

## **Committee Report 1-18(3)**

### **Report on the Review of the Chief Electoral Officer's Report on the Administration of the 2015 Territorial General Election**

#### **Supplementary Recommendations and the White Paper on the Independence and Accountability of Election Administration in the Northwest Territories.**

**October 19, 2017**

**MR. O'REILLY:** Thank you, Mr. Chair. First off, I would like to acknowledge the hard work of my fellow committee members, the Member for Thebacha, the Member for Yellowknife Centre, the Member for Tu Nedhe-Wiilideh, and the Member for Nahendeh. We all worked very hard to come up with this report.

I also want to thank the Chief Electoral Officer herself. She provided utmost cooperation to the committee, answered our questions, she appeared at two public hearings. She came up with some very thoughtful, thorough, and comprehensive recommendations for us to consider.

We had three different reports that we looked at and we decided that we would try to take a coordinated approach in responding to over 107 recommendations.

Mr. Chair, I would also wish to acknowledge and thank members of the public who made submissions. I mentioned how we had two public hearings; one on September 9, 2016, and the other on June 12, 2017.

So what I want to leave my colleagues with is that there was a lot of thought and work that went into this report. That's not to say that we don't welcome debate and discussion and questions about it, but I do want to acknowledge the work of my colleagues, the public, and the Chief Electoral Officer in this important report.

The last thing I wish to mention, Mr. Chair, is that there is some urgency to move forward on this because there are a set of specific changes that are recommended to the Elections and Plebiscites Act, and for us to get those changes made in time for the next election, we need to deal with this report as soon as we can. As I understand it, the next steps would be, if these recommendations are accepted through the form of a number of motions, those would form drafting instructions and the board of management would go ahead and start to do that work.

In any event, lots of work has gone into this report, and I look forward to debate and discussion about it, around the report today. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Just to let everyone know what we're going to do, there are 15 recommendations in this report. After I open the floor to general comments, each recommendation will be treated as a motion, which Mr. O'Reilly will move. Are there any general comments on this report from committee? Mr. Vanthuyne.

**MR. VANTHUYNE:** Thank you, Mr. Chair, and similar to my colleague who just spoke, I, too, want to take an opportunity to really thank the committee for its further report, but, more importantly, for the work that they undertook in reviewing recommendations, the consolidated recommendations. They were extensive. I again would have to commend the Chief Electoral Officer for doing that work. As a candidate in the previous election, certainly there were times in which I found that there was room for improvement in the process, whether it was to do with the act itself or whether it was to do with measures that come from the act.

In order to overcome this big challenge that we face as it relates to encouraging voters to turn out and vote, that a number of these recommendations certainly have to be enacted, and enacted sooner rather than later. As the Chair spoke of, we are two years into a term. It is not long before the Chief Electoral Officer has to start preparing for the next upcoming election. They will require a number of these changes to be brought forward to better support. Our form of democracy when it comes to an election, and to be able to promote, and encourage a higher degree of voter turnout because that is ultimately what this is about.

Modernizing and taking advantage of innovation are a couple of the things that we also have to take advantage of, and I am hoping that these recommendations will play a part in that. Those are just some of my general comments, and I look forward to sharing my perspective on some of the recommendations as we go forward. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Vanthuyne. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. I, too, want to commend the work of the Standing Committee on Rules and Procedures. This committee has met extensively throughout the life of this Assembly, and has had many meetings on many matters that have been brought before it, and they have helped clarify everything from our code of conduct, guidelines, to the mid-term review, and ultimately this is the last large piece of work that they have undertaken, and it was a substantial piece of work.

I also want to mention the Chief Electoral Officer has brought forward a very substantial work on her own initiative, and it is very good to see so much thought going to how we can modernize and improve our electoral system. Voter turnout and ease of candidacy has always been an issue, not just for our electoral system, but for many electoral systems. I am really pleased to be having this debate today, and to be considering these motions. All of us rely on a sound electoral system that is easy to approach, and encourages not only voters to turn out, but for candidates to put their name forward and step up to represent their communities. That can be a daunting challenge for many people.

I think much of what has been considered and what is being recommended is only going to help that, and I hope we are all challenged in the next election, and we all do our part to ensure a robust democratic process moving forward, so I look forward to the remainder of the afternoon while we will be debating these motions, and making real change to our electoral system. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. Any further general

comments? Seeing none, Mr. O'Reilly.

COMMITTEE MOTION 4-18(3):  
STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE  
REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE  
ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION,  
SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE  
INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE  
NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT –  
ESTABLISH AN ELECTOR RESIDENCY REQUIREMENT, CARRIED

**MR. O'REILLY:** Mr. Chair, as you mentioned earlier, we are just going to work away through each of the recommendations as a motion.

The first recommendation I have: Mr. Chair, I move that the Assembly recommend that the Elections and Plebiscites Act be amended to establish an electoral residency requirement of six consecutive months on or before polling day. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There's a motion on the floor. The motion has been distributed and is in order. To the motion. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. I support this motion. In fact, it was in my electoral platform that this was a change that I thought would be beneficial. Over the course of the election, I spoke to many residents of Kam Lake who had just moved to the riding. Kam Lake is a community on the grow, and some people were not able to vote because they did not meet that 12-month threshold. It is a curious thing that the three northern jurisdictions have a year-long residency that is required. I was just reading in the press the other day that there was a candidate in Nunavut who sought to run in the previous election, and was unable to because she failed to meet the one-year requirement which is also required for candidates.

I think this is a way to open up the electoral process and encourage more participation. The North is a place of opportunities, and we are always trying to attract new residents, and to have those new people's voices added to our democracy is only going to strengthen the exchange of ideas that MLAs bring forward, and to empower them to be part of our democratic process. I would even say, we could drop this from six months to as soon as someone establishes residency in the Northwest Territories, but I think the committee did consider that and ultimately decided on taking a balanced approach that cut the time requirements in half. I think this is a very important and positive recommendation, and I will be supporting it. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. All those in favour. All those opposed. The motion is carried.

---Carried

Thank you, committee. Mr. O'Reilly.

COMMITTEE MOTION 5-18(3):  
COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND  
PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S  
REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL  
ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON  
THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN  
THE NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT –  
SETTING OF POLLING DAYS, CARRIED

**MR. O'REILLY:** Thank you, Mr. Chair. The second motion is: I move that this Assembly recommend that the Elections and Plebiscites Act be amended to set the first Tuesday in October as polling day, and that the November alternative polling day be eliminated. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. To the motion. Mr. Vanthuyne.

**MR. VANTHUYNE:** Thank you, Mr. Chair, and again, I appreciate the effort that the committee has put in, in doing some research with regard to this. What is interesting is that, in fact, the two jurisdictions in which the report references with regard to, that are voting currently on Tuesdays, interestingly enough, I have come to know that those jurisdictions, in fact, now are revisiting that and considering moving to Saturday.

It was the recommendation within the report that it be considered for a Saturday, and there is a lot of reasons for that, and the first is to do with the convenience for electors to attend the polls without having to schedule it into a busy workday. Of course, it would increase the voter attendance numbers.

Secondly, many of the polling stations occur in schools, and a Saturday polling would alleviate any kind of concern with the schools and their schedules within the gymnasiums, and any security concerns associated with the presence of children.

Thirdly, Mr. Chair, a Saturday event would also allow for a significantly expanded human resources pool, which is always a challenge during elections for staffing up election positions. There are a number of people, individuals who possess adequate skills, that it would broaden the pool. A lot of times, those skills that are required for managing polls are people who are at work, commonly Monday to Friday. Certainly, it would increase the pool of people able to work during an election.

I am not going to make a motion to amend this, but I just wanted to, for the record, share my views that I was in support of the original recommendation to have a Saturday be considered. I am not sure that moving to a Tuesday, in fact, changes anything, and that the effort should even be considered. Why not just leave it on a Monday?

Those are my comments, Mr. Chair, and I just wanted to be able to put those on the record. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Vanthuyne. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I just would like to respond briefly to my colleague,

the honourable Member for Yellowknife North. I want to assure him that we did look at all of the options. On page 64 of the Chief Electoral Officer's report, there is a very interesting table of jurisdictions around the world and what their polling days are and also another figure showing the days that other Canadian jurisdictions use. We had all of that information available to us.

I think one of the reasons that we didn't really go with the recommendation from the Chief Electoral Officer was that having a poll on a Saturday might reduce turnout in small communities, in particular because people want to go out and get on the land and do their thing. This is coming at a time of the year in the fall when the ability to get out onto the land -- winter is coming. People want to get out and do their stuff. I think that is why we stuck with a day of the week.

We chose the Tuesday in particular because, with Monday, there is some reluctance on the part of candidates and their workers and so on to work on a Sunday. We felt that having the election on a Tuesday would still allow people to go out and do last-minute work on a Monday without upsetting people too much, perhaps. That is why we settled on a Tuesday. I appreciate the comments from my colleague from Yellowknife North, but wanted to offer that brief explanation. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Beaulieu.

**MR. BEAULIEU:** Thank you, Mr. Chairman. Mr. Chairman, I, too, am supportive of the recommendation, going to a Tuesday to vote. I have the very same concerns as our chair. In the communities that I represent, I have seen the community empty out on the weekend sometimes in the fall time, when there is a lot of hunting and things like that. A lot of the community members from the community I represent go out hunting. They are back during the week for when the kids are back in school and so on.

In another community, a highway community, a lot of the people would just go to the neighbouring, larger community for services that they are not getting in their small community. This was something that we discussed and the reason we had changed the Chief Electoral Officer's recommendation of going to a Saturday to vote because, historically, small communities have come out to vote. Our turnout is, I would safely say, about 70 per cent. That way, we want to try to for sure maintain that type of voter turnout, if at all possible. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Beaulieu. Next, I have Mr. McLeod, Inuvik Twin Lakes.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. Mr. Chair, I don't have a problem with the motion of the first Tuesday in October. I am okay with that. I do have a question on eliminating the November date. I am not sure if this is the forum to ask it or a concern. We had the November date. Is this going to limit our ability if our election is concurrent with the federal election again? Is this going to limit our ability to have a November election so we don't over-cross with the federal election?

I think the last time we had our election on November 23rd because the federal election was going on at the same time. I am just curious as to whether or not this is going to limit our ability to do that, or can we just come forward an amendment in the House or a

motion in the House to change it? I think we did that the last time. I am just concerned whether this limits our ability or not. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister McLeod. I will allow the chair to respond if he would like to. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. I would like to be able to respond to my honourable colleague from Inuvik Twin Lakes. I am happy to try to respond. The effect of this motion would be to delete the provision in the existing Elections Act to move our Territorial election into November if there is a federal election around the same time. Yes, to be clear and open about it, that is what the effect of this motion would be.

We had quite a discussion at committee about this. The Chief Electoral Officer in her report, as well, identified a number of problems with having our election that late in November. It wasn't just about candidates trying to campaign in the winter. She also identified problems with trying to get ballot boxes to some communities that time of year, making sure that people get home while it is still daylight. She identified a variety of issues. It wasn't just about candidates because I had one colleague of ours say, "Are we just doing this for the candidates?" No. It is not just about the candidates. It is also about making sure we can run good elections.

As a committee, we looked at this issue. We thought that, if we moved our election forward, it is maybe not as far as we would all like to try to avoid that overlap or potential overlap that could happen maybe every three or four elections. I may not get all the timing right here. We decided to try to move ours forward even so ours would fall before the federal fixed date.

I understand it is not perfect. We thought about trying to move it forward even a bit further, but then we run into the harvest time and people wanting to get out on the land in the fall. We tried to get a compromise. The best that we could come up with was to move ourselves to a fixed date, the first Tuesday in October. I think that is a good compromise that I am hoping all Members can support. Thanks, Mr. Chair. I hope I did an okay explanation. Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Minister McLeod.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. I appreciate the explanation from the chair of the committee. If we are thinking of just moving ours forward just so we don't overlap, then I am pretty sure I can support that. I would also like to know if the chair would be willing to contact the Prime Minister of Canada and see if they can move their election date a little further back so we can have ours at the appointed time. Thank you, Mr. Chair.

---Laughter

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. The Minister is looking for commitment from the chair. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. I think I might have to take a page out of my colleague's notebooks here and say, "No." Look, I know that the question was asked rather facetiously, and I do want to provide some assurance that this was an interesting

debate at committee that we had more than one time. I think we tried to come up with a reasonable compromise. If I had any ability to influence Ottawa, I would probably be in Ottawa now rather than in Yellowknife. Thank you for that.

**CHAIRPERSON (Mr. Simpson):** Is there anything further from committee? Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

Thank you, committee. Mr. O'Reilly.

COMMITTEE MOTION 6-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT – RECOMMENDATION 10 OF THE CHIEF ELECTORAL OFFICER REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, CARRIED

**MR. O'REILLY:** Thanks, Mr. Chair. I do appreciate the discussion and debate we are having. I think it is important for the public, as well. Mr. Chair, this is the third motion, third recommendation from the committee. I move that this Assembly recommends that the Elections and Plebiscites Act be amended per recommendation 10 of the Chief Electoral Officer Report on the Administration of the 2015 Territorial General Election to reflect current practices of maintaining a permanent list of electors and further that the act be amended to remove references to identification of electors by gender. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. For the motion on the floor, motion is in order. To the motion. Minister Cochrane.

**MS. COCHRANE:** Thank you, Mr. Chair. I just wanted to take a moment to congratulate the committee on this work. I think it is very progressive that you are actually making the amendments to reflect the current beliefs around gender and inclusiveness, so just my appreciation to the committee for this. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Minister Cochrane. To the motion. Question has been called. All those in favour. All those opposed.

---Carried

The motion is carried. Thank you, committee. Mr. O'Reilly.

COMMITTEE MOTION 7-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT LIMIT AND REGULATE THIRD-PARTY ELECTION ADVERTISING

**MR. O'REILLY:** Thank you, Mr. Chair. This is the fourth recommendation. Mr. Chair:

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to limit and regulate third-party election advertising related to candidates and/or policy. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour. All those opposed.

---Carried

The motion is carried. Thank you. Mr. O'Reilly.

COMMITTEE MOTION 8-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES AMEND ELECTIONS AND PLEBISCITES ACT ABSENTEE BALLOTS

**MR. O'REILLY:** Thank you, Mr. Chair. This is recommendation five from the report. Mr. Chair:

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to allow for the option of electronic voting for absentee ballots to provide an elector who has requested an absentee ballot to cancel his or her application in favour of an ordinary ballot on polling day, and to extend the period for voting in the office of the returning officer. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. I don't want to speak on this at length, but I personally had heard a number of complaints about our students in particular not getting absentee ballots while they were down south studying. Certainly, it happened for my son. The Chief Electoral Officer did identify this as a problem and an issue, and she brought this forward as a recommendation, so I am more than happy to increase opportunities for our students to participate in our elections. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion. Question has been called. All those in favour. All those opposed.

---Carried

The motion is carried. Thank you. Mr. O'Reilly.

COMMITTEE MOTION 9-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT CANDIDATES FINANCIAL STATEMENTS

**MR. O'REILLY:** Thank you, Mr. Chair. We are on to recommendation number six.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to replace the requirement for candidates to file statements from a bank or other financial institution with a practical, reliable requirement that ensures accountability and transparency;

AND FURTHER, that the act be amended to provide the Chief Electoral Officer with discretion to extend elected candidates' deadline for filing accurate and complete financial statements for up to 15 calendar days. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. This is a recommendation where the committee actually, we had a very different recommendation from the Chief Electoral Officer, and I believe it was in her supplementary report to the general election where she had actually recommended that chartered accountants be signing off on the financial reports. Although we understand the intent behind her recommendation, the fact is that there are so few chartered accountants and that they are only in the larger communities that we believe that would have formed a barrier and a significant barrier for potential candidates, so we have gone with this alternate recommendation that I think will encourage more people to run in elections. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion. Minister Cochrane.

**HON. CAROLINE COCHRANE:** Thank you, Mr. Chair. I appreciate the effort that the committee has put into making this motion. I do have a little bit of difficulty with it. My only difficulty is that I recognize that the filing of reports and access to banks is an issue that I will not take -- it is a huge issue. My only concern is that it has really left it kind of vague because it just says "replace it with a practical, reliable requirement that ensures accountability and transparency." I personally would have preferred if there was something more concrete within this than just leaving it to whatever the interpretation of

"practical" and "reliable" means to anyone. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Would the chair like to respond? Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. No, I accept the remarks from my colleague, and I think, you know, these motions basically serve as drafting instructions, and it will be up to the board of management to work with a law clerk, legal counsel to basically come up with wording that meets the spirit and intent of these. Look, I am not a lawyer, but it might be a statutory declaration or a place for a candidate and the official agent to sign off on the statements and have them notarized or, you know. Look, I am not a lawyer, but I think the intention is clear here. We do not want there to be unnecessary barriers in the way of encouraging people to run for elected office, but we also have to balance that with the need for accountability and transparency by having accurate financial statements. So I think that is the balance we are trying to achieve here, and we look forward to the work of our friends on the board of management in coming up with the appropriate language to implement the intent here. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Anything further, Minister Cochrane?

**HON. CAROLINE COCHRANE:** Thank you, Mr. Chair. Again, I appreciate the efforts. I do understand the intent of it, and I agree with the intent of it. I will abstain from this motion just because I do wish that there was something more concrete as a solution, so it is not that I oppose it. It is that I just find that it is not concrete enough for me. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. To the motion. Question has been called. All those in favour. All those opposed.

---Carried

The motion is carried. Thank you. Mr. O'Reilly.

COMMITTEE MOTION 10-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - CHIEF ELECTORAL OFFICER CONSULTATION WITH MUNICIPAL AND COMMUNITY AFFAIRS, NWT ASSOCIATION OF COMMUNITIES AND COMMUNITY GOVERNMENTS

**MR. O'REILLY:** Thanks, Mr. Chair. I also want to assure my colleague that she is going to have another chance at this when the bill comes forward. On to recommendation number 7, Mr. Chair.

I MOVE that this Assembly recommends that the Chief Electoral Officer consult with the Department of Municipal and Community Affairs, the Northwest Territories Association

of Communities, and a broad range of community government representatives with respect to consolidation of responsibilities for the administration of general and local elections;

AND FURTHER that the results of this research when complete be included in the Chief Electoral Officer's subsequent report to the Legislative Assembly.

Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor and in order. To the motion. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. I know that this is something that the Chief Electoral Officer recommended. I think the committee has taken an important step in recommending that we do some work before making those kind of changes. In other jurisdictions they vary, but often the central election body or the provincial election body does send teams in to support municipal level elections, and that can be very helpful when you may have a situation where the chief administrative officer of a municipality is also the returning officer and, if there is a dispute over the results, they have to basically act as the decider for their new employer, who would be the mayor or whatever have you. So that conflict of interest can be difficult, so having a third party assist with administration of elections I think could help preserve the integrity of the electoral process.

You know, there have been over the years several complaints around the conduct of municipal elections, and it puts the Minister of Municipal and Community Affairs in a difficult position if they are being requested to suspend the results of an election. I think if we had a second set of eyes on the issue, we might be able to avoid those circumstances, so I look forward, and I hope this is supported and this is moved and we are able to see this work done and ultimately determine if it is the best choice for the Northwest Territories. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. I just would like to speak to this briefly. The committee was also cognizant that we did receive correspondence from the Minister of Municipal and Community Affairs and the NWT Association of Communities expressing some concerns about the recommendation that came from the Chief Electoral Officer on this subject. To us, that just flagged that this needs some more work and a discussion amongst these different organizations.

I think there are probably some good opportunities for collaboration and coordination amongst them, whether having the Chief Electoral Officer run municipal elections, I'm not sure that that's one option, but there may be other ways to do this. What we wanted to do was to open the door here for further discussion to take place and that's, I think, what this motion will do. Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. The motion is carried.

---Carried

Thank you, committee. Mr. O'Reilly.

**COMMITTEE MOTION 11-18(3):**

**COMMITTEE REPORT 1-18(3):** STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT – ACCORD WITH RECOMMENDATIONS 2, 10, 13, 16, 17, 22, 23, 24, 28, 29, 30, 31, 32, 34, 36, AND 38 IN THE CHIEF ELECTORAL OFFICER ADMINISTRATION REPORT

**MR. O'REILLY:** Thank you, Mr. Chair. This is the eighth recommendation.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended in accord with Recommendations 2, 10, 13, 16, 17, 22, 23, 24, 28, 29, 30, 31, 32, 34, 36, and 38 in the Chief Electoral Officer Report on the Administration of the 2015 Territorial General Election. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor and the motion is in order. I will let committee know that the recommendations referred to in this motion can be found on page 21 of the report that we're looking at. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. The motion is carried.

---Carried

Mr. O'Reilly.

**COMMITTEE MOTION 12-18(3):**

**COMMITTEE REPORT 1-18(3):** STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - AMEND SECTION 257.1(1) OF THE ELECTIONS AND PLEBISCITES ACT – INCREASING PENALTY FOR NON-COMPLIANCE

**MR. O'REILLY:** Thank you, Mr. Chair. This is recommendation 9 from the report.

I MOVE that this Assembly recommends that Section 257.1(1) of the Elections and Plebiscites Act be amended to increase the penalty for non-compliance to \$500, plus a daily fine of \$50 to a maximum of \$1,000.

AND FURTHER, that the act be amended to establish that the term of office for

returning officers expires with resignation, change of permanent residency to outside the Northwest Territories, revocation, or death. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There's a motion on the floor and an order. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. The motion is carried.

---Carried

Thank you, committee. Mr. O'Reilly.

COMMITTEE MOTION 13-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES – AMEND ELECTIONS AND PLEBISCITES ACT – ROLES, DUTIES AND POWERS OF THE CHIEF ELECTORAL OFFICER

**MR. O'REILLY:** Thank you, Mr. Chair. This is Recommendation 10 from our report.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended as needed to provide:

- that the Chief Electoral Officer is an independent officer of the Legislative Assembly;
- that the Chief Electoral Officer shall take an oath affirming that she or he will impartially and faithfully exercise the powers of the Chief electoral Officer and perform all duties fairly, objectively, and with due care;
- that no proceeding may be commenced against the Chief Electoral Officer or a person acting for or under the direction of the Chief Electoral Officer for anything done or omitted in good faith in the exercise, intended exercise, or performance of a duty, responsibility, or power under the act;
- that the Office of the Chief Electoral Officer for Elections NWT is established to ensure impartial administration and conduct of elections and plebiscites;
- that the Chief Electoral Officer administers and manages the business of Elections NWT;
- that the Chief Electoral Officer shall examine all statements, reports, forms and other information filed with the Chief Electoral Officer;
- that the Chief Electoral Officer shall publish reports filed pursuant to this act on Elections NWT's website or in such manner determined to be effective by the Chief Electoral Officer;

- that the Chief Electoral Officer shall formulate policies regarding the conduct of elections;
- that the Chief Electoral Officer may prescribe forms for use under this act;
- that the Chief Electoral Officer may engage the services of professionals or experts such as counsel or accountants as necessary to carry out the Chief Electoral Officer's duties under this act within the appropriation for Elections NWT; and
- that the Chief Electoral Officer shall submit annual estimates of the funds required to operate Elections NWT to the board of management via the Speaker.

Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There's a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Just very briefly. The purpose of this motion is in response to the White Paper that the Chief Electoral Officer submitted, and that was sort of looking at election administration in the NWT in a broader sense comparing us with some other jurisdictions.

The committee is not recommending acceptance of all of the recommendations of that report, but this motion is an effort to help clarify some of the roles and duties of the Chief Electoral Officer in terms of modernizing our approach to elections and his or her role into the future. I think this will provide the kind of authority that the Office needs to move forward in a more efficient and effective manner. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. The motion is carried.

---Carried

Mr. O'Reilly.

**COMMITTEE MOTION 14-18(3):**

**COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES – AMEND ELECTIONS AND PLEBISCITES ACT – CHIEF ELECTORAL OFFICER REPORTING TO THE LEGISLATIVE ASSEMBLY**

**MR. O'REILLY:** Thank you, Mr. Chair. This is Recommendation 11 of the report.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to require the Chief Electoral Officer to submit an annual report to the Legislative Assembly describing work done under the direction of the Chief Electoral

Officer pursuant to the act;

Require the Chief Electoral Officer to submit a report to the Legislative Assembly after each election or plebiscite about the conduct of the election or plebiscite;

provide the Chief Electoral Officer with the option of combining his or her reports into one in the year of an election or plebiscite;

provide that the Chief Electoral Officer may report to the Legislative Assembly at any other time on any matter that the Chief Electoral Officer considers necessary; and

provide that any of the Chief Electoral Officer's reports to the Legislative Assembly may include recommendations for legislative amendments to improve the administration of elections under this or any other related act.

Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. Just very briefly. Right now the Chief Electoral Officer is required to file a report following the conduct of an election. The Office does have the ability to file other reports as necessary, but this would require the filing of an annual report and I think this would just increase accountability and also give the Officer the ability to tell us what they're doing in any given year. I think it's a helpful addition and something that the CEO herself has recommended and I think it's a good tool to increase accountability. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. The motion is carried.

---Carried

Thank you committee. Mr. O'Reilly.

COMMITTEE MOTION 15-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES – AMEND ELECTIONS AND PLEBISCITES ACT – INVESTIGATION OF COMPLAINTS

**MR. O'REILLY:** Thank you, Mr. Chair. This is recommendation 12.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to:

- require the Chief Electoral Officer to notify the complainant in writing with reasons, if

the Chief Electoral Officer decides not to conduct an investigation of a complaint;

- make it an offence to obstruct the Chief Electoral Officer or his or her designate in carrying out an inspection or investigation under this act, or to withhold, conceal or destroy any records, documents or things relevant to the investigation;
- Provide that when the Chief Electoral Officer believes it is in the public interest the outcome of the investigations may be published on Elections NWT's website or by other means the Chief Electoral Officer considers appropriate, and information provided may include the name of the person investigated and the nature of the matter;
- Provide the complaints respecting omissions or offences under the act may be made within six months of the alleged omission or offence; and
- provide that the deadline for the Chief Electoral Officer to commence a prosecution under the act is one year from the date of the alleged offence.

Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There's a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** I don't want to prolong this, but this is about clarifying the Chief Electoral Officer's ability to carry out investigations and enforcement and I think these largely stem from recommendations that she made, and I think they're very helpful in improving the transparency of the complaint process and providing some firm deadlines and certainty around complaints and. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion. Minister Cochrane.

**HON. CAROLINE COCHRANE:** Thank you, Mr. Chair. Again, I understand the intent of this and I agree with the intent. Again, I am going to abstain on this one because I do have some issues with the sentence: "The outcome of investigations may be published on elections NWT's website or by other means the Chief Electoral Officer considers appropriate."

In my understanding as people are innocent until proven guilty, this doesn't state that, if the findings are proven true that they would be, this says that the Chief Electoral Officer has the ability to define, on her own, outside a court of law whether it is appropriate or not. I do have issues with people not going through due process to do that. I will be abstaining again on this one. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister Cochrane. To the motion. I will allow the mover of the motion to close debate. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Yes, I understand the concern from my honourable colleague. I want to provide some assurance. I am sorry, I don't have the Elections Act in front of me, but other wording in the motion here does provide the Chief Electoral Officers with some discretion in terms of releasing information about investigations. He

or she has to determine what is in the public interest.

They also have the ability to not investigate a complaint if they believe it is frivolous or vexatious. Those are the typical words. I think they are in the Act, but as I say, I don't have it in front of me.

I think there is enough discretion in the authority that the Chief Electoral Officer has to prevent disclosures that are not in the public interest and so on. I understand the concern, but I think the authority is there to appropriately deal with these sorts of situations. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. All those in favour? All those opposed?

---Carried

The motion is carried. Mr. O'Reilly.

COMMITTEE MOTION 16-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES – AMEND ELECTIONS AND PLEBISCITES ACT – DEVELOP AND MAKE MATERIAL AVAILABLE TO SCHOOLS

**MR. O'REILLY:** Thank you, Mr. Chair. This is recommendation 13.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to enable the Chief Electoral Officer to develop and make materials available to schools for distribution to students who have reached voting age or will soon do so, including information on the NWT's electoral process, the right to vote, how to have one's name added to the register of electors, and any other matter that the Chief Electoral Officer considers useful to electors and prospective electors. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Just very quickly, the Chief Electoral Officer requested the mandate of the office be clarified to give her specific mandate to go and talk to kids and youth in our schools because right now it is a rather vague and I am sorry, I don't have the wording in front of me, but I think this is the kind of authority that the office should have to encourage our youth to get engaged and involved in future elections and our democratic process. This is a good thing. I want to thank her for this recommendation. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. To the motion. Question has been called. All those in favour? All those opposed?

---Carried

The motion is carried. Thank you. Mr. O'Reilly.

COMMITTEE MOTION 17-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES – AMEND ELECTIONS AND PLEBISCITES ACT – ENABLE THE CHIEF ELECTORAL OFFICER TO DIRECT USE OF VOTING EQUIPMENT DURING THE BY-ELECTION

**MR. O'REILLY:** Thank you, Mr. Chair. This is recommendation 14.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to enable the Chief Electoral Officer at a by-election to direct use of voting equipment, vote counting equipment, or alternative voting methods that differ from those required elsewhere in the act. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed?

---Carried

The motion is carried. Thank you. Mr. O'Reilly.

COMMITTEE MOTION 18-18(3):

COMMITTEE REPORT 1-18(3): STANDING COMMITTEE ON RULES AND PROCEDURES REPORT ON THE REVIEW OF THE CHIEF ELECTORAL OFFICER'S REPORT ON THE ADMINISTRATION OF THE 2015 TERRITORIAL GENERAL ELECTION, SUPPLEMENTARY RECOMMENDATIONS AND THE WHITE PAPER ON THE INDEPENDENCE AND ACCOUNTABILITY OF ELECTION ADMINISTRATION IN THE NORTHWEST TERRITORIES - AMEND ELECTIONS AND PLEBISCITES ACT – ENTERING AGREEMENTS WITH ANY PERSON OR GOVERNMENT DEPARTMENTS

**MR. O'REILLY:** Thank you, Mr. Chair. This is the last recommendation. I am sure everyone will be relieved to know that.

I MOVE that this Assembly recommends that the Elections and Plebiscites Act be amended to authorize the Chief Electoral Officer to enter agreements with person or government, department, or institution to obtain information, including personal information, to update the register of electors and permit the Chief Electoral Officer to enter agreements with any person or government, department, or institution to provide address, mapping, demographic, or geographic information including geospatial information and ensure appropriate protection of the privacy of personal information. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Minister Cochrane.

**HON. CAROLINE COCHRANE:** Thank you, Mr. Chair. Again, I respect the intent of this and I just wish it would have gone a bit further. I found that the voter's list was really inappropriate during the campaign period and I kind of wish that this motion was made stronger and actually had a timeline that said that, when the voter's list had to be updated, how many years, et cetera, because that is an issue. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister Cochrane. The chair of the committee indicates that he wishes to respond. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I don't always want to get the last word in, but I think and I understand the concern from my honourable colleague. There was, I think, a motion or two earlier here that does deal with the issue of the voter's list and preserving the ability for the public to scrutinize it and make corrections to it.

What the intent of this motion is, is to ensure that the Chief Electoral Officer has the ability to make agreements with other agencies to make sure that we have a better voter's list in the first place. That is what the intention of this motion is, so I think it meets your concern by improving the information and the ability to put together a better list. That is what this motion is about, but I appreciate the concern from my colleague. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Minister Cochrane.

**HON. CAROLINE COCHRANE:** Thank you, Mr. Chair. I was going to let him have the last word, but I appreciate it. Again, I do support it. I do wish that it would have had some kind of timeline that said every four years or something that the voter's list would be updated just because it is so obsolete and just unmanageable, in my opinion. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you. To the motion. Question has been called. All those in favour? All those opposed?

---Carried

The motion is carried. Thank you, committee.

Committee, do you agree that we have concluded consideration of committee report 1-18(3)?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. We have now concluded consideration of Committee Report 1-18(3), Report on the Review of the Chief Electoral Officer's Report on the Administration of the 2015 Territorial General Elections, Supplementary Recommendations and the White Paper on the Independence and Accountability of Election Administration in the Northwest Territories.

What is the wish of committee? Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. I move that the chair rise and report progress.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. There is a motion on the floor to report progress. The motion is in order and is non-debatable. All those in favour? All those opposed?

---Carried

The motion is carried. I will rise and report progress.

**MR. SPEAKER:** May I have the report, Member Hay River North?

### **Report of Committee of the Whole**

**MR. SIMPSON:** Mr. Speaker, your committee has been considering Tabled Document 2-18(3), Supplementary Estimates (Operations Expenditures), No. 3, 2017-2018; Tabled Document 3-18(3), Supplementary Estimates (Infrastructure Expenditures), No. 1, 2018-2019; Committee Report 1-18(3), Standing Committee on Rules and Procedures Report on the Administration of the 2015 Territorial General Elections, Supplementary Recommendations and the White Paper on the Independence and Accountability of Election Administration in the Northwest Territories.

I would like to report progress with 17 motions adopted and that review of Committee Report 1-18(3) has been concluded and that consideration of Tabled Document 2-18(3) and TD 3-18(3) is concluded and the House concurs on those estimates, and that an appropriation bill to be based thereon be introduced without delay. Mr. Speaker, I move that the Committee of the Whole be concurred with.

**MR. SPEAKER:** Masi. Do I have a seconder? The Member for Frame Lake. The motion is in order. All those in favour? All those opposed?

---Carried