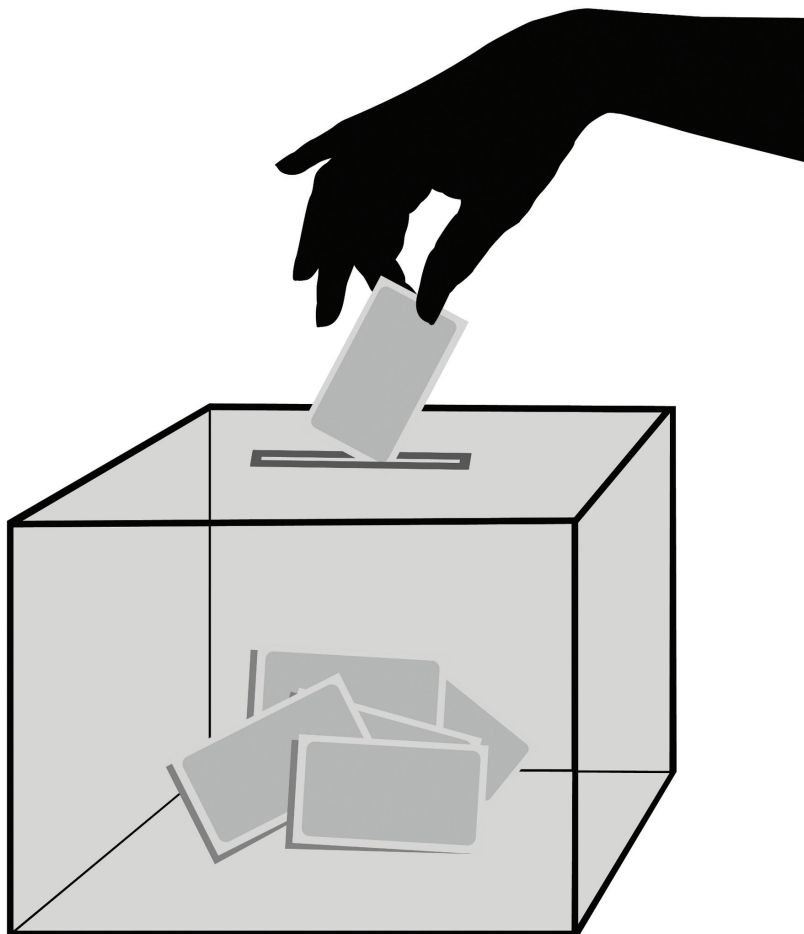


# The Recount

## **Report of the Review of the Operational Environment and Accountabilities of the Office of the Chief Electoral Officer for Saskatchewan**

*A system needs access to itself. It needs to understand who it is,  
where it is, what it believes, what it knows.*



**March 2009**



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## ACKNOWLEDGEMENTS

This review could not have been researched, compiled, or written without the dedicated assistance of a number of people. I am very grateful for the level of cooperation and assistance provided by virtually every person with whom I consulted. I must especially acknowledge the willingness of Greg Putz, the Clerk of the Legislative Assembly, and his staff, who made themselves available to answer numerous questions, search for documents and generally provide any information I requested. Similarly, Law Clerk Ken Ring and Linda Kaminski, Director of Human Resources, deserve special mention. The advice and historical insights I received from former Clerk Gwenn Ronyk were likewise invaluable in shaping this report.

Dave Wilkie, Acting Chief Electoral Officer, was incredibly generous with his time and assistance with the provision of information on the electoral process. The staff of Elections Saskatchewan also deserves a special mention. These fine people were supportive of the review, generous with their time, and provided a ready source of valuable information. This province is lucky to have such individuals who are dedicated to the electoral process.

I was very appreciative of the cooperation and assistance of Provincial and Territorial Chief Electoral Officers who responded to information requests. In that regard, Harry Neufeld, CEO for British Columbia, Paul Reynolds, CEO of Newfoundland and Labrador, and Christine McCulloch, CEO of Nova Scotia, were especially forthcoming in sharing their experiences in relation to the review topics. Conversations with William Mackenzie, Clerk of the House of Assembly, and Law Clerks, Elizabeth Murphy and Lorna Proudfoot, also provided a wealth of information. The assistance of these people is very much appreciated by the author.

In compiling this report, I can truly say that assistance was forthcoming from legislative and electoral offices coast to coast to coast.

## I.0 INTRODUCTION

The Legislative Assembly of Saskatchewan will soon undertake the recruitment of a new Chief Electoral Officer. This Officer will be the third individual to be appointed as an independent officer of the Legislative Assembly under *The Election Act, 1996*. The Board of Internal Economy (BOIE or Board) was of the view that there was a need to undertake an independent review of the organizational structure, operational environment, and reporting accountabilities of the office of the Chief Electoral Officer. The Board felt this an opportune time for such a review since it would provide a greater understanding of the challenges that a Chief Electoral Officer faces and present an opportunity to consider the type of individual that would be attracted to this important position.

The management of an election requires the close cooperation and teamwork of many people. These individuals must operate under a great deal of pressure to provide voters with an opportunity to vote for the candidate of their choice with a minimum of stress, delay, and inconvenience. The Chief Electoral Officer must be viewed both internally by the organization and externally by election officials, the voting public, candidates, and stakeholders as the head of an independent office charged with the responsibility of ensuring the rights of voters.

The process of undertaking this review is in many ways similar to that of a judicial recount. When a judicial recount is required during an election, the Chief Electoral Officer goes into the recount trusting that all the procedures, policies and actions of election officials will hold up to scrutiny, thereby allowing the Judge to complete the recount. As a former Chief Electoral Officer, whenever a recount was required, I would ponder whether the election officials had followed the legislation, reviewed the manuals, completed the forms correctly, reported the results accurately, and received adequate training. Once the recount was over, I was invariably relieved that the election officials had followed procedures, had accurately reported the results, and had been accountable for their actions – in short, that they had done a good job. In this manner, a recount process not only confirms the winning candidate, it demonstrates that the work undertaken by the electoral organization as a whole complies with its legislative mandate. Just as in a judicial recount, the purpose of this review is to recognize both strengths and weaknesses within the system, to examine possible solutions, and to move forward with lessons learned.

## 2.0 SUMMARY

*As a system inquires into these three domains of identity, information and relationships, it becomes more self-aware. It has become more connected to the truth of who it is, more connected to its environment and customers, more connected to people everywhere in the system. These new connections develop greater capacity: the system becomes healthier<sup>1</sup>*

Undertaking this review revealed a number of paths that I was tempted to take, but I endeavoured to focus on areas that will assist the Board with moving Elections Saskatchewan forward. Once I had spent some time researching and talking to people within the organization, I came to the realization that this is not an overly complicated situation. As such, I have attempted to provide simple solutions wherever possible.

Within any organization, the human element – the *personalities* – define the organization's health.

*“As important as systemic review is, we must not lose sight of the fact that any system comprises, and is operated by, people. In the end, it is the people responsible for the direction and operation of the system who will determine whether it will succeed or fail.”<sup>2</sup>*

The legislative framework for the office of the Chief Electoral Officer is sound, but what is lacking is the leadership and resources required to get to the end zone. The reporting and accountability framework is already in place, and increased involvement of the elected Members will go a long way toward increasing mutual understanding and respect in light of the challenges faced by independent officers in fulfilling their mandate.

The values of Elections Saskatchewan as an organization are something that I endeavoured to see demonstrated.

These values are;

**independence and non-partisanship; integrity; openness and transparency; accountability; efficiency; effectiveness; innovation; creativity and flexibility; consultation; professionalism; and cooperation.**

Of these values, one stands out as a way forward for the organization:

*“To create a **cooperative** working environment and encourage all members of the election team to work together and to work with their stakeholders and partners to better serve the electorate of Saskatchewan.”*

If the new Chief Electoral Officer embraces this approach and is provided with the human and financial resources required to fulfill the responsibilities of the Office, I am confident that Elections Saskatchewan will once again become a healthy and vibrant organization. The preparation and writing of this review have convinced me that all this is possible if only the recommendations contained herein are implemented.

---

<sup>1</sup> - Wheatley, Leadership and the New Science, 1999, p. 46

<sup>2</sup> - Green, Rebuilding Public Confidence, 2007, p. 547

Having said this, I would also preface the pages that follow and the recommendations therein with an appeal to the Board of Internal Economy for urgency in their implementation. I do this because, as the reader will see, the recommendations in this review call for not insignificant changes to legislation, organizational structures, rules and procedures, reporting structures, etc., and, as a result, necessitate some tight timelines if these changes are to be put into effect in a manner timely enough to serve their purpose.

I am, of course, sensitive to the pressures of time facing Elections Saskatchewan with a looming 2011 general election, the potential for a by-election, a Referendum on Daylight Savings Time, and a Senate Nominee Election if *The Senate Nominee Election Act*, currently before the Legislature, is passed. If the recommendations in my report are not given immediate attention, I have grave concern that Elections Saskatchewan will not be able to make things happen in time.

I am, equally sensitive to the implications my recommendations will have for the Board of Internal Economy and the Legislative Assembly. Nevertheless, in making my recommendations, I have dared to be “ambitious” with the calendar and I would respectfully urge the Board to do the same.

### 3.0 SCOPE OF THE REVIEW

The scope of my review encompassed all policies, procedures, practices and legislative requirements that are applicable to the effectiveness, good governance and accountabilities of the office of the Chief Electoral Officer.

The objectives of the organizational review of the Office of the Chief Electoral Officer were as follows:

- To examine and evaluate the management processes, organizational structure and administrative mechanisms currently in place to support the electoral process in Saskatchewan;
- To evaluate the health and culture of the organization;
- To examine and evaluate the relationships, statutory or otherwise, of the Office with the Legislative Assembly (including the Speaker, the Board of Internal Economy, legislative committees and the Legislative Assembly Service) and executive government (principally the Public Service Commission);
- To identify the key competencies required for a Chief Electoral Officer;
- To make recommendations that will help the Board realize the review objectives.

### 4.0 THE ORGANIZATION

*When we work for the common good, we experience each other in new ways. We don't worry about differences, or status, or traditional power relationships. We worry about whether we'll succeed in accomplishing what needs to be done. We focus on the work, not on each other. We learn what trust is. We learn the necessity of good communications.<sup>3</sup>*

In order to assess the ability of Elections Saskatchewan to fulfill its mandate, an overview of the organization, including a review of its current structure and processes, is important. To that end, this section of my report will examine several characteristics and underlying qualities of the organization, as it currently exists.

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3 - Wheatley, "Turning to One Another," 2002, p. 126

## 4.1 MANDATE

The Office of the Chief Electoral Officer is an Independent and Non-partisan Officer of the Legislative Assembly of Saskatchewan. Elections Saskatchewan's primary mandate is to direct and supervise the administration and financial conduct of provincial electoral events in a fair, equitable, and cost effective manner. Further to that, Elections Saskatchewan must facilitate the electoral process to ensure that all stakeholders, including electors, candidates, political parties and election officials, are aware of and able to exercise their democratic rights to impartial, open and honest electoral events.

## 4.2 VISION

A made-in-Saskatchewan electoral process that responds to the needs of all of our stakeholders.

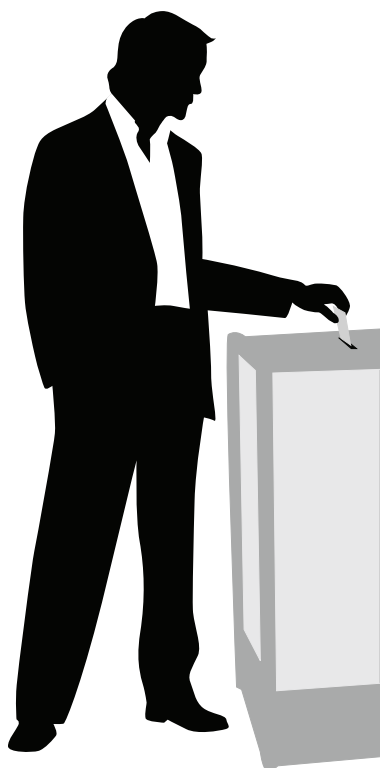
## 4.3 MISSION

To ensure the right of the people of Saskatchewan to participate freely in honest, open and fair electoral events, and to encourage the involvement of political parties, candidates, and electors by raising awareness and understanding of electoral processes that are transparent, efficient and accessible.

## 4.4 VALUES

Elections Saskatchewan's values are:

- To be **independent** and **non-partisan** ensuring public confidence in the independence of the Office and its activities by treating all stakeholders equally and without preference
- To have **integrity** making certain that every decision and every action enhances the democratic rights of all electors by interpreting and applying policy and legislation fairly and consistently
- To be **open** and **transparent** in all activities through consistency of action, regular and public reporting, broad communications and information sharing between and during electoral events
- To be **accountable** to electors and the members of the Legislative Assembly through statutory reporting of activity and performance against published standards and open discussion of the legislative and regulatory framework for electoral events and election finances
- To be **efficient** in designing processes and ensuring financial accountability through the development, management and deployment of up-to-date and cost-effective technology, processes, access channels and tools that encourage maximum participation and facilitate maximum compliance with financial reporting obligations
- To be **effective** in electoral event delivery procedures and operations reducing barriers to compliance, participation and access to the process for electors, candidates and parties, ensuring that workers are well prepared, processes are well designed and measurement systems are in place
- To be **innovative, creative** and **flexible** in delivering the present and preparing for the future looking broadly for opportunities and partnerships while considering electoral process needs and adopting optimal solutions



- To be **consultative** with all our stakeholders using advisory committees to evaluate legislative, regulatory and operational frameworks to ensure that they are current and relevant, regularly reviewing all stakeholder perspectives and needs, and by sharing evaluations of Elections Saskatchewan's performance
- To be **professional** in all our activities by bringing to Saskatchewan the best practices of electoral administrators across Canada and in democracies across the world
- To create a **cooperative** working environment and encourage all members of the election team to work together and to work with their stakeholders and partners to better serve the electorate of Saskatchewan

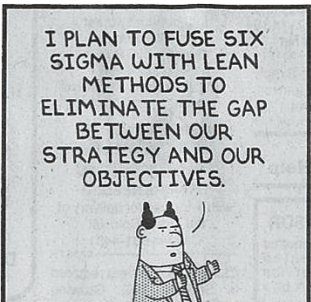
At the end of its values the following statement is made: "Everything that Elections Saskatchewan does will be guided by these values." I used these values as a checklist to guide my review of the organization.

## 4.5 PLANNING CONTEXT

*"Our aim continues to be to institute a culture of change and modernization in the conduct of electoral events in Saskatchewan through a made-in-Saskatchewan electoral process that responds to the needs of all our stakeholders."*<sup>4</sup>



Election administration is a specialized business that generally only catches the public's attention during public voting activities. This unique environment belies the demanding and ongoing work of Elections Saskatchewan as it undertakes to ready itself for a by-election that might occur at any time, as it prepares for the 2011 general election, and as it organizes enumerations and provincial election finances. Additionally, the Office is charged with the administration of the Province's political contributions tax credit disclosure regime under *The Political Contribution Tax Credit Act, 2001*. It also periodically administers and oversees both referenda and plebiscites under the *The Referendum and Plebiscite Act* as well as time votes under the *The Time Act*.



The next general election on November 7, 2011, in addition to the regular election of MLAs, will include a Senate Nominee Election as per *The Senate Nominee Election Act*, which is pending in the Legislative Assembly and a referendum on Daylight Savings Time as per recent media reports. This adds an additional planning component as new forms and additions to manuals and the training of Returning Officers/Election Clerks and poll officials will be required.



As an organization, Elections Saskatchewan uses tools such as budgets and estimates, plans and priorities, a strategic plan and annual reports to demonstrate that it has met its legislative mandate. I cannot overemphasize the need to understand, appreciate, and support the strategic planning cycle for electoral organizations, which are decidedly different from most other organizations and government departments. In presenting the Office's budgetary requirements, the Chief Electoral Officer must demonstrate to the Legislative Assembly, through the Board of Internal Economy, a sound business case for continuing to meet its legislative mandate. It is also imperative that the Chief Electoral Officer ensures that appropriate accountabilities are in place and well defined.

Through the goals, objectives, and planning processes that provide the foundation of any well-performing organization, Elections Saskatchewan has achieved continuous readiness for an electoral event, efficient and inclusive administration of electoral events, and recognition of the resources and infrastructure required to meet the challenges of its mandate.

4 - 2009-2010 Estimates - A report on Plans and Priorities, p. 1.

In 2005, the Office of the Chief Electoral Officer adopted its Strategic Plan 2005-2011 “as a strategic tool that would empower the organization to predict and create the future of electoral process in the Province of Saskatchewan.”<sup>5</sup> The Strategic Plan is Elections Saskatchewan’s high-level, directional plan. A road map for the future, it provides the organization’s priorities and measures success in achieving organizational goals.

The Report on Plans and Priorities falls out of the Strategic Plan’s high-level direction and is the organization’s “how-to” manual. It provides a more detailed action plan for how the organization will achieve its goals, including plans for ongoing work, resource allocation, major projects, and new initiatives.

As a means of measuring performance against the goals set out in the Strategic Plan, annual reports are tabled in the Legislative Assembly and then referred to the House Services Committee. This accountability provides the Legislative Assembly an opportunity to review the performance of Elections Saskatchewan and to assess if goals are being achieved. All these aspects of the electoral planning cycle are designed to implement and manage the requirements of *The Election Act, 1996*, which is driven by the decisions and law-making responsibility of the elected members of the Legislative Assembly.

## 4.6 REACHING ITS POTENTIAL

No administrative structure can operate effectively and accomplish its objectives without the necessary financial and human resources.

### 4.6.1 HUMAN RESOURCES

*There are three critical areas for system development. People need to be connected to the fundamental identity of the organization. Who are we? Who do we aspire to become? How shall we be together? And people need to be connected to new information. What else do we need to know? Where is this new information to be found? And people need to be able to reach past traditional boundaries and develop relationships with people everywhere in the system. Who else needs to be here to do this work with us* <sup>6</sup>

Having a highly knowledgeable and professional workforce is critical to the success of any organization, and this is especially true for Elections Saskatchewan. Election administration is not for everyone and requires dedicated and knowledgeable individuals committed to the Province’s electoral process.

As outlined in the 2009-2010 Report on Plans and Priorities, submitted to the Board of Internal Economy, Elections Saskatchewan describes itself as:

*“a lean organization of six positions in addition to the Chief Electoral Officer. While this is cost effective and efficient in maintaining the status quo, it limits the organization’s ability to be proactive and introduce new approaches, including the use of technology, to better serve and meet the rising expectations of all of its stakeholders.”*

As I will outline below, I believe this to be a colossal understatement that needs to be rectified.

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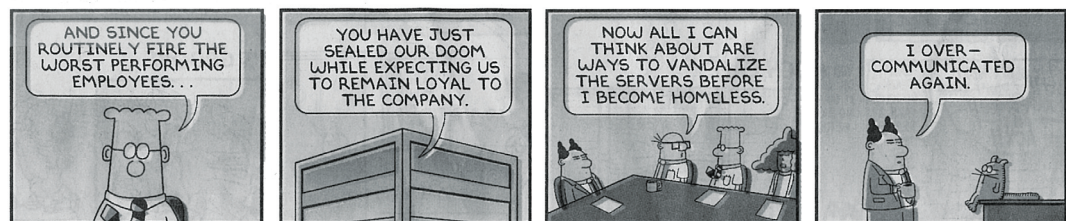
5 - Strategic Plan 2005-2011, p.45

6 - Wheatley, “Leadership and the New Science,” 1996, p. 146.

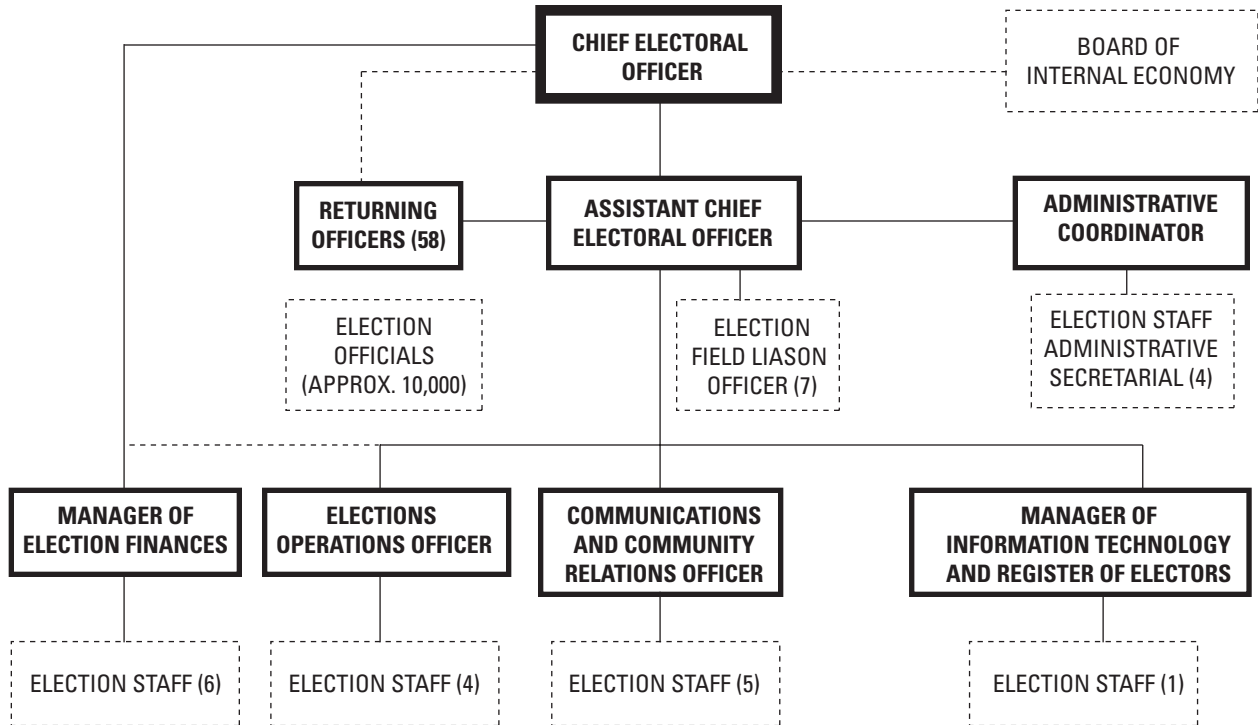
Anyone who has been involved in the electoral process, either as an election official or as a candidate, knows that it takes a dedicated team to get things done. Approximately 10,000 election officials were employed to administer the 2007 general election. This included close to 3,000 enumerators to prepare the Voters' Lists and some 6,000 Deputy Returning Officers and Poll Clerks to operate the 3,000 or so polling stations – and that's just on the electoral machinery side of running an election. There are thousands of party workers, agents, and business managers relying on Elections Saskatchewan before, during, and after an electoral event.

The most common question elections officials hear is, "What do you do between elections?" I am sure that candidates, regardless of political affiliations, do not wait until a year before the next election to get organized. We all know that campaigns do not happen overnight, and neither is the election machinery built overnight. For an example of how much work goes on behind the scenes to execute a successful election event, please refer to Appendix I: Step-by-Step Preparations for the 26th General Election, November 7, 2007.

To be able to expand from seven positions to 10,000 positions once every four years requires a team that is multi-skilled and multi-talented. At time of writing, three of the seven positions are vacant and one position is being filled on an unspecified term basis. For the past two years, the Office has relied upon short-term contracts to carry out the functions of absent staff members and vacant positions.



**FIGURE I - CURRENT ORGANIZATIONAL CHART**



The organizational structure was in place for a number of years with five positions. The only recent change was the decision to split the old position of Manager of Election Operations and Communications into two new positions: Communication and Community Relations Officer and Elections Operations Officer. My research indicates that this decision was taken by the former Chief Electoral Officer after an appearance before the Board of Internal Economy on the estimates. This is not a way to address understaffing, however, as splitting the funding of positions limits the organization's ability to attract qualified candidates.

My review of other jurisdictions indicates that, generally speaking, more administrative support staff are provided elsewhere than has been made available to Elections Saskatchewan. Indeed, Elections Saskatchewan might be said to be woefully understaffed. The following is taken from the 2009-2010 *Priorities and Planning Plan* document and is worth reproducing here since it forcefully makes the point:

*"In the past few years Alberta, Manitoba, New Brunswick, Nova Scotia and Newfoundland and Labrador have had reviews of the operations of their electoral offices resulting in considerable increases in their staff complements which had to be justified to their respective Legislatures."*

**FIGURE 2 - COMPARISON OF STAFF COMPLEMENT IN ELECTION OFFICES ACROSS THE COUNTRY**

JURISDICTION	POPULATION OF JURISDICTION	ELECTION STAFF*
SASKATCHEWAN	1,020,000	7
YUKON	31,000	2
NUNAVUT	31,000	3
NORTHWEST TERRITORIES	40,000	3
PRINCE EDWARD ISLAND	140,000	2
NEWFOUNDLAND	500,000	12
NEW BRUNSWICK	750,000	17
NOVA SCOTIA	900,000	18
MANITOBA**	1,000,000	12*
ALBERTA	3,500,000	16
BRITISH COLUMBIA	4,400,000	44
QUEBEC	7,750,000	223
ONTARIO	12,900,000	97
CANADA	33,500,000	330

\* Permanent Full-Time positions – this does not take into account additional term staff or persons on contract.

\*\*Elections Manitoba is currently in the midst of an organizational review, which is likely to result in increased staff of at least four positions related to the introduction of a permanent address registry.

I believe that the current staff of Elections Saskatchewan is committed to delivering an impartial, inclusive, and accessible electoral process for the province. However, unless there is a change in the number of positions, I suspect that the organization will struggle to meet the basic requirements to ensure that it is well positioned for the next electoral event in November 2011. If the current structure is maintained, the organization will not be able to meet its mandate and live up to its values. I question the toll that the 2007 general election has taken on staff, and I wonder where the balance of work and home life has suffered, and at what cost to individual and organizational health.

To explore this issue, I conducted interviews with those individuals both permanent and on contract currently working for Elections Saskatchewan, as well as former employees. Without exception, those interviewed enjoyed working in the electoral process in the province and some had even been involved in all levels of the process as election officials over many years. These interviews gave me insights into the tenure of the former Chief Electoral Officer and his predecessor. They also offered a broad and, in some cases, detailed view of the Office's operation along with an insight into the struggle of administering an electoral process with insufficient resources and differing leadership styles.

As indicated earlier, a Strategic Plan was adopted to assist with the modernization of the electoral process. While the Strategic Plan is a well-prepared document, my view is that it was not embraced as a team-building vision to move the organization forward. Without the tremendous effort of dedicated staff in the Regina office, and the work of election officials across the province, the 2007 election could not have occurred. I would be remiss if I did not also mention the dedication that became evident from the Assistant Chief Electoral Officer who was the glue that kept the organization together and was the public face of Elections Saskatchewan. I believe that conflicting pressures from the Chief Electoral Officer contributed to things starting to fall apart. I am also of the opinion that the diverse leadership styles of the two former Chief Electoral Officers contributed to the organization's inability to move forward based on good management decisions and in the face of dramatic changes to the province's electoral process.

In spite of best efforts, the organization has remained relatively stagnant. The office has fallen behind and, with just over two years to the 2011 general election, it is likely that the office will continue to work itself into the ground without immediate intervention in the form of additional human resources. The lack of staff contributed to the failure of Elections Saskatchewan to file the Annual Report and produce Post Election reporting within the timeframe set by the Act.

Elections Saskatchewan needs the support of elected officials to rectify the deficiencies and errors of the past, and it needs to fast track a number of the initiatives already identified in the Strategic Plan. Foremost among these is the Permanent List of Electors, or ESPREE (Elections Saskatchewan Permanent Register of Eligible Electors), including the Regulations that will prescribe its operation and safeguards and a geography and GIS mapping capability required for its successful implementation. The Acting Chief Electoral Officer has recommended a number of amendments to the Act that will also need to be fast tracked for review by the Legislative Assembly and brought into force well in advance of the 2011 general election.

Although I have not undertaken a full management study of existing resources, I am certainly satisfied that, even with the existing structure, the Office has been inadequately provided with staffing resources. If Elections Saskatchewan is to be able to continue to be efficient and effective in the delivery of the election machinery across the province, this situation needs to be rectified. There is an urgent need to break the cycle of repeated underfunding and to recognize the role of leadership in the organization.

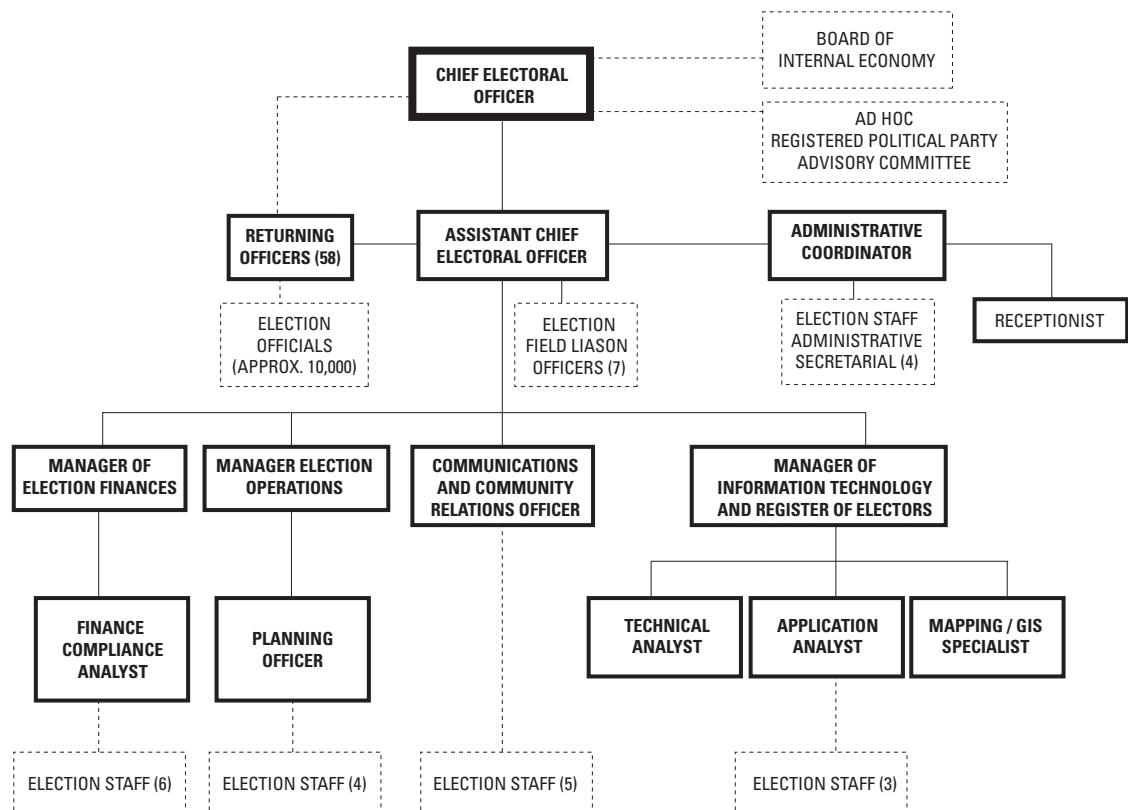


Accordingly, I recommend:

### Recommendation No. 1

That the following be adopted as the new organizational structure for the Office of the Chief Electoral Officer:

**FIGURE 3 - NEW ORGANIZATIONAL STRUCTURE**



I do not want my comments to leave the impression that the system is completely broken, as there are useful policy structures and reporting and accountability mechanisms in place. However, there is a need to bring clarity to some of the existing relationships, which will ultimately help the organization achieve its mandate. Some of the stresses on the health of the organization can be attributed to individual personalities. While this is by no means unique to this organization, there is nonetheless a need for clear procedures and policies relating to reporting, human resources and financial management.

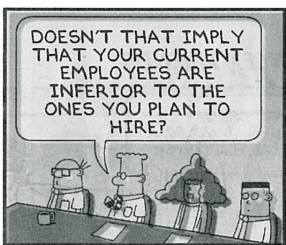
## 4.6.2 STAFFING

The men and women on staff at Elections Saskatchewan are considered employees under the *Public Service Act, 1998*.

- Section 4.6(1) The staff of the Chief Electoral Officer consists of the persons that are required for the proper administration of this Act.
- (2) *The Public Service Act, 1998*, *The Public Service Superannuation Act*, and *The Public Employees Pension Plan Act* apply to the members of the staff of the Chief Electoral Officer. (*The Elections Act, 1996*)

The Chief Electoral Officer and Assistant Chief Electoral Officer do not fall under the *Public Service Act, 1998*.

- Section 4.5(1) *The Public Service Act, 1998*, does not apply to the Chief Electoral Officer or the Assistant Chief Electoral Officer.
- (2) *The Public Employees Pension Plan Act* applies to the Chief Electoral Officer and the Assistant Chief Electoral Officer. (*The Elections Act, 1996*)



The Legislative Assembly Service (LAS) provides the administration and support services required for the Legislative Assembly's operation, as established by *The Legislative Assembly and Executive Council Act, 2007*. The LAS provides a broad range of specialized and professional services in a parliamentary context, including:

- Information and information technology to the LAS and support to Independent Officers and Members, as well as broadcast services of Chamber and committee room events;
- Financial, purchasing and administrative services to the Legislative Assembly, Members and LAS; also support to Independent Officers; and
- Human resources and payroll services to the Legislative Assembly, Members, caucus offices, constituency offices, the LAS and Independent Officers

By agreement, the LAS provide a variety of services to a number of the independent officers of the Legislative Assembly. This service has been provided to the office of the Chief Electoral Officer in the areas of human resources and financial processing, but the office has not fully availed itself of the information technology services in an efficient and cost-effective manner.

The legislation and policies under the *The Public Service Act, 1998* apply to the staff of Elections Saskatchewan but not to the Chief Electoral Officer. The rights of employees are fundamental to the proper functioning of the office and the Chief Electoral Officer, as head of the organization, must ensure that human resource management principles are applied in accordance with the *The Public Service Act, 1998* and the Public Service Commission. The current legislative framework leaves a gap in applying human resource policies equally to ensure a transparent process in the event of conflicting policy application. This should be corrected. One solution may be to remove staff from *The Public Service Act, 1998* and, instead, align them with the personnel policies, pay and benefits of the Legislative Assembly. The Legislative Assembly is generally guided in its human resource application by the policies of the Public Service Commission and has a comprehensive set of policies that recognize their application in the environment of the Legislative Assembly. The policies of the Legislative Assembly, which require the approval of the Board of Internal Economy, should apply equally to all independent officers, which does not necessarily mean that these officers would be under the control of the Clerk. They would simply be “aligned” with Assembly rules in order to provide a framework for the appointment and management of the staff of the office of the Chief Electoral Officer.

*The Legislative Assembly and Executive Council Act, 2007* provides the terms of employment for employees of the Legislative Assembly.

71(1) Every individual employed by the Legislative Assembly Service is an employee of the Legislative Assembly and is not a member of the public service of Saskatchewan.

(2) The employee benefits applicable to the public service of Saskatchewan apply or continue to apply, as the case may be, to the employees of the Legislative Assembly Service.

(3) *The Public Service Act, 1998* does not apply to employees of the Legislative Assembly Service.

(4) *The Public Service Superannuation Act*, *The Superannuation (Supplementary Provisions) Act*, and *The Public Employees Pension Plan Act* apply to employees of the Legislative Assembly Service.

(5) Subject to section 79, the Speaker shall appoint employees of the Legislative Assembly Service on the recommendation of the Clerk, the Law Clerk and Parliamentary Counsel or the Legislative Librarian, as the case may require.

A review of Canadian electoral offices indicated that a number of offices have considered similar amendments concerning the status of employees. Some, such as in Ontario and Newfoundland and Labrador, have resolved the issue by making all staff employees of the Legislative Assembly and the House of Assembly, appointed by their respective Boards of Internal Economy. Other offices are still reviewing the matter. Appendix II Relevant Provincial Legislation: *Ontario Elections Act R.S.O. 1990, Chapter E.6 s. 114 – 115*, the *House of Assembly Accountability, Integrity and Administration Act s. 20 (1) (b), 20 (3) and 32*, and *The Provincial Auditor Act, s. 8*.

I make note of a section 20. (3), of the House of Assembly Act, which is an important consideration in the application of policy to ensure nothing falls between the cracks.

20 (3) Notwithstanding paragraph (1)(c), where a financial or management policy has not been established by the commission for the House of Assembly and statutory offices, the financial and management policies of the government shall apply.



Accordingly, I recommend:

## **Recommendation No. 2**

- a) That *The Election Act, 1996*, be amended to authorize the Chief Electoral Officer to employ any persons that he or she considers necessary in the performance of his or her duties and the fulfillment of the responsibilities under the Act;
- b) That *The Election Act, 1996*, be further amended to designate the staff of the Chief Electoral Officer as employees of the Legislative Assembly and not members of public service of Saskatchewan;
- c) That *The Elections Act, 1996*, be further amended to authorized the Speaker upon the recommendation of the Chief Electoral Officer, to appoint the staff;
- d) That procedures and policies of the Legislative Assembly as established by the Board of Economy apply to the Chief Electoral Officer, Assistant Chief Electoral Officer, and staff of the office;
- e) That *The Election Act, 1996* be further amended to ensure that when the financial or management policies of the Legislative Assembly have not been established the policies of the government shall apply;
- f) That, as a result of implementing this recommendation, *The Legislative Assembly and Executive Council Act, 2007* should be reviewed to identify the need for consequential amendments, with particular attention paid to Section 71;
- g) That the office of the Chief Electoral Officer consider entering into agreements to have the Legislative Assembly provide support in the area of information technology and other partnerships for the sharing of resources; and
- h) That, if this recommendation is accepted, a review of the Legislative Assembly Services is undertaken to ensure that it is sufficiently resourced to provide the additional services to the office of the Chief Electoral Officer.

If this recommendation were to be implemented, the Chief Electoral Officer would retain control over the staff of the office. The Human Resource branch of the LAS would handle its personnel issues, including staffing and benefits administration, and the Board of Internal Economy would formally appoint the staff. This recommendation would also have the effect of making this office completely independent from the Executive branch in relation to Order-in-Council appointments and, thereby, would recognize the independence of the legislative arm of government.

### 4.6.3 FINANCIAL RESOURCES

The activities of Elections Saskatchewan are driven by the legislation it administers and the associated actions of its clients. The timing of by-elections and other electoral events is not controlled by Elections Saskatchewan, with the exception of the fixed general elections. In consideration of the unpredictable nature of the work of this office, the administration of electoral and other legislation under the authority of the Chief Electoral Officer establishes that all expenses must be paid out of the General Revenue Fund.

### 4.6.4 STATUTORY AND NON-STATUTORY

Statutory expenditures are those authorized by legislation, whereas non-statutory or budgetary expenditures are those annual appropriations that must be voted on by the legislature. Non-Statutory expenditures are for the permanent staff salaries and ongoing operating costs of the office. These expenditure authorities are consistent with the Legislative Assembly's structure for expenditures. The Election Act, 1996, states:

- *Section 268: Any reimbursement pursuant to this Part are a charge on and are payable out of the general revenue fund.*
- *Section 15(2): All payments pursuant to this section are a charge on and payable out of the general revenue fund.*
- *Section 4.7: That the salary of the Chief Electoral Officer is to be paid out of the general revenue fund.*

The decision as to what falls under which allocation lies with the Chief Electoral Officer. Full accounting for those decisions is presented to the Legislative Assembly through the reports of the Provincial Auditor and reviewed by the Standing Committee on Public Accounts. In my view, the understanding and allocation of these expenditures have not been consistently applied by former Chief Electoral Officers, and clarity is needed both for the BOIE and the organization itself. I am of the view that some of the expenditures that have been identified in previous Plans and Priorities should have been categorized as statutory and did not need the approval of the Legislature and that the reverse is also true. This does not relieve the Office from providing the allocations to the Board, however. This reporting should continue, not only to the Board but also throughout the accountability cycle to the Legislative Assembly and its committees.



Accordingly, I recommend:

#### Recommendation No. 3

- a) That the Acting Chief Electoral Officer prepare revised estimates of what may be required to operate the Office at a reasonably acceptable level, taking into account the recommendations of this report;
- b) That the estimates so prepared be submitted to the Board of Internal Economy for review at the earliest opportunity; and
- c) Once approved by the Board of Internal Economy, that consideration be given to proceeding by way of either Special Warrant or by Supplementary Funding at the first opportunity.

In making this recommendation, I am cognizant of the pressures on the BOIE where the spending of public money is involved. This should always be a concern and weighing the priorities of the Legislative Assembly and independent officers against the larger responsibility to provide government services is not easy to reconcile.

## 5.0 RELATIONSHIPS & ACCOUNTABILITIES

*“If a system is in trouble, it can be restored to health by connecting it more to itself. To make a system stronger, we need to create stronger relationships.”<sup>7</sup>*

### 5.1 Structural Independence for Officers of the Legislature.

Officers of the legislature are neutral officials performing tasks central to the public interest and to the operation of the legislature. Their neutrality and independence are enhanced by the fact that they report to the legislature and not to the executive.

The independent officers of the Saskatchewan Legislative Assembly are:

- Provincial Auditor;
- Ombudsman;
- Children’s Advocate;
- Information and Privacy Commissioner;
- Conflict of Interest Commissioner;
- Chief Electoral Officer

These offices are usually created and supported by their own legislation; the head of each office is called and treated as an “officer of the legislature.” Such officers are often allowed to hire their own staff and regulate their own workplace provided they report directly to the legislature. They often have a fixed, non-renewable term; have a committee of the legislature involved in overseeing their office; have a reasonable and objectively set salary; and involve the legislature in setting the officer’s budget.

Although my direct mandate is the review of the office of the Chief Electoral Officer, the following discussion on the independent nature of this office is fundamental to all officers, with the exception of the Provincial Auditor, when it applies to support services. More specifically, I will discuss the nature and reporting of the Chief Electoral Officer in relation to the Office and administrative staff directly serving Elections Saskatchewan.

The status and perception of independence and assurance of impartiality has two main principles:

- The relationship should be based on the independence of the Office while respecting the need for accountability of public funds.
- It should be clearly defined in statute and regulations or BOIE orders and not left to the day-to-day discretion of the Office, executive government or the BOIE.

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7 - Wheatley, “Leadership and the New Science,” 1996, p. 145.

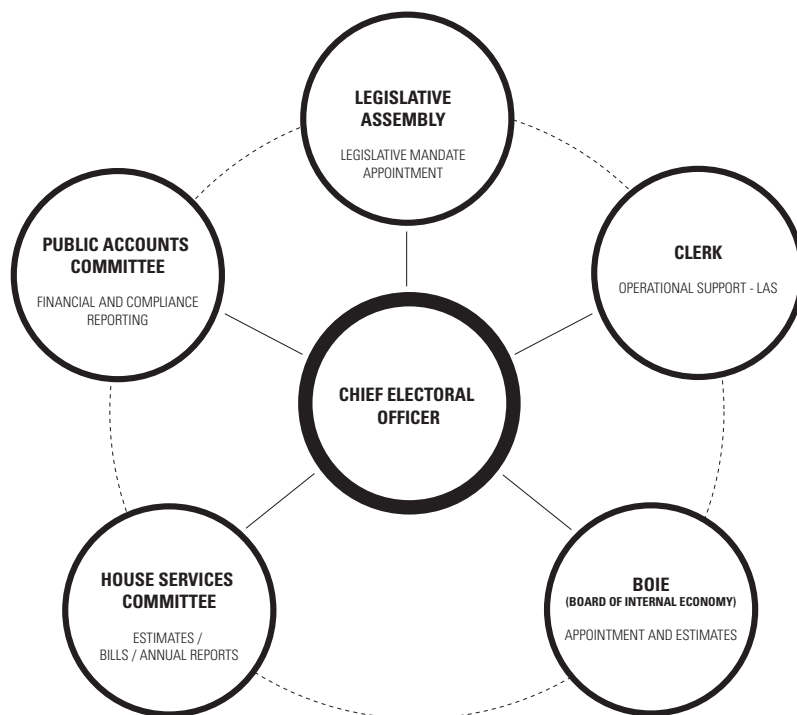
## 5.2 CEO Relationship to the Legislative Assembly

The Chief Electoral Officer is mandated to report to not only the Board of Internal Economy but also to two Standing Committees of the House.

- The Chief Electoral Officer is an officer of the Legislative Assembly, independent of the government.
- The Office's budget is approved by the Legislative Assembly's Board of Internal Economy. (Section 69.(2) *Legislative Assembly and Executive Council Act, 2007*)
- The Chief Electoral Officer is required to submit an annual report to the Speaker of the Assembly which report shall be laid before the Assembly in accordance with The Tabling of Documents Act. (Section 286.1(1) *The Election Act, 1996*)
- The Chief Electoral Officer is also required to prepare and table reports in the Legislative Assembly on all electoral activities. (Section 286(1) *The Election Act, 1996*)
- The Standing Committee on House Services reviews the Chief Electoral Officer's Annual Report, Bills, and Estimates. (Rule 138 *Rules and Procedures of the Legislative Assembly of Saskatchewan*)
- The Standing Committee on Public Accounts reviews the reports of the Provincial Auditor, which cover the performance and conduct of the Chief Electoral Officer. (Rule 141 *Rules and Procedures of the Legislative Assembly of Saskatchewan*)

Reference should be made to the chart below which attempts to graphically describe the relationship between the Chief Electoral Officer and the Legislature. Comment on each relationship follows.

**FIGURE 4 - RELATIONSHIP CHART**



During my research, I reviewed the comprehensive report undertaken by the Commission established in Newfoundland and Labrador entitled *Rebuilding Confidence – the Report of the Review Commission on Constituency Allowances and Related Matters* and which came to be known as the Green Report. This comprehensive report is the most recent review of a legislative structure and therefore was of great assistance. The challenges faced by the House of Assembly in Newfoundland and Labrador, as well as my own research on the legislative and administrative structures in Saskatchewan, confirmed my view that Saskatchewan has structures in place that are effective, efficient and accountable.

## 5.3 RELATIONSHIP BETWEEN HOUSE ADMINISTRATION AND THE INDEPENDANT OFFICES

Each independent office has a relationship, to one degree or another, with the LAS for the provision of support services. I understand that there are ongoing, day-to-day relationships between the LAS and the staff of most of these offices. The oddity, however, is that the Clerk, who is the permanent head, is generally regarded to have no financial or administrative relationship with, or authority over, the statutory offices.

Although the statutory offices themselves are beyond the mandate of my review, the role and function of the office of the Chief Electoral Officer is central to my mandate. To the extent the functionality of the Clerk is affected by his relationship, or lack of relationship, with the Chief Electoral Officer, I believe it is appropriate to comment. Since the LAS reports to the Clerk, he will necessarily need to be involved, to some degree, in the procedural, financial, and administrative affairs of the Office in order to effectively provide services with proper accountability.

In his report to the Newfoundland and Labrador House of Assembly, Justice Green observed:

*In my view, there is nothing in the notion of “independence” of these offices, especially in light of the control that the Board of Internal Economy presently exerts in budgetary and hiring matters, that necessarily requires the complete autonomy of the offices in respect of financial matters that it is appropriate for the Clerk to have, just as the CFO presently appears to have a broader and clear role with respect to financial and administrative policies applicable to those offices. Clerk should likewise have authority as chief permanent officer of the House administration. While he should be the manager of House operations, his authority should stop at matters of general administrative policy with respect to the statutory offices.<sup>8</sup>*

### 5.3.1 The Office of the Clerk

The Clerk of the Legislative Assembly plays two pivotal roles in the affairs of the Assembly. The role that has traditionally been associated with the office of the Clerk is that of parliamentary advisor to the Speaker, members, and committees. The other role, which has become increasingly important over the years, is the administration of LAS, including support to a number of independent offices. In this role, the Clerk is chief permanent head or officer of the organization responsible for the management and administration of what is now a bureaucratic structure like other government institutions.

As shown in Figure 3, the Clerk as permanent head or senior House officer has an operational and administrative support relationship with independent offices and is integral to all aspects of the Houses operation. If these recommendations are implemented, there will be a need to consider amendments to *The Legislative Assembly and Executive Council Act, 2007* to recognize and formalize that relationship so that it is transparent and respects the independence of the offices. As an example, Appendix III – Duties of Clerk - House of Assembly (*Chapter H-10.1 House of Assembly Accountability, Integrity and Administration Act, Section 28*) may offer some guidance.

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8 - Green, Rebuilding Public Confidence, 2007 p. 6-25

### 5.3.2 Board on Internal Economy

The Board of Internal Economy has a statutory responsibility for the financial and administrative policies affecting the Legislative Assembly, its members, and the Legislative Assembly Service. The Board has the power and duty to oversee the finances of the Assembly; to review and approve administrative, human resources and management policies of the LAS; and to review the estimates of independent officers of the Legislative Assembly.

### 5.3.3 House Services Committee

The Standing Committee on House Services plays a pivotal role in the reporting and accountability of independent offices.

The terms of reference require the House Services Committee to:

- Examine the estimates of the legislative branch which includes the independent officers; (*Rule 138 (5) Rules and Procedures of the Legislative Assembly of Saskatchewan*)
- Consider the annual reports of house officers and entities, which include the independent officers. This includes the consideration of annual reports in conjunction with the examinations of the estimates; (*Rule 138 (7) Rules and Procedures of the Legislative Assembly of Saskatchewan*)
- Examine Legislative Assembly and independent officer bills. (*Rule 138 (9) Rules and Procedures of the Legislative Assembly of Saskatchewan*)

A report is near completion with recommendations for amendments to The Election Act, 1996. The procedure for preparing a bill for these amendments is a process that is not clearly defined. I have been advised that the drafting of bills have been traditionally done by a non-elected committee of government officials with the Department of Justice responsible for the drafting. This process, I suspect, is still in place and has not been considered since the Chief Electoral Officer became an independent officer appointed by the Legislative Assembly. In my view, the involvement of an all-party committee in the development of amendments before a bill appears in the House would facilitate an understanding of the intent and rationale of the amendments. The House Services Committee already has the mandate to review Bills and should be the committee that considers the recommendations of the Chief Electoral Officer before a Bill is introduced in the House. This approach would permit the Standing Committee a role in providing policy direction as to the acceptability of amendments proposed by the Chief Electoral Officer.

### 5.3.4 Public Accounts Committee

The Standing Committee on Public Accounts has the responsibility to review and report to the Assembly its observations, opinions and recommendations on the reports of the Provincial Auditor. Contained in these reports are observations on the office of the Chief Electoral Officer. (*Rule 141, Rules and Procedures of the Legislative Assembly of Saskatchewan*)

## 5.4 ACCOUNTABILITY THROUGH HOUSE COMMITTEES

*Of course, accountability means different things in different contexts.... In the political sphere; accountability is used in a variety of senses, depending on context. It can be discussed in terms of the relationship between elected and non-elected officials; between elected officials and the electorate; between elected officials and/or the government collectively on the one side, and government agencies and institutions that create and purport to enforce standards of behaviour on the other.<sup>9</sup>*

In keeping with the reporting accountability loop as described in the relationships cycle, it is important that the independent officers receive feedback from the Standing Committees to which they must report by statute. The accountability loop is like connecting the dots between the independent officers and can offer an opportunity for comment and feedback on the performance and challenges facing these officers. My research indicates that the last time the Chief Electoral Officer appeared before the House Services and Public Accounts Committees was in 2005. I am of the view that connecting the independent officers with the elected members increases the probability of making good decisions, not only for the independent officers but also for the Legislative Assembly.



Accordingly, I recommend:

### **Recommendation No. 4**

- a)** That the Board of Internal Economy give consideration to the coordination of an information exchange between the Board, Standing Committees, Clerk of the Legislative Assembly and independent officers to improve mutual understanding of shared responsibilities while respecting the independent nature of the offices;
- b)** That *The Legislative Assembly and Executive Council Act, 2007* be amended with respect to the relationship between the Clerk and the office of the Chief Electoral Officer and other independent offices to bring clarity and transparency to the relationship; and
- c)** That a review be undertaken of the Terms of Reference of the House Services Committee with respect to reporting of independent officers, with particular attention to the process of reviewing bills.

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<sup>9</sup> - Massey Lectures, 2001

## 6.0 RECRUITING A NEW CHIEF ELECTORAL OFFICER

*“The best leader is the one that when the job is done the people say,  
we did it ourselves.”*  
— Lao Tsu

The Chief Electoral Officer requires the protection and confidence of the Legislative Assembly in order to carry out the duties of office.

### 6.1 Recruitment Process

There have been only two recruitment processes for the Chief Electoral Officer since the position became an independent officer appointed by the Legislative Assembly. The recruitment of previous Chief Electoral Officers was carried out by a selection committee comprised of the Clerk of the Legislative Assembly, Clerk of the Executive Council, Chair of the Public Service Commission and two unelected representatives; one selected by the government caucus and another by the opposition caucus. The selection committee then reported to the BOIE. This provided an independent and transparent process, and my review of the last recruitment indicated that the process was well-executed.

I was advised that, during that last two recruitment processes, the classification and salary of the Chief Electoral Officer and the level of staffing for the office were viewed as woefully inadequate. These factors may have contributed to limiting the pool of candidates interested in the position.

The salary classification has since been resolved with the amendment to section 4 of *The Election Act, 1996*, which recognizes a salary classification commensurate with the stature and responsibilities of the position. If recommendation No. 1 is implemented concerning an acceptable and appropriate level of staffing, then the second concern will have been addressed also. This would allow the recruitment process to go forward without the impediment of limited resources available to the new Chief Electoral Officer. If the recommendation is not implemented prior to the commencement of the recruitment process, then I would question the Board's ability to attract experienced and knowledgeable candidates.

I examined the process the Legislative Assembly has in place for the recruitment and appointment of the Provincial Auditor. The Standing Committee on Public Accounts appoints a selection committee consisting of three people:

- A person designated by the Office of the Clerk;
- A senior staffing officer from the Public Service Commission; and
- An independent individual who is a member in good standing of the Institute of Chartered Accountants of Saskatchewan and who holds a senior position within the private sector, the academic field or the Institute of Chartered Accountants of Saskatchewan.

The Standing Committee on Public Accounts has a transparent selection process and places trust and confidence in the selection committee who independently conduct the recruitment. Selected candidates are interviewed by the Standing Committee, which has the responsibility to make a unanimous recommendation to the Legislative Assembly. Section 3.1 of the *The Provincial Auditor Act* provides for this independent and transparent selection and appointment process.

Having compared the recruitment process for the last Chief Electoral Officer, I am of the view that the process would be enhanced if a similar and perhaps simplified procedure as that used for the recruitment of the Provincial Auditor were adopted. This would be a further confirmation of the recruitment process being entirely independent from the executive arm of government.

The Standing Committee on House Services already has the mandate to review the estimates, bills, and annual reports of the Chief Electoral Officer and other independent officers and is ideally positioned to take on the responsibility for the selection and appointment process similar to that of the Standing Committee on Public Accounts. If this were to occur, it would be in keeping with the relationship cycle of accountability described in Figure 3 and would in fact help to close the loop.



Accordingly, I recommend:

### **Recommendation No. 5**

- a)** That the Terms of Reference of the Standing Committee on House Services be amended to provide the committee with the mandate for the selection and appointment of the Chief Electoral Officer;
- b)** That consideration be given if it is necessary to amend *The Election Act, 1996*, to confirm this process; and,
- c)** That consideration be given to the applicability of this process on other independent officers who currently fall under the Standing Committee on House Services.



## 6.2 COMPETENCIES FOR THE POSITION

*How do leaders earn the trust and confidence of their constituents? Time and again, people sent a clear message about qualities leaders must demonstrate if they want others to enlist voluntarily in a common cause and to commit themselves to action freely... according to our research, the majority of us look for and admire leaders who are honest, forward-looking, inspiring, competent and supportive.<sup>10</sup>*

Leadership and leadership theory have been popularized in recent years. Authors generally accept the idea that a self-aware leader, grounded in core values and working with others to develop shared values, will be effective and ultimately successful.

Consider the following statement:

*“Failure to provide strong and sound management of the electoral process will result in significant errors or oversights that would bring the electoral process into question or disrepute.”*

One must consider which competencies and characteristics the Chief Electoral Officer should demonstrate in order to avoid such an event. This is always a difficult area to quantify but from my own experience, and from my recent review and discussions, the Chief Electoral Officer should be:

**Trustworthy:** Trust is an important feature of human relations, both between individuals and between and among social groups.

**Honest:** Employees need to know that their leader is truthful and ethical. They must know where they stand, which is only possible with a leader who is open and honest with them.

**Forward-Looking:** A leader should define the organization’s vision and encourage others to follow that vision.

**Inspiring:** Admired and respected leaders are dynamic, uplifting, enthusiastic, positive and optimistic; these natural leaders bring out similar qualities in their team.

**Competent, Capable, and Effective:** The expectation is that a leader must be able to get things done for the organization. In this sense, a winning track record is the surest way to be considered competent.

These qualities are all essential, but how do you translate them into language that is more prescriptive so that a selection committee can identify them in prospective candidates?

Should the next Chief Electoral Officer be someone with a proven track record of exceptional management skills no matter the business being managed, or should he or she be a technocrat with extensive experience in the electoral field. A recent appointment of a provincial Chief Electoral Officer was of an individual who had no experience with running an election and his exposure had been on the other side with a campaign. In discussions after he was appointed, he indicated his amazement at the complexities of conducting an election and the experience and dedication of those in the electoral office. When appointed, he faced challenges similar to Election Saskatchewan with insufficient staff levels.

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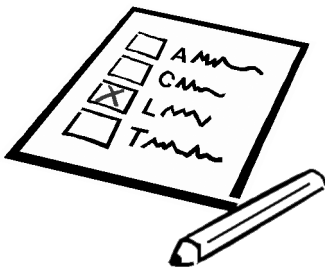
<sup>10</sup> - Kouzes & Posner, 2003, p. 13.

He was subsequently successful in putting forward a good business case that received approval of his Board. A similar experience from another Chief Electoral Officer, however, had this individual questioning whether or not she would have taken the position had she known the difficulties she would encounter. It would seem Elections Saskatchewan is not alone in confronting these problems and, unless the staffing issue is addressed as outlined in this report, we can expect the recruitment process will continue to encounter the challenge of attracting experienced candidates with a proven track record in either management or elections.

During previous recruitments, the selection committee had the following list of competencies:

- Knowledge
- Leadership
- Problem Solving
- Judgement
- Interpersonal/Communication Skills
- Knowledge of the Business Application Potential of Technology
- Organizational Skills
- Flexibility
- Credibility
- Diplomacy

A view from the inside is always helpful in shaping how others see leadership characteristics. The following are the responses of those I interviewed to the question, “What type of competencies would you like to see demonstrated by the next Chief Electoral Officer?”



- able to lead by example
- capable
- organized
- able to prioritize
- interacts well with colleagues and takes constructive comments
- superior written and oral skills
- electoral experience
- a good manager
- a sense of humor
- a good administrator combined with election experience at municipal or provincial level.

The competencies outlined in this section are all required to one degree or another in the next Chief Electoral Officer. The selection process is charged with the responsibility of verifying that any candidate is able to demonstrate these competencies which are to be confirmed through a rigorous process of screening, interviewing and background checks. If the Standing Committee on House Services assumes responsibility for recommending the appointment and overseeing the selection process, I would suggest they are the appropriate body to prepare a position profile for the position of Chief Electoral Officer. A position profile that clearly lays out the relationships, position description, organizational framework, competencies, accountabilities and terms and conditions of the appointment combined with a well-executed selection process should result in the successful recruitment of a new Chief Electoral Officer competent to the task.

## 7.0 IMPLEMENTATION

In making these recommendations, I am cognizant of the timeframes involved if they are to be implemented by the Board of Internal Economy. The main objective of the review was to comment on the health of Elections Saskatchewan and to assist the Board as it begins its search for a new Chief Electoral Officer. However, during the course of the review, as is evident throughout the report, some significant changes to legislation, organizational structures, reporting, and rules and procedures are required and cannot be expected to happen overnight. I expect the Board will also need to open a dialogue with other independent officers if these recommendations are to be implemented for the Chief Electoral Officer, particularly in the areas of operational support by the Legislative Assembly Services, House Services Committee mandate and selection and appointment process.

Nonetheless, my review has been focused on identifying strategies for moving Elections Saskatchewan forward and on providing a rationale for the Board to make that happen. Naturally, the Board of Internal Economy will have to make timely decisions concerning the implementation of the recommendations. It goes without saying that the Board's decision will impact the recruitment process for the new Chief Electoral Officer but special attention must also be paid to the implications of that decision as it relates to preparation for and execution of the general election in 2011.



Accordingly, I recommend:

### Recommendation No. 6

- a) That recommendation No. 1 be implemented by April 15, 2009;
- b) That the legislative changes necessary to implement recommendation No. 2 be included in the amendments currently being prepared to *The Election Act, 1996* and that they be introduced at the next sitting of the House beginning on October 22, 2009;
- c) That recommendation No. 3 be implemented by April 30, 2009;
- d) That recommendation No. 4 be implemented by June 1, 2009; and
- e) That recommendation No. 5 be implemented as follows:
  - 5(a) be implemented before the end of the current sitting of the Legislative Assembly May 2009;
  - 5(b) be implemented in conjunction with recommendation No. 6 (b); and
  - 5(c) be implemented in conjunction with No. 6 (d).

If recommendation No. 5(a), amending the Terms of Reference for the House Services Committee at the current sitting occurs, it would allow the recruitment process to proceed while other recommendations are in the process of being implemented.



## APPENDIX I

### STEP-BY-STEP PREPARATIONS FOR THE 26TH GENERAL ELECTION, NOVEMBER 7, 2007

Order and repack and pack all forms and materials in case early election	January - March 2004
Amendments to The Election Act, 1996	Introduced May, 2005, proclaimed March 2006
Meet with all Returning Officers and Registered Political Party Advisory Group to advise them of changes made to the Election Act	October, 2005
Make changes to forms and materials, order and re-pack all materials	(May 2005 – May 2006)
Deliver materials to Returning Officers	May 2007 and October 2007
Prepare for Weyburn-Big Muddy By-Election including incorporating many new pilot projects in operations and communications and carry out By-Election	January – June 2006
Revise Returning Officers' Manual	December 2006 - March 2007
Prepare for Martensville By-Election including incorporating many new pilot projects in operations and communications including ESPREE (electronic Voters' List software) and carry out By-election	September 2006 - March 2007
Revise Manual for Deputy Returning Officers (Regular Polls) based on input from DROs and Poll Clerks at Martensville By-Election	March 2007
Develop Manual for Deputy Returning Officers (Advance, Mobile and Hospital Polls)	June - August 2007
Revise ESPREE	June 2006 - July 2007
Recruit Automation Coordinators, create training manual and train Automation Coordinators (ESPREE)	January - April 2007
Obtain quotes on computer systems and other equipment for returning offices	January - April 2007
Liaise with SaskTel and other Suppliers	March - Aug. 2007
Prepare pre-writ assignments for Returning Officers (ROs). Send Assignments to ROs.	January – September 2007
Consult with ROs for Assignment completion	March – September 2007
Establish Mobile polls and place special care homes into correct polls within the correct constituency	
Re-map high growth constituencies, train Returning Officers involved, update poll keys, descriptions, directory of communities and cities index and prepare individual poll maps for remapped constituencies	October 2006 – June 2007
Research other jurisdictions and draft, policies, forms, advertising and recruiting for vacant Returning Officer positions	September 2006 - September 2007
Completely revamp Returning Officer/Election Clerk training program	February - April 2007
Train Returning Officers and Election Clerks	April 2007
Train new and replacement Returning Officers and Election Clerks	May, June and September 2007
Develop Field Liaison Officer (FLO) position, create Statement of Work and contract, develop training program, recruit and train FLOs	January 2007 - April 2007
Totally revamp advertising and communications plan including print ads, radio ads, voters' guide, and series of brochures	March 2007 - September 2007
Draft and post Request for Proposal for Call Centre, meet with successful company, train of call centre staff	January - October 2007
Meet with consultant regarding aboriginal communication strategy	January 2007
Develop training manual and contract for Community Relations Officers (CRO) (Aboriginal and Youth), recruit and train for (CRO) (A. and Y.)	August - September 2007
Revamp web site	July - September 2007
Election Day – November 7, 2007	
Return to the Writ	November 2007
Recount – Meadow Lake	December 2007
Pick up Returning Officer materials and sort items to be kept for 1 year, items for recycling, longer term retention, etc.	November 2007 - May 2008
Pay all Invoices	November 2007 – April 20
Audit of Imprest Account and provide feedback letters to Returning Officers regarding their Imprest account	November 2007 – March 2008
Review of candidate election returns	
_ Those getting reimbursement	Feb - May 2008
_ Those not getting reimbursement	May - July 2008
Provide feedback to candidates/business managers on the candidate returns	July - Oct. 2008
Review registered political party election returns	May 2008 - Feb. 2009
Make auditor reimbursements for candidates and registered political parties for election returns	February – June 2008
Prepare for Debriefing and carry out Post-Election Debriefings with stakeholder groups	March - September 2008
Organize Town Hall Meetings with disability groups in Regina and Saskatoon	February - April 2008
Produce Statement of Votes - Report of the Chief Electoral Officer - November 7, 2007 Election (Volume I)	January - September, 2008
Draft/Produce November 7, 2007 Election Report on Campaign Contributions on Expenditures (Volume II)	December 2008 - February 2009
Research/Draft Report of the CEO - November 7, 2007 Election - Recommendations for Changes to The Elections Act, 1996 (Volume III)	August 2008 - Feb 2009

SOURCE: P:\WPDATA\ACEO\Budget\Budget Estimates 2009-2010\Steps to Election Day 2007 and 2011 - pt of presentation-Feb 11 updated.doc

## APPENDIX II - Relevant Provincial Legislation

### Ontario Elections Act - Office of the Chief Electoral Officer

114. (1) Subject to the approval of the Board, the Chief Electoral Officer may employ such persons on his or her permanent staff as are necessary in the performance of his or her duties and for the efficient and proper operation of his or her office and may,
- (a) establish job classifications for such employees and determine their salaries or wages and the terms and conditions of their employment; and
  - (b) determine the salary of the Deputy Chief Electoral Officer. 2006, c. 35, Sched. C, s. 30 (1); 2007, c. 15, ss. 28, 40 (1).

#### Same

- (1.0.1) Salaries or wages determined for the employees of the office of the Chief Electoral Officer under clause (1) (a) shall be comparable to the salaries or wages determined under Part III of the Public Service of Ontario Act, 2006 for public servants employed under that Part to work in a ministry, other than in a minister's office, who are in similar positions. 2006, c. 35, Sched. C, s. 30 (1); 2007, c. 15, s. 40 (1).

#### Estimates

- (1.1) The Chief Electoral Officer shall present annually to the Board estimates of the sums of money that will be required,
- (a) for the purposes mentioned in subsection (1); and
  - (b) for the performance of the Chief Electoral Officer's functions under the Election Finances Act and the Taxpayer Protection Act, 1999. 1998, c. 9, s. 48 (3); 1999, c. 7, Sched. A, s. 22; 2007, c. 15, s. 40 (1).

#### Review of estimates by Board

- (2) The Board shall review and may alter as it considers proper the estimates referred to in subsection (1.1), and the chair of the Board shall cause the estimates as altered by the Board to be laid before the Assembly, which shall refer them to one of its committees for review. 1998, c. 9, s. 48 (4).

#### Money

- (3) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. E.6, s. 114 (3). Oath or affirmation of office and secrecy and oath or affirmation of allegiance

115. (1) Every employee of the office of the Chief Electoral Officer, before performing any duty as such, shall take and subscribe the prescribed oath or affirmation of office and secrecy and, if required by the Chief Electoral Officer, the prescribed oath or affirmation of allegiance. R.S.O. 1990, c. E.6, s. 115 (1); 2007, c. 15, s. 40 (1).

#### Idem

- (2) The Chief Electoral Officer may require any person appointed to assist the Chief Electoral Officer for a limited period of time or in respect of a particular matter to take and subscribe either or both of the oaths or affirmations referred to in subsection (1). R.S.O. 1990, c. E.6, s. 115 (2); 2007, c. 15, s. 40 (1).

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### Newfoundland and Labrador - House of Assembly Accountability, Integrity and Administration Act

#### Duties and responsibilities of commission:

20. (1) The commission is responsible for the financial stewardship of all public money, within the meaning of the Financial Administration Act, that may be voted by the House of Assembly for the use and operation of the House of Assembly and statutory offices, and for all matters of financial and administrative policy affecting the House of Assembly, its members, offices and staff and in connection with them and, in particular, the commission shall
- (a) oversee the finances of the House of Assembly including its budget, revenues, expenses, assets and liabilities;
  - (b) review and approve the administrative, financial and human resource and management policies of the House of Assembly service and statutory offices;
  - (c) implement and periodically review and update financial and management policies applicable to the House of Assembly service and statutory offices;
  - (d) give directions with respect to matters that the commission considers necessary for the efficient and effective operation of the House of Assembly service and statutory offices;
20. (3) Notwithstanding paragraph (1)(c), where a financial or management policy has not been established by the commission for the House of Assembly and statutory offices, the financial and management policies of the government shall apply.

#### Subordinate offices

32. (1) The commission may appoint those employees, other than those appointed under section 7, that it considers necessary for the conduct of the business of the House of Assembly service.
- (2) The commission may, in accordance with
- (a) subsection 10(1) of the Citizens' Representative Act;
  - (b) subsection 11(1) of the Child and Youth Advocate Act;
  - (c) subsection 42.7(1) of the Access to Information and Protection of Privacy Act;
  - (d) subsection 34(6) of the House of Assembly Act; and
  - (e) subsection 7(1) of the Elections Act, 1991, approve the proposed appointments of officers, clerks, assistants and employees of the statutory offices.
- (3) Personnel and administrative policies respecting the public service, including policies with respect to the reimbursement of expenses, apply to persons employed in the House of Assembly service, except where varied by a directive of the commission.
- (4) Policies relating to deputy ministers, including policies with respect to the reimbursement of expenses, apply to the clerk and persons appointed to preside over a statutory office, except where varied by a directive of the commission.
- (5) The employee benefits applicable to the public service of the province apply to persons employed in the House of Assembly service, except where varied by a directive of the commission.
- (6) The Public Service Commission Act, except for section 11 with respect to appointments, applies to the House of Assembly and the statutory offices, except where varied by a directive of the commission.
- (7) The commission may, with the approval of the applicable minister or agency head, second employees from a department of government or agency to work on a temporary basis in the House of Assembly service and while working, those persons shall report to and be answerable to the clerk or other person who may be designated by the clerk and, upon return of those persons to work in a government or agency, service while employed in the House of Assembly service shall be counted as service in the public service.

**Saskatchewan - The Provincial Auditor Act - Office of the provincial auditor**

- 8
- (1) The provincial auditor may employ any persons that he considers necessary to assist him in carrying out his duties and fulfilling his responsibilities under this Act.
  - (2) Employees of the provincial auditor's office are employees of the Legislative Assembly and are not members of the public service of Saskatchewan.
  - (3) The employee benefits applicable to the public servants of Saskatchewan apply or continue to apply, as the case may be, to the provincial auditor and the employees of the provincial auditor's office.
  - (4) The Public Service Superannuation Act, The Superannuation (Supplementary Provisions) Act and The Public Employees Pension Plan Act apply to the provincial auditor and the employees of the provincial auditor's office, and all credits in any superannuation plan or fund established pursuant to those Acts for the provincial auditor and the employees of the provincial auditor's office and accumulated under those Acts, before the coming into force of this section, are preserved and continued in accordance with those Acts.
  - (5) The provincial auditor shall administer, manage and control the provincial auditor's office and the general business of the office and shall oversee and direct the staff of the office.

## APPENDIX III - Duties of Clerk – House of Assembly

### Chapter H-10.1 House of Assembly Accountability, Integrity and Administration Act

#### Clerk

28. (1) The clerk is the chief officer of the House of Assembly with the status equivalent to a deputy minister in the public service and in that capacity the clerk is;
- (a) the chief parliamentary advisor to the speaker; and
  - (b) the chief administrative and financial officer of the House of Assembly responsible to the speaker and through the speaker to the commission for the management of the operations of the House of Assembly service and the administration of the statutory offices.
- (2) In his or her capacity as chief parliamentary advisor, the clerk is responsible for
- (a) advising the speaker, deputy speaker, committee chairpersons and members on procedural matters concerning the rules, privileges and proceedings of the House of Assembly;
  - (b) directing and coordinating the provision of procedural services by the clerk assistant, sergeant-at-arms and other officers of the House of Assembly;
  - (c) coordinating all official parliamentary ceremonies and other events involving the House of Assembly;
  - (d) custody of and safe-keeping of the records of the House of Assembly and all bills, petitions and documents presented to or laid on the table of the House, and shall produce them when required by the speaker or by his or her order on motion of a member;
  - (e) recording and carrying out all recorded votes of the House of Assembly; and
  - (f) ensuring and controlling public access to the proceedings of the House of Assembly through the production and distribution of Hansard and the facilitation of electronic access to proceedings by the media.
- (3) In his or her capacity as chief administrative and financial officer, the clerk is responsible for
- (a) the provision of administrative, financial and other support services to the House of Assembly, its members, and statutory offices;
  - (b) direction and supervision of the clerks, officers and staff employed in the House of Assembly service and for the establishment of general administrative policies of the statutory offices;
  - (c) acting as secretary of the commission and has custody of all records and minutes of the commission;
  - (d) ensuring that disclosure, as required by law, of the proceedings of the commission and the financial matters pertaining to members and the House of Assembly service is provided for;
  - (e) the preparation of the estimates of the House of Assembly as required by section 26 and analysis and commentary, to the commission, on the budget submissions of the statutory offices and the office of the auditor general;
  - (f) administration of all services and payments to members;
  - (g) the orderly safekeeping of the records of the House of Assembly service;
  - (h) authorizing and recording all financial commitments entered into on behalf of the House of Assembly and statutory offices;
  - (i) reporting regularly to the commission and informing the secretary of the Treasury Board regarding the financial and budgetary performance of the House of Assembly and statutory offices;
  - (j) reporting to the commission and the audit committee on the status of audits of the House of Assembly and the statutory offices and, specifically, reporting if in his or her opinion the audit is not being conducted on a timely basis;
  - (k) maintaining and periodically assessing the effectiveness of internal controls in the House of Assembly and statutory offices and reporting on that assessment and effectiveness to the commission; and
  - (l) certifying to the commission as required that the House of Assembly and statutory offices have in place appropriate systems of internal control and that those systems are operating effectively.

