



2004

ANNUAL REPORT

Including conduct of the
Minto by-election
June 22, 2004
and the
Turtle Mountain by-election
June 29, 2004

December 19, 2005

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 Minto and Turtle Mountain by-elections, held respectively on June 22 and June 29, 2004. 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.

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

Pursuant to subsection 10(3) of *The Elections Act* and subsection 99(3) of *The Elections Finances Act*, an annual report that contains recommendations for amendments to these Acts stands referred to the Standing Committee on Legislative Affairs for consideration of those matters. Furthermore, these subsections provide that the Committee shall begin its consideration of the report within 60 days after the report is laid before the Assembly.

Respectfully yours,



Richard D. Balasko
Chief Electoral Officer

Organizational Chart

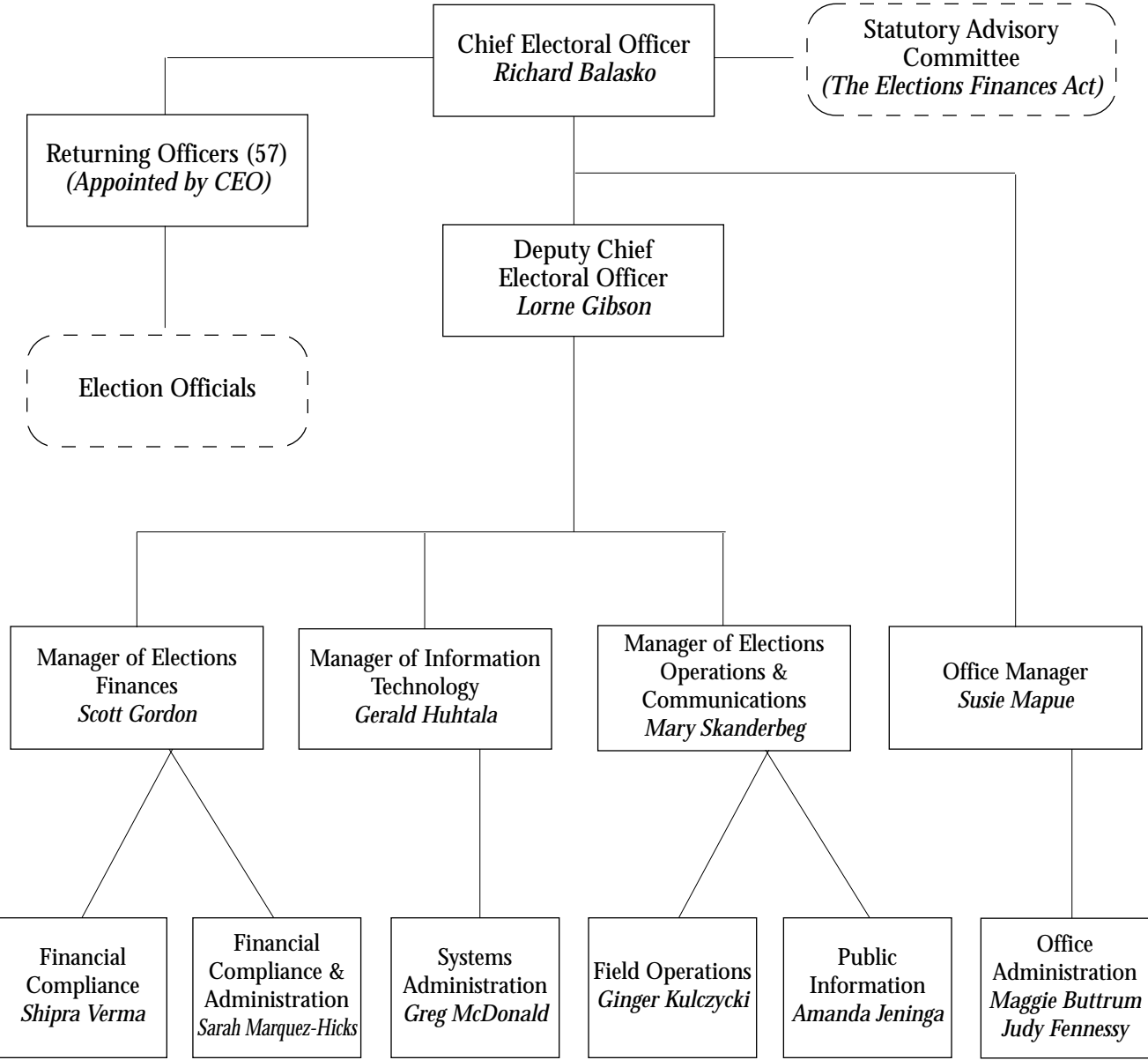


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Introduction

The election planning cycle renewed in 2004, starting with a fresh look at how to *best* deliver fair and accessible elections in Manitoba.

A considerable amount of research was conducted with stakeholders following the 2003 general election including surveys of voters, non-voters, and elections officials, as well as interviews with political participants. It was found that Manitobans were generally very satisfied with their voting experience during the election. Elections officials offered many suggestions for ways to improve service. Political participants such as official agents, candidates and auditors appreciated the compliance assistance provided by Elections Manitoba and would like this support to be expanded in the future elections.

Our strategy going forward builds on these past successes, focusing on the needs and values of our stakeholders. As an organization, we have developed six strategic goals to guide us through the planning process to the next general election:

- Making the electoral process more accessible to voters
- Expanding assistance to political participants
- Increasing front line service
- Improving communications to all stakeholders
- Leveraging technology to become more efficient
- Preparing our core staff to provide better service

By streamlining and simplifying processes, easing access to information and providing outstanding support, Elections Manitoba can improve service to Manitobans and facilitate participation for all.

By-elections

Elections Manitoba was also responsible for two provincial by-elections in 2004, one in the electoral division of Minto and one in Turtle Mountain. Although the by-elections were held concurrently, Turtle Mountain was called one week after Minto.

Voting day for a federal election was the day before voting day in Turtle Mountain. A City of Winnipeg by-election had the same voting day as Minto.

Ongoing Activities

SERVICE TO STAKEHOLDERS

The year 2004 marked the beginning of a new election cycle. Time was invested assessing and documenting best practices, and then designing new and innovative ways to best serve Manitobans in the coming years.

Analysis of post-election research led to the development of a work plan for 2004 that focused on three key areas:

SERVICE TO VOTERS

At Elections Manitoba, fairness and integrity are values core to our commitment and responsibility to Manitobans. Fairness and participation are cornerstones of democracy and form an integral part of our mandate and mission.

With this focus in mind, Elections Manitoba concentrated on improvements that would make the electoral process even more accessible to all Manitobans.

Developing a Process that Focuses on Fairness and Accessibility

In the fall of 2004, the operations department conducted a complete review of its mapping process. Maps are an essential tool in the creation of the voters list. They help ensure the best possible coverage by the enumerators and they assist the Returning Officer in choosing the best locations for polls. The result is a complete voters list and a smooth experience for voters at the poll.

Two major opportunities were highlighted in the review.

One was that polling subdivision boundaries could be improved by considering not only the number of voters in the subdivision, but also the number of dwellings. Some of the existing subdivisions had the same number of residents but double the number of dwelling units for the enumerator to visit.

By taking both number of voters and number of dwellings into account, work will be spread out more evenly, clearing the way for each enumerator to do the best job they can do.

The second opportunity came in the form of a formalized list of criteria for choosing poll locations. By setting standards for things such as maximum distance to be travelled to get to the voting location, Elections Manitoba can ensure each voter across the province has equitable access to his or her poll.

Improving Quality of Service

A slate of Elections Manitoba's recommendations promoting accessibility was well-received by the Standing Committee on Legislative Affairs in 2004.

Following the 2003 General Election, Elections Manitoba had conducted an in-depth survey of the voting and non-voting public to gauge its experience with the election. Many of the recommendations that were presented to the committee were a direct response to this feedback from eligible voters.

Among the recommendations were provisions for expanding advance and homebound voting opportunities, and protecting the quality and integrity of voters lists.

Recommendations were also made to amend *The Elections Finances Act* to clarify contribution and reporting regulations.

The office is hopeful the legislature will amend election statutes to incorporate these changes.

Expanding Communications Efforts

A strategy for communications was also developed in 2004. Elections Manitoba was aware—through preliminary briefings with staff and political participants and research of voters and non-voters—that communications activities could be strengthened through a strategically-driven approach.

The strategy provides concrete direction upon which to make decisions about advertising and public information activities, and a way to evaluate decisions that are made. A clearly defined goal for communications will assist Elections Manitoba to continue to build awareness of and confidence in Manitoba's electoral process.

INCREASING SUPPORT TO POLITICAL PARTICIPANTS

As elections finances legislation in Manitoba has become increasingly complex, Elections Manitoba has stepped up efforts to assist political participants in complying with the law.

Elections Manitoba strives to be the best source of accurate and impartial information to make the process as straightforward as possible.

Simplifying the Process

The finance department has reexamined its process for reviewing financial returns, looking for ways to improve service to candidates, parties and constituency associations.

A more-timely, efficient review system was created as a result of the following improvements:

- Established specific timeframes for completion of initial review, web posting and final closing of returns
- Made checklists easier to use

- Streamlined loan and deficit forms into one document, reducing the amount of paperwork in the filing process
- Created new procedures for the review of contribution limits
- Developed an election return *filing disk* for political parties; the disk, similar to commercial tax return software, simplifies preparation and allows for submission of returns in electronic format

Proactive Support

Consistent with Elections Manitoba's mandate to help political participants work within the parameters of *The Elections Finances Act*, the office spent time in 2004 studying Manitoba's proposed third party provisions and has developed a process for implementing the new legislation when it is proclaimed. (Amendments were passed in 2000 but as of the end of 2004 were not proclaimed.)

Third party legislation regulates politically motivated spending on advertising by third parties during elections. It is a concept that is relatively new in Canada, so Elections Manitoba has taken great care to prepare thorough and helpful education packages and support materials for media and third parties.

A Collaborative Approach

A process for dealing with the financial implications of a political party leadership contest was also finalized in 2004 (new legislation was proclaimed in 2002). In consultation with the Advisory Committee, an education program was developed to help leadership contestants and official agents through the new process.

The Advisory Committee—established under *The Elections Finances Act*—is comprised of one appointed representative from each registered political party. It is also customary to include the chief financial officers of registered political parties.

The Chief Electoral Officer meets with the committee to seek its advice on the proper administration of *the Act*. The CEO met with the committee two times in 2004—once in February to discuss recommendations and once in October to discuss third party legislation as well as updates to guidelines and forms.

Although not required, the CEO also meets with representatives from political parties on *The Elections Act*. *The Ad Hoc Committee on The Elections Act* also convened twice in 2004—once in February to discuss the 2003 General Election and once in October to discuss the 2004 by-elections.

As is evident in each of these initiatives, Elections Manitoba is working very hard to clear the way for political participants to do their jobs—in compliance with the law—to help maintain the integrity of the electoral process for all Manitobans.

STRENGTH FROM WITHIN

Elections Manitoba recognizes its strength as an organization comes from within. Internal excellence naturally flows outward, resulting in quality service for our external audiences.

Leveraging Technology

The election business is driven by strict deadlines. During an election, huge volumes of work must be accomplished within a specific timeframe with little margin for error.

Information technology has become a great asset in this respect, and we continue to enhance our online management and field support tools.

For example, during an election our internal web reports provide an at-a-glance view of progress in the field. These reports were first used in 2003 and proved to be invaluable for up-to-the-minute tracking of field activities.

The 2004 by-elections provided the perfect opportunity to test new and improved ways of presenting information in the reports.

The latest reports now include historical data making it possible for management to measure current progress against past performance. This sets benchmarks for Returning Officers to work with and allows managers to quickly recognize performance anomalies and nip problems in the bud.

The databases that support the reports were also streamlined and the number of standalone databases was reduced resulting in quicker access to the information. All this means smoother operations in the field and a better experience for voters and political participants.

Improving Internal Processes

Effective project planning is also a critical internal strength. In 2004 a formal methodology for managing projects was adopted for use across all areas of business.

The development of six strategic goals also gave definition to project planning, creating parameters within which plans could be developed and adding focus to the planning process.

The six strategies are:

- Making the electoral process more accessible to voters
- Expanding assistance to political participants
- Increasing front line service
- Improving communications to all stakeholders
- Leveraging technology to become more efficient
- Preparing our core staff to provide better service

These initiatives have streamlined communications between staff and managers and ultimately will result in even more thorough, accurate and prompt service.

Bringing Home Best Practices to Manitobans

Elections Manitoba also looks to the broader electoral community in Canada, learning from the successes of other electoral jurisdictions and applying their best practices to what we do here in Manitoba.

In 2004, the organization embarked on two major cooperative initiatives: the Electoral Technology Accord and the Canadian Election Resource Library.

The Technology Accord proposes a formal system for sharing services, knowledge and resources among jurisdictions. Throughout the first half of 2004, Information Technology representatives from across Canada met to discuss and document current practices, operations, and resources in use at their respective offices. The second meeting was hosted in Winnipeg by Elections Manitoba in March of 2004.

Elections Manitoba also spearheaded the launch of a nation-wide Intranet called the Canadian Election Resource Library (CERL). The project is a joint initiative among 14 electoral jurisdictions across Canada who share operating and set-up costs. CERL was developed in-house by Elections Manitoba's Information Technology department and is maintained by Elections Manitoba staff.

Election offices from across Canada participate in CERL, sharing ideas, experiences and information. The site includes a message board and the ability to share documents.

The goal embedded in each of these initiatives is to reveal efficiencies and ultimately improve the electoral experience for all Manitobans.

Fulfilling our Mandate & Commitment to Manitobans

While an election is the most public time for Elections Manitoba, the ongoing activities between elections truly demonstrate the office's commitment to delivering the highest level of service to Manitobans.

ELECTION READINESS

Elections Manitoba maintains a constant state of election readiness. Being ready for a sudden by-election or general election call is essential to serving Manitoba voters.

With a federal election on the horizon, Elections Manitoba anticipated the potential for by-elections in 2004. Elections were called at both the federal and municipal levels, and two MLAs resigned resulting in by-elections for Turtle Mountain and Minto.

A special operations plan had been prepared to deal with concurrent federal provincial and civic races. When the by-elections were called the staff was able to hit the ground running.

Great care was taken to ensure each voter would have equal access to his or her poll in the by-elections.

A complete review of voting locations was conducted in Turtle Mountain in consultation with an Ad Hoc Committee on *The Elections Act*. Several poll locations were revised and a plan for additional advance polls was developed.

The knowledge gained from the review was also applied in Minto and will be carried forward into the next general election.

A pilot project for enumeration was also developed. Enumerators would be supplied with a list of all the addresses in their subdivisions. This would help to ensure that each household was visited as required by *The Elections Act*.

EDUCATING NEW AND FUTURE VOTERS

Education is key to building awareness of and confidence in Manitoba's electoral process among future and new voters.

As a component of the broad communications strategy, our education program is guided by the same goal and principles of fairness and participation, but focuses on the needs of a youth audience.

Elections Manitoba is mandated to inform the public about the electoral process, the democratic right to vote and the right to be a candidate, and education on these subjects begins even before a citizen is of voting age.

In 2004, Elections Manitoba made over 20 presentations to classrooms in Winnipeg and rural Manitoba. Presentations consist of a brief talk about the electoral process and a mock-election exercise designed to show students what it's like to vote in a real election.

A recent decline in voter turnout among youth (18 to 24-year-olds) prompted Elections Manitoba to review its education program looking for ways to better serve new and future voters. Voters and

non-voters were surveyed for their opinions on the youth voting issue. This feedback, and a review of other external factors, was used to develop a strategic direction for the program.

An exciting new strategy has been planned that takes into account the success of the current program, adding lessons learned from the public survey, the Department of Education, Citizenship and Youth and from a review of youth voting trends and similar programs in Canada.

Roll-out of the education strategy will begin in 2005, first building on the success of the mock-election model currently used, and then introducing new and innovative ways to engage youth and new voters.

COMPLIANCE ASSISTANCE AND DISCLOSURE

Participation through fairness

Elections Manitoba reviews annual financial information filed by candidates, parties and constituency associations—and makes sure the information is disclosed to the public.

By assisting with compliance and ensuring that the process is fair and transparent, Elections Manitoba upholds the integrity of the electoral process.

Registration of Parties

- According to *The Elections Finances Act*, a political party can register with Elections Manitoba.
- A registered political party may issue official tax receipts for contributions and have its name printed on the ballots with the name of the candidates endorsed by the party.
- Once registered, a political party's name and abbreviation are protected under *The Elections Finances Act* in that other registered political parties may not use the name or abbreviation.

Registered Political Parties in 2004

Political Party	Date of Registration	Registration Number	Chief Financial Officer	Date of Appointment
CPC-M	Apr. 30/99	P-9905	Cheryl Gray	May 18/03
GPM	Aug. 28/99	P-9907	Pamela Sanford	Apr. 1/01
Liberal	Dec. 12/80	P-8003	Cecilia Connelly	May 17/04
MMP	Mar. 9/88	P-8808	Don Ives	Dec. 30/93
NDP	Nov. 17/80	P-8001	Wayne Copeland	Nov. 24/03
PC	Nov. 25/80	P-8002	Kenneth Lee	Apr. 19/04

Unofficial abbreviations used in this report for registered political parties:

CPC-M	Communist Party of Canada – Manitoba
GPM	The Green Party of Manitoba
Liberal	Manitoba Liberal Party
MMP	Manitoba Marijuana Party (formerly Libertarian Party of Manitoba, name changed as of November 8, 2004)
NDP	New Democratic Party of Manitoba
PC	The Progressive Conservative Party of Manitoba

Yearly Comparison of Number of Registered Political Parties

Year	Number of Registered Political Parties	Year	Number of Registered Political Parties
1980	3	1993	7
1981	3	1994	7
1982	5	1995	4
1983	5	1996	4
1984	6	1997	4
1985	7	1998	4
1986	7	1999	7
1987	7	2000	7
1988	8	2001	7
1989	8	2002	7
1990	7	2003	6
1991	7	2004	6
1992	7		

Political Party Annual Statements and Returns for Contributions

To demonstrate compliance and maintain transparency with the public, parties are required to file financial statements each year. (Separate statements are filed for financial activities during an election.)

- Returns filed with the Chief Electoral Officer are public information and are open to inspection by anyone.
- Copies of the latest annual party returns and an archive of past returns can be found on Elections Manitoba's website.
- Original copies of returns are also available for viewing at Elections Manitoba.

The annual statements for 2003 were required to be filed by April 1, 2004 and were filed as follows:

Political Party	Date Filed
CPC-M Communist Party of Canada – Manitoba	May 20, 2004 ¹
GPM The Green Party of Manitoba	March 30, 2004 ²
Liberal Manitoba Liberal Party	March 31, 2004 ²
MMP Manitoba Marijuana Party	March 30, 2004
NDP New Democratic Party of Manitoba	March 31, 2004 ²
PC The Progressive Conservative Party of Manitoba	June 15, 2004 ³

1 Statement filed after expiry of extended deadline but within 30 days of receiving notice under section 69 of *The Elections Finances Act*. Amended statements were subsequently filed.

2 Amended statements were subsequently filed

3 Statements filed before the expiry of extended deadline. Amended statements were subsequently filed

A detailed list of contributors is filed with the annual financial statement.

Registered Political Party Annual Financial Statements (2003)**

	CPC-M \$	GPM \$	Lib. \$	MMP \$	NDP \$	PC \$
Income and Expenses						
Contributions ¹	6,369	2,917	101,510	0	656,068	274,652
Transfers	0	0	0	0	5,940	31,968
Other Income	266	2,513	168,686	0	699,117	401,167
Total Income	6,635	5,430	270,196	0	1,361,125	707,787
Expenses	3,318	6,716	141,157	13	1,013,537	653,316
Surplus (Deficit)	3,317	(1,286)	129,039	(13)	347,588	54,471
Assets and Liabilities						
Assets	3,798	2,594	66,026	130	240,578	406,228
Liabilities	2,713	0	70,174	343	57,820	428,979
Net Worth (Deficit)	(1,085)	2,594	(4,148)	(214)	182,758	(22,751)

1 Excludes contributions received during the election period.

**Financial statements for 2004 are filed in 2005 and will be summarized in the 2005 Annual Report.

Contributions Received by Registered Political Parties (2003)**

	CPC-M	GPM	Liberal	MMP	NDP	PC	Totals
\$250.00 or More							
Total value \$	6,248	6,204	101,617	0	850,937	394,084	1,359,090
\$25.00 to \$250.00							
Total value \$	3,391	8,020	72,333	0	438,063	110,422	632,229
Less Than \$25.00							
Total value \$	114	254	780	0	20,763	32,032	53,943
Total of all Contributions \$	9,753	14,478	174,730	0	1,309,763	536,538	2,045,262

1 Includes all contributions received during the year, including the election period.

**Financial statements for 2004 are filed in 2005 and will be summarized in the 2005 Annual Report.

Constituency Association Annual Returns for Contributions

Constituency associations are also required to disclose their financial activities.

- Constituency association returns state the name and address of all contributors, as well as the aggregate value of their contributions to the constituency association during that year.
- An aggregate annual contribution to the constituency association totaling \$250 or more is public information.
- Returns are available for inspection at Elections Manitoba and have been posted to Elections Manitoba's website.

Contributions of \$250 or More to Constituency Associations (2004)

	Liberal	NDP	PC
Total Number of Constituency Associations	57	57	57
Number Reporting Contributions of \$250 or more	0	4	0
Contributions \$250 or more	\$0	\$3,555	\$0

NOTE: The Communist Party of Canada - Manitoba, The Green Party of Manitoba, and the Manitoba Marijuana Party do not have Constituency Associations.

**Yearly Comparison of Constituency Associations
Reporting Contributions of \$250 or More**

Year	# of Constituency Associations	# Reporting Contributions of \$250 or more	Total Contributions of \$250 or more
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
2000	171	5	\$7,323
2001	171	4	\$1,895
2002	171	5	\$9,673
2003	171	2	\$940
2004	171	5	\$3,555

Candidates' Campaign Deficits and Loan Balances

To simplify the reporting process for candidates and their official agents, the reporting of campaign deficits and loan balances was combined into one form in 2004.

From the 2003 General Election:

- Sixty-eight combined campaign deficit and loan balances remained outstanding at the beginning of 2004
- all except five candidates reported their outstanding balances to be eliminated by the end of 2004

Turtle Mountain:

- Two candidates from the 2004 Turtle Mountain By-election had outstanding deficits and/or loans after the campaign period. Both candidates' outstanding balances were eliminated by the end of 2004.

Minto:

- From the 2004 Minto By-election, one candidate reported an outstanding deficit and/or loan after the campaign period. This balance remained outstanding as of the end of 2004.

Lac du Bonnet:

- One candidate from the 2002 Lac du Bonnet by-election eliminated his outstanding loan balance in 2004.

Manitoba Tax Credit Program

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

Manitoba Tax Credits Claimed for Political Contributions (1982 - 2003)*

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
1999	1,229,513	116,735	1,346,248
2000	562,901	98,876	662,777
2001	537,700	26,545*	564,245
2002	623,059	6,037*	629,096
2003	1,195,568	2,342*	1,197,910
Total Tax Credits Claimed Since 1982	\$15,021,155	\$1,632,996	\$16,654,151

* As of January 1, 2001, contributions from corporations are not permitted under *The Elections Finances Act*. Credits claimed by corporations are for contributions made prior to 2001.

Turtle Mountain & Minto By-elections

OPERATIONAL CONDUCT

Concurrent Elections

Two by-elections were called in the Spring of 2004, one in the City of Winnipeg in the electoral division of Minto and one in the rural division of Turtle Mountain. The by-elections ran concurrently but did not have the same election day. Polling day for Minto was June 22, 2004 and polling day for Turtle Mountain was one week later, June 29, 2004.

The Minto by-election was called when the member resigned to run for mayor in the City of Winnipeg. The by-election in Turtle Mountain was called when the member resigned his seat to run federally.

As a result, concurrent elections for all three levels of government were held in Minto and for provincial and federal members in Turtle Mountain. This unusual occurrence was managed very carefully. Elections Manitoba knew that the main issues for voters would be *when* and *where* to vote.

Polling day for the mayoral race was the same as polling day for the Minto by-election.

Elections Manitoba was able to locate polls in three of the four municipal voting locations that were in Minto (the fourth location was too small to accommodate both). However, there were nine provincial locations offered altogether, versus the four offered municipally. So, in some cases polling places were the same for both elections, but in other cases electors had to travel to two different locations on the same day.

Elections Manitoba staff worked very closely with the City of Winnipeg Clerk's office to help voters find their polls on election day.

Elections Manitoba Information Officers were stationed at civic poll locations where Minto residents would be voting in the mayoralty by-election. In some cases this was outside the electoral division itself. These Information Officers assisted the voters by directing them to the correct provincial polling place. The City of Winnipeg had similar personnel in place at Elections Manitoba polls.

Signage was used extensively in both electoral divisions to clearly communicate the location of provincial polls. Maps outlining provincial division boundaries were added to many of the materials distributed to the public.

An information card was mailed directly to each resident in Minto and Turtle Mountain the Friday before polling day. This was the first time the direct mail tactic was used. It was added to the communications plan to address the issue of confusion over concurrent elections.

Elections Manitoba worked together with the Mail Management branch to do the mailing, and it proved to be a very efficient way to contact voters right before voting day with information on when and where to vote.

Despite the complexity of multiple elections, overall turnout remained close to historic levels.

By-election	Voter Turnout
<i>Minto 2004</i>	<i>47.18%</i>
<i>Turtle Mountain 2004</i>	<i>47.09%</i>
Lac du Bonnet 2002	59.30%
Kirkfield Park 2000	54.87%
Tuxedo 2000	46.03%
Charleswood 1998	41.82%
Portage la Prairie 1997	55.27%
Osborne 1993	53.77%
Rossmere 1993	58.11%
Rupertsland 1993	35.26%
St. Johns 1993	44.48%
The Maples 1993	56.40%
Crescentwood 1992	61.21%
Portage la Prairie 1992	53.81%
AVERAGE	50.10%

Voter turnout for the 2003 General Election was 47.25% in Minto and 54.86% in Turtle Mountain.

Pilot Projects

For the first time in a Manitoba election, enumerators were supplied a list of addresses created from the voters list database. The address lists were designed to help enumerators find each residence in the polling subdivision.

Improved polling subdivision maps were also provided to each enumerator with the lists. Turtle Mountain maps displayed every building, while those in Minto also indicated which buildings were non-residential and which were residential.

The lists of addresses were a huge asset to the enumerators in Turtle Mountain. Considering the distances enumerators have to travel in rural divisions, it was very helpful for them to have a reference of actual residences versus non-residential buildings, such as barns, to apply to the maps.

The lists were just as helpful to enumerators in the city, and a valuable lesson was also learned. When residence lists were matched to enumerators' subdivision maps, an imbalance in the spread of work was revealed. Because of the concentration of multiple residences in some areas of Minto, some enumerators had to knock on a lot more doors to reach the same number of residents. As mentioned earlier in this report, this information was later used to improve the polling subdivision mapping process for subsequent elections.

FINANCIAL ADMINISTRATION

Over the years the finance department has developed an efficient system for processing payroll and supplier payments during elections.

Enhancements were made to some head office management reports, and returning offices were supplied with the latest accounting package, replacing an outdated piece of software. Elections Manitoba's Financial Compliance and Administration Officer also travelled to each division to provide one-on-one training on the new system.

Otherwise, the process remained consistent, delivering the same level of service as in past elections and by-elections. The department strives to pay all enumerators by polling day and all poll officials within two weeks of polling day and was 100 percent successful in doing so in these by-elections.

Summary of Returning Office Operations Expenditures for Turtle Mountain

Election Officials Fees and Travel

Fees:

Returning Officers and Assistant Returning Officers	\$14,889
Office support	9,203
Enumeration officials	12,119
Revision officials	552
Poll officials	14,110
Payroll benefits	2,275
Other fees/expenses	116

Subtotal	\$53,265
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Training:

Office support	\$0
Enumeration officials	1,530
Revision officials	90
Poll officials	3,060

Subtotal	\$4,680
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Travel:

Returning Officers and Assistant Returning Officers	\$859
Office support	1,870
Enumeration officials	10,686
Revision officials	312
Poll officials	4,152

Subtotal	\$17,880
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Total Election Officials Fees and Travel

\$75,824

Office Expenditures:

Courier	\$208
Office rental	3,180
Office supplies	472
Polling place rental	3,195
Postage	68
Printing - Ballots	2,311
Printing - Other	0
Computer related	123
Furniture and equipment rental	802
Repairs and maintenance	0
Signage and ramp renovations	0
Supplies - paper	70
Telephone	2,596
Miscellaneous	2

Total Returning Office Expenditures	\$13,026
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Total Electoral Division Operations Expenditures	\$88,850
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Summary of Returning Office Operations Expenditures for Minto

Election Officials Fees and Travel

Fees:

Returning Officers and Assistant Returning Officers	\$14,238
Office support	9,026
Enumeration officials	11,530
Revision officials	1,419
Poll officials	13,191
Payroll benefits	2,253
Other fees/expenses	0
Subtotal	\$51,656

Training:

Office support	\$30
Enumeration officials	2,070
Revision officials	300
Poll officials	2,850
Subtotal	\$5,250

Travel:

Returning Officers and Assistant Returning Officers	\$177
Office support	0
Enumeration officials	18
Revision officials	120
Poll officials	36
Subtotal	\$350

Total Election Officials Fees and Travel **\$57,257**

Office Expenditures:

Courier	\$1,127
Office rental	2,100
Office supplies	547
Polling place rental	1,935
Postage	0
Printing - Ballots	1,342
Printing - Other	0
Computer related	138
Furniture and equipment rental	2,076
Repairs and maintenance	0
Signage and ramp renovations	125
Supplies - paper	300
Telephone	2,172
Miscellaneous	834
Total Returning Office Expenditures	\$12,695

Total Electoral Division Operations Expenditures **\$69,952**

Summary of Elections Manitoba Office Expenditures

Advertising	\$55,929
Computer related	1,691
Courier	1,416
Furniture and equipment rental	493
Office supplies	369
Printing	3,375
Postage	5,142
Professional fees	51,224
Salaries	54,726
Telephone	2,028
Travel	1,956
Other	86
Total Elections Manitoba Office Expenditures	\$178,433
Total Election Expenditures	\$337,236
Total Electoral Division Operations & EM Office Expenditures	

CAMPAIGN FINANCE

Candidates and parties must file statements for financial activity during an election or by-election, in addition to annual statements.

MINTO

- Filing deadline (candidates and parties): September 22, 2004

Party	Return Filed
CPC-M ¹	26-Oct-04
Liberal	22-Sep-04
Liberal - Revised return	26-Oct-04
PC	29-Sep-04
PC- Revised return	08-Oct-04
NDP	22-Sep-04

¹-Statement filed after expiry of extended deadline but within 30 days of receiving notice under section 69 of *The Elections Finances Act*.

Candidate	Return Filed
Carr, Cheryl-Anne(CPC)- ¹	26-Oct-04
Helgason, Wayne (Liberal)	21-Sep-04
Helgason, Wayne (Liberal)-revised	22-Oct-04
Laurence, David (PC)- ¹	01-Oct-04
Swan, Andrew (NDP)	22-Sep-04

¹-Statement filed after expiry of extended deadline but within 30 days of receiving notice under section 69 of *The Elections Finances Act*.

- An auditor may be paid up to:
 - I. \$30,000 as audit fees for auditing an election return of a political party.
 - II. \$1,600 as audit fees for auditing an election return of a candidate
 - III. \$500 as subsidy for providing consulting service to assist the official agent in planning and monitoring an appropriate record keeping and accounting system.
- Total audit subsidy paid in Minto was \$15,066

Summary of Candidate Income, Expenses, Assets, Liabilities, Spending Limits and Reimbursements for 2004 Minto By-election

Minto	Cheryl-Anne Carr CPC	Wayne Helgason Lib	David Laurence PC	Andrew Swan NDP
Assets and Liabilities				
Assets	\$0	\$747	\$0	\$612
Liabilities	\$0	\$358	\$0	\$7,311
Surplus / (Deficit)	\$0	\$389	\$0	(\$6,699)
Income				
Contribution	\$0	\$8,814	\$0	\$687
Transfers	\$0	\$1,540	\$41	\$8,887
Other	\$0	\$0	\$0	\$0
Total	\$0	\$10,354	\$41	\$9,574
Expenses				
Election	\$0	\$9,826	\$41	\$14,209
Non-Election	\$0	\$139	\$0	\$2,064
Transfers	\$0	\$0	\$0	\$0
Total	\$0	\$9,965	\$41	\$16,273
Surplus / (Deficit)	\$0	\$389	\$0	(\$6,699)
Spending Limits	\$28,348	\$28,348	\$28,348	\$28,348
Reimbursements				
Candidate	\$0	\$0	\$0	\$4,760
Party	\$0	\$4,913	\$21	\$2,001
Total Reimbursement	\$0	\$4,913	\$21	\$6,761

**Registered Political Parties Summary of Income, Expenses, Reimbursements and
Spending Limits for the 2004 Minto By-election**

	CPC-M \$	Lib. \$	NDP \$	PC \$
Income				
Contributions ¹	1,300	12,379	82,358	53,048
Transfers	0	0	0	203
Other	0	0	1,555	13,115
Total Income	1,300	12,379	83,913	66,366
Election Expenses	399	8,052	2,624	0
Transfers	0	1,540	8,888	1,343
Surplus	901	2,787	72,401	65,023
Party Reimbursements				
Direct Reimbursements ²	0	4,026	1,312	0
Transferred Reimbursement ³	0	4,913	2,001	21
Spending Limits				
Advertising	16,750	16,750	16,750	16,750
Overall ⁴	33,502	33,502	33,502	33,502

1 Contributions include money received and the value of donations-in-kind.

2 Only three political parties qualified for reimbursement. The amount reimbursed was 50 per cent of actual election expenses (total election expenses less donation-in-kind).

3 Candidate reimbursements transferred to political parties as per section 76 of the EFA.

4 The number of names on the revised voters list for all electoral divisions in which the registered political party endorses candidates is multiplied by the amount permitted on a per voter basis (\$3.0103)

TURTLE MOUNTAIN

- Filing deadline (candidates and parties): September 29, 2004

Party	Return Filed
Liberal	22-Sep-04
Liberal - Revised return	26-Oct-04
PC	29-Sep-04
NDP	24-Sep-04

Candidate	Return Filed
Cullen, Cliff (PC)	14-Sep-04
Leadbeater, Bev (Lib)- ¹	29-Oct-04
Storie, Betty (NDP)	24-Sep-04

¹-Statement filed after expiry of extended deadline but within 30 days of receiving notice under section 69 of *The Elections Finances Act*.

- Total audit subsidy paid in Turtle Mountain was \$14,300

Summary of Candidate Income, Expenses, Assets, Liabilities, Spending Limits and Reimbursements for the 2004 Turtle Mountain By-Election

Turtle Mountain	Cliff Cullen PC	Bev Leadbeater Lib	Betty Storie NDP
Assets and Liabilities			
Assets	\$525	\$5,297	\$152
Liabilities	\$2,518	\$1,982	\$7,322
Surplus / (Deficit)	(\$1,993)	\$3,314	(\$7,169)
Income			
Contribution	\$9,660	\$4,250	\$265
Transfers	\$0	\$1,920	\$4,801
Other	\$530	\$0	\$0
Total	\$10,190	\$6,170	\$5,066
Expenses			
Election	\$11,273	\$2,257	\$12,038
Non-Election	\$910	\$599	\$198
Transfers	\$0	\$0	\$0
Total	\$12,183	\$2,855	\$12,235
Surplus / (Deficit)	(\$1,993)	\$3,314	(\$7,169)
Spending Limits	\$31,247	\$31,247	\$31,247
Reimbursements			
Candidate	\$1,117	\$0	\$5,886
Party	\$4,499	\$1,128	\$0
Total Reimbursement	\$5,616	\$1,128	\$5,886

**Registered Political Parties Summary of Income, Expenses, Reimbursements and
Spending Limits for the 2004 Turtle Mountain By-Election**

	Lib. \$	NDP \$	PC \$
Income			
Contributions ¹	12,379	72,328	37,808
Transfers	0	0	203
Other	0	1,814	13,535
Total Income	12,379	74,142	51,546
Election Expenses	10,213	3,326	0
Transfers	1,919	3,601	4,340
Surplus (Deficit)	247	67,215	47,206
Party Reimbursements			
Direct Reimbursements ²	5,106	1,663	0
Transferred Reimbursement ³	1,128	0	4,499
Spending Limits			
Advertising	18,463	18,463	18,463
Overall ⁴	36,927	36,927	36,927

1 Contributions include money received and the value of donations-in-kind.

2 All political parties qualified for reimbursement. The amount reimbursed was 50 per cent of actual election expenses (total election expenses less donation-in-kind).

3 Candidate reimbursements transferred to political parties as per section 76 of the EFA.

4 The number of names on the revised voters list for all electoral divisions in which the registered political party endorses candidates is multiplied by the amount permitted on a per voter basis (\$3.0103)

Looking Forward

Elections Manitoba is in an excellent position to excel in the delivery of free and fair elections.

Past successes and a high level of credibility, as well as the strength of some of the most comprehensive elections and elections finances legislation in the country, have created a solid foundation for the office to build on.

Going forward, we will implement initiatives that focus on providing the best service to Manitobans, making the process accessible to all.

Looking for efficiencies

A complete review of returning office operations will be conducted, an audit of poll books will help us improve polling place operations, and an examination of the current enumeration process will help us improve delivery of that service at the doorstep.

Maps will be reviewed against the new criteria mentioned earlier in this report. Where necessary, polling subdivisions will be redrawn to ensure equitable access for every voter.

We also look forward to building our team of Returning Officers in preparation for the next General Election. In 2003, Returning Officers and Assistant Returning Officers were selected via open, merit-based competitions. We expect to fill over two thirds of Returning Officer positions for the next General Election from that experienced and talented pool of staff.

Enhancing support tools for political participants

We recognize that finance legislation can be difficult to understand, especially if you are working at the volunteer level and are less familiar with the process.

We will empower political participants to comply with the law by making financial procedures easy to understand and by leveraging Web technology to enhance training programs.

For example, filing software will be distributed to political parties. This software (similar to income tax filing software) will simplify the filing process for the parties. Error-checking features in the software should also improve the accuracy of the returns and speed up the review process at Elections Manitoba.

Strengthening our schools program

We will focus on the needs of youth who have been disengaging from the process over the course of the last several elections. Our goal is to create a life-long learning experience, developing the habit of participating early.

Finding new and improved ways to serve voters

We will investigate partnerships with other organizations who can potentially share resources with us. For instance, we will be contacting other organizations that maintain rural address databases. This data will help us create the most complete and accurate voters list.

We also intend to contact municipalities as a resource for map data, and as a resource for qualified, civic-minded people in the community who may be interested in working for Elections Manitoba in the next General Election.

We look forward to making it easier for Manitobans to get out and vote as well, by offering expanded advance voting services, pending acceptance of the recommendations we made in 2003.

Elections Manitoba is committed to conducting free, fair and accessible elections for all participants in Manitoba's electoral process. We are respectful of Manitoba's rich legacy of democratic values and, as we prepare for the next provincial election, we look forward to putting into action those values—through excellence, participation and fairness.

Recommendations

Twenty-eight recommendations to amend *The Elections Act* and 28 recommendations to amend *The Elections Finances Act* were included in the 2003 Annual Report.

The Elections and Elections Finances Act recommendations from 2003 and earlier are not reprinted here but can be found in the 2003 Annual Report.

Past recommendations regarding other Acts relevant to the conduct of elections have been updated to include new information available in 2004/2005. These revised recommendations are reprinted at the end of this section.

ELECTIONS ACT

1. Implementation of an Advisory Committee under *The Elections Act* **[no reference in *The Elections Act*]**

Recommendation: Amend *The Elections Act* to give statutory basis to an all registered political party advisory committee which would complement the advisory committee presently legislated in *The Elections Finances Act*.

Background: Elections Manitoba has met with an ad hoc Committee since 1990 on operational matters under *The Elections Act*. The purpose has been to seek the members advice on the administration of *The Elections Act* and encourage exchange between the registered political parties and Elections Manitoba. The Advisory Committee under The Elections Finance Act is the counterpart to this committee and is legislated under that statute. As with the Advisory Committee under The Elections Finance Act, the Advisory Committee under *The Elections Act* should be for the purpose of seeking advice on the administration of the Act and no decision or recommendation of the committee would be binding on the Chief Electoral Officer.

2. Promotion of Democratic Participation **[s.10(1.1)]**

Recommendation: To encourage public participation in the electoral process the current public education and information mandate in section 10(1.1) of *The Elections Act* should be broadened to include express promotion of democratic participation. This mandate should be on an on-going basis.

Background: Elections Manitoba's study on low voter turnout revealed that voters and non-voters supported the idea of Elections Manitoba encouraging Manitobans to vote. Eighty-one percent of non-voters and 90% of voters either supported or strongly supported the idea that Elections Manitoba encourage Manitobans to vote.

3. Recruitment of Returning Officers and Assistant Returning Officers

[s.17; s.20(1)]

Recommendation: Amend section 17 of *The Elections Act* to stipulate the recruitment of returning officers and assistant returning officers be done in the first instance through an open, merit-based competition. A further amendment to section 20(1) should also reflect the current process by having the assistant returning officer appointments made by the Chief Electoral Officer.

Background: In 2001 an amendment to *The Elections Act* provided for the appointment of returning officers by the Chief Electoral Officer. Similar provisions are also in place in British Columbia, Quebec, Newfoundland, Northwest Territories, and Nunavut. There is also currently a bill before the House of Commons to allow the Chief Electoral Officer of Canada to appoint returning officers. This bill and legislation in Quebec stipulate the appointment process must be by open, merit-based competitions. The bill defines “open competition” as having the same meaning as in *The Public Service Employment Act*. In practice, this is the process in Manitoba, however, there are no provisions in the current Act to ensure this practice continues. According to the intent of the original recommendation, legislation should specify that the initial selection process must be an open, merit-based competition as is the process of selection of personnel in *The Civil Service Act*. Where a Returning Officer or Assistant Returning Officer performs their duties well, then they may be directly reappointed.

The current process in Manitoba identifies not only the best candidate for the position of Returning Officer but also identifies the second rated candidate in the competition for the Returning Officer to appoint as Assistant Returning Officer. This process worked very well in the last round of appointments. In order to streamline the process, the appointment of the Assistant Returning Officer should also be made by the Chief Electoral Officer based on the open, merit-based competition. This process is similarly legislated in British Columbia.

4. Employees of Chief Electoral Office

[s.8; s.17(3); s.20(2.1)]

Recommendation: Ensure the staff of the Chief Electoral Officer is non-partisan while employed with the office, and maintain confidential any information they come in contact with.

Background: Section 8 of *The Elections Act* stipulates that the Chief Electoral Officer cannot be partisan. Sections 17(3) and 20 (2.1) of *The Elections Act* stipulate that Returning Officers and Assistant Returning Officers must be non-partisan. All field election officials are required during their appointment to be non-partisan. It seems consistent and logical that the requirement for non-partisanship should include staff of the Chief Electoral Officer. The Quebec Election Act has such non-partisan requirements of staff.

It should also be stipulated that staff of the Chief Electoral Officer must maintain confidentiality with respect to the information they have access to through their duties while employed by Elections Manitoba and after employment ceases. The Manitoba Auditor General, Ombudsman and Child Advocate Acts have such confidentiality provisions. *The Elections Act* should also have a provision dealing with confidentiality to become consistent with other Legislative Offices.

5. Appointment of Enumerators

[s.30(1); s.30(2)]

Recommendation: *The Elections Act* should be amended to permit the Returning Officer to appoint sufficient enumerators to enumerate the electoral division rather than stipulating one enumerator per polling subdivision.

Background: *The Elections Act* now requires an enumerator to be appointed for each polling subdivision. In practical terms, enumerators now work in several polling subdivision throughout the enumeration period. For instance, when an enumerator completes the voters list in their polling subdivision they are deployed to other polling subdivision to assist where necessary. Also, in the interest of safety enumerators may now be paired to complete two polling subdivisions. In other cases where safety is of greater concern, two enumerators visit each residence together.

6. Personal Security Voters [s.51.1(6)]

Recommendation: To better ensure the security of those voting under personal security provisions, allow for the ballots cast by those requiring personal security to vote via homebound voting provisions.

Background: During the last two general elections in Manitoba provisions to vote as a personal security voter have been in place. This allows a voter who, for personal security reasons does not want to have their name on the voters list, to vote using an identification number. The process presently allows the voter to vote at any opportunity, however, voting in person at a poll at either advance polls or on election day is administratively cumbersome and very rarely used. Consistent with providing for personal security, these voters should be permitted to vote only through homebound voting where they can securely vote either in their home with the Returning Officer or at the office of the Returning Officer utilizing the homebound poll.

7. Extending Advance Voting

Recommendation: Extend advance voting to enable any voter to vote at any advance location in the province. Both residents of an electoral division and non-residents would be able to vote at any advance poll by producing identification and casting a ballot for the candidate of their choice.

Background: The extension of this voting opportunity is advantageous to many voters. A survey conducted following the 2003 general election identified a large group of individuals that told us that they did not have time to vote because they were either too busy, had to work or simply forgot. Opening advance polls for any voter in the province would also allow for some advance polls to be held in high traffic areas such as shopping malls. This has not been the practice in the past due to the fact that many voters would have been turned away if they did not live in the electoral division where the mall was physically located. The opening of advance polls to anyone in the province would also benefit those voters who are highly mobile. Depending on the time of year of an election, many voters can be travelling or on holidays at locations within the province away from their homes. The extension of advance voting would also well-serve this group of voters. For instance, if a voter from Winnipeg was away at his or her summer home in the Whiteshell, he or she could take advantage of the advance poll being held in that community rather than having to return to Winnipeg to cast their ballot. In all cases, the ballot is cast for a candidate in the voter's electoral division of residence.

In British Columbia advance voting is open to all voters in the province. This is accomplished by using a special blank ballot envelope system for those voters who are not residents of the electoral division in which the advance poll is located. Voting currently takes place in a similar manner at Institutional Polls in hospitals and prisons in Manitoba.

The ability to isolate a ballot if multiple voting occurred or if personation was suspected on election day would be possible for advance voters voting outside their electoral division by use of the ballot envelope system. The requirement to produce identification to vote, as is proposed in the following recommendation, would further safeguard the voting process. Election officials would have to ensure a voter was casting a ballot for candidates in the electoral division where they reside. Verifying the voter's identity and current address would allow the election official to ensure ballots were being cast correctly and also allow the voter's name to be added to the voters list in the electoral division where they reside, if necessary. It would also reduce the chance of multiple voting which could otherwise be a high risk when extending a voting opportunity such as this.

As time would not allow for the printing and distribution of regular ballots for all 57 electoral divisions, a write-in ballot would be used by those voters from outside a division where the voting was taking place. Those voters who were residents of the electoral division would continue to use a regular ballot as has been the practice in the past.

The process recommended would be as follows:

All advance poll voters would produce the required identification.

- Resident voters would then vote in the same manner as advance voting in the past.
- Non-resident voters would use a special blank ballot and an envelope system similar to that used at institutional polls. This system allows for ballots to be distributed to the electoral division in which the voter resides while at the same time ensuring secrecy of the vote itself.

- At the end of each day of advance voting the ballot box for non-resident voters would be opened and the ballot envelopes would be sent to the Chief Electoral Officer.
- At the end of advance voting the Chief Electoral Officer would distribute the non-resident ballot envelopes to the relevant Returning Officers in time to have them counted on election night.
- Advance poll ballots cast by voters resident in the electoral division of the advance poll would be counted on election night as is presently the case.

8. Required Identification

Recommendation: Expand the identification requirements in section 85(2) to include identity and current address. To accomplish this, acceptable documents should be broadened to allow for more flexibility. Where a current address is not available a voter should be able to make a declaration as to his or her current address.

Background: The previous recommendation in this report provides for a new voting opportunity which will require a more stringent process to avoid fraudulent voting. Part of the new process requires identification to be produced by all voters at advance polls. This identification will require current address so that the votes may be attributed to the correct electoral division.

In order not to disenfranchise any eligible voters, identification provisions should be broadened to allow for flexibility. Discussion with the all party Ad Hoc committee under *The Elections Act* supported the notion of voters showing identification to vote with the caution of making the provisions broad enough so as not to discourage or disenfranchise any voters. An additional provision allowing for a declaration as to a voter's address would be required for voters who may have just moved and are unable to produce identification showing current address.

Current provisions require a government issued identification with photo, name and address on it. The only document which meets these requirements is a driver's license. Other government issued photo identifications which confirm the identity of individuals are passports, senior's cards or treaty cards. These however, do not have a current address on them. Other documents which would provide an address would be health cards or utility bills.

The option of a declaration as to residence for those without identification showing current address (for example, several government-issued photo identifications) would minimize the risk of disenfranchisement.

A previous recommendation for addressing the residency of disadvantaged individuals (Recommendation 5 – 2003 Annual Report) dealt with where these voters would be eligible to vote. A similar provision has been written into *The Municipal Councils and School Boards Elections Act* with an additional section which reads "A person's oath regarding the place that most frequently provides lodging, food or other social services to the person is conclusive, in

the absence of evidence to the contrary.” A similar provision in *The Elections Act* for a declaration as to residence would also address this group of voters.

ELECTIONS FINANCES ACT

1. Contribution limits for leadership contestants

[s.41(1.1.1); s.68.1(2)]

Recommendation: Subsection 41(1.1.1) of *The Elections Finances Act* should be amended to state that any contribution by an individual towards the deficit of a leadership contestant outside a leadership contest period shall be included in the annual contribution limit under section 41(1.1).

Background: *The Elections Finances Act* specifies a \$3,000 limit for contributions to one or more leadership contestants for a specified period [leadership contest period under sec 41(1.1.1)]. The Act also allows the leadership contestant’s deficit to be reduced by contributions from individuals [sec 68.1(2)] but does not specify against which contribution limit the contribution would apply, i.e. the contribution limit on leadership contestants or the annual contribution limit. The annual contribution limit should include contributions to leadership contestants outside the leadership contest period in order to eliminate the leadership contestant’s deficit.

2. Definition of Candidate

[s.1 “candidate”; s.10(3); s.10(3.1)]

Recommendation: The definition of “candidate” [clause (b)] and subsections 10(3) and 10(3.1) in *The Elections Finances Act* should be amended such that it references candidates that are nominated directly by registered political parties in addition to candidates nominated by constituency associations of registered political parties.

Background: The date an individual becomes a candidate for the purposes of *The Elections Finances Act* is important because it determines the start of the candidacy period for the candidate. A candidate may issue income tax receipts for monetary contributions received in his or her candidacy period and must report all finances for the candidacy period. The Act addresses when the candidacy period begins for candidates nominated by constituency associations and for candidates who are not endorsed but does not address clearly what is required for candidates that do not have constituency associations but who are endorsed by political parties. The Act also does not require political parties without constituency associations to provide Elections Manitoba with a notice when the party nominates one of its candidates. The notice should be required as it is in s.10(3) for political parties that nominate candidates via constituency associations.

3. Plain language

[no references in *The Elections Finances Act*]

Recommendation: *The Elections Finances Act* should be re-written in plain, gender-neutral language.

Background: The principles of plain language are being used as sections to *The Elections Finances Act* are amended. However, many sections remain more complex and wordy than they need to be. *The Elections Finances Act* is an important statute and, therefore, it is essential that it be understood by candidates, election officials and the public. Many volunteers regularly use *The Elections Finances Act* to assist candidates, political parties and constituency associations in complying with the legislation's requirements. Clear language will also benefit people who have difficulty reading. A re-write to the act would undoubtedly find other ways of streamlining and enhancing processes that exist in the present statute. It would also provide an opportunity to bring Manitoba's election provisions in harmony with best practices in other jurisdictions across Canada. At the July 4, 2002 meeting of the Standing Committee on Privileges and Elections, there was a commitment, over the medium term, to re-write *The Elections Act* in plain language so that the public can understand it and the same process should be undertaken with respect to *The Elections Finances Act*.

OTHER ACTS RELEVANT TO THE CONDUCT OF ELECTIONS

1. Referendum regulations

Recommendation: That a Referendum Act be developed. The Act should deal with the administrative conduct of referendums and campaign finance provisions.

Background: There are now three statutes in Manitoba that require a referendum to be held under certain circumstances. They are:

1. *The Balanced Budget, Debt Repayment and Taxpayer Protection Amendment and Consequential Amendments Act* ('*The Balanced Budget Act*')
2. *The Manitoba Hydro Act*
3. *The Manitoba Public Insurance Corporation Act*

The Balanced Budget Act, requires that a referendum must be held for certain tax increases as outlined in subsection 10(1). This subsection states that the government shall not present a bill to increase the rate of any tax imposed by an Act or part of an Act listed below, unless the government first puts the question of the advisability of proceeding with such a bill to the voters of Manitoba in a referendum, and a majority of the persons who vote in the referendum authorize the government to proceed with the changes:

- a) *The Health and Post Secondary Education Tax Levy Act*
- b) *The Income Tax Act*

- c) *The Retail Sales Tax Act*
- d) Part I of *The Revenue Act*

The Manitoba Hydro Act, states that a referendum must be held before the Legislative Assembly can present a bill to privatize the corporation and is outlined in subsection 15.3(1).

The most recent Act to be amended is *The Manitoba Public Insurance Corporation Act*. Section 14.1(1) now requires a referendum prior to government taking any steps to privatize the corporation or all or any part of its insurance undertaking or present to the Legislative Assembly a bill to authorize or effect such a privatization. This bill was introduced on December 12, 2003 and on June 10, 2004 received Royal Assent.

All three Acts instruct the Chief Electoral Officer to conduct and manage the referendum in the same manner as an election under *The Elections Act* with any necessary modifications. These instructions are in subsections 11(1) of *The Balanced Budget Act*, 15.3(2) of *The Manitoba Hydro Act* and 14.1(2) of *The Manitoba Public Insurance Corporation Act*.

In order to be ready to conduct a referendum, preparations have been based on a careful review and modification of *The Elections Act*. Many provisions of *The Elections Act* are readily transferable to a referendum. However, some provisions of *The Elections Act* are not readily transferable and, in some cases, *The Elections Act* does not contemplate certain consequences of referendums. Subsection 11(3) of *The Balanced Budget Act*, subsection 15.3(4) of *The Manitoba Hydro Act* and 14.1(4) of *The Manitoba Public Insurance Corporation Act* address this requirement by providing for regulations to be made. The Acts also allow for the possibility that the subject of campaign finance be included in either a Referendum Act or regulations.

Regulations regarding procedures are outlined as follows:

The Lieutenant Governor in Council may make any regulations that the Lieutenant Governor in Council considers necessary respecting the referendum process to give effect to subsection 10(1), including, without limiting the generality of the foregoing,

- a) governing the preparation of a Voters List;
- b) governing the expenses, if any, that may be incurred, and the contributions, if any, that may be made, and by whom, in connection with a referendum;
- c) where greater certainty is required, modifying to the extent necessary the provisions of *The Elections Act* to make them applicable to the requirements of a referendum. (Section 11(3) of *The Balanced Budget Act*)

The Manitoba Hydro Act and *The Manitoba Public Insurance Corporation Act* add to section (b) above by saying:

“including placing limits on such expenses and contributions and establishing registration and reporting requirements for persons or organizations who make such contributions or incur such expenses”

The following questions need to be addressed in either an Act or regulation:

- How and when, precisely, is the referendum question established?
- What is the duration of the referendum period given that no nomination period exists?
- Are there to be referendum committees? How are they to be established, registered and/or regulated? May referendum committees appoint scrutineers to be present at the polls?
- Would there be unique referendum recount rules?
- Who may apply for a recount?
- May referendums and elections be held simultaneously?
- Does the same tariff for payment of officers apply?
- Are there to be “referendum” offences?

General elections also have campaign finance provisions for such participants as candidates and political parties. Referendums should contain similar provisions for campaign finances.

In general, campaign finance provisions are concerned with money and other resources, and the impact they have on the electoral process and public policy. People with access to abundant resources have a significant advantage over people who do not. A key to campaign finance laws involves minimizing resource differences. Legislation often contains provisions for public financial support; spending limits and accepting contributions; public disclosure of finances; and for participants to register and have an agent. In addition to these, provisions must exist for the independent administration and enforcement of such laws.

In Manitoba, *The Elections Finances Act* contains campaign finance provisions for candidates, constituency associations and registered political parties. Such provisions are related primarily to elections. The third party provisions have been passed but have not been proclaimed.

Groups and individuals participating in a referendum (i.e. referendum committees) should be required to display an authorization on sponsored advertisements. As with elections, voters in referendums have a right to know who is participating and attempting to sway their vote.

In addition, referendum committees should be required to appoint a financial agent and register with the Chief Electoral Officer if there is financial activity above a threshold amount.

Undoubtedly, additional issues could arise.

Referendum legislation exists in several Canadian electoral jurisdictions. Québec has all pertinent subjects included in its Referendum Act. Alberta, British Columbia and Saskatchewan have a minimal number of subjects included in their respective legislation and deal with most matters by regulation. Canada deals with most subjects in its legislation. Prince Edward Island, The Yukon, Northwest Territories and Nunavut all have a separate Plebiscite Acts. Ontario has taxpayer protection legislation similar to Manitoba.

Over time there has been momentum towards the increased possible use of referendums. *The Balanced Budget, Debt Repayment and Taxpayer Protection Act, The Manitoba Hydro Act* and

The Manitoba Public Insurance Corporation Act, received Royal Assent on November 3, 1995, July 6, 2001, and June 10, 2004 respectively. As reasons grow for the possible use of referendums, so to does the need to have rules clearly articulated by all Members via the Legislative Assembly.

In the interim, Regulations should be articulated under the existing legislation.

2. The Controverted Elections Act

Recommendation: That all sections of The Controverted Elections Act be reviewed and revised. Consideration should be given to incorporating a revised version into *The Elections Act* (as was done in the Canada Elections Act). The amendments should take into account new court procedures and the current provisions in *The Elections Act*.

Background: Certain court procedures outlined in The Controverted Elections Act have expired and the language is antiquated. In addition, The Controverted Elections Act should be reviewed to ensure that it corresponds to any amendments made to *The Elections Act* in recent years.

3. The Electoral Divisions Act

Recommendation: That the Legislative Assembly consider:

- the final report of the Boundaries Commission be made to the Lieutenant Governor and to the Speaker of the Legislative Assembly
- formally defining in The Electoral Divisions Act the timing to implement the report of the Boundaries Commission
- the composition of the Commission to include rural representation.

Background: The Electoral Divisions Boundaries Commission in its report in December 1998 stated the following:

With the benefit of examining other Canadian legislation, there emerges a clear trend in the reporting mechanism by other boundaries commissions which appears to be at odds with the practice in Manitoba. The current legislation requires the final report and recommendations of the Commission to be submitted to the Lieutenant Governor and to the President of the Council, rather than to the Speaker of the Legislative Assembly, as is now a much more common practice. It is respectfully suggested that in the future the report of the Commission should be made to the Lieutenant Governor and to the Speaker of the Legislative Assembly. In turn, the Speaker would forthwith provide each member of the Legislative Assembly with a copy of the report. The report would then be made public. In this way the public, including all members of the Legislative Assembly, would have complete access to the Commission report as soon as it is delivered. This suggestion is consistent with the principle that boundaries commissions act, at all times, on behalf of the public at large.

In Quebec, Alberta, Saskatchewan and Nova Scotia, reports are tabled with the Assembly and the timing of the enactment of the new boundaries is specified in the relevant acts. The Federal Electoral Boundaries Readjustment Act states that the new boundaries come into force upon the first dissolution of Parliament that occurs at least one year after the issue of the proclamation.

The 1998 commission report further stated:

As a further matter, 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.”

Elections present significant, often unpredictable, challenges. The 37th General Election in 1999 had some unique challenges. Elections Manitoba staff and Returning Officers needed to ensure that it could be run on either the old or new electoral boundaries. Working under two possible sets of maps meant pre-election training of 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 pre-writ costs. In the end, an amended version of The Electoral Divisions Act received Royal Assent on April 27, 1999. The new boundaries came into effect at the call of the 37th Provincial General Election.

Another recurring comment which has been made during public hearings of the Boundaries Commission in both 1978 and in 1988 is the need to have at least one member of the Commission be particularly familiar with rural concerns.

The present Commission is comprised of 3 members—the Chief Justice of the province, the President of the University of Manitoba and the Chief Electoral Officer of Manitoba. All Boundaries Commissions in Canada are comprised of either three or five members to facilitate decision making by way of eliminating the possibilities of a split of opinion.

4. The Legislative Assembly Act

Recommendation: The following matters are not dealt with by *The Elections Act* or *The Elections Finances Act*, but by *The Legislative Assembly Act*. At this point, they are referred to the Legislative Assembly for consideration.

Background: Over the past few elections, Elections Manitoba has received suggestions that a set date for elections should be implemented. In addition, submissions have been made to support 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 Committee on *The Elections Act*, held in spring 2000.

Legislation in British Columbia was passed in 2000 to set the General Election date. The fixed election date amendment to the *Constitution Act* received Royal Assent on August 27, 2001 and took effect on December 9, 2002. General Elections in BC must now be held on the second Tuesday in May in the fourth calendar year following the previous general election.

The first fixed-date election was held in BC on May 17, 2005. Elections BC is currently evaluating the administrative impact of this change.

Ontario is also in the process of passing legislation for a fixed election date. At the time of writing, Bill 214, amending *The Election Act*, *The Election Finances Act*, *The Legislative Assembly Act* and *The Representation Act*, has been ordered for third reading in the Ontario Legislature. This bill provides for a general election to be held on the first Thursday in October in the fourth calendar year following polling day in the most recent election.

The Commission on Legislative Democracy was introduced in New Brunswick in December 2003 with the mandate of presenting a report and recommendations back to the legislature by late 2004. The Commission submitted its final report to the Legislature in January 2005 with many recommendations including one proposing fixed-date elections, and another calling for a referendum in 2008 on changing to a mixed-member proportional representation system.

The subject of proportional representation is being reviewed in several other jurisdictions as well.

Beginning in 2001, *The Law Commission of Canada* conducted extensive research and public consultations in preparing their report on electoral reform. This report has now been tabled in the House of Commons. In the Executive Summary of the report it is stated that “While there is no single magic bullet that will instantaneously stimulate Canadians’ involvement in the political system, a consensus appears to be emerging among political parties of all stripes, experts in electoral behaviour, and grassroots organizations that electoral system reform is a good starting point for energizing and strengthening Canadian democracy.” The Executive Summary closes in saying “Electoral reform is thus a necessary step to energize and strengthen Canadian democracy”. The recommendation made in that report is to add an element of proportionality to Canada’s electoral system by adopting a mixed member proportional system.

In British Columbia, a Citizens’ Assembly on Electoral Reform was created to assess all possible models for electing Members of the Legislative Assembly, including preferential ballots, proportional representation, and their current first-past-the-post system. In 2004, the Assembly spent time learning about electoral systems, holding public hearings and finally recommended a single transferable vote (STV) system to the people of British Columbia.

The question of electoral reform was put to BC voters in a referendum held simultaneously with the BC general election in May of 2005. A double-threshold was required for the results to be binding. At least 60% of the validly cast ballots had to be in favour of STV and more than 50% of the validly cast ballots in at least 48 of 79 electoral districts had to be in favour of STV for the new system to be adopted.

The first threshold was not met; across all electoral districts, 57.69% were in favour of STV. The second of the two thresholds was met, with over 50% of validly cast votes in favour of STV in 77 of 79 electoral districts. And in the two electoral districts that did not meet the threshold, the percentage voting “yes” was still substantial at 49.54 and 49.40%.

So, the issue of electoral reform in BC still remains following the referendum. The government has said that it will not rewrite the rules of the referendum, nor will it ignore the size of the double majority that voted to change the system.

Instead, it has acknowledged a potential design flaw in the terms of reference for the Citizen's Assembly that may have impacted how people voted in the referendum. The Assembly was not asked to demonstrate how its proposed STV model might apply on an electoral map.

As a result, the government has committed to ask the Electoral Boundaries Commission—to be appointed in the fall of 2005 to review boundaries for the 2009 provincial election—to also identify the best and fairest way to configure BC's electoral districts under the STV model.

This new information will then be put before the public and a referendum will be held on the two sets of boundaries.

In Prince Edward Island, the Legislative Assembly commissioned a report on proportional representation. The report was tabled in the PEI Legislature in spring 2002. It reviewed various types of proportional representation systems currently being used in Belgium, Germany, Switzerland, France, Ireland, New Zealand, Malta and Iceland and outlined three possible proportional representation scenarios for consideration. Following tabling of the report, the Premier established a one-person Commission to look at proportional representation.

Commissioner Norman H. Carruthers presented a report in December of 2003 that recommended more education and public engagement is required before any decision can be made regarding changing the electoral system. *The Commission on Prince Edward Island's Electoral Future* was then established in January 2005 to further Carruthers' work.

Several public meetings were held in the spring of 2005, and on May 28 the Commission held a press conference to present a proposed proportional representation system for PEI. Twelve public meetings were then held in September and October of 2005, and an information package was sent to all households which was also backed up by a media campaign.

The Commission is suggesting that the province implement a mixed member proportional representation model with 17 electoral districts and additional 10 members to be elected from party lists.

A plebiscite will be held on November 28, 2005. Islanders will be asked:

Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on P.E.I.'s Electoral Future?

In Ontario, the *Select Committee on Electoral Reform* was created on June 13, 2005 to review Ontario's current electoral system and alternative electoral systems. In making any recommendations the committee will consider the impact these alternatives may have on gender equality, full representation of Ontario's populace and the number and method of election of Members of Provincial Parliament. The committee will also consider the procedure

for the referendum to be held following a review of electoral reform by a citizen's assembly, and may make recommendations on the requirements for a winning referendum.

In Québec, both the National Assembly and the Government of Québec had established commissions to hold province-wide public hearings on various electoral subjects, including proportional representation.

In December of 2004, the Quebec government tabled a draft bill proposing the implementation of a new voting system. The draft bill provides for a new mixed-member proportional electoral system.

This draft bill has been submitted to a special parliamentary committee for study. Eight citizens randomly chosen among persons who responded to a call for applications will monitor the draft bill and present their opinion to the members of the committee. This committee will consult the population and members of the National Assembly on all the measures contained in the draft bill and all topics concerning *The Election Act* and its reform. The consultation should begin in the fall of 2005 and the reform should be adopted in the spring of 2006.

The Government of Yukon contracted a former Commissioner of Yukon, Ken McKinnon, to report on electoral reform in the Yukon. During his contract, Mr. McKinnon was an official observer at the Citizens Assembly on Electoral Reform in British Columbia. Mr. McKinnon concluded in his final report, which was tabled in the Legislative Assembly, that "the Yukon has effected most of the above objectives [voter turnout, voting by 18 - 25 year-olds, gender and minority representation, making every vote count] and there is no apparent wide popular and public support at this time for further adjustments to our present electoral system. It is my recommendation that a Yukon Citizen's Assembly on Electoral Reform not be immediately established."