
The Administration of Elections in British Columbia

by Linda Stagg

Democratic government is predicated on free elections and the results must be an accurate reflection of the will of the electorate. This article looks at some constitutional, legal, procedural, and ethical reasons why we need an ongoing independent electoral administration.

The prime purpose of an electoral administration is to deliver democracy. The visible instruments of democracy (elections, referendums, initiatives, recalls) make timely front-page news. The underlying mechanisms, while perhaps less newsworthy, are equally important. Scholars have pointed out that the procedures through which representatives are chosen is crucial in judging the quality of electoral democracy.¹ The written Constitution and unwritten convention including the Rule of Law, are the basis of electoral law. Sections 3, 4 and 5 of the *Canadian Charter of Rights and Freedoms* contain the essence of the democratic rights of Canadian citizens, including in particular, electoral rights. Electoral law codifies procedures to provide for the election of a legislative assembly or parliament, and provides for an officer to administer that law.

The advent of the secret ballot spawned the need for advance notice of who the candidates are, so ballots could be printed and dispatched to various voting locations. "First used in South Australia in 1856 it spread to almost all democracies within half a century and has become a major factor in the development of free elections."²

Today's multiplicity of voting opportunities underscores the need for sound planning, training and supplies management. An electoral event is no longer limited to the casting and counting of ballots on election

day. There are also advance voting, voting by mail, and special arrangements for National Defence and diplomatic personnel, bush camp workers and home care residents to name a few.

Somebody has to show up on election day with ballots and a ballot box, but there is much more to organizing an election.

In British Columbia, on election day, the number of election workers totals over 30,000. For one day their numbers equal – and maybe exceed – the entire provincial civil service! For students of administrative law, this is a classic case in sub-delegation of authority. It also demonstrates that delivering democracy is a two-way street. These election workers need to be confident in their new-found knowledge, and need to be assured that there is a strong presence behind them where they can go with their questions. The Chief Electoral Officer is ultimately responsible for their decisions and actions.

Candidates and their parties need information on who can and cannot run for office, and the policies and procedures for filing nomination papers. During British Columbia's 1996 general election, I had a conversation with a candidate that went something like this: "The party chose me to be its candidate at the nominating convention, but the party executive tell me I still have to file nomination papers. I don't, do I?" Stifling a smile I explained that yes, he did. I would not have been smiling if

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he had called a few days later, with advance voting open and nominations closed, wondering why his name and party did not appear on the ballot!

Between Elections

"What do you do between elections?" that is the question we electoral administrators are most frequently asked. The real question is, "Why should there be an independent, ongoing electoral administration in the first place and why must taxpayers support this election administration office? The answer is that an ongoing electoral administration is a repository for ideals and provides for a corporate memory. It is a place to concentrate the specialised operational and administrative knowledge and expertise.

We consult, develop, plan, train and educate. We revisit our performance at the last election and determine how we can do better next time. We administer by-elections to fill vacancies resulting from resignations, deaths of members, and perhaps the ravages of recalls. A large part of this office's activity between elections relates to keeping the voters list current. Because British Columbia could have an election, recall petition or initiative petition at any time, the list of provincial voters must be election-ready at all times. In a parliamentary system the government can fall at any time, for example on a vote of non-confidence.

"Since the early nineteenth century, the compilation of an authoritative record of those in each locality who satisfy the legal qualification for the franchise has been a key element in electoral administration."³ A precondition to an election is an unequivocal, exacting determination of who is entitled to vote. When voting was conducted by a show of hands in the town square by men of a certain age who held land, there was little or no need for a voters list. The system took care of itself. Today it falls to the electoral administration to compile a voters list or some sort of electoral roll. An accurate, current, and complete list must be ready to facilitate an election, or there must be a legitimate means of compiling one at the polling station on election day.

The trend today is to continuous, computerised voters lists and away from traditional door-to-door enumerations. The permanent list requires the ongoing presence of a voter registration department with its own brand of information technology professionals and other knowledge workers.

Voter registration is essentially a licensing program. Individuals who meet certain criteria have the right to have their names added to the list. When they no longer qualify, their names must be removed. As the compliance audit is left to the voters to keep the electoral ad-

ministration informed, it is largely self-policing. In most jurisdictions, there are various administrative processes to facilitate the removal of dormant names.

The electoral process requires an informed electorate. Voters need to know their rights and obligations. Reaching first-time voters, like young adults, new Canadians and groups of individuals with traditionally low levels of participation and representation, presents its own set of communications challenges. Voter outreach and education are therefore ongoing, and include activities such as speaking engagements, media relations and translation of registration and election materials.

The Office of Chief Electoral Officer:

According to a British Columbia Member of the Provincial Parliament "So much of the public discontent around the electoral process is around partisanship. There needs to be an office above politics that that puts forward the notion of parliament as law makers, and each person who obtains that office obtains it from a process that has not been compromised in any way."⁴

The office of Chief Electoral Officer (CEO) is uncompromisingly non-partisan. It is a statutory position that maintains the necessary independence to ensure that the election process is free from influence by the executive government of the day.

In British Columbia, appointment of the CEO is essentially an 'Act' of the Legislature. The CEO is appointed by the Crown, as represented by the Lieutenant-Governor, acting by and with the advice and consent of the Legislative Assembly. Similar words appear in the enacting clause at the beginning of every Bill introduced into the Assembly.

The selection process in British Columbia is typical of most jurisdictions. The CEO is not chosen through a civil service competition, but rather selected by an all-party committee, and then confirmed by Resolution of the Legislature. The all-party committee denotes a convergence of political thought in the selection process.

In some jurisdictions Returning Officers also known as District Electoral Officers are recommended by politicians. Once appointed, however, they must set their politics aside and run an impartial event. The trend is to move this office away from politics. British Columbia's District Electoral Officers are appointed by the CEO and must conduct themselves in a non-partisan, apolitical manner.

Electoral administration and expertise are fundamental functions of government. Although electoral administrations do indeed draw on the expertise of election consultants and any number of private contractors, the prime function is decidedly a public sector responsibility.

ity. When non-governmental organisations need election expertise, they turn to a government's election experts for consultation. These experts may be called upon to observe, or in some instances conduct votes for these organisations. Elections BC has been called upon to lend its expertise and assist with elections for members to governing bodies of financial, religious and First Nations organisations.

Conclusion

There is a direct and positive correlation between administrative procedural transparency and independence from political influence. Independent agencies are more willing to take measures to ensure their 'level playing field' is seen to be staying level. Transparency begins with disclosure of financial contributors and contributions. Spending limits for parties, candidates and third party advertisers provide an avenue of equity.

In most jurisdictions with election finance legislation, parties and constituency or riding associations must first of all comply with the requirements for registration, and then file annual and event-related financing reports. In addition to being the registration and financing regulator, this department or office serves much like a library. It is the central repository for reports and the point of contact for anyone researching election finance. These aspects of democracy are usually administered by an election finance organisation.

Only if people have confidence that their election system is honest and open will they participate in it. "Having a professional group of election officials will go a long way to provide this confidence. If we can establish this

globally, we can at least hope that people will pick up ballots instead of bullets."⁵

In the absence of a permanent office or without a credible ongoing electoral administration, a jurisdiction takes a big risk. If an electoral event is not well run, there is a general distrust of the system, and the participants and public have no confidence in the results. If the public has no confidence, they will not participate, and will mistrust the government and its administration.

A permanent, independent electoral administration is one of the pillars of a democratic system. Those of us who work side-by-side, for and with senior electoral administrators, have come to know that for them, delivering democracy is much more than a job. Democracy is more like an element of their personal faith, or at the very least, a vocation. I am certain there are people like them in every one of the world's more than 100 democracies.

Notes

1. Blais, André and Gidengil, Elisabeth: *Making Representative Democracy Work, The Views of Canadians*, Vol. 17 of the Research Studies, Royal Commission on Electoral Reform and Party Financing (Lortie), Dundurn Press, Ministry of Supply and Services Canada, 1991, p. 3.
2. *The Blackwell Encyclopaedia of Political Institutions*: Blackwell Reference 1987, New York, New York, edited by Vernon Bogdanor, p. 190.
3. *Ibid*, p. 527.
4. Linda Reid, MLA for Richmond East.
5. F. Clifton White, *Elections Today: News from the International Foundation for Election Systems*, Vol. 7, No.3, 1998 p. 9 [reprinted from IFES Newsletter, Vol 3., No. 2 Fall 1992].