



Elections New Brunswick



Annual Report 2019–2020



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Cover Photo: Elections NB was pleased in 2019 to host the annual Conference of Canadian Election Officials held in St. Andrews.

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September 24, 2021

Mr. Shayne Davies
Clerk of Legislative Assembly
Legislative Building, Centre Block

P. O. Box 6000
Fredericton, NB
E3B 5H1
Canada

Dear Mr. Davies,

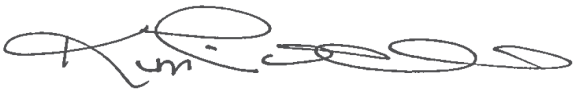
I have the honour of presenting the Annual Report of Elections New Brunswick for the period April 1, 2019, to March 31, 2020.

The delay in the release of this report was impacted by the arrival of the pandemic to our province, which led to the temporary closure of our offices, combined with the demand on human resources to administer back-to-back province-wide elections.

I respectfully request that you forward this report to the members of the Legislative Assembly.

Sincerely,

Kimberly A. Poffenroth

A handwritten signature in black ink, appearing to read 'Kimberly A. Poffenroth', written in a cursive style.

Chief Electoral Officer

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Message from the Chief Electoral Officer

Unprecedented and unforgettable are two words that immediately come to mind when summarizing the events that are covered in our 2019-2020 Annual Report.

For the first time in Elections New Brunswick's history, we saw the government take the unprecedented action of passing legislation postponing scheduled elections due to arrival of the COVID-19 virus in Canada.

While the May 2020 local elections were ultimately postponed because of the pandemic, during the time frame covered by this report our Office had already expended significant effort enhancing awareness of the important positions that were to be contested in these elections.

An important project completed during this fiscal year was the release of the results of an extensive review of the legislation that sets out the electoral processes that we administer. In June 2019, we tabled our discussion document *Modernizing New Brunswick's Electoral Legislation* with the New Brunswick Legislature.

The discussion document contained 108 recommendations aimed at enhancing voting procedures and aligning the rules related to political financing with today's modern electoral realities. In early 2020, the process of drafting a memorandum to executive council seeking legislative direction on amendments for consideration was well underway.

I was also pleased that New Brunswick hosted the 2019 Conference of Canadian Election Officials. We selected scenic St. Andrew's by-the-Sea as the backdrop for this annual conference which brings together the chief electoral officers and supporting staff from across the country to discuss topics of mutual interest and concern.

I continue to be very proud of the dynamic and professional team I am honoured to work with at Elections New Brunswick.

This year's annual report highlights efforts undertaken over the past fiscal year to reach targets identified in our 2018-2027 strategic plan.



Kimberly A. Poffenroth
Chief Electoral Officer



Overview

During fiscal year 2019-2020, our Office focused its attention on addressing action items in our *Strategic Plan 2018-2027*. As mentioned in the last annual report, the election of a minority government in September 2018 forced us to concentrate our efforts on operational challenges, given the uncertainty of when the next provincial general election might occur.

The work included an extensive examination of the three pieces of legislation which set out our mandate and the processes for the conduct of the elections that we administer – the *Elections Act*, the *Municipal Elections Act* and the *Political Process Financing Act*. The review was identified as an important goal in our strategic plan, with the intended outcome being increasing the efficiency and effectiveness of our electoral processes. The discussion document that emerged from this exercise is highlighted in greater detail in the section on activities related to our strategic goals. This work resulted in the publication and release in June 2019 of the discussion document, *Modernizing New Brunswick's Electoral Legislation*.

We also made progress during this fiscal year in aligning our organizational structure to the mandate, vision and strategic goals of the organization. With the support of the Government of New Brunswick's Office of Strategic Management, the Assistant Chief Electoral Officer led a staffing-to-demand exercise with the objective of evaluating the core job functions of each Elections New Brunswick employee, the time requirements of each function and the appropriate placement of those duties within a realigned organizational structure.

Fiscal 2019-2020 also saw us begin the planning and preparation for our next major electoral event, the municipal council, district education council and regional health authority board elections, which were scheduled for May 11, 2020. As referenced in the message of the Chief Electoral Officer, we would learn in March 2020 that those elections were postponed with the arrival of the COVID-19 pandemic in Canada.

Who We Are

Elections New Brunswick is the election management body responsible for the administration and oversight of provincial elections and municipal elections, including by-elections. We also oversee the election of district education councillors and regional health authority board members, as well as any government ordered plebiscites or referendums.

The Chief Electoral Officer is an independent Officer of the New Brunswick Legislative Assembly, who administers elections to ensure that they are fair and free of political influence as set out in the *Elections Act*. In addition, the Chief Electoral Officer holds the position of Supervisor of Political Financing and oversees compliance with the *Political Process Financing Act* and the *Transparency in Election Commitments Act*. The Chief Electoral Officer is also the Municipal Electoral Officer, and as such is responsible for all elections and plebiscites conducted under the *Municipal Elections Act*. As an officer of the

The Chief Electoral Officer is an independent Officer of the New Brunswick Legislative Assembly, who administers elections to ensure that they are fair and free of political influence as set out in the *Elections Act*.

Legislative Assembly of New Brunswick, the Chief Electoral Officer must be non-partisan and may not vote in any election, except for federal elections.

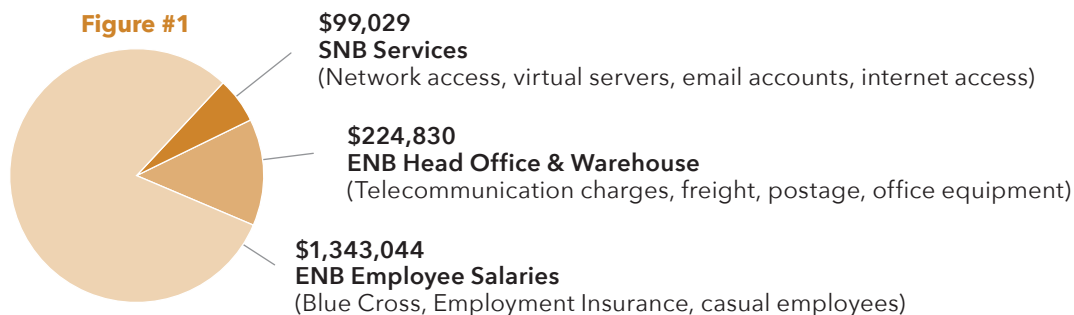
Elections New Brunswick has a full-time staffing compliment of 16, including the Chief Electoral Officer, with its corporate office located in Fredericton. The Chief

Electoral Officer is supported in fulfilling her legislated duties by two Assistant Chief Electoral Officers, one of whom is responsible for overseeing electoral processes and activities and one of whom is responsible for overseeing the political financing activities.

Financial Summary

Elections New Brunswick submits its annual operating budget to the Legislative Administration Committee (LAC) for approval. Funding for the costs of administering electoral events are submitted at the same time but are treated as an expense over and above our annual operating expenses.

Our annual operating budget for fiscal 2019-2020 was \$1,666,903.42, the majority of which covers the annual salaries and benefits of 16 full-time employees (see Figure #1).



In fiscal 2019-2020, Elections New Brunswick was authorized to spend \$1,923,864.42 for ongoing election readiness for an unscheduled provincial general election. Another \$1,680,000.00 was approved to begin preparations for the May 2020 municipal, district education council and regional health authority board elections. We would find out near the end of March that the elections would be postponed with the arrival of COVID-19 in New Brunswick.

In addition, the administration of municipal by-elections held on May 6, 2019, cost \$333,226, slightly over the budgeted \$239,000.00 requested.

Electoral Events

With municipal council, district education council and regional health authority board elections scheduled for May 2020, much of fiscal 2019-2020 was focused on preparing for those province-wide elections. As in previous years, Elections New Brunswick took an active role in raising early awareness of these approaching elections and spearheaded a campaign launched late in December 2019 to encourage individuals to consider running as a candidate for these important positions.

We worked with a local marketing agency to create a campaign for the May 2020 elections. The slogan “Local Choice-Local Voice” was selected to drive home the important role that these elected positions have in the

local decision-making process. We opted to focus our promotional efforts for these elections using social media, along with a robust speaking tour.

As noted in the message of the Chief Electoral Officer, the Legislative Assembly of New Brunswick made the decision on March 17, 2020, to postpone the May elections to an undetermined, future date.

On May 6, 2019, municipal by-elections were held to fill vacancies in Beaubassin East, Bertrand, Blacks Harbour, Campobello Island, Florenceville-Bristol, Hanwell, Le Goulet, Pacquetteville, Riviere Verte, Saint John, Sainte-Marie-Saint-Raphael and Salisbury. In addition, the

Minister of Environment and Local Government requested a plebiscite be held to determine the level of support in the surrounding local service districts and parishes for the establishment of a rural community with the village of Rogersville.

In these by-elections, the following positions were filled by acclamation: one councillor in Bertrand; one councillor

in Paquetville; mayor of Sainte-Marie-Saint-Raphaël; one councillor (Ward 4) in Beaubassin East; and one councillor in Rivière-Verte. One vacancy for a councillor in Salisbury remained unfilled, as no candidates filed nomination papers prior to the nomination deadline. The plebiscite question presented to the residents of the local service districts in the area surrounding Rogersville was defeated.

Political Financing

Led by the Assistant Supervisor of Political Financing, the political financing branch takes the lead on behalf of the Supervisor of Political Financing in ensuring compliance with the political financing regime set out in the *Political Process Financing Act*.

During the fiscal year covered in this report, the Assistant Supervisor of Political Financing contributed significant time and effort towards the development of the discussion document *Modernizing New Brunswick's Electoral Legislation*, referred to in the "Overview" section.

In May 2019, the political financing branch completed its examination of spending irregularities of a candidate for

the 2016 Progressive Conservative Leadership race. This work resulted in guilty pleas being entered for violations of campaign donation rules.

In October 2019, the Supervisor took the unusual step of delaying payment of the annual allowance installment to three registered political parties until they complied with their obligation to file their 2018 annual financial returns, which were overdue.

In addition to the Assistant Supervisor of Political Financing, the political financing branch consists of one permanent employee and one seconded employee.

Geography & Mapping

Every new house, street or subdivision that is built in the Province must be tracked by the geography branch at Elections New Brunswick. Electors living at these new addresses are assigned to a specific polling division, which during an election, determines the contests for which they are eligible to vote and where they go to vote.

The geography and mapping section also update maps on the website, as required, to reflect any changes that impact the boundaries of electoral regions.

The geography and mapping branch consists of two permanent employees.

New Brunswick Voter Information Services

The register of electors is a permanent list containing the surname, given names, gender, civic address, and mailing address of all New Brunswickers who are qualified to vote in provincial and municipal elections, as well as referendums and plebiscites.

Under the *Elections Act* and the *Municipal Elections Act*, Elections New Brunswick uses the information in the register of electors to create lists of electors (voters lists) at the beginning of an electoral event that are required to enable voting and used by candidates for campaigning

purposes. Annually, each elected member in the Legislative Assembly is provided with a copy of the list of electors for their respective electoral district on or before March 31, and to each registered political party on request.

Elections New Brunswick uses various data sources, shared through agreements with other government agencies, to

continually update the New Brunswick Voter Information Services program to improve the accuracy of the registry.

The Registry is managed by one employee, with a budgeted position for a junior programmer.

Operations

Elections New Brunswick is headquartered in Fredericton and currently operates out of three buildings, one office location and two warehouse locations where election materials are stored and assembled in preparation for the next election.

With the guidance of senior management, the Director of Operations coordinates all procurement, finance and administration, information technology and warehousing activities for Elections New Brunswick.

The operations branch consists of six permanent employees.

Communications and Outreach

The communications and outreach branch is responsible for the creation and deployment of the various communication strategies and identifying emerging platforms that are used to share important election related information with electors.

In between electoral events, the branch seeks out opportunities to engage with stakeholder groups and

organizations that represent electors who face unique barriers in voting to determine what additional information or supports could be made available for assisting those electors.

The communications and community outreach branch consists of one permanent employee.

Activities Related to Strategic Goals

Elections New Brunswick's vision is guided by six strategic goals, which include specific actions identified as opportunities to support the democratic process by providing innovative electoral services to New Brunswickers.

As indicated by the Chief Electoral Officer earlier in this annual report, 2019-2020 saw the release of a significant discussion document, *Modernizing New Brunswick's Electoral Legislation*. It contained 108 recommendations for amendments to the three primary pieces of legislation that guide the administration of our elections. The Chief Electoral Officer, along with her two Assistant Chief Electoral Officers appeared before the Standing Committee

on Procedure, Privileges and Legislative Officers on June 4, 2019, to present the discussion document and answer questions.



Some of those recommendations address actions included in our six strategic goals, which are elaborated on in greater detail below.

1. Encourage voter engagement

The goal of encouraging greater voter engagement is not limited to just those individuals who are already eligible to vote. Election management bodies (EMB) across Canada have developed a variety of tools to increase civic engagement of target groups. Elections New Brunswick has made changes and has proposed changes to encourage this engagement and to facilitate the voting process for all voters.

- a. Increasing the accuracy and completeness of the register of electors can be supported by collecting the information of individuals prior to them reaching the legal voting age of 18. As part of the discussion document released this fiscal year, Elections New Brunswick recommended the creation of a register of future-electors.
- b. As part of our commitment to support partners in delivering civics education, Elections New Brunswick was a member of a sub-committee of the Secretariat for Electoral Coordination (SEC) tasked with the development of a civics' education resource package. The scope of the project entailed the writing and design of videos, as well as an educator guidebook which described the roles and responsibilities of Canada's three levels of government. These new resources target future voters (15-17-year old's) and are intended to be used primarily in classroom by educators.



- c. A second SEC sub-committee which Elections New Brunswick participated in collaborated on the creation and design of a brochure for new Canadian citizens. It provided a high-level overview of the eligibility requirements for voting and the roles of elected officials at each level of government.

- d. Informing and providing electors information on the electoral process is another aspect of this strategic goal. In preparation for the May 2020 local general elections, Elections New Brunswick worked with its election management services provider to enhance the multiple-contest ballot used in those elections. Specifically, the contests for district education councils (DEC) were merged on to one ballot. In previous local general elections, the contests for Anglophone and Francophone DEC candidates were separated, requiring two different ballots styles to be available for each elector from which to choose. The purpose of this change was to eliminate the confusion which frequently arose amongst election workers and electors regarding for which contest an elector wished to receive a ballot, and to reduce the opportunities for an elector to receive an incorrect ballot.
- e. As part of proposed amendments to the *Municipal Elections Act*, the discussion document included a recommendation to conduct electoral events held between municipal general elections (by-elections or plebiscites) using a vote-by-mail process only.



- f. We moved a step closer in 2019-2020 to providing electors with the option to “vote anywhere” at any polling station with the issuing of a tender for a technological upgrade involving our voter registry strike-off system. Outdated netbook computers were replaced with Poll Pads (iPads with custom software) that had wireless connectivity, allowing for real-time strike off of any registered elector in the province. Providing a solution that allows for any ballot style to be printed at any polling station on demand, remains a logistical challenge.

We did not achieve our goal of developing and launching an online voter registration portal; however, a comprehensive private impact assessment was completed in fiscal 2019-2020.

2. Improve services to political parties

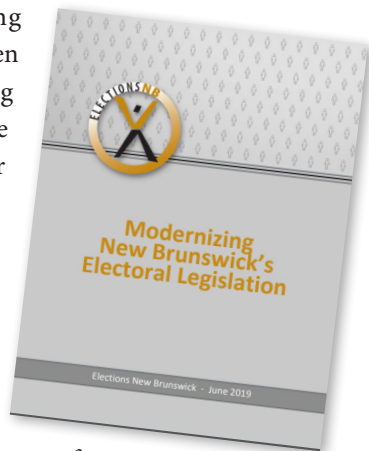
Thirty-nine of the recommendations contained in the discussion document dealt specifically with proposed amendments to the *Political Process Financing Act*. Many are intended to make it easier for political parties and other political entities to navigate and understand the rules with which they are expected to comply.

- The update to our voter strike-off system, referred to above, has the capacity to allow us in the future to offer candidates access in real-time to a list of electors that have voted, rather than having to rely on collecting paper-based lists from every polling station.

3. Increase efficiency and effectiveness of electoral processes

The *Modernizing New Brunswick's Electoral Legislation* discussion document also addressed several action items identified in our goal of increasing Elections New Brunswick's efficiency and effectiveness.

- a. The document included a key recommendation to abandon the current political appointment of returning officers and election clerks in both provincial and municipal elections in favour of a merit-based, competitive hiring approach. It went even further, by calling for the repeal of the requirement for returning officers to appointment partisan political nominees to polling official positions.
- b. The document proposed other significant amendments to the three pieces of legislation that are the foundational pillars to our mandate to conduct free and fair elections, to facilitate compliance with electoral laws, and to advance public confidence in and awareness of the electoral processes.
- c. Elections New Brunswick engaged an outside vendor to help streamline the payroll process for election workers hired to work at returning offices during an election period. The payment system allowed for time sheets and expenses for casual workers to be submitted



electronically, eliminating a paper intensive process at the field level. The program still requires manual input at head office as it was not compatible with the government's payroll database.

4. Increase employee satisfaction

The task of aligning our organizational structure with our mandate, vision and strategic goals continued in fiscal 2019-2020. As part of achieving his Lean Six Sigma "Green Belt" certification, the Assistant Chief Electoral Officer undertook a project to formalize the organizational changes identified in the initial staffing-to-demand exercise started in 2018-2019.

- a. Elections New Brunswick created the new position of Warehouse Manager and filled the position in 2019-2020. Certain procurement duties previously handled by the Director of Operations were transferred to the Warehouse Manager. In addition, a full-time position of Warehouse Storekeeper was created to assist with receiving, storing, and delivery of materials at our two warehouses.



- b. An opportunity to foster employee professional development comes through our participation in the annual Conference of Canadian Election Officials. Elections New Brunswick was pleased to host the event in 2019 and worked with the SEC to build an exciting and informative agenda that touched on current issues of interest to electoral management bodies. Our role as the host province also provided an opportunity to include our entire staff in some of the social networking opportunities.
- c. Geographic information systems (GIS) are used to design and update the maps which are critical to the effective and efficient delivery of any election. These systems are evolving quickly, making it important for Elections New Brunswick to keep current with changes. In 2019-2020, Elections New Brunswick's Manager of Geography visited his counterparts at

Elections Nova Scotia to experience and learn more about their GIS that integrates their elector address database with point address data. This was beneficial as our current system is nearly 30-years old and our main data source for addresses from the Department of Justice and Public Safety has been discontinued. This taught us how to streamline the effort of integrating the data sets in a more robust system and what GIS upgrades are necessary and possible.

5. Improve workplace efficiency and effectiveness

A number of the actions identified within this strategic goal are linked in part to the organizational restructuring, which is addressed above, and is ongoing. As positions evolve within our new organizational structure, we anticipate more concrete movement on these actions.

- a. Consultations continued with the Department of Transportation and Infrastructure to find a solution that would allow us to co-locate our head office with our warehouse operations. A request for proposals was issued during fiscal 2019-2020 seeking bids from commercial property owners.
- b. While no formal action was taken during this fiscal year to address improving our file management system, an initial discussion with another government agency

took place to explore existing solutions used elsewhere that might fit our needs.

6. Increase organizational resilience

With the government continuing to operate in a minority position, we remained in a state of election readiness should the government collapse resulting in an unscheduled provincial general election. In addition, two seats in the Legislative Assembly were declared vacant in fall 2019 with the passing of the member for Saint-Croix and the resignation of the member for Shediac Bay-Dieppe.

- a. With the uncertainty of the timing of the next provincial general election, and our supplier of the tabulation machines confirming they would not be able to deliver the quantity of machines we would require on short notice, Elections New Brunswick arranged to rent 800 tabulation machines from Elections Ontario. This also provided us with the tabulation machines for any by-elections that might take place.
- b. As the first jurisdiction in Canada to introduce an electronic look-up and strike-off solution in 2008, Elections New Brunswick has periodically updated the technology it uses at polling locations. In fiscal 2019-2020, we reached an agreement with Elections Yukon for them to acquire 100 of our first-generation netbook laptops.

Looking Forward

We await a final determination from the government on its willingness to consider the recommendations we have put forward in our discussion document *Modernizing New Brunswick's Electoral Legislation* tabled with the New Brunswick Legislature. As many of these recommendations require legislative change, our ability to advance these changes will require the support of executive council and ultimately the Legislative Assembly.

As we set our sights on the fiscal year ahead of us, we do so with the uncertainty of how the pandemic will impact our organization's ability to carry out its mandate during this global health crisis.