hand, new comers to an electoral campaign should not see themselves to be at the mercy of an incumbent's electoral machine nor the greater financial resources of a competitor.

THE ELECTION AND PLEBISCITES ACT

Recommendation 43 proposes to repeal and replace the *Election and Plebiscites Act*. The Report contains compelling reasons to do so from a practical stand point of clarity and consistency. For many of the reasons discussed above, there are also positive reasons to change some of the basic methods and means around voting in order to encourage greater voter turnout.

If you accede to this recommendation, we urge you to consider revising the provisions regarding the eligibility of candidates to reflect the aspirations of our northern population for its leadership. Many jurisdictions across Canada place some form of restriction on eligibility for individuals convicted of recent and serious criminal offences. Some specifically include corruption or bribery-

¹ Having been a scrutineer at the federal election and also having been counsel present at one of our judicial recounts, I was astounded at how many ballots were spoiled by voters clearly voting incorrectly whether by circling the name of a candidate, putting stars *beside* the circle, putting a check mark beside one candidate but then X's beside the others, etc. Clearly these individuals were intending to cast ballots but simply did so incorrectly. Hoping on the returning officer to speak to each person who approaches and for each person in that circumstance to understand what is said, if it is said, is insufficient. No one making the effort to vote should be disenfranchised.


related offences but otherwise do not specify the *nature* of the offences other than through definitions clearly meant to capture a certain level of seriousness such as those prosecuted by indictment and with sentencing ranges of at least two or five years, whether or not the individual actually received that particular sentence. Most such limitations also include temporal limits after which an individual is again eligible.

An eligibility limit that targets a particular type of criminal behaviour unrelated to political office would appear to be unique in Canada. That fact alone is not a reason against enacting such a provision. The northern territories face rates of gender based violence that far surpass the southern provinces. This is an opportunity to be leaders on an issue that especially affects our population.

We propose a five year limit on eligibility for anyone convicted of an offence under the *Criminal Code* that prohibits violence or threats of violence where the offence was committed against a person towards whom the accused was determined by the presiding judge to be in a position of trust, authority or intimacy. You may want to consider whether some sort of "safety valve" is available if the individual in question has taken extraordinary steps towards rehabilitation and healing. Our goal is not to shame or exclude but rather to make a strong statement about the qualities of leadership and the social ill of domestic violence.

I thank you for your thorough consideration of our submissions. I would be happy to meet with you or another member of the committee on a future date to discuss these submissions further should that be of any assistance.

Yours truly,



Caroline Wawzonek
Vice-President, Yellowknife YWCA Board of Directors