

ANNUAL REPORT

2014-2015



STRATEGIC PLAN

VISION

Trusted by all Nova Scotians to excel in the delivery of fair and inclusive elections.

MISSION

To serve democracy by delivering provincial elections impartially and professionally.

MANDATE

- Conduct provincial general elections, by-elections and liquor plebiscites,
- Ensure compliance with provincial electoral law including the political financing regime,
- Establish and maintain election-related information, including the Nova Scotia Register of Electors,
- Seek advice and conduct studies related to electoral processes, and,
- Conduct electoral education programs.

VALUES

- Accountability • Collaboration • Inclusivity
- Trustworthiness, professionalism, respect, fairness and objectivity
- Transparency

GOALS

- To conduct quality, cost effective, accessible elections.
- To create and provide quality election information.
- To engage and educate stakeholders in all aspects of the electoral process.
- To assist, seek and enforce compliance with the *Elections Act*.
- To continuously develop individual and organizational effectiveness.

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April 17, 2015

The Honourable Kevin Murphy
Speaker of Legislative Assembly
1st Floor, Province House
PO Box 1617
Halifax, NS
B3J 2Y3

Dear Mr. Speaker,

I have the honour to present the Annual Report of Elections Nova Scotia, in accordance with the *Elections Act*, SNS 2011, c.5, for the period April 1, 2014 to March 31, 2015.

I respectfully request that you submit this report to the House of Assembly as soon as possible during the spring sitting.

Respectfully submitted,



Richard Temporale
Chief Electoral Officer

Enclosure

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MESSAGE OF THE CHIEF ELECTORAL OFFICER

The primary mandate of Elections Nova Scotia is to conduct provincial general elections. Under the *Elections Act*, the Governor in Council may issue the writ of election at any time. Although majority governments in Nova Scotia have historically lasted 36 to 58 months, we must be prepared to deliver a general election when called. In order to be ready for the earliest probable election call, we have targeted April 1, 2016 as our election readiness date, 30 months into the mandate of the current government.

The goal of an election readiness date is to be prepared for the call of an election, i.e., all election processes in place, polling division boundaries reviewed, cartographic products prepared, returning offices selected, voting places identified, contracts with suppliers signed, returning officers and their core staff trained, all materials packed and ready to be shipped, and communications material ready for deployment. Once the April 1st target has been met, ENS will set a subsequent readiness date for the fall of 2016 and we will selectively review what further enhancements can be introduced over that period of time. This plan and review will continue until the provincial general election is called.

As well, if some or all of our recommended amendments to the *Elections Act* are introduced and adopted by the House of Assembly, the implementation phase may very well be an onerous undertaking in achieving our readiness. A single change may affect the tasks performed by one or more election officers or campaign team members. This will almost certainly impact the materials and supplies we have on the shelf ready for an election call. Processes and procedures may have to be carefully updated, manuals rewritten and training materials re-scripted and videos reshot to reflect the changes.

Another principal challenge in maintaining readiness is keeping election officers trained and prepared. We will train the 250 plus people we rely on to deliver the elections in the 51 districts across the province starting in January, of 2016. Returning officers and their staff are committed to delivering the election, but there is a natural turnover of these key staff due to their age demographic, their health and mobility and the prospect of other job opportunities arising for these talented and experienced people. ENS must be ready to continually recruit and train new returning office core staff and be prepared to deliver refresher training if the next general election has not been called by December 31, 2016.

RICHARD P. TEMPORALE
Chief Electoral Officer
April, 2015

ELECTION COMMISSION

Established under the *Elections Act*, the members of the Election Commission advise the Chief Electoral Officer on various questions and issues with respect to the administrative conduct of elections. The Commission is composed of a Chair, appointed by the Governor in Council for a term of 5 years; and 2 persons appointed by the leaders of each registered party with members sitting in the House of Assembly for terms of 2 years.

On December 1, 2014, Vincent J. MacLean was appointed Chair of the Election Commission replacing the outgoing Chair, Michael V. Coyle. As a member of the legislative assembly, Mr. MacLean represented the riding of Cape Breton South from 1974 until 1993 serving terms as speaker for the assembly from 1974 to 1976, Minister of Lands and Forests and Minister of Environment, and Leader of the Liberal Party in 1985 and again from 1986 to 1992. He also served as Mayor of Sydney.

CHAIRPERSON: VINCE MACLEAN

PROGRESSIVE CONSERVATIVE PARTY	NEW DEMOCRATIC PARTY	LIBERAL PARTY
KEITH BAIN	DON FRASER	SUSAN E. HAYES
CAMERON MACKEEEN	JILL HOULIHAN	CHRIS MACINNES



LOOKING BACK

STRATEGIC PLAN

After the 39th Provincial General Election held in October, 2013, and before launching preparation for the 40th Provincial General Election, Elections Nova Scotia (ENS) undertook a review, updating and modernizing its Strategic Plan.

ENS sought input from stakeholders including all head office staff, returning officers and other election officials, political parties, and the Election Commission.

The plan covers the vision, mission, mandate and values of ENS and identifies five organization goals. Measures were then identified for each of these goals and ENS will be reporting on these measures in future annual reports to the House of Assembly. (See inside front cover)

ENS uses the plan to ensure all projects and programs fit the strategic vision and priorities.

CONSULTATION ON PROPOSED LEGISLATIVE CHANGE

The 39th Provincial General Election (PGE) that was held on October 8th, 2013 was the first provincial election that was held since the *Elections Act* (the “Act”) was rewritten in 2011.

As there were significant changes to the administration of the election, ENS used several methods to assess the administration of the election. ENS invited experts from other electoral management bodies from across Canada to observe and report on the 39th Provincial General Election. ENS also reviewed the compliance of its forms and procedures to the requirements of the *Act*, investigated all reported breaches of the *Act* and reviewed the issues and complaints from the event.

ENS INVITED EXPERTS FROM OTHER electoral management bodies from across Canada to observe and report on the 39th Provincial General Election

After the election, ENS sought input from electors, a full range of election officials, candidates, official agents, parties, suppliers and other electoral stakeholders. From these lessons learned the Chief Electoral Officer (CEO) reported on the conduct of the election. The reports incorporated a number of recommendations, including recommendations for legislative change.

In preparation for the legislative changes, ENS sought advice and input from the Election Commission (EC) on all aspects of the legislative changes to the *Act*. The CEO subsequently modified a number of recommendations. In addition, the CEO offered to present the key changes to all party caucuses and the independent member of the Legislature. The CEO has considered the input from the two party caucuses to whom presentations were made and the independent member of the legislature with whom staff had discussions and received feedback.

LOOKING BACK

INVENTORY MANAGEMENT PROGRAM

ENS identified the need for a computerized inventory management program to categorize and account for consumable election assets. The key requirements for this program included the ability to create packing lists, accurately identify inventory held at ENS warehouse, version control for publication and forms and material costing at the returning office level.

The Wedge Advanced Software Product (WASP) Inventory program meets these requirements and allows ENS the ability to instantly and accurately view warehouse holdings, create kits for polls and packing lists for shipments. The program is utilized by other provincial electoral agencies and their positive experience with WASP was a contributing factor in ENS' decision to adopt it.

THE WEDGE ADVANCED SOFTWARE PRODUCT (WASP) Inventory program meets these requirements and allows ENS the ability to instantly and accurately view warehouse holdings



LOOKING BACK

DESTRUCTION OF ELECTOR INFORMATION

By statute, Elections Nova Scotia provides elector information to municipalities for their municipal election under agreements that require municipalities to safeguard the data and to certify that the data has been used only for election purposes. The municipalities must require candidates and service providers to provide assurances in writing that all electoral information is destroyed after the election.

During the 2012 municipal election, Halifax Regional Municipality (HRM) contracted a leading elections software and service provider who subcontracted some data processing. The data processing company provided mailing address data cleansing on the HRM voters list. The subcontractor was not informed of the data destruction requirement and held the elector information on its secure servers until January, 2015.

The Chief Electoral Officer was informed by election officials at HRM of a breakdown in the protocol for the destruction of elector information used for the 2012 municipal election. The CEO immediately notified the Privacy Officer regarding the issue.

When HRM officials learned that the data was still held by the subcontractor, they ordered the data destroyed immediately and asked for certification that destruction had taken place by both the contractor and the subcontractor. HRM also informed ENS of the situation.

Elections Nova Scotia contacted the subcontractor directly and asked for and received certification of the destruction of all Nova Scotia elector data.

THE SAFEGUARDS PUT IN PLACE to certify destruction of elector data were contravened

The ENS investigation supported HRM's belief that there was not a breach of security and the Privacy Officer agreed with the assessment. However, the safeguards put in place to certify destruction of elector data were contravened.

It is important to stress that there is no evidence of a privacy breach. However, ENS is concerned that measures in place to protect personal information provided by Elections Nova Scotia to municipalities, have proven inadequate.



LOOKING BACK

DESTRUCTION OF ELECTOR INFORMATION (CONTINUED)

In the ENS Annual Report for 2011-12, the CEO pointed to the fact that under the *Elections Act*, electors' personal information is provided for electoral purposes only to registered parties, candidates, independent MLAs, municipalities, and school boards. The 2012-13 Annual Report included an account of security and privacy that details our data protection procedures: "senior staff accountability, control of storage devices, limited access, authentication systems, staff training and a culture of privacy and security." Digital material provided to municipalities and others for electoral purposes are both encrypted and password protected.

However, the report also pointed to where we are vulnerable. Once ENS releases data to parties, candidates, municipalities and school boards under the provisions of the *Elections Act* or the *Municipal Elections Act*, ENS loses control over the handling and sharing of the files and, therefore, the assurances that all copies, printed and electronic, have been systematically accounted for rests with those with whom ENS has a data sharing agreement.

ENS staff will conduct a review of current procedures, the recommendations of the privacy officer, and best practices of other electoral agencies and will recommend further means to improve the procedures and ensure the protection of the personal information extracted from the Register of Electors.



LOOKING BACK

COMPLIANCE

Efforts are made by Elections Nova Scotia to ensure compliance with provisions of the *Elections Act* include ongoing communication, training, publications, and postings on the ENS website. In spite of these efforts, compliance issues arise from time to time. In order to ensure transparency, ENS tracks and reports on missed deadlines and other compliance issues.

In October 2014, two compliance agreements were signed. In September 2013, the official agent for the New Democratic Party's candidate Cecil Snow accepted an ineligible transfer from Northside Westmount, a non-registered Electoral District Association (EDA). Mr. Nick Douglas had no authority to accept contributions from a non-registered EDA or to make a transfer from the EDA to the campaign.

As a result, two compliance agreements were signed by Mr. Douglas, who was the Official Agent for both the Candidate and the EDA.

DISPOSITION OF ELECTIONS ACT BREACH

During the 39th Provincial General Election in October 2013, two individuals photographed their ballot and published their photos on social media. Both were asked to take them down citing *Elections Act* provisions. Neither complied. The offences were then referred to the RCMP for investigation. Both electors were offered compliance agreements. One accepted; the second refused claiming freedom of expression guarantees of the Charter.

Subsequent to the RCMP investigation of the second elector, the file was passed on to the Public Prosecution Services (PPS). The PPS declined to prosecute the offence in the belief that conviction was unlikely.

Elections Nova Scotia has since recommended legislative amendments to the Act to strengthen voter privacy safeguards and reduce the possibility of coercion or vote-buying demanding voters to provide proof of how they voted.

ELECTIONS NOVA SCOTIA HAS SINCE recommended legislative amendments to the Act to strengthen voter privacy safeguards

While the House of Assembly may act on this recommendation and strengthen the safeguards against capturing an image of how one voted, it will remain a challenge to police current and emerging social media and web-based technology.

LOOKING BACK

OBSERVATION OF OTHER GENERAL PROVINCIAL ELECTIONS AND CONFERENCES

Chief Electoral Officers often invite observers to attend a visitors program held in association with their general elections. These programs are opportunities to see first-hand the innovations and implementation of electoral administration during the most intense period of the election for the election management body. It is also an opportunity to share best practices with electoral administrators from across the country who are in attendance.

QUEBEC PROVINCIAL ELECTION

The Chief Electoral Officer of Quebec (Le directeur général des élections du Québec, or DGÉQ) invited observers to attend a visitors program held in association with the Quebec Provincial Election of April 7th.

Best practices learned from this observation and discussion with other electoral officials will be applied to our approach to university and college campus voting for the next provincial election.

ONTARIO GENERAL ELECTION

A staff member attended Elections Ontario's Observer Program for their 41st provincial general election held in June 12th. Of particular interest was Elections Ontario's processes and procedures for the counting of thousands of special ballots at head office on election night. The programs they have developed over the course of the past two general elections resulted in an orderly and efficient counting of ballots. Discussions are underway to adapt their methodologies to the Nova Scotia environment in advance of the 40th provincial general election.

"When I judge the success of an election event," said Greg Essensa, Chief Electoral Officer, Elections Ontario, "I ask myself, did we make it easy to participate in the electoral process? By that measure, the 2014 general election was decidedly a success."

NEW BRUNSWICK GENERAL ELECTION

In recent years, Elections New Brunswick has been viewed by colleagues in field of electoral administration as a leading innovator of electoral process improvement. Every electoral agency in Canada save one, was present during New Brunswick's September 22nd, 2014 general election to observe their processes and procedures.



This election will be remembered for the failure of a minor backend software program successfully used in past elections. The program corrupted the poll results being sent from the field to Elections New Brunswick which forced the Chief Electoral Officer to stop streaming live election night results to the media well into the next morning. This caused a communication conundrum with national news exposure. The repercussions of this minor glitch serve as an important reminder to vigilantly test all aspects of the event's delivery system and to communicate quickly and decisively to all stakeholders when a problem of substance surfaces.

Overall, observers from Elections Nova Scotia witnessed a solidly run election and came away with a number of ideas for potential improvements to consider.

ELECTIONS BRITISH COLUMBIA WORKSHOP

In June 2014, Elections Nova Scotia participated in a recruitment and training workshop in Victoria, BC. The main focus of the workshop was to discuss challenges election offices experience in recruiting election workers.

All jurisdictions experience challenges in recruitment of election workers, especially at the polling locations. Incentives to encourage people to apply for these positions and outreach procedures were shared and discussed.

CANADIAN CONFERENCE OF ELECTION OFFICIALS (CCEO)

Once a year the CCEO is held to share events of the past year, educate and exchange knowledge among senior administrators of Canadian election management bodies. In July, 2014 that meeting was held in Winnipeg. The main focus of the meeting was electoral compliance with presentations on regulating parties and privacy, privacy management, and the regulatory framework.

COUNCIL ON GOVERNMENTAL ETHICS AND LAW (COGEL)

COGEL is a professional organization for government agencies and other organizations working in ethics, elections, freedom of information, lobbying, and campaign finance. The 2014 annual conference took place in Pittsburg, PA, December, 2014. ENS's Director of Electoral Finance, who is also on the board for the COGEL International fund, attended the conference.



LOOKING AHEAD

COVERAGE OF THE NOVA SCOTIA REGISTER OF ELECTORS

Currently, the Nova Scotia Register of Electors includes information of 743,739 eligible electors with a total coverage of 95.5% of the electors in Nova Scotia. Elections Nova Scotia has captured more than 90% of the electors who are 30 years or older, but has not been as successful with the younger age groups especially those who are 18 and 19 years old.

REACHING OUT TO FUTURE VOTERS

In the 2013 Provincial General election, 57% of the electors aged 18-24 were included in the Nova Scotia Register of Electors compared to more than 95% of the electors older than 34 years of age.

Reaching and registering young Nova Scotians who have not voted in a provincial election is difficult. In 2011, the House of Assembly made provision in the *Elections Act* that authorizes Elections Nova Scotia to gather and maintain information about 16 and 17 year olds who would qualify as electors when they become 18 years of age. As well, it calls for Elections Nova Scotia to be provided the personal information held by a public body as required to add, revise, or update electors on the Register of Electors.

ONCE HIGH SCHOOL STUDENTS GRADUATE and leave their family home to work or for post-secondary education, it is very difficult to reach them for registration purposes.

Once high school students graduate and leave their family home to work or for post-secondary education, it is very difficult to reach them for registration purposes. Elections Nova Scotia, with the cooperation of the Department of Education and Nova Scotia School Boards, has devised a program to

reach students in Nova Scotia schools who are currently 16 years of age or older in anticipation of adding them to the Register of Electors when they become eligible.

The intent of the program is to address the large gap between electors 18-24 years of age and older Nova Scotian electors.

Elections Nova Scotia will communicate to students, parents and teachers about the pre-registration program starting in fiscal 2015-16.

Working with the Springtide Collective, a non-profit, non-partisan organization dedicated to reconnecting Nova Scotians with the democratic process, ENS will produce two videos in the style of Springtide's 3-minute citizen series.



The videos describe the program as an important “rite of passage” for the students involved. The first video, aimed at students, indicates that they do not have to do anything to participate and that they may opt out if they choose. The second video provides information on the program to parents, teachers and school administrators.

Once they turn 18, ENS will send potential electors a birthday card which will also serve to verify the information we have on record before they are entered into the Register of Electors.

Age Range	Estimated NS Population*	Registered Electors	Estimated Coverage
18 years	11,386	4,443	39.0%
19 years	11,665	7,222	61.9%
20 to 24 years	62,872	45,658	72.6%
25 to 29 years	58,672	52,570	89.6%
30 to 34 years	56,400	53,475	94.8%
35 to 39 years	56,637	54,933	97.0%
40 to 44 years	61,257	60,143	98.2%
45 to 49 years	66,761	64,577	96.7%
50 to 54 years	78,548	78,596	100.1%
55 to 59 years	75,189	75,111	99.9%
60 to 64 years	66,686	67,473	101.2%
65 to 69 years	59,256	60,605	102.3%
70 to 74 years	41,574	42,606	102.5%
75 to 79 years	29,636	30,656	103.4%
80 Plus	42,331	45,673	107.9%
Total	778,870	743,739	95.5%

* Source : Statistics Canada, Table 051-0001 Estimates of population, by age group and sex for July 1, 2014. The figures from the National Household Survey are estimates and not counts, and thus may be higher or lower than the true figure. This results in a distortion of the percentage of electors presenting totals greater than 100%

* Source: Nova Scotia Register of Electors as of November 2014



LOOKING AHEAD

RETURNING OFFICER VACANCIES AND RENEWAL

ENS is facing significant attrition following the 39th PGE due, in part, to our aging workforce. Thirteen electoral districts are currently without returning officers. A recruitment plan is in place. Vacancies will be advertised in early April 2015 and these ads will be followed by information sessions to be held in four strategically located provincial locations. The information sessions will include an overview of Elections Nova Scotia and its role in election administration followed by a question and answer period for prospective candidates.

Completion of an on-line application form will be a mandatory part of this merit-based hiring process. Closing date for applications will be May 8, 2015.

The preliminary stages of the interview process will be conducted across the province. Final interviews will be held at ENS headquarters in June 2015. Successful candidates will be notified and will participate in an official induction ceremony. An orientation program for new returning officers is scheduled for September 2015 and will be followed by election-related training for all returning officers in January 2016.

NEW ICTS AGREEMENT ON INFRASTRUCTURE

To optimize the budget spent on equipping the returning offices, Elections Nova Scotia entered into an agreement with the Information and Communication Technology Services (ICTS) of the Internal Services Department, where within 18 months from equipment purchase, ENS may call upon ICTS to act as a broker and identify other provincial departments interested in buying the computers at 50% of the original purchase price.

This ensures that no computers will stay unused and shelved beyond a year and half but will be made available to others working for the province for use while the technology is still current. This agreement may result in savings of more than \$100,000 for the Province of Nova Scotia.



LOOKING AHEAD

PREPARING FOR BUSINESS CONTINUITY

The Business Continuity Management Program (BCM) works to ensure that government departments and agencies can maintain operational resilience – continuity of critical business functions.

Elections Nova Scotia, like most public and private organizations, has challenges in common with others as well as those unique to its operations. Between elections, ENS can maintain operations and tolerate a higher level of service disruption than in the period leading to an election. During an election, there can be very little tolerance for disruption. As well, except during an election, ENS is a small group located in the Halifax headquarters adjacent to a warehouse of material to run an election. During an election, ENS has an additional 51 offices scattered around the province, up to 2,000 voting locations and an additional 6,000 election workers.

Working with the Business Continuity team at Internal Services, ENS is developing a business continuity plan that identifies potential threats and measures the impacts to operations between and during elections. This plan provides for building an effective response to safeguard the ability to deliver on the ENS mandate and mission.

ENS IS DEVELOPING A BUSINESS CONTINUITY plan that identifies potential threats and measures the impacts to operations between and during elections

A business continuity plan is not a static document. It is a continual assessment of potential threats to operations and preparation to mitigate those threats and a path to recovery. It requires working as a team, training and exercising to test preparedness annually.

As ENS prepares for election readiness, business continuity will be a constant consideration.



LOOKING AHEAD

eLEARNING TRAINING FOR ELECTION WORKERS

Elections Nova Scotia has entered into an agreement with the Nova Scotia Community College to develop an eLearning module for poll clerks working at the polls on election day.

This program should improve consistency in the manner in which returning officers train poll clerks. If this module meets our expectations, others for the positions of deputy returning officer and supervising deputy returning officer will be developed. These modules would be designed to incorporate the principles of adult learning and would be available to workers on the ENS' website as a refresher tool to support the classroom instruction provided.



LOOKING AHEAD

POLITICAL FINANCING REGIME REVIEW

Many of the provisions in the *Election Act* are in place to provide transparency regarding activities of the political entities, including registered parties, candidates, electoral district associations and third parties. Limits have been established for revenue and expenses. Also, there are strict rules regarding who may contribute to the entities involved in the political arena in Nova Scotia and limits on those contributions. The focus of the Electoral Finance regime over the next fiscal year will be on gaps that might still exist.

One such area left to be examined is the rules or absence of rules regarding contributions to party leadership contests and reporting of contributions and expenses related to those contests.

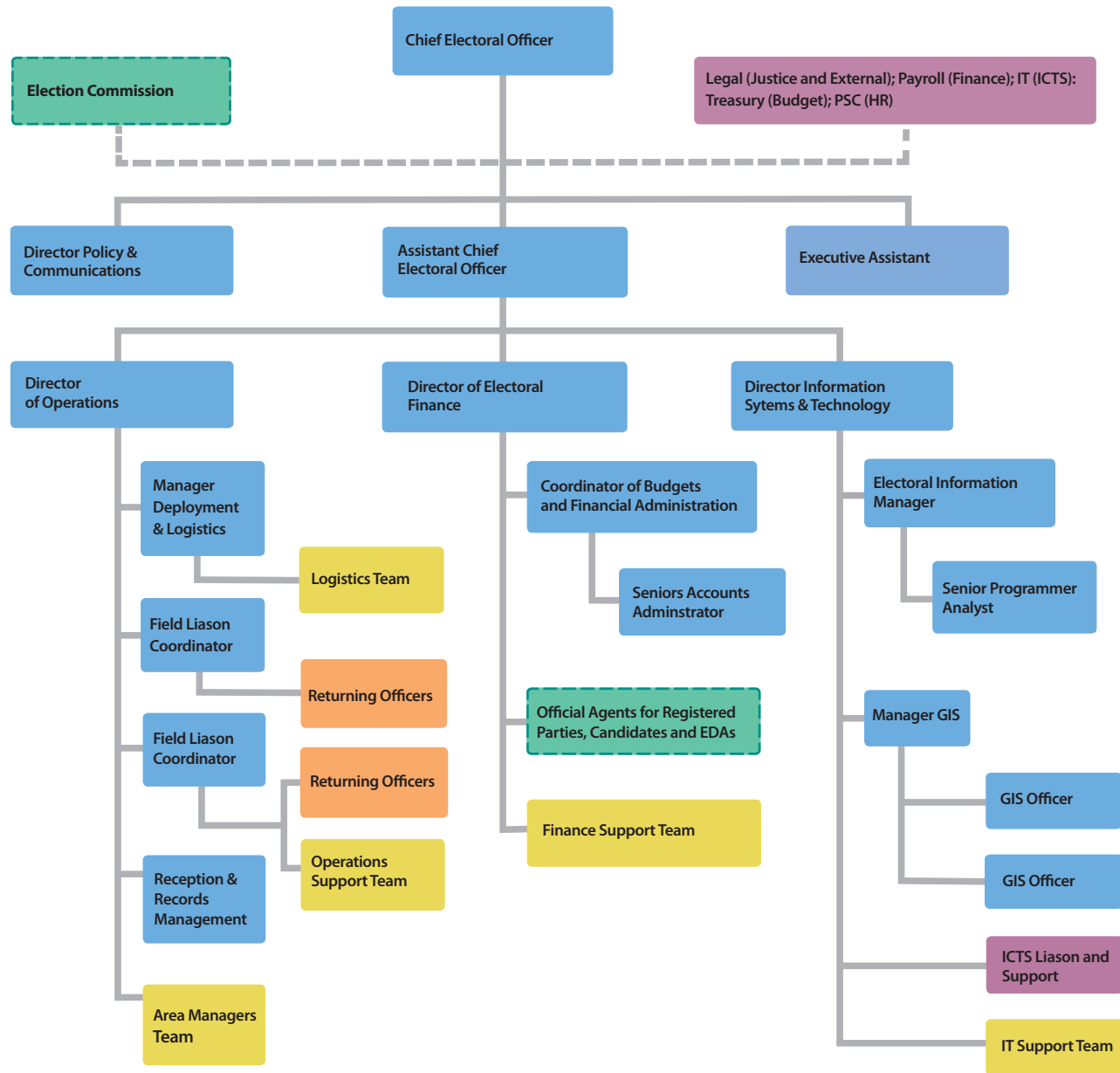
The federal model requires full reporting for individuals who are vying for a nomination as a leader of a registered party. There are also limits established for contributions, who is permitted to contribute and disposal of excess contributions at the end of these contests.

To date, the registered parties in Nova Scotia themselves have set the rules to govern the financing of their leadership contests. ENS plans to engage the Election Commission and other key stakeholders in studying the establishment of rules for leadership contests within the Nova Scotia context with a view to releasing a report in 2017 and introducing a leadership contest finance regime following the next provincial general election.

Among the questions to be asked are: should contributions to these contestants be eligible for tax receipts; will contributions to these contestants be counted toward the annual limits for contributors; should spending limits be established; should a contestant be permitted to get a loan to cover the costs; and should there be a requirement for the parties to report expense associated with these contests and, if so, should the contents of these reports be available for public review?



ELECTIONS NOVA SCOTIA ORGANIZATION CHART



- Full Time Employee
- Event
- 51 Returning Officers
- Political
- Government Support