

# *Special Committee to Appoint a Chief Electoral Officer*







May 2011

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

Honourable Members:

We have the honour to present herewith the Report of the Special Committee to Appoint a Chief Electoral Officer containing our unanimous recommendation.

Respectfully submitted on behalf of the Committee,

John van Dongen, MLA  
Chair

Sue Hammell, MLA  
Deputy Chair



## Table of Contents

Composition of the Committee .....	i
Terms of Reference .....	ii
Introduction.....	1
Meeting Schedule.....	1
Recruitment Process.....	2
Recommendation.....	2
Biographical Information .....	3
Appendix A: Advertisement.....	5
Appendix B: <i>Election Act</i> [RSBC 1996] CHAPTER 106.....	7



## Composition of the Committee

### Members

John van Dongen, MLA	Chair	Abbotsford South
Sue Hammell, MLA	Deputy Chair	Surrey-Green Timbers
Dr. Terry Lake, MLA*		Kamloops-North Thompson
John Les, MLA (from November 17, 2010)		Chilliwack
Bruce Ralston, MLA		Surrey-Whalley
Hon. Stephanie Cadieux, MLA (to November 17, 2010)		Surrey-Panorama

\*Based on advice received from the Conflict of Interest Commissioner, Dr. Terry Lake, MLA withdrew as an active Member of the Committee on February 3, 2011, the date the recall petition was issued in the electoral district of Kamloops-North Thompson.

### Clerk to the Committee

Kate Ryan-Lloyd, Clerk Assistant and Acting Clerk of Committees

### Research Staff

Josie Schofield, Manager, Committee Research Services

## Terms of Reference

On May 6, 2010, it was agreed that a Special Committee be appointed to select and unanimously recommend to the Legislative Assembly, the appointment of a Chief Electoral Officer for the Province of British Columbia, pursuant to part 2, section 4 of the *Election Act*, and that the Special Committee so appointed shall have the powers of a Select Standing Committee and is also empowered:

- (a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
- (b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- (c) to adjourn from place to place as may be convenient;
- (d) to retain such personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

The said Special Committee is to be composed of Messrs. van Dongen (Convener) and Lake, Ms. Cadieux, Mr. Ralston and Ms. Hammell.

## Acknowledgements

The Special Committee would like to acknowledge the contributions of Harry Neufeld who served as Chief Electoral Officer from 2002 to 2010. During his tenure Mr. Neufeld demonstrated superior leadership skills and made an ongoing contribution to strengthening the democratic process and electoral administration in the province.

Since June 2010, Craig James has served as Acting Chief Electoral Officer. The Committee appreciates his willingness to serve so ably in this role as well as his effective and professional leadership of Elections BC.



## Introduction

The Chief Electoral Officer is a non-partisan, independent officer of the Legislature responsible for the fair, impartial and efficient administration of electoral events in British Columbia. The primary duties and powers of the position are specified in the *Election Act* and the *Recall and Initiative Act*.

The appointment of the Chief Electoral Officer is made by the Lieutenant Governor on the recommendation of the Legislative Assembly. An all-party special committee is responsible for making a unanimous recommendation to the House on who should be appointed to this position.

This procedure was used for the first time in 1996 to recommend the reappointment of Robert A. Patterson as the province's first fully independent Chief Electoral Officer, who served until 2002. An all-party Special Committee also recommended the appointment of Harry Neufeld, whose term ended on June 5, 2010. A Chief Electoral Officer serves for a term of two elections, plus one year.

This report contains the Special Committee's unanimous recommendation to the Legislative Assembly regarding the appointment of the province's third independent Chief Electoral Officer.

## Meeting Schedule

During the second session, the recruitment of the new Chief Electoral Officer covered the period between May 2010 and February 2011. In addition to informal discussions to plan and conduct the recruitment process, nine formal meetings were held for the following purposes:

Tuesday, May 18, 2010	Organizational meeting Review of appointment process
Wednesday, July 28, 2010	Review of media proposal
Tuesday, August 10, 2010	Approval of revised media proposal
Monday, November 15, 2010	Screening of applications Selection of candidates to interview Review of interview questions and matrix
Thursday, November 25, 2010	Confirmation of short list
Thursday, December 9, 2010	Interviews
Friday, December 10, 2010	Interviews
Tuesday, December 21, 2010	Update on reference checks
Wednesday, February 9, 2011	Interview Deliberations Adoption of report

## Recruitment Process

On May 18, 2010, the Special Committee to Appoint a Chief Electoral Officer held its organizational meeting and elected the Chair and Deputy Chair. The appointment process was also reviewed at that meeting.

As part of the recruitment process, the Special Committee, with assistance from the Office of the Clerk of Committees, carried out a variety of administrative and procedural tasks related to the job description and advertising placement, processing of applications, preparation of position profile and screening matrix, drafting of interview questions, background and reference checks.

At the meetings on July 28 and August 10, 2010, the media plan for advertising the position was reviewed and approved. Between September 8 and 11, 2010, an advertisement was placed in the *Vancouver Sun* and two national daily newspapers, the *Globe and Mail* and *National Post*, inviting applications for the position of Chief Electoral Officer. A copy of the advertisement is in Appendix A.

During the candidate-identification phase, electoral offices across Canada were notified of the vacancy to encourage qualified people to apply for the position. National organizations representing lawyers, municipal administrators and public-service professionals were also contacted.

The Special Committee received 41 applications for the position of Chief Electoral Officer; 32 were submitted by residents of British Columbia and 9 from outside the province. Seven applicants were short-listed who met or exceeded the requirements for the position. Each candidate on the short list was asked to answer a set of written questions prior to the interview.

Seven interviews were conducted at the Parliament Buildings in Victoria on December 9 and 10. Each candidate was asked the same set of questions to ensure consistency. Answers were ranked on a matrix that assessed the candidate's background, knowledge, logical and analytical skills, leadership, management, decision-making, communication, personal attributes and suitability for the position.

Once the interviews were concluded, the Special Committee carefully considered the credentials of the seven finalists and assessed their ability to carry out the duties and powers outlined in part 2, section 4 of the *Election Act* (see Appendix B).

Following background and reference checks, a second interview was conducted on February 9, 2011.

## Recommendation

At the meeting on February 9, 2011, the Special Committee unanimously agreed to recommend **Dr. Keith Archer** as the Chief Electoral Officer, pursuant to section 4 of the *Election Act*.

## Biographical Information



Keith Archer is Professor of Political Science at the University of Calgary, a position he has held since 1984, and Director of Research at the Banff Centre. He completed BA and MA degrees in Political Science at The University of Windsor, and a PhD at Duke University. In addition to his academic appointment in Political Science, Dr. Archer has served in a number of senior administrative positions, including Associate Dean (Research) in Social Sciences, Associate Vice-President (Research), and Interim Vice-President (Research) at the University of Calgary.

Dr. Archer's teaching and research has focused on the study of elections and voting. He is the author, co-author, or co-editor of seven books and over 30 articles and chapters in this area. He has served on many boards, commissions, and agencies, such as the Canadian Federation of the Humanities and Social Sciences, and the Alberta Electoral Boundaries Commission. Dr. Archer has held senior positions in university and college administration, serving in senior capacities in board governance, and providing personnel supervision, budget management and oversight, strategic planning, and program delivery.

Dr. Archer served as lead writer of the voter registration materials of the Administration and Cost of Elections project, a major international initiative undertaken by the United Nations, the International Institute for Democracy and Electoral Assistance (IDEA), and the International Foundation for Election Systems (IFES), to produce an electronic encyclopedia of election administration in 1997-98. In 2004, the project was expanded to become the ACE Knowledge Network, and once again he was contracted, this time by Elections Canada, to complete the materials on voter registration.


A number of his writing projects address election administration, including research on electoral boundary making in Alberta, several reports prepared for the Royal Commission on Electoral Reform and Party Financing in Canada (The Lortie Commission), a review of the National Register of Electors for Elections Canada, and a report on changing conceptions of representation for the Law Commission of Canada, among others.

Dr. Archer has led a training session on voter registration at the UN, delivered addresses at meetings of Chief Electoral Officers of Canada, provided testimony on Bill C-16 (Expanded Voting Opportunities) to a Committee of the House of Commons, and provided expert opinion in several court cases involving the interpretation of section 3 "the right to vote" of the Canadian Charter of Rights and Freedoms.

Keith is married to Lisa Hurst-Archer, and together they have five adult children. They share a love of nature, outdoor pursuits, and the arts.



## Appendix A: Advertisement

<p>LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA</p> <p><b>Special Committee to Appoint a Chief Electoral Officer</b> John van Dongen, MLA <i>Chair</i>   Sue Hammell, MLA <i>Deputy Chair</i></p>			
<h1>Chief Electoral Officer</h1>			
<p>A Special Committee of the Legislative Assembly of British Columbia has been authorized to recommend to the Legislative Assembly the appointment of a candidate to the position of Chief Electoral Officer. The Chief Electoral Officer is a non-partisan, independent statutory officer of the Legislature.</p> <p>The Chief Electoral Officer is mandated to administer the democratic processes under provincial statutes, including the <i>Election Act</i> and the <i>Recall and Initiative Act</i> in a fair and impartial manner in absence of political bias. This senior position requires a variety of skills and knowledge, and the successful applicant must be able to fulfill specific responsibilities including: supervising voter registration operations; registering political parties and candidates; monitoring compliance with election financing requirements; investigating complaints of non-compliance; providing public education; and administering electoral events, including provincial general elections, by-elections, referendums and administering the initiative and recall process as detailed in legislation.</p> <p>The Chief Electoral Officer is appointed for a term of two provincial general elections plus one year, and may be reappointed. The office of the Chief Electoral Officer/Elections BC is located in Victoria.</p> <p>Resumes should be received by fax, by email or by mail at the address below no later than <b>Friday, October 15, 2010</b>. Although the Committee appreciates the interest of all applicants, only those who are invited for an interview will be contacted. All resumes received will be held in confidence.</p>			
	<p>FOR FURTHER INFORMATION, PLEASE CONTACT:</p> <table><tr><td>Kate Ryan-Lloyd Clerk Assistant and Acting Clerk of Committees Room 224, Parliament Buildings Victoria, BC V8V 1X4</td><td>Toll free in BC: 1.877.428.8337 Tel: 250.356.2933 (collect) Fax: 250.356.8172 E-mail: <a href="mailto:kateryanlloyd@leg.bc.ca">kateryanlloyd@leg.bc.ca</a> <a href="http://www.leg.bc.ca/cmt">www.leg.bc.ca/cmt</a></td></tr></table>	Kate Ryan-Lloyd Clerk Assistant and Acting Clerk of Committees Room 224, Parliament Buildings Victoria, BC V8V 1X4	Toll free in BC: 1.877.428.8337 Tel: 250.356.2933 (collect) Fax: 250.356.8172 E-mail: <a href="mailto:kateryanlloyd@leg.bc.ca">kateryanlloyd@leg.bc.ca</a> <a href="http://www.leg.bc.ca/cmt">www.leg.bc.ca/cmt</a>
Kate Ryan-Lloyd Clerk Assistant and Acting Clerk of Committees Room 224, Parliament Buildings Victoria, BC V8V 1X4	Toll free in BC: 1.877.428.8337 Tel: 250.356.2933 (collect) Fax: 250.356.8172 E-mail: <a href="mailto:kateryanlloyd@leg.bc.ca">kateryanlloyd@leg.bc.ca</a> <a href="http://www.leg.bc.ca/cmt">www.leg.bc.ca/cmt</a>		



## Appendix B: *Election Act* [RSBC 1996] CHAPTER 106

### Part 2 — Election and Other Officials, Division 1 — Chief Electoral Officer

#### *Appointment of chief electoral officer*

- 4 (1) On the recommendation of the Legislative Assembly, the Lieutenant Governor must appoint as Chief Electoral Officer an individual who has been unanimously recommended for the appointment by a special Committee of the Legislative Assembly.
- (2) The chief electoral officer is an officer of the Legislature.

#### *Impartiality*

- 5 (1) Before beginning to perform the duties of office, the chief electoral officer must make a solemn declaration before the Clerk of the Legislative Assembly to faithfully and impartially exercise the powers and perform the duties of office.
- (2) The chief electoral officer is not entitled to vote in an election.
- (3) The chief electoral officer must not
- (a) hold another office or engage in other employment,
  - (b) be a member of, hold a position with or make a contribution to a registered political party, a registered constituency association or a political party or constituency association seeking registration, or
  - (c) in relation to the individual's candidacy, hold a position with or make a contribution to an individual who is, intends to be or was a candidate in an election.

#### *Term of office*

- 6 (1) The term of office for the chief electoral officer is from the date of appointment until 12 months after the date set for the return of the last writ for the second general election for which the chief electoral officer is responsible.
- (2) The chief electoral officer may be reappointed to further terms of office.

#### *Remuneration and pension*

- 7 (1) The chief electoral officer
- (a) must be paid out of the consolidated revenue fund a salary equal to the salary paid to the chief judge of the Provincial Court of British Columbia, and
  - (b) must be reimbursed for reasonable travelling and out of pocket expenses personally incurred in performing the duties of the office.
- (2) Subject to subsection (3), the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act*, applies to the chief electoral officer.
- (3) When calculating the amount of a pension under the Public Service Pension Plan, each year of service as chief electoral officer must be counted as 1 1/2 years of pensionable service.
- (4) [Repealed 2003-62-1.]

### *Resignation, removal or suspension*

- 8 (1) The chief electoral officer may resign at any time by notifying the Speaker.
- (2) On the recommendation of the Legislative Assembly based on cause or incapacity, the Lieutenant Governor must, in accordance with the recommendation,
- (a) suspend the chief electoral officer, with or without salary, or
  - (b) remove the chief electoral officer from office.
- (3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may suspend the chief electoral officer, with or without salary, for cause or incapacity.
- (4) A suspension under subsection (3) ends not later than 30 sitting days of the Legislative Assembly after the suspension came into effect.

### *Acting chief electoral officer*

- 9 (1) On the recommendation of the Legislative Assembly in any of the following circumstances, the Lieutenant Governor must appoint an acting chief electoral officer:
- (a) the office of chief electoral officer is vacant;
  - (b) the chief electoral officer appointed under section 4 is suspended;
  - (c) the chief electoral officer appointed under section 4 is temporarily absent because of illness or another reason.
- (2) The Lieutenant Governor in Council may appoint an acting chief electoral officer in any of the following circumstances:
- (a) the office of chief electoral officer is or becomes vacant when the Legislative Assembly is not sitting;
  - (b) the chief electoral officer appointed under section 4 is suspended when the Legislative Assembly is not sitting;
  - (c) the chief electoral officer is removed or suspended or the office of the chief electoral officer becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Legislative Assembly under subsection (1) or section 4 before the end of the session;
  - (d) the chief electoral officer appointed under section 4 is temporarily absent because of illness or another reason.
- (3) An acting chief electoral officer holds office until the earliest of the following:
- (a) a new chief electoral officer is appointed under section 4;
  - (b) the suspension of the chief electoral officer ends;
  - (c) the chief electoral officer returns to office after the temporary absence;
  - (d) in the case of an acting chief electoral officer appointed under subsection (2), when an acting chief electoral officer is appointed under subsection (1);
  - (e) at the end of 30 sitting days after the start of the next session of the Legislative Assembly.
- (4) An individual may be reappointed as acting chief electoral officer in accordance with this section.

### *General staff of the chief electoral officer*

- 10 (1) The chief electoral officer may appoint a deputy chief electoral officer and other employees necessary to enable the chief electoral officer to perform the duties of the office.

(2) The *Public Service Act* applies to appointments under subsection (1) and, for the purposes of that Act, the chief electoral officer is deemed to be a deputy minister.

(3) The chief electoral officer may also retain, on a temporary basis, other persons necessary to enable the chief electoral officer to perform the duties of the office in relation to short term administrative matters, including the preparation for and conduct of an election, enumeration or plebiscite.

(4) The *Public Service Act* does not apply to persons retained under subsection (3) and the chief electoral officer may establish their remuneration and the other terms and conditions of their retainers.

#### *Expenses of administering Act*

**11** (1) All necessary expenses required for the administration of this Act must be paid out of the general fund of the consolidated revenue fund.

(2) The chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any regulations of the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may make regulations for the purpose of subsection (2).

#### *Duties and powers of the chief electoral officer*

**12** (1) The chief electoral officer has the following duties in addition to all others established by this Act:

(a) to provide guidance and supervision respecting the voter registration process and the conduct of elections and plebiscites;

(b) to ensure that all other officials appointed under this Act carry out their duties with fairness and impartiality;

(c) to provide information to the public regarding the voter registration and other electoral processes under this Act.

(d) to ensure that this Act is enforced.

(2) The chief electoral officer has the following powers in addition to all others given by this Act:

(a) to make recommendations to the Legislative Assembly respecting amendments to this Act or other enactments affecting election matters;

(b) to issue to persons appointed or retained under this Act any information and guidelines the chief electoral officer considers necessary to ensure effective implementation of this Act;

(c) to require election officials and voter registration officials to follow the directions of the chief electoral officer regarding the performance of their duties and the exercise of their powers;

(d) to assign duties and related powers under this Act to election officials and voter registration officials;

(e) to delegate in writing to an individual appointed under section 10 (1), 18 (1) or (1.1) or 22 (1) the authority to exercise any power and perform any duty assigned

to the chief electoral officer by this Act, other than the power to make regulations, subject to any limits or conditions imposed by the chief electoral officer;

(f) to prepare directives and guidelines for registered political parties, registered constituency associations, candidates, financial agents and auditors respecting this Act.

(3) The deputy chief electoral officer may perform the duties and exercise the powers of the chief electoral officer, other than the power to make regulations.

### *Reports to the Legislative Assembly*

**13** (1) The chief electoral officer must present the following reports to the Speaker:

(a) an annual report on the work done under the direction of the chief electoral officer;

(b) after each election or plebiscite, a report respecting the proceedings, the results and the costs;

(c) [Repealed 2003-96-14.]

(d) any recommendation under section 12 (2) (a) respecting amendments to this Act or another enactment affecting election matters;

(e) any report required under section 217, 221, 222 or 226 respecting a member of the Legislative Assembly who has failed to comply with Part 10.

(2) The chief electoral officer may present a special report to the Speaker if, in the chief electoral officer's opinion, the amounts and establishment for the office of the chief electoral officer permitted under section 11 (2), or the services provided by the BC Public Service Agency, are inadequate for fulfilling the duties of the office.

(3) The Speaker must lay a report of the chief electoral officer before the Legislative Assembly as soon as possible.



