

ISSUES AND PROPOSED SOLUTIONS

Challenges of the 2008 Provincial General Election

Public comment on election administration is welcomed. Concerns relating to election management are helpful, as they direct attention to areas that could benefit from service and legislative improvements.

Concerns raised by individual electors are addressed on a case by case basis. Necessary research is conducted, election legislation is explained and specific issues are resolved. Returning Officers, election officers and Elections Alberta staff share this commitment to client service and work together to address these concerns as they arise.

Feedback received from political parties, candidates, volunteers, facility managers and other interested groups are addressed in the same manner. Specific details relating to the concern are requested to facilitate meaningful follow-up with the individuals affected.

Often, concerns are raised due to a lack of understanding of the law governing provincial election administration. Complainants raise issues which trouble them, but do not contravene the law. One common example is the complaint that electors are not asked to produce identification that proves eligibility – age, residency, citizenship, and identity. Conversely, others complain when they are requested to provide identification before voting. In fact, electors who are on the List of Electors do not have to produce any type of identification. Those who are not on the List of Electors must provide the identification that is prescribed by law. This is a typical example of a concern that does not constitute an irregularity, fraud or a breach of the *Election Act (the Act)*, but nevertheless causes concern for some political parties, candidates and voters.

The majority of concerns are addressed by communicating the law as it applies to the situation. An ongoing communications strategy will continue to provide relevant information, using a variety of methods, to promote understanding of the rules governing provincial elections.

Issues raised in regard to infractions of election rules or problems with administration are not treated lightly. Those that appear to constitute a possible breach of *the Act* are researched with the individuals involved. These reviews can be time-consuming and difficult to resolve, particularly if allegations are raised months after the event. Likewise, administrative issues are thoroughly investigated so that process improvements can be made or legislative amendments can be recommended to the Legislative Assembly.

The more salient concerns raised during the election period are discussed in the following pages.

1. Process of Returning Officers' Appointments

The Returning Officers who manage enumerations and elections are currently appointed by Order in Council. The fairness of this process was questioned, as was the ability of Returning Officers to fulfil their responsibilities in a non-partisan manner. Because they are the most visible election officers during an election, it is essential that they are perceived by voters, candidates and the political parties to represent an electoral system that is fair and impartial. Their independence in both fact and perception helps to assure the public of the integrity of election administration within the province.

It is important to note that concerns focused on the process of appointments; not on the performance of Returning Officers. There has been no fact-based suggestion of Returning Officers engaging in partisan activities during their terms of appointment.

By legislation, Returning Officer appointments may occur two years following a general election and are terminated four months following a general election. The timeliness of appointments is essential to the effective orientation, training, preparation and, where necessary, replacement of Returning Officers. For the 2008 general election, Returning Officers could have been appointed as early as November 2006. Although numerous requests were made for the timely appointment of Returning Officers during 2006 and 2007, the first appointments were made on December 19, 2007. The balance were appointed in the period from January 23, 2008 to February 4, 2008; from just over a week prior to the election call up to the day of the election call. By contrast, Returning Officers responsible for the conduct of the 2004 election were appointed thirteen months prior to polling day.

The late appointment of Returning Officers made it difficult for the effective completion of pre-election activities such as the map and List of Electors review, target enumeration planning and management, selection of office staff, location of office space, identification of potential polling places and identification of sources for staff recruitment.

Returning Officers are to be commended for the work they did considering the complexity of their job, the short time frame of the election period and the lateness of their appointments.

Proposed solutions:

Authorize the Chief Electoral Officer to hire Returning Officers through an open, merit-based competitive process, in sufficient time for preparation and conduct of activities mandated by the *Election Act*. Establishment of a fixed election date will also allow for more timely preparation and planning.

Recommendations for legislative amendments to the Returning Officer appointment process and election date selection, made in 2006, appear on pages 63 and 67, respectively.

2. Lists of Electors

The process for maintaining and updating the database used to produce Lists of Electors was described earlier in this Report, in the “Development of the Lists of Electors” section.

Two of the main challenges in producing accurate, complete and current Lists of Electors for 2.3 million electors stem from the difficulty of matching updates to elector records with existing elector records, and assigning addresses to correct polling subdivisions. These challenges increase when electors do not provide complete information.

The short time available for the review and revision of polling subdivision maps, and corresponding Lists of Electors, was a factor in the currency of the Lists of Electors. Had additional time been available to allow input from all Returning Officers to be incorporated and validated, additional updates and improvements to Lists of Electors could have been captured.

The incomplete target enumeration was another factor. Target enumeration of a minimum of 25% of the elector population was planned for September 2007. Without Returning Officers, this could not occur. The date for target enumeration to begin was rescheduled to February 1, 2008 once Returning Officers’ appointments were made. The election was called on February 4, 2008 and Elections Alberta is not made privy to the date of the election in advance of its call. Had sufficient time been available to enumerate all areas of new growth and high mobility across the province, a significant volume of additional updates would have appeared.

One quality measurement may be derived from the number of Election Day additions that were required. A total of 257,176 electors, of the 953,777 who cast ballots, were added to the List of Electors on polling day, resulting in a swear-in rate of 26.9%. This proportion of polling day additions is not surprising, given the 2007 List Quality survey results which indicated that 24% of electors in the Register of Electors did not appear at a current address in January 2007.

The vast majority of the voting public appeared on the List of Electors correctly. That is no consolation, however, to electors whose information was incorrect. It is regrettable that those electors were inconvenienced by lining up to register and by the requirement to complete an Oath of Elector prior to voting.

Proposed solution:

Appoint Returning Officers earlier in the process so that they can be involved in the pre-election preparation to allow for a thorough review of polling subdivision maps and Lists of Electors, for preparation and implementation of a target enumeration plan and detailed review of the post-enumeration List of Electors. Timely appointment of Returning Officers and a fixed election date will ensure these activities occur well in advance of an election period to optimize the quality of Lists of Electors provided in accordance with section 18(3) of *the Act*. This will also avoid conflicting priorities that

arise within an election period when Returning Officers must conduct an enumeration at the same time that they are expected to complete a plethora of other important and necessary preparatory activities.

Recommendations for legislative amendments to the Returning Officer appointment process and election date selection, made in 2006, appear on pages 63 and 67, respectively.

In addition, legislative amendments to increase access to data necessary for effective Register of Electors management will allow for implementation of these solutions. The recommendations for various amendments to strengthen access provisions, made in 2006, appear on pages 71 through 73.

3. *Line-ups at Polling Places*

Plans to prevent line-ups occur in advance of polling day. Returning Officers hire additional staff if they believe that specific polling places will be particularly busy or may experience an exceptionally high volume of polling day registrations. Returning Officers were encouraged to increase the number of registration officers assigned to polling places if target enumeration results fell below their expectations.

Incorrect and incomplete Lists of Electors contribute to polling day line-ups. Improving the quality of the Lists of Electors will reduce the number of polling day registrations and streamline the voting process overall.

One pair of election officers serves one polling subdivision (a fairly confined geographic area). Some line-ups are expected at the traditional peak times and will continue to occur as long as limited voting options exist.

With polling places opening at 9 a.m., most electors vote after work, so the hours between 5 p.m. and 7 p.m. are particularly busy. With restrictions on advance voting, the majority of electors have only one day to cast their ballots.

Another factor contributes to line-ups, as well. At every election, complaints are lodged when candidates arrange for transportation of large groups of electors to polling places. If all the electors live in the same polling subdivision, there will be a line-up while election officers assist each elector in turn.

That being said, research, based on 2008 survey results, revealed:

- 95% of voters were satisfied with the time it took at the polling station
- line-ups did not appear in non-voters' reasons for not voting

Proposed solutions:

Appoint Returning Officers earlier in the process so that they can be involved in the pre-election preparations that are necessary to enhance the quality of Lists of Electors, as mentioned previously.

Open polling places earlier in the day to encourage more electors to vote on their way to work. Remove advance voting restrictions to allow more electors to vote during the days in which advance polls are open. Increase the number of days of advance voting to provide electors with a broader range of voting options. These factors will help to distribute the voting traffic more evenly and reduce the volume of voters at peak times.

Forms for polling day registration will be refined to collect required data more efficiently. This will help to address other situations which cause line-ups to occur.

The recommendation for a legislative amendment to the Returning Officer appointment process, made in 2006, appears on page 63.

A recommendation for legislative amendment to increase the accessibility of voting by removing restrictions on advance voting, made in 2006, appears on page 80.

Additional recommendations to significantly increase voting options and reduce line-ups, including “anywhere voting”, extending the hours of voting, increasing the number of days of voting, and testing new voting technologies, appear on pages 104, 106, 107 and 115, respectively.

Further improvements will occur through implementation of the recommendations for streamlining the voting process through clarification of voter identification requirements and rules of residence, which appear on pages 108 and 109, respectively.

4. Locations of Returning Officers’ Offices and Polling Places

Returning Officers do not have permanent locations for office space. Possible options are explored once Returning Officers are appointed, within the context of pre-election preparation. Vacant premises cannot be leased until the election period is known, which occurs with the issuance of the writs of election. All Returning Officers located appropriate office space, in spite of the difficulties associated with securing a short-term lease at a time of very low vacancy rates. While space was not ideal in all cases, it was serviceable.

Polling place locations are similarly established once Returning Officers are appointed and the date of the election is known. One of the first tasks for Returning Officers in the early days of the election period is contacting managers of facilities that would serve as convenient polling place locations, to determine availability. A firm commitment for use of space must be obtained early in the election period to facilitate the publishing of polling place locations online, the mailing of where-to-vote cards and the advertising of locations in the newspaper. Again, possible options are explored within the context of pre-election preparation, if time permits.

Selection of convenient voting locations and returning office space must occur within very narrow time constraints. Returning Officers are expected to be in their offices by day 2 of the 28-day election calendar, and are expected to have polling places selected by day 5. These are two of the most challenging tasks of the many that comprise a Returning Officer’s job. If a Returning Officer’s first choice for either an office or polling

place location cannot be confirmed within these timelines, the next best location must be selected from those available.

Returning Officers cannot commandeer facilities as polling places. The selection process requires cooperation of owners or custodians of the premises.

Schools are an excellent option for polling place locations. *The Act* specifically identifies schools for this purpose, because they are centrally located and are known to electors in the immediate area. School administrators have raised an increasing number of concerns over past years relating to conflicts with programming, security of students, risks posed by additional traffic and the impact on janitorial services. If this trend continues, the number of polling place options will be reduced and convenience to the electorate may be compromised.

Research, based on 2008 survey results, revealed:

- 96% of voters were satisfied with the convenience of their polling place location
- 1% of non-voters indicated that they did not vote because their polling place location was too far, or they had no transportation
- 2% of non-voters indicated that polling places that were closer, or easier to get to, would encourage them to vote

Proposed solution:

Appoint Returning Officers earlier in the process so that they can be involved in the pre-election preparations to allow for a thorough review of prospective office and polling place locations. A fixed election date will also allow Returning Officers to obtain firm commitments from facility managers well in advance to allow schools and other polling place locations to incorporate this requirement into their annual scheduling. In addition, amending the existing provision in *the Act* to ensure availability of schools as polling places will provide more options for locations that are convenient to the majority of electors.

Recommendations for legislative amendments to the Returning Officer appointment process and election date selection, made in 2006, appear on pages 63 and 67, respectively.

A recommendation for legislative amendment to ensure the use of schools as polling places appears on page 115.

5. Polling Places on University Campuses and Temporary Work Sites

The Act requires that electors vote at their place of ordinary residence, in accordance with the following definition:

Ordinary residence is determined in accordance with the following rules:

- (a) a person can have only one place of ordinary residence;
- (b) a person's ordinary residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;
- (c) a student who
 - (i) is in attendance at an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are ordinarily resident in Alberta and with whom the student ordinarily resides when not in attendance at an educational institution is deemed to reside with those family members;
- (d) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, the person's ordinary residence in Alberta ceases.

The elector's ordinary residence is the location in which he or she resides in the normal course of life. It is not a location that is temporarily acquired for a limited period of time, however long, for the purpose of working, attending a post-secondary institution, etc. In the case of students, particularly, a very specific definition is provided.

Residences associated with post-secondary institutions, and temporary work sites, are most often inhabited by people who are ordinarily resident elsewhere. Some maintain an ordinary residence out of province or out of country, and do not meet the voter eligibility requirements of *the Act*, even though they may study, work or visit in Alberta for a lengthy period of time. Polling places were not established in these locations because of the high proportion of electors who would be ineligible to vote, based on guidelines established in *the Act*. Instead, electors at these locations were provided with information which would allow them to vote by Special Ballot, if eligible.

Special Ballot information packages were sent to post-secondary institutions, trade unions and the Canadian Armed Forces early in the election period, to provide electors who were absent from their place of ordinary residence with an opportunity to vote in their own electoral division, as *the Act* requires. The Special Ballot, which is often used as a mail-in ballot, is requested from the Returning Officer by the elector, and must be returned by the close of polls on polling day. It provides a convenient method for electors who are away from home to vote, in accordance with the law, if it is not convenient for them to travel home for the advance polls or on polling day.

Research, based on 2008 survey results, revealed:

- 61% of non-voters indicated that they would be more likely to vote if they could vote at any polling station

Proposed solution:

Establish a specific timeframe in which a person is deemed to attain ordinary residence status to eliminate the need for interpretation. Deem an Alberta resident who temporarily resides in a place in Alberta to allow him or her to attend an educational institution for 6 months or longer, or to pursue his or her ordinary occupation in a job that is expected to last for 6 months or longer, to be ordinarily resident in that location from the date the person begins to reside there.

Permit voting at any advance voting location, or any returning office, by Special Ballot. Permit the establishment of additional advance voting stations in high traffic areas and places where large numbers of electors are located such as large shopping malls, airports, work camps, and college campuses.

A recommendation for legislative amendment to clarify the rules of residency for voters appears on page 109.

A recommendation to increase the accessibility of voting by removing restrictions on advance voting, made in 2006, appears on page 80. A further recommendation to permit “anywhere voting” appears on page 104.

6. Campaign Signs Near Polling Places

Concerns with campaign sign placement are raised frequently during every election period. Campaign signs near polling places raise the perception of political interference. The current prohibition on advertising prohibits placement of campaign advertisements in or on a building in which a polling place is located. There is no prohibition on advertising on the grounds of the polling place or on adjacent public property.

Proposed solution:

Include distance limits for the placement of advertising near polling places and authorize election officers to remove advertising that contravenes the distance limits.

The recommendation for legislative amendment to restrict campaign signs near polling places, made in 2006, appears on page 77.

7. Identification Requirements

Identification requirements are often misunderstood by electors. Given that requirements vary between the provincial, federal and municipal elections, that is not surprising. It is unfortunate but also not surprising that, at times, election officers may even misinterpret the training provided to them; particularly given that people who work at elections often work at provincial, federal and municipal elections. This is not a criticism of the quality of their work, but a frustration that is often shared by election officers.

Provincial legislation directs that electors who are on the List of Electors do not have to provide identification, while electors who are not on the List of Electors must provide two pieces of identification that are acceptable to the deputy returning officer at the polling station. Electors do not have to produce photo identification, nor do they have to prove Canadian citizenship, age, address or six-month residency.

There are different views regarding the types of identification that should be required. *The Act* tries to strike a balance between accommodating those who do not carry typical identification, or any identification, while still maintaining the integrity of the process. In the debate, it is important to remember that the voting system is, in many ways, honour-based. People who provide elector information to an enumerator, at their home, do not have to prove the identity or eligibility of the electors they add to the List of Electors. People who vote by Special Ballot currently do not have to provide identification when they request a Special Ballot.

The current system is basically self-policing. Electors vote in the community in which they live. Returning Officers attempt to hire election officers from within the community, and scrutineers often volunteer in their own communities. This familiarity is a powerful deterrent to someone who may consider voting fraudulently. If a voter's eligibility is questioned by an election officer or scrutineer, in good faith, the elector must complete an oath confirming eligibility, and provide two pieces of identification, even if their name appears on the List of Electors.

Proposed solution:

A person who is required to establish his or her identity should be required to do so by providing one official document issued by a federal, provincial or municipal government that contains the person's name and photograph or at least two documents that provide evidence of the person's identity satisfactory to the election officer. If none of the documents provided to establish a person's identity contains a current address, the person should be required to make a signed declaration as to his or her current address. Special Ballot applicants should be required to provide the same identification as other voters.

A recommendation for legislative amendment to identification requirements appears on page 108. In addition, a recommendation for legislative amendment to Special Ballot identification requirements, made in 2006, appears on page 78.

8. Information Regarding Where to Vote

During the past election, electors had more options than ever before to obtain information on where to vote. The “Communications Strategy” section presented these options in detail, which included:

- Two direct mailings to residences
- Website with “Where Do I Vote?” search function
- Website with “Am I Registered To Vote?” search function
- Radio and television advertising
- Expanded call centre and email support
- Newspaper advertisements and inserts

The majority of electors were well served by these resources. Some margin of error is likely to appear in a database used to direct 2.3 million electors to one of 6,106 polling stations established only weeks before. For this reason, communication pieces provided contact information for Elections Alberta or local Returning Officers, so electors could verify information if they had any doubt about where they were to vote.

A single database was used to produce Lists of Electors, create customized voter cards, provide online information, and supply call centre operators with information for callers. This allows for efficient updating of all resources and ensures consistency. The data was verified through a manual review process performed by Returning Officers, within the tight time lines mentioned previously.

Voter information cards, which were distributed for the first time during this election, were well received by electors. This is not surprising, given that direct delivery to their homes was the preference most often expressed in response to a 2007 voter survey question. In fact, 84% of electors stated that having information sent to their homes was the best means of communication.

The website has become a popular source of polling place information since its launch during the 2004 general election. Although only 5% of the 2008 survey respondents indicated that they received their information on where to vote via the website, other information sources, such as political parties, use the online resources to provide direction to electors.

Regrettably, website users experienced a disruption in service on polling day starting at 9:00 a.m. It affected both public users and call centre operators. The primary reason for the slower response time experienced by users was data input occurring in returning offices, which placed additional, unexpected demands on the system. It quickly became apparent that the data input was affecting access to the “Where Do I Vote?” and “Am I Registered To Vote?” search functions.

To alleviate the problem, data input was immediately disabled. As a safety measure, public access to “Where Do I Vote?” and “Am I Registered To Vote?” were disabled just prior to 10:30 a.m. in order to ensure maximum performance for call centre operators.

By 10:30 a.m. the system had been stabilized and call centre operators were fully operational. Target performance levels had been reinstated, so the “Where Do I Vote?” search function was restored and accessible to the general public just before noon. The “Am I Registered To Vote?” search function was restored an hour after that.

While this service disruption was inconvenient, it is important to note that back-up resources were in place to supply information to users. Callers were directed to Returning Officers who provided polling place information from maps or Lists of Electors. Although this is not as efficient as the online search function, it is a viable back-up and was, in fact, the primary method of information dissemination prior to 2004.

A concern was raised by electors who went to vote at the polling place they used at a previous election, only to be frustrated to find that it was not their assigned polling place for the 2008 election. Unfortunately, it is not always possible to obtain the same polling places used in previous provincial elections, and not always practical to use polling places established for municipal and federal elections, given the difference in voting boundaries.

As in all elections, difficulties occurred for electors who attempted to get information late on polling day. At peak times on polling day, electors who telephone or email experience a longer wait than those who obtain information earlier in the election period. The Voter Information Centre was doubled in size for this election and additional resources will be added in the future to address this concern.

In addition to other types of information, polling place maps were available in all polling places. Electors who found themselves at the wrong polling place were able to determine their assigned location by locating their residence on the posted maps and checking the polling place information held by the senior election officer. Contact information for Elections Alberta and the local Returning Officer was available at all polling places to provide assistance to electors who could not be served using the onsite resources. Electors who arrived at the wrong polling place were to be redirected to their assigned polling place. This process will be reinforced through more thorough training on our part.

Research, based on 2008 survey results, revealed that only 2% of respondents identified errors on the voter cards mailed to them. In addition, the research revealed that 88% of voters were satisfied with the availability of voting information.

Proposed solutions:

Appointing Returning Officers earlier in the process so that they can be involved in the pre-election preparations that are necessary to enhance the quality of Lists of Electors, as mentioned previously, will subsequently improve the quality of all resources used to provide polling place information. A fixed election date will allow for development and verification of all where-to-vote information and means of communication well in advance of polling day.

Implementation of a geographic information system (GIS) will ensure that electors' addresses are assigned to the correct polling place. The GIS link to the address database will ensure that individual addresses receive customized cards directing them to the assigned polling place.

Additional advance load testing of the Elections Alberta website will occur to ensure reliability. Further expansion of stand-alone server capacity and server redundancy will occur to accommodate anticipated volumes. Manual backups for all computerized functions will be in place and will be tested by Returning Officers, as part of the pre-election preparation.

Elections Alberta will examine and continue to expand methods to convey key messages and where-to-vote information effectively. All resources will undergo a rigorous assessment of their effectiveness in providing necessary information in a clear and concise manner.

Recommendations for legislative amendments to the Returning Officer appointment process and election date selection, made in 2006, appear on pages 63 and 67, respectively.

In addition, recommendations to increase access to necessary data for effective management of the Register of Electors will improve the quality of Lists of Electors. The recommendations for various amendments to strengthen access provisions, made in 2006, appear on pages 71 through 73.

Recommendations for legislative amendments to remove the restrictions on advance voting and implement "anywhere voting" appear on pages 80 and 104, respectively. Voters' options will expand beyond a single polling place.

Recommendations for legislative amendments to extend the hours of voting and increase the number of days of voting appear on pages 106 and 107, respectively. Implementation of the recommendations will expand the timeframe that voters are likely to request information and will distribute the website and telephone inquiries more evenly, to facilitate consistently efficient service on all voting days.

9. *Special Ballots not Received on Time to be Counted*

There were cases in which Special Ballots were requested by electors, but were not completed and returned to the Returning Officer by the close of polls on polling day. In this situation, the ballots are deemed rejected, in accordance with *the Act*.

Requests received early in the election period are more likely to reach their destinations on time. In some cases, electors sent their completed Special Ballots by courier to ensure their timely return.

It has been suggested that Elections Alberta maintain a Special Ballot voters register. Without a fixed election date, it is not practical to maintain Special Ballot requests between elections. If the date of the election was known in advance, electors could

make appropriate arrangements prior to the election call. This will enable Returning Officers to forward Special Ballot packages in the first days of the election period.

Electors outside of Alberta who delay their requests may still experience this frustration, given that Returning Officers have limited control over mail and transportation services.

Proposed solutions:

Establishment of a fixed election date will allow for timely preparation and planning by electors and election administrators. Electors could apply, in advance, for a Special Ballot package to be mailed early in the election period.

Voting by Special Ballot at any advance voting location, or any returning office, will accommodate electors who are away from home, but still within the province.

Recommendations for legislative amendments to the Returning Officer appointment process and election date selection, made in 2006, appear on pages 63 and 67, respectively.

A recommendation for legislative amendment to permit “anywhere voting”, which will provide additional opportunities for voters inside Alberta, but outside of their electoral divisions, appears on page 104.