

SPECIAL COMMITTEE TO APPOINT A CHIEF ELECTORAL OFFICER



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

MAY 2018
THIRD SESSION
OF THE 41ST PARLIAMENT



May 28, 2018

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,

Jagrup Brar, MLA
Chair

Doug Clovechok, MLA
Deputy Chair



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Composition of the Committee

Members

Jagrup Brar, MLA	Chair	Surrey-Fleetwood
Doug Clovechock, MLA	Deputy Chair	Columbia River-Revelstoke
Adam Olsen, MLA		Saanich North and the Islands
Janet Routledge, MLA		Burnaby North
Jackie Tegart, MLA		Fraser-Nicola

Committee Staff

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees
Ron Wall, Manager, Committee Research Services
Karan Riarh, Committee Research Analyst

Terms of Reference

On November 1, 2017, and as extended on February 14, 2018, the Legislative Assembly agreed that a Special Committee be appointed to select and unanimously recommend to the Legislative Assembly the appointment of a Chief Electoral Officer pursuant to section 4 of the *Election Act*, R.S.B.C. 1996, c. 106.

The said Special Committee 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.

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 under the *Election Act*, the *Referendum Act*, the *Recall and Initiative Act*, and the *Local Elections Campaign Financing Act*. Pursuant to the *Electoral Boundaries Commission Act*, the Chief Electoral Officer is also one of three members of the Electoral Boundaries Commission, which reviews and makes proposals to the Legislative Assembly on the area, boundaries and names of electoral districts.

Section 4 of the *Election Act* describes the procedure for the appointment of the Chief Electoral Officer, stating “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”. Pursuant to Section 6 of the *Election Act*, the Chief Electoral Officer holds office for a term of two provincial general elections plus one year.

The current appointment procedure was first used in 1996 following changes to the *Election Act* in 1995 which established the Chief Electoral Officer as an independent officer of the Legislature. The 1996 special committee recommended the appointment of Robert A. Patterson, who had held the position of Chief Electoral Officer since 1990 under the provisions of the *Election Act* (RSBC 1979). In 2002 and 2010, special committees recommended the appointments of Harry Neufeld and Dr. Keith Archer, respectively.

On behalf of all Members of the Legislative Assembly, the Special Committee thanks Dr. Archer for his leadership and dedicated service to the Assembly and to British Columbians as Chief Electoral Officer, and his professionalism and commitment during a period of important changes to the roles and responsibilities of Elections BC.

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

Meeting Schedule

During the second and third sessions of the 41st Parliament, the Committee met on the following dates for the purposes described below.

2nd Session, 41st Parliament

Wednesday, November 22, 2017	Organizational meeting
Wednesday, November 29, 2017	Planning
Wednesday, December 13, 2017	Sub-committee meeting

3rd Session, 41st Parliament

Tuesday, February 27, 2018	Organizational meeting
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Sunday, March 4, 2018	Deliberations
Friday, March 16, 2018	Interviews
Wednesday, April 11, 2018	Deliberations
Thursday, April 26, 2018	Deliberations
Thursday, May 10, 2018	Deliberations
Thursday, May 17, 2018	Deliberations Adoption of Report

Further information on the work of the Special Committee is available at: <https://www.leg.bc.ca/cmt/ceo>.

Recruitment Process

The Committee commenced its work on the appointment process for a Chief Electoral Officer on November 22, 2017, with an organizational meeting electing the Chair and Deputy Chair. The Committee also adopted a motion to hold all meetings and deliberations on a confidential, in-camera basis, in keeping with the usual practices for special committees of appointment.

The Committee met on November 29, 2017 to develop a preliminary workplan, and considered the responsibilities of the Chief Electoral Officer position. After further deliberations, the Committee launched an open competition process with a call for applications on January 6, 2018. Advertisements were placed in British Columbia and national daily newspapers, distributed to key stakeholder and professional organizations, and shared on social media.

The Committee received a total of 19 applications for the position by the February 16, 2018 deadline. Three applicants were shortlisted for an interview, based on their knowledge of, and experience in, electoral administration, and their level of senior management experience.

Interviews with shortlisted candidates were conducted on March 16, 2018. The interviews covered each candidate's professional experience, leadership, organizational management, decision-making and analytical skills, and suitability for appointment. In-depth reference checks were also carried out for the final selection process.

Committee Members subsequently considered the experience, qualifications and suitability of the shortlisted candidates. All Members were impressed by Anton Boegman's electoral administration experience, and his leadership and analytical skills. The Committee recognized his considerable experience with Elections BC, including the last seven years as Deputy Chief Electoral Officer (Electoral Operations). Committee Members appreciated his passion for electoral administration, his commitment to the organization, and his understanding of the importance of innovation and learning.

The Committee concluded that Mr. Boegman's distinguished service, and strong experience and skills would serve the position of Chief Electoral Officer very well. The Committee therefore unanimously agreed to recommend to the Legislative Assembly that the Lieutenant Governor appoint Mr. Boegman as Chief Electoral Officer.

Recommendation

The Committee unanimously recommends to the Legislative Assembly that the Lieutenant Governor appoint Anton Boegman as Chief Electoral Officer, pursuant to section 4 of the *Election Act*, R.S.B.C. 1996, c. 106.

Biographical Information

Anton Boegman is the Deputy Chief Electoral Officer (Electoral Operations) at Elections BC. Acknowledged as an innovator and passionate about elections, Mr. Boegman's main focus has been reducing accessibility barriers to voting, and improving services to voters and other electoral stakeholders.

For the past 13 years, he has been immersed in the requirements of election administration. Since joining Elections BC in 2004, Mr. Boegman has worked in increasingly senior positions, assuming his current role in 2011. He has a comprehensive and detailed understanding of electoral principles, legislation and operations, as well as voter registration and electoral geography. A planning expert, he co-developed Elections BC's unique electoral planning framework, elements of which have been adopted by other Canadian electoral agencies.

Currently, Mr. Boegman leads the Electoral Operations, Voter Registration and Boundaries, and Corporate Planning and Event Leadership teams. He played a key senior leadership role in the operational delivery of the past three provincial general elections, a vote-by-mail referendum and plebiscite, and eight provincial by-elections.

A strong supporter of building the election community body of knowledge, Mr. Boegman is on the Steering Committee for the Council on Government Ethics Laws (COGEL), an international organization dedicated to furthering best practices in government ethics, freedom of information, campaign finance and elections. He has presented at international election conferences and is the lead operations instructor with the Canadian Society for Election Official Training.

Prior to joining Elections BC, Mr. Boegman served seven years as a naval officer with the Royal Canadian Navy, was part of the initial start-up administration at Royal Roads University, and worked as a technology project manager in the post-secondary education field, as well as privately as a management consultant.

He graduated from the Royal Military College of Canada in 1988 with a Bachelor of Arts and obtained a Master of Business Administration from Athabasca University in 2001. He also is a certified project management professional (PMP) and has been a member of Project Management International since 2003.

Mr. Boegman is active in his local community having coached youth soccer for 11 years. He has been recognized as the Lower Island Soccer Coach of the Year and is a recipient of the Clarke Fair Play Award by B.C. Soccer.

Anton Boegman is married with two teenaged sons.



Appendix A: Advertisement

The advertisement was placed in British Columbia and national daily newspapers, including the Vancouver Sun, Times-Colonist and Globe and Mail; distributed to key stakeholder and professional organizations such as Canadian election agencies; and shared on social media.



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

CHIEF ELECTORAL OFFICER

SPECIAL COMMITTEE TO APPOINT A CHIEF ELECTORAL OFFICER

Chair: Jagrup Brar, MLA (Surrey-Fleetwood)

Deputy Chair: Doug Clovechok, MLA (Columbia River-Revelstoke)

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 B.C. In addition to duties provided by the *Election Act*, the Chief Electoral Officer holds responsibilities outlined in the *Referendum Act*, the *Recall and Initiative Act*, and the *Local Elections Campaign Financing Act*. The Chief Electoral Officer leads Elections BC, located in Victoria.

The successful non-partisan applicant will be recognized as a person with a high level of integrity, demonstrated senior leadership and exceptional communication and interpersonal skills. The position requires a strong ability to interpret, apply and understand electoral law, processes and administration.

The appointment is for a term of two provincial general elections plus one year, and the position is eligible for reappointment. The salary is equal to the salary paid to a Chief Judge of the Provincial Court of British Columbia.

Applications should be received by email, fax or mail at the address below no later than **Friday, February 16, 2018**. Although the Committee appreciates the interest of all applicants, only those who are invited for an interview will be contacted. All applications received will be held in confidence.

For further information, please visit our website at www.leg.bc.ca/cmt/ceo or contact:

Parliamentary Committees Office

Room 224 Parliament Buildings Victoria B.C. V8V 1X4
Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

T 250-356-2933 Toll Free in B.C. 1-877-428-8337
F 250-356-8172 ChiefElectoralOfficer@leg.bc.ca

Appendix B: *Election Act*

Election Act
R.S.B.C. 1996, c. 106
Part 2, Division 1 – Chief Electoral Officer

(This Act is current to May 6, 2018)

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 or required to be paid by the chief electoral officer under this Act must be paid out 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.

