

Report of the Chief Electoral Officer on the Administration of the 2011 General Election



ELECTIONSNWT

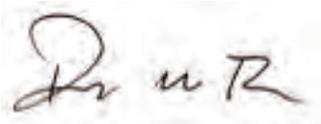
12 April 2012

The Honourable Jackie Jacobson
Speaker
Legislative Assembly of the Northwest Territories
P.O. Box 1320
Yellowknife, NT X1A 2L9

Dear Mr. Speaker:

I respectfully submit my report on the administration of the 17th territorial general election. This report is submitted in accordance with section 266(2) of the *Elections and Plebiscites Act*.

This report includes recommendations to change the Act.

A handwritten signature in black ink, appearing to read 'D M Brock', is centered on the page.

David M. Brock
Chief Electoral Officer, Northwest Territories

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Introduction



Elections are community-based events. An election is an opportunity for citizens to discuss issues that matter to them and for each person to express who they think will best represent their interests and those of the community.

We often speak of a general election being one event on a single day, but a general election is really a series of events over the course of a month. During the campaign period, candidates knock on doors, community groups host public meetings, the press reports on issues, and hundreds of local people serve at the polls.

The Northwest Territories 2011 general election started with the issue of the writs on September 5th and concluded with the return of the writs by October 17th. On October 3rd, 2011, northerners went to the polls to elect representatives to the 17th Legislative Assembly of the Northwest Territories.

A total of 47 candidates competed for 19 seats in the Legislative Assembly. Three candidates were acclaimed as elected, while the rest campaigned until the close of polls and awaited the announcement of the unofficial results on the night of October 3rd. Residents of Inuvik Boot Lake had to wait a little longer for their representative to be determined, due to a mandatory judicial recount held on October 13th.

The Office of the Chief Electoral Officer (OCEO) is responsible for the planning, coordination and general oversight of the electoral process. I would like to acknowledge the hard work and dedication of Nicole Latour, Deputy Chief Electoral Officer; Paul Reddy, Finance Officer; Jessa Gamble, Training and Communications Officer; April McAllister, Office Administrator; Stewart Gibson, Data and Logistics Officer; and Pat Thagard, Special Ballots Officer; all of whom served in the OCEO during the campaign period.

The Chief Electoral Officer (CEO) is required to report on the general election in order to document events, examine areas for improvement, and make recommendations for change. This report describes election preparations, recounts major aspects of the campaign, and contains recommendations to amend the *Elections and Plebiscites Act*.

On the next page is a summary of key recommendations. All of the recommendations are set out in detail in Part III of this Report.

Summary of Key Recommendations

List of Electors

That the Chief Electoral Officer have the authority to communicate the content of the list of electors (names and addresses) to the public through the most effective and secure means available.

That returning officers be granted authority to strike names from the list of electors.

Polling Day

That polling day be held on a day other than a Monday.

Prohibition on Broadcasting

That the prohibition on broadcasting be repealed.

Special Ballot

That the application period for the special ballot be opened earlier.

Advance Poll

That the advance poll be repealed and an alternative early voting opportunity be found for communities without a resident returning officer.

Campaign Finance

That the Chief Electoral Officer undertake a detailed review of Part 9 of the Act in order to improve the campaign finance provisions of territorial election law.

Offences

That two new offences be added to the Act: intimidation of a candidate and impersonating an election officer.

Service Delivery Model

That the Chief Electoral Officer re-structure the *Tariff of Fees Regulations* in order to improve access to the electoral system for all eligible electors.

PART I: Event Preparations

Preparations for the 17th general election began after the appointment of the Chief Electoral Officer (CEO) on October 14th, 2010. Primary tasks included budgeting, hiring, procurement, and strategic planning.

Legislative Amendments

The *Elections and Plebiscites Act* (the Act) was amended the year before the general election. Bill 7, an *Act to Amend the Elections and Plebiscites Act* was assented to on May 20th, 2010, causing more than 50 amendments to come into force on July 1st, 2010.

These amendments resulted from recommendations made by the then CEO as well as the Standing Committee on Rules and Procedures (the Standing Committee) following the 2007 territorial general election.¹

Major changes included:

- the introduction of voter identification requirements
- a new early voting opportunity called the multi-district poll
- access by the CEO to the names and addresses of insured persons for medical care and eligible applicants for student financial assistance, for the purpose of compiling the Register of Territorial Electors
- a prescribed identification notation to be used on election materials and in broadcasts
- reducing the restricted campaigning area around a polling station from 100 metres to 25 metres
- enabling the administration of the special ballot through the Office of the Chief Electoral Officer (OCEO)
- prohibiting candidates or official agents from assisting in the marking of a ballot
- compliance agreements as an additional enforcement mechanism

Elections NWT ensured that procedures were in place to administer new processes and that the public was accurately informed about the new election laws.

For example, with respect to the introduction of voter identification, we had to be certain how the rules would apply at each polling opportunity, determine what pieces of identification would be acceptable, and communicate these requirements to election officials and the electorate.

Overall, as a result of these amendments, we revised over 75 administrative forms, prepared the OCEO to administer two early voting opportunities, made fundamental changes to voter registration, revised all communication and training materials, and established a policy regime for election law enforcement.

The *Tariff of Fees Regulations* was also amended in 2010. All fees paid to election officers were increased. For example, returning officers went from being paid, if a poll is held, a base rate of \$5,500 to \$6,200.

The *Miscellaneous Statutes Law Amendment Act, 2011* assented to on May 19th, 2011 amended the *Elections and Plebiscites Act*: the definition of 'election advertising' as well as 'election expense' was amended by striking out 'promote' and substituting 'promote or oppose'. This improved the consistency of the Act and ensured that both positive and negative advertising are subject to the election finance provisions of the Act.

¹ See, Standing Committee on Rules and Procedures, *Report on the Review of the Report of the Chief Electoral Officer on the Administration of the 2007 Election*, Committee Report 4-16(3), tabled 11 March 2009.

Policy Framework

In the 2010-2011 Business Plan of the Legislative Assembly, the OCEO committed to strengthening the elections policy framework. One particular area of concern was the absence of policy on election law enforcement, as reflected in recommendation #14 of the Standing Committee:

“...clear and consistent information be available to all candidates and the public concerning the initiation of a complaint, what happens to a complaint, the consequences of violating the *Elections and Plebiscites Act* and decisions and direction from the Chief Electoral Officer.”

In April 2011, the OCEO published an *Enforcement Policy*. This policy explains the management of complaints, investigations, and prosecutions as well as how these matters are communicated to affected parties and the public. How to file a complaint was explained on the Elections NWT website and in the *Guide for Candidates and Official Agents*.

Elections NWT addressed additional outstanding policy issues concerning, among other areas, the payment of election workers, the use of communication devices in polling stations, social media as a campaign tool, and the review of candidate financial reports. Some of these policy positions were communicated through CEO Instructions (see [Appendix III](#)).

The OCEO remains committed to strengthening the policy framework of election administration. Future areas for policy development include campaign finance and the disclosure of information.

Personnel

Elections NWT experiences sharp growth in personnel in order to administer a general election. In advance of an election, we total approximately a half dozen OCEO staff and 19 returning officers; by polling day, we have over 300 personnel.

The NWT is fortunate to be served by a veteran core of returning officers. Among the 19 returning officers who served during the 2011 election, nine had significant election experience, and 18 of 19 returning officers were women.

Prior to the campaign period, three returning officers resigned, three appointments were revoked, and, due to an existing vacancy, a total of seven appointments were made by the CEO. Recruitment is conducted through public calls for expressions of interest.



Returning Officers met in Yellowknife in May and August 2011

Training

In the 2010-2011 Business Plan of the Legislative Assembly, the OCEO committed to increase the number of hours for election officer training. This commitment arose, in part, from recommendation #15 of the Standing Committee:

“...that the Chief Electoral Officer work to improve the performance of Returning Officers and other officials through training.”

In May 2011, returning officers attended a two-day training session in Yellowknife. The purpose of this session was to review legislative and policy changes since the last election, gather recommendations on procedural improvements, and team build.

In August 2011, returning officers and assistant returning officers participated in a four-day training session in Yellowknife. This applied session was more detailed and technical than the first; it included computer modules, instructions on how to train single-day event workers, and the discussion of situations that may arise during an election campaign.

During the summer of 2011 our manuals were revised to simplify language used, reflect the electoral process more sequentially, and capture legislative, policy and procedural changes. At the August training session, returning officers and assistants received a copy of the new *Election Officer's Manual*.

Training sessions in May and August were positively evaluated by participants. In particular, the increased number of hours dedicated to training, revision of training materials, and additional support was welcomed. We believe this effort resulted in a more accurate and uniform administration of the electoral process.

Training remains a priority for the OCEO. We foresee benefits and efficiencies from the development of supplementary on-line learning modules, decentralized training events and an expanded focus on participatory learning.

Returning Offices and Polling Stations

Leases for offices and polling stations were arranged by the OCEO in advance of the campaign period. During previous electoral events, space was secured by returning officers. The process was centralized in 2011 in order to increase financial controls, ensure accessibility, and maximize efficiencies. Returning officers played a crucial role advising on the best locations available.

The suitability of available office space differs by community. In one electoral district, the best space available was an apartment. In Yellowknife, Inuvik, and Hay River, we sought, where possible, to locate more than one returning officer in a single space. In every case, we need to balance priorities such as accessibility, safety, connectivity, and visibility.

Each office was equipped with a laptop computer, multi-function printer/scanner, phones, and furniture. Offices in electoral districts with multiple communities had toll-free phone lines.

Polling stations should be in locations that are of suitable size, accessible, and well known to the electorate. The polling station locations selected for 2011 largely mirror those used in past elections. Alternate locations were used in a few communities where the usual place for voting was, for various reasons, unavailable. The polling station for Frame Lake was moved to the Yellowknife Curling Club to increase the visibility and accessibility of the poll.

Operations

The logistical scale of a general election is extensive. Elections NWT is responsible for the mass and rapid mobilization of goods and people during a condensed time period. This requires preparation and contingency planning.

In advance of the campaign period, the OCEO organized, packed and shipped 54 kilograms of material to each of the 19 electoral districts. Returning officers then supplied election workers in each polling division. This effort is more of a logistical undertaking in multiple-community electoral districts (e.g., Sahtu, Nahendeh, Nunakput) where transportation options and weather can complicate on-time delivery.

Elections NWT is increasingly leveraging available technology to digitize our operations. However, much election administration is still recorded on paper. Over 75 different forms were reviewed, revised, amalgamated, simplified, and modernized during the summer of 2011. This was to ensure legislative compliance, eliminate duplication and reduce paperwork for election participants.

Maps are an important resource during elections, particularly for candidates and election officers. Elections NWT does not have the software, hardware, data or staff to independently produce electoral maps – for this, we rely on support from other agencies. The NWT Centre for Geomatics as well as the Bureau of Statistics offered invaluable support in this regard.

The maps produced for this election were intended to be brighter and more professional. This was the first time that polling divisions were included on printed maps, rather than being hand drawn by returning officers.

Despite improvements in mapping technology, some challenges remain. For example, our map of Hay River had some incorrect street names displayed. These inaccuracies result, in part, because community mapping data is gathered from disparate sources. Improving the reliability and accuracy of available community mapping data would be of benefit not only to Elections NWT but surely the work of other governmental agencies.

On-Line Election Management

Over the past decade, Elections NWT has expanded the use of web-based products for election management. Usage was significantly expanded for the 2011 election. The agency introduced a revised and expanded intranet website for election officers.

During the spring of 2011, we worked with a developer to review the design, functionality, accuracy, and completeness of the intranet website. This was time well spent. The system was used every day during the campaign period and allowed for the accurate communication of information in real time.



Above: Election materials prepared to ship to electoral districts

Each returning officer was assigned a laptop and began using the intranet site during training. The site enabled returning officers and OCEO staff to update elector data, enter candidate nomination details, access polling place information, and download administrative forms. The site also facilitated the direct dissemination of unofficial election results.

Acting on a recommendation from our returning officers, the OCEO posted 22 of our most commonly used forms to our intranet site. This eased accessibility and minimized printing.

A survey of returning officers conducted after the election indicates that the introduction of this system was well received and that expanded use is not only possible but welcomed. Future additional uses may include the collection of election worker information to improve payment processes and expanding the number of forms available for downloading.

Communications

The OCEO placed major emphasis on communications. This emphasis was derived, in part, from recommendation #14 of the Standing Committee:

“...that the Chief Electoral Officer improve and clarify the communications from Elections NWT...”

In the fall of 2010, the OCEO developed a marketing strategy. Several actions resulted from this strategy: the Elections NWT website was revised and expanded, and a Facebook site set up; as a complement to our website and in conjunction with on-line election management, results reporting software was developed; a small set of promotional items were produced and disseminated; a poster was developed to explain new voter identification rules; and, advertisements were designed.



Elections NWT website



Elections NWT facebook page

Two guidebooks - the *Guide for Candidates and Official Agents* and the *Guide for Voters* – were published and made available in official languages. The Government of the Northwest Territories' Senior Administrative Officers and Government Service Officers were instrumental in helping to ensure that copies of the *Guide for Voters* and the voter identification poster were available in every NWT community.

Several pamphlets were also produced, including one about voting opportunities for students that the Department of Education, Culture & Employment distributed to 2,000 students and made available on the student financial assistance web page.

In all of these endeavours, the OCEO sought to use open language, explain the reasons behind our electoral processes, and include photographs and creative design to make our products more attractive and accessible.



*Guide for Candidates
in Tlicho*



*Guide for Voters
in Chipewyan*



Guide for Voters in Inuvialuktun

I visited all 19 electoral districts in advance of the general election. During these visits, returning officers welcomed me to their communities, described their districts, and showed me potential office space and polling stations. I often met with municipal and territorial government officials and was interviewed by community newspaper reporters.

I participated in numerous events to speak about the upcoming general election and the electoral system in general. Events included: the Campaign School for Women organized by the Status of Women Council of the NWT (October 2010), meetings of the Gwich'in Tribal Council and Beaufort-Delta Regional Council (January 2011), the annual general meeting of the NWT Association of Communities (June 2011), and a luncheon put on by the Yellowknife Seniors' Society (September 2011).

Register of Territorial Electors

The purpose of this section is to convey what steps were taken to update the Register of Territorial Electors in advance of the 2011 general election.

Elections NWT did not conduct a territory-wide enumeration prior to the 2011 general election. I made this decision based on a cross-jurisdictional comparison of approaches to voter registration, advice from the previous CEO², and a value-for-money assessment.

Amendments to the Act in 2010 availed the CEO of two additional data sets from which elector information could be drawn. Furthermore, the City of Yellowknife referendum in March 2011 and the federal election in May 2011 caused two major data sources to be updated in advance of the general election.

During 2011, four new data sharing agreements were negotiated and signed, individual consent forms drafted and signed, communication about voter registration broadcast to the public, and the transfer of personal information securely carried out.

In updating the Register of Territorial Electors, the OCEO collected data from:

- the National Register of Electors, Chief Electoral Officer of Canada, Elections Canada
- the list of insured persons as defined in the *Medical Care Act*, Director of Medical Insurance, Department of Health & Social Services (GNWT)
- vital statistics (i.e., decedents), the Department of Health & Social Services (GNWT) (October 2007 – August 2011)
- the list of eligible applicants for student financial assistance, Deputy Minister, Department of Education, Culture & Employment (GNWT)
- inmate registration data, Corrections Service, Department of Justice (GNWT)
- the municipal voters list, City Clerk, City of Yellowknife
- voters lists from the following NWT communities: Fort Smith, Hay River, Enterprise, Inuvik, Fort McPherson, Aklavik, Tsiigehtchic, Tulita, Délîne, Norman Wells, Fort Providence, Fort Resolution, Fort Liard, Paulatuk, Ulukhaktok, Tuktoyaktuk; in cooperation with the Department of Municipal & Community Affairs (GNWT)

In addition, in March 2011, Elections NWT became the third jurisdiction in Canada with on-line voter registration. The launch was covered by media and promoted at community events.

These were the steps taken in order to issue of the Preliminary List of Electors on Monday, September 5th – the first day of the campaign period.

² *Report of the Chief Electoral Officer on the Administration of the 2007 General Election* (April 2008), p.7.

PART II: General Election

Issue of the Writs

Elections in the Northwest Territories are held every four years following a fixed schedule. Polling day for a general election must, by law, be the first Monday in October in the fourth calendar year following polling day for the last general election.

The term of the 16th Legislative Assembly expired on September 4th, 2011 (Order in Council P.C. 2011-774). The Commissioner of the Northwest Territories thus ordered the Chief Electoral Officer (CEO) to issue writs of election for all 19 electoral districts. The writs were issued by the CEO on September 5th and made returnable no later than October 17th. Polling day was Monday, October 3rd.

Candidates

The nomination period opened on September 5th and closed on September 9th. A total of 47 candidates stood for election, the fewest total number of candidates since division of the territory in 1999.

Nine candidates (19 per cent) were women; as a percentage of all candidates, this figure is slightly below the average for female participation in recent territorial elections.

The largest number of candidates in a single electoral district was five in Mackenzie Delta. In three electoral districts (Inuvik Twin Lakes, Yellowknife South, and Tu Nedhe) candidates were elected by acclamation.

Number of Candidates by District

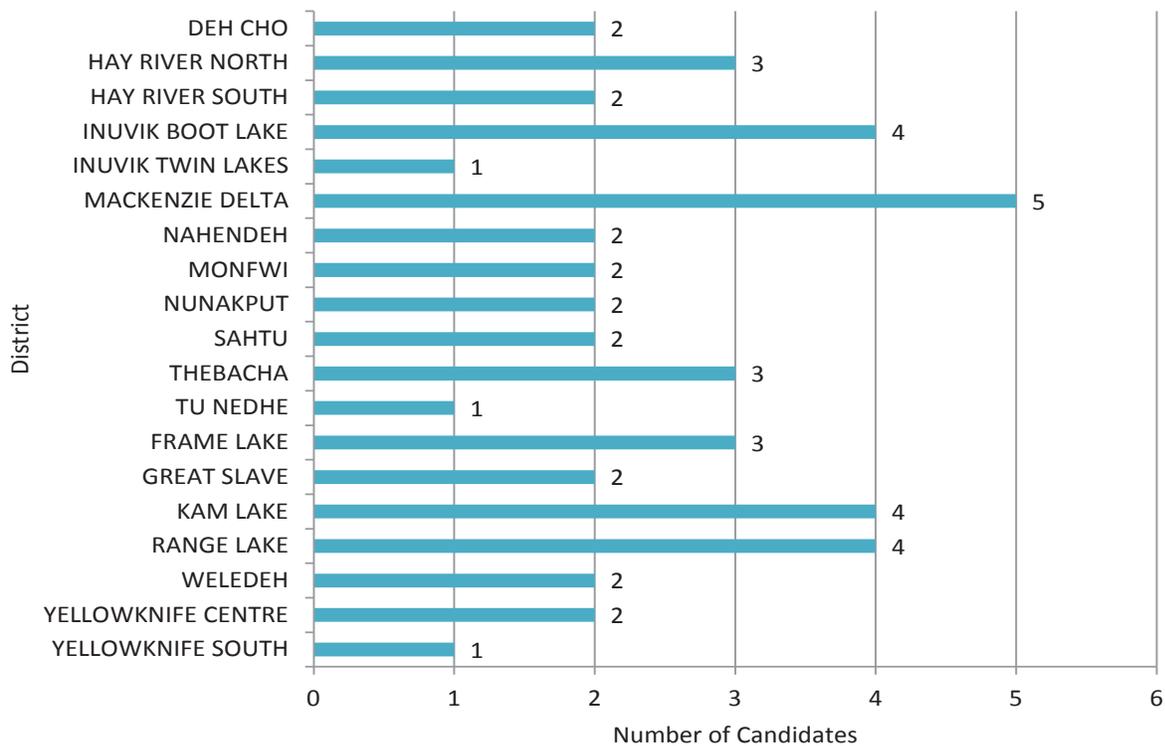


Figure 1

Preliminary List of Electors

A copy of the Preliminary List of Electors was available in each Office of the Returning Officer at the opening of the campaign period on September 5th. A copy of the list for the electoral district was provided to each candidate upon confirmation of nomination. These lists were produced and distributed in an open format (Excel) as well as by hard copy.

After the last election, returning officers suggested that an extended revision period would allow more time for people to check and update the list. I extended the revision period from its conventional length of five days to nine days.

The revision period was from September 5th to September 14th. During the revision period electors may contact their returning officer to determine, on behalf of themselves or a family member who resides in the same household, whether they are on the voters list and if the listed information is accurate. Elections NWT offices were equipped to receive revisions via email, toll free phone, by fax, or in person.

The revision period was advertised on the radio in several official languages, through voter information cards mailed to households, on our website and by social media.

Fewer revisions were made than anticipated. Although most electors were likely aware that the campaign period had begun, voter registration may not have been on the minds of many electors until closer to polling day. Perhaps more advertising about the importance of the revision period would boost participation. At the same time, some structural changes to voter registration may also be required.

Number of Revisions per Day During the Revision Period

District	5-Sep	6-Sep	7-Sep	8-Sep	9-Sep	10-Sep	11-Sep	12-Sep	13-Sep	14-Sep	Total
DEH CHO		56	46	62	48	40		93	122	197	664
HAY RIVER NORTH				1				8	21	38	68
HAY RIVER SOUTH	11	9	3	5	2			14	24	47	115
INUVIK BOOT LAKE	5	6	1					3	4	4	23
INUVIK TWIN LAKES	3	3									6
MACKENZIE DELTA								2		1	3
NAHENDEH		1									1
MONFWI											
NUNAKPUT				1						7	8
SAHTU		1		2	4				8	9	24
THEBACHA	5		1			5		7	6	4	28
TU NEDHE		2									2
FRAME LAKE		1	5		1				7	3	17
GREAT SLAVE		2	7	1	1	2		5	1	15	34
KAM LAKE	6		7								13
RANGE LAKE										1	1
WELEDEH	1	3	5	12	3	2		6	1	9	42
YELLOWKNIFE CENTRE			1	2	2			9	8	5	27
YELLOWKNIFE SOUTH		1		1	1						3

Figure 2

Official List of Electors

The Official List of Electors was issued on September 19th.

The quality of the voters lists was the foremost administrative issue brought to my attention following the general election. Concerns were raised about duplications, decedents, polling division misallocation, and the currency of listed addresses.

Research conducted by my office after the election confirms and helps to better understand the problems identified. Of all electors who cast a ballot in the 2011 general election, fully one in four had to take an oath because their name was not on the list for their polling division.

Oaths Taken by Elector by Electoral District

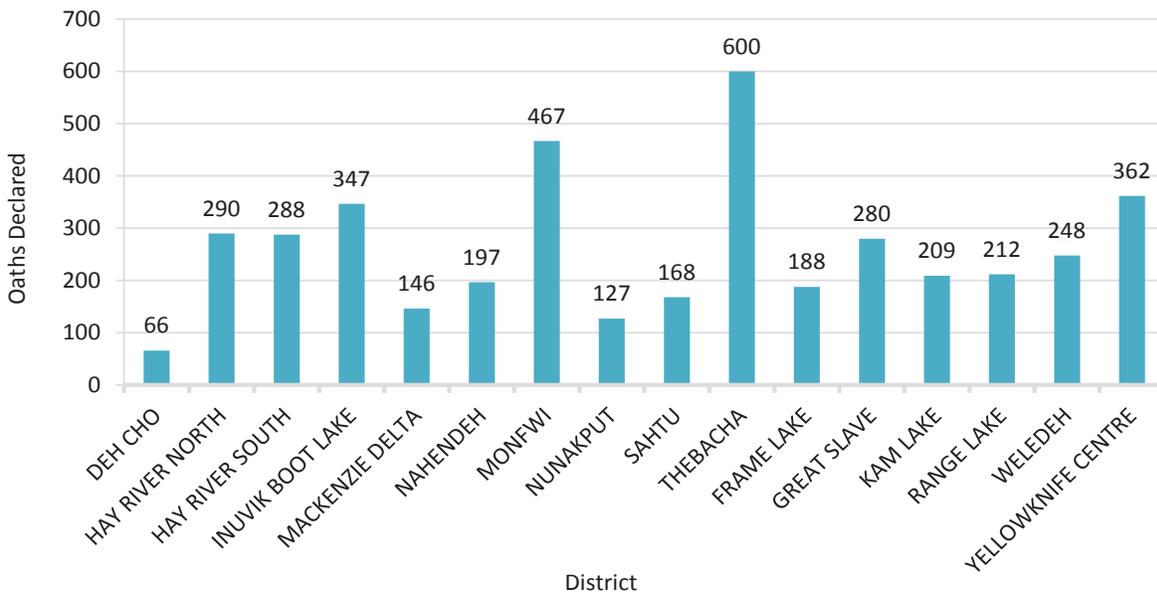


Figure 3

The figure shown above should not lead one to conclude that one in four eligible electors are not listed in the Register of Territorial Electors. For many of these electors, it means that the address currently on file is out of date, thus placing them in a different polling division or electoral district from where they currently reside; or it means that the elector has been improperly assigned to a polling division / electoral district through mechanical error. More to the point, it indicates that the Register is not sufficiently accurate and needs to be corrected.

Two structural problems were contributing factors. First, maintenance of the voters list had fallen into abeyance from the fall of 2007 until the fall of 2010. Second, the move from enumeration towards a continuous list made for a painful but necessary transition into modern election management. A voters list requires continuous attention from a full-time election management body.

Elections NWT has, for the most part, the legislative tools required to improve the completeness and accuracy of the Register of Territorial Electors. Where necessary, additional legislative tools are being sought through recommendations made in this report.

Sufficient resources will also be required to manage elector data. Elections NWT plans to remove remaining decedents and duplicates from the Register, to design an automated system for allocating electors by polling division, and, where necessary, to undertake targeted enumerations in places where voter registration has historically been incomplete.

Evidence from other jurisdictions indicates that a better voters list is possible. Following the 2000 federal election, Elections Canada was criticized for the quality of national voter registration. The House of Commons subsequently invested in the agency's personnel and data management. By 2004, Elections Canada was reporting 95 per cent coverage and 81 per cent currency with its preliminary lists of electors¹. Elections NWT is striving to emulate this success.

Offices and Polling Stations

Administration of the election in each electoral district is coordinated from the Office of the Returning Officer. Each electoral district hosts one office. In Yellowknife and Inuvik, returning officers shared space. Shared spaces helped to minimize costs, made it easier for residents to find their returning officer, and supported collegiality between election officers. Additional efficiencies could be achieved during future events, such as sharing printers and other hardware.

Overall, our offices were accessible, visible and safe. Some unforeseen complications did arise in a few districts. The office in Hay River South, although always open during the required hours, had an Elections NWT poster displayed on a locked door, giving some people the impression that the office was closed. A Yellowknife office initially had locked doors on the first day of the campaign period because the automated doors were pre-programmed to lock for the holiday (Labour Day). Also, on the final Saturday of the campaign period, there was some confusion between voting hours and office hours. Voting in the Office of the Returning Officer closed, by law, at 2:00 p.m., whereas the offices remained open until 4:00 p.m. In future, it may be best to close the office when the time for voting expires.

Polling stations need to meet high standards of accessibility. During the 2011 election, all polling locations had level access and each voting booth had magnifiers from the Canadian National Institute for the Blind to assist visually impaired electors with reading instructions and ballots.

There were 38 polling stations in operation across the territory on polling day. All of the polling stations opened and closed on time, with the exception of the polling station in Wrigley (Nahendeh), where the deputy returning officer quit on the morning of polling day. The polling station in Wrigley was opened by 11:00 a.m. thanks to the good work of the returning officer.

Following the election, I became aware that some people could not readily locate their polling station, especially in Yellowknife. This happened despite having a polling station locator on the Elections NWT website, whereby, upon entering one's address, an individual's polling station location, polling division, electoral district, and list of candidates was displayed. This polling station locator was featured on the home page of our website throughout the campaign period and was highlighted on at least three radio broadcasts. In addition, a list of all polling station locations was published in a full page advert in *News/North* on Monday, October 3rd. In future, erecting large exterior signs outside of polling stations and including polling station locations on the household voter information cards might signal more clearly where to vote as well as remind people when is polling day.

¹ Auditor General of Canada, *Report of the Auditor General of Canada to the House of Commons: Elections Canada – Administering the Federal Electoral Process* (November 2005), p. 10.

Single-Day Event Workers

Northerners in every community across the territory were pivotal to administering the 141 total polls held during the general election.

Single-day event workers are appointed by the returning officer for an electoral district. Recruitment is conducted by combining local networks with past records of service.

In the past, the payment of election workers has been at issue. The *Tariff of Fees Regulations* was amended in 2010 to increase remuneration at all levels. The increases were noticed by workers and positively received. Increases in rates of pay have a material effect easing recruitment.

Elections Personnel by District

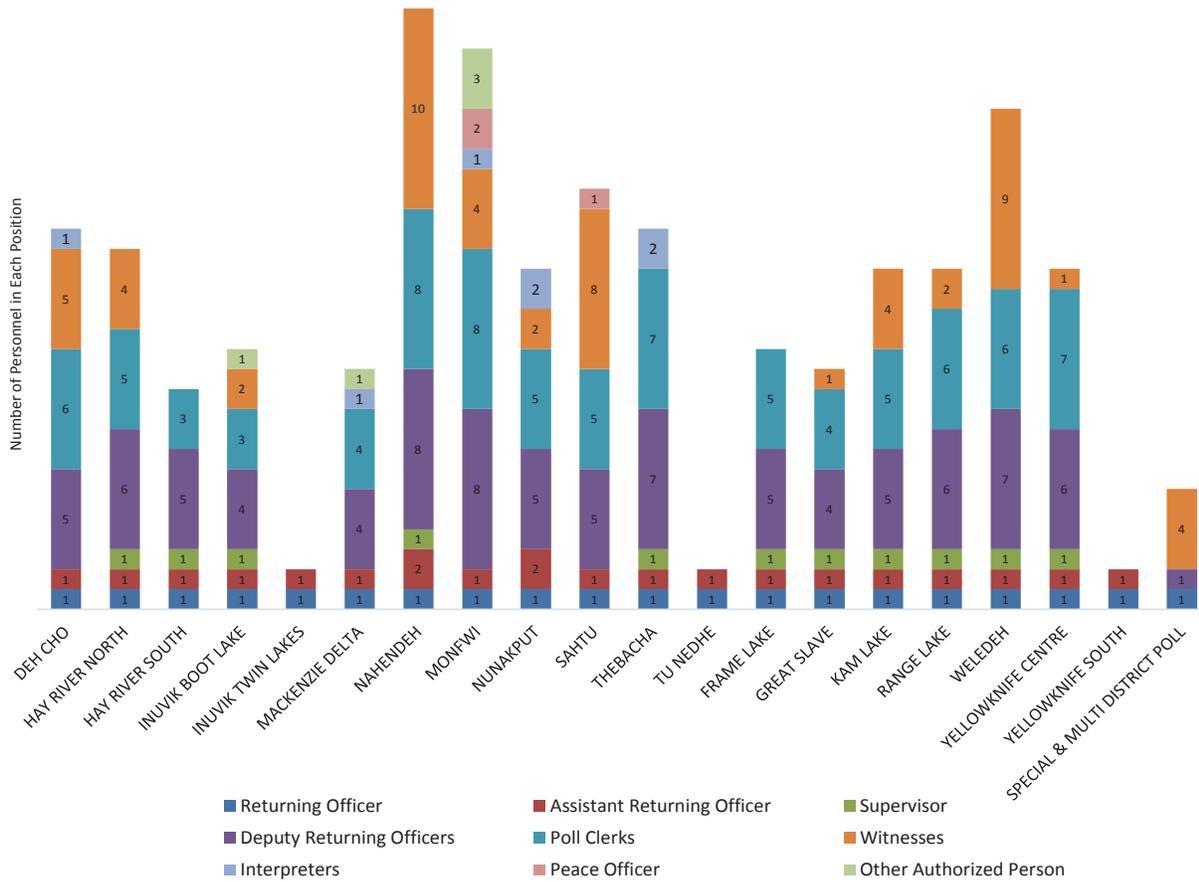


Figure 4

In 2011, the process for paying workers was improved. The Office of the Chief Electoral Officer (OCEO) worked with the Department of Finance and the Department of Human Resources of the GNWT to significantly enhance the efficiency of the payment process. In future, the collection of personnel information through our intranet system should further improve efficiencies.

Having interpreters at the polls is essential in a territory with 11 official languages. However, there is some uncertainty about the rate of pay for interpreters at the polls. A single rate is not established in the Tariff, but rather is negotiated by the returning officer and approved by the CEO. Returning officers have little basis upon which to negotiate and may not be physically present when an interpreter is hired. The CEO intends to establish a rate in the Tariff.

Training Poll Workers

Single-day event workers interact the most with voters. They are the supervisors, registration clerks, deputy returning officers and poll clerks at our polling stations in every community. These workers put in a long day at the polling station: they distribute, deposit, count and reconcile the ballots, and are entrusted with significant discretionary authority. The experience of the majority of electors will be determined by the attitude and competency of these workers.

Recognizing the importance of this position, Elections NWT sought to improve the level of training provided. Returning officers are responsible for appointing these workers and were entrusted with delivering training. The OCEO provided returning officers with instructional videos, a copy of the *Election Officer's Manual: Polling Process*, as well as advice on how best to train workers. The OCEO recommended three to six hours of training for deputy returning officers.

Where requested, the OCEO facilitated travel arrangements so that workers within an electoral district could benefit from a uniform classroom experience; some returning officers chose to train workers by conference call; and, in one case, the Deputy Chief Electoral Officer travelled to an electoral district to assist with training.

On the whole, it is our understanding that the performance of election officers across the territory was relatively consistent and of high quality. At the same time, we believe that more improvement is necessary. On-line training tools may be particularly valuable in lowering the costs of training and further standardizing what is learned.

Service Delivery

Our current service delivery model may not be facilitating all electors with equal opportunities for participation. This is a matter of both regulatory structure and operational approach.

The biggest concern I have is with respect to service delivery in our smallest communities.

For example, a resident in Ulukhaktok is eligible to run in any electoral district in the territory. First though, the interested person must obtain nomination papers. These papers may or may not be available in the community, depending upon whether an “other authorized person”² has been appointed and whether that authorized person has been supplied with nomination papers by the returning officer. Even in cases where this has been executed, training for the authorized person is limited or non-existent. In the context of a nomination period shorter than five business days, the right to stand for election may therefore be impeded by our service delivery model.

The current service delivery model also impedes access to some special voting opportunities and does not sufficiently incentivize election officers to undertake or complete certain responsibilities.

The solution may be to restructure our service delivery model in order to expand the presence of Elections NWT in all our communities. This may require re-balancing the authority of election officers, making changes to logistical deployment, and setting a new structure in the *Tariff of Fees Regulations*.

² An “other authorized person” is defined at section 82(1) of the *Elections and Plebiscites Act* as “a person who is, for the electoral district, an assistant returning officer or a person to whom the power of the returning officer to receive and accept nomination papers is delegated...”

Communications

In 2011, the OCEO placed major emphasis on improving our communications. We sought to broaden messages about participation, be more innovative, and make better use of modern communication tools.

The Internet is a central tool for communication in the modern age. Even with challenges such as available bandwidth, we know that many northerners are using on-line tools to receive and send information. In some communities, radio bulletins are being replaced by messages on social media websites. Across the territory, 75 per cent of households have internet access.³

The primary on-line tools used by Elections NWT in 2011 were our website and our Facebook page.

The Elections NWT website was modernized in 2011 to include:

- on-line voter registration
- a polling station locator
- a new set of electoral maps
- more information
- results reporting

In the lead-up to the election, our website averaged approximately 100 visits per day; at the close of nominations on September 9th, when the list of candidates was posted, there were nearly 1,000 visits; on October 3rd, polling day, there were approximately 4,500 visits. The most frequently accessed pages were the maps, the list of candidates, and the results.

Elections NWT also launched a Facebook page. At the outset, it was thought that the site would primarily be of interest to candidates, official agents, election officers, and journalists. As such, we projected that 100 people would receive updates via Facebook; in the end, 94 people subscribed. This was a particularly effective form of communication as it was low cost and low maintenance, and allowed for the dissemination of information not just to 94 people, but to 94 networks.

The Internet was only one tool for communication. Earned media was another particularly valuable method. On average, during the campaign period, the CEO was interviewed daily by a radio journalist, daily by a print journalist, and at least once per week by a television journalist. The media played a valuable role in communicating key messages about the electoral process.

³ *Bureau of Statistics, Home Internet Access, by Community (2009)*, retrieved January 2012.

At the beginning of the second week of the campaign period, voter information cards were mailed to each household in the NWT. “You’re Invited” was inscribed on the cover, and inside were important dates, voter identification requirements, and the names of returning officers.

We received positive feedback about the design and distribution of these cards. In future, there would be value in sending the cards earlier and including a list of polling station locations.



Voter Identification

A major focus of our communications was to explain new rules about voter identification. In the spring of 2010, the Legislative Assembly enacted voter identification rules that mirrored, almost exactly, the rules that apply during federal elections. Eligible electors were required to present one current piece of photo identification or two pieces from an approved list; it was left to me to determine what two pieces would be acceptable.

Voter identification requirements are usually put in place to increase the security of the ballot. One concern about voter identification requirements is the risk of disenfranchising people who may struggle to acquire identification; in the NWT, elders, residents of smaller communities, and new electors are among those at risk of disenfranchisement. An additional concern is that, in smaller communities, where, typically, everybody knows everybody, it can be awkward for an election officer to request ID from their auntie or neighbour.

The new voter identification requirements did not appear to be a significant barrier to casting a ballot. The timing of the federal election helped. Only five months before the territorial campaign, northerners went to the polls to elect a Member of Parliament. Electors were therefore more likely to expect to be asked for identification at the polls. Meanwhile, by summer, Elections NWT had explanatory posters and guidebooks in every NWT community.

Some may point to 48 per cent voter turnout and cite identification requirements as a cause of low turnout. Available evidence suggests otherwise. In communities where it would be reasonable to expect that identification requirements might be a barrier to participation, voter turnout rates were actually higher. That said, it is difficult to say with certainty if the identification requirements had any discernible effect on voter turnout.

Voters did not need to show identification in every instance. For example, an elector may request, receive and return a special ballot without showing identification. An elector may also vote in the Office of the Returning Officer without showing identification, if they are known by personal acquaintance to the election officer.

Some view these exceptions as inconsistencies or vulnerabilities. Another perspective is to view these special voting opportunities as reasonable alternatives. If absolute uniformity were the objective, there would be no special voting opportunities.

Ultimately, the voter identification requirements must protect the integrity of the electoral system without needlessly hindering accessibility.

Voting

A total of 11,865 ballots were cast in the general election, representing 48 per cent of eligible electors.

Two types of ballots were cast. A write-in ballot was used when a person voted by special ballot or at a multi-district poll, and a simple ballot used when a person voted at any other opportunity.

There were six voting opportunities available to electors. Four of these opportunities are known as special voting opportunities: the special ballot, mobile poll, multi-district poll, and voting in the Office of the Returning Officer. The other two opportunities to vote are at an advance poll or on polling day. Each voting opportunity is examined below.

Ballots Cast by Voting Opportunity, as Percentage of Total Votes

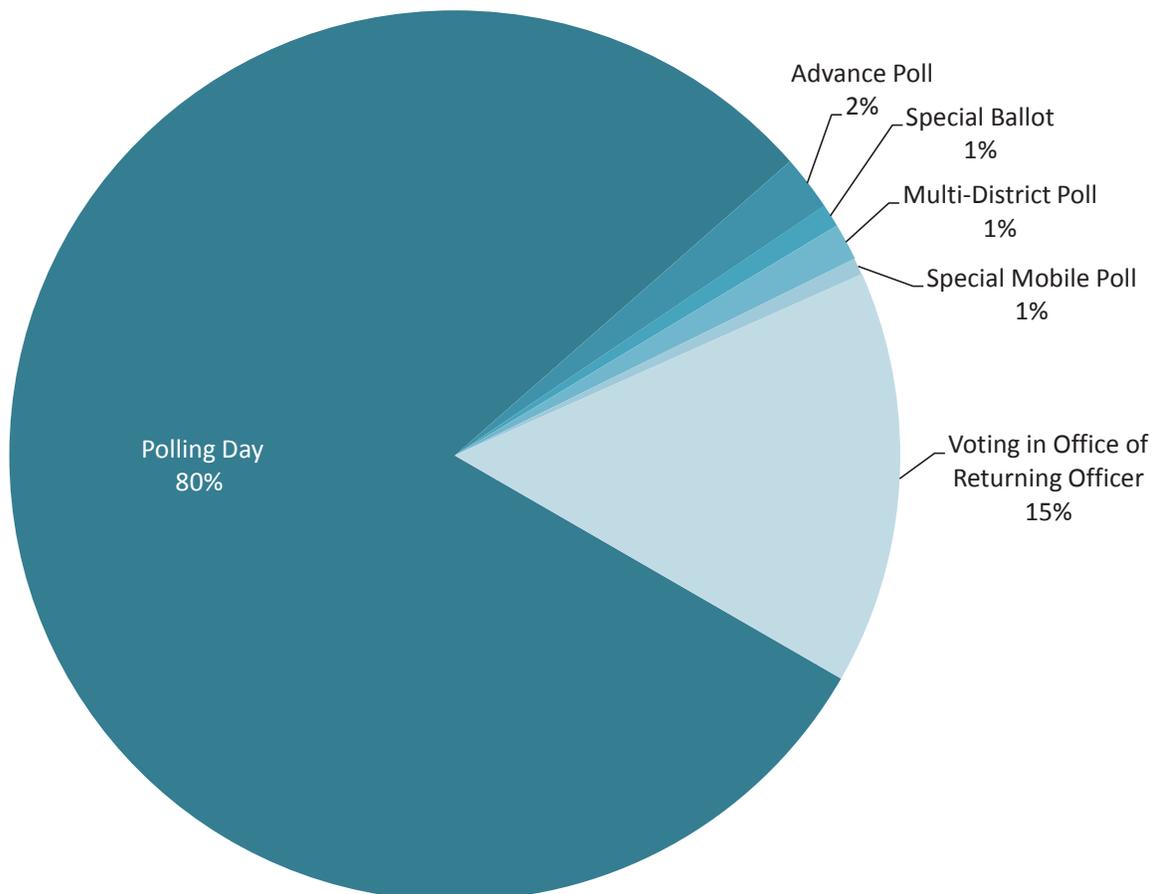


Figure 5

Special Ballot

The special ballot is primarily for electors who anticipate being away from home for a prolonged period during the electoral event. This type of voting is commonly known as an absentee ballot, although there is no requirement that the voter actually be absent. To successfully apply for a special ballot, an elector's name must be on the list of electors.

In 2010, the Legislative Assembly, among other electoral reforms, shifted responsibility for the administration of the special ballot from returning officers to the OCEO in order to improve the speed and uniformity of the process.

The OCEO distributed 162 special ballots; of those sent, 106 were returned on time. After polling day, an additional 11 ballots were received; any ballot not received by polling day is, by law, rejected. In some cases, the special ballot became 'voting in the OCEO', as electors who planned to be out of territory received and cast their special ballot in our office. The OCEO was not equipped to be a polling station, and yet we would not turn away voters.

The OCEO appointed a special ballots officer to administer the process. We were fortunate to appoint the returning officer for Yellowknife South, whose electoral district had elected a member by acclamation. On the first day of the campaign period, the OCEO activated an on-line application for special ballot. Most special ballot applications were processed on the same day the application was made, and many were sent by priority courier.

Despite these improvements, concerns continue to be expressed about the time it takes to receive and return a special ballot.

Concern has also been expressed about the security of the ballot, in particular the absence of a requirement for identification. Any form of absentee ballot, by its very nature, will be less secure. It is the only voting opportunity where an election officer is not present when the ballot is marked. This does not mean that the special ballot is insecure. The policy objective, as I understand it, is to ensure that electors who are temporarily outside of their electoral district still have an opportunity to vote. Prioritizing such a policy objective almost inevitably requires some level of risk tolerance. It is my conclusion that, with the present system, the Legislative Assembly has struck an appropriate balance between accessibility and security.

Mobile Polls

With a mobile poll, Elections NWT brings the ballot box to the elector. This option is only available to those who cannot attend the polls by reason of disability. In 2011, voting at mobile polls accounted for less than 1 per cent of all ballots cast.

There is a structural issue with the administration of mobile polls. It is the returning officer who is designated to deliver the mobile poll. In electoral districts with multiple communities, this is not feasible. For example, it is prohibitively expensive and logistically cumbersome for the returning officer for Nahendeh to deliver a mobile poll in Trout Lake. At the same time, a disabled elector in Trout Lake is no less deserving of full service. This is an example of how our present service delivery model could be improved to increase fair opportunity for political participation.

Multi-District Polls

This was the first territorial election with multi-district polls. Multi-district polls enable voters temporarily resident at one place to cast a ballot for a candidate running in the electoral district where they ordinarily reside.

Multi-district polls were held on three college campuses and at four correctional facilities. Cooperation from both Aurora College and the Department of Justice was first-rate in all aspects. Overall, these polls were highly successful.

Multi-district polls were not held at mine sites. I made this decision following consultation with representatives from the three diamond mines. With the exception of one shift at one mine, nearly all on-site employees, who were eligible electors, had access to other voting opportunities; moreover, all electors had access to the special ballot. In light of this fact, and given the estimated resources required to hold multi-district polls at all three mine sites, this was the best decision at the time.

Rio Tinto (Diavik), DeBeers (Snap Lake) and BHP Billiton (EKATI) all provided exemplary cooperation. All three companies helped to facilitate communication about the election to their employees beginning summer 2011 and during the campaign period also helped to facilitate delivery/return of the special ballot. The Union of Northern Workers also deserves recognition for their support.

Despite careful analysis before the election and cooperation from all interested parties during the election, I would advise that, during the next general election, multi-district polls be held at mine sites with a critical mass of electors. Even with all of the effort placed into communications, too many mine employees struggled to cast a ballot. Multi-district polls have now been tested and we have a better understanding of how best to implement this voting opportunity. Any future costs incurred may simply reflect the price of running an election in the Northwest Territories.

Voting in the Office of the Returning Officer

Voting in the Office of the Returning Officer was again the most popular form of special voting opportunity. In 2011, this opportunity accounted for 15 per cent of all ballots cast, and 84 per cent of ballots cast in special voting opportunities.

Identification need not be shown when voting in the Office, if the elector is known by personal acquaintance to the election officer. This concerns some. However, in a territory where access to identification is not always easy to come by and many people know each other, it is beneficial to have a voting opportunity with an alternative approach. Voting is done in the presence of an election officer who is under oath, entrusted with significant legal responsibilities, and well trained. Moreover, particularly in view of declining voter turnout, the value of accessibility should not be underestimated.

Some have made the case that the 10-day duration of this voting opportunity and, in particular, the early start date, favours incumbents, claiming that it takes longer for a non-incumbent to make an impression on the electorate. It has also been argued that this voting opportunity favours candidates with strong get-out-the-vote machinery. Although both of these observations may be true, on balance it is difficult to see how shortening or eliminating such a popular voting option would serve the public interest.

Advance Polls

In 2009, the Standing Committee⁴ recommended that the CEO increase the number of locations which have opportunities for early voting. In 2011, I tripled the number of advance polls from three to nine.

Some advance polls were mandated by legislation; additional communities were selected by me in accordance with the law. In selecting additional communities for advance polls, I sought to balance voting opportunities within and between electoral districts.

Advance polls were designated for the communities listed below. The advance poll in Lutselk'e was not held because the candidate for Tu Nedhe won by acclamation.

Fort McPherson	Whatì
Uluhkaktok	Tulita
Déline	Lutselk'e
Paulatuk	Fort Liard
Fort Good Hope	Hay River Reserve

Nine advance polls were thus held on September 22nd from 12:00 p.m. until 8:00 p.m. The advance poll in Paulatuk was nearly postponed because three days of fog delayed the delivery of the ballot box; the box finally arrived one hour before the polls opened.

A total of 238 ballots were cast at all advance polls combined, representing 9 per cent of eligible electors in those communities. Advance polls were advertised on radio in several official languages and in the newspaper, but still turnout was low. Legislators may wish to debate whether this early voting opportunity is accomplishing intended policy objectives.

Polling Day

Most electors still cast their ballot on polling day. On October 3rd, 2011, a total of 9,515 ballots (80 per cent of all ballots cast) were cast across the territory at 38 polling stations. Elections NWT received positive feedback about the overall administration of the polling process on polling day.

Immediately prior to polling day there was some confusion regarding how many polling agents were entitled to be at certain polling places. For greater clarity, I issued a CEO Instruction on September 30th stipulating that a candidate could have one polling agent per polling division inside a central polling place at any given time.

⁴ Standing Committee on Rules and Procedures, *Report on the Review of the Report of the Chief Electoral Officer on the Administration of the 2007 Election*, Committee Report 4-16(3), tabled 11 March 2009.

Results

This was the first time that Elections NWT reported election results on-line. In the past, unofficial results were transmitted to the CEO by fax, phone or in person and then handwritten on a bulletin board in the Great Hall of the Legislative Assembly. This method was comparatively inefficient, inaccessible and heightened the risk of error. The on-line reporting of unofficial election results was clearly an innovation whose time had come.

Results were entered by each returning officer into our secure system, and then – in real time - approved and published by the CEO. This meant wider accessibility and greater speed in reporting. Of all of the innovations adopted by Elections NWT this past year, on-line results reporting generated the most positive feedback.

Election Night Web Page Hits

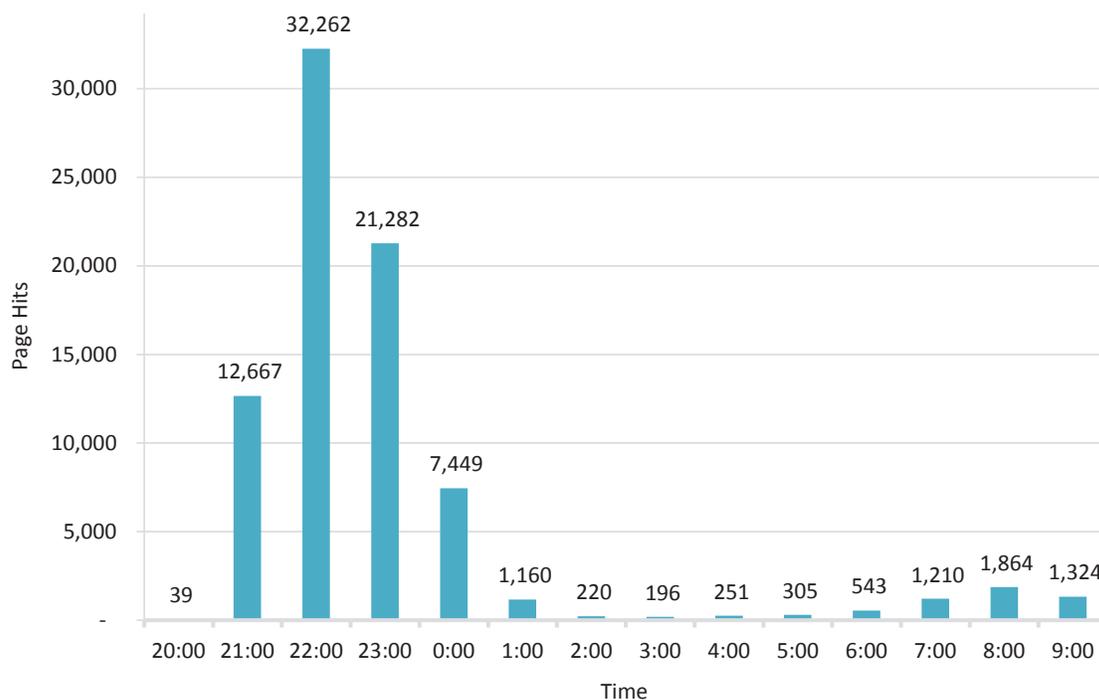


Figure 6

Recount

The election in Inuvik Boot Lake resulted in a judicial recount. A recount must be conducted if, after the official addition, the number of votes separating the candidate with the most votes from any other candidate is less than two per cent of the total votes cast. In this case, the margin was five votes out of 510 ballots cast.

The recount was conducted on October 13th at the Inuvik Court House by Mr. Justice Wallace M. Darichuk, Deputy Judge, Supreme Court of the Northwest Territories. All candidates except one were either in attendance or had a representative attend on their behalf; and I was in attendance with the returning officer.

The recount affirmed the unofficial and official results, with the only change being the recording of one additional rejected ballot.

Voter Turnout

Only 48 per cent of eligible electors cast a ballot in the 2011 general election.⁵ This statistic generated considerable attention, particularly from the press.⁶

Is the voter turnout statistic accurate?

Some have argued that deficiencies with the list of electors exacerbated the reported decline in voter turnout. Available evidence does not support this argument. I draw this conclusion two ways.

First, because the population of the NWT was relatively unchanged between 2007 and 2011 we can compare voter turnout between territorial general elections by comparing the absolute number of ballots cast. Comparing the 2007 and 2011 elections, the absolute number of ballots cast in the territory declined by 1,160 votes, from 13,025 to 11,865.

Second, by comparing the total number of registered electors against other relative figures we see that the list of electors may actually understate the number of eligible electors in the territory. This makes even greater sense when one considers that no voters list in the world reaches 100 per cent completeness.

Registered Electors in Comparative Perspective*

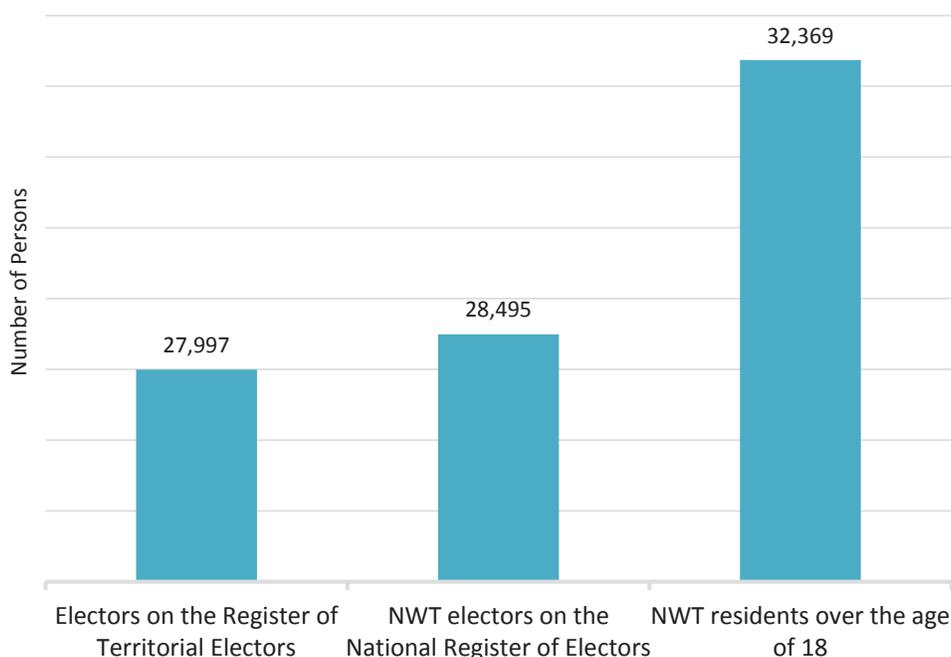


Figure 7

*Current as of September 2011

⁵ See Elections NWT, *Official Voting Results 2011* (November, 2011).

⁶ Voter turnout was also a subject of national media attention in 2011 as a result of overall declines and relatively consistent rates in other Canadian jurisdictions: e.g., Ontario – 49%, Manitoba – 50%, Saskatchewan – 66%.

Turnout figures for specific electoral districts may be less accurate than the territory as a whole. However, even an upward adjustment of 10 per cent (a considerable amount) would leave most observers equally concerned about levels of voter turnout in most ridings, and especially in Yellowknife.

Three conclusions can be drawn from available statistics:

1. Voter turnout in the NWT is declining.
2. Voter turnout is consistently higher in electoral districts outside of Yellowknife.
3. Voter turnout is usually higher in electoral districts where the election is perceived to be competitive, especially when there is no incumbent in the race.

What might be the problem?

Understanding voter turnout is an exceedingly complex undertaking. Scholars, election officials, and community leaders across western democracies are seeing the same trends, asking the same questions, and seeking answers.⁷

It may help to start with what we know.

People who cast a ballot often do so because, for them, voting is a habitual act, voting is viewed as a civic duty, or because of a strong like or dislike for a particular candidate.

Reasons for not voting most commonly include: 'I was busy', 'I was unaware of the election' or 'I don't know enough about politics'.

Those who say that they are 'too busy' to vote are usually 'intermittent voters' – they vote sometimes, but not always. These electors can be incentivized to participate through advertising campaigns, accessibility efforts, and excitement over the candidate(s).

Those who feel that they are not knowledgeable enough about politics or have an overall negative perception about politics, are usually habitual non-voters – they rarely or never vote. These electors are more disengaged from democracy, and thus harder to reach.

Where voter turnout is declining, two overriding factors often appear:

1. People are paying less attention to politics.
2. People are feeling disconnected from their communities.

⁷ Informative works on voter turnout include: Paul Howe, *Citizens Adrift: The Democratic Disengagement of Young Canadians* (UBC Press, 2010); Elisabeth Gidengil, et al. *Citizens* (UBC Press, 2004); Russell Dalton, *Democratic challenges, democratic choices: The erosion of political support in advanced industrial democracies* (Oxford University Press, 2004).

What might be done?

Primarily, Elections NWT has two responsibilities:

1. Implement a program to inform northerners about the electoral system and about specific electoral contests.
2. Ensure that all eligible electors have access to polling opportunities.⁸

Both of these responsibilities were taken seriously by Elections NWT in preparing for and executing the 2011 general election. Further advancements could be made by improving our service delivery model and by expanding our use of communication tools.

These efforts will mostly encourage greater participation by intermittent voters.

Getting habitual non-voters to adopt the habit of voting, requires a broad set of institutions to focus on improving overall civic engagement. If this is a priority, governments, parents, media, civil society organizations, community leaders, and teachers will need to act. Researchers are suggesting that improved and expanded civics education as well as more discussion about politics between family members are good ways to promote civic engagement.

Elections NWT will do its part to work with our territorial partners and national colleagues to improve accessibility to the electoral system, communicate information about elections, and share ideas about how others in society might also motivate political participation.

Enforcement

One of my primary responsibilities is to maintain public confidence in the integrity of the electoral system. Part of that responsibility involves reviewing and responding to written complaints.

How to submit a complaint and what happens to a complaint once it is received by the CEO is explained in Elections NWT publications and on our website. More detail is found in our *Enforcement Policy*.

Each complaint is carefully reviewed and dealt with in a timely manner. Factors that must be taken into account during each review include whether or not the complaint falls within the jurisdiction of the CEO, the substance of the allegations, the evidence provided, and whether or not there is sufficient justification for further action.

A summary of the complaints I received and the actions taken by me in response to those complaints is provided at Appendix IV.

The ability of the CEO to investigate and enforce alleged contraventions of the Act is constrained by the absence of sufficient powers. Although section 279 of the Act authorizes the CEO to investigate any matter that comes to his or her attention in respect of an act or omission, it does not grant the CEO the necessary enforcement powers to assist with an investigation. I am recommending additional powers of enforcement be granted to the CEO.

⁸ These responsibilities are consistent with the CEO's mandate set out in section 8 of the Act.

Reporting

The writs were returned by October 17th. Although the return of the writs marks the end of the general election, it is not the end of election activities. Candidates and the CEO must meet subsequent reporting requirements.

Candidate financial reports must be filed 60 days from polling day. Elections NWT advertised the December 2nd deadline in our publications, on our website, and in a newspaper advert. Six candidates did not file an accurate and complete report in a timely manner and were thus fined \$250.

All candidate financial reports are reviewed for accuracy and completeness. Once a report is deemed accurate and complete, the nomination deposit (\$200) is reimbursed. If a report is incomplete, the OCEO contacts the candidate and/or official agent in writing to seek corrective action. Other measures may be taken in cases of more serious or pervasive discrepancies.

The overall election experience and in particular the review of candidate financial reports demonstrates that the entire campaign finance regime (i.e., Part 9 of the Act) would benefit from thorough examination. The finance provisions are confusing, not always consistent, and in some ways out-dated. For example, pursuant to Part 9 of the Act, candidates may spend up to \$30,000 of personal funds, but may only contribute a maximum of \$1,500 to their own campaign and may not directly incur election expenses (with some exceptions). This leaves some candidates confused as to how to spend their own money within the constraints of the law. The wording in Part 9 of the Act is causing confusion for candidates and official agents.

The OCEO has three major post-election reporting requirements:

1. The official voting results
2. The summary of candidate financial reports
3. The report of the CEO on the administration of the general election

On November 21st, I submitted the *Official Voting Results* to the Speaker of the Legislative Assembly, who in turn tabled that report in the legislature at the earliest reasonable opportunity, which was December 13th, 2011.

On March 19th 2012, I published a summary of candidate contributions and expenses; that summary is appended to this report (Appendix V).

This is the report on the administration of the general election. In preparing this report, I issued a public call for input from candidates and official agents with recommendations to change the Act.⁹ I also received post-election reports from all returning officers and conducted a survey of returning officers. I have made every effort to synthesize and reflect views expressed by those parties, even in cases where I take a different position.

What follows are my recommendations to change the Act.

⁹ Section 266(1)(c) of the Act reads: "A candidate or official agent may send the Chief Electoral Officer a written statement containing a recommendation for a change to this Act."

PART III: Recommendations



The Chief Electoral Officer (CEO) may set out for the Legislative Assembly any amendments that he considers should be made to the *Elections and Plebiscites Act* or any matter in connection with the administration of this Act.¹ My recommendations to change the Act are set out in this chapter.

My recommendations to change the Act are categorized into three types: policy, technical, and housekeeping. These categories serve to signal the complexity of the issues raised.

The issues addressed under ‘policy’ are significant and, as such, I respectfully raise them as issues of concern while at the same time carefully exercising deference to legislators. In some instances, rather than advocate a specific recommendation, I have proposed that additional study would be valuable after receiving direction from legislators on general principles.

The issues found under the sub-heading ‘technical’ are no less important, but are areas where I believe there to be less complexity and greater consensus. Here I have proposed more specific recommendations.

The third category of recommendations, ‘housekeeping’, seek to improve the Act where logical consistency or greater clarity is wanting.

POLICY

1. Polling Day - section 39
2. Preliminary List of Electors - section 65
3. Striking Names from the Preliminary List of Electors - section 69
4. Prohibition on Broadcasting - section 104
5. Voting by Special Ballot - section 134
6. Advance Poll - section 152
7. Campaign Finance - Part 9
8. Offences
9. *Tariff of Fees Regulations*

TECHNICAL

10. Registration of Incarcerated Electors - section 55.1
11. Define ‘Sponsor’ – section 101
12. Mobile Poll Administration – section 138
13. Vouching – section 177
14. Nomination Papers as Public Records – section 271
15. Investigative Powers of CEO – section 279
16. Deputy Minister to Grant Leave – *Public Service Act*

HOUSEKEEPING

17. Definition of Campaign Material – section 1
18. Number of Polling Agents at Polling Places
19. Candidate Eligibility – section 79
20. Campaign Material – section 100
21. Applying the 25 Metre Rule to other Voting Opportunities – section 103
22. Election Material Ownership – section 114
23. Notification Requirement – section 261
24. Complicated Drafting – sections 286 - 347
25. Simplify Names of Special Voting Opportunities

¹ Section 266(2), *Elections and Plebiscites Act*.

POLICY

When the Northwest Territories moved to a fixed election schedule, it was determined that polling day would be held on a Monday. However, having polling day on a Monday presents several challenges for candidates and the administration of elections.

Most importantly, it impedes efforts to increase voter turnout. Monday follows the weekend, when there is typically less attention to media and many people shift from business to family pursuits. As such, some candidates are reluctant to knock on doors on Sunday, the day before polling day, because it is a traditional day of rest.

In addition, polling day currently falls on a regular day of business. There is a segment of the electorate, perhaps as high as twenty per cent, that is willing to vote, but may not cast a ballot if, on polling day, they consider themselves to be 'too busy'.

RECOMMENDATION 1: POLLING DAY SECTION 39

Amend section 39(5) and 39(6) of the Act to cause polling day for a general election to be the second Saturday in October, or select a day that falls later in the week, and/or declare polling day a holiday. Amend corresponding sections of the Act so that the temporal sequence of an electoral event remains the same.

During the campaign period, a person may inspect a copy of the preliminary list of electors for the electoral district in an Office of the Returning Officer. The contents of the list are otherwise not made available to electors. The revision process could be improved by making the preliminary list of electors more available to northerners.

Territorial legislators have approved the *Local Authorities Elections Act* under which, during a municipal election campaign, voters lists must be posted in at least five conspicuous places in the electoral district (s. 24(2)). Territorial residents are confused as to why municipal voters lists are so publicly displayed and territorial voters lists, which largely contain the same information about the same people, are less accessible.

Adopting a system under territorial election law whereby voters lists are made more public and on-line tools are used to communicate registration information to electors, may assist with improving the accuracy and completeness of voters lists.

RECOMMENDATION 2: PRELIMINARY LIST OF ELECTORS SECTION 65

Amend section 65 of the Act to enable the CEO, during an election campaign, to communicate the contents of the list of electors to the public using the best available means.

The CEO currently has sufficient legislative mechanisms available to add to the list, update addresses, and remove decedents. However, sufficient mechanisms are not currently available to strike people from the list who have moved out of the electoral district or away from the NWT.

Granting returning officers the power to strike names from the preliminary list of electors during the revision period is a practical northern solution that is in keeping with the community-based nature of our electoral system.

Considerable discretion is already afforded returning officers in the administration of an election. At the same time, when it comes to revisions, returning officers may only make a change to the preliminary list after a person has requested a revision. This leaves returning officers frustrated. Our returning officers know their communities and want to do more to help update the voters lists.

If the preliminary list of electors were made more public, as is proposed, Elections NWT could also publicize the list of names struck from the list during the revision period. This way, anyone removed in error, could be returned to the list before the close of the revision period. This would also provide general transparency to make returning officers more accountable for their decisions.

RECOMMENDATION 3: STRIKING NAMES FROM THE PRELIMINARY LIST OF ELECTORS SECTION 69

Add a new sub-section to section 69 of the Act to enable returning officers to strike names from the preliminary list of electors in cases where the returning officer is certain that a person is no longer resident in the electoral district. As part of the same sub-section, compel the returning officer to post the names of persons struck from the list and to update it daily during the revision period.

The prohibition on broadcasting is out-dated. The original intention of the prohibition was to provide electors with a quiet period of reflection before polling day. This is no longer reflective of reality. Despite the prohibition on broadcasting, candidates may still publish and distribute pamphlets, advertise in print, and knock on doors. Besides, 20 per cent of ballots are now being cast in special voting opportunities held before polling day. Finally, with declining voter turnout, it is not clear why it would be a policy objective to have fewer election-related messages.

The concept of broadcast is so expansive in the Internet age that more and more interpretations are required from the CEO to enable candidates to comply. Difficulties with interpretation can cause needless enforcement problems.

Quashing the prohibition on broadcasting would ease enforcement and perhaps support increased participation by voters.

RECOMMENDATION 4: PROHIBITION ON BROADCASTING SECTION 104

Repeal section 104 of the Act, the prohibition on broadcasting.

Administration of the special ballot has caused concern for some time. Even with improvements to the system, concerns remain about timing and specifically how long it takes for a special ballot to be cast. This is not an operational issue - there are structural problems.

Currently an elector can apply to receive a special ballot beginning on the same day as the issuance of the writs, up until two days before polling day.

Section 134(2) directs that the CEO “shall” provide a special ballot following submission of an application by an eligible elector. If an elector requests a special ballot before the close of the nomination period, the elector is then entitled to complete the write-in ballot before the final list of candidates is known.

In addition, closing the application period on the Saturday (two days) before polling day is far too late. This closing date signals to the elector that voting by special ballot is still possible, when, practically speaking, it is not.

Some have suggested pursuing an on-line solution for absentee voting. I strongly caution the Legislative Assembly against adopting an on-line solution at this time. Elections British Columbia, Elections Ontario and Elections Canada are at the forefront of testing on-line voting, but are still at the very early stages of experimentation. This experimentation requires considerable capital investment, and positive results are not assured. For example, e-voting experiments at the municipal level in Canada have, to date, produced mixed results.²

Instead, the application period could be opened earlier.

An elector should be able to submit an application for special ballot in advance of the issue of the writs. However, the CEO should be restricted from sending a special ballot until after the close of the nomination period.

In turn, the application period should close the 10th day before polling day. This would leave electors and election officers with a realistic set of expectations for sending and receiving the special ballot in a timely manner.

RECOMMENDATION 5: VOTING BY SPECIAL BALLOT SECTION 134

Amend section 134(1) of the Act to enable an elector to apply to the CEO to vote by special ballot up to two weeks before the issue of the writ for an electoral district continuing until the 10th day before polling day. Amend section 134(2) to replace “on application under subsection (1)” with “following the close of the nomination period.”

² *“Internet Voting: The Canadian Municipal Experience”* Canadian Parliamentary Review, 33:3 (2010) pgs. 13 – 21.

Over successive general elections, advance polls have been poorly attended. There is value in continuing to offer some form of early voting opportunity in communities without a resident returning officer, but it does not appear as though the advance polls is accomplishing the Assembly's policy objectives.

Furthermore, the determination of where to hold these polls is at the same time both rigid and subjective. For example, the automatic designation of an advance poll is based not on the resident number of electors, but on the number of persons. Where the number of persons does not automatically justify an advance poll, the decision is left to the CEO.

I recommend discontinuing the advance poll for communities without a resident returning officer, and introducing a new special voting opportunity that resembles voting in the Office of the Returning Officer. These recommendations are consistent with other proposed changes that seek to enhance service delivery in communities without a resident returning officer.

RECOMMENDATION 6: ADVANCE POLL SECTION 152

Repeal sections 152 – 167 of the Act as well as all other references to an advance poll. Direct the CEO to return to the Assembly with detailed recommendations to establish a new special voting opportunity for communities without a resident returning officer similar to voting in the Office of the Returning Officer.

Territorial campaign finance provisions are too complex for an electoral system that does not recognize political parties and that has an election expense limit of \$30,000. Moreover, there are logical inconsistencies within Part 9 of the Act and some aspects of modern campaign finance law are not sufficiently addressed.

An official agent with a reasonable level of literacy and numeracy should be able to read the campaign finance provisions of the Act and comply. Instead, candidates and official agents struggle to understand and comply with the law.

RECOMMENDATION 7: CAMPAIGN FINANCE PART 9

That the Standing Committee propose a set of principles to be reflected in the campaign finance provisions of the Act and direct the CEO to return to the Assembly with detailed recommendations to amend Part 9 of the Act.

I am recommending that two new offences be added to the Act.

First, while the Act sets out that it is an offence to intimidate a voter, there is no offence that deals with the intimidation of candidates. The Act should be amended to make the intimidation of candidates an offence.

Second, in recent elections in Canada – most notably, during the 2011 federal election – there was controversy involving the impersonation of election officers. Experience during the 2011 territorial election proved that the NWT is not immune from such behaviour. The Act should also be amended to make the impersonation of election officers an offence.

RECOMMENDATION 8: OFFENCES

That the Act be amended to make threatening a candidate and impersonating an election officer an offence.

The Tariff will need to be restructured to fairly remunerate for new or re-balanced duties assigned to election officers.

The Tariff should also be restructured so that, rather than have two lump sum payments, election officers are sufficiently incentivized and rewarded for completing specific tasks.

RECOMMENDATION 9: TARIFF OF FEES REGULATIONS

The Legislative Assembly support-in-principle that the CEO will recommend to the Commissioner a restructured *Tariff of Fees Regulations* to reflect the rebalancing of duties between election officers and to remunerate election officers for the completion of specific assignments.

TECHNICAL

Section 55.1 of the Act helps enable the CEO to compile the register of electors by providing access to the names and addresses of insured persons and students eligible to apply for student financial assistance. By contrast, voter registration for incarcerated persons is time consuming and needlessly complicated. The process could be significantly improved by providing the CEO with access to the names and addresses of incarcerated persons for the purpose of voter registration.

RECOMMENDATION 10: REGISTRATION OF INCARCERATED ELECTORS SECTION 55.1

Amend section 55.1(1) of the Act to require the Deputy Minister of Justice, at the request of the CEO, to provide the names and addresses of inmates who are residents of the Northwest Territories on a date specified and who have or who will have attained the age of 18 years on a date specified.

Sections 101 and 101.1 of the Act require that all campaign material include a notation that indicates the sponsor of the material. However, the term “sponsor” is not defined in the Act. This has caused some confusion as to who is eligible to sponsor campaign material and who should be noted as the sponsor.

RECOMMENDATION 11: DEFINE ‘SPONSOR’ SECTION 101

Define the term “sponsor” in the Act. The CEO will work with legislative drafters to define the term “sponsor” as being: the person or organization that pays for, provides, or incurs the cost of the campaign material bearing the identification.

The Act specifically enables a returning officer to conduct a mobile poll. This causes inequality in service delivery where a returning officer cannot reasonably access the community of residence of the eligible elector. Expanding the category of administrator to “election officer” would better enable the delivery of mobile polls in communities without a resident returning officer as well as in larger communities such as Yellowknife where there may be a higher demand for mobile polls.

RECOMMENDATION 12: MOBILE POLL ADMINISTRATION SECTION 138

Amend section 138(2) to replace “returning officer” with “election officer.”

An elector without sufficient identification is able to prove her identity and residence by taking an oath and having another elector also take an oath and vouch for her. At present, the voucher must be from the same polling division as the elector. The number of electors in a territorial polling division makes this alternative unnecessarily restrictive. Voters should be able to vouch for an elector in the same electoral district.

RECOMMENDATION 13: VOUCHING SECTION 177

Amend section 177(4) of the Act by striking out the words “polling division” and replacing them with the words “electoral district”.

It is not clear from the Act if nomination papers are to be disclosed, who has the authority to disclose them, and when or where these papers may be viewed. Several problems have arisen as a result.

During the nomination period, the OCEO has been reluctant to communicate to the public who has been nominated or how many nominations have been accepted until the nomination period has closed. Public demand for this information is growing and sufficient communication tools are available.

The public should be able to review nomination papers during and after the campaign period. The electoral system would benefit from informing the public of who has nominated a particular candidate.

RECOMMENDATION 14: NOMINATION PAPERS AS PUBLIC RECORDS SECTION 271

Section 271(1) be amended to add ‘candidate nomination papers’ to the list of public records that may be inspected during office hours at the OCEO. The CEO will convey through guides and other publications that nomination papers are public records and that, during the campaign period, nomination papers may be inspected in the office of the returning officer; during the nomination period, the CEO will convey to the public an unofficial list of who has been nominated and how many people have been nominated across the territory.

The ability of the CEO to investigate and enforce alleged contraventions of the Act is constrained by the absence of sufficient enforcement powers.

Election legislation in other jurisdictions in Canada generally grants three powers to Chief Electoral Officers to ensure that they have the ability to investigate and enforce alleged contraventions: (1) the power to enter premises to inspect documents and make copies of such documents; (2) the power to summon persons to appear before the CEO and give testimony; and (3) the power to apply for injunctions to prevent or stop contraventions of election laws.

Other bodies in the Northwest Territories have sufficient enforcement powers by holding the same powers as a Board of Inquiry under the *Public Inquiries Act* (e.g., *Human Rights Act*, *Residential Tenancies Act*, *Electoral Boundaries Commission Act*).

Under the *Public Service Act*, an employee who wishes to seek nomination to be a candidate first needs to take leave from the public service. To do so requires the approval of the Minister. In the case of a restricted employee, the Minister must be 'satisfied' before granting leave. This arrangement leaves the potential for the perception that a political interest could affect a personnel decision. Risk of perceived conflict can be avoided by delegating the responsibility to grant leave to the deputy minister accountable for the administration of the *Public Service Act*.

**RECOMMENDATION 15:
INVESTIGATIVE POWERS
OF CEO
SECTION 279**

Amend Part 10 of the Act to grant the CEO the same enforcement powers as a Board of Inquiry under the *Public Inquiries Act*.

**RECOMMENDATION 16:
DEPUTY MINISTER TO GRANT LEAVE
*PUBLIC SERVICE ACT***

Amend section 34(6) of the *Public Service Act* so that the authority to grant leave belongs to the deputy minister accountable for the administration of that Act.

HOUSEKEEPING

The definition of “campaign material” refers to materials that promote or oppose the election of a candidate. Therefore, campaign signs or other materials that promote the election of a person who has not yet become a candidate are not considered campaign materials. As a consequence, there is no requirement for these materials to note the name of the sponsor.

Campaign signs and other documents used during the pre-election period or before an individual’s nomination papers are accepted should be regulated the same as campaign material. Otherwise, election messages may be expressed without anyone being identified as responsible for those messages.

RECOMMENDATION 17: DEFINITION OF CAMPAIGN MATERIAL SECTION 1

Amend the definition of “campaign material” in section 1 of the Act by striking out the words “the election of a candidate” and by replacing them with “a person’s candidacy or election”.

The Act does not make it entirely clear how many polling agents are entitled to attend the polls at a central polling place or at a split poll. Several candidates and election officials registered their uncertainty about this and conveyed that the Act could be more clear.

RECOMMENDATION 18: NUMBER OF POLLING AGENTS AT POLLING PLACES

Amend section 126 of the Act to clarify that one polling agent is entitled to be present for each separate polling division that is in a central polling place, and that one polling agent is entitled to be present for each separate and adjacent polling station established pursuant to section 107 of the Act.

Section 79(4) of the Act prohibits the CEO from becoming a candidate, but does not prohibit any other election officer from becoming a candidate.

Section 87(3) prohibits a candidate from being an official agent. The inverse should also be stated: official agents cannot be candidates.

**RECOMMENDATION 19:
CANDIDATE ELIGIBILITY
SECTION 79**

Amend section 79(4) of the Act by adding election officers and official agents to the list of persons who are not eligible to be candidates.

Section 100 of the Act prevents landlords from prohibiting tenants from displaying campaign signs or posters on leased premises. Campaign signs and posters are a subset of the defined term “campaign material”. The defined term should be used.

**RECOMMENDATION 20:
CAMPAIGN MATERIAL
SECTION 100**

Amend section 100 of the Act by striking out the words “signs and posters” and by replacing them with the word “material”.

Pursuant to section 103 of the Act no campaigning is allowed within 25 metres of an advance polling station or polling station. This restriction should apply to all voting opportunities.

**RECOMMENDATION 21:
APPLYING THE 25 METRE RULE TO
OTHER VOTING
OPPORTUNITIES
SECTION 103**

Amend section 103 of the Act to extend the 25 metre restriction on campaigning to include all voting opportunities.

Under section 114 of the Act, the ballots, envelopes and marking instruments provided at an election are currently the property of the Government of the Northwest Territories. As the OCEO is independent from the Government, it is appropriate that these materials be the property of the OCEO.

**RECOMMENDATION 22:
ELECTION MATERIAL
OWNERSHIP
SECTION 114**

Amend section 114 of the Act such that the ballots, envelopes and marking instruments provided at an election are the property of the OCEO.

Section 261(1)(c) requires the CEO to notify the Clerk of the Legislative Assembly of each candidate certified as being duly elected who, or whose official agent, has been granted an extension for filing a candidate financial report under section 257(3) of the Act. However, this extension is not available to duly elected candidates or their official agents.

**RECOMMENDATION 23:
NOTIFICATION REQUIREMENT
SECTION 261**

Repeal section 261(1)(c) of the Act.

The offence provisions of the Act attempt to duplicate the language of the section that sets out the prohibited activity. This style of drafting is complex and in some instances the prohibited activity and the offence provision are not in accordance.

For example, section 326 of the Act sets out that a person who prints, publishes or distributes or causes to be printed, published or distributed any printed or electronic document, including but not limited to an advertisement, pamphlet or poster, referring to an election or plebiscite, that does not bear the name and address of the sponsor or official agent, is guilty of a major election offence. However, the corresponding sections 101 and 101.1 do not require a sponsor to indicate an address, and regulate a narrower set of documents than those that “refer” to an election or plebiscite.

Enforcement is made more difficult when the language of the offence does not match that of the prohibited activity.

RECOMMENDATION 24: COMPLICATED DRAFTING SECTIONS 286 - 347

Re-draft the offence provisions of the Act to refer to contraventions of specific sections. The style used in the *Canada Elections Act* may serve as a guide.

The names of some voting opportunities have caused confusion among voters and election officers. “Voting by Special Ballot”, “Voting at Multi-District Mobile Poll” and “Voting at Special Mobile Poll” are repetitive and non-descriptive. The names of these voting opportunities should be changed to something more descriptive and clear.

RECOMMENDATION 25: SIMPLIFY NAMES OF SPECIAL VOTING OPPORTUNITIES

The name “Voting by Special Ballot” should be changed to “Absentee Ballot”. The name “Voting at Multi-District Mobile Poll” should be changed to “Multi-District Poll”. The name “Voting at Special Mobile Poll” should be changed to “Mobile Poll”.

Future Activities

This final chapter describes what is next for Elections NWT.

A major focus for this office will be to improve the accuracy of the list of electors. We plan to re-introduce our on-line voter registration system with improved technical capacities. Upgrades to our system are also required to better allocate electors into their polling divisions. Some enumeration may be required in certain communities, but for the most part Elections NWT has the tools to access the data necessary to improve the voters lists.

There are a number of operational areas where electoral procedures can be improved, such as the training of polling day workers, campaign finance reporting, records management and public education programs.

In the summer of 2013, Elections NWT is scheduled to host the annual Conference of Canadian Election Officials.

Within two years from polling day, an Electoral Boundaries Commission must be struck. This independent Commission, chaired by a judge, will examine our electoral boundaries. Elections NWT will offer support to the Commission to assist with maps, data, public consultation, and overall coordination.

In the past, the Legislative Assembly has produced reports in response to the recommendations of the Chief Electoral Officer as well as the recommendations of the Electoral Boundaries Commission. Once the Legislative Assembly has taken decisions on these matters, Elections NWT will implement those decisions before the next territorial general election in 2015.

Appendices

APPENDIX I

PERSONNEL DURING THE CAMPAIGN PERIOD

OCEO Personnel

David M. Brock	Chief Electoral Officer
Nicole Latour	Deputy Chief Electoral Officer
Paul Reddy	Finance Officer
Jessa Gamble	Training and Communications Officer
April McAllister	Office Administrator
Stewart Gibson	Data and Logistics Officer
Pat Thagard	Special Ballots Officer

Returning Officers & Assistant Returning Officers

Deh Cho	RO	Phoebe Parent
	ARO	Camilla Sabourin
Frame Lake	RO	Shauna Morgan
	ARO	Myka Jones
Great Slave	RO	Brenda Kolson
	ARO	Sherry Long
Hay River North	RO	Tessie Gonzales
	ARO	Marny K. Twigge
Hay River South	RO	Heather Coakwell
	ARO	Angela Carter
Inuvik Boot Lake	RO	Arlene Hansen
	ARO	Jolene Lennie
Inuvik Twin Lakes	RO	Juanita Bourque
	ARO	Amie P. Ashton
Kam Lake	RO	Mary Beauchamp
	ARO	Yvette Schreder
Mackenzie Delta	RO	Daryn Erigaktuak
	ARO	Audrey Snowshoe
Monfwi	RO	Harriet Koyina
	ARO	Cecile Desjardins
Nahendeh	RO	Deborah Stipdonk
	ARO	Laura Diamond-C
	ARO	Natasha Sanguiez
Nunakput	RO	Molly Nogasak
	ARO	Glenna Emaghok
Range Lake	RO	Marjolaine Larocque
	ARO	Evelyn LeMouel
Sahtu	RO	Margrit Minder
	ARO	Diana Hodgson
Thebacha	RO	Margo Harney
	ARO	Lynda Martin
Tu Nedhe	RO	Antoinette Lafferty
	ARO	Lisa Tudor
Weledeh	RO	Pam Dunbar
	ARO	Cristine Bayly
YK Centre	RO	Amanda Mallon
	ARO	Jen Sharman
YK South	RO	Pat Thagard
	ARO	Yvonne Quick

APPENDIX II

CALENDAR OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	<p>September 5</p> <p>Issue of the Writs.</p> <p>Candidate nomination period opens.</p> <p>Revision of Preliminary List of Electors period opens.</p> <p>Special (Mail-In) Ballot application period opens.</p>	<p>September 6</p> <p>Nomination period open.</p> <p>Revision period open.</p>	<p>September 7</p> <p>Nomination period open.</p> <p>Revision period open.</p>	<p>September 8</p> <p>Nomination period open.</p> <p>Revision period open.</p>	<p>September 9</p> <p>Nomination period closes at 2:00 pm.</p> <p>Withdrawal of nominations by 5:00 pm.</p> <p>Revision period open.</p>	<p>September 10</p> <p>Revision period open</p>
<p>September 11</p>	<p>September 12</p> <p>Revision period open.</p>	<p>September 13</p> <p>Revision period open.</p>	<p>September 14</p> <p>Revision period closes at 1:00pm.</p>	<p>September 15</p>	<p>September 16</p>	<p>September 17</p>
<p>September 18</p>	<p>September 19</p> <p>First day to apply to vote by Special Mobile Poll.</p>	<p>September 20</p>	<p>September 21</p> <p>Voting in the Office of the Returning Officer opens.</p>	<p>September 22</p> <p>Advance Polls in select communities: 12:00pm to 8:00pm.</p>	<p>September 23</p> <p>Voting in the Office of the Returning Officer open.</p> <p>Last day to apply to vote by Special Mobile Poll.</p>	<p>September 24</p> <p>Voting in the Office of the Returning Officer open.</p>
<p>September 25</p>	<p>September 26</p> <p>Voting in the Office of the Returning Officer open.</p> <p>Special Mobile Poll voting period opens.</p> <p>Voting by Multi-District Poll begins in select locations.</p>	<p>September 27</p> <p>Voting in the Office of the Returning Officer open.</p> <p>Voting by Special Mobile Poll.</p> <p>Voting by Multi-District Poll.</p>	<p>September 28</p> <p>Voting in the Office of the Returning Officer open.</p> <p>Voting by Special Mobile Poll.</p> <p>Voting by Multi-District Poll.</p>	<p>September 29</p> <p>Voting in the Office of the Returning Officer open.</p> <p>Special Mobile Poll voting period closes.</p> <p>Voting by Multi-District Poll closes.</p>	<p>September 30</p> <p>Voting in the Office of the Returning Officer open.</p>	<p>October 1</p> <p>Voting in the Office of the Returning Officer closes at 2:00pm.</p> <p>Special Ballot application period closes at 2:00pm.</p>
<p>October 2</p> <p>Prohibition on broadcasting begins.</p>	<p>October 3</p> <p>POLLING DAY 9:00am – 8:00pm</p> <p>Special ballots must be received by the Chief Electoral Officer by 8:00pm.</p>					

APPENDIX III

CEO INSTRUCTIONS

- 11-01. ELECTION MATERIALS
- 11-02. IDENTIFICATION OF SPONSORSHIP OR AUTHORIZATION
- 11-03. OFFICE HOURS - OFFICE OF THE RETURNING OFFICER
- 11-04. ELECTION EXPENSES AND REIMBURSEMENT
- 11-05. USE OF COMMUNICATION DEVICES IN POLLING PLACES
- 11-06. POLLING DIVISIONS
- 11-07. EXAMINATION OF RECORD OF VOTES CAST
- 11-08. NO REMUNERATION OF OFFICIAL AGENTS
- 11-09. SOCIAL MEDIA
- 11-10. FAIR MARKET VALUE
- 11-11. NUMBER OF POLLING AGENTS AT A CENTRAL POLLING PLACE



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: CANDIDATES AND OFFICIAL AGENTS

RE: ELECTION MATERIALS

The purpose of this Instruction is to clarify rules regarding election materials as election expenses.

Signs and posters that promote the election of a person may be erected prior to the campaign period; additionally, pamphlets, buttons, and other items that promote the election of an individual may be distributed prior to the campaign period. Some restrictions apply.

This activity is largely governed by election finance rules.

Who Can Pay for Election Materials and When is it an Election Expense?

Prior to the campaign period, election expenses may only be incurred by persons who become candidates. Furthermore, during the pre-election period, persons who may become candidates can only spend their own money to promote their own election.

The pre-election period begins three months before the issue of the writ.

Any expenses incurred to promote the election of an individual who may become a candidate or to promote or oppose the election of a candidate – regardless of when those expenses are incurred – are considered election expenses.

For example, even if election materials from previous campaigns are re-used, the cost of those materials will be counted as an election expense and must be reported by an official agent.

Are There Other Rules About Election Materials?

Remember that \$30,000 is the total maximum amount of money that may be spent to promote the election of a person.

It is a major election offence to print, publish or distribute printed or electronic materials that refer to an election but do not bear the name of the sponsor or official agent.

There are other rules governing the production and display of election materials. Candidates, official agents, and supporters are advised to read ElectionsNWT publications, relevant sections of the *Elections and Plebiscites Act* as well as any applicable municipal by-laws or property policies.

INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: CANDIDATES AND OFFICIAL AGENTS

RE: IDENTIFICATION OF SPONSORSHIP OR AUTHORIZATION

The purpose of this Instruction is to clarify the rules regarding the sponsorship or authorization notation for election materials such as signs, press releases, or broadcasts.

Identification is placed on election materials so that citizens know who is responsible for election messages.

Identification is required on all campaign material, including broadcasts and electronic publications. The identification must include a legible notation indicating that it is sponsored by a specific body or person or is authorized by an official agent.

The only exception is for campaign material having a surface area that does not exceed 64cm².

Format of Identification

One of the following formats must be used:

"Sponsored by [name of sponsor], [telephone number]."

or

"Authorized by [name of official agent], official agent for [name of candidate], [telephone number]."

The notation must be large enough and in a place so that it is visible and legible for the average person. The size and placement of the notation will depend on the size and nature of the election material. Generally speaking, using 8-pt font on the front of campaign materials will suffice.

Timing of Identification

Election materials produced during the pre-election period may still be distributed or displayed during the campaign period as long as the identification notation remains visible and legible. The pre-election period begins June 5th.

Please read sections 101, 101.1 and 102 of the *Elections and Plebiscites Act* for more detail about the identification notations.

**INSTRUCTIONS
 CHIEF ELECTORAL OFFICER**

TO: ELECTION OFFICERS

RE: HOURS OF OPERATION – OFFICE OF THE RETURNING OFFICER

Section 34(1)(b) of the *Elections and Plebiscites Act* requires all returning officers to ensure that the office of the returning officer is open during the hours of operation fixed by the Chief Electoral Officer. This Instruction serves to fix those hours.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	September 5 10:00am – 1:00pm 4:00pm – 6:00pm	September 6 10:00am – 1:00pm 4:00pm – 6:00pm	September 7 10:00am – 1:00pm 4:00pm – 6:00pm	September 8 10:00am – 1:00pm 4:00pm – 6:00pm	September 9 10:00am – 2:00pm 3:00pm – 5:00pm	September 10 10:00am – 2:00pm
September 11 CLOSED	September 12 10:00am – 1:00pm 4:00pm – 6:00pm	September 13 10:00am – 1:00pm 4:00pm – 6:00pm	September 14 10:00am – 1:00pm	September 15 10:00am – 1:00pm	September 16 10:00am – 1:00pm	September 17 CLOSED
September 18 CLOSED	September 19 10:00am – 1:00pm 4:00pm – 6:00pm	September 20 10:00am – 1:00pm 4:00pm – 6:00pm	September 21 10:00am – 1:00pm 4:00pm – 6:00pm	September 22 10:00am – 8:00pm Inuvik, Yellowknife, Hay River, Thebacha 10:00am – 1:00pm 4:00pm – 6:00pm	September 23 10:00am – 1:00pm 4:00pm – 6:00pm	September 24 10:00am – 2:00pm
September 25 CLOSED	September 26 10:00am – 1:00pm 4:00pm – 6:00pm	September 27 10:00am – 1:00pm 4:00pm – 6:00pm	September 28 10:00am – 1:00pm 4:00pm – 6:00pm	September 29 10:00am – 1:00pm 4:00pm – 6:00pm	September 30 10:00am – 1:00pm 4:00pm – 6:00pm	October 1 10:00am – 4:00pm
October 2 CLOSED	October 3 9:00am – 8:00pm					

30 June 2011

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INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: CANDIDATES AND OFFICIAL AGENTS

RE: ELECTION EXPENSES AND REIMBURSEMENT

Pursuant to section 250 of the *Elections and Plebiscites Act*, the Chief Electoral Officer may issue instructions regarding: election expenses that may be paid for in the pre-election period by a person who becomes a candidate, and election expenses from the pre-election period for which an official agent may reimburse a candidate from contributions received.

Although the Chief Electoral Officer reserves the right to make decisions as needed on a case-by-case basis, generally speaking an official agent may reimburse a candidate, from contributions received, for any election expense paid during the pre-election period to promote the candidate's election.

Reimbursement is possible regardless of the outcome of the election (win, loss, acclamation).

Below is a list of typical election expenses that are eligible for reimbursement. This is not intended as a comprehensive or restrictive list, but rather is offered by way of example and for greater clarity.

- advertising
- services for any person working as an organizer, manager, other campaign worker
- reasonable transportation, accommodation and meal costs for a candidate, official agent or campaign workers
- reasonable personal expenses, including child care expenses
- office space rental, including office equipment and supplies and the costs of utilities such as telephone, electricity and heating
- web site creation and maintenance
- hall rental or meeting space
- posters, leaflets, pamphlets, letters, cards or other promotional material
- vehicle rental costs or operating expenses of a donated private vehicle
- signs, banners, lumber and other structural supports
- mailing or other election material distribution
- reasonable interest paid on operational loans
- survey polling, including design and analysis.

All expenses from the pre-election period must be proven by a bill setting out the particulars of the expense. Proof of payment (a bill) is submitted by the official agent to the Chief Electoral Officer as part of the candidate's financial report.



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: ELECTION OFFICERS

RE: USE OF COMMUNICATION DEVICES IN POLLING PLACES

The purpose of this Instruction is to clarify rules regarding the use of mobile telecommunication devices in polling places.

The objective of Elections NWT is to maintain the polling place as a location established for voting, free from other activities that may distract or impede electors or election officers from participating in or administering the election.

Elections NWT values the principles that all electors have fair access to polling opportunities and that the integrity of the voting process is to be upheld.

No Use of Devices in Polling Places

Oral communication on mobile devices (including cell phones, Blackberries, and iPhones) is prohibited within a polling place.

Email, text, or other written communications on mobile devices is also prohibited within a polling place.

Photography is not allowed in polling places during the hours that the poll is open or after the poll is closed; it is only allowed prior to the opening of the polls with the express permission of the Chief Electoral Officer.

Procedures

The exception to this prohibition is authorized use of communication devices by election officers. Election officers in a polling station may, where necessary, use mobile devices to communicate with the Returning Officer or the Office of the Chief Electoral Officer. Election officers may also use a mobile device to initiate communication with immediate family; election officers should not be receiving calls in the polling station and communication with family should be reasonably limited.

Where polling agents wish to convey information about the polls to another polling agent, official agent, or candidate, they must exit the polling station before communicating in person or using a mobile device.

For the purpose of this Instruction, a polling place is any location where ballots may be cast, including, but not limited to, a polling station, advance poll station, office of the returning officer, or the immediate vicinity of a mobile or multi-district poll.



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: ELECTION OFFICERS

RE: POLLING DIVISIONS

In accordance with section 51 of the *Elections and Plebiscites Act*, the polling divisions for an electoral district are those established for the last general election unless the Chief Electoral Officer considers a revision necessary.

Three revisions are necessary for the 2011 general election.

Returning Officers for the electoral districts of Nunakput, Deh Cho, and Great Slave are instructed to carry out revisions effective immediately to reflect the following.

Nunakput

Amalgamate the two existing polling divisions within the community of Tuktoyaktuk, so that the community consists of one polling division.

Deh Cho

Amalgamate the two existing polling divisions within the community of Fort Providence, so that the community consists of one polling division.

Great Slave

Change the description of polling divisions #3 and #4 so that, on the eastern side of the terrestrial portion of the electoral district, the northern boundary of #3 and thus the southern boundary of #4, is no longer 47th Street but rather 48th Street.

Electoral district maps showing polling division boundaries will be on display in election offices and polling stations.



**INSTRUCTIONS
 CHIEF ELECTORAL OFFICER**

TO: ELECTION OFFICERS

RE: EXAMINATION OF RECORD OF VOTES CAST

Candidates and polling agents have the right to examine the poll book at the poll or at an advance poll during polling hours. They may record information from the poll book so long as the actions of the candidate or polling agent do not delay an elector in casting a ballot.

The Chief Electoral Officer may establish procedures in respect of the following Special Voting Opportunities:

- Special Ballot
- Multi-District Mobile Poll
- Special Mobile Poll
- Office of the Returning Officer

Candidates and/or polling agents may request from a returning officer, assistant returning officer or the Chief Electoral Officer, depending on the officer responsible for the voting opportunity, the names of electors on the record of votes cast for a particular Special Voting Opportunity.

Accordingly, following the request of a candidate or polling agent in your electoral district, you are authorized to allow the record of votes cast to be examined or to provide the names and addresses of electors who cast their ballot in a Special Voting Opportunity. Election officers will allow for an examination or provide this information at a time that is convenient for their office.

This information may be provided at any time during the campaign period until close of polls on October 3rd.

The table below is provided for greater certainty about the activities of polling agents.

Participation by Candidate's Polling Agent(s)		
Poll Type	Attend Polling Station	Observe Ballot Count
Special (Mail-In) Ballot	no	no
Multi-District Poll	no	no
Special Mobile Poll	no	no
Office of the Returning Officer	no	may; or two eligible electors
Advance Poll	yes	may; or two eligible electors
Ordinary Poll	yes	may; or two eligible electors



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: CANDIDATES AND OFFICIAL AGENTS

RE: NO REMUNERATION OF OFFICIAL AGENTS

Pursuant to section 250(1)(c) of the *Elections and Plebiscites Act*, the Chief Electoral Officer may issue instructions to candidates and official agents in respect of election expenses that may be paid for by an official agent.

No person other than an official agent may pay for an election expense. The only exception is for pre-election expenses; for candidate travel costs and living expenses; and, for petty expenses, where authorized (s. 255).

If it were allowable for an amount to be paid to remunerate a person for the performance of the duties of an official agent prescribed by the Act, this would be an election expense.

No Remuneration for Service

An official agent may not be paid to perform the duties of an official agent.

An official agent may pay for reasonable transportation, accommodation and meal costs for a candidate, official agent or campaign workers.

Consistent Interpretation

This Instruction is consistent with the direction provided on page 6 of the *Guide for Candidates and Official Agents* (issued, May 2011).

This Instruction is also consistent with CEO Instruction 11-04 (issued 14 July 2011).



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: CANDIDATES AND OFFICIAL AGENTS

RE: SOCIAL MEDIA

This Instruction clarifies the interpretation of election rules as they pertain to the use of social media during the campaign period.

Social media includes, but is not limited to, web pages, Facebook pages, and Twitter accounts.

Election Expenses

Where a candidate or person who intends to become a candidate, incurs an expense or liability in the establishment, development, application, or use of social media to promote or oppose the election of a person, it is an election expense and thus must be accounted for and reported.

Identification of Messages

Identification is required on all campaign material, including broadcasts and electronic publications.

The form that identification must take is set out in section 101(1) of the *Elections and Plebiscites Act* and reflected in CEO Instruction 11-02 (issued 06 April 2011).

For greater certainty, the requirement for identification on campaign material may be satisfied by:

- in the case of a Facebook page, displaying appropriate identification on the Info page
- in the case of a Twitter account, displaying appropriate identification on the Profile page
- in the case of a website, displaying appropriate identification on each page with campaign material

Prohibition on Broadcasting

On polling day as well as the day immediately preceding polling day, no person shall broadcast a speech, entertainment, or advertising to promote or oppose a candidate's election. For the 2011 territorial election, these dates are October 2nd and 3rd.

With respect to social media, this means no new posts, tweets, or web pages may be posted during the prohibition period. Messages that existed prior to the beginning of the prohibition period are permitted and need not be removed.



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: CANDIDATES AND OFFICIAL AGENTS

RE: FAIR MARKET VALUE

Several sections of the *Elections and Plebiscites Act* reference the “fair market value” of contributions and election expenses.

This Instruction clarifies how the Office of the Chief Electoral Officer defines fair market value.

The purpose of this Instruction is to help official agents with planning campaign finances as well as assessing the fair market value of goods and services recorded in the candidate financial report.

Definition

Fair market value is the commercial/retail cost to purchase/make the same product in the same market area.

Application

Each candidate financial report should account for any non-monetary contributions received or expenses incurred by applying the definition of fair market value.

Official agents should advise any eligible individuals, corporations, organizations or associations considering making a non-monetary contribution of how to calculate fair market value. This will help to ensure that no contributor exceeds the \$1500 maximum contribution limit. (Exception on limit, see section 239(5) of the *Act*.)

Consistency

This Instruction is consistent with the definition of “election expenses” in section 237(1)(c) of the *Elections and Plebiscites Act* and with CEO Instruction 11-01 (issued 10 January 2011).

For greater certainty, election materials from previous campaigns that are re-used during this general election are election expenses and should be accounted for by determining and reporting the fair market value.



INSTRUCTIONS CHIEF ELECTORAL OFFICER

TO: ELECTION OFFICERS

RE: NUMBER OF POLLING AGENTS IN A CENTRAL POLLING PLACE

This CEO Instruction applies for the purpose of the 2011 general election.

At a Central Polling Place, there may only be one candidate's polling agent per polling division at any given time.

For example, the electoral district of Great Slave has 4 polling divisions. A Central Polling Place has been established at Sir John Franklin High School for the 4 polling divisions for the electoral district of Great Slave. Therefore, a candidate may have 4 polling agents inside Sir John Franklin High School at any given time on polling day.

For greater certainty, this includes the hours during which the Central Polling Place is open (9:00 a.m. to 8:00 p.m.) as well as during the counting of ballots.

The list of Central Polling Places during the 2011 general election includes:

- the Don Stewart Recreational Centre (Hay River)
- Midnight Sun Community Centre (Inuvik)
- Recreational Centre (Fort Simpson)
- Elizabeth MacKenzie School Gym (Behchoko)
- all six Central Polling Places in Yellowknife

The number of polling divisions per electoral district is set out in the *2011 Polling Division Boundaries Descriptions & Keys*. This document is found at <http://www.electionsnwt.ca/election-map/download-map/>.

APPENDIX IV

SUMMARY OF COMPLAINTS RECEIVED BY THE CHIEF ELECTORAL OFFICER

SUBJECT	NATURE OF COMPLAINT OR CONCERN
Pre-Election Advertising	<p>Complaints were received about prospective candidates declaring their intentions to seek election before the issue of the writ.</p> <p>In each case, the Chief Electoral Officer clarified that the Act does not prohibit campaigning before the issue of the writ.</p>
Election Signs	<p>A candidate's campaign team complained about being contacted by an unidentified caller who claimed that the posting of election signs before the issue of the writ was contrary to the law and that unless the signs were removed voluntarily, they would be taken down and confiscated.</p> <p>No one from Elections NWT had contacted the campaign team to convey this message.</p> <p>The Chief Electoral Officer clarified that the posting of election signs during the pre-election period is lawful.</p> <p>The campaign team was unable to provide any information that might help identify the caller. The Chief Electoral Officer determined that an investigation would have a low probability for success and was therefore not in the public interest.</p>
Identification on Campaign Material	<p>Complaints were received about signs or other campaign materials that did not include the name and phone number of the sponsor or official agent. The proper notation is set out at section 101(1) of the Act and was further clarified in CEO Instruction 11-02.</p> <p>The Chief Electoral Officer determined that, in each case, the subject of a complaint would be given a short duration to take corrective action. In all cases, corrective action was taken without delay.</p>
Distribution of Briefing Note	<p>A candidate complained to the Chief Electoral Officer and the Clerk of the Legislative Assembly about the public distribution of a briefing note. The complainant alleged that the briefing note was a document internal to the government or legislative assembly, but was being used for electoral purposes.</p> <p>The complainant did not allege any specific violation(s) of the Act. The Chief Electoral Officer reviewed the complaint and determined that the alleged distribution of the briefing note did not contravene the Act. The Chief Electoral Officer dismissed the complaint and advised the complainant in writing.</p>

SUBJECT	NATURE OF COMPLAINT OR CONCERN
Statements made about a Candidate	<p>A candidate complained that statements had been made by a media outlet that allegedly misrepresented the position of the candidate.</p> <p>The complainant did not allege any specific violation(s) of the Act. The Chief Electoral Officer reviewed the complaint and determined that the alleged statements did not contravene the Act. The Chief Electoral Officer dismissed the complaint and advised the complainant in writing.</p>
Publication of Documents using Social Media	<p>A complaint was received by the Chief Electoral Officer, the Clerk of the Legislative Assembly and the Premier of the Northwest Territories, concerning the posting of government documents and allegedly privileged solicitor-client communications by a candidate to a social media website.</p> <p>The complainant did not allege any specific violation(s) of the Act. The Chief Electoral Officer reviewed the complaint and determined that the postings did not contravene the Act. The Chief Electoral Officer dismissed the complaint and advised the complainant in writing.</p>
Intimidation	<p>A candidate complained about being threatened. The candidate provided the Chief Electoral Officer with a copy of a letter that accused the candidate of illegal activities, threatened publication of the accusations, and suggested that the candidate withdraw from contesting the election. The nature of the letter also indicated a potential physical threat.</p> <p>The candidate also provided a copy of the letter to the RCMP.</p> <p>The Chief Electoral Officer began an investigation into this complaint.</p> <p>The Chief Electoral Officer and the RCMP co-operated in investigating the threats made against the candidate. The investigation was unable to uncover who delivered the letter and/or who was responsible for the threat.</p> <p>The complainant was advised that the investigation could be re-opened if more information came available within the one year statutory limitation.</p>
Residence of Electors	<p>A candidate complained that a number of electors had listed the same address as their ordinary residence for polling purposes. The complainant was unable to provide any evidence that would indicate that a contravention of the Act was likely to have occurred. No further action was taken.</p>

SUBJECT	NATURE OF COMPLAINT OR CONCERN
Prohibition on Broadcasting	<p>A candidate complained that the publication of an advertisement in a paper flyer on polling day contravened section 104 of the Act, the prohibition on broadcasting.</p> <p>The Chief Electoral Officer determined that the advertisement did not contravene the Act as the paper flyer was not a broadcast as defined in the Act. The Chief Electoral Officer dismissed the complaint and advised the complainant in writing.</p>
Campaigning within 25 metres of a Polling Station	<p>A member of a campaign team complained that members of another campaign team in the same electoral district were campaigning within 25 metres of a polling station.</p> <p>The Chief Electoral Officer determined that the actions described in the complaint did not constitute an offence under the Act. According to the evidence provided, the driver of a vehicle which was within 25 metres of a polling station was transporting electors to and from the polling station, which is permitted under the Act. The Chief Electoral Officer dismissed the complaint and advised the complainant in writing.</p>
Inducement	<p>A complaint was received from two electors alleging that a candidate offered cash in exchange for a commitment to vote for the candidate.</p> <p>In the course of reviewing the complaints, the Chief Electoral Officer interviewed the complainants, the subject of the complaint, and other parties with knowledge of election activities in the electoral district in question.</p> <p>The Chief Electoral Officer reviewed the evidence and determined that it was insufficient to justify further action. The complainants as well as the subject of the complaint were informed of this decision in writing.</p>
Polling Day Irregularities	<p>Complaints were received regarding irregularities at the polls in the electoral district of Monfwi.</p> <p>The volume and nature of the complaints received justified initiating an investigation.</p> <p>At the time of writing, the investigation is on-going.</p>

APPENDIX V

SUMMARY OF CANDIDATE FINANCIAL REPORTS

Below is a summary of candidate financial reports from the 2011 territorial general election. Pursuant to section 256 of the *Elections and Plebiscites Act*, each official agent must file an accurate, signed financial report with the Chief Electoral Officer within 60 days from polling day. These reports are available for viewing and copying at the Office of the Chief Electoral Officer by appointment during regular business hours. For more information, please call (867) 920-6999.

Notes:

¹ candidate elected² report under review³ candidate failed to file a complete and accurate report

Electoral District of Deh Cho

Candidate	Michael McLEOD	Michael NADLI ¹
Official Agent	Joyce M. McLeod	Rosemary Minoza
Contributions	\$6,418.61	\$3,090
Election Expenses	\$6,418.61	\$3,741.78
Unpaid Expenses	NIL	NIL
Total Election Expenses	\$6,418.61	\$3,741.78
Surplus/(Deficit)	NIL	(651.78)

Electoral District of Monfwi

Candidate	Jackson LAFFERTY ¹	Bertha RABESCA ZDE ²
Official Agent	Dolphus Nitsiza	Celine Weyallon
Contributions	\$14,688.76	
Election Expenses	\$15,956.35	
Unpaid Expenses	NIL	
Total Election Expenses	\$15,956.35	
Surplus/(Deficit)	(\$1,267.59)	

Electoral District of Tu Nedhe

Candidate	Tom BEAULIEU ¹
Official Agent	Frank McKay
Contributions	NIL
Election Expenses	NIL
Unpaid Expenses	NIL
Total Election Expenses	NIL
Surplus/(Deficit)	NIL

Electoral District of Mackenzie Delta

Candidate	Frederick BLAKE Jr. ¹	Mary CLARK ²	Taig CONNELL	Glenna HANSEN	Eugene A. PASCAL
Official Agent	Elizabeth Wright	Kathy Nerysoo	Robert Buckle	Roxanne John	Roland Rogers
Contributions	\$1,000.00		\$700.00	\$1,478.30	\$670.05
Election Expenses	\$1,045.68		\$8,242.84	\$1,541.80	\$670.05
Unpaid Expenses	NIL		NIL	NIL	NIL
Total Election Expenses	\$1,045.68		\$8,242.84	\$1,541.80	\$670.05
Surplus/(Deficit)	(45.68)		(7,542.84)	(\$63.50)	NIL

Electoral District of Nahendeh

Candidate	Kevin MENICOCHÉ ¹	Bertha NORWEGIAN
Official Agent	Lisa Lafferty	Bernadette Norwegian
Contributions	\$13,995.35	\$200.00
Election Expenses	\$17,253.66	\$922.44
Unpaid Expenses	\$1,224.00	\$300.00
Total Election Expenses	\$18,477.66	\$1,222.44
Surplus/(Deficit)	(\$4,482.31)	(\$1,022.44)

Electoral District of Nunakput

Candidate	Eddie T. DILLON ¹	Jackie JACOBSON ¹
Official Agent	Terri Lee Kuptana	Barney Masuzumi
Contributions		\$5,100.00
Election Expenses		\$6,112.00
Unpaid Expenses		NIL
Total Election Expenses		\$6,112.00
Surplus/(Deficit)		(\$1,012.00)

Electoral District of Inuvik Boot Lake

Candidate	Grant GOWANS	Chris LAROCQUE	Alfred MOSES ¹	Paul VOUDRACH
Official Agent	Chris M. Garven	Gloria Allen	Maia Lepage	Robert Voudrach
Contributions	NIL	\$12,800.00	\$1000.00	NIL
Election Expenses	\$2,967.12	\$5,339.40	\$1828.67	\$2510.61
Unpaid Expenses	NIL	NIL	NIL	NIL
Total Election Expenses	\$2,967.12	\$5,339.40	\$1,828.67	\$2,510.61
Surplus/(Deficit)	(2,967.12)	\$7,460.60	(\$828.67)	(\$2,510.61)

Electoral District of Sahtu

Candidate	Rocky E. NORWEGIAN	Norman YAKELEYA ¹
Official Agent	Roy Desjarlais	Cheryl Yakeleya
Contributions	\$2,200.00	\$3,800.05
Election Expenses	\$2,415.69	\$4,135.85
Unpaid Expenses	NIL	NIL
Total Election Expenses	\$2,415.69	\$4,135.85
Surplus/(Deficit)	(\$215.69)	(\$335.80)

Electoral District of Hay River North

Candidate	Robert BOUCHARD ¹	Roy (Slim) COURTOREILLE	Beatrice Emily LEPINE
Official Agent	Terry Allen	Bette Lyons	Gwen Robak
Contributions	\$12,600.00	\$5,256.65	\$5,195.99
Election Expenses	\$13,201.80	\$5,197.96	\$5,195.99
Unpaid Expenses	NIL	\$1,174.68	NIL
Total Election Expenses	\$13,201.80	\$6,372.64	\$5,195.99
Surplus/(Deficit)	(\$601.80)	(\$1,115.99)	NIL

Electoral District of Hay River South

Candidate	Jane GROENEWEGEN ¹	Marc MILTENBERGER
Official Agent	Kandis Jameson	Ilene Rooke
Contributions	\$17,570.17	\$14,160.00
Election Expenses	\$17,570.17	\$14,160.00
Unpaid Expenses	NIL	NIL
Total Election Expenses	\$17,570.17	\$14,160.00
Surplus/(Deficit)	NIL	NIL

Electoral District of Inuvik Twin Lakes		Electoral District of Thebacha				Electoral District of Frame Lake			
Candidate	Robert C. McLEOD ¹	Candidate	Peter MARTSELOS	Jeannie MARIE-JEWELL	J. Michael MILTENBERGER ¹	Candidate	Wendy BISARO ¹	Bernard LeBLANC	Duff SPENCE
Official Agent	Wilhelmina Lennie	Official Agent	Leon Peterson	Allan Heron	Denise Yuhas	Official Agent	Donald Babey	David Malcolm	John Doyle
Contributions	NIL	Contributions	\$2,950.00	\$5,250.00	\$7,555.00	Contributions	\$18,375.76	\$200.00	\$7,000.00
Election Expenses	NIL	Election Expenses	\$5,649.16	\$5,250.00	\$7,405.97	Election Expenses	\$18,375.76	\$3,462.02	\$9,051.10
Unpaid Expenses	NIL	Unpaid Expenses	NIL	\$2,222.31	NIL	Unpaid Expenses	NIL	NIL	NIL
Total Election Expenses	NIL	Total Election Expenses	\$5,649.16	\$7,472.31	\$7,405.97	Total Election Expenses	\$18,375.76	\$3,462.02	\$9,051.10
Surplus/(Deficit)	NIL	Surplus/(Deficit)	(\$2,699.16)	(\$2,222.31)	\$149.03	Surplus/(Deficit)	NIL	(\$3,262.02)	(\$2,051.10)

Electoral District of Kam Lake				Electoral District of Great Slave			Electoral District of Yellowknife Centre			
Candidate	Victor MERCREDI	Dave RAMSAY ¹	Darwin RUDKEVITCH	Bryan SUTHERLAND ³	Candidate	Glen ABERNETHY ¹	Patrick SCOTT	Candidate	Arlene HACHE ²	Robert HAWKINS ¹
Official Agent	Rita Bertolini	Guy Kennedy	Niels Konge	Miki Yamada	Official Agent	Glenn Tait	Scott Smicer	Official Agent	Valerie Fillion	Sue Hawkins
Contributions	\$4,360.00	\$18,750.00	\$3,000.00		Contributions	\$20,517.37	\$8,836.00	Contributions		\$21,950.00
Election Expenses	\$5,043.95	\$18,302.08	\$10,906.20		Election Expenses	20,501.19	\$8,698.42	Election Expenses		\$27,451.44
Unpaid Expenses	NIL	NIL	NIL		Unpaid Expenses	NIL	NIL	Unpaid Expenses		NIL
Total Election Expenses	\$5,043.95	\$18,302.08	\$10,906.20		Total Election Expenses	\$20,501.19	\$8,698.42	Total Election Expenses		\$27,451.44
Surplus/(Deficit)	(\$683.95)	447.92	(\$7,906.20)		Surplus/(Deficit)	\$16.18	\$137.58	Surplus/(Deficit)		(\$5,501.44)

Electoral District of Range Lake				Electoral District of Weledeh			Electoral District of Yellowknife South		
Candidate	Daryl DOLYNNY ¹	Beaton MacKENZIE	Norman SMITH	David WASYLClw	Candidate	Mark BOGAN ³	Bob BROMLEY ¹	Candidate	Bob McLEOD ¹
Official Agent	David Tucker	Nancy Lamb	Ken Howie	Cameron Buddo	Official Agent	David Prichard	Louise Dundas Matthews	Official Agent	Eberhard Theil
Contributions	\$20,484.99	\$1,100.00	\$3,170.92	\$3,720.00	Contributions		\$16,855.00	Contributions	\$6,100.00
Election Expenses	\$27,144.84	\$7,769.02	\$1,858.42	\$11,109.58	Election Expenses		\$11,814.47	Election Expenses	\$5,381.73
Unpaid Expenses	NIL	NIL	\$1,312.50	NIL	Unpaid Expenses		NIL	Unpaid Expenses	NIL
Total Election Expenses	\$27,144.84	\$7,769.02	\$3,170.92	\$11,109.58	Total Election Expenses		\$11,814.47	Total Election Expenses	\$5,381.73
Surplus/(Deficit)	(\$6,659.85)	(\$6,669.02)	NIL	(\$7,389.58)	Surplus/(Deficit)		\$5,040.53	Surplus/(Deficit)	\$718.27

APPENDIX VI

COST OF 2011 GENERAL ELECTION

Electoral District	Compensation & Benefits	Travel & Transport	Materials & Supplies	Purchased Services	Contract Services	Fees & Payments	Other Expenses	Total
Deh Cho	13,391.65	2,764.34	21.85	1,392.10	3,500.00	5,581.26	-	26,651.20
Frame Lake	13,596.70	185.85	25.00	1,208.43	1,824.50	4,050.00	-	20,890.48
Great Slave	13,544.77	103.25	1.71	1,316.47	1,824.50	4,050.00	-	20,840.70
Hay River North	13,538.11	1,177.60	15.09	2,333.63	1,875.00	4,505.20	-	23,444.63
Hay River South	13,538.11	1,377.50	-	1,360.61	775.00	3,380.20	-	20,431.42
Inuvik Boot Lake	12,067.43	544.60	-	2,246.73	4,200.00	3,690.88	-	22,749.64
Inuvik Twin Lakes	8,718.40	1,315.55	72.39	1,505.21	4,200.00	305.42	-	16,116.97
Kam Lake	13,198.30	61.95	344.77	745.28	2,222.10	3,950.00	-	20,522.40
Mackenzie Delta	14,081.46	2,976.15	-	2,956.21	1,600.00	6,789.37	-	28,403.19
Monfwi	13,267.81	2,236.27	7.33	2,010.53	3,000.00	8,570.00	-	29,091.94
Nahendeh	19,157.82	2,728.85	131.06	1,692.15	3,000.00	9,620.00	-	36,329.88
Nunakput	13,524.38	1,432.35	-	3,006.03	1,600.00	7,368.50	-	26,931.26
Range Lake	13,538.11	185.85	331.63	752.07	2,222.10	4,700.00	-	21,729.76
Sahtu	13,669.68	1,207.05	85.51	2,721.14	3,000.00	8,816.25	-	29,499.63
Thebacha	13,061.62	1,177.60	156.38	1,647.47	2,000.00	5,902.16	-	23,945.23
Tu Nedhe	12,611.31	751.60	-	1,672.73	1,000.00	-	-	16,035.64
Weledhe	13,538.11	185.85	-	1,254.42	1,824.50	5,850.00	-	22,652.88
Yellowknife Centre	9,019.73	1,109.75	-	1,214.68	1,824.50	5,600.00	-	18,768.66
Yellowknife South	10,436.28	185.85	50.00	1,087.60	2,897.10	100.00	-	14,756.83
Sub-Total	247,499.78	21,707.81	1,242.72	32,123.49	44,389.30	92,829.24	-	439,792.34
OCEO	569,632.44	58,201.12	57,168.69	36,905.13	191,056.90	272.00	465.81	913,702.09
Total	817,132.22	79,908.93	58,411.41	69,028.62	235,446.20	93,101.24	465.81	1,353,494.43

APPENDIX VII

RECOMMENDATIONS FROM CANDIDATES OR OFFICIAL AGENTS TO CHANGE THE ACT



ELECTIONSNWT

Candidates and official agents from the 2011 territorial general election are welcome to submit a written statement to the Chief Electoral Officer containing a recommendation to change the *Elections and Plebiscites Act*.

Written statements may be submitted by email, facsimile or post to:

David M. Brock
Chief Electoral Officer, Northwest Territories
electionsnwt@gov.nt.ca
Fax: 1.800.661.0872
Elections NWT
#7, 4915 – 48th Street
Yellowknife, NT X1A 3S4

www.electionsnwt.ca

From: [Michael Miltenberger](#)
To: [David Brock](#); [Michael Nadli](#); [Robert Bouchard](#); [Jane Groenewegen](#); [Alfred Moses](#); [Robert C. McLeod](#); [Frederick Blake](#); [Jackson Lafferty](#); [Kevin Menicoche](#); [Jackie Jacobson](#); [Norman Yakeleya](#); [Tom Beaulieu](#); [Wendy Bisaro](#); [Glen Abernethy](#); [David Ramsay](#); [Daryl Dolynny](#); [Bob Bromley](#); [Robert Hawkins](#); [Bob McLeod](#)
Cc: [Tim Mercer](#); deniseyuh@northwestel.net
Subject: RE: NWT Electoral Process
Date: Friday, November 18, 2011 10:03:27 AM

Good morning, the following are my concerns about the processes during the last election:

-The voters lists were the worst I've seen in 5 elections, years out of date, no mechanism to remove people who are deceased, and a majority of the people had to be sworn in. Can we not look to a territorial voters list that will be updated regularly and can be used at both the territorial and municipal level?

-It was very easy to vote in the office of the Returning Officer and considerably harder on election day. Some voters came back 3 times on election day before they were allowed to vote. A number of others just left in frustration and didn't vote. Is there not a happy medium?

-The use of Facebook as an electoral medium has to be regulated. Right now it is wide open in terms of how it is used. It is a powerful tool and subject to great abuse if left unregulated.

-On election day the rules about access into the voting area are tight and clear. When voting in the office of the Returning Officer I observed drivers who were picking up voters come right into the office of the RO, up to the desk and stand within a couple of steps of the ballot box as the vote was cast. This strikes me as very intimidating and inappropriate, especially given the very strict access rules enforced on election day. To me "drivers" should not be allowed into to RO office with the voter, it is inappropriate.

-The mail in ballot has to be modernized so that it can be done electronically. It is done all around the country and relying on snail mail in this day and age makes no sense. The current process is too slow, cumbersome, time consuming and expensive, meaning many voters, mainly students down south, don't vote.

I would be happy to discuss any or all of these issues with you. Thx....

From: [Glen Abernethy](#)
To: [Michael Miltenberger](#); [David Brock](#); [Michael Nadli](#); [Robert Bouchard](#); [Jane Groenewegen](#); [Alfred Moses](#); [Robert C. McLeod](#); [Frederick Blake](#); [Jackson Lafferty](#); [Kevin Menicoche](#); [Jackie Jacobson](#); [Norman Yakeleya](#); [Tom Beaulieu](#); [Wendy Bisaro](#); [David Ramsay](#); [Daryl Dolynny](#); [Bob Bromley](#); [Robert Hawkins](#); [Bob McLeod](#)
Cc: [Tim Mercer](#); deniseyuhas@northwestel.net
Subject: RE: NWT Electoral Process
Date: Friday, November 18, 2011 10:37:40 AM

I have similar concerns. Especially with respect to the voter's lists.

There were a number of apartment units, on the most recent voter's list, where between 6 – 10 people were identified as living in a two bedroom unit. When I went to the door, none of the people on the list actually lived there (or only 1 or 2 on the list lived there). The Great Slave Riding is very transient with a high number of apartment units. There does not appear to be a mechanism to remove people from the list unless they self identify.

This leads to another problem. Specifically the perception of incredibly low turnout in some of the ridings. For example, I can identify approximately 400+ people on the current voters list who do not live in the riding at all. Yet, they form part of the calculation for turnout (which was only 39% using the number presented). If the lists had been more accurate I feel that the true turnout in Great Slave was closer to 50% or better, especially if the deceased people I identified in 2007 but showed up in 2011 had been removed.

Glen Abernethy

From: [Norman Yakeleya](#)
To: [Michael Miltenberger](#); [David Brock](#); [Michael Nadli](#); [Robert Bouchard](#); [Jane Groenewegen](#); [Alfred Moses](#); [Robert C McLeod](#); [Frederick Blake](#); [Jackson Lafferty](#); [Kevin Menicoche](#); [Jackie Jacobson](#); [Tom Beaulieu](#); [Wendy Bisaro](#); [Glen Abernethy](#); [David Ramsay](#); [Daryl Dolynny](#); [Bob Bromley](#); [Robert Hawkins](#); [Bob McLeod](#)
Cc: [Tim Mercer](#); deniseyuh@northwestel.net
Subject: RE: NWT Electoral Process
Date: Friday, November 18, 2011 10:38:02 AM

Good Morning David,

The outdated voters list needs a drastic overhaul period. The number of deceased people or not living in the communities must have a mechanism to remove them without hassle. The use of the facebook must be strongly monitored and enforced by staff at the election office. We need to review the entire piece of legislation that make common sense in our smaller communities.

Norman Yakeleya

From: [Tom Beaulieu](#)
To: [David Brock](#); [Michael Nadli](#); [Robert Bouchard](#); [Jane Groenewegen](#); [Alfred Moses](#); [Robert C McLeod](#); [Frederick Blake](#); [Jackson Lafferty](#); [Kevin Menicoche](#); [Jackie Jacobson](#); [Norman Yakeleya](#); [Michael Miltenberger](#); [Wendy Bisaro](#); [Glen Abernethy](#); [David Ramsay](#); [Daryl Dolynny](#); [Bob Bromley](#); [Robert Hawkins](#); [Bob McLeod](#)
Cc: [Tim Mercer](#)
Subject: RE: NWT Electoral Process
Date: Sunday, November 20, 2011 10:23:43 PM

Hello, David, I think more effort should be made to add voters that are the ages of 18, 19, 20 and 21.

From: [David Ramsay](#)
To: [Tom Beaulieu](#); [David Brock](#); [Michael Nadli](#); [Robert Bouchard](#); [Jane Groenewegen](#); [Alfred Moses](#); [Robert C McLeod](#); [Frederick Blake](#); [Jackson Lafferty](#); [Kevin Menicoche](#); [Jackie Jacobson](#); [Norman Yakeleva](#); [Michael Miltenberger](#); [Wendy Bisaro](#); [Glen Abernethy](#); [Daryl Dolynny](#); [Bob Bromley](#); [Robert Hawkins](#); [Bob McLeod](#)
Cc: [Tim Mercer](#)
Subject: RE: NWT Electoral Process
Date: Monday, November 21, 2011 9:15:34 AM

David,

The voters list was most troubling. My brother was on the list, he has been out of Yellowknife for 5 years. Also people were on the list who had never lived in Kam Lake. We should just pay the cost and get a proper enumeration done. We could partner with the city as their polling stations are very close to our ridings.

One idea that we may take into consideration is having the election held on a Saturday instead of Monday. I recently returned from BC where municipal elections were held Saturday. It may give people more time to vote than on a work day.

Thanks and have a great day,

Dave

From: [Daryl Dolynny](#)
To: [David Brock](#); [Michael Nadli](#); [Robert Bouchard](#); [Jane Groenewegen](#); [Alfred Moses](#); [Robert C McLeod](#); [Frederick Blake](#); [Jackson Lafferty](#); [Kevin Menicoche](#); [Jackie Jacobson](#); [Norman Yakeleva](#); [Michael Miltenberger](#); [Tom Beaulieu](#); [Wendy Bisaro](#); [Glen Abernethy](#); [David Ramsay](#); [Bob Bromley](#); [Robert Hawkins](#); [Bob McLeod](#)
Cc: [Tim Mercer](#)
Subject: RE: NWT Electoral Process
Date: Monday, November 21, 2011 6:08:17 PM

Mr. Brock,

I want to thank you for making the time to meet with the elected members before giving your findings to the Speaker. Before we have the chance to meet, I would like to take a moment to comment. I think you already received some very valuable advice from some of the members already, however, I do want to cover a couple of areas that could be used a Segway during your conversations:

1. Voters List:
 - a. Should be available immediately via USB key from the returning officer. In our case it was emailed later that day
 - b. Format for the list should be easily organized and sorted by street, name etc... we found the manipulation of the data cumbersome and extremely time consuming.
 - c. List needs to be updated, as we found multiple families listed for many residences. It took great time to update this information at each residence and unfortunately this exercise would have been done at least 4 times with each candidate going door to door. Residents were frustrated upon knowing they were not on the list accurately, thus putting added pressure on the candidate.
 - d. In many cases, if the resident did not move within a seven year window the data was more than likely accurate, outside of that covenant, we found errors. In fact, we would be generous in saying that only 40% of the voter data was indeed accurate.
 - e. We did have in one instance a death on the list that was luckily caught before we knocked on the door. This could have been extremely embarrassing. (I know sometimes this unavoidable given the vast amount of data to compile)
2. Cut off time for Mobile polling:
 - a. Because of having a large riding we did not get to all the residences in time for the cut off of the mobile polling station. We would ask that this date be extended up to and including voting day if possible.
3. A very strict rule of candidates not allowed at the polls on polling day:
 - a. Aside from voting for the candidate in question, many candidate hopefuls were seen in and around the polling stations throughout the election day. In my mind, this is no different than having a 25 m rule for election advertising, but in this case it is the person and not signage.
4. Election results:
 - a. It appeared that advance polls were not counted ahead of time and in many cases prolonged the already tedious process of ballot counting. I would suggest that these ballots be counted earlier that day by the returning officer and available for scrutiny after the ballots have been counted, this way we could speed the final results by at least 30-45 minutes.
5. Students and mail-in-ballots:

- a. Still a lot of confusion and lack of time for mail-in-ballots to occur. My guess is that an “electronic” voting process with proper password access will enable this to occur much more easily and further our ability to increase our overall voter turnout.

These are just a couple of comments at this time and I look forward to following up with you in the weeks to come. I would like to thank your Elections team for a very professional and organized process during the election itself and they should be commended for their hard work in this last election.

Daryl Dolynny

MLA - Range Lake

Legislative Assembly of the Northwest Territories

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Please consider the environment before printing this e-mail and/or attachments.



November 25, 2011

David Brock
 Chief Electoral Office
 Elections NWT
 BY EMAIL: david_brock@gov.nt.ca

Dear Mr. Brock:

Thank you for providing an opportunity to provide comments on the voting process in the recent general election. I offer the following comments and suggestions:

1. Voters List:

There were many serious deficiencies and errors in the voters list. Problems included:

- many cases of the absence or inaccurate recording of people who have been voting for decades
- the same voters listed more than once, raising the risk of fraudulent voting
- in cases where corrections were made, the new information was not carried forward to the final lists of electors
- numerous errors and omissions that should have been corrected prior to Election Day resulted in the need for an excessive number of voters having to be sworn in and/or vouched for. This could have been an even more serious problem had the voter turn-out been higher causing lengthy delays and voters not prepared to wait in long lines to vote.

2. New Identification Requirements:

Given the new identification requirements, the inadequacy of the list resulted in burdensome requirements for swearing in and challenging voters. In numerous instances, these errors or omissions may have prevented voters from casting ballots.

3. Mail-In Ballots:

The process for mail-in ballots is extremely complicated, with short time frames for adding voters' names to the list of electors, and was not actively promoted and advertised well in advance of polling day. Many of the people who must vote by mail-in ballot are students, who as youth are among those known to be least likely to vote. Establishing a voting ethic among first time voters is essential—especially in the face of low voter turn-outs—and revisions to this process are vital. Provisions for e-voting should be examined as a priority, and every effort made to streamline and facilitate absentee voting.



4. Signs and Promotional Campaign Material:

There is still confusion over what identifying information must be included on promotional campaign material, especially signs. Conflicting direction was even provided from the Returning Officer and the Chief Electoral Officer.

5. Financial Reporting:

The requirements for financial reporting are confusing, insufficiently explicit, contradictory and unnecessarily complicated. The paper-based reporting requirement should be updated to provide for filing of electronic forms of documents, data and related support. Given the vital nature of this reporting for transparency and accountability, a major review of this element of mandatory disclosure is needed, especially with respect to in-kind support and discounts received. Financial reporting could be simplified significantly without jeopardizing the integrity of the appropriate information necessary to satisfy the CEO of the protection of the electoral process.

6. Guidance of Official Agents:

Guidelines available are vague and often confusing. More specific and comprehensive guidelines would ensure consistency, complete reporting and accuracy. An example is opening of bank accounts. There are no guidelines on the name required on the account. In all jurisdictions across Canada except for the NWT and Nunavut, the majority of candidates are running as part of a party. The national banks have guidelines to deal with these situations. However there are different requirements from bank to bank with respect to individual candidates. Establishing consistent requirements with each local branch in the NWT through the CEO's office in advance of the next election would be advisable.

7. Public Release of Information:

Information regarding candidates made available from the CEO's office was inadequate. As an example advocacy groups or media wishing to reach or lobby candidates during the election had a very difficult time compiling basic contact information. A great deal of this communication ended up being circulated through Official Agents via email simply because their emails were more accessible. This slowed down the process of candidates receiving key communications directly from the public at large on a timely basis. While complete contact information is collected in the filing of nomination papers, the elections office initially fulfilled only its minimal legal requirement to release the names and addresses of the candidates. The CEO's office should be more proactive, providing full contact information collected in the nomination forms. At a minimum, a contact phone and email for each candidate should be made available electronically to give citizens full information for contacting their candidates, and to provide transparency.

8. Enforcement of Restrictions:

Several violations of the Elections Act and direction and interpretation from the CEO's office have been reported, talked about or brought to my attention in several electoral districts. My concern is with how infractions are policed and enforced, and what the consequences are

including at what point a blatant violation of the laws becomes an offense, and transparency on what the consequences of infractions are including what will overturn the result of an election. Consideration needs to be given to more active enforcement, and documenting infractions so that the record of infractions can be made available to the general public both during the election and future elections. Without adequate enforcement and consequences, it makes a mockery of the legislation and the related "rules". People being people, what infractions have occurred to date, and what have been the consequences?

9. Efficiencies in Returning Offices:

Feedback was received from several members of the general public with respect to apparent excessive equipment and staff at each Returning Office. Each office was supplied with very large top quality printers. It was good to see several offices being consolidated into one space but the entire group should have been sharing one printer. Although staff are assigned to individual electoral districts, economies of scale need to be implemented to allow staff to share duties and cover off other desks. Even during the period of time where electors were allowed to vote in the Returning Office, none of the offices were busy enough to justify employing so many staff and requiring every district to have at least one person on the desk at all times.

10. Voter Turnout

The problem of diminishing voter turn-out is very serious. It needs detailed study well prior to the next election. Extensive marketing effort – that recognizes the known categories of low voter turn-out - and simplifying processes is essential to engage and encourage the general public to vote.

11. Training

There appeared to be a general lack of awareness of procedures, conflicting information provided and confusion on Polling Day with staff. This observation seemed unrelated to the competency of staff but related to the inadequacies of training and preparation for their positions.

12. General Procedures

An overall review of all procedures including relevancy and appropriateness is essential. As an example, we were required to return the Voters' Lists. We only received electronic copies so it is useless to expect us to simply email it back to your offices. Some procedures seem burdensome and unnecessary, such as the requirement for every candidate and official agent to have their signatures witnessed as an Oath or declaration, when a witnessed form would suffice. In the case of candidates making charitable donations of campaign donations surpluses, the requirement for the organization to supply a societies registration number in addition to a CCRA registered charity number is inconsistent and the societies number requirement could not be met in one case.

12. Candidates' Meetings

Incorporating a candidates' meeting with the Returning Officer(s) shortly after the close of

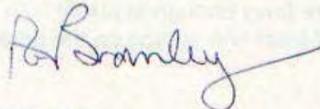
nominations bringing candidates and/or their Campaign Managers and possibly Official Agents together as a group to go over procedures, rules, processes, etc would likely clear up many misunderstandings, confusion, etc and allow the campaign period to run much smoother. In larger communities such as Yellowknife, these meetings could be combined with several electoral districts.

13. Voting in the Returning Office

On a positive note, the election avoided many of the difficulties seen in the previous election and the revised legislation was a welcomed step forward.

I hope these comments are useful. I would appreciate receiving a copy of your summary report of input, and any future information on measures being taken to address these concerns.

Sincerely,



Bob Bromley

From: [Jane or Wendy](#)
To: [David Brock](#)
Cc: [Jane Groenewegen](#)
Subject: Fw: NWT Electoral Process
Date: Wednesday, November 23, 2011 1:25:58 PM

David Brock:

As per Jane's lunch discussion, these are a few of the points mentioned for your review.

Thanks

Wendy

Election Process

1. Voter's list
 - a. Many people moved – for years and years (8 years for sure)
 - b. Many people deceased – voter complained his wife was on there last time and she is deceased.
 - c. Duplicates and wrong addresses
 - d. Voter's list not available until long time after election starts.
 - e. Why can't candidates/official agents report changes to the voter's list...I am sure they used to be able to.
2. Training requirements for returning officers.
3. Calendar confusing – too many calendars - one day office open but not taking voting in the office of the returning officer. Constituents went to vote and told not able to.
4. Door sign – on door that was locked. Many people went to vote and were locked out. Although upstairs door was open it was a problem.
5. Students and people working at the mines can't get on the voter's list in enough time to have ballot sent to them and back again.

6. Requirements for ID – Voting in Office of returning office did not require ID but on polling day they did and some people were asked two and three times for ID.
7. Swearing in on election day – Needed to be sworn in by someone in same poll. Voter moved from other poll and didn't have anyone to swear him in....finally found someone but it took all day....had he been at the returning office they would have just let him vote.
8. Voting by Special Ballot – not enough time to have ballot sent out and get it back in. No way to tell if ballot was returned and if vote counted.
9. No poll at the mines....shifts did not match up with polling and voting days.
10. Voter went to poll and was told that she did not reside in the riding that she lived in and was forced to vote in the North. People need to know their maps. This voter did live in the south.
11. Know of two voters for sure that voted in south and don't live there....voted in office of the returning officer.
12. Special Mail In Ballots – when they are returned to Elections NWT why can't the candidate's office be informed. There is no way of knowing who they voted for....still confidential. How is this considered risky?
13. Election results were not announced for Hay River. Other ridings were announced right away but Hay River was hardly mentioned.



David Brock
Elections NWT
Box 1320
Yellowknife NT

February 28, 2012

^{DAVID}
Dear Mr. Brock,

This letter is submitted with a view to providing constructive feedback to your office in regards to the NWT election held October 3, 2012. During the campaign period and on voting day, my campaign team and I made a number of observations which I feel need to be brought to your attention for consideration.

The following are in no particular order, and should you require further information or clarification, please contact me.

1. As has been mentioned by almost every candidate, the voters list was not very helpful, and contained many more names of Frame Lake residents than are actually living in the riding. Many addresses had two sets of owners listed, the current owners and the previous owners who generally had left town or moved to another part of town; several addresses had three sets of owners listed. The record contained the names of several deceased persons as well. There were instances of long-time residents of the riding who were not on the voting list who had been on the list in past elections and we encountered many other residents who were not on the voters list. Transients and residents moving to a new home account for some of the missing names, but the number seems disproportionately high. The validity of a permanent voters list needs to be examined and evaluated. I think it is time to seriously consider returning to proactive enumeration.
2. The 'book', the document to file the candidate's return is unwieldy and difficult to comprehend. Some references in one part of the document contradict others in a different part of the document. The information at top of the pages is not consistent from page to page. As well, campaign donations must be

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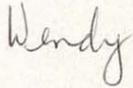
recorded three times in three different places. Is that really necessary?

3. Several Frame Lake voters found it difficult to find the polling station. That may be an aberration, but some consideration should be given to posting signage on the street to identify polling stations for voters. It could perhaps increase the visibility of the stations, the awareness of voters and the number of voters who actually get out and vote.
4. As you and I discussed during the election period, the Elections Act needs revision, with a view to clarifying the language so the Act can be better understood by everyone; candidates, official agents and Returning Officers. The section dealing with attendance of scrutineers at polling stations in particular must be clarified.
5. The revision period seemed very short. There did not seem to be much difference between the provisional voters list and the final list. Is there any possibility that the revision period could be extended? I was also surprised to hear from the Returning Officer that information gathered by candidates when canvassing, information that could have updated the voters list, was not accepted or desired by the Returning Officer. Maybe that should be considered as well. It would make the final list much more accurate.
6. There is value in expanding the use of voting in the office of the Returning Officer – particularly in Yellowknife and the regional centres. The comments I received indicated that many, many voters appreciated the flexible hours and opportunity to vote early. I believe it is a tool which can increase voter turnout if marketed properly.
7. Several voters advised me that they were unable to vote because their shift at the diamond mine covered the whole voting period – both the advance polls and voting day. An extended period to vote in the Office of the Returning Officer, or a mobile poll at the mine sites might alleviate that problem.
8. As I commented after the last election, the current process for voting by special ballot is extremely cumbersome and little used, I imagine. It certainly is a slow process which requires considerable advance planning to ensure the ballot is received and then returned in time to be counted. At the very least, Elections NWT should consider allowing special ballots to be requested by e-mail. This goes to increasing voter participation in NWT elections.
9. As well, with advances in technology over the past years, electronic voting is now quite possible. Elections NWT should investigate and implement electronic voting to replace voting by special ballot.

As mentioned at the start of my letter, I submit these thoughts as constructive criticism. The 2012 election presented problems for many candidates, and it is my desire to eliminate as many of these as possible before the next election. Hopefully my comments can assist you in that.

Please contact me if you have any questions or concerns.

Sincerely,



Wendy Bisaro
MLA Frame Lake

Candidate - 2012 NWT General Election

From: [Wendy Bisaro](#)
To: [David Brock](#)
Subject: Further to My Letter re Election 2011
Date: Monday, March 12, 2012 5:07:26 PM

Hi David,

I forgot to mention something in my letter to you and would like to pass it on, thus this email. (I didn't think it warranted another formal letter!)

It is in regards to language / definition of "campaigning". In the "Guide for Candidates & Official Agents – Advertising", fourth paragraph down it states: " cannot be broadcast on polling day or the day immediately before polling day." (from section 104 of the *Elections and Plebiscites Act*). It is not at all clear what that means in terms of advertising – are newspaper ads OK but not radio ads? And what about faxes? Are they a broadcast? I would think advertising is advertising, no matter the medium

Anyway, you are probably well aware of this deficiency. I look forward to your recommendation to clear up this particular fog (!).

Regards.

Wendy

Wendy Bisaro

MLA - Frame Lake

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