

Report of the Citizens' Assembly for Stronger Elections



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Preamble

The contributors to the Citizens' Assembly for Stronger Elections do not have a lot in common. We do not represent a faction, interest group, or ideological vision. None of us have any personal financial interest in municipal politics.

What brings us together is that we were all involved in the 2017 St. John's municipal election, and that we all found the elections rules deeply flawed. They make it unnecessarily difficult for voters to meaningfully participate in the democratic process. They also make it unnecessarily difficult for candidates to put their ideas forward, particularly candidates who do not start with name recognition, personal wealth, or connections.

The changes we suggest may not have much effect on the outcome of elections. We are not aiming to promote or disadvantage particular candidates. These changes are meant to enhance the democratic process by making it easier for more residents to participate in elections, both as voters and as candidates.

We believe the time is ripe to reconsider the municipal elections rules. Councils elected across the province in 2017 will bring fresh eyes to municipal policies and bylaws, and the Province is undertaking a general review of municipal legislation.

While this project was developed by residents of the City of St. John's, unless otherwise stated the principles are applicable to all municipal elections. We hope that municipalities across the province will join in the calls to action and help make meaningful change to improve access to voting, candidate diversity and make municipal elections more democratic.

Guide to reading the report:

For the sake of cohesion, we have divided this report into three themes with topics nested under each; however, we note that these themes run throughout the entire report and all sections. The changes recommended are meant to achieve all of these aims.

At the conclusion of each section, we call on municipal and - where applicable - provincial governments to take action to improve our local democracy.

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**Citizens'
Assembly for
Stronger
Elections NL**

Summary of Recommendations

IMPROVING ACCESS TO VOTING

ENFRANCHISEMENT OF STUDENTS AND PERMANENT RESIDENTS

Enfranchisement - Calls to Action for Municipal Councils:

- Resolve to allow permanent residents to vote if and when the province has made the necessary legislative changes.
- Lobby the Provincial Government to amend the necessary legislation to grant permanent residents the right to vote in municipal elections.
- Lobby the Provincial Government to amend the necessary legislation to change the voting day to enfranchise student voters.

Enfranchisement - Calls to Action for Provincial Government:

- Amend the necessary legislation to grant permanent residents the right to vote in municipal elections.
- Undertake to review alternate dates for municipal elections (October being the most common) that would enfranchise students and improve inclusivity of parents as voters and candidates.
- Amend the necessary legislation to change the voting day to enfranchise student voters.

IMPROVING CANDIDATE DIVERSITY

ELECTORAL SYSTEMS

Electoral Systems - Call to Action for Municipal Councils:

- Increase proportionality, reduce strategic voting and promote a more equitable democratic process by adopting a ranked ballot for the municipal electoral system.

Electoral Systems - Calls to Action for Provincial Government:

- Amend the Municipal Elections Act to expressly allow for different electoral systems including ranked ballots and empower municipalities with the authority to determine the electoral system that is best for them.

VOTING METHOD

Voting Method - Calls to Action for Municipal Councils:

- Conduct an independent review to determine whether the mail-in-ballot system met the objectives of increasing accessibility, improving and diversifying voter turnout and providing cost savings.
- Consult with community partners and stakeholders including the differently abled, and seniors, to identify and implement mechanisms to ensure accessibility and engagement for all residents.
- Consider whether online voting is appropriate in the community and if so, engage in further study to ensure the process remains secure and accessible.

Voting Method - Calls to Action for Provincial Government:

- Amend the Municipal Elections Act to expressly allow for different online voting and empower municipalities with the authority to determine whether online voting is best for them.

IMPROVING THE DEMOCRATIC PROCESS

SAFEGUARDS TO ENSURE A FREE, FAIR, AND TRANSPARENT ELECTION PROCESS

Transparency - Call to Action for St. John's City Council:

- Ensure that Vote by Mail procedures, including satellite drop-off centres have the same protections and safeguards that exist at polling stations, including fully empowered scrutineers, clearly delineated roles for election officials, and a prohibition on campaigning near polling stations.

Voter List - Call to Action for St. John's City Council:

- Continue to use provincial data to produce the most inclusive possible voter list.

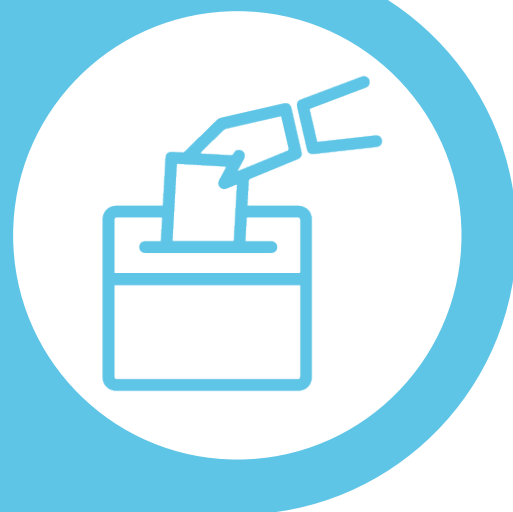
Council Structure - Call to Action for Municipal Councils:

- Further study the current and other potential council structures (i.e. ward and/or at-large councillors) and the method of determining the roles mayor and deputy mayor to determine the best fit for your community.

Campaign Finance - Calls to Action for Municipal Councils:

- Reduce expenditure caps based on the real need of campaigns, the effect on barriers for new candidates, and the relationship with voter engagement
- Ban corporate and union donations based on public trust concerns, and barriers for new candidates
- Amend the necessary by-laws to reduce timeline for disclosure of campaign contributions to allow greater transparency of donors
- Amend the necessary by-laws to require disclosure of expenditures in addition to contributions to improve transparency and public trust

ACCESS TO VOTING



ENFRANCHISEMENT OF PERMANENT RESIDENTS

Newfoundland and Labrador is a province that is becoming increasingly diverse. The province has recognized that it currently faces demographic challenges, and that immigration is an important part of the solution to these challenges.¹ With numerous provincial initiatives to increase immigration, the number of immigrants to Newfoundland and Labrador has been steadily increasing.² Between 2007-2015, the province welcomed 6,766 immigrants.³ In 2016, 1,190 people in the province became permanent residents.⁴

Currently, permanent residents are not eligible to vote anywhere in Canada, though in all other respects, they have the same rights and privileges as citizens. These are residents who may pay municipal taxes and contribute to services and programs, yet still have no say in electing the mayor or city council, and in turn, have no say in the policies that govern their day-to-day lives. Enfranchising permanent residents also empowers them and allows them to be fully engaged in civic life.

The inability of permanent residents to vote is of particular concern given the province's work to attract more newcomers and become more diverse. Permanent residents are active and contributing members of their communities, and should be empowered to vote and actively participate in decisions affecting local services and issues.

1 Government of Newfoundland and Labrador "The Way Forward: On Immigration in Newfoundland and Labrador" online: http://www.nlimmigration.ca/media/21689/immigration_new_online.pdf at p 3

2 Government of Newfoundland and Labrador "The Way Forward: On Immigration in Newfoundland and Labrador" online: http://www.nlimmigration.ca/media/21689/immigration_new_online.pdf at p 3

3 Government of Newfoundland and Labrador "The Way Forward: On Immigration in Newfoundland and Labrador" online: http://www.nlimmigration.ca/media/21689/immigration_new_online.pdf at p 4

4 CBC article – they work, they own homes, they pay taxes but permanent residents can't vote

There are many municipalities in the country that have passed resolutions in support of enfranchising permanent residents, and which have lobbied their respective provincial governments to enact necessary legislative changes.⁵ While no province has yet enacted these changes it is a topic that is still in consideration.⁶ However, countries such as New Zealand, Luxembourg, Norway, Sweden and Finland, have made provisions so that permanent residents may vote in local elections.⁷

Individuals who live, work, pay taxes or are affected by the vital decisions of the municipal council, should be granted the right to vote. Granting permanent residents the right to vote will empower them to participate in civic life and is also in line with the province's action plan to foster more welcoming and inclusive communities in Newfoundland and Labrador.⁸ The province has the opportunity to be a leader, demonstrating our commitment to democracy and growth by enfranchising permanent residents.

Sample motion/ resolution are available from North Bay and Saint John:

<http://www.cityofnorthbay.ca/content/council/minutes/2015/2015-05-11.pdf>; Paragraph 11.2 from meeting minutes of the City of Saint John

5 Executive Standing Committee November 24 2014 City of Halifax; Report made to the Executive Standing Committee of the Halifax City Council; includes information and statistics from other provinces <http://legacycontent.halifax.ca/boardscom/SCadmin/documents/es-c141124item9.1.2.pdf>

6 CBC article - <http://www.cbc.ca/news/canada/new-brunswick/permanent-residents-voting-rights-nb-electoral-reform-1.4023161>

7 <https://maytree.com/wp-content/uploads/MaytreePolicyInFocusIssue1.pdf>; Halifax Standing Committee Report

8 Government of Newfoundland and Labrador "The Way Forward: On Immigration in Newfoundland and Labrador" online: http://www.nlimmigration.ca/media/21689/immigration_new_online.pdf at p 22.

Enfranchisement - Calls to Action for Municipal Councils:

- Resolve to allow permanent residents to vote if and when the province has made the necessary legislative changes.
- Lobby the Provincial Government to amend the necessary legislation to grant permanent residents the right to vote in municipal elections.

Enfranchisement - Calls to Action for Provincial Government:

- Amend the necessary legislation to grant permanent residents the right to vote in municipal elections.

ELECTION TIMING AND INCLUSION OF STUDENTS

A voter is eligible to vote at an election where they have been ordinarily resident for the 30 days immediately before election day.¹ While the residency requirement is reasonable, the timing of election day in September inadvertently excludes post-secondary students from voting. Given that the majority of post-secondary students move onto or near Campus on the labour day long weekend (the first weekend in September) for the start of the fall semester, an election that takes place in September pushes students outside of the required 30-day residency window. Students may find themselves ineligible to vote in either their home or campus municipality, effectively disenfranchising from municipal elections altogether.

For parents of children in primary and secondary school, the campaign period straddles one of the busiest times of year - the return to school. Many parents will have insufficient time and energy to engage in the election process, to gather information about candidates and issues and may be discouraged from voting. Similarly, parents may avoid running for political office due to the challenge and expense of additional child care costs where children are not yet returned to school.

Across Canada, October is the most common month to hold elections (Alberta, British Columbia, Manitoba, Northwest Territories, Nova Scotia, Nunavut, Ontario, most of Saskatchewan and Yukon).² In the unlikely event that a municipal election coincides with federal or provincial elections, the legislature can act to modify the election schedule for the year. Some provinces hold elections in November, December, May, June or July, but Newfoundland and Labrador is the only province to hold municipal elections in September.

1 Municipal Elections Act, S.N.L. 2001, ss. 22-24

2 See table of municipal election dates in all provinces and territories across the country: https://www.muniscope.ca/research/municipal_facts/Elections/

Enfranchisement - Calls to Action for Municipal Councils:

- Lobby the Provincial Government to amend the necessary legislation to change the voting day to enfranchise student voters.

Enfranchisement - Calls to Action for Provincial Government:

- Undertake to review alternate dates for municipal elections (October being the most common) that would enfranchise students and improve inclusivity of parents as voters and candidates.
- Amend the necessary legislation to change the voting day to enfranchise student voters.



DIVERSITY OF CANDIDATES

ELECTORAL SYSTEM

Our electoral system is the foundation of our representative democracy. It dictates which voices are heard and who is represented in our government. In Canada, the vast majority of municipal elections are held in a First Past the Post electoral system. While there is a benefit to the familiarity of such a system, there are also drawbacks and untapped potential of other systems. In the case of municipal elections, which do not have party affiliations, better proportionality - that is to say that candidates elected better reflect the will of the voters - may seem elusive. However, a small change can make a big difference.

A ranked ballot is easy to understand and implement and increases proportionality. Ontario recently amended its legislation to allow municipalities to use ranked ballots and London, Ontario will use ranked ballots in their upcoming 2018 election. One of the primary benefits of a ranked ballot is avoiding strategic voting. Strategic voting occurs when one votes contrary to their preference or best interest to avoid a perceived threat. Municipalities across the province have councils composed of one or both Ward and At-Large Councillors, so both will be addressed here.

For example, in a Ward, a voter may prefer to vote for one candidate whose positions are best aligned with theirs (Candidate A). However, there may be two candidates leading in the polls, one with whom they strongly disagree with (Candidate B) and one with whom they only somewhat agree or disagree (Candidate C). Under the current system, the voter may feel that they have to vote for Candidate C in order to avoid Candidate B being elected. This problem becomes more acute the more candidates there are on the ballot.

In this example, the voter did not vote for their candidate of choice and will effectively be unrepresented (or at least underrepresented) in council if Candidate C is successful.

In at-large races, voters may be concerned about vote-splitting or dilution. In the 2017 election, a whopping 59% of voters in St. John's undervoted for the "at-large" race. That is to say that voters cast ballots for less than four candidates (the allowed number per ballot). Undervoting is a form of strategic voting which is particular to at-large races. Because voters are unable to rank their choices, the voter marks fewer candidates to avoid diluting votes for their preferred candidate(s). Undervoting effectively leads to underrepresentation as only their top choice(s) get their vote and other preferred candidates get none. As such their true preferences will not be fully reflected in council.

The corollary benefits to a ranked ballot are positive campaigning and reduced barriers to entry for new candidates. Since there is a benefit to being voters' second and third choice, there is an incentive to run positive campaigns, rather than mud slinging. Candidates know that saying something negative about another candidate may put off their supporters and therefore is not in their best interest. These same force help to encourage new and diverse candidates to feel empowered to put their hats in the ring, knowing that there is still a benefit to becoming the second or third choice for voters.

Finally a ranked ballot is uncomplicated, voters simply rank their preferred candidate(s) first second, third and so on. Votes are then counted in rounds. If a candidate achieves 50% of the vote they are elected. If no candidate reaches 50%, the candidate with the least amount of votes is removed from the race and their votes redistributed to the voters' second choice. This process is repeated until a candidate has at least 50% of the vote.

Electoral Systems - Call to Action for Municipal Councils:

- Increase proportionality, reduce strategic voting and promote a more equitable democratic process by adopting a ranked ballot for the municipal electoral system.

Electoral Systems - Calls to Action for Provincial Government:

- Amend the Municipal Elections Act to expressly allow for different electoral systems including ranked ballots and empower municipalities with the authority to determine the electoral system that is best for them.

ONLINE VOTING

In the modern age, the vast majority of Newfoundlanders and Labradorians are regularly connected to the internet. The 2016 Federal Census was conducted through an online portal. 2018 seems an opportune time to consider whether online voting could be an effective alternative to traditional and mail-in voting.

Elections Canada released a comprehensive report which draws on the experience of online voting now occurring in Nova Scotia and Ontario, as well as Switzerland, Estonia and the United States.¹ The report notes the benefits of online voting were: (i) voter convenience and improved accessibility, (ii) enhanced voter privacy, (iii) some jurisdictions experienced a modest increase in voter turnout, (iv) the possibility of reducing ballot errors and spoiled ballots, and (v) possible improvements to the efficiency of elections.

The report also noted barriers and limitations on the current state of online voting as: (i) limitations of digital literacy and internet access, (ii) difficulties ensuring ballot secrecy, (iii) overcoming authentication and verification challenges and reduced auditability, (iv) possibility of fraud, coercion, and security threats, (v) the possibility of privatization of elections, and (vi) loss of the voting experience. Further the report notes that important steps and considerations should online voting be undertaken would be identifying clear requirements for online voting implementation, ensuring voters' list accuracy, outreach and education.

Case studies of Estonia, Switzerland and the United States highlight the importance of slow testing, implementation, research and active collaboration with outside experts. They note that public willingness is an important consideration and the option of online voting as complementary rather than a replacement to paper voting may be a viable solution in some cases. Challenges experienced in those jurisdictions include continually changing technology, and underline the importance of standards especially related to security.²

They found that the adoption of the voting reform depends largely on the culture

1 Elections Canada, Online Voting Path Forward <https://www.canada.ca/en/democratic-institutions/services/reports/online-voting-path-forward-federal-elections.html>

2 <https://www.verifiedvoting.org/internet-voting-outside-the-united-states/>

and institutions of the jurisdiction. In Halifax, Nova Scotia, online voting was used in 2016 and turnout dropped significantly. On the other hand, in Markham, Ontario online voting was used in 2006 with a 48% increase in turnout. Numerous online elections have faced problems with logins and with hardware in jurisdictions across the country. Estonia uses a smart card that solves some login problems. However security problems, lack of protection of anonymity or privacy of ballots, mis-recorded votes and threat of hacking remain the key focus.

Voting Method - Calls to Action for Municipal Councils:

- Consider whether online voting is appropriate in the community and if so, engage in further study to ensure the process remains secure and accessible.

Voting Method - Calls to Action for Provincial Government:

- Amend the Municipal Elections Act to expressly allow for different online voting and empower municipalities with the authority to determine whether online voting is best for them.

EXAMINING THE MAIL-IN BALLOT METHOD

Introduction

The City of St. John's 2017 Municipal Election was the 8th election to use the Vote by Mail By-Law since it was passed by Council on July 10, 2001. The Vote by Mail process is unique in the province, and is centered around an 18-day Election Period (September 8-26), rather than a single Election Day. The stated intentions when the by-law was adopted were to (i) enhance accessibility and convenience of voting by delivering ballots delivered directly to residents by mail, (ii) increase voter turnout and (iii) provide cost savings to the City. The available research and public discussion since its inception (including traditional media, social media), raise issues with the Vote by Mail system which occur during the campaign, on Election Day, and in the ballot-counting process.¹

¹ CBC articles - Where have all the voters gone? St. John's election plagued by missing ballots, low turnout; St. John's voter turnout not as dismal as city numbers suggested

1. Shortening the Campaign Period

Election period begins the day voter kits are mailed out, only 9 days after the nomination period ends. Historically, the majority of ballots are returned to City Hall within the first week of voting, effectively making the campaign period less than 2 weeks, shorter than in any other municipality in the province. A short campaign period disadvantages new candidates who may need more time to make themselves and their platforms known to the public. Many media outlets have policies that election candidates will not receive coverage until nominations are closed.

Not only does a short campaign mean less time for candidates to get their ideas out, it also means less time for voters to educate themselves about the candidates. The timing of ballot delivery and the deadline for returning ballots had a considerable influence on voters' decisions. Voters wishing to return their ballot by mail may rush to meet the mail-in deadline, shortening the time available to assess all the candidates and their positions.

2. Procedural confusion for voters

In most municipal elections voters attend at polling stations on election day with identification, are handed a ballot and place their marked ballot directly into a ballot box. In St. John's, ballots are sent out by mail in "Voter kits" which contain a ballot, a white secrecy envelope, an instruction sheet with a voter declaration form on bottom that had to be torn off and signed, and a yellow return envelope. Many voters found the instructions confusing. There was additional confusion for voters who attended on at Satellite Drop-Off Stations Election Day, who were still required to place their ballots in the return envelope rather than directly into the ballot box.

The ballot packages had to be returned to the City (with address facing out on declaration form) by September 22. Voters could drop off their ballots at City Hall up to and including September 26, or at Satellite Drop Off Stations on Election Day. The multi-step instructions and various dates and locations were confusing for voters, which resulted in frustration and 494 rejected ballots due to issues with voter declaration form, secrecy envelope, and return envelope received late (see table 2.5 in Nov 29th, 2017 COTW Agenda). The Vote by Mail system has not been simple to use and on Election Day, many residents came to polling stations for help because they were unsure on how to properly fill out their ballots. This

suggests a process that is more difficult for some residents including seniors, persons with arthritis or rheumatism, or people with a low level of literacy.

3. *Identity and security*

The Vote by Mail system lacks measures to confirm identity and ensure security and is susceptible to malicious interference and fraud. Across the downtown core voter kits are left in open mailboxes by Canada Post, and could easily be collected if one sought to disenfranchise voters. Due to inaccuracies in the voters list, many ballots were delivered to wrong addresses, deceased persons, or not delivered at all. There is no mechanism for ensuring that the person signing the ballot is in fact the person named and this creates opportunities for voter fraud. The democratic process relies on free and fair elections, which include safeguards against malicious interference and fraudulent voting. Such safeguards are essential to ensure the legitimacy of the election, while encouraging voter engagement and enfranchisement.

The introduction of mail in ballot was intended to improve accessibility, increase and diversify voter turnout and reduce cost, but its performance in respect of these measures remains unclear.² What is clear is that it has shortened the campaign period, create confusion for voters and left the election susceptible to malicious interference. The voters of St. John's deserve a transparent, fair and accountable electoral process, that ensures a level playing field for both new candidates and incumbents.

² An Assessment of the Vote by Mail System Used in the September 2001 St. John's Municipal Election from Debbie McGee ; Mail-in Ballot "Voters deserve better" from Simon Lono ; St. John's City Council Committee of the Whole (COTW) Agenda from Nov 29, 2017

Voting Method - Calls to Action for Municipal Councils:

- Conduct an independent review to determine whether the mail-in-ballot system met the objectives of increasing accessibility, improving and diversifying voter turnout and providing cost savings.
- Consult with community partners and stakeholders including the differently abled, and seniors, to identify and implement mechanisms to ensure accessibility and engagement for all residents.

DEMOCRATIC PROCESS



ELECTION PROCESS, TRANSPARENCY, AND VOTER LISTS

Election Transparency

Municipal elections in Newfoundland and Labrador are governed by the Municipal Elections Act. The Act provides two options: a conventional in-person ballot, and a mail-in ballot. The City of St. John's has resolved to conduct elections by mail-in voting. Where a municipality elects to conduct a ballot by mail, it is up to the municipality to make the regulations necessary to carry out the election. The City has done this through the City of St. John's Municipal Elections Vote by Mail By-Law.

While the City's By-Law is quite detailed, it does not provide the extent of procedural protections and safeguards offered by the Act. Nor does the By-Law indicate that in the event of a gap or conflict between the By-Law and the Act, which would govern. For instance, the City's By-Law does not outline the role and duties of a candidate's agent (scrutineer)¹, election officials work at Satellite Drop Off Centres (SDOC). The lack of defined roles for scrutineers and election officials results in the inability to scrutinize the full process from vote cast to counted. The By-Law does not require that each SDOC have an Returning Office on site, which meant that voters needing to be added to the voters' list on Election Day may have to wait for qualified staff to come from another location. Nor does it reflect the prohibition on campaigning within 30m of a SDOC.

¹ Municipal Elections Act at s. 41(1); s. 38(a)

In 2017, 4402 voters (11.4%) voted via a Satellite Drop Off Centre. While a Vote by Mail is not the same as an in-person polling station, it is important to recognize that the character of the Satellite Drop Off Centre closely resembles a polling station and that to much of the public there is no observable difference. In order to maintain public confidence in municipal elections, it is important that the same level of scrutiny and procedural safeguards apply to a Satellite Drop Off Centre as would apply at a polling station.

Under the Act, ballot boxes must be sealed at the polling station to safeguard against tampering with ballots. There is no such requirement under the City's By-Law. Further, in a typical election, an election official counts the votes on each ballot and each ballot is observed by the candidates scrutineers to ensure accuracy. The City of St. John's has retained a third party company for a vote counting machine. There is little or no information about the parameters set for the machine, scrutineers are not able to observe each ballot to verify the count and no addition checks and balance are in place to confirm accuracy. These gaps create opportunity for human error or malicious interference to impact on the results. Collectively, the lack of procedural safeguards in the Vote by Mail By-Law undermine the legitimacy of the municipal election process.

Voter List

Under the Municipal Elections Act, the City must prepare a Voter List before each election. In recent elections it has formed a provisional voter list using information from the provincial government. In the City of St. John's, ballots must be mailed to all residents on the list. Eligible voters who were not on the list can be added, and residents who received ballots intended for other people are supposed to return them.

The voter list is inaccurate every year. In most jurisdictions this is not particularly problematic, because voters must confirm their identity at the polling station and can be added as needed at that time. The experience in St. John's has been that many people don't receive ballots in a timely manner, or at all, even though they have confirmed registration or lived at the same address for many years and voted regularly. These people face additional, undue obstacles to voting. In all likelihood many of them do not vote.

While undelivered ballots are the most serious form of inaccuracy, they are not the most visible form. Thousands of ballots are undeliverable, and many delivered ballots silently go to the wrong addresses. The City keeps records of undeliverable ballots, and people notice stacks of ballots showing up in error. As previously mentioned, this creates opportunities for interference with the election, a point that is not lost on the public, being the subject of many social media discussions throughout the election.

To prevent ballots being mailed to the wrong addresses, the City's election report recommends that the City only mail ballots to voters who register online, by phone or in person. This addresses the visible effects of voter list inaccuracy but not the most serious ones. It does not address the problem of registered voters not receiving their ballots. It also creates an additional barrier to voting for many people, reducing accessibility. Further, it raises questions about the City's legal obligation to mail ballots to each eligible voters pursuant to the By-Law.

In a representative democracy, it's incumbent on our elected officials to reduce barriers to voting and ensure accessibility and inclusion. The City should prioritize equal access to a ballot. If ballots are going out in the mail, they should go to as many eligible voters as possible, and not only to the voters who show the most initiative.

Transparency - Call to Action for St. John's City Council:

- Ensure that Vote by Mail procedures, including satellite drop-off centres have the same protections and safeguards that exist at polling stations, including fully empowered scrutineers, clearly delineated roles for election officials, and a prohibition on campaigning near polling stations.

Voter List - Call to Action for St. John's City Council:

- Continue to use provincial data to produce the most inclusive possible voter list.

COUNCIL STRUCTURE

In the City of St. John's, council is made up of five ward councillors, four at-large councillors, the Deputy Mayor and the Mayor, for a total of eleven representatives. Ward councillors are answerable only to constituents of their ward, whereas at-large councillors, deputy mayor and mayor represent all constituents city-wide. Despite the overlapping mandate, these councillors are all elected separately, which requires candidates to choose one of three potential roles in representing the whole city.

The current system is binary, winner-take-all system. Any unsuccessful candidate for the positions of Mayor or Deputy Mayor will not have a seat on council, even if they garnered more votes than at-large candidates. A winning candidate may have less than 50% of the votes if there are more than two candidates, leaving the majority of voters unrepresented. Therefore voter preference may not be reflected in the composition of council.

Other municipalities in the province have alternative structures. One example is that Deputy Mayor would be awarded to the at-large councillor with the most votes. Such a practice could also be adopted for the position of Mayor. However, the Mayor must also be a leader who facilitates teamwork and popularity as an at-large candidate may not necessarily correlate with these skills.

Council Structure - Call to Action for Municipal Councils:

- Further study the current and other potential council structures (i.e. ward and/or at-large councillors) and the method of determining the roles mayor and deputy mayor to determine the best fit for your community.

CAMPAIGN FINANCE

There is an appetite, at all levels of government, across Canada for campaign finance reform. This desire for change has been demonstrated by legislative conversations in provinces such as British Columbia, Ontario, Quebec, and Nova Scotia, calls from advocates and campaign promises in recent elections, and attention to the issue by media, academics, and activists. Conversations regarding municipal campaign finance reform involve themes such as public trust related to donors and spending, barriers to entry for new candidates, and the effect of campaign finance on voter engagement.

Currently, municipal campaign finance in St. John's is governed by legislation at the municipal and provincial level, and initial steps can be taken by St. John's City Council to improve our campaign finance regulations. More specifically, the contribution and expenditure limits, as well as further restrictions on who can contribute to a campaign, can be set at the municipal level, and the City of St. John's can respond to many campaign finance concerns through changes to municipal by-laws.

Reasonable Expenditure Limits

St. John's regulations limit campaign expenditures to \$10,000 plus \$1 for each voter in the constituency (resulting in a limit of between \$22,000-25,000 for a ward, and \$78,000 for city-wide positions) Based on conversations with former campaign managers, and an analysis of past campaign contribution disclosure forms and campaign budgets published and provided by former candidates, in the City of St. John's a ward campaign can function effectively with a \$10-20,000 budget, and a full city campaign (either at-large, mayoral, or Deputy Mayoral) can function effectively with a budget under \$40,000. This would suggest that the expenditure limits are above and beyond what is necessary. It also becomes obvious that, with limits of \$1,000 and \$2,000 respectively, individual and business/union contributions can have a significant effect on a campaign. The existing contribution and expenditure limits can lead to unfair advantages, as well issues of voters trust in regard to impartiality of councillors. Research conducted in Canada, the United States, and the United Kingdom, also indicates that lower expenditure and contribution limits correlate with higher voter turnout and greater number of candidates.

Within the discussion of expenditure and contribution limits also exist concerns regarding who should be permitted to contribute to a campaign. This conversation is

occurring across Canada, with provinces such as British Columbia recently making legislative changes to ban corporate and union donations, and municipal by-laws following shortly behind. The discussion of who should be permitted to contribute to campaigns has many arguments, but in this context we focus on public trust concerns and barriers to entry for new candidates. St. John's and other municipalities in NL have the opportunity to adjust regulations related to union and corporate regulations prior to provincial legislative change, at a time when jurisdictions across Canada and around the world are moving toward allowing only individual contributions in elections.

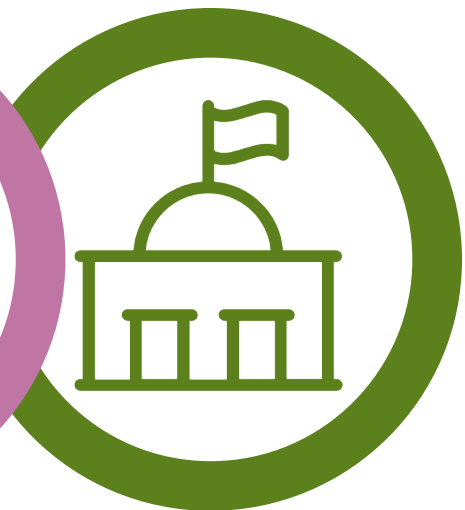
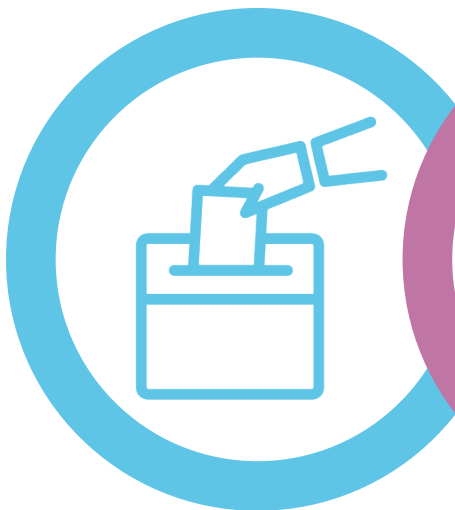
In addition to the concerns regarding contribution and expenditure limits, concerns exist related to disclosure requirements. Currently, candidates are required to disclose campaign contributions within 90 days following an election, and must only swear an oath that they did not exceed the expenditure limit. For those elected, 90 days is a significant length of time in office without publicly presenting their donors, and is well outside the period of time in which the public are interested in news regarding the election. Allowing candidates to simply swear an oath regarding expenditures instead of declaring the actual amount spent and how that money was spent raises concern related to transparency and also related to the ability of new candidates to plan a campaign.

Campaign Finance - Calls to Action for Municipal Councils:

- Reduce expenditure caps based on the real need of campaigns, the effect on barriers for new candidates, and the relationship with voter engagement
- Ban corporate and union donations based on public trust concerns, and barriers for new candidates
- Amend the necessary by-laws to reduce timeline for disclosure of campaign contributions to allow greater transparency of donors
- Amend the necessary by-laws to require disclosure of expenditures in addition to contributions to improve transparency and public trust



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