

# 1999 Annual Report

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1999  
**Annual  
Report**

Including conduct of the

**37<sup>th</sup>**  
**Provincial General  
Election**

September 21, 1999





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An independent office of the Legislative Assembly/Un bureau indépendant de l'Assemblée législative

October 31, 2000

The Honourable George Hickes  
Speaker of the Legislative Assembly  
Room 244 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Dear Mr. Speaker:

I have the honour of submitting to you my Annual Report on the activities of Elections Manitoba including the conduct of the September 21, 1999 General Election. This report is submitted pursuant to subsection 10(2) of *The Elections Act* and subsection 99(1) of *The Elections Finances Act*. In accordance with subsection 10(3.1) of *The Elections Act* and subsection 99(2.1) of *The Elections Finances Act*, post-election and annual reporting under these statutes have been combined for the 1999 calendar year.

The applicable legislation states that the Speaker shall lay the report before the Legislative Assembly if the Assembly is in session or, if not, within 15 days after the beginning of the next session.

Pursuant to subsection 142(2) of *The Elections Act*, detailed election results were previously published in the Statement of Votes. This present report now concludes the statutory reporting requirements under *The Elections Act* concerning the 37<sup>th</sup> Provincial General Election.

Respectfully yours,

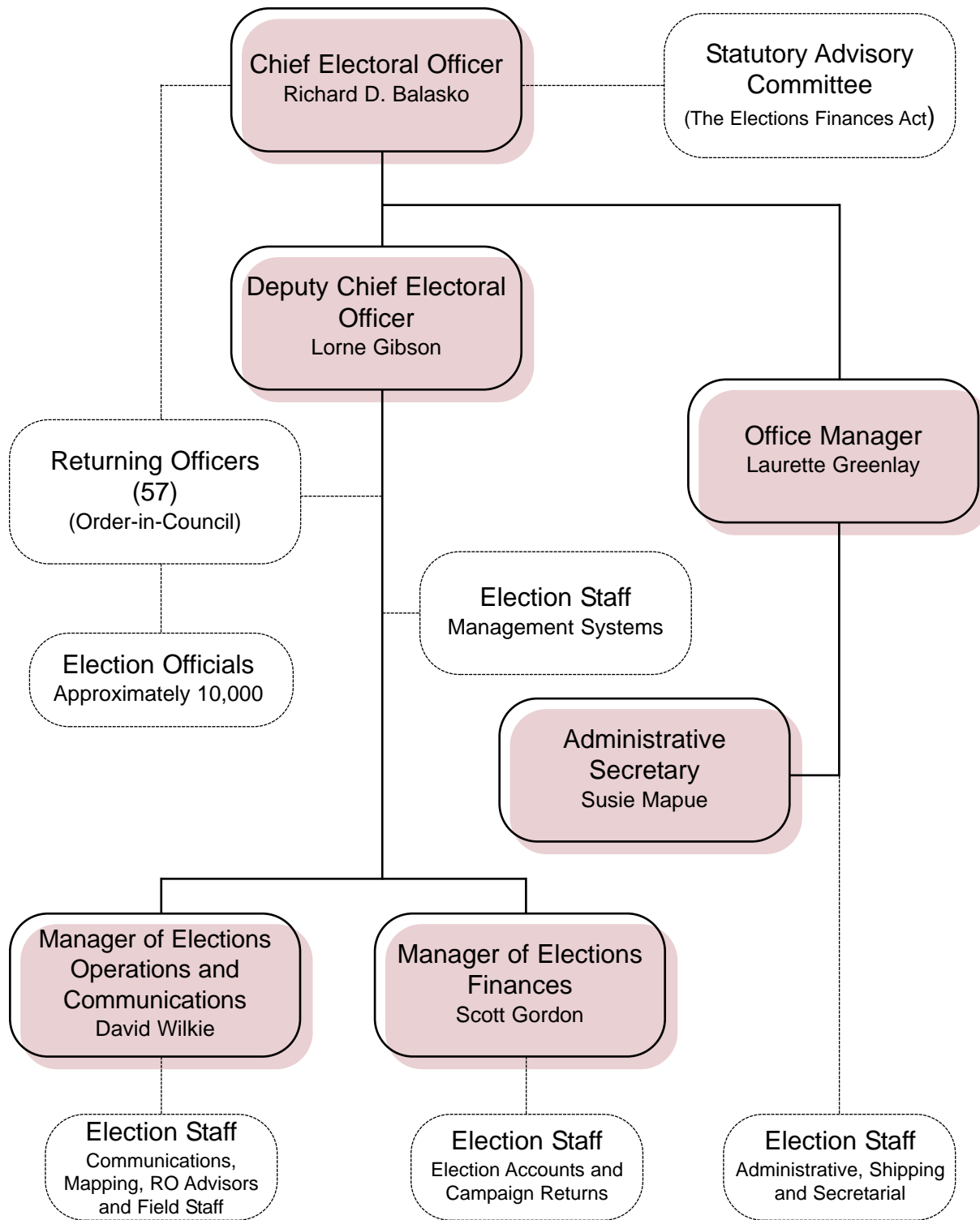
Richard D. Balasko  
Chief Electoral Officer

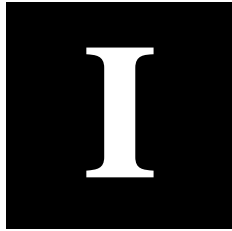
# TABLE OF CONTENTS

<b>LETTER OF TRANSMITTAL</b>	<b>1</b>
<b>TABLE OF CONTENTS</b>	<b>2</b>
<b>ORGANIZATION CHART</b>	<b>4</b>
<b>INTRODUCTION AND HIGHLIGHTS</b>	<b>5</b>
<b>ANNUAL ACTIVITIES</b>	<b>7</b>
Registration of Political Parties .....	7
Political Party Annual Statements and Returns for Contributions .....	8
Advisory and Ad Hoc Committees .....	8
Constituency Associations .....	10
Candidates' Campaign Deficits .....	11
Manitoba Tax Credit Program .....	11
Compliance Assistance and Public Disclosure .....	12
Public Information .....	13
<b>37TH GENERAL ELECTION</b>	<b>15</b>
Preparations for the General Election	15
Forms and Manuals .....	16
Training .....	16
Mapping .....	17
Management Information Systems .....	18
Policies and Procedures .....	19
Communications .....	21
Co-operative Ventures with Other Jurisdictions .....	22
<b>Operational Conduct of the Election</b>	<b>24</b>
Appointment of Returning Officers .....	24
Training .....	25
Voter Registration .....	25
Nominations .....	28
Voting .....	30
Special Voting .....	30
Access to Polling Stations .....	33

Public Information .....	33
Judicial Recounts and Appeal .....	35
Results .....	35
Client and Staff Surveys .....	36
Post Election Debriefing .....	38
<b>Financial Administration of the Election</b>	<b>39</b>
Election Budget and Expenditures .....	39
Payment of Returning Office Accounts .....	41
<b>Campaign Finances</b>	<b>43</b>
Candidates and Official Agents .....	43
Review of Financial Statements and Returns .....	48
Reimbursement .....	49
<b>INNOVATIONS AND FUTURE DIRECTIONS</b>	<b>51</b>
By-Election and General Election Preparations .....	51
New Initiatives .....	52
Ongoing Reviews .....	53
<b>LEGISLATIVE CHANGES</b>	<b>55</b>
Recent Legislative Amendments .....	55
Commission of Inquiry—Alfred M. Monnin .....	55
Inquiry Recommendations—Legislative Amendments in 1999 .....	56
Code of Ethics .....	58
Upcoming Legislative Amendments .....	58
<b>RECOMMENDATIONS</b>	<b>61</b>
<i>The Elections Act</i>	<b>61</b>
<i>The Elections Finances Act</i>	<b>69</b>
<b>APPENDIX</b>	<b>73</b>
Auditor’s Report .....	75

# ORGANIZATION CHART 1999





# INTRODUCTION AND HIGHLIGHTS

For the first time following an election, the annual report and a report on the conduct of the election under *The Elections Act* as well as the annual report under *The Elections Finances Act* have been combined. Now under one cover, Elections Manitoba's 1999 Annual Report outlines both the operational and elections finance activities of Elections Manitoba and, pursuant to subsection 10(2)(b) of *The Elections Act*, incorporates the report on the conduct of the 37<sup>th</sup> General Election.

The 37<sup>th</sup> General Election was held on September 21, 1999. This election posed many challenges to Elections Manitoba due to major legislative changes passed in 1998 and 1999.

Amendments to *The Elections Act* included:

- implementation of a system of absentee voting
- improvements to enumeration and personal security provisions for voters
- introduction of a longer revision period
- use of revising agents to assist with voter registration revisions
- extension of office hours in returning offices
- introduction of a formal, annual public information mandate for Elections Manitoba

Amendments to *The Elections Finances Act* included:

- provisions to increase candidate and political party accountability
- enhanced public disclosure of contributions and expenses
- increased overall spending limits and the elimination of advertising spending limits
- recognition of voluntarism by excluding it as an election expense
- strengthened compliance and enforcement powers including an extended time limit for prosecution
- clarification of the definition of election expenses
- provision for advance payments and assignment of reimbursement for candidates and parties

All of these changes led to major rewrites of manuals, forms and processes which had their debut during the 1999 election. More information on the General Election and the impact of the changes can be found in Part II *The 37<sup>th</sup> General Election*.

The Commission of Inquiry into allegations of infractions during the 1995 General Election under *The Elections Finances Act* and *The Elections Act* concluded in 1999. The Commission's final report in March of 1999 determined

The 1999 Provincial General Election was an election of considerable change. All services, policies, procedures, practices and forms were carefully reviewed to comply with new legislation and to increase service to voters, candidates and political parties. New electoral division boundaries were also implemented for the general election.

there had been breaches of both Acts but that the matter was ended since the limitation period for prosecutions had expired. However, the Commission did make several recommendations including recommendations for legislative amendments.

The Chief Electoral Officer, following the Commission's report and after consulting with the members of the political party advisory committee, made several recommendations for possible amendments to *The Elections Finances Act* and *The Elections Act*. The acts were amended in April 1999. A summary of the changes can be found in Part V *Legislative Changes*.

Following the 1998 report of the Electoral Divisions Boundaries Commission, boundary changes were approved in the spring of 1999 to all but four electoral divisions in the province. Although initially it was unclear as to which set of boundaries the election would proceed with, Elections Manitoba was prepared for either scenario. Ultimately, the new electoral division boundaries were implemented.

Also, for the first time, Manitoba's voters list was automated province wide—a goal which was accomplished through the coordination of over 600 field staff and in-house technical support. Elections Manitoba also designed and developed a new management information system.

The 37<sup>th</sup> General Election became an election of firsts—the first time significant, broad-based amendments had been implemented in 10 years, the first election under the boundaries recommended in 1998, the first time the new management information system had been used, the first use of a risk-based review of financial returns and the first time the voters list had been automated province-wide. Elections Manitoba was well prepared for these challenges. The success of the 37<sup>th</sup> General Election was a direct result of a commitment to preparation and professionalism by the staff at Elections Manitoba.

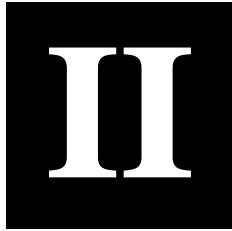
The following section of this report, Part II *Annual Activities*, provides information regarding the day-to-day activities of Elections Manitoba outside an election period. Part III, *37<sup>th</sup> General Election*, provides detail concerning the conduct and administration of the 37<sup>th</sup> General Election. The impact of legislative changes made in 1998 and 1999 are discussed, as well as the cost of administering the election.

Part IV, *Innovations and Future Directions*, provides priorities for Elections Manitoba over the next three years based on existing legislative mandates and on the identification of administrative improvements within the current legislative framework. There are limits, however, to the improvements that can be made under the current Acts. Parts V and VI of this report discuss recent legislative amendments and recommendations to amend *The Elections Act* and *The Elections Finances Act*.



Richard D. Balasko  
Chief Electoral Officer





# ANNUAL ACTIVITIES

## Registration of Political Parties

There are two methods by which a political party may become registered. Both require the filing of an application for registration and a financial statement with the Office of the Chief Electoral Officer. Outside an election period, a party must, in addition, submit a petition signed by not fewer than 2,500 persons who were eligible voters during the most recent general election prior to the application. During a general election, in addition to filing the application and financial statement, a party must endorse five or more candidates to become registered. Once registered, a political party may issue official tax receipts for contributions and have its name printed on the ballots with the names of the candidates endorsed by the party.

During 1999, there were seven registered political parties in Manitoba and five inquiries were received related to registering a political party. Three parties became registered in 1999. The Communist Party of Canada–Manitoba registered outside of the election period. The Green Party of Manitoba and the Manitoba Party registered during the general election.

The names of the registered political parties and their chief financial officers are listed in the table below.

Registered Political Parties (1999)

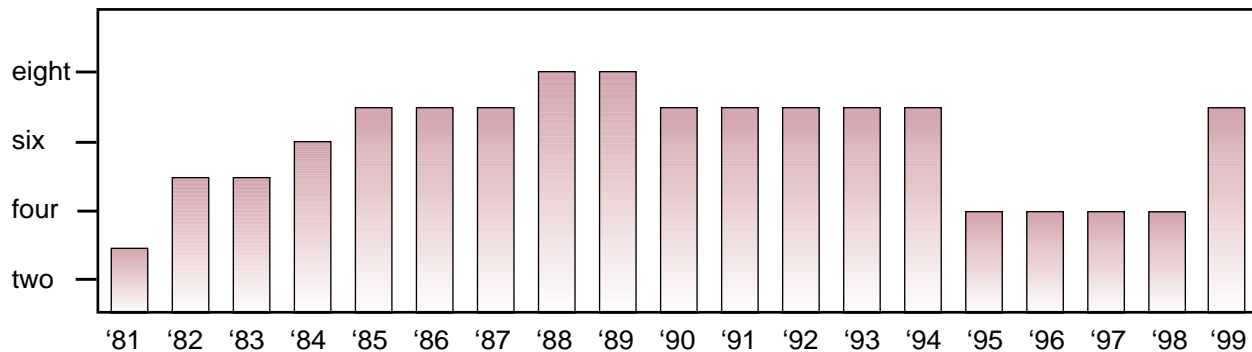
Political Party	Date of Registration	Registration Number	Chief Financial Officer	Date of Appointment
CPC-M	Apr. 30, 1999	P-9905	Glen Wreggitt	April 30, 1999
GPM	Aug. 28, 1999	P-9907	Eymond Toupin	August 28, 1999
Lib	Dec. 12, 1980	P-8003	Tim Ryan	August 18, 1993
LPM	Mar. 9, 1988	P-8808	Don Ives	December 30, 1993
MP	Aug. 28, 1999	P-9906	Bonnie Fedak	August 28, 1999
NDP	Nov. 17, 1980	P-8001	Tom Milne	September 2, 1997
PC	Nov. 25, 1980	P-8002	Gordon A. Horne	August 12, 1999

Unofficial abbreviations used in this report for registered political parties:

- CPC-M Communist Party of Canada–Manitoba
- GPM The Green Party of Manitoba
- Lib. Liberal Party in Manitoba
- LPM Libertarian Party of Manitoba
- MP Manitoba Party
- NDP New Democratic Party of Manitoba
- PC The Progressive Conservative Party of Manitoba

The following table shows a comparison of the number of registered political parties from 1981-1999.

**Yearly Comparison of Number of Registered Political Parties**



### **Political Party Annual Statements and Returns for Contributions**

The chief financial officer of a registered political party must file an audited financial statement with the Chief Electoral Officer each year. This statement must set out the income, expenses, assets and liabilities of the party. The statement excludes, however, income and election expenses for an election campaign period.

The statements for 1999 were required to be filed by May 1, 2000. Two political parties filed after the deadline without an extension: the Liberal Party on May 5, 2000 and the Manitoba Party on June 7, 2000.

With the annual financial statement, a detailed list of contributors is filed. This list discloses the name, address and amount of aggregate contributions of \$250.00 or more made to the political party by any person or organization in that year. All such contributors are listed, including those who made contributions during an election campaign period.

The 1999 registered political party annual financial statements are filed and reviewed in the year 2000. As a result, the summary of the 1999 financial statements and the summary of contributions received by registered political parties for 1999 will be published in the 2000 Annual Report.

According to section 70 (1) of *The Elections Finances Act*, all statements and returns filed with the Chief Electoral Officer are public information and are open to inspection by anyone at any time during regular office hours.

### **Advisory and Ad Hoc Committees**

Under subsection 4(1) of *The Elections Finances Act* an Advisory Committee is established which is comprised of one representative appointed from each registered political party. It has also been customary to include the chief financial officers of the registered political parties in meetings of this Advisory Committee. This has proven to be very beneficial.

The Chief Electoral Officer may meet with the Committee to seek its advice on the proper administration of the Act. Although a decision or recommendation of the Advisory Committee is not binding on the Chief Electoral Officer, the advice of the Committee members is of great benefit.

The Advisory Committee is consulted concerning proposed recommendations to amend the Act. Their advice is also essential in reviewing proposed new election financial reporting forms and guidelines for official agents and auditors.

The following is a list of Advisory Committee members for 1999:

<b>Party</b>	<b>Committee Member</b>
Communist Party of Canada–Manitoba	Darrell Rankin
Liberal Party	Tim Ryan
Libertarian Party	None appointed
Manitoba Party	None appointed
New Democratic Party	Randy Mavins
The Green Party of Manitoba	Markus Buchar
The Progressive Conservative Party	Barbara J. McFarlane

A similar consultative Committee exists to discuss matters related to the conduct of elections. Although the elections Ad Hoc Committee is not required under *The Elections Act*, since its inception the Committee has proven to be a beneficial forum for exchange between the registered political parties and Elections Manitoba. Prior to the last three general elections, the Ad Hoc Committee has met to review new procedures and policies Elections Manitoba planned to introduce in each upcoming election. These plans could then be taken back to each of the parties for explanation and input from other party members. Following the last two elections, the Committee met to exchange information as to which practices worked well and which could be improved for a subsequent election.

The following is a list of Ad Hoc Committee members for 1999:

#### **Ad Hoc Committee Members (1999)**

<b>Party</b>	<b>Committee Member</b>
Communist Party of Canada - Manitoba	Darrell Rankin
Liberal Party	Don Hillman Tim Ryan
Libertarian Party	Clancy Smith
Manitoba Party	Roger Woloshyn
New Democratic Party	Becky Barrett Tom Milne
The Green Party of Manitoba	Chris Billows
The Progressive Conservative Party	Val Hueging Rob Godin

## Constituency Associations

Within 30 days after the end of each calendar year, the person responsible for the finances of a constituency association must file a return with the Chief Electoral Officer. This return must set out the name and address of all contributors whose aggregate annual contributions totaled \$250 or more to the constituency association. The following table summarizes, by political party, contributions of \$250 or more to constituency associations for 1999. The total amount of additional contributions of less than \$250 to constituency associations is not known because the Act does not presently require that this information be disclosed.

### Contributions of \$250 or more to Constituency Associations (1999)

	CPC-M	GPM	Lib.	LPM	MP	NDP	PC
Total Number of Constituency Associations	0	0	57	0	0	57	57
Number Reporting Contributions of \$250 or more	0	0	0	0	0	2	6
Total of Contributions of \$250 or more	\$0	\$0	\$0	\$0	\$0	\$2,200	\$9,437

Constituency associations may not issue receipts for income tax purposes. Since 1985 reported contributions of \$250 or more have totaled \$136,284. A yearly comparison of total contributions of \$250 or more to all constituency associations is shown below. Constituency association returns are public information and are available for inspection at Elections Manitoba.

### Yearly Comparison

Year	# of Constituency Associations	# Reporting Contributions of \$250 or more	Total Contributions of \$250 or more
1985	154	11	\$34,446
1986	163	12	\$27,635
1987	161	6	\$9,152
1988	181	8	\$23,633
1989	187	2	\$2,472
1990	176	6	\$6,807
1991	172	2	\$925
1992	171	0	\$0
1993	171	0	\$0
1994	171	3	\$1,312
1995	171	1	\$2,039
1996	171	0	\$0
1997	171	4	\$10,536
1998	171	4	\$5,690
1999	171	8	\$11,637
Total			\$136,284

## Candidates' Campaign Deficits

By definition in s. 75(1) of *The Elections Finances Act* “a deficit means the amount by which expenditures exceed receipts.” A campaign deficit is defined in s. 68(1) and means a deficit remaining after deducting any reimbursements made to the candidate.

Contributions of \$250 or more made after the end of a campaign period towards a candidate's campaign deficit must be reported annually to the Chief Electoral Officer until the deficit is eliminated. During the 1999 General Election, 52 candidates reported a campaign deficit.

In the 1995 General Election, there were 45 deficits reported. There were two contributions of \$250 or more towards candidate deficits in 1999. By the end of 1999, 40 of the 45 deficits were eliminated leaving five outstanding candidate deficits.

With regard to the 1990 General Election campaign deficits, there were also two contributions of \$250 or more made in 1999. A total of 111 of the 117 deficits for 1990 were eliminated leaving six outstanding campaign deficits by the end of 1999.

Candidates' deficits may be eliminated by ways other than by contributions of \$250 or more such as by transfers from a political party and contributions of less than \$250. A candidate who pays towards eliminating a deficit has made a contribution which must be reported if the aggregate of the amounts is \$250 or more in any year.

The Office of the Chief Electoral Officer monitors annually those candidates with outstanding deficits. This process continues until deficits are cleared. Candidates' Campaign Deficit returns are public information and are available for inspection at Elections Manitoba.

The following table summarizes Candidates' Campaign Deficits for the past three general elections.

**Candidate Campaign Deficits of \$250 or more**

Year	# of Candidate Deficits	Total Deficits Eliminated at Dec. 31/98	Total Deficits Eliminated in 1999	Candidate Deficits at Dec. 31/99
1990	117	(109)	(2)	6
1995	45	(38)	(2)	5
1999	52	n/a	0	52

## Manitoba Tax Credit Program

The *Income Tax Act* (Manitoba) allows for a tax credit for a percentage of any contributions made to a registered political party and registered candidate.

The amount that can be deducted from tax payable is:

- a) 75% of the amount contributed if the amount contributed does not exceed \$100;
- b) \$75 plus 50% of the amount by which the amount contributed exceeds \$100 if the amount contributed exceeds \$100 but does not exceed \$550; and
- c) if the amount contributed exceeds \$550, the lesser of
  - i) \$300 plus 33 $\frac{1}{3}$ % of the amount by which the amount contributed exceeds \$550; or
  - ii) \$500;

if the payment is supported by a proper income tax receipt.

The total value of tax credits for 1998, the most current year for which total information is available, is \$635,769. The following table shows the Manitoba Tax Credits claimed from 1982 to 1998. Over \$12,250,000 in tax credits have been claimed on individual and corporate returns since 1982.

#### Manitoba Tax Credits Claimed For Political Contributions (1982 - 1998)\*

Tax Year	Individual Returns \$	Corporate Returns \$	Total Credits \$
1982	293,500	54,200	347,700
1983	429,200	47,300	476,500
1984	520,400	69,000	589,400
1985	642,900	90,100	733,000
1986	863,356	119,598	982,954
1987	476,617	65,708	542,325
1988	1,115,750	136,091	1,251,841
1989	642,722	68,720	711,442
1990	1,019,617	93,542	1,113,159
1991	470,509	54,817	525,326
1992	512,373	38,387	550,760
1993	539,930	87,426	627,356
1994	634,297	91,109	725,406
1995	1,038,872	123,903	1,162,775
1996	558,774	87,700	646,474
1997	560,071	71,617	631,688
1998	553,526	82,243	635,769
Total Tax Credits claimed since 1982	\$10,872,414	\$1,381,461	\$12,253,875

\*Figures provided by Manitoba Finance

### Compliance Assistance and Public Disclosure

*The Elections Finances Act* places a duty on the Chief Electoral Officer to assist candidates and registered political parties and their financial agents in complying with the Act and preparing the statements and returns required. The Chief Electoral Officer may also prepare guidelines for candidates, official agents, registered political parties, chief financial officers and their auditors.

Guidelines for the official agents of candidates were rewritten in 1999.

Guidelines for auditors of candidate's and political party's election financial returns were also prepared and distributed for the election. Elections Manitoba

also responds on an ongoing basis to many inquiries made in writing, by telephone and in person.

Another statutory responsibility of the Chief Electoral Officer concerns public information. The statements, returns, registers and records that are required to be kept must be available to the general public. This information is open to inspection by anyone during regular office hours at Elections Manitoba, Main Floor, 200 Vaughan Street, Winnipeg, Manitoba. Copies of *The Elections Finances Act* and *The Elections Act* are also available through Elections Manitoba.

*The Elections Finances Act* directs that statements and returns filed with the Chief Electoral Officer are available for public inspection immediately upon receipt. It should be noted that such statements and returns may not be complete or may contain errors since the review of the documents may not have been completed at the time of initial public inspection. Following a thorough review and verification all statements and returns are finalized and remain available for inspection. Members of the public and, in particular, political representatives, the media and members of the academic community frequently inspect documents and records.

For those not able to attend the office, information can be mailed upon request. Election results and financial information in summary form are also available through the Internet. The election information can be viewed several ways including by political party affiliation and by electoral division. Political party annual financial statements and the Annual Report are also available to be downloaded from Elections Manitoba's Web site ([www.elections.mb.ca](http://www.elections.mb.ca)). Additional information is continually added to the Web site, as it becomes available.

## Public Information

In addition to the disclosure of specific information as required by the legislation, Elections Manitoba also carries out a number of general information and education programs. These initiatives include school presentations, the distribution of informational literature and the maintenance of Elections Manitoba's Web site.

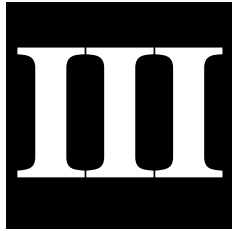
In 1998, Elections Manitoba was given a formal, annual public information mandate with the addition of section 10(1.1) to *The Elections Act*. While a long-term public information program is still in the planning stage, a number of initiatives were undertaken in 1999.

For instance, a series of informational brochures were written about general voting procedures and describing new programs such as absentee voting. These brochures were then distributed to appropriate organizations throughout the province. Also, educational presentations were given to adult literacy students and a 'photo story' style poster was designed to present voting information in a visual, step-by-step format.

School information kits were updated to reflect new legislation and the Web site was redesigned to give it a new look and improve organization. Interest in the schools program was very high (likely because it was an election year). There was also a significant increase in the use of the Web site and an increase in the volume of inquiries via e-mail.

Additional public information activities are planned following the 1999 General Election once the effectiveness of current communication activities is reviewed.





# 37<sup>TH</sup> GENERAL ELECTION

## Preparations for the General Election

Throughout 1999, considerable work went into implementing legislative changes introduced in 1998 and 1999 in preparation for the general election. Virtually all forms, manuals, training materials, public communications, financial guidelines, information systems and a number of policies and procedures had to be revised to comply with the amendments.

The major theme of the changes to *The Elections Act* was an increase in service to voters. This theme triggered several innovations and changed the way Elections Manitoba administers elections. All procedures were carefully examined to improve efficiency while complying with the amendments to the legislation. Services were also reviewed and expanded in areas of need identified by voters, election staff, political parties, candidates and others.

The main preparation activities that occurred in 1999 were:

- the revision and reprinting of virtually all of the approximately 200 forms used for the administration of an election
- the development of new policies and procedures for administering elections
- the revision of guidelines for official agents and the development of guidelines for auditors
- the design and production of new advertising materials to inform the electorate of new voting services and to provide general election information
- the revision of manuals and training materials for Returning Officers, Assistant Returning Officers and other election officials
- the development of new systems to manage information and to process accounts
- the review of polling subdivisions based on existing and new proposed Electoral Division Boundaries Commission maps

The timing of the adoption of new proposed boundaries in relation to the call of the 37<sup>th</sup> General Election posed a significant planning challenge for Elections Manitoba and for Returning Officers. Preparations needed to be made for an election that could be run on either the existing or new boundaries.

Under the new set of boundaries, there were changes to 53 of 57 electoral divisions in the province. Some of the electoral divisions, in addition to boundary changes, also received new names. These changes affected the production of maps, the appointment of Returning Officers, the distribution of French language services, the scheduling of advertising, the readiness of an

Manitoba's Elections Act ensures that all qualified voters have the opportunity to vote. The major theme of the changes to *The Elections Act* was an increase in service to voters. Personal Security Protection and Absentee voting are examples of services that were introduced. These services are intended to make the voting process accessible to every qualified voter.

information management system, the locations for polling places, advance polls and revision and several other important aspects of election preparation.

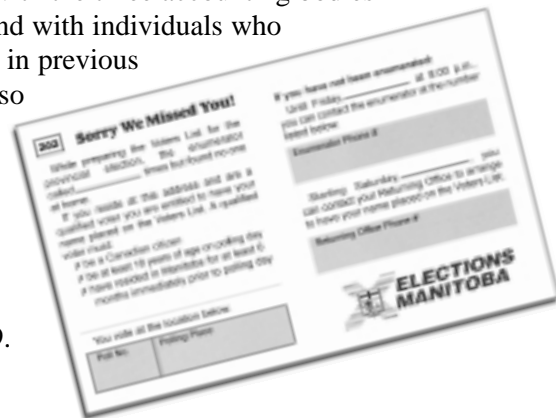
In the end, the amended Electoral Divisions Act received Royal Assent on April 27, 1999 and the new boundaries came into effect at the call of the 37<sup>th</sup> Provincial General Election.

## Forms and Manuals

Elections Manitoba uses about 200 different forms to administer elections, facilitate financial reporting and to assist with other administrative activities. These forms were developed over the course of the past 20 years to report and record information vital to all participants in the electoral process. Elections Manitoba also uses several training manuals and guidelines for the training and development of Returning Officers and their staff, as well as candidates and official agents.

Elections Manitoba staff, with the assistance of outside suppliers, began the redesign and printing of forms and manuals in 1998. While it was a significant challenge to update such a large number of documents, it was also a great opportunity to review the style, content and layout of the forms and manuals for potential improvements. The Returning Officers Manual was completely reorganized with new information and a new layout. New auditors' guidelines were developed in cooperation with the three accounting bodies in Manitoba, the political parties and with individuals who had audited financial statements in previous elections. Elections Manitoba also rewrote its Official Agent Guidelines and developed several new interpretation and information bulletins.

Most of the revisions were completed by the spring of 1999.



## Training

It is extremely important that training programs be accurate and up-to-date because of the high turnover of people involved from one election to the next. Drawing on the feedback of former and current Returning Officers and the advice of a training consultant, Elections Manitoba significantly revamped its approach to the delivery of training. The new delivery method is more sensitive to adult learning styles and requires greater participation on the part of the learner.

All Returning Officers and almost all Assistant Returning Officers were trained prior to the call of the election with most receiving a full two-day training session plus an additional day on pre-writ planning. As only 19 of the 57

Returning Officers had previous experience in the position, the advance training proved to be very beneficial at the call of the election.

Pre-writ preparations by Returning Officers included:

- a pre-writ checklist to ensure all pre-writ work such as mapping and identifying poll locations was complete
- a writ day plan to be used the day the writ was issued to delegate duties
- an automation plan to organize the data entry of the enumeration records
- an apartment block enumeration plan to help organize enumeration in apartment buildings
- an institutional plan to be used to identify facilities that would require institutional polls
- identification of staff and equipment to be used for enumeration

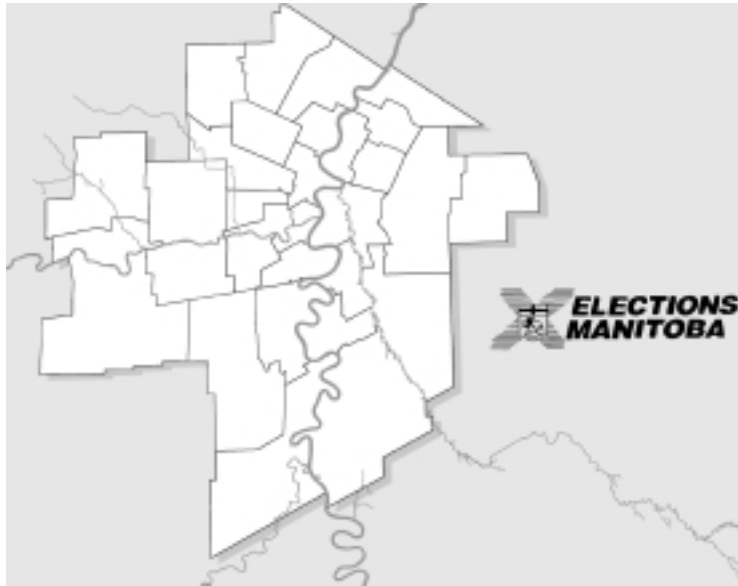
Returning Officers were prepared for a spring election, however, when a spring election did not materialize, arrangements were made to put potential staff on hold. Data entry staff, Automation Coordinators and other identified staff were requested to notify the Returning Officer immediately if they became unavailable to work the election. Several Returning Officers resigned due to unavailability in the fall and some Returning Officers did lose staff. Additional training sessions were conducted in August, shortly before the call of the election to prepare newly appointed election officials.

Enumeration and other materials were shipped to most Returning Officers before the call of the election. Cost savings were achieved through advance shipping utilizing less expensive modes of transportation which were not time sensitive. Early arrival of supplies enabled Returning Officers to pre-pack enumeration kits, ensuring a quick start to the enumeration process. Early shipping of supplies also allowed time for Returning Officers (particularly first time appointees) to review their materials and become more familiar with their responsibilities.

The advance preparation time also permitted Returning Officers to apply their training to the distinctive features of their electoral divisions. Many issues relating to unique circumstances in each division, such as the transfer of enumeration records from enumerators to data entry personnel, were able to be resolved satisfactorily prior to the election rather than during the election. This advance planning by Returning Officers greatly contributed to the successful conduct of the election and, in particular, the automation of the voters list.

## Mapping

Before 1999, maps created for Elections Manitoba were out-sourced to Manitoba Natural Resources. After completion of the Electoral Boundaries Commission review, Elections Manitoba digitally mapped each of the electoral divisions and polling subdivisions using Arcview, a GIS software package.



There were several benefits to creating maps in-house. Firstly, maps could be printed on demand, not in bulk as had been done in the past. It was also possible to automate the creation of electoral indexes and poll keys (using data supplied by Manitoba Natural Resources and the City of Winnipeg) which freed the Returning Officers from having to manually produce them. In addition, cartography staff at Elections Manitoba were able to produce customized maps to aid election officials, candidates and political parties during enumeration. The index and accompanying maps were also produced in a format suitable for posting on the Web site.

After polling day, work began on a set of electoral division maps for the Statement of Votes, which was published sooner after this election than in the past. Copies are available by contacting Elections Manitoba.

### Management Information Systems

As a result of major changes to election legislation in 1998, Elections Manitoba's information system was rendered out-of-date and required considerable reprogramming to become a useful tool in any subsequent election. New, more flexible software development tools were used to completely redesign and rebuild EMIS-the Election Management Information System.

The new system was designed and built in-house over a nine-month period beginning with the election operations components to ensure that the system would be ready before the 1999 Provincial General Election. Extensive testing, training and simulation were undertaken before its use in a live election to ensure the system would perform according to expectations. The resulting information system proved to be very powerful and easy-to-use for recording, monitoring and reporting on election operations during the 37<sup>th</sup> General Election. Redevelopment work on the election finance component of the system began after the operations components were near completion. This work was completed and integrated shortly after the general election in time for the processing of election financial returns.

Computer assisted information processing permitted easy and immediate access to large volumes of data formerly compiled by hand. The system allowed Elections Manitoba to manage operational and financial information more efficiently and to provide such information to users, such as Returning Officers, candidates, official agents and political parties more quickly and accurately. The system has also proved to be invaluable for updating the Web site, for preparing

election advertisements and for producing various printed reports on election results.

The use of this system in the general election helped to identify opportunities for improvement. Users of the system as well as recipients of information were canvassed for suggested improvements after the election. As a result, programming changes will be made to enhance the system.

## Policies and Procedures

To efficiently administer an election, well thought out policies and procedures must be developed. Since legislation is not designed to deal with every question that may be raised, nor detail every procedure, Elections Manitoba endeavours to develop policies that anticipate most of these questions and details. Before every election, existing policies are examined and, if necessary, revised to meet any new demands or correct any weaknesses that have been identified during past elections. All of the policies are developed keeping in mind the mandate of the Office of the Chief Electoral Officer to conduct fair elections in an impartial manner and ensure voters and candidates are knowledgeable of their rights and responsibilities.

**Safety of Voters and Security of Election Workers**—Elections Manitoba makes all reasonable efforts to ensure the safety of voters and election workers. Extra precautions are taken in any area or situation where it is deemed necessary by the Returning Officer or election worker.

In order to comply with provincial labour regulations regarding workers working alone, Elections Manitoba met with the Workplace Safety and Health Branch of the Department of Labour prior to the election. As a result of these meetings, new safety policies and guidelines were developed for Returning Officers to implement during the 1999 election.

All election workers who would be working alone, such as enumerators, were required to file a work plan with their Returning Officer. The Returning Officer would then check on the worker if he or she had not reported to the office at the end of their workday. Precautions were also taken to provide additional security where it was deemed necessary through previous experience or where a potential security risk existed as identified by election workers or Returning Officers. For the most part, this was accomplished by having election staff work in pairs rather than alone in these identified areas. Office staff were instructed not to work alone unless there was no other alternative. Separate guidelines for working alone were developed for office staff and for field staff and were specifically tailored to fit the uniqueness of the different election positions. All personnel employed by Elections Manitoba signed an agreement to abide by these guidelines as a condition of employment.

In addition to the safety of election workers, a policy was developed to ensure, to the best of Election Manitoba's ability, the safety of the public. This policy required enumerators to wear identification badges and carry an appointment form verifying that they worked for Elections Manitoba.

### Urban Bilingual Divisions

Radisson  
Riel  
St. Boniface  
St Norbert  
St. Vital  
Seine River  
Southdale

### Rural Bilingual Divisions

Carman  
Emerson  
La Verendrye  
Morris

French Language Services—Since 1989, Elections Manitoba has maintained a policy on the provision of service to the public in French during elections. In light of electoral division boundary changes, consultations were held with the French Language Services Secretariat to review existing policies and to determine the electoral divisions which would be designated bilingual. It was determined that there were 11 electoral divisions designated as bilingual under the new boundaries.

Elections Manitoba's policy for designated bilingual divisions is:

- Either the Returning Officer or the Assistant Returning Officer must be bilingual.
- There must be bilingual enumerators in bilingual polls.
- At each polling place, there must be at least one bilingual poll official. (Returning Officers were encouraged to have bilingual officials at as many of the individual polls at these polling places as possible).
- In each returning office at least one bilingual person must be in attendance.
- Telephones are to be answered in a bilingual fashion and voice mail must be in both official languages.

During the election, all public information calls to Elections Manitoba were routed through Citizens' Inquiry which has bilingual staff. On election day, a translation hotline was also established where a poll official, voter and translator would be able to speak together.

In addition to the designated bilingual divisions, there were five other rural divisions identified as having smaller population centres with a concentration of bilingual voters. These Returning Officers were also asked to place bilingual election workers in the polls in these centres.

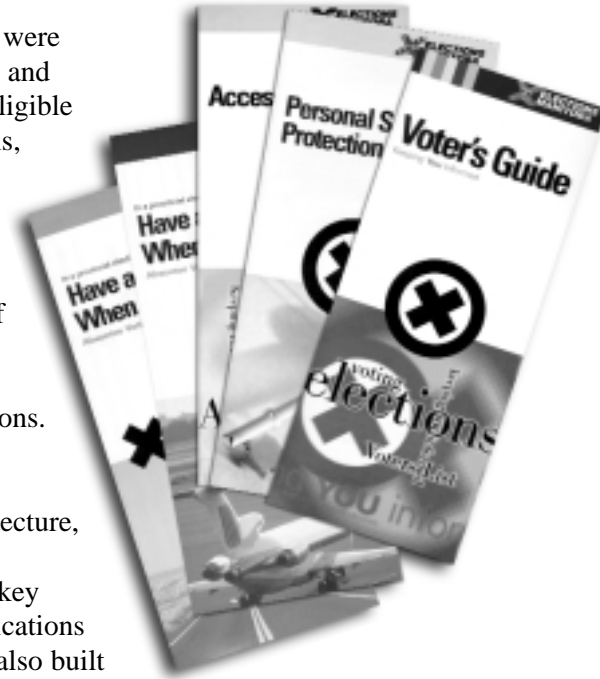
At Elections Manitoba, all brochures were published in bilingual format (in the past, separate French and English versions were produced). Posters—such as *Manitobans Make Your Mark*, *Job Opportunity*, *Sorry We Missed You* and *Steps To Voting In Manitoba: The Voters List* and *Election Day*—were all produced in bilingual format as well. All new television, radio and print ads were produced in both official languages. The much expanded Web site was also developed in both French and English.

Absentee Voting—For the first time in Manitoba, voters temporarily away from the province or their electoral division were given the opportunity to vote. Through a process of Absentee Voting, those who expected to be either out of province, or at a distant location away from their home within the province, could apply to cast a ballot by mail. This voting opportunity was new as a result of the 1998 amendments and policy and procedures had to be developed to anticipate the many scenarios which could arise. An extensive policy and procedure paper was completed early in 1999. The guidelines and instructions were written into the Returning Officer's Manual and included in training sessions.

## Communications

In 1998, Elections Manitoba's public education and information role was broadened with the addition of Section 10(1.1) to *The Elections Act*. The section states that the Chief Electoral Officer may, at any time, use any media considered appropriate to provide the public with information about the electoral process, the democratic right to vote and the right to be a candidate in an election. In 1999, Elections Manitoba revamped communications materials and reviewed communications strategies to bring its public information program in-line with this new mandate.

All advertising and communication materials were re-written to reflect changes in the legislation and redesigned to appeal to a broad audience of eligible voters in Manitoba. Two new TV commercials, three radio spots, several newspaper ads, election posters and six new brochures, including a Voter's Guide, were produced. Elections Manitoba also commissioned a research firm to conduct a two-phase study of eligible voters in Manitoba to determine satisfaction with the voting process and effectiveness of advertising and communications.



Elections Manitoba's Web site underwent considerable revision during 1999. The architecture, organization, and content of the site were redeveloped to make [www.elections.mb.ca](http://www.elections.mb.ca) a key component of Elections Manitoba's communications strategy. A separate area of the Web site was also built with information specific to the general election and an interactive element was added to enable users to search for maps, candidates' names and Returning Officer names and contact information.

Citizen's Inquiry Service was contracted again to provide bilingual telephone information service for the general public. Citizen's Inquiry staff were trained and provided with resource documents in order to answer common public inquiries.

In 1995, Citizen's Inquiry reported difficulty in handling the peak volume of calls and made recommendations to Elections Manitoba on how to improve service for the next election. As a result, Elections Manitoba hired three additional term staff to work at Citizen's Inquiry answering phones during the 1999 election.

Toll-free phone numbers were also set up in rural and northern returning offices in order to provide greater convenience to voters.

Information sessions were developed to provide official agents with information on their duties and responsibilities. There were 14 sessions for this election as compared to six in 1995. For the first time, sessions were offered prior to the

call of the election. In previous elections Winnipeg and Brandon were the locations used. Dauphin was added in 1999. Participants generally indicated that the sessions were necessary and beneficial.

### Co-operative Ventures with Other Jurisdictions

Partnerships and cooperative efforts with other jurisdictions through the secondment of staff or the sharing of information, materials or other resources are explored prior to each election. Prior to the 1999 General Election, contacts were made with several jurisdictions to see where co-operation could occur. Elections BC responded with the secondment of their Manager of Elections Finances for a 6-week period to assist in the development of guidelines for official agents. Several referrals were received from Manitoba Rural Development for personnel with elections experience at the municipal level resulting in the recruitment of two individuals to provide liaison and support services to rural Returning Officers. Also, one individual with experience in the administration of absentee voting at the Federal level was recruited.

Discussions also occurred with respect to the sharing of voters list information. After the election, the Manitoba Association of Municipalities and all Manitoba school boards were advised of the availability of the provincial voters list in automated form. Local authorities were informed of Elections Manitoba's ability to customize voters lists for use in local elections. As a result of this offer, the provincial voters list was provided to several school boards and municipalities to assist with the conduct of local elections, as authorized under provisions of *The Elections Act*. In 1999, an agreement was also being explored with Elections Canada to exchange provincial voters list information and federal Registry of Electors information pertaining to Manitoba in order to evaluate the accuracy and completeness of the respective lists.

The software Elections Manitoba developed for voter enumeration and the production of an automated voters list was of considerable interest to Elections Alberta. Advice and assistance was provided to Elections Alberta as they developed their own automated system of voter registration.

Mapping is another area where there is considerable mutual benefit from a jurisdictional exchange of information. Detailed electoral division and polling subdivision maps are created for use in provincial elections from several data sources including provincial government departments, private companies and local municipalities. Prior to the general election a license agreement was negotiated with the Property and Development Department of the City of Winnipeg for use of their digital property address database to create electoral division boundary and polling subdivision maps for the Winnipeg electoral divisions. These maps proved invaluable in preparation for enumeration to develop apartment enumeration plans, and during enumeration to locate dwelling units and track the progress of enumeration. Feedback from candidates and political parties who were provided with copies of these detailed, colour-coded maps was very positive.



From time-to-time Elections Manitoba is requested to provide or recommend personnel to assist with international and federal elections. This past year one of Elections Manitoba's former Returning Officers traveled to Macedonia to assist with a Care Canada 'Out of Kosovo' election mission to register eligible voters for a fall 2000 election in Kosovo. Recently, Elections Manitoba was requested by Elections Canada to identify qualified staff who could assist with the next Federal election. At the time of writing this report, six current and former Returning Officers and elections staff had received training in Ottawa to provide support to federal Returning Officers.

# Operational Conduct of the Election

**O**n August 17, 1999 the 36<sup>th</sup> Legislative Assembly of the Province of Manitoba was dissolved and the Chief Electoral Officer issued the writs of election for the 37<sup>th</sup> General Election to Returning Officers pursuant to Order-in-Council Number 352/1999. Polling day was announced for September 21, 1999.

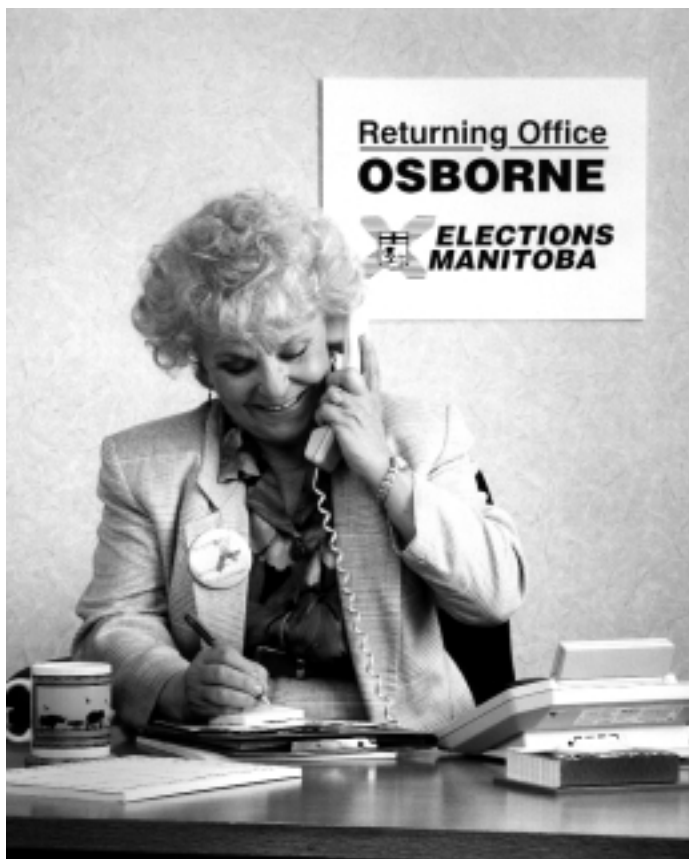
The major amendments in 1998 to *The Elections Act* and *The Elections Finances Act* changed many operational processes. As explained earlier, in planning and preparing for the 37<sup>th</sup> Provincial General Election, most services, policies, procedures and forms were carefully reviewed and revised to comply with the new legislation and to increase service to voters, candidates and political parties.

## Appointment of Returning Officers

It has been a long standing recommendation of the Chief Electoral Officer to have Returning Officers appointed through an open competition based on merit rather than through an Order-in-Council by the government of the day. The administration of an election is the responsibility of the Chief Electoral Officer and the operational conduct of elections in each electoral division is the responsibility of the Returning Officer. It is, therefore, critical to the management of the election that skilled and competent Returning Officers be appointed and trained well in advance of an election call. For the 1999 General

Election, Elections Manitoba was again invited to participate in the Returning Officer appointment process by interviewing, evaluating, and informing potential Returning Officer appointees of the requirements of the position. Elections Manitoba then made recommendations as to the suitability of each candidate. Although all 57 Returning Officers were appointed before the writs were issued, several of these appointments were made just two weeks prior to the call of the election. As well, in most cases, only one possible appointee was referred.

An added challenge in this election was the timing of the adoption of new proposed boundaries in relation to the call of the election. Some Returning Officers were identified on the basis of the existing boundaries and some on the basis of the new proposed boundaries. The training of Returning Officers and Assistant Returning Officers began in mid-February 1999 and continued until early August 1999. Over 10



separate training sessions had to be conducted due to the sporadic nature of the appointments.

Of the 57 Returning Officers in place for the 37<sup>th</sup> General Election, 19 (33%) had previous experience as a Provincial Returning Officer. Only 25% of the Assistant Returning Officers had prior experience in their position.

At the time of writing, amendments to *The Elections Act* regarding the Chief Electoral Officer's appointment of Returning Officers had received Royal Assent.

## Training

In 1999, in-person training of enumerators and poll officials in northern divisions was further expanded to include isolated communities. Returning Officers in the divisions of Rupertsland and Flin Flon travelled to more remote communities than ever before to conduct their training sessions. Northern Returning Officers attributed improvements in voter registration and fewer problems at the polls to better-trained officials.

The delivery of enumeration training was also improved with the introduction of an enumeration training simulation as a pilot project for some electoral divisions. Elections Manitoba delivered enumeration training by using a role-playing method of instruction with Returning Officers, Assistant Returning Officers and Enumeration Supervisors. This helped the new Returning Officers, in particular, to deliver their own training sessions.

## Voter Registration

Enumeration concluded on August 28, 1999 with 666,427 names on the voters list. This figure includes 4,281 names added to the voters list via special enumeration. This resulted in 91.37% of Manitoba's voters registered through the enumeration process.

With the pre-writ planning and preparation completed by Returning Officers prior to the election, more time was available during enumeration to monitor the accuracy of the enumerators' lists and to identify areas where enumeration was lower than expected. The use of revising agents was arranged in many of these areas.

Due to the 1998 amendments, the revision period was extended from two days to 10 days and revising agents were introduced. Revision began on August 30, immediately after enumeration, and ended on September 9. Any eligible voter whose name was not on the voters list, was able to register during this time by going to their returning office or to one of the 22 additional revision locations throughout rural Manitoba. If this was not possible, a revising agent could be sent to enumerate the voter at their home. Due to the timing of revision and the use of revising agents, revision during the 1999 election essentially became a second wave of enumeration. This proved to be extremely effective as there

were 32,201 persons added to the voters list during revision, which translates into approximately 4.42% of the total registered voters. This was double the number of voters who were registered at revision during the 1995 and 1990 elections.

Any eligible voter whose name was not on a voters list was also able to be registered at an advance poll, absentee poll, institutional poll or on polling day by showing identification and swearing an oath. There were a total of 30,721 voters or 4.21% of the total registered voters who swore on to the voters list in this fashion. This was an increase of close to 2,000 voters from the 1995 election.

In total 729,349 voters were registered to vote in the 1999 election. The numbers of voters registered during the different phases of registration are shown in the following table.

#### Voter Registration

Method of Registration	Number of Voters	%
<b>1990</b>		
Enumeration	664,138	93.18%
Revision	15,390	2.16%
Sworn on at polls	33,203	4.66%
Total	712,731	100.00%
<b>1995</b>		
Enumeration	686,729	93.78%
Revision	16,601	2.27%
Sworn on at polls	28,900	3.95%
Total	732,230	100.00%
<b>1999</b>		
Enumeration	666,427	91.37%
Revision	32,201	4.42%
Sworn on at polls	30,721	4.21%
Total	729,349	100.00%

Enumeration is always a critical phase of any election and each election has its own unique challenges. The fact that enumeration took place in August when many people were still on summer vacation proved to be one of those challenges and it is believed to have been a contributing factor in the decrease from the 1995 election registration numbers. When comparing registration of voters to the 1990 provincial election, which was held at the same time of year, and adjusting that number to reflect the population growth as determined by Statistics Canada, the 1999 numbers reflect an increase in the number of voters whose names appear on the voters lists.

Door-to-door enumeration, with at least one call back visit, was carried out everywhere in the province where possible. In most urban electoral divisions, three and four call back visits were conducted. In urban settings and easily accessible rural areas enumerators were encouraged to make as many call back visits as were possible during the enumeration period. In some rural areas where

distance made a second visit impractical, enumerators were able to follow up on their initial visit by a telephone call.

A detailed callback sheet was developed for the enumerator on which each residence was recorded in a logical, geographic manner. As the enumerator visited each residence, information was recorded as to the time of visit, whether enumeration was completed or a call back was necessary. When a resident refused to be enumerated, it was also recorded. This became a valuable tool during revision as a Returning Officer could easily identify those residences or areas where enumeration had not taken place or had been poorly conducted. The Returning Officer was then able to follow-up with those voters missed either through special enumeration or by revising agents. The electoral divisions that are traditionally difficult to enumerate, such as the inner city of Winnipeg, benefited the most from this procedure.

As in previous elections, some Returning Officers experienced difficulty in recruiting adequate qualified people to act as enumerators. This occurred predominantly in the inner city and northern communities.

Amendments to *The Elections Act* in 1998 permitted automation of the voters list and provided for its release to candidates and political parties in electronic form. In the 1999 general election, all voter registration data collected at the door during enumeration and those names collected at revision were entered on computers for the first time.

The computerization of the voters list during enumeration was done by data entry operators in the field. After entering enumeration data, the data entry operators submitted a disk to the Returning Officer and the preliminary lists were printed in the returning office. There were significant efficiencies and cost savings achieved by printing the voters lists in the returning office as compared to commercial printing. Data entry operators were required to provide written assurance that any paper or electronic copies of voter records were deleted or returned to the returning office.

Automation of the voters list was necessitated by technological change which rendered the former method of list compilation using manual typewriters near obsolete. This innovation allowed for earlier distribution of the list to candidates and political parties for the purpose of campaigning. Automation of the list had many benefits for the administrative conduct of the election as



well. It produced uniformly prepared lists for use at the polls which were sorted geographically and alphabetically enabling poll officials to locate the names of voters more easily. It also permitted an automated search to ensure that personal security voters had not been inadvertently entered on the list. After the election, Elections Manitoba was able to produce customized voters lists for municipalities and school boards to use in local elections. In future elections, the creation of a digital address database will assist in the voter registration process to ensure more complete geographic coverage.

During revision, voter data was entered in the returning office and revised voters lists were produced. Each electoral division then had a data base of all names collected during voter registration to the end of revision. This database was augmented after the election with voters who swore on at the poll during advance voting and on polling day as well as those who added their names to the voters list at absentee and institutional polls. The result was a database of voters for each electoral division, which were then combined at Elections Manitoba to produce a complete database for the province.

The voter database from enumeration was distributed to political parties during the election after the preliminary lists were produced. A complete database that included all voters who were added to the list during revision and who swore on at the polls was subsequently made available to each political party. Voters list data that was released in electronic format included special security features to prevent unauthorized installation. During installation of the software application, the user is required to contact Elections Manitoba to obtain a customized validation key to complete the installation and decrypt the data files. These security features were included in the software in the event of loss during delivery and to limit subsequent unauthorized use of the voter data information. These features were security tested by the Information Protection Centre of the Office of Information Technology.

Guidelines on access to and disclosure of Manitoba's voters list were also developed in consultation with the Access and Privacy office of Manitoba Ombudsman. These guidelines were written for registered political parties, Members of the Legislative Assembly and candidates and include recommendations for safeguarding the voters list to ensure the privacy of Manitobans is protected.

## Nominations

Nominations closed on August 31, 1999 at 1:00 p.m. with a total of 198 candidates. This is an increase from the 1995 election when there were a total of 188 candidates nominated.

Nomination kits were available from Elections Manitoba and, in most instances, from political party headquarters prior to the election. During the election, kits were also available at returning offices. Each kit contained:

- a nomination paper
- an election calendar for candidates

- a copy of *The Elections Act*
- guidelines for becoming a candidate
- finance information letter and appointment of auditor form

The newly designed nomination paper was in two parts. Part One was used by candidates to indicate consent to the nomination and by official agents to indicate consent to their appointment. A portion of this part of the nomination paper also served as the official receipt for the nomination paper. Part Two consisted of detachable pages used to collect the 100 names of eligible voters nominating the person as a candidate. This new form was well received and proved to be an easier document to complete than the form used in previous elections.

There were a total of seven political parties registered under *The Elections Finances Act* in 1999 and all seven parties endorsed candidates. Three of the seven parties became registered during 1999. The Communist Party of Canada–Manitoba was registered under subsection 12(c) of The Elections Finance Act, by filing a petition for registration, which was approved by the Chief Electoral Officer on April 30, 1999. The Manitoba Party and The Green Party of Manitoba were registered under subsection 12(b)(ii) by endorsing five or more candidates in the election. During the 1995 election only four of the seven political parties that were registered at that time endorsed a sufficient number of candidates to be able to have their party name on the ballot and issue tax receipts. A listing of registered political parties and the date of their registrations along with a comparison to previous elections can be found in the Annual Activities section of this report on page 7.

The following chart shows the number of candidates for each political party for the 1999 General Election. A comparison chart of the number of candidates and their political affiliation for past elections can be found under *Campaign Finances* on page 47.

<b>Registered political party</b>	<b># of Candidates</b>
Communist Party of Canada–Manitoba	6
Liberal Party in Manitoba	50
Libertarian Party of Manitoba	6
Manitoba Party	12
New Democratic Party of Manitoba	57
The Progressive Conservative Party of Manitoba	57
The Green Party of Manitoba	6
Independent	4
<b>TOTAL</b>	<b>198</b>

## Voting

Manitoba's Elections Act ensures that all qualified voters have the opportunity to vote.

Voter turnout for the 1999 Provincial Election was 68.10% with 496,684 voters having voted. At the count 2,021 (.41%) ballots were rejected as invalid leaving a total of 494,663 valid ballots counted. In 1995, province wide voter turnout was 69.20% with 506,667 votes cast and 2,209 (.44%) ballots rejected leaving 504,458 valid ballots.

It should be noted that a provision was included in the 1998 legislative amendments to permit a voter to decline to vote by writing the word 'declined' across the face of a ballot. This is now done behind the voting screen to maintain the secrecy of the vote. Prior to this election, if a voter wanted to decline a ballot, he or she was obliged to do it verbally with the Deputy Returning Officer. In 1999, 1,129 (.23%) voters appeared at the polls and declined to vote. This compares to 1,590 (.32%) declined ballots in 1995.

The following table shows the manner by which voters cast their ballots in 1999, with a comparison to 1995.

Method of Voting	1999 (%)	1995 (%)
Absentee <sup>1</sup>	1,788 (.36%)	N/A
Advance	23,351 (4.7%)	18,911 (3.73%)
Homebound <sup>2</sup>	1,913 (.39%)	996 (.20%)
Institutional Polls (Special Blank Ballots <sup>3</sup> )	1,720 (.35%)	1,960 (.39%)
Institutional Polls (Regular Ballots <sup>4</sup> )	3,649 (.73%)	2,704 (.53%)
Regular polls	464,263 (93.47%)	482,096 (95.15%)
TOTAL	496,684	506,667

1. Absentee voting introduced at this election, previously not available.

2. Previously known as Mail Ballot.

3. Previously listed as Special Blank Ballots (hospital polls & correctional institutions).

4. Previously listed as moving polls.

## Special Voting

In addition to the 2,597 regular polls open on polling day, there were five other special voting opportunities. These other voting opportunities included advance polls, homebound polls, absentee polls, personal security protection voting and 108 institutional polls located in health care and correctional facilities on polling day.

**Advance Voting**—During this election a broadened definition was used for advance poll voting eligibility. Advance polls are now available for voters who expect for any reason to be unable to vote at their polling subdivision on polling day. Advance polls were held in each returning office from September 11 to September 18, 1999 (excluding Sunday). In addition, there were 74 other advance poll locations mostly in rural Manitoba on one or more of the advance poll dates.

In 1999, the hours of the advance polls in returning offices were standardized to 9 a.m. to 8 p.m. rather than the previous system of different hours on different



days. A total of 23,351 eligible voters used advance poll voting (4.70 % of valid ballots cast). This compares to 18,911 advance poll voters in 1995 (3.73 % of valid ballots cast).

**Absentee Voting**—The 1999 General Election was the first election that eligible voters could vote by mail as absentee voters. This enfranchised vacationers, business people, students and those temporarily working away from home, as long as their absence from Manitoba or their home did not exceed six months. Voters were still required to meet the basic qualifications to vote and adhere to all residency rules in *The Elections Act*. Those living in remote areas of their electoral divisions could also use absentee voting. Previously, eligible voters who were unable to attend an advance poll or regular poll on polling day were unable to cast a ballot. There were 1,788 voters who utilized absentee voting (.36 % of the votes cast).

**Homebound Voting**—Homebound voting is available to those voters who are unable to go to the polling place or an advance poll because of a physical disability. Previously this voting method was known as the mail ballot. The Returning Officer or Assistant Returning Officer usually delivers a ballot kit in person. The ballot is then brought back to the returning office and placed in the homebound ballot box to be counted at the close of polls on polling night. In 1999, 1,913 (.39%) votes were cast using a homebound ballot compared to 996 (.20%) in the 1995 election.

**Personal Security Protection Voting**—Personal Security Protection provisions were passed by the Legislature in June of 1995 and further developed and defined by the amendments in 1998. These provisions were in force during two by-elections prior to the 1999 Provincial General Election. A voter who applied for personal security voting could have their name and personal information obscured or omitted from the voters list and any other election documents or records. Public service announcements and advertising on TV, radio and in newspapers directed the voter to contact their Returning Officer for further information on this voting option. Information was also provided in the Voter's Guide delivered to each household during enumeration and posted on Elections Manitoba's Web site. During the 1999 election, 50 people applied under the personal security protection provisions.



1999 was the first general election in which personal security protection voting was available. A brochure included information on what personal security protection is and how to apply.

**Voting in Institutions**—The definition of a health-care facility was streamlined and now covers hospitals, including psychiatric facilities as defined in *The Mental Health Act*, personal care homes as defined in *The Health Services Insurance Act* and developmental centres as defined in *The Vulnerable Persons Living with a Disability Act*. A correctional facility is now defined as a prison or other facility in which persons sentenced to imprisonment are detained including halfway houses and facilities in which persons awaiting trial are detained.

Large health-care facilities were served by an institutional poll (or polls). In some cases these polls were stationary, in other cases the polls moved from bed

to bed. Smaller health-care facilities as well as small correctional institutions were served by institutional moving polls that travelled from institution to institution. Returning Officers worked closely with administrative staff at all institutions to administer the election in the manner that best served the electorate in each institution.

Eligible voters whose ‘permanent residence’ was an institution (such as the long-term care ward of a hospital and personal care homes) were enumerated thus allowing them to vote using a regular ballot. Special Blank Ballots were used in large health-care facilities to enable eligible voters to cast a ballot for the electoral division in which they were a resident. Residency rules for inmates in correctional facilities dictate that they cast a ballot for candidates in the electoral division in which they resided immediately before incarceration. Only those who had no fixed address prior to being sentenced cast a ballot in the electoral division in which the correctional facility was located. Special Blank Ballots are used in all correctional facilities.

As part of the amendment process in 1998, s. 31 of *The Elections Act* was amended to disqualify inmates of a correctional facility serving a sentence of five years or more from voting. On August 23, 1999, The Manitoba Court of Queen’s Bench declared s. 31 of *The Elections Act* of no force or effect. As a result, all inmates who were eligible voters had the opportunity to vote. The 1999 election was the fourth Manitoba general election in which inmates serving a sentence were enfranchised.

### Correctional Institutions Voting Summary

Institution	Pop.*	# of Voters	%
Agassiz Youth Centre	105	13	12.38
Brandon Correctional Institution	140	45	32.14
Dauphin Correctional Institution	47	21	44.68
Egg Lake Rehabilitation Camp	32	27	84.38
Headingley Correctional Institution	308	86	27.92
Manitoba Youth Centre	176	14	7.95
Milner Ridge Correctional Institution	105	47	44.76
Osborne Community Correctional Centre	27	5	18.52
Portage Correctional Institution	60	23	38.33
Rockwood Institution	160	85	53.13
Stony Mountain Institution	391	59	15.09
The Pas Correctional Institute	61	26	42.62
United Church Halfway House - Dominion	8	2	25.00
United Church Halfway House - Dorchester	10	3	30.00
United Church Halfway House - McMillan	8	7	87.50
Winnipeg Remand Centre	313	117	37.38
<b>Total</b>	<b>1,951</b>	<b>580</b>	<b>29.73</b>

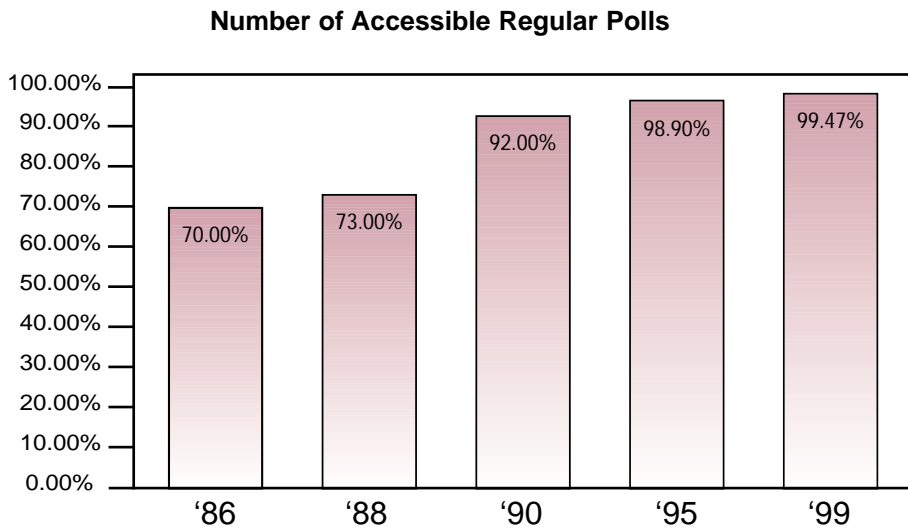
\* includes all residents but not all residents may be eligible voters

Elections Manitoba staff worked closely with the staff from Headingley Correctional Institution and Stony Mountain/Rockwood Institutions which both had internal logistical challenges during the election period—Headingley due to construction and Stony Mountain due to a lockdown.

## Access to Polling Stations

All advance poll locations must be accessible as per subsection 65(2) of *The Elections Act*. The Returning Officer is required to locate regular polling places in premises that provide ease of access to voters who are physically disabled, unless the Returning Officer has satisfied the Chief Electoral Officer that it is impractical to do so. In the 1999 election, 99.47 % of regular polls were accessible.

The following chart shows the number of accessible regular polls has increased significantly since 1986.



## Public Information

During the general election, public information activities included print, radio and television advertising; public and media relations; maintenance of the Web site; answering public inquiries; and coordinating the schools program.

**Public Inquiries**—The telephone inquiry service was open six days a week from 8 a.m. to 8 p.m. A total of 13,093 calls were handled—a 50% increase over 1995. Calls were first answered by the three Elections Manitoba staff members at Citizen's Inquiry. When those three lines were busy, calls rolled over to regular Citizen's Inquiry staff. The highest volume of calls occurred on polling day at 1,890 calls.

Thousands of inquiries were also received directly by Elections Manitoba via phone, e-mail and through the 57 returning offices province-wide.

Another major initiative was to have knowledgeable staff available to answer questions concerning *The Elections Finances Act*. Political parties, candidates

and others who had questions were invited to call as often as needed. The offer was welcomed and approximately three times as many telephone inquiries were received regarding election finances than in previous elections.

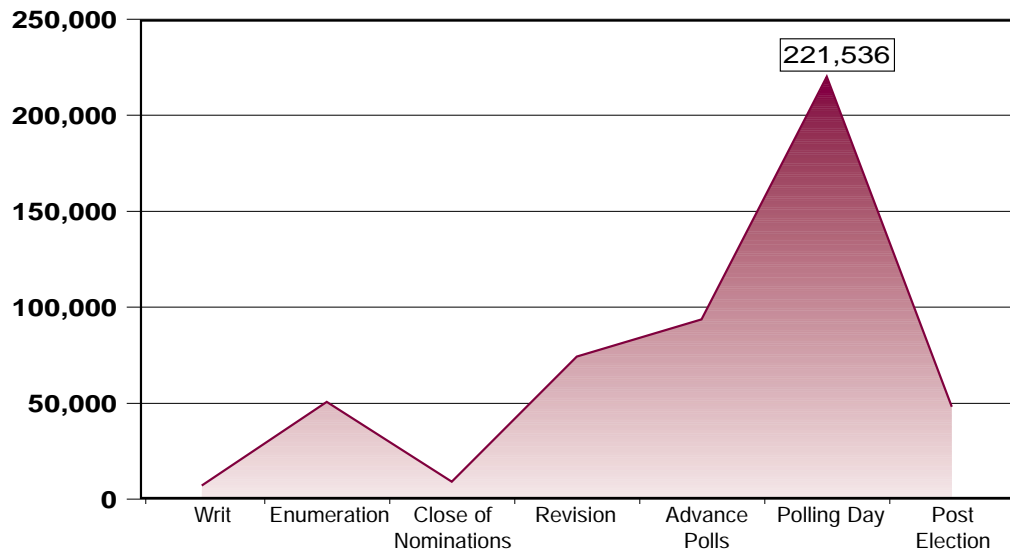
**Web Site**—A section devoted entirely to the general election was added to the Web site at the call of the election. As news of the election broke, use of the site steadily increased to a total of 50,000 visits after the first week.

Following the close of nominations, the names of candidates were posted on the Web site. Visitors could search for nominated candidates by electoral division, name of the candidate or by political party. Maps of each division were also posted. Included with the maps were dates and locations for revision and advance polls and contact information for the Returning Officer. With the addition of this information, use of the site, once again, increased significantly.

As polling day approached, the number of people using the site increased dramatically. The night of the election, after the polls were closed, Returning Officers faxed in their preliminary results and these unofficial results were posted to the Web site that evening. As shown in the graph below, for three days prior to polling day and for two days following, the site received an extremely high volume of 'hits' or visits indicating the general public sees the Web site as an important source for voting information and election results.

In total, approximately 750,000 visits were made to the Web site during the election revealing that Manitobans turn to the Internet for easy and immediate access to election information throughout the election period.

**Number of Visits to Elections Manitoba's Web Site**



**Schools Program**—The schools information program was more active during this election and provided more information to more schools than during the 1995 General Election. A total of 3,458 students in 133 classes in 63 schools received presentations. Of these, 41 schools were in Winnipeg, and 22 were outside Winnipeg. In addition, election presentations were requested and given

to representatives of the residents of Stony Mountain and Rockwood Correctional Institutions and residents of the Manitoba Developmental Centre in Portage la Prairie.

## Judicial Recounts and Appeal

Two electoral divisions within the City of Winnipeg held judicial recounts. Subsection 128 (1) of *The Elections Act* states judicial recounts shall be applied for if the number of votes for the candidate with the most votes does not exceed the number of votes for each of the other candidates by more than 50. Pursuant to this subsection, the Returning Officers in Fort Garry and Assiniboia applied for recounts to the Court of Queen's Bench. The recounts were conducted on October 12, 1999 in Winnipeg. In 1998, *The Elections Act* was amended to allow court officials to assist the judge with the counting of the ballots. Elections Manitoba took this opportunity to review the procedures for recounts and suggest a more efficient system. The changes resulted in significant cost and time savings and were welcomed by the judges involved.

In the electoral division of Fort Garry, the proceedings were presided over by the Honourable Justice M. Kaufman and at the conclusion of the recount the number of votes separating the two leading candidates was increased from 27 to 30 votes.

The Honourable Justice D. McCawley presided over the recount for the electoral division of Assiniboia. The number of votes separating the two candidates in Assiniboia was reduced from six to four votes. Following the judicial recount, there was an appeal launched in the Appeal Court of Manitoba. The Appeal Court considered the recount on October 27, 1999 and was limited to the review of a total of 16 specific ballots. After the review, the number of votes separating the two candidates was decreased from four to three.

## Results

The poll by poll results for the 1999 Provincial General Election are detailed in the Statement of Votes which was published earlier this year as required by *The Elections Act*. Copies of this publication are available from Elections Manitoba.

The official announcement of results was made on October 9, 1999 and 54 members of the Legislative Assembly were declared elected on that date. The member for Rupertsland was declared elected on October 10 after a one-day delay in receiving the results from a remote northern polling subdivision. Following the recount in Fort Garry and the recount and subsequent appeal in Assiniboia, those members were declared elected on October 20 and November 1 respectively.

The Chief Electoral Officer published notice of the returns from 55 of the 57 electoral divisions in the Manitoba Gazette on October 23, 1999. Following the recounts and appeal as detailed above, the results for Fort Garry were published on November 6 and for Assiniboia on November 13.

The party standings following the 1999 General Election were as follows:

New Democratic Party	32
The Progressive Conservative Party of Manitoba	24
Liberal Party in Manitoba	1

## Client and Staff Surveys

In an effort to enhance direct field service as well as the public information program and build on the new public information mandate in Manitoba's election legislation, Elections Manitoba conducted surveys and compiled comments from Returning Officers, staff and the public. This feedback has been very useful in determining the effectiveness of advertising and education programs.

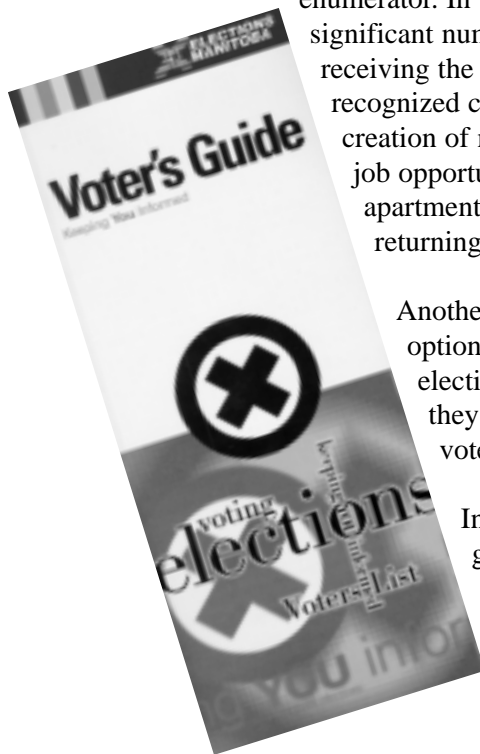
The post-election survey conducted by an outside research firm concluded that, *"knowledge of the voting procedures has increased significantly from the pre-election survey, suggesting that Elections Manitoba was successful at getting key messages out to the general public."* One of Elections Manitoba's key messages in all of its advertising was to contact the Returning Officer for more information. When asked, *"who would you call if you wanted to vote in advance of the election day?"* one-third of respondents from the post-election survey said they would call a Returning Officer or Elections Manitoba. This is a significant increase from less than one-fifth of the pre-election survey respondents.

**The Voter's Guide**—Available in both official languages and seven Aboriginal languages, the Voter's Guide was left at each household in Manitoba by the enumerator. In the post-election survey, it was reported that a significant number of respondents (45 per cent) remembered receiving the Voter's Guide making it one of the more highly recognized communications tools used during the election. The creation of new posters used by Returning Officers to advertise job opportunities during the election and to notify residents in apartment buildings of the day(s) the enumerator would be returning, proved to be very beneficial as well.

Another important finding was that awareness of voting options is very high and increases significantly during an election. Over three-quarters of respondents knew how they could register to vote if their names were not on the voters list—up from two-thirds prior to the election.

In the survey it was shown that Manitobans were generally very satisfied with their voting experience during the general election. Of those who voted,

- 96% found the voting station convenient;



- Almost all thought the staff was knowledgeable, courteous, and helpful;
- 99% of voters reported that they were treated fairly;
- 95% were satisfied with the amount of time it took to vote; and
- Over 90% were satisfied or very satisfied with their overall voting experience.

The most common reasons for not voting cited by those who did not vote were that they were too busy or simply forgot (34%). Others reported:

- disillusionment with politics or lack of interest (28%)
- being away from home during the election (17%)

Of those who did not vote, only about one in 10 attribute the reason to the process itself. For example, some of those who did not vote said that they were not on the voters list or not enumerated, that they lost their enumeration slip, that they were not sure where to go, or that they had no knowledge of the advance polls.

Elections Manitoba has also received many favourable responses to post-presentation questionnaires returned by teachers whose classes received an in-person presentation and/or simulation during the 1999 General Election. Teachers remarked that the program was very important in educating future voters and applauded the initiative. Elections Manitoba has received positive reaction from many educators with regard to its voting simulation kits as well.

An outside research firm retained by Elections Manitoba and Elections Manitoba staff also surveyed various groups of field personnel. The surveys revealed some general conclusions:

**Overall Experience**—Eighty-six per cent of enumerators reported a good to excellent experience. Ninety per cent of poll officials and enumeration officials other than enumerators reported a good to excellent experience.

**Training**—Eighty-six per cent of enumerators surveyed believed training was good to excellent. A majority of other field staff reported training as good to excellent, however, 43% of data entry operators and 34% of enumeration supervisors rated training as fair to very poor. One in five poll officials and a sizeable number of automation coordinators also indicated the need for better training.

New positions created as a result of the automation of the voters list were most often indicated as the positions in need of better training. The experience of the 1999 General Election will assist greatly in the review and redesign of the training programs for these positions.

The recent amendments to *The Elections Act* giving the Chief Electoral Officer the responsibility to recruit and appoint Returning Officers will enable Returning Officers to be hired and trained in a more timely manner. As a result, Returning Officers will be able to recruit and, for some positions, train their staff well in advance of an election call.

**Support Materials**—Eighty per cent of field staff rated forms and support materials as good to excellent. Ninety per cent of data entry operators and automation coordinators who used the technical support ‘Help Line’ staffed by Elections Manitoba reported that the service was helpful or extremely helpful.

**Experience**—

- 69% of rural enumerators reported previous experience
- 49% of urban enumerators reported previous experience
- 73% of enumeration supervisors reported previous experience as enumerators.
- 64% of poll officials reported previous experience
- 25% of data entry reported previous experience as enumerators.

**Personal Safety**—

- 19% of enumerators surveyed said personal safety was an issue for them while enumerating.

Suggestions for changes in policies, procedures, training and software were identified. Some of these suggestions have already been put in place and others will be reviewed and acted on prior to the next general election.

## Post Election Debriefing

After the election, Election Manitoba conducted various debriefing sessions with election officials, field staff, office staff and political parties. With the major changes implemented in this election, the review of all procedures and initiatives was an important process for evaluating these changes. These sessions pointed out where success was achieved and where there was room for improvement.

Post-election seminars for Returning Officers and their assistants were held in Brandon, Flin Flon, Steinbach and at three separate sessions in Winnipeg. The regional format allowed time to address regional concerns and potential solutions. Smaller groups insured that all were able to comfortably voice their opinions and thus resulted in very productive sessions. The information gained at these post-election seminars, along with the information contained in the written Returning Officer’s reports, identified the issues requiring examination and possible change.

Two meetings have been held with *The Elections Act* Ad Hoc Advisory Committee to discuss the operational conduct of the 1999 Provincial General Election. These meetings are always an extremely important component of the review process. Following the review of campaign period financial statements, meetings will also take place with *The Elections Finances Act* Advisory Committee.



# Financial Administration of the Election

## Election Budget and Expenditures

The cost to administer the 37<sup>th</sup> General Election was significantly impacted by pre-election increases to the Tariff of Fees (an order in council schedule for election payments last revised in 1990), general wage increases, the funding required to implement legislative amendments and an increase in the Consumer Price Index (7.8%). However, strict adherence to planned spending objectives produced an overall actual to budget variance of less than one per cent. The cost to administer the 1999 general election was \$4,875,229.

The administrative costs of the election are divided into two categories:

**Electoral Divisions**—This category includes the fees and travel costs of election officials and the cost to maintain a Returning Office, and other costs associated with the conduct of the election in individual electoral divisions. This category accounts for 73.3% of the total administrative costs of the election. (See Table 1 below).

**Elections Manitoba Office**—This category includes the costs associated with developing programs and systems to provide central coordination and support to the returning offices and to publicize the election as required by legislation. This category accounts for 26.7% of the total administrative costs of the election. (See Table 2 on the following page).

**Table 1**

### Summary of Returning Office Operations Expenditures for all Electoral Divisions

#### Election Officials Fees and Travel

##### Fees:

Returning Officers and Assistant Returning Officers	\$544,564
Enumeration officials	810,970
Poll officials	728,013
Other election officials	203,135
Payroll benefits	145,101
<b>Subtotal</b>	<b>\$2,431,783</b>

##### Training:

Returning Officers and Assistant Returning Officers	\$140
Enumeration officials	51,048
Poll officials	93,343
Other election officials	1,159
<b>Subtotal</b>	<b>\$145,690</b>

<b>Travel:</b>	
Returning Officers and Assistant Returning Officers	\$49,173
Enumeration officials	145,643
Poll officials	61,762
Other election officials	16,818
<b>Subtotal</b>	<b>\$273,396</b>
<hr/>	
<b>Total Election Officials Fees and Travel</b>	<b>\$2,850,869</b>
<b>Office Expenditures:</b>	
Computer hardware rental	\$108,291
Courier	12,726
Furniture and equipment rental	177,203
Insurance	440
Media advertising	863
Office rental	144,123
Office supplies	28,292
Polling place rental	96,680
Postage	4,266
Printing—ballots	56,548
Printing—other	4,237
Repairs and maintenance	3,422
Signage and ramp renovations	5,127
Supplies—paper	6,286
Telephone	74,550
<b>Total Returning Office Expenditures</b>	<b>\$723,054</b>
<hr/>	
<b>Total Returning Office Operations Expenditures (a)</b>	<b>\$3,573,923</b>

**Table 2**

**Summary of Elections Manitoba Office Expenditures**

Advertising	\$342,507
Computer costs	17,052
Courier	75,156
Furniture and equipment rental	24,782
Office rent and storage	16,837
Office supplies	15,085
Printing	34,897
Postage	23,086
Professional fees	107,835
Salaries - casual	558,130
Telephone	17,740
Training	26,446
Travel	41,752
<b>Total Elections Manitoba Office Expenditures (b)</b>	<b>\$1,301,306</b>
<hr/>	
<b>Total Election Expenditures (a + b)</b>	<b>\$4,875,229</b>

Election financial returns were required to be filed on December 22, 1999 and the processing of the returns took place in the year 2000. As a result, the costs of public reimbursement for candidate and political party election expenses will be included in the 2000 Annual Report.

## Payment of Returning Office Accounts

The Statutory Report of the 1995 General Election indicated that the accounts payment system for returning office expenditures would need to be reviewed for the next general election. In addition to this review, changes to payroll source deduction legislation and a newly installed provincial government financial management system (SAP) made a complete re-design of the system essential for the 37<sup>th</sup> General Election.

Analysis focussed on the following factors and the anticipated demand they would place on the accounts and personnel payment systems:

- The timely and accurate settlement of approximately 2,500 purchases
- The effect that changes to federal source deduction legislation would have on the 9,000 temporary employees to be added to the election payroll
- The unsuitability of the government's financial management system (SAP) to the payroll and supplier payment requirements of an election
- Production of suitable and flexible management reports and statistical analyses

These challenges were met by a successful combination of systems, services and experience:

- Small business accounting software was installed on locally networked desktop computers. The system was used to record and control the field expenses of the election and generate the required analyses and reports.
- A temporary field chequing account with an overdraft limit was utilized in conjunction with the accounting system to pay the vendors of goods and services.
- A contract was arranged with a qualified payroll service provider. Their responsibilities included the preparation of authorized payments to returning office personnel and the remittance of source deductions. Financial administration staff of Elections Manitoba retained the responsibility to authorize and distribute pay cheques.
- The provincial SAP system, through statutory fund allocation, was used to fund the payroll for election workers and to replenish the field chequing account as the overdraft limit approached.

While the complement of personnel controlling the finances of the election was reduced by 50%, there was a marked improvement in the speed with which accounts and returning office personnel were paid and in the quality of management and statistical reporting.

To generate the highest level of confidence in the new accounts payments process, internal and external sources of expertise in finance and elections were

enlisted to conduct a review of the new systems. Prior to and during implementation, an independent chartered accounting firm evaluated the proposed policies and procedures for vulnerability and risk and examined the operations documentation. Suggestions for improvement were incorporated.

As an additional safeguard, the Office of the Provincial Auditor was invited to audit the financial statements of the returning offices. They did not identify any matters requiring the Chief Electoral Officer's attention. A copy of the Auditor's report for the audit of Elections Manitoba Returning Offices—37<sup>th</sup> General Election as prepared by the Office of the Provincial Auditor is included in the Appendix on page 75 along with the audited financial statements as prepared by Elections Manitoba.

While very important and useful in this election, the full benefit of these improvements will continue to be realized in subsequent elections. Although research, development and improvements continue, the current system of account payments remains capable and ready to use in a subsequent election.

As in the past, Elections Manitoba continues to improve the methods by which the election accounts and personnel are paid. There are current plans to investigate a system that will electronically transfer payroll information between returning offices and Elections Manitoba office. A by-election may provide a good opportunity to test this new technology.

# Campaign Finances

## Candidates and Official Agents

There were 198 candidates and seven registered political parties contesting the 37<sup>th</sup> General Election. The following table lists the candidates by electoral division along with their endorsing parties, official agents and registration numbers (where applicable). A registered candidate may issue official income tax receipts.

### Candidates and Official Agents in the 1999 General Election

Electoral Division	Candidate	Endorsing Party	Official Agent	Registration Number
Arthur-Virden	Brigden, Bob	Lib.	Ken Mitchell	G-99-1074
	Kalynuk, Perry	NDP	Ian L. Robson	
	Maguire, Larry N.	PC	Sheldon Lanchbery	G-99-1086
Assiniboia	McIntosh, Linda	PC	Bill Badger	G-99-1095
	Rondeau, Jim	NDP	Wilson MacLennan	G-99-1101
	Shiloff, J. Deborah	Lib.	Sharon Sutherland	G-99-1012
Brandon East	Caldwell, Drew	NDP	Errol Black	G-99-1103
	Jessiman, Don	Ind	Lindsay Rystephanuk	G-99-1084
	Logan, Peter	Lib.	Douglas A.S. Paterson	G-99-1094
	Snelling, Marty	PC	William R. Johnston	G-99-1075
Brandon West	Gallagher, Lisa	CPC-M	Wayne Nepinak	
	McCrae, Jim	PC	Andrew Wilton	G-99-1076
	Roy, Lisa	Lib.	Robert L. Patterson	G-99-1106
	Smith, Scott	NDP	Janice Shannon	
Burrows	Babinsky, Mike	Lib.	Andrea Babinsky	
	Clark, Cheryl	PC	Clayton Smeltz	G-99-1116
	Martindale, Doug	NDP	Jim Burgess	
	Rankin, Darrell	CPC-M	Cheryl Gray	
Carman	Beresford, Diane	NDP	Harvey Bridgeman	
	Le Neal, Raymond	Lib.	D. Craig Spencer	G-99-1055
	Rocan, Denis	PC	Paul-Emile Labossiere	G-99-1044
Charleswood	Driedger, Myrna	PC	Robert Filuk	G-99-1081
	Livingstone, Darryl	NDP	Tom Milne	
	McKenzie, Alana	Lib.	James Kubas	G-99-1085
Concordia	Doer, Gary	NDP	Dennis R. Ceicko	
	Hlady, Chris	Lib.	Lillian Massey	G-99-1026
	Murphy, Paul	PC	Colon C. Settle, Q.C.	G-99-1096
	Nickarz, Dave	GPM	James (Jim) Nickarz	G-99-1064
Dauphin-Roblin	Boguski, Lorne	PC	Brad D. Collett	G-99-1111
	McPhee, Doug	MP	David Clark	G-99-1097
	Struthers, Stan	NDP	Boris Nowosad	
Elmwood	Bordynuik, Elsie	PC	Michelle Clark	G-99-1020
	Hogaboam, James	CPC-M	Michael Welfley	
	Maloway, Jim	NDP	Len Dalman	
	Neumann, Cameron	LPM	Marta Tataryn	
Emerson	Kiansky, David	NDP	Nick Poshtar	
	Klassen, Ted	Lib.	Al Schmidt	G-99-1087
	Penner, Jack	PC	Jake Sawatzky	G-99-1002

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<b>Electoral Division</b>	<b>Candidate</b>	<b>Endorsing Party</b>	<b>Official Agent</b>	<b>Registration Number</b>
Flin Flon	Jennissen, Gerard	NDP	Adrienne V. Bage	
	Ng, Philip	Ind	Roger Young	
	Therien, Tom	PC	Harold Brown	G-99-1073
Fort Garry	Cherniack, Lawrie	NDP	Tom Dickens	
	Gilson, Ted	Lib.	Kimberley Gilson	G-99-1069
	Smith, Joy	PC	Rick Pinchin	G-99-1070
	Van Rooyen, Denise	MP	Will Nicholson	G-99-1023
Fort Rouge	Paley, Ron	PC	Chrys Iwanchuk	G-99-1037
	Reid, Alex	GPM	Robert Dickson	G-99-1009
	Sale, Tim	NDP	William Reid	
	Shanski, John	Lib.	Bill James	G-99-1018
Fort Whyte	Aulakh, Malli	Lib.	Elbert (Bert) G. Phillips	G-99-1105
	Jha, Bidhu	NDP	Victor B. Olson	
	Loewen, John	PC	Gary Timlick	G-99-1050
Gimli	Carroll, Pat	Lib.	Allan Chambers	G-99-1051
	Frederickson, Fran	NDP	Don Tole	
	Helwer, Ed	PC	Leif Johnson	G-99-1112
Inkster	Barrett, Becky	NDP	Ron McIntosh	
	Lamoureux, Kevin	Lib.	Randy Hapin	G-99-1061
	Sandhu, George	PC	Brian McDonald	G-99-1001
Interlake	Green, Betty	PC	Pamela Mamchuk	G-99-1045
	Nevakshonoff, Tom	NDP	Bill Uruski	
	Swan, Margaret	Lib.	Garry L. McLean	
Kildonan	Chomiak, Dave	NDP	Cheryl Boguski	
	Lazar, Michael	Lib.	Alan Shpeller	G-99-1022
	Martin, Shannon	PC	Peter Veselinovich	G-99-1039
Kirkfield Park	Kshyk, Dennis	NDP	Shirley Manson	
	Stefanson, Eric	PC	Mel MacRae	G-99-1029
	Wieler, Vic	Lib.	George Wilson	G-99-1034
La Verendrye	Fedak, Bonnie	MP	Will Nicholson	G-99-1010
	Lemieux, Ron	NDP	Susan Hart-Kulbaba	
	Morrisette, Léon	Lib.	André Bérard	G-99-1117
	Sveinson, Ben	PC	Aaron Redekop	G-99-1000
Lac du Bonnet	Hameluck, Michael	NDP	Frances Thompson	
	Praznik, Darren	PC	Jill Papineau	G-99-1060
Lakeside	Enns, Harry J.	PC	Wayne R. Doherty	G-99-1032
	Harcus, Dave	Lib.	Joe Laroche	G-99-1093
	Pododworny, Paul	NDP	Hugh Murray	
	Van De Kerckhove, Marcel	MP	Denis Simard	G-99-1046
Lord Roberts	Ford, Lyle	GPM	Lisa Bissett	G-99-1049
	McGifford, Diane	NDP	Murray Smith	
	Mills, Allen	Lib.	Chris Sigurdson	G-99-1098
	Nishimura, Maggie	PC	Clayton Smeltz	G-99-1115
Minnedosa	Gilleshammer, Harold	PC	Tanis Barrett	G-99-1024
	Paterson, Harvey	NDP	Steave Bobiak	
	Pollon, Brion	MP	Kim Robinson	G-99-1048
	Powell, Gordon L.	Lib.	Carl L. Cunningham	G-99-1071

<b>Electoral Division</b>	<b>Candidate</b>	<b>Endorsing Party</b>	<b>Official Agent</b>	<b>Registration Number</b>
Minto	Dyck, Harold	CPC-M	Glen Wreggitt	
	Lehotsky, Harry	PC	Clayton Smeltz	G-99-1059
	Mihychuk, MaryAnn	NDP	Mario Santos	
	Poettcker, Duane	Lib.	Lois Nickel	G-99-1082
	Zuzens, Didz	LPM	Gundega Ansklavins	
Morris	Hagen, Paul	NDP	Glen Hallick	
	Martens, Herm	Lib.	Harold Klassen	G-99-1005
	Pitura, Frank P.	PC	Charlene Junkin	G-99-1030
	Rice, Dennis	LPM	Milton Shirliff	
Pembina	Arévalo, Celso	NDP	Joyce Potter	
	Dyck, Peter George	PC	Frank Wiebe	G-99-1089
	Skubovius, Marilyn	Lib.	Bernice Enns	G-99-1102
Point Douglas	Chopra, Ajay	Lib	David H. Davis	G-99-1017
	Hickes, George	NDP	Roanna Hepburn	
	Juba, Peter	Ind	Michael Skremetka	G-99-1054
	Richard, Mary	PC	Clayton Smeltz	G-99-1058
Portage la Prairie	Bergen, Gary	LPM	Rosemarie Holtmann	
	Cook, Dave	Lib.	Janie Mack	G-99-1107
	Faurschou, David	PC	Wayne McWhirter	G-99-1056
	Gretsinger, Connie	NDP	Arden Campbell	
Radisson	Cerilli, Marianne	NDP	Stan Burton	
	McDonald, Henry A.	PC	Brian G. McDonald	G-99-1027
	Watts, Betty Ann	Lib.	Ailsa Stark	
Riel	Asper, Linda	NDP	John Parry	
	Kubara, Mike	MP	Will Nicholson	G-99-1025
	Newman, David	PC	Robert Mansfield	G-99-1079
	Weselowski, Clayton	Lib.	Greg Weselowski	
River East	Eadie, Ross	NDP	Albert Bryski	
	Mitchelson, Bonnie	PC	Peter Debenham	G-99-1068
	Saydak, Patrick	Lib.	Don Hillman	G-99-1047
River Heights	Billows, Chris	GPM	Tina Billows	G-99-1099
	Gerrard, Jon	Lib.	Michael E. Guttormson	G-99-1041
	Radcliffe, Mike	PC	Walter S. Hill	G-99-1033
	Reimer, Peter	NDP	William Reid	
	Smith, Clancy	LPM	Cynthia Anne Newman	
Rossmere	Buors, Chris	LPM	Dan Zupansky	
	Connelly, Cecilia	Lib.	Ailsa Stark	
	Schellenberg, Harry	NDP	James Treller	
	Toews, Vic	PC	W. A. Redekopp	G-99-1120
Rupertsland	Harper, Fred	PC	Jeff G. Mercer	G-99-1028
	Robinson, Eric	NDP	Ron Schmalcel	
	Wood, Darcy	Lib.	Ron Nadeau	G-99-1109
Russell	Derkach, Len	PC	Jo Ann Newton	G-99-1083
	Lelond, Vince	NDP	William A. Nicholson	
Seine River	Dacquay, Louise	PC	B. J. Langdon	G-99-1014
	Fingler, Leslie	NDP	Derek Fingler	
	Goodwin, Warren	MP	Will Nicholson	G-99-1015
	Pankratz, Jake	Lib.	Al Klassen	G-99-1035

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<b>Electoral Division</b>	<b>Candidate</b>	<b>Endorsing Party</b>	<b>Official Agent</b>	<b>Registration Number</b>
Selkirk	Dewar, Greg	NDP	Shelly Blanco	
	Smolinski, Joe	Lib.	Elmer Kuber	G-99-1043
	Uskiw, Barry	PC	David L. Moore	G-99-1119
Southdale	Chaput, Shirley	Lib.	Jess Leung	G-99-1110
	Gibson, Paul	MP	Will Nicholson	G-99-1019
	Reimer, Jack	PC	Gerry Rodrigue	G-99-1067
	Taylor, Iris	NDP	Roland J. Stankevicius	
Springfield	Aitken, Patricia	Lib.	Peter Sanderson	G-99-1036
	Kimacovich, Leonard	NDP	Barry Wittevrongel	
	Schuler, Ron	PC	Edward L. Warkentin	G-99-1007
	Woloshyn, Roger	MP	Will Nicholson	G-99-1011
St. Boniface	Boily, Jean-Paul	Lib.	Denis D'Eschambault	G-99-1053
	Olson, Robert	PC	Gene Dueck	
	Selinger, Greg	NDP	Julien Omer Allard	
St. James	Helgason, Wayne	Lib.	Fokke P. Hoekstra	G-99-1003
	Korzeniowski, Bonnie	NDP	Wayne Copeland	
	McAlpine, Gerry	PC	David Crawford	G-99-1062
St. Johns	Fontaine, Patrick	Lib.	J. Rock Matte	
	Larkin, Ray	PC	Brad L. Wiens	G-99-1065
	Mackintosh, Gord	NDP	Wally Senyshyn	
St. Norbert	Brick, Marilyn	NDP	Jude Carlson	
	Dhillon, Mohinder	Lib.	Gordon C. Spence	G-99-1021
	Laurendeau, Marcel	PC	Victor Bryll	G-99-1006
St. Vital	Allan, Nancy	NDP	Monica Girouard	
	Clark, Lynn	Lib.	Alain Molgat	G-99-1016
	Hanslip, Brian	MP	Will Nicholson	G-99-1013
	Render, Shirley	PC	Andy Pernal	G-99-1063
Ste. Rose	Cummings, Glen	PC	David C. Taylor	G-99-1118
	Juskowiak, Fred	Lib.	Clara Rossnagel	G-99-1088
	Wilson, Louise	NDP	Bryan Harley	
Steinbach	Ginter, Rick	Lib.	Chris Goertzen	G-99-1114
	Hiebert, Peter	NDP	Paul Wiebe	
	Penner, Jim	PC	Phil Guenther	G-99-1004
Swan River	Klekta, Wayne	MP	Harold L. Ellingson	G-99-1042
	Plesiuk, Maxine	PC	Stan Pacak	G-99-1031
	Wowchuk, Rosann	NDP	Terry Vopni	
The Maples	Aglugub, Cris	NDP	Les Crisostomo	
	Caneda, R. Menard	Ind	Juanita Aguilar	
	Kowalski, Ellen	PC	Brad Wiens	G-99-1113
	Sandhu, Sudhir	Lib.	Karlene Debance	G-99-1090
The Pas	Evans, Ron	PC	Tom Kobar	G-99-1092
	Lathlin, Oscar	NDP	Louise Perry	
	Sandberg, Don	Lib.	Jennifer Henderson	G-99-1091
Thompson	Ashton, Steve	NDP	Leona Mayer	
	Bighetty, Pascal	Lib.	David Neil Gray	G-99-1052
	Thorne, Cecil	PC	Oswald Sawh	G-99-1100
Transcona	Reid, Daryl	NDP	Martin Johnson	
	Sidon, Paul	CPC-M	Greg Crowe	
	Stewart, Vibart C.	Lib.	Rita Stewart	
	Turner, Dan	PC	Tim Chudy	G-99-1057



Electoral Division	Candidate	Endorsing Party	Official Agent	Registration Number
Turtle Mountain	Brady, Janet	NDP	Ken Winters	
	Hanks, Lorne	Lib.	Elia Arraf	G-99-1108
	Tweed, Mervin C.	PC	Ronald Schultz	G-99-1078
Tuxedo	Buchart, Markus	GPM	William (Bill) Burrows	G-99-1080
	Dubois, Jack	NDP	Gordon Mackie	
	Filmon, Gary	PC	Malcolm L. Yurkowski	G-99-1008
	Zimberg, Rochelle	Lib.	Sean Brennan	G-99-1104
Wellington	Baskerville, Paul	MP	Will Nicholson	G-99-1040
	Doucette, Bernie	Lib.	Barry McDonald	G-99-1038
	Frate, Allison	PC	Lori L. Ricard	G-99-1072
	Santos, Conrad	NDP	Ed Harrington	
Wolseley	Abbé, Phyllis	GPM	Mel Christian	G-99-1077
	Allison, David	CPC-M	Phil Gershuny	
	Friesen, Jean	NDP	Allyson Watts	
	Roberts, Carol	PC	Colon Cameron Settle	G-99-1066

The following table compares, for each general election since 1986:

- the total number of candidates
- the number of registered candidates
- the number of candidates qualifying for reimbursement for each registered political party

#### Comparison of Number of Candidates in the Last five General Elections

	CPC-M <sup>1</sup>	GPM <sup>2</sup>	Lib.	LPM <sup>3</sup>	MP <sup>2</sup>	NDP	PC	Prog <sup>4</sup>	RPM <sup>4</sup>	WIP <sup>4</sup>	Ind <sup>5</sup>	Total <sup>6</sup>
Number of Candidates												
1986	5	–	57	–	–	57	57	13	14	6	10	219
1988	5	–	57	6	–	57	57	6	14	16	11	229
1990	1	–	57	5	–	57	57	5	6	6	5	199
1995	–	–	57	6	–	57	57	–	–	–	11	188
1999	6	6	50	6	12	57	57	–	–	–	4	198
Number Registered												
1986	–	–	43	–	–	1	55	2	13	5	4	123
1988	–	–	57	–	–	3	55	–	12	7	7	141
1990	–	–	53	–	–	4	55	–	4	1	1	118
1995	–	–	57	1	–	8	55	–	–	–	7	128
1999	–	6	43	–	12	2	56	–	–	–	2	121
Number Qualifying for Reimbursement												
1986	–	–	37	–	–	57	57	–	8	–	2	161
1988	–	–	56	–	–	44	57	–	2	–	–	159
1990	–	–	56	–	–	53	57	–	–	–	–	166
1995	–	–	53	–	–	55	57	–	–	–	1	166
1999	–	–	33	–	–	57	56	–	–	–	–	146

1. The Communist Party was deregistered after the 1990 general election and re-registered in 1999.

2. Two additional parties registered in 1999: The Green Party of Manitoba and Manitoba Party.

3. The Libertarian Party was not registered in 1986.

4. Three parties were deregistered after the 1995 general election: Reform Party of Manitoba, Progressive Party of Manitoba and Western Independence Party of Manitoba.

5. Over this time period there were 10 different registered parties in Manitoba. The independent candidates have been listed for comparison purposes only.

6. In 1986 there were 216 candidates as three withdrew before polling day. In 1990 there were 198 candidates as one withdrew before polling day.

To maintain party registration under the Act, registered political parties must endorse at least five candidates in a general election pursuant to clause 19(2)(e). All seven registered political parties fielded five or more candidates in the 1999 General Election.

Candidates and political parties must file, with the Chief Electoral Officer, election returns for income, transfers and expenses. New for the 1999 General Election was the requirement for candidates to include a balance sheet outlining assets and liabilities and the requirement to disclose non-election expenses. A return disclosing all contributions from one source that in aggregate are \$250 or more must also be filed for candidates. Registered political parties must file a similar return annually disclosing contributions received during the year including contributions received during the election period.

### Review of Financial Statements and Returns

The deadline for candidates and registered political parties to file election financial returns was December 22, 1999. Because of extensions and late filing, many returns were not received until the new year. By January 21, 2000, 181 of 198 candidate returns had been filed. Of the remaining 17, 10 had extensions to the filing deadline and seven were beyond the filing deadline. Six of the seven registered political parties had filed by an extended deadline of January 21, 2000. The remaining one was filed on February 18, 2000, beyond the filing deadline.

As a result of major legislative amendments to *The Elections Finances Act*, fundamental changes were made to the review system for the 1999 General Election. In addition to the new provisions for advance payments of reimbursements now required under the Act, a risk-based compliance review component was added. The risk-based review component essentially identifies areas where further review is needed in order to have a reasonable assurance that financial reporting complies with requirements of *The Elections Finances Act*. This approach has resulted in a more detailed review of the financial returns of candidates and registered political parties than in previous elections. It will enhance public confidence in the financial disclosure provisions of the Act, strictly enforce spending limits and provide greater assurance that public funding of tax credits for political contributions and reimbursement of party and candidate election expenses is being rigorously monitored. At the time of writing this report the review of all of the returns had not been completed, however, several areas have already been identified where changes are needed including new guidelines, interpretation bulletins and reporting forms. Some of the changes are recommended in Part III *Legislative Amendments*.

Spending Limits—The following table compares the spending limits on a per-voter basis for candidates and political parties for the past five general elections.

**Comparison of Political Party and Candidate Spending Limits  
in General Elections**  
(Per Name on Revised Voters List)

	1986	1988	1990	1995	1999 <sup>1</sup>
<b>Political Party</b>					
Advertising	\$0.49	\$0.53	\$0.5975	\$0.6764	n/a
Overall	\$0.98	\$1.07	\$1.1950	\$1.3528	\$1.4809
<b>Candidate</b>					
Advertising	\$0.31	\$0.33	\$0.3734	\$0.4228	n/a
Overall	\$1.54	\$1.67	\$1.8672	\$2.1138	\$2.3272
Overall for Rupertsland & Churchill until 1988, Flin Flon & Rupertsland from 1990	\$2.46	\$2.67	\$2.9875	\$3.3821	\$3.7023

\* The advertising limit is part of the overall expense limit.

\* The per-voter amounts specified above are adjusted by the Consumer Price Index.

1. Advertising limits were eliminated from *The Elections Finances Act* in 1998.

Candidate and Political Party Financial Returns—A summary of the financial statements for candidates and for each registered political party will be published in the 2000 Annual Report once all returns are finalized. Elections Manitoba was in the process of posting a summary of candidate and party financial statements on its Web site at the time of writing this report. According to section 70 (1) of *The Elections Finances Act*, all statements and returns filed with the Chief Electoral Officer are public information and are open to inspection by anyone at any time during regular office hours.

## Reimbursement

Candidates receiving a minimum of 10% of the valid votes cast qualify to receive a 50% reimbursement of the actual election expenses not including donations-in-kind. In certain circumstances, depending on the deficit status of a candidate, some or all of the candidate's reimbursement is paid to the endorsing political party.

Registered political parties qualify for a 50% reimbursement of actual election expenses if their endorsed candidates, in total, receive a minimum of 10% of the valid votes cast province-wide.

Amendments to *The Elections Finances Act* allowed for half of the reimbursement otherwise payable to a candidate's official agent to be paid within 15 days of filing a complete financial return. The 15-day requirement was met in all but one case which took 16 days. In previous elections the total reimbursement to an official agent or to a chief financial officer would not be paid until after the review of a financial return was complete. The goal of the amendment is to provide financial relief for campaigns that have to pay suppliers. One hundred and forty-six candidates qualified for reimbursement but only 118 were eligible for an advance reimbursement payment (28 of the

qualified candidates' campaigns had a surplus). Of the 118 candidates eligible for an advance reimbursement, 103 payments were made since 15 candidates' campaigns did not satisfy the advance payment requirements of the Act. Three of the seven registered political parties qualified for reimbursement and received advance payments.

A new provision in *The Elections Finances Act* allowed for reimbursements to be paid to a third party that loaned money to a candidate's campaign or to a registered political party to finance election expenses. The provision was designed to ease the concern with being able to raise money to finance the initial stages of a campaign. The provision was not widely used with only one campaign completing the necessary documentation.

# IV

## INNOVATIONS AND FUTURE DIRECTIONS

Each election brings insight into the workings of forms, policies, procedures and systems developed by Elections Manitoba. When one election is over, post-election processes are really the start of preparations for the next election. Debriefings, surveys, reports and evaluations serve as a basis to assess what was a success and where the need for improvement lies. As Elections Manitoba has to be in an election readiness state at all times, these post-election undertakings are a vital part of the entire election administration.

### By-election and General Election Preparations

Elections Manitoba's policy is to always be in a state of readiness for at least five by-elections. Currently Elections Manitoba has enough forms, materials and manuals printed, packed and on-the-shelf to carry out this policy. Enumerators' kits, poll officials' kits, voting kits and Returning Officers' supplies are ready to be shipped in the event that a by-election is called. As any forms or manuals are revised or redesigned, they will replace the existing ones already packed.

When an area of improvement is identified and a possible solution is developed, a by-election is the most opportune time to test new and innovative ways of serving the voters. The most notable pilot project in the past few by-elections was the automation of the voters list. The automation of the voters list was implemented in the Portage la Prairie (1997) and Charleswood (1998) by-elections before province-wide automation of the voters list was implemented in the 1999 General Election. Any risk involved in delivering innovative programs and services is minimized because of the smaller scale of by-elections and through extensive back-up plans. New processes can be tested at by-elections without the expense and risk of experimenting at a general election.

Some possible pilot projects that may be explored in the future include:

- data entry of enumeration records in a returning office as opposed to field data entry as was done in the 1999 General Election
- distributing a candidate newsletter to inform candidates and their campaigns of important electoral administration matters
- automating several returning office functions such as payroll and voter registration progress tracking
- improving detailed address maps in the City of Winnipeg and improving the base maps for the 26 electoral divisions outside Winnipeg

- developing financial reporting software to enable candidate's campaigns to file financial returns in electronic format through the use of custom built application software
- issuing revised Official Agent, Chief Financial Officer and auditor guidelines
- preparation of new and revised interpretation bulletins

Any major changes to fundamental election processes are made in consultation with the political parties. The overriding concern with any change or innovation introduced during a by-election is to ensure the proper conduct of the election. The planning and preparation for the above pilot projects is already underway. The number and the extent of initiatives will be dependent on the timing of any pending by-elections.

## New Initiatives

Elections Manitoba is constantly looking at new initiatives to improve the electoral process in Manitoba. To this end, new and innovative ways are always being explored that will enhance procedures for election officials, voters and political parties. Training, communications and materials are always being reviewed but especially after the experience of a general election.

**Automation**—Several process changes are being explored for future electoral events as a result of the experiences during the 1999 General Election. Some of the new approaches being considered include:

- Incorporation of a geographic database with the voters list preparation software which would enable data entry operators to select a street name from a pre-loaded list of streets in a poll for each new voter added. This enhancement to the voters list preparation software would further improve the accuracy and quality of the data received by Elections Manitoba.
- Use of computer generated, pre-printed enumeration records from a previous voter database for enumerators to use to conduct an enumeration confirmation. This would enable the present database of electors to be updated during a by-election or general election rather than creating a new list of electors for each election.
- Use of the Internet to transfer information to and from returning offices. Secure virtual private networking (VPN) connections would be used to transfer information and automate the entry of the data into Elections Manitoba's information system as well as to streamline communications.
- Creation of enhanced information management tools that would allow Elections Manitoba to gain access to all critical information throughout the electoral cycle. This information would include key managerial information such as enumeration status reports and candidacy status reports.
- Election Manitoba will continue to evaluate the procedures of other electoral offices to identify best practices in terms of procedures and technology. For example, an evaluation will be conducted of alternative

voter registration methods such as use of the federal voter registry as well as the creation of a permanent provincial registry similar to that of BC or Quebec.

**Auditor Information Sessions**—Besides providing auditor guidelines we will be exploring the need to have information sessions for auditors (similar to the sessions for official agents). Auditors play an important role in the financial reporting of candidates and political parties by providing an initial level of assurance that financial returns comply with legislation.

**Mapping**—Freehand, a graphic design software package, and its extension program Map Publisher, is currently being used in the production of maps for by-elections in Winnipeg electoral divisions. It enables better labelling and additional features to be added such as parks, schools, community centres and churches.

**Public Information**—A complete review of the public information program will be undertaken. Initiatives in high schools, universities and colleges as well as with new citizens groups will be developed to target new voters. The goal of these programs will be to increase awareness of the electoral process as well as to recruit potential election workers. In the long term, a broad base of Returning Officers will be involved in the implementation of this program. In the short term, Elections Manitoba staff and a limited number of Returning Officers will carry out the program.

## Ongoing Reviews

As policies and procedures are revised in light of the experience in the last election, it is important to consider carefully the impact at the field level. In order to continue a more in-depth dialogue in this regard over the next one to two years, Elections Manitoba staff will meet with small groups of Returning Officers to discuss specific operational issues and ways of further improving service to voters, candidates and registered political parties. Specifically, matters of recruitment, selection and training of enumerators and poll officials; voting in institutions; organization and automation of the returning office; and voter registration in electoral divisions with a highly mobile population and large numbers of apartments and condominiums will be reviewed.

The following is an overview of the different areas of operation which are presently being reviewed by Elections Manitoba staff.

**Training**—Improvements were made to the training materials for enumerators and poll officials in the 1999 election. Based on feedback from field staff and Returning Officers, more improvements are needed. Simulation sessions for Returning Officers, their assistants, and enumeration supervisors on how to train enumerators were used on a limited basis just prior to the call of the 1999 election. These sessions will be expanded and poll official's simulation training will be implemented. Returning Officers have also indicated that it is increasingly difficult to find experienced and committed officials. Innovative ideas for recruitment will be discussed in the coming months. A combination of

changes to recruitment and training are needed in order to find the best officials and to train them for their important and challenging work. It is expected that a system of ongoing training will be implemented using smaller regional groupings and experienced Returning Officers.

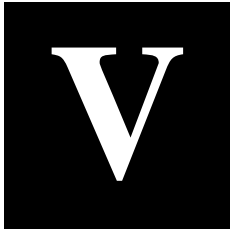
**Mapping**—Due to the uncertainty regarding which set of electoral division boundaries were to be used in the 1999 election, not all Returning Officers had the opportunity to review and change their polling subdivision boundaries to coincide with the slightly larger size of polls approved in the 1998 amendments to *The Elections Act*. The polling subdivisions should now be between 350 and 400 voters wherever possible. Variance is allowed in rural and remote areas or in other special circumstances such as where distance may be a factor. The experience of the 1999 election shows that some population shifts have occurred within electoral divisions necessitating changes to polling subdivision boundaries. Completion is tentatively scheduled for 2002. Prior to the next election, it is very important to ensure that the 2,500 to 2,600 polling subdivisions are appropriate and that descriptions and poll keys are updated and accurate. The improved base maps will be ready prior to Returning Officers beginning this mapping project.

**Communications**—The amendments to *The Elections Act* in 1998 included a new information mandate for Elections Manitoba to provide the public with information about the electoral process, the democratic right to vote and the right to be a candidate at an election. Starting in the fall of 2000 and leading up to the next election, Elections Manitoba will continue to review its communications programs to satisfy its expanded information and education role. In order to meet the needs of persons with reading difficulties, new Canadians and others, we will be reviewing the current mix of newspaper, radio and television advertising, as well as the content of newspaper advertising that is placed during an election. Currently we are looking at the schools program, public outreach presentations and the Web site as areas of potential development.

The schools information program, which is available for kindergarten to Senior 4 students, has been very successful over the past 12-14 years. Consultations with teachers and students indicate that the information could be improved by targeting specific grade levels. The schools information kits were developed on the basis of one kit for elementary school age children and one kit for junior and senior high school students. The review of these kits is a priority for the 2000/2001 year along with the creation of associated materials for the expanded community relations program. The involvement of Returning Officers in the presentation of the school program is another initiative that will expand the program into the more remote parts of the province.

A new initiative being explored for the Web site is the development of a schools kit that could be accessed directly off the Web site. This kit could include an interactive election game. Another possibility being looked at is an e-mail newsletter that could be used during an election to notify the public of important dates and information.





# LEGISLATIVE CHANGES

## Recent Legislative Amendments

As mentioned elsewhere in this report, major legislative changes were made to *The Elections Act* and *The Elections Finances Act* in 1998. The vast majority of these changes were previously recommended in reports of the Chief Electoral Officer. Prior to 1998 there had not been major changes to elections legislation since the mid 1980's, except for some important amendments in June 1995 with respect to the provision for personal security protection voting and the repeal of requirement to post the voters list. In 1999, significant changes were made to Manitoba's elections legislation as a result of recommendations made by a Commission of Inquiry.

## Commission of Inquiry—Alfred M. Monnin

As reported in the 1998 Annual Report of the Chief Electoral Officer, a Commission of Inquiry was established on June 30, 1998. The Commission was set up to inquire into and report on alleged infractions of *The Elections Act* and *The Elections Finances Act* occurring in the period prior to and during the 1995 Manitoba General Election in the electoral divisions of Dauphin, Interlake and Swan River. Former Chief Justice Alfred M. Monnin was appointed Commissioner. At the request of the Honourable Alfred M. Monnin, the terms of reference of the Inquiry were amended on September 23, 1998 "to include whether there has at any time been any wrongful concealment or cover up of the circumstances surrounding the alleged infractions up to the date of the conclusion of the hearings." Elections Manitoba was one of several parties with legal standing during the Commission hearings.

Essentially, it was alleged that certain individuals helped organize and finance three aboriginal candidates in the electoral divisions of Dauphin, Interlake and Swan River in order to siphon votes from the NDP candidates to the benefit of the PC candidates in those ridings. The Commissioner's report concluded:

- that one of the three aboriginal candidates was induced to run contrary to Sec. 145(1) of *The Elections Act*;
- that the induced candidate accepted money and a car in exchange for agreeing to run contrary to Sec. 145(2) of *The Elections Act*;
- that the induced candidate and his official agent filed false statements and returns and false clarifying information with the Chief Electoral Officer contrary to Sec. 81 and 83(c) of *The Elections Finances Act*;
- that there was a cover-up engineered by senior PC party officials, and

- that the PC party comptroller caused a false statement to be filed with Elections Manitoba contrary to Sec. 81 and 83(b) of *The Elections Finances Act*.

At the time of these infractions there was no reference to a specific time limit on prosecutions under *The Elections Act*. In the absence of a reference in the legislation, *The Summary Convictions Act's* time limit of six months prevailed. *The Elections Finances Act*, (section 94) indicated that notwithstanding *The Summary Convictions Act*, the Chief Electoral Officer may initiate a prosecution under that Act at any time within six months from the date on which the Chief Electoral Officer becomes aware of the alleged offence; but no prosecution shall be initiated more than two years after the date of the occurrence of the alleged offence. Because this time limit had been exceeded, there was no recommendation for charges to be laid under elections legislation.

The original allegations which came forward in 1995 were investigated by Elections Manitoba. At the time, there was not sufficient evidence to support the laying of charges. Commissioner Monnin commented in his report on the initial investigation and decision of the Chief Electoral Officer. He considered the short time frame for the investigation, the lack of cooperation witnesses provided to the investigator and the limited legislative authority. He concluded,

*"Under such circumstances and the law as it stood, Elections Manitoba did all that it could and ought not to be faulted. If there was fault, it lies with the witnesses who failed to co-operate, who lied, or who plainly avoided being interviewed. Part of the problem is also attributable to the Legislature which failed to follow through rapidly on the amendments to the two statutes requested for some time by Elections Manitoba, namely, a two-year limitation and the power of subpoena and search.*

*"That should lay to rest any doubt about this particular aspect of the case and the confidence of the public in Elections Manitoba can be reaffirmed and sustained."*

### **Inquiry Recommendations—Legislative Amendments in 1999**

The Commission of Inquiry made seven recommendations, several of which resulted in amendments to *The Elections Finances Act* and *The Elections Act*. In April, 1999 the Manitoba Legislature, acting on specific recommendations of the Chief Electoral Officer arising from the Inquiry, passed amendments extending the time limit for prosecutions to one year from the time the Chief Electoral Officer has reasonable and probable grounds to believe that an offence has been committed.

Several amendments were made to strengthen the audit process. One important provision was for the disqualification and resignation of an auditor whose professional judgement or objectivity is impaired and a requirement for the auditor to provide the Chief Electoral Officer and the new auditor with written reasons for the resignation. Audits of all financial statements must be made in accordance with generally accepted auditing standards. The auditor must have

access at all reasonable times to the records of the candidate or the registered political party and must be provided with any information and explanations that the auditor considers necessary to give a report.

For the purpose of ensuring compliance the Chief Electoral Officer may now conduct inspections and audits of the records that relate or may relate to information that is or should be in the statements and returns required to be filed. The Chief Electoral Officer may, at any reasonable time and where reasonably required, enter any premises where there is reason to believe there are records of a registered political party, candidate, or constituency association relevant to an inspection or audit and inspect and make copies of those records. Any person occupying premises referred to above must produce and permit copies or extracts to be made of all records required and must provide any information that the Chief Electoral Officer may reasonably require. Where entry to premises is reasonably required and entry has been refused or there are reasonable grounds to believe that entry will be refused, a justice may issue a warrant authorizing the Chief Electoral Officer to enter the premises and exercise the above powers, subject to any conditions that may be specified in the warrant.

In order to facilitate inspections, audits and investigations and ensure compliance with *The Elections Finances Act*, records pertaining to a financial statement or a return must be maintained for a period of at least five years or any additional period required by the Chief Electoral Officer.

Chief Electoral Officer reports to the Legislative Assembly that contain recommendations concerning amendments to *The Elections Finances Act* or *The Elections Act* are now to be given consideration by the Standing Committee of the Assembly on Elections and Privileges within 60 days after being tabled.

In response to the recommendations of the Commission of Inquiry and the legislative amendments in 1998 and 1999, the process of reviewing financial statements and returns filed with the Chief Electoral Officer has changed significantly. In particular, returns were selected for expanded reviews based on pre-defined criteria which were applied equally to all returns. These pre-defined criteria were established with the objectives of:

- a) ensuring all candidates and parties were treated equally;
- b) increasing the ability to detect instances of non-compliance;
- c) deterring future instances of non-compliance; and
- d) focusing efforts and resources where warranted.

For the remaining returns, expanded compliance reviews were conducted on a representative sample with similar objectives.

As part of the program to enhance compliance, significant effort has been focussed on education, such as pre-election information seminars, revised financial guidelines and the preparation of interpretation bulletins and guidelines for parties and candidates. However, the review outlined above has identified several areas where knowledge and understanding of the legislation needs to be expanded. To avoid future instances of unintentional violations, education programs will be a major part of the approach to ensuring compliance.

## Code of Ethics

The Commission of Inquiry also recommended that all political parties voluntarily prepare a code of ethics as recommended by the Lortie Report (Royal Commission on Electoral Reform and Party Financing) and a mechanism for enforcing strict compliance. The recommendation further stated that if such a code is not implemented by December 31, 2001, that a standard code be made compulsory by legislation.

In discussing this recommendation with the political parties it was recognized that separate codes of conduct should be developed by political parties to affirm their distinct cultures and traditions. However, there was also agreement that a common code of ethics should be developed that would foster confidence in the integrity and fairness of the electoral process. In an effort to arrive at a shared code of electoral values which parties could adopt in addition to their individual codes, Elections Manitoba facilitated discussions of some of the common themes and core values which would be important as they relate to the electoral process.

The result of these efforts is a working document called 'Shared Code of Ethical Conduct for Manitoba's Political Parties'. Consensus on the contents of the document and the self-regulatory approach for implementation was achieved among the political party representatives on the joint Advisory and Ad Hoc Committee. The code of ethical conduct is now in the hands of the individual political parties and a timetable has been set for its potential, formal adoption.

## Upcoming Legislative Amendments

At the time of writing, Bill 4 to amend *The Elections Finances Act* and Bill 17 to amend *The Elections Act* were just passed by the Manitoba Legislature. The details of these amendments which received Royal Assent on August 18, 2000 will be outlined in the 2000 Annual Report. However, it is important to note from the standpoint of the recommendations for legislative change which follow, that several of the Chief Electoral Officer's former recommendations were included in the 2000 amendments. For example, the longstanding recommendation that Returning Officers be appointed by the Chief Electoral Officer instead of Cabinet and the recommendation that third party election spending be disclosed have been included in the 2000 amendments. Therefore, these and other earlier recommendations which were included in Bills 4 and 17 will not be repeated in this report.

Major recommendations from previous reports of the Chief Electoral Officer which were not addressed in either the 1998, 1999 or 2000 amendments or which have not since been dealt with administratively, have been brought forward in the following recommendations.

Also following the 1999 general election, Elections Manitoba consulted with Returning Officers and assistant Returning Officers through written reports and in person. Via a combination of telephone surveys and in person meetings, a representative sample of enumerators, poll officials and other field staff were

also consulted. Elections Manitoba also met with representatives of registered political parties via the Ad Hoc and Advisory Committees. Particularly during the election, the public has also raised some issues. Based on these consultations, the experience of the 1999 general election and previous elections and surveys of other jurisdictions on many of the points, there are a number of reasons to recommend amendments to *The Elections Act* and *The Elections Finances Act* prior to the next general election.

The legislative structure of the electoral process in Manitoba is of fundamental importance to all Manitobans. In order to ensure that election laws will continue to serve the public and the political participants, the following recommendations to amend *The Elections Act* and *The Elections Finances Act* are respectfully submitted.



# RECOMMENDATIONS

## The Elections Act

### Voter Registration

The 1995 Statutory Report on the conduct of the 36<sup>th</sup> General Election made several recommendations regarding preparation of the voters list. All of the recommendations relate, in some way, to the issue of how to prepare the best voters list taking advantage of technology and opportunities for sharing. For example, providing the provincial voters list to federal, municipal and school electoral authorities is now permitted and is taking place. Now that Elections Manitoba has some experience with automating the voters list, and because the continuous federal voters list will be used in the upcoming federal election, we will be studying the whole issue of the best and most efficient means to register voters. We will be doing this with the benefit of the advice of the Ad Hoc Advisory Committee on *The Elections Act*. Therefore, I am deferring any further broad recommendations on voters list preparation and voter registration methods until the results of that study are received.

The study will compare enumeration, development of a continuous voters list, and use of the federal Register of Electors. The study will consider technical and financial issues as well as accuracy, coverage, completeness and any impact on the voter's connection to the election.

There are, however, several other recommendations concerning the existing system of voter registration that can be made at this time.

### Voters lists—authorized signatures and delivery to Returning Officers [s. 36 (1)& (2)]

**Background:** During the 1999 general election, a new way of producing the voters lists was used. Data entry operators entered the voter's name and address on a computer template rather than each enumerator typing their own voters list. The

voters list was then reproduced in the returning office rather than having it prepared by a commercial printer. In some rural areas the data entry operators were arranged on a regional basis within the electoral division. Currently the Act states that the enumerator shall sign the voters list. The signature of the enumerator is an important concept, however, it would be more efficient to make it possible for either the enumerator or the Returning Officer to sign the final printed voters list.

1. **Recommendation:** That the Act be amended so that, where required, the Returning Officer may sign the voters list for an enumerator.

### Safeguarding the voters list [s. 156(1), 156(2), 158, 163.1(1), 164]

**Background:** In the 1995 Statutory Report it was recommended that *“the Act be amended so that the Chief Electoral Officer may take such steps as deemed necessary to safeguard proper use of the voters list and that subsections 156(1) and 156(2) specifically exempt the Chief Electoral Officer and Returning Officers from making control entries on the list.”*

Privacy protection of personal information is an important public concern. Amendments are necessary to ensure that voters lists are being used properly and to ensure that the privacy of voters is respected.

2. **Recommendation:** That subsections 156(1) and 156(2) and section 158 specifically exempt the Chief Electoral Officer and Returning Officers in order to permit control entries to be made on the voters list and that the Chief Electoral Officer be permitted to take such steps as deemed necessary to safeguard proper use of and detect misuse of the voters list.

The following additional recommendations relate to safeguarding the voters list:

### **Use of the voters list [s. 163.1(1), 164]**

**Background:** The voters list contains the names, addresses and phone numbers, where provided, of voters. Section 163.1(1) of the Act is worded in such a way as to make it an election offence to misuse the voters list without clearly stating what constitutes authorized use of the list. There should be additional provisions to guard against misuse and make it clear what the lists can and cannot be used for. The elections legislation of Canada, British Columbia and Quebec are specific regarding acceptable uses of voters lists and now that the voters list is available in electronic form, it is recommended that this section of *The Elections Act* be more specific.

**3. Recommendation:** That s. 163.1(1) of the Act be revised to be more specific as to use of the voters lists to include the following:

- a. That there be a clause stating in a positive manner who may have access to and use of the voters list and that personal information in the voters list may only be used for purposes consistent with *The Elections Act*, *The Elections Finances Act*, a referendum conducted under *The Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act*, *The Local Authorities Elections Act*, *The City of Winnipeg Act* and the *Canada Elections Act* and any related Regulations pertaining to these Acts
- b. That the Chief Electoral Officer may enter into an agreement with any body governed by the above statutes to share Manitoba voters list information under conditions appropriate to the use of the list. For the purpose of ensuring the protection of personal information contained on the list, the Chief Electoral Officer may impose conditions and restrictions on the use that may be made of voters list information and safeguards which must be implemented.
- c. That an election officer may require an individual who wishes to inspect a copy of a voters list, or record pertaining to the voters list, to provide a signed statement that the individual, and any individual or organization on whose behalf the first individual is inspecting the voters list or record, will not use personal information included in the voters list or record except for a purpose permitted by or under this Act

### **Qualification for voters list (six-month residency rule) [s. 32(1) and s. 35(1)]**

**Background:** In section 35(1) of *The Elections Act*, Rule 2 states that “A person does not lose residence in the province by leaving the province for a definite purpose during a definite period of less than six months, if he intends to return to the province and reside within the province after that period.” Other provinces generally have a similar six-month residency requirement. However, several jurisdictions also have exceptions to extend the residency requirements for provincial and federal employees, including Canadian Armed Forces personnel.

Significant improvements to voter enfranchisement were made to *The Elections Act* in 1998 with the introduction of absentee voting. Absentee voting was very well received across the province during the 1999 election. An eligible voter who is outside the province anywhere in the world can vote in a Manitoba provincial election by using a special blank ballot as long as the voter has not left the province for more than six months. An eligible voter within the province who is temporarily away from his or her home electoral division for less than six months and consequently unable to attend advance or regular polls in their home electoral division may also vote using an absentee ballot. However, I also recommended that the requirement under the Act for six-month residency be reviewed particularly as it relates to otherwise qualified voters who may be absent from the province for more than six months (e.g. peacekeepers) but intending to return to Manitoba within a specified time.

This issue of residency requirement also affects students during an election. Elections Manitoba’s interpretation of the six-month residency requirement as it pertains to students is based on

a decision of the Provincial Judges Court in The Pas in 1981. Currently if a student is attending a program of studies outside the province for six months or more, he or she would not be qualified to vote. However, if the student returns home from outside the province within six months, the sixth month residency ‘clock’ starts over again when the student returns to their studies outside the province.

During the 1999 election there were concerns expressed by students and their families that the six-month residency requirement should not apply to students studying outside the province. It was felt that if a student was not able to return home within a six-month period they should still be able to vote using an absentee ballot. The Ad Hoc Advisory Committee on *The Elections Act* recommended that a five-year exemption apply to employees of the Canadian Armed Forces, the Public Service, international agencies and students alike.

**4. Recommendation:** That the six-month residency requirement be extended to a period of several years for the following otherwise eligible voters:

- Employees of the Canadian Armed Forces, the Federal Public Service or Manitoba Civil Service or international organizations who have every intention of returning to live in Manitoba upon the conclusion of their employment;
- Workers and students, working or studying outside of the province, who have every intention of returning to Manitoba; and
- The immediate family of any such workers or students.

#### **Residency of disadvantaged individuals [s. 35(1)]**

Background: Prior to the 1999 election, Elections Manitoba developed a policy to address the issue of residency for individuals who live in temporary residences such as hostels. The policy states, “*A temporary residence or establishment where the voter is provided with food or lodging or other social services (including soup kitchens, shelters, hostels or similar institutions) shall be*

*considered not to be the place of residence of a voter unless the voter has no residential quarters in any other electoral division to which, on polling day, he or she may go, in which case the voter’s temporary quarters are deemed to be the place where the voter is ordinarily resident.”*

The *Canada Elections Act* has a provision similar to our policy.

**5. Recommendation:** That the determination of temporary residential quarters be incorporated in the Act as outlined above.

#### **Homebound ballot voting—delivery [s. 101 & 102]**

Background: The role of a Returning Officer has evolved to include more managerial responsibilities than it did in the past. The Returning Officer now has less time to accomplish some of the tasks which were traditionally part of the job. One such task is administering the vote to homebound voters. *The Elections Act* states that, if the Returning Officer is satisfied an applicant meets the requirements to be a homebound voter, “*the Returning Officer shall deliver or mail*” a homebound voting kit to the voter. Because of the assistance that is often required by homebound voters, it has been found that home delivery is the most viable way to administer the ballot in these cases. As this task can often be very time consuming due to the circumstances involved with many homebound voters, time does not always allow a Returning Officer to deliver and administer this vote. By allowing, when necessary, either the Assistant Returning Officer or a designated alternate to administer this voting opportunity, homebound voters will be better served. The Returning Officer would still retain the responsibility to approve applications for homebound ballots.

**6. Recommendation:** That section 102(1) of *The Elections Act* be amended to read “*the Returning Officer shall deliver or cause to be delivered*” a homebound voting kit to allow, when necessary, another person to deliver and administer the vote to those who have met the requirements to vote at home.



## Caregiver of a homebound voter [s.101 &102]

**Background:** During the 1999 Election, Returning Officers reported requests being made to vote at home by the caregivers of those who qualified as homebound voters. Many of these caregivers were spouses and other family members who were, in effect, confined to their homes to care for their disabled partner or family member, except for occasional relief by home care workers. This respite did not always coincide with a voting day especially if the relief was not on a weekly basis.

- 7. Recommendation:** That *The Elections Act* be amended to enable the qualified caregivers of homebound voters who are otherwise unable to attend advance or regular polls to vote using the homebound voting method.

## Special circumstances [s. 101 & 102]

**Background:** Every election, calls are received on the Sunday and Monday before polling day by qualified voters whose circumstances have changed and they will therefore not be able to attend their polling place on polling day. The most common situations heard by Returning Officers are:

1. The voter has been called out of town unexpectedly on either business or a family matter and the absentee application deadline was the previous Saturday, or
2. A voter is released earlier than expected from the hospital, where he or she had intended to cast a ballot. The voter is physically unable to go to his or her designated polling place and the homebound voter application deadline was the previous Saturday.

Even though the number of people in circumstances such as these is not exceptionally large (perhaps an average of one or two per division), there is no voting opportunity in place for them.

Personal Security Voters can apply and vote anytime up to and including election day either at the regular poll or by presenting themselves at the returning office and using the homebound voting

poll. Similar options could accommodate voters who have exceptional circumstances. By using the homebound poll, the voter who leaves the hospital early, as described above, could have arrangements made for the delivery of the ballot by their Returning Officer. This may have to be done by someone designated by the Returning Officer if distance is a factor.

- 8. Recommendation:** That sections 101 and 102 of *The Elections Act* be amended to extend the homebound voting provisions to voters with “*Special Circumstances*” when the Returning Officer is satisfied that a voter has missed the deadlines for other voting options due to unforeseen circumstances and would otherwise be unable to vote. This opportunity would only be available through the returning office on the Monday before polling day.

## Political activities on polling day/campaigning within 50 metres of polling place [s. 111 and 112]

**Background:** Subsections 111(1) and (2) are intended to prohibit political campaigning within 50 meters of the entrance to polling places. The Act currently prohibits circulars etc. “*within or within 50 meters of the entrance of a building in which there is a polling place.*” The provisions also apply to advance poll voting whether in a separate location or in the returning office and to absentee voting taking place at the returning office. Presumably this section was written to prevent the last-minute influence of a voter by a political party or candidate while they were entering a polling place to cast their ballot.

The Returning Officer and candidates often locate their offices within ‘strip malls’. If the term “*building*” is interpreted to mean the entire strip mall, then returning offices and candidate campaign offices would not be permitted within the same strip mall because they would, by definition, be in the same building.

If, as in Alberta, the individual leasehold units within a mall are considered to be “*the building*”, the two offices would only need to be located at least 50 metres apart. The 50 metres from the entrance of the returning office (polling place) could be considered as the shortest distance a

person would be able to travel between the two locations within the mall.

Clarification of the term “*building*” would also be helpful to restrict campaigning within 50 metres of the entrance to the polling place for polling places located in residential complexes.

- 9. Recommendation:** That sections 111 & 112 of *The Elections Act* be amended to provide for exceptions to the effect that:

When a polling place is located in a residential complex or building containing interlocking units, offices, stores or other premises, the prohibition of signs etc. should apply to the polling place itself and to a 50-metre distance from the entrance of the polling place.

**Election signs on public property—date by which signs should be down [no reference in current Act]**

**Background:** In the few weeks following polling day in 1999, several complaints were received from voters about campaign signs on boulevards that had not yet been removed by candidates. Quebec’s Election Act states that all election posters and billboards must be removed not later than 15 days after polling day, failing which they may be removed by the local municipality or by the owner of the property, at the expense of the party or candidate concerned.

The current provisions for the removal and penalties for signs and posters within 50 metres of a polling place work reasonably well and provisions for the removal of election signs on public property after polling day should be based on s. 111 (2) & (3). As discussed with the Ad Hoc Advisory Committee, a deadline of seven days after polling day seems reasonable. This would not apply to signs on private property.

- 10. Recommendation:** That an amendment be included to set a deadline by which elections signs and posters must be removed from public property by the candidate or registered political party responsible for posting the sign or poster within seven days after polling day. Every person or registered

political party failing to do so would be guilty of an offence with penalties in line with the penalties found in s. 111(3) of the Act.

**Ballots—how to mark a regular ballot [s. 92(3)]; ballots to be rejected/marks allowed on ballot [s. 116 (1) & (2)]**

**Background:** From time-to-time, ballots with frivolous markings are debated at the count or recount as to whether or not they are valid. One such ballot with the name of a rock star written on it was debated through to the Court of Appeal after the last election. Another with a ‘happy face’ was also under scrutiny at the Court of Appeal. Both these ballots were rejected by the recount judge and the decisions were upheld in the Appeal Court. Quebec legislation clearly rejects a ballot, which bears fanciful or injurious entries.

- 11. Recommendation:** That *The Elections Act* be amended to make it clear that frivolous markings, will result in the ballot being rejected.

**Return of writ [s. 140(1)]**

**Background:** Currently, s. 140(1)(b) states that the writ be returned “*immediately after the 10<sup>th</sup> day after announcing the result of the count.*” This is to enable the deadline for applying for a judicial recount to pass as specified in s. 131(1.1) of the Act which states that the deadline for an application for recount is “*not later than eight days after the Returning Officer of the electoral division announces the results.*” With rapid communication methods in place the writ could be returned immediately after the deadline for an application for recount. Such a change would enable elected Members of the Legislative Assembly to take office and Ministers to be sworn in two days earlier.

- 12. Recommendation:** That section 140(1) be amended to state that the writ be returned as soon as the period for the application for recount has ended.

**False entries or statements [s. 156(2)]**

**Background:** Currently s.156 (2) makes it an election offence to knowingly make a false

statement on a voters list. This provision should be expanded to make it an election offence to knowingly make a false entry or false statements on any election papers used under *The Elections Act*. The integrity of the electoral process is undermined if persons make false statement on any oaths or forms related to an election. Sections 81 and 82 of *The Elections Finances Act* prohibit the filing of false documents and false information. Similar provisions should be included in *The Elections Act*.

The election acts of Canada, British Columbia, Yukon and Newfoundland similarly address the issue of a false entry, oath or statement and misleading information.

**13. Recommendation:** That there be a specific election offence for persons who make false entries or false statements on any election papers used in *The Elections Act* which would include poll books used at the poll and nomination papers filed by candidates.

### Influencing votes [s. 145]

**Background:** This section of the Act deals with the inducement of voters and candidates.

The question often arises whether driving voters to the polls or inviting voters to a barbeque are benefits which are prohibited under s. 145.

To prevent an overly broad interpretation of this section, it would be clearer for candidates, registered political parties and the public if it was explicitly stated that “*benefits*” are not acceptable if there is a “*corrupt intent*”. This is a similar concept to that which is expressed in s. 147 which deals with “*treating*” for the purpose of corruptly influencing another person.

**14. Recommendation:** That section 145 be amended to clarify the term “*benefit*” by making it an offence to offer, agree to, or receive a benefit “*with a corrupt intent*”.

### Obstruction of election officers

**Background:** There are currently provisions making it an offence to obstruct an enumerator in the performance of their duties [s. 30.3(2)]. Many other jurisdictions have extended their legislation

to make it an offence to obstruct any election officer. Yukon, Canada, Quebec and British Columbia all have similar provisions in their Acts.

**15. Recommendation:** That a person who impedes or obstructs an election officer in the performance of his or her duties is guilty of an election offence.

### Access to communities by election workers [s. 174]

**Background:** Two amendments to Bill 17, The Elections Amendment Act, were passed at the report stage. These amendments to s. 174.2 established the right of candidates and their representatives to enter communities for the purpose of canvassing or distributing election campaign material. The provisions in s. 174 should be extended in order to ensure access to all communities by enumerators and election officers including the Returning Officer.

**16. Recommendation:** That section 174 be amended to include access provisions to all communities by enumerators and election officers.

### Tariff of fees regulation 168/88 [s. 175]

**Background:** The tariff of fees is a regulation made by Order in Council. The tariff of fees for Returning Officers, Assistant Returning Officers, enumerators, poll officials and polling places was increased in 1999 prior to the general election. The additional cost was approximately \$387,000, an across the board increase of 22%. The increases did help with recruiting competent and qualified election officials and arranging for accessible polling places. However, Manitoba’s rates are still in the middle to low end of jurisdictions in Canada and amongst the lowest in western Canada since the revisions in 1999. As a result of the 1998 amendments to *The Elections Act*, the duties of election officials have expanded in several important ways. A complete review of the tariff is required. Elections Manitoba will undertake a study of the Schedule of Fees and Expenses and an analysis of compensation in other jurisdictions in Canada. The results of these analyses will be incorporated into a detailed proposal for a new regulation. The study will also review whether trigger points are necessary so

that the tariff rates can increase gradually. In the 1988 Statutory Report it was recommended that the fees established by the tariff of fees be automatically adjusted annually on the basis of changes in the Consumer Price Index, and a notice of the revised tariff be published by the Chief Electoral Officer in the Manitoba Gazette.

**17. Recommendation:** That the tariff of fees be adjusted to establish an appropriate compensation level for election officials and polling place rents and that the fees established be automatically adjusted annually on the basis of changes in the Consumer Price Index.

#### **Plain language [no reference in *The Elections Act*]**

**Background:** As sections have been amended in the Act, the principles of plain language are being used. There are many sections of the Act, however, that are still more complex and wordy than they need to be. *The Elections Act* is a very important statute. It is important that citizens, election officials and candidates can understand *The Elections Act*. Clear language will also benefit persons who have difficulty reading. The entire Act should be re-written in plain, non-sexist language.

**18. Recommendation:** That *The Elections Act* be rewritten in plain language.

#### **Senior Deputy Returning Officers [s. 21(2)]**

**Background:** Currently a polling place has to have more than three polls in order for a Senior Deputy Returning Officer to be appointed. Some polling places may only have three polls in one building, but could greatly benefit by having a Senior Deputy Returning Officer where, for example, only one poll official at the polling place has experience.

Currently only one Senior Deputy Returning Officer can be appointed per polling place. Some polling places, in a school for example, have eight to twelve polls within one building. It would be advantageous in such locations to have the opportunity to appoint two Senior Deputy Returning Officers where warranted.

**19. Recommendation:** That section 21(2) be amended to make it possible for a Returning Officer to appoint a Senior Deputy Returning Officer for a polling place location where there are three or more polls and that the Returning Officer may also appoint more than one Senior Deputy Returning Officer in a polling place location where it is warranted

#### **Statement of account [s. 122]**

**Background:** The duties of seeing that statements of account for all fees and expenses of poll officials and rent are properly filled out and certified and delivered or mailed to the Returning Officer are not the responsibility of the Deputy Returning Officer and are not completed at the polling place as stated in the Act. The statements of account and rents are the administrative duty of the Returning Officer and are completed in the returning office.

**20. Recommendation:** That section 122 be repealed.

#### **The Controverted Elections Act:**

**Background:** Some Court procedures outlined in *The Controverted Elections Act* are no longer in effect and the language is antiquated. The Act should also be reviewed to make sure that it corresponds to any amendments made to *The Elections Act* in recent years.

**21. Recommendation:** That the entire Controverted Elections Act be reviewed and then either be revised and replaced with a new Controverted Elections Act or incorporated into *The Elections Act* (as was done in the Canada Elections Act). In either case the amendments should take into account new court procedures and the current provisions of *The Elections Act*.

#### **The Electoral Divisions Act [s. 10(2)]**

**Background:** The timing of the adoption of new proposed boundaries in relation to the call of the 37<sup>th</sup> General Election posed a significant planning challenge for Elections Manitoba and Returning Officers. Preparations needed to be made for an election that could be run on either the old or new

boundaries. Working under two possible sets of electoral boundaries means training additional Returning Officers and Assistant Returning Officers some of whom would not be needed depending on which boundaries were used. This duplication resulted in extra training and pre-writ costs. In the end, the amended Electoral Divisions Act received Royal Assent on April 27, 1999 and the new boundaries came into effect at the call of the 37<sup>th</sup> provincial general election.

The Electoral Divisions Boundaries Commission anticipated this issue, among others, as part of its report in December 1998 stating:

*“... the Legislative Assembly may also wish to consider formally defining in the Act the timing of the implementation of the report of the Boundaries Commission as is the case, for example, in the federal legislation.”*

**22. Recommendation:** That the Legislative Assembly consider formally defining in The Electoral Divisions Act the timing of the implementation of the report of the Boundaries Commission.

### **The Legislative Assembly Act**

**Background:** Over the past few elections, Elections Manitoba has been broached with suggestions that a set date for elections should be implemented and that consideration be given to various systems of proportional representation.

The representatives of two registered political parties also brought forward similar suggestions during post election meetings of the Ad Hoc Advisory Committee on *The Elections Act* held in spring 2000.

**23. Recommendation:** The above matters are not dealt with by *The Elections Act* or *The Elections Finances Act* but rather The Legislative Assembly Act and are referred to the Legislative Assembly for information.

# The Elections Finances Act

## Valuing and Recording Donations in Kind having minimal value [s. 40]

**Background:** The definition of “*donation in kind*” (s.1) includes all goods donated. Donated goods must be valued at market value and recorded as contributions and the identity of the contributors established. (See s.40(1), (2) & (3) of *The Elections Finances Act*).

A concern has been raised that it is unduly burdensome and impracticable during an election for campaigns to value and record donations in kind having minimal value. At the same time, the aggregate value of such donations should be set at a low level so that contribution and spending limits will not be circumvented.

- 1. Recommendation:** That donated goods below a minimal value not be considered as contributions and therefore not recorded. The minimal value should be an aggregate value of contributions from an individual. The appropriate amount should be determined by the Legislature.

## Independent Candidate’s Excess Reimbursement [s.75(2) & (3); s.76]

**Background:** Where an independent candidate has a surplus (or where receipts equal expenditures) and has qualified for a reimbursement of election expenses, subsection 76(b) states that no reimbursement is payable. There appears to be an inequity when considering the payment of an endorsed candidate’s reimbursement where the endorsed candidate has a surplus. In the latter situation, the endorsed candidate’s reimbursement is paid to his or her endorsing political party. The funds paid to the endorsing political party could be available to the candidate in subsequent elections or may indirectly provide benefit to the candidate. An independent candidate who has qualified but who does not receive a reimbursement because of his or her surplus status would not have funds available for a future campaign or otherwise receive a benefit.

A possible solution to this situation would be to hold the independent candidate’s reimbursement

in trust similar to the requirements under subsections 75(2) and (3) concerning an independent candidate’s surplus. An endorsed candidate’s surplus is paid to his or her endorsing political party and an independent candidate’s surplus is held in trust for possible future use.

- 2. Recommendation:** That subsection 76(b) be amended such that a reimbursement for an independent candidate with a surplus be held in trust by the Chief Electoral Officer. The same provisions that exist in subsection 75(3) for an independent candidate’s surplus held in trust should apply to an independent candidate’s reimbursement held in trust, namely that it be held in trust for the independent candidate’s use in the next following election or paid to the Consolidated Fund if the independent candidate is not a candidate in the next following general election.

## Administrative Fines [no reference in *The Elections Finances Act*]

**Background:** The 1995 Annual Report of The Chief Electoral Officer on *The Elections Finances Act* recommended that there be administrative fines for essentially administrative infractions. The recommendation has not been addressed by legislative amendment and remains relevant.

Most of the penalties and enforcement provisions of the Act involve prosecution. A system of administrative fines or penalties may be more appropriate for some essentially administrative infractions. For example, if a candidate’s financial statement is not filed by the deadline as required by s.61 or if information necessary to clarify or verify a political party’s annual return has not been filed by the deadline specified in s.57(2), a daily penalty for each day beyond the filing deadline could be instituted on an administrative fine schedule. There should be a maximum amount specified which should be less than the maximum amount of any fine specified in section 83. The Act would give the Chief Electoral Officer authority to institute administrative fines including the authority for collecting if the fines are not paid. An administrative fine may be more effective in

some cases for ensuring compliance with the Act and would also be less costly than a prosecution. The right to prosecute should still be maintained if administrative penalties were not effective in causing the return or information to be filed. An administrative fine or a prosecution may be imposed but not both.

The Royal Commission has recommended that administrative fines be part of the federal election law enforcement provisions. Administrative fine provisions exist in other jurisdictions: Newfoundland and British Columbia. Federally, the Chief Electoral Officer of Canada has recommended the decriminalization of certain offences which are of an administrative nature such as late filing of expense returns.

**3. Recommendation:** That section 98 of *The Elections Finances Act* be amended to allow the Chief Electoral Officer to direct that administrative fines be paid for certain administrative infractions. The authority should apply only to those sections of the Act where statements and returns are required to be filed and where information has been requested. The Chief Electoral Officer should also have the authority to enforce collection in the event administrative fines have not been paid. The authority to prosecute must be retained in the event that the administrative fines do not result in the necessary statement, return or information being filed. It should be clear that either an administrative fine may be imposed or a prosecution pursued but not both. The administrative fine should be a daily amount for each day that a statement or return or requested information is beyond a required deadline to a specified maximum.

### **Child Care Expenses—"election expenses" (g)**

**Background:** A recommendation in the 1995 Annual Report of the Chief Electoral Officer regarding candidate personal expenses was partially addressed by amendments in 1998. The recommendation basically was that there be a separate personal expense category similar to that in the *Canada Elections Act* and that the Act should define the items that should be included in

this category. Child care and disability expenses were recommended to be included as personal expenses. It was also recommended that personal expenses be excluded from being election expenses but should be eligible for reimbursement.

The 1998 amendments for "*Candidate Personal Expenses*" were essentially as follows:

- Reasonable disability expenses of a candidate were excluded from being election expenses, as recommended, but made reimbursable at 100%.
- Reasonable child care expenses of a candidate were recognized as election expenses so that they are reimbursable but also subject to the spending limits. It had been recommended that reasonable child care expenses of the candidate be excluded as election expenses (i.e. not included in the spending limits) but reimbursable.

Recognizing child care expenses as election expenses may create an inequity and put some candidates at a disadvantage. Some candidates with responsibility for child care will incur child care expenses which must be included as election expenses. Even though these expenses would be reimbursed these expenses reduce the amount that may be spent due to the spending limits. Others without child care responsibility would not be in this position.

**4. Recommendation:** That the additional and unique reasonable costs incurred by a candidate for child care expenses as a result of an election be excluded as "election expenses". These costs, however, should be fully eligible for reimbursement.

### **Reporting for Leadership Contestants- no references in the Act**

**Background:** The 1995 Annual Report of The Chief Electoral Officer on *The Elections Finances Act* recommended that consideration be given to basic campaign finance provisions for leadership contestants. The recommendation was not addressed by legislative amendment.

The Royal Commission on Electoral Reform and Party Financing recommended that there be

public financial disclosure rules for leadership contests in the interests of promoting integrity and fairness in the electoral process. It was acknowledged that leadership selection is the purview of political parties and that rules should not be too restrictive or intrusive so as to impair a political party's ability to establish its own rules and procedures. The Commission specifically recommended that there should be spending limits, financial disclosure (especially considering that public funds are used by political parties when selecting leaders), political tax credits, and financial agents to keep records and file disclosure reports for leadership contestants.

The province of Ontario in addition to other campaign finance legislation requires that financial disclosure reports of leadership be filed by the Chief Financial Officers of contestants as does the province of British Columbia. The Chief Electoral Officer of Canada has recommended that leadership contestants for political parties be required to have an official agent to be responsible for the financial transactions relating to a leadership contest and that an audited statement be filed with the Chief Electoral Officer.

The selection of a leader for a political party is very significant considering the importance of a leader in the electoral success of a political party and a leader's impact on public policy. Campaign finance legislation does not currently extend to leadership selection and there are no legislative requirements for leadership contestants. The selection of a leader is and should remain primarily an internal party matter, however, there is merit in having basic legislative requirements for leadership contestants primarily as they relate to public disclosure.

The notion of reporting for leadership contestants was not supported by the political party Advisory Committee.

**5. Recommendation:** That consideration should be given to basic campaign finance legislation applicable to leadership contestants. Minimal requirements would include appointing an official agent and filing audited financial disclosure reports with the Chief Electoral Officer for those leadership contestants that have financial activity above a specified amount.

### **Candidate Registration Deadline [s.25; s.27; s.29(1)]**

**Background:** Under s.25 of the Act a registered candidate is one who may issue income tax receipts for cash or near-cash contributions. A candidate may submit an application for registration and as long as the candidate's nomination papers have been properly filed the candidate is registered.

Subsection 29(1) states that a candidate's registration terminates at the end of the campaign period. The campaign period ends 2 months after polling day. Our present interpretation is that an application for registration must be submitted by the end of the campaign period, however, this interpretation has been disputed and the Act should be clear with respect to the deadline. To do otherwise may permit registration applications for previous elections.

**6. Recommendation:** That the Act specify that no application for registration may be considered if it has been submitted after the end of the candidacy period.

### **Maintaining an Account in a Financial Institution [s.10(4)(a)]**

**Background:** The requirement to maintain an account in a financial institution for a candidate's campaign is to promote good record keeping and to facilitate the audit of a candidate's financial statements. This is particularly important where money must be paid from the public treasury because of political contribution tax credit receipts or because of reimbursement of election expenses.

There are, however, candidates' campaigns that have no financial activity. The requirement to maintain an account is unnecessary in such situations.

**7. Recommendation:** That the section 10(4) be amended such that where candidates' campaigns do not receive or disburse funds that there be no requirement to maintain an account with a financial institution.



# APPENDIX



*Office of the Provincial Auditor*

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500 - 330 Portage Avenue  
Winnipeg, Manitoba  
CANADA R3C 0C4

**AUDITOR'S REPORT**

To the Legislative Assembly of Manitoba, and  
To Elections Manitoba

We have audited the balance sheet of Elections Manitoba Returning Offices - 37<sup>th</sup> General Election as at January 17, 2000 and the statement of operations for the period from August 17, 1999 to January 17, 2000. These financial statements are the responsibility of management of Elections Manitoba. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, the financial statements present fairly, in all material respects, the financial position of Elections Manitoba Returning Offices - 37<sup>th</sup> General Election as at January 17, 2000 and the results of its operations and cash flows for the period ended January 17, 2000 in accordance with generally accepted accounting principles.

Winnipeg, Manitoba  
February 7, 2000

A handwritten signature in black ink, appearing to read "Greg MacBeth". The signature is written in a cursive, flowing style.

Greg MacBeth, CA  
for the Provincial Auditor

## Management Report

The accompanying financial statements are the responsibility of management and have been prepared in accordance with generally accepted accounting principles. In management's opinion, the financial statements have been properly prepared within reasonable limits of materiality, incorporating management's best judgement regarding necessary estimates and all other data available.

Management maintains internal controls to provide reasonable assurance that the financial information is reliable and accurate and that assets are properly safeguarded. Staff of the Provincial Auditor's Office review internal controls, and report their findings to management.

The responsibility of the Provincial Auditor is to express an independent, professional opinion on whether the financial statements are fairly presented in accordance with generally accepted accounting principles. The Auditor's Report outlines the scope of the audit examination and provides the audit opinion.



Richard Balasko  
Chief Electoral Officer



Scott Gordon  
Manager of Elections Finances

Winnipeg, Manitoba  
February 7, 2000

## ELECTIONS MANITOBA

### Returning Offices - 37<sup>th</sup> General Election

#### **BALANCE SHEET AS AT JANUARY 17, 2000**

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#### **ASSETS**

##### **Current**

Accounts receivable - Province of Manitoba	\$ 293,381
	<hr/>
	\$ 293,381

#### **LIABILITIES**

##### **Current**

Bank overdraft	\$ 279,635
Accounts payable	13,746
	<hr/>
	293,381

#### **EQUITY**

Retained earnings	0
	<hr/>
	\$ 293,381

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## ELECTIONS MANITOBA

### Returning Offices - 37<sup>th</sup> General Election

#### **STATEMENT OF OPERATIONS FOR THE PERIOD AUGUST 17, 1999 TO JANUARY 17, 2000**

##### **RETURNING OFFICES OPERATING EXPENSES**

Bank charges	\$	51
Courier and freight		12,726
Insurance		440
Media advertising		863
Equipment rental		285,494
Office rent		143,452
Office supplies		28,240
Polling place rent		96,680
Postage		4,266
Printing		60,785
Repairs and maintenance		3,422
Salaries and benefits		2,431,783
Signs and ramp renovations		5,127
Supplies - paper		6,286
Telephone		74,551
Training		145,689
Travel		273,397
Utilities		671
<b>Total operating expenses</b>		<b>3,573,923</b>
<b>Less: Statutory funding allocation</b>		<b>3,573,923</b>
	\$	0

## ELECTIONS MANITOBA

### Returning Offices - 37<sup>th</sup> General Election

#### **NOTES TO THE FINANCIAL STATEMENTS FOR THE PERIOD AUGUST 17, 1999 TO JANUARY 17, 2000**

##### **1. GENERAL**

Elections Manitoba is an independent office of the Legislative Assembly for the Province of Manitoba.

These financial statements reflect the financial activity relating to the operation of the 57 provincial Returning Offices for the 37<sup>th</sup> General Election. These costs are required to fulfill statutory obligations under *The Elections Act*.

##### **2. STATEMENT OF CASHFLOWS**

A statement of cashflows has not been prepared as it was determined that there was no significant value added to the financial statements by preparing the statement.