

# **15<sup>th</sup> Legislative Assembly of the Northwest Territories**

## **Standing Committee on Rules and Procedures**

Report on the Review  
of the Report of the  
Chief Electoral Officer  
on the Administration  
of the 2003 General Election

Chair: Mr. Bill Braden, MLA

## MEMBERS OF THE STANDING COMMITTEE ON RULES AND PROCEDURES

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Bill Braden  
MLA Great Slave  
Chair

Robert Hawkins  
MLA Yellowknife Centre  
Deputy Chair

Hon. Brendan Bell  
MLA Yellowknife  
South

Robert Villeneuve  
MLA Tu Nedhe

Henry Zoe  
MLA North Slave

### COMMITTEE STAFF

Dave Inch  
Committees Clerk

Robert Collinson,  
Committee  
Researcher

Darha Phillpot  
Committee  
Researcher



FEB 17 2005

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures is pleased to provide its Report on the Review of the Report of the Chief Electoral Officer on the Administration of the 2003 General Election and commends it to the House.

A handwritten signature in black ink, appearing to read "Bill Braden".

Bill Braden, MLA  
Chairperson

**STANDING COMMITTEE ON  
RULES AND PROCEDURES**

**REPORT ON THE REVIEW OF THE  
REPORT OF THE CHIEF ELECTORAL OFFICER  
ON THE ADMINISTRATION OF THE  
2003 GENERAL ELECTION**

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**TABLE OF CONTENTS**

Recommendations .....	1
Other Issues Discussed .....	3
Acknowledgements .....	3
Appendix A: Transcripts	

The Standing Committee on Rules and Procedures conducted a public review of the Report of the Chief Electoral Officer on the Administration of the 2003 General Election over the course of three months from November 4, 2004 to January 26, 2005.

The Committee met first with the Chief Electoral Officer in November and solicited public feedback through extensive advertising in northern newspapers before convening again on January 26<sup>th</sup> to consider submissions.

There were no respondents. The Committee then met with the Acting Chief Electoral Officer to give final consideration to the report and its recommendations.

The Report's recommendations and the Committee's comments and endorsements are as follows:

**Recommendation:**

**That the *Elections Act* be amended to provide that the first Monday in October be the permanent Election Day in the Northwest Territories.**

There was broad support on Committee for setting a permanent election date. There was some discussion on whether the first Monday of October was the appropriate date, but the advantages of better weather and daylight during the campaign; avoiding conflict with municipal elections dates and the certainty of a fixed election date for planning purposes for the GNWT and any prospective candidate outweigh the disadvantages.

The one downside that was identified by Committee was that once every four years the Legislative Assembly would lose the ability to do a comprehensive review of the Government's Business Plans.

The Standing Committee on Rules and Procedures endorses the first Monday of October as the permanent Territorial Election Day.

**Recommendation:**

**That a comprehensive review of the *Elections Act* be undertaken and a new *Act* be presented to the Legislative Assembly for consideration; and**

**That the *Plebiscite Act* be repealed and that provisions for the administration of plebiscites and referendums be integrated into the new *Elections Act*.**

The Committee noted the *Elections Act* has been amended several times and is in need of update and consolidation. Committee agrees with the recommendation to repeal the *Plebiscite Act* and consolidate its provisions in the new *Elections Act*.

While the *Plebiscite Act* has been used rarely, the last time in 1992, it is almost identical to the *Elections Act*. For administrative and reference purposes its inclusion as a separate section of the *Elections Act* is recommended.

The Committee endorses the rewriting of the *Elections Act* and the consolidation of the *Plebiscite Act* into the new *Elections Act*.

**Recommendation:**

**That the Chief Electoral Officer, in partnership with the Legislative Assembly and the Department of Education, Culture and Employment, develop a web-based interactive educational site and curriculum on election participation for use in the schools.**

Members note that electoral participation in the Northwest Territories is traditionally higher than mainstream Canada, particularly in small communities. However, recent studies in southern Canada show that young people's participation in the electoral process has declined dramatically. We need to encourage young people to vote and exercise their franchise.

The Committee endorses the development of educational programs that encourage voter participation by young people.

**Recommendation:**

**That a review be undertaken to consider the efficiencies and sharing of resources that could occur with the Office of the Chief Electoral Officer assuming the administrative responsibility for elections of community governments under the *Local Authorities Election Act*.**

The Committee notes that the expertise exists in the Office of the Chief Electoral Officer to assume the administrative responsibility for the municipal elections. With the exception of once every four years, when the Territorial Election occurs, Members do not see a reason existing staff could not administer municipal elections.

The Committee endorses the Office of the Chief Electoral Officer examining the potential for taking on the responsibility for the administration of municipal elections.

## **OTHER ISSUES DISCUSSED**

Many of the issues that Members heard expressed during the last Election Campaign, such as lowering the voting age to sixteen, electing a Premier at large and tightening up candidates' residency and eligibility requirements are outside the scope of this Report and may possibly be addressed during the legislative process that will occur with reviewing the *Elections Act*.

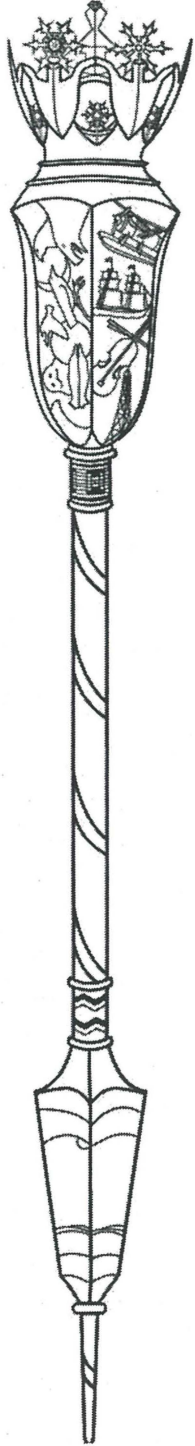
Some Members noted the interpretation of the provisions of the current legislation relating to the access of candidates to apartment buildings during elections are too literal and need to be clarified, so that candidates' access to the electorate is not impeded during the campaign period.

## **ACKNOWLEDGEMENTS**

The Standing Committee on Rules and Procedures gratefully acknowledges the advice, assistance and cooperation of the former Chief Electoral Officer, Mr. David Hamilton, and the Acting Chief Electoral Officer, Mr. Glen McLean, in the course of our review.

## **APPENDIX A**





# **Northwest Territories Legislative Assembly**

## **Standing Committee on Rules and Procedures**

Review of the Report of the Chief Electoral Officer  
on the Administration of the 2003 General Election

Chair: Mr. Bill Braden, MLA

## **STANDING COMMITTEE ON RULES AND PROCEDURES**

### **Chairperson**

Mr. Bill Braden, MLA, Great Slave

### **Members**

Hon. Brendan Bell, MLA, Yellowknife South  
Mr. Robert Hawkins, MLA, Yellowknife Centre  
Mr. Robert Villeneuve, MLA, Tu Nedhe  
Mr. Henry Zoe, MLA, North Slave

### **Witnesses**

Mr. David Hamilton, Chief Electoral Officer  
Mr. Glen McLean, Deputy Chief Electoral Officer

### **Committee Staff**

Mr. Dave Inch, Committee Clerk  
Ms. Colette Langlois, Director of Research  
Ms. Laurie Napier, Research Intern

**STANDING COMMITTEE ON RULES AND PROCEDURES**  
**Review of the Report of the Chief Electoral Officer on the Administration**  
**of the 2003 General Election**  
**November 4, 2004**  
**Committee Room 'A'**  
**10:00 a.m.**

**CHAIRMAN (Mr. Braden):** Good morning, everyone. I will call the public meeting of the Standing Committee on Rules and Procedures to order. We're here today to begin our public review of the report of the Chief Electoral Officer on the administration of the 2003 General Election. Before we get underway, I would like to take this opportunity for members of the committee to introduce themselves, and then I will introduce staff and we will get underway. Perhaps we can start with Mr. Bell.

**HON. BRENDAN BELL:** Brendan Bell, MLA for Yellowknife South.

**MR. HAWKINS:** Robert Hawkins, MLA for Yellowknife Centre.

**MR. ZOE:** Henry Zoe, MLA for North Slave.

**MR. VILLENEUVE:** Bobby Villeneuve, MLA, Tu Nedhe.

**CHAIRMAN (Mr. Braden):** Thank you, colleagues. I'm Bill Braden, MLA for Great Slave and the Chair of this committee. With us today is our committee clerk Dave Inch, and committee research assistant Laurier Napier.

On the matter of our review, I would like to briefly outline the process and the timing that we will follow in examining the report and its recommendations, soliciting public feedback and reporting our findings to the Legislature. Since the report was tabled in May of this year, our meeting here today is our first opportunity to hear from Mr. Hamilton and to allow the Chief Electoral Officer to respond to any initial questions we might have. It's also an opportunity to let the electorate know about our review, and that we are interested in hearing their views about the report, the issues raised and the recommendations made by the CEO.

The public will have several weeks to review the report and respond to us with their comments before we meet again in the new year, likely by the end of January on or about the 25<sup>th</sup>. The most efficient and cost-effective process for us is to receive written comments, however, if a person or persons wish to address the committee in person, there may be limited opportunities to do so. All requests to appear before the committee will be considered.

Once our committee has concluded this meeting with the office of the Chief Electoral Officer and considered the views of respondents in January, we will discuss and prepare our report and present recommendations to the House in February of 2005.

From there, the House will ultimately decide on the course of action and the measures to be implemented in time for the next general election.

I would also like to note that the Chief Electoral Officer and I will be convening a press conference immediately following this meeting, which will give members of the media an opportunity to ask questions.

With that, I am pleased to welcome the Chief Electoral Officer of the Northwest Territories, Mr. David Hamilton, who has joined us this morning to discuss this report. Mr. Hamilton, would you please introduce your colleague for the record and proceed with your comments? Thank you.

### **Chief Electoral Officer's Opening Comments**

**MR. HAMILTON:** Thank you, Mr. Chairman and committee members, for the warm welcome. For the record, I would like to introduce Glen McLean who is the Deputy Chief Electoral Officer for the Northwest Territories. As Chief Electoral Officer, I am pleased that I have been given this opportunity to meet with the standing committee to review and discuss my report on the conduct of the 2003 General Election.

Mr. Chairman, the Northwest Territories electoral process has evolved while still preserving the democratic right within the modern day parameters and, more importantly, at a pace and in a way that meets the needs of the residents of the territory. It is reports like the one you will be reviewing that allows for discussion and input into the democratic system that is so fundamental to the consensus nature of this part of Canada. I would like to note that on March 10, 2005, Elections NWT and the Legislature will mark 30 years since the first fully-elected Assembly was voted into office; an event, Mr. Chair, worthy of remembering.

Mr. Chair, the 2003 General Election was an election of firsts. It was the first election conducted under the 28-day calendar; the first election that a federal, provincial or territorial jurisdiction used picture ballots; the first election that the register of territorial electors, or ROTE, was used; the first time that an elector could decline to vote; and, the first time electors in the NWT voted on a Saturday in the office of the returning officer.

I am pleased, Mr. Chair, to report that the election went exceptionally well, with very few problems that disrupted the flow of the electoral process.

During the course of the election, my office received and reviewed eight written complaints. I authorized that two complaints, one from the electoral district of Inuvik Twin Lakes and one from the electoral district of North Slave, be investigated and reported upon. Following the receipt of the written reports from our investigators and after further review with legal counsel, it was determined that there was insufficient evidence to proceed with prosecution. Both files have been closed and the combined cost of these investigations totalled \$29,276.88.

Mr. Chair, concerns may be raised regarding the spending of approximately \$30,000 on two investigations. However, I am of the view that residents of the Northwest Territories must have confidence that complaints filed are taken seriously and thoroughly investigated. Confidentiality of the identity of the complainant, as well as the person who is the subject of the complaint is also important. As with previous elections, I was under pressure to release the details of the complaint while the investigation was underway. The requested information was not released, as I believe that the release of information would have jeopardized the investigation further. It is important for the office of the Chief Electoral Officer to hold confident all complaints, unless there is sufficient evidence to initiate prosecution. This practice encourages people to come forward with complaints and protects the privacy of individuals against whom unsubstantiated complaints are made.

Mr. Chair, personal information of some 21,153 electors was data entered into ROTE following enumeration, which was conducted during the period of May 26<sup>th</sup> to June 6, 2003. The cost of conducting this final territorial enumeration totalled \$82,520. This cost included the training of returning officers and enumerators, and the basic fees paid to the enumerators in incidentals and miscellaneous expenses. The cost collector, therefore, was \$3.90 to collect that information.

During the revision process, an additional 392 electors were added and 71 were deleted, resulting in a net increase of 321 electors. The number of electors registered prior to polling day totalled 21,474. With the acclamations of Members from Inuvik Boot Lake, Mackenzie Delta, Hay River North, Weledeh and Yellowknife South, the total number of electors appearing on the official list of electors produced by ROTE was 16,107. As a result of the five acclamations, 5,367 registered eligible electors would not be going to the polls.

Mr. Chairman, a total of 1,618 eligible electors were sworn in at the polls prior to voting. Sworn-in electors were required to complete an oath of elector prior to voting, and were given the opportunity to request that their personal information not be registered in ROTE. A total of 118 electors chose not to have their personal information registered with us. There was an unusually high number of electors, as Members will recall. There were 225 sworn in during the election in the electoral district of Inuvik Twin Lakes. This resulted in voter turnout of 152.5 percent. This abnormally high percentage can be attributed to a less than anticipated enumeration success rate. However, with this additional elector information, we were able to update ROTE to reflect a more accurate elector base for the electoral district of Inuvik Twin Lakes.

The final recorded number of electors who chose to vote in the 2003 General Election was 11,040, or 68.54 percent of the eligible electors appearing on the official list of electors. This compares favourably with an election participation rate of the previous seven general elections, which averaged a voter turnout of 68.3 percent.

Mr. Chairman, following the general election, as required by the Jury Act, a copy of the list of electors is provided to the Northwest Territories sheriff's office for the purpose of

jury selection. However, subsection 47.1 of the Elections Act provides that the use of elector information is restricted to election purposes only. The office of the Chief Electoral Officer has now entered into an agreement with Elections Canada to share electoral information for election purposes only. The electoral information received from Elections Canada cannot be used for any other purpose. Notwithstanding the subsection 47.1(2) of the Elections Act which provides an exemption to the restriction, I am of the opinion that information collected on eligible electors should be restricted to its intended purpose. Therefore, I will no longer be providing electoral information to the Northwest Territories sheriff's office for jury selection purposes. If the committee and, subsequently, the Legislature, Mr. Chairman, agrees, then an amendment to the Jury Act will be required to give effect to that decision.

Mr. Chairman, voting in the office of the returning officer was successful, very successful, as a matter of fact, with 1,002 voting over a period of 10 days, which included two Saturdays. This compares well to the 1999 election where 664 voted in the office of the returning officer.

Voting by special ballot was relatively successful with a total of 229 electors participating in the special voting opportunity which was considerably higher than the 92 that used that opportunity in 1999.

However, we again received concerns with respect to the amount of time it took to receive a ballot through the use of regular mail service. I plan to revisit this voting opportunity to address how special ballots should be provided to electors who choose to vote by special ballot.

Other special opportunities, including voting by special mobile poll, in which 110 electors voted at advance polls, where 49 voted. I think, Mr. Chairman, this shows that the voting opportunities that we have been providing to electorate are well used and are more and more understood, since some were just initiated in 1999 for the first time. They are now better understood and more people are taking advantage of the opportunities.

As a note of interest, of the 11,040 electors who voted during the election, 9,450...

**CHAIRMAN (Mr. Braden):** Pardon us for just a moment. Maybe it's Ralf Nader asking for our advice. Thank you. I think we can proceed. Mr. Hamilton.

**MR. HAMILTON:** As a note of interest, of the 11,040 electors who voted during the election period, 9,450 electors, or 85.5 percent, chose to vote on polling day. So obviously it's still the most popular way of voting, expressing their vote.

Mr. Chairman, the report contains a limited number of recommendations. The recommendations in this report are meant to improve the election process and to invoke discussion, not only among those in the position of political influence or those who experience the electoral process firsthand as candidates or election officials, but also

among the general electorate who should ultimately benefit from any improvements. It is important that we have an opportunity to discuss ways to improve the Elections Act and, in general, the election process.

The current Elections Act was first assented in 1988 and has subsequently been amended in 1988, 1991, 1995, 1997, 1998, 2002 and, finally, 2003. During the conduct of any elections, there are a number of non-substantive technical amendments that need to be made to ensure consistency and compliance. I believe, however, that the act needs to be streamlined to provide for easy reference and understanding.

Additionally, Mr. Chair, the Chief Electoral Officer is also the Chief Plebiscite Officer and is responsible for the administration of the Plebiscite Act. The Plebiscite Act was first assented to in 1988 and subsequently again amended in 1991 and in 1995. Although the Plebiscite Act has only been used twice since 1992, the electoral process for a plebiscite is almost identical to that of the Elections Act.

The ability of a Legislature, Mr. Chairman, to poll the people of the Northwest Territories on significant issues through a plebiscite or a referendum is fundamental to the democratic system. I am recommending for administrative and reference purposes, that the Plebiscite Act be repealed and replaced by including authority to hold a plebiscite or referendum as a separate section within the Elections Act.

Mr. Chairman, the date of the holding of a general election in the Northwest Territories is determined to be four years from the return of the writs from the last general election. Therefore, the term of the 15<sup>th</sup> Legislative Assembly expires on December 8, 2007, with the general election of the 16<sup>th</sup> Legislative Assembly occurring after that date.

Conducting elections across the NWT in the winter is not popular with electors, candidates or election officials. Mr. Chairman, the establishment of a permanent election day will provide Elections NWT the opportunity to begin its presentation and dissemination of electoral information at an established time for each general election. Further, the general electorate will have full knowledge of the date in which a general election will be held. A permanent election date will ensure that all prospective candidates will have equal opportunity to prepare for a general election. I am recommending that a permanent election date be established for territorial elections.

Mr. Chairman, Canada, as a whole, has witnessed a decline in the number of young voters aged 18 to 25 who participate in the electoral process. Other electoral jurisdictions are undertaking programs that will educate the youth in the election process and encourage youth participation.

Although the office of the Chief Electoral Officer does not collect data on age participation, it is important that a program be developed for use by the schools and the general public. Mr. Chairman, it is not just a program to encourage our youth to vote, but a view is also needed, in partnership with the Department of Education, of the Social Studies curriculum and the Northern Studies Program, as it's called in the North, as to

what students are learning about our consensus system, as well as what other democratic systems that take place in other parts of the country and other parts of the world. It has been recognized by the Department of Education that learners need to be provided with more opportunity to study their own process in the Northwest Territories. I am recommending that a web-based interactive program and curriculum on education participation for use in schools be developed.

Mr. Chairman, in my report of the administration of the 1999 general election, I commented on efficiencies that could be explored for sharing of resources with other governments that conduct elections throughout the Northwest Territories. The Northwest Territories is not unique in that it has a large number of governments, groups and organizations that hold elections in some form or another in any given year. The establishment of ROTE and the agreements that are in place with a number of community governments to share electoral information will allow for these efficiencies.

The current negotiations of aboriginal governments, self-government and the settlement of agreements will lead to new ways of voting in different parts of the NWT. The office of the Chief Electoral Officer has already been asked for electoral information to assist with the Tlicho in creating their list of electors for the first community election in the Tlicho settlement area.

The office of the Chief Electoral Officer in a number of provinces, including Nunavut and the Yukon, conduct elections not only for their respective legislatures, but also for municipalities and school boards. I am of the view that it is time to formalize the opportunity for sharing of electoral resources, particularly with community governments. I am recommending that a review be undertaken to consider the efficiencies and sharing of resources that could occur with the office of the Chief Electoral Officer assuming administrative responsibility for elections of community governments.

Mr. Chairman, as we become more familiar with the implementation requirements of settled self-government and land claim agreements, this will one day require entering into some dialogue on the electoral system and structure of governance in the Territories.

As we look across the country, we see innovations and changes being considered as tools to respond to Canadian concerns about electoral governments, administration and services to electors. In British Columbia, systematic changes are under review through an Innovative Citizens' Assembly on electoral reform. Formed in April of 2003, the assembly is looking at the structure and governance of B.C.'s electoral system. This initiative follows closely on the creation of a fixed four-year term for the B.C. Legislature.

Several other provinces, Mr. Chairman, as well as the Law Commission of Canada are also looking at representational issues and electoral administration. The Government of Canada, in the Throne speech, has indicated that it will embark on democratic reform.



Also as recently as April of 2004, Elections Quebec presented a series of proposals to the National Assembly entitled "Improving Access to and Promoting the Exercise of Voting with a View to Modernizing the Electoral Process and Adapting it to the Needs of Electors."

Mr. Chairman, as I have indicated, it is an exciting time in the Northwest Territories at all levels of governments. The successful conclusion of self-government and land claim agreements with aboriginal governments will result in new ways of electing community and regional governments.

Mr. Chairman, I am not advocating at this time that the Northwest Territories, like other jurisdictions, needs to embark upon a review of its government structure and electoral process. I am of the view that our consensus system is still the foundation that residents are familiar and comfortable with at this time. However, consideration may be required in the future once all self-government and land claim agreements are settled for the Legislature of the day, aboriginal and community governments to engage the residents of the Territories in a dialogue on electoral and government structures. The time for the dialogue is not now, but will come one day in the future.

Mr. Chairman and Members, I will comment briefly on the establishment of the Electoral Boundaries Commission, which has to occur within two years of the general election. Suffice to it say, I hope the Legislature will take action to establish the commission in a timely manner to avoid delays with the implementation of any changes that may be made. Mr. Chairman, this may be also significant especially if there was a decision to have a permanent election day because that would effect the getting ready for the next general election in 2007.

Mr. Chairman, I would be remiss if I did not acknowledge and thank the staff that makes an election possible. The dedication and hard work of the staff of Elections NWT, the 19 returning officers, the assistant returning officers, enumerators, supervisors, deputy returning officers, poll clerks, interpreters and peace officers all contribute to a fair and successful election.

Mr. Chairman, as you know, and the committee members know, effective November 5<sup>th</sup>, I will no longer be the Chief Electoral Officer as I have taken on a new responsibility in the service of the residents of the Territories and Canada. This decision was not easy for me as I have been involved in the electoral process in the Northwest Territories for 30 years; at the community level with the elections for the first hamlet council in Aklavik in 1974, and then with numerous other significant votes across the North.

I will miss this part of my life but I know the electoral process, Mr. Chairman, in the Territories is respected for its accessibility and its impartiality and is in good hands with the Deputy Chief Electoral Officer assuming responsibilities.

Mr. Chairman, that concludes my remarks. I apologize for my rather lengthy remarks; but since it's my last opportunity to do it, I took the chance to make them rather lengthy.

I would now be pleased to answer any questions that you or committee members may have. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** And thank you, Mr. Hamilton. Yes, indeed, you have brought forward a very comprehensive report. As you have indicated, you bring 30 years of experience in the electoral process to the table here. It's something that we are quite happy to give the time to.

Now is the opportunity for committee to engage and see what areas we would like to get some further discussion on, some clarity or open up some new areas. I see Mr. Hawkins has indicated he would like to open up the discussion.

**MR. HAWKINS:** Thank you, Mr. Chairman. Thank you, Mr. Hamilton. I didn't find your remarks very lengthy; I found them quite detailed. That being said, I do have a few questions. On page 4, on the last paragraph, you noted that 225 electors were sworn in during the election process for Inuvik Twin Lakes which caused a 152.5 percent increase. Of course, you note that is abnormally high. Can we just anticipate that that was simply something of a miscount or some confusion? We will have a base test on the next election. What process would seem normal if we lose 152 percent? I am only concerned about validating those sworn-in voters. Some may have unofficially been on the list for improper reasons to begin with on the original voters' list and some people who may have been added, may have been added properly, but at the end of the day it doesn't balance. Could you flush that out, Mr. Chairman?

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. To the discrepancies in the Inuvik enumeration, Mr. Hamilton.

**MR. HAMILTON:** Thank you, Mr. Chairman. Basically, the enumeration was flawed in some areas. It was human error. That's probably the easiest way to describe it. Doing an enumeration, as Members know, in small communities or no matter which community you are doing it in, it's always hard. The returning officer hired an enumerator who she thought would do a good job. She genuinely tried to do a good job, but regrettably she had a miscarriage during the process but didn't want to say anything because she felt she had to do a good job. So she didn't do as good a job. It was human error. We didn't have such a good enumeration in that electoral district. That was most of the reason why. We did extend it by a few days to try to capture more people, but, obviously by the results, there were more people sworn in and got on the list than we had anticipated.

The onus of getting onto a list is on the voter. It stands a chance of being challenged. If any of the voters who were on there cast their ballot, they could be challenged at the poll. The offence would be created on the individual who voted. If people do try to get on a list and know they are not eligible to be on that list, then they are the individuals who could be caught and the offence would be against them.

I think on a positive side, Mr. Chairman, the fact is we have that list now and that list helped update our register because they are now all on the register. This is the basis of the list we are using for the by-election. This is an opportunity for us to test that list and to test our system to see if that list is still valid. Because the revision process has started for that by-election, we have already taken 20 off the list. That happens anyway. They could have moved out of the district. That's on the positive side of it. We will be able to verify the list in our system for this by-election.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Hawkins.

**MR. HAWKINS:** It's nice to see voter enthusiasm at 152 percent; excellent. I agree with your comments on page 5 about no longer sharing this. It should be a legislative process that makes the ultimate decision. I agree with you choosing not to share the information and keeping it for what it's intended for.

Normally we allow three questions, so I don't want to waste them. Referring to page 6, you note that 85 percent roughly chose to visit the polling stations on polling day. Has that ever been looked at in comparison to other regions? I have to say I like advance polling, the way it was designed this time, allowing people to come in at their own time and not feeling pressured. So opening up the door for people to get in on their own terms I thought was a great innovation. It kept the bottleneck process of trying to get voting out there and done, noting what happened the other day... People voted hours after the stations had closed just to make sure everyone had their right to vote. Have there been any observations made between other areas regarding advance polls? Is 15 percent participation high or is that considered normal? Do you know when the B.C. findings will come forward? Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. I think there were about 20 questions there. Committee, we will continue going around until everyone has had their say. Mr. Hamilton, a number of issues there. Please go ahead.

**MR. HAMILTON:** Does Mr. Hawkins mean in other regions or other parts of Canada? Yes, I think you will find that the old tradition of voting on polling day is the most popular time to do it in the Northwest Territories. You will find that in the rest of Canada. That definitely is when people like to do it, on polling day. It's the most noticeable time and it's the most exciting time for individuals.

The other opportunities that we provide for voters to go and vote are for a number of reasons. Perhaps they are not going to be here on polling day or it's going to be more convenient to go into the office of the returning officer, which has become a very popular way of expressing your vote throughout the Territories. The only concern with that is that is limited to where the returning officer is. So in some of the smaller communities and ridings in the North, the issue is it's not in Liard or Wrigley or some of the other communities in that district. There are opportunities now for advance polls to meet those needs.

Mr. Chairman, you will never take away the most popular time to do it, and that's on polling day. I don't think that will change. It does show people are using other opportunities in that. I hope I have answered that part of the question.

The B.C. Citizens' Assembly finalized their report about a week ago in their last meeting. Their report goes to the Legislature and there is an automatic referendum. It's put to the people of British Columbia without any changes or debate by the Legislature. The Legislature, therefore, is bound by the results of that referendum. So that was how they structured it and that's how they are going to review it. Those changes would not take effect until their next election which is in 2010, I think, because their next fixed election is 2005.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hamilton. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. I have a straightforward and simple question. On page 7, I find your recommendation interesting about timing of the next election. I hope maybe someone will ask and get a sense of why you suggested October.

I like what you say on page 8 about the educational side. We probably need to do a lot more to engage the people in the process.

You talked about considerations about elections on a global scale. You didn't say this in so many words, but it causes me to ask if there has ever been any thoughts on capacity existing at this time or how much capacity would be required if there ever was an amendment to how we elect our Premier in the Northwest Territories. In the city of Yellowknife we elect the premier, but maybe in the future we could consider electing our premier as one seat, territory-wide. How does that reflect in the capacity of the existing office? What would need to be changed? Obviously the election, but outside of the two paragraphs in the legislation to adjust that, what types of changes do you foresee that would not be ready? I will leave that as the big question and you can whittle away as you see fit.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. To the capacity of our electoral process to accommodate something like the direct election of the Premier.

**MR. HAMILTON:** Thank you, Mr. Chairman. The electoral system could handle that very efficiently because it's only a matter of how the system would work, which is decided by the legislators. The Legislative Assembly would say we wish to elect our Premier-at-large and they could put in certain conditions of how that would be. We would need to ask questions like how would you get nominated, how would you deal with campaign financing, all those questions would need to be asked. If you are going to do this, then how does it fall? Once the political decision is made that we are going to do it and how we are going to do it, it would be the job of elections to put that into the Elections Act, once that decision is made. Then the process would unfold to follow the guidelines and the policy that was set by the Legislature. So it would be no different

from how we do it now. You elect an individual and then each candidate has to comply with certain things on election financing or filing your nominations and disclosure. So the same thing would apply, you would just have another individual to vote for on a ballot. It would be very simple from an election process standpoint to incorporate that into the existing system.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hamilton. Anything further? Mr. Zoe.

**MR. ZOE:** Thank you, Mr. Chairman. Mr. Hamilton's remarks on page 3, with regard to the total investigation of \$30,000, that is a significant amount for investigating two complaints. I also agree with what Mr. Hamilton is saying regarding why we have to take these complaints seriously. Obviously, you must have felt that the two out of eight were warranted to be investigated. He did the investigation and it cost \$30,000. I agree with what you are saying here. On the other hand, financially, for two investigations costing \$30,000, it's a concern.

On page 13 of your report, under subsection 2.12, I agree with that section as to how it reads, but I don't know how else we can tighten it up so it gives the CEO...I am not sure if I am on the right track. We need to see if it's warranted. Under section 2.19, I want to ask the CEO if he can comment on if this section could be repealed. In my view, by not having agents' names they put on authorizing things on signage, people don't even read that. I don't think that in this day and age, that this type of thing should be in our Elections Act. If you look at 2.19, it's in regard to printed stuff. If you don't have that sort of thing on your signage or advertisement and someone complains, you have to investigate. You have no choice because it's an offence. Those things are minor to me. People don't really read the small print that they put on their brochures. Mr. Hamilton, could you comment on section 2.19 with regard to printed advertisements?

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Mr. Hamilton, perhaps there are a couple of areas there; the relevance of that particular condition in the existing act and then the process by which you would engage or start an investigation. Mr. Hamilton.

**MR. HAMILTON:** Mr. Chairman, I will leave the interpretation of 2.19 and how I would propose to remedy that and the concerns of the Member, which are valid. I only investigated two issues that I got a written complaint about. There are a number of other calls or comments we get that we can deal with very quickly and have no need to go to a full investigation. They are done and dealt with on the day-to-day happenings of an election. When you get a written complaint, that puts it into a different thing. I have to definitely look into it. We have had written complaints that we haven't sent to investigation. There were eight and we only sent two for an investigation. When a written complaint comes in, it's obvious an individual is very concerned with some of the issues and feels there may have been an offence created with the actions or groups of individuals. So sending it to investigation, I take very seriously and don't do it lightly. Without giving out some of the issues, in the two complaints we investigated, there were a number of issues and not just one particular issue. Included in that was the signage

issue, in one of them, but there were a number of others that had to be dealt with as well. To get clarity, I did need to send it to an investigation.

The Member is correct, \$30,000 seems like a lot of money, but some investigations may be dealt with very quickly. In the 1999 election, we sent an investigation and it cost \$1,200. Once an investigator goes in, it depends on the location of the complaint, the availability of witnesses and then following it up. So it just depends on the location and the depth of the investigation.

In response to tying section 2.19, the biggest complaint we get during an election is this person hasn't got their official agent, their name and everything and the right information on the thing. That is one of the amendments that would be done with the streamlining and cleaning up of the act. I proposed to change that wording to make it simpler. One thing can be on it as long as it's clear who is doing it. All it says is "authorized by the campaign to elect Member X." That would be sufficient. As long as there is clear demonstration. That section is an old section of the act that we never cleaned up properly. That would be one of the amendments that we would propose to do with the streamlining and cleaning up of the act, Mr. Chairman. I hope that answers some of the Member's concern.

**CHAIRMAN (Mr. Braden):** We can certainly flag that one for consideration. Mr. Zoe.

**MR. ZOE:** Can Mr. Hamilton comment on section 2.12(1)? I agree with that section, but what about the complaint? A complainant can make a complaint. You can look into it, but some of them are frivolous complaints. There are no repercussions for that type of thing. Some do it just for the hell of it, even written complaints. Here they are wasting your time to look into it and see if it's true or not. You dismissed six of them out of eight.

For me, if they are going to make a complaint, they have to be very serious. If they are not right, then something should be done to them. You just don't make accusations for nothing. I don't know how it can be dealt with within the streamlining they are talking about. That is one area I was thinking about. Anybody can complaint and there are no repercussions.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. To the issue of repercussions or consequences for frivolous complaints, Mr. Hamilton.

**MR. HAMILTON:** Mr. Chairman, in my view, the person who brings that complaint, I would hope believes there may have been or may not have been something to it. I would review everyone with the same eye. I don't view it as a waste of my time to do that. I think it's important that the electorate understand that. They have the ability to write it. Mr. Chairman, I review it before I would send it to an investigation and would investigate it to a certain level to try to understand the individual. When I dismiss the complaint, if they put it in writing, that it was dismissed for these reasons, so they know it was looked at and it was dismissed for these reasons and we dealt with it in that manner. I would not wish to take action against somebody who laid a complaint that

they obviously thought was serious and they wanted it looked at and responded to. In my initial review I would probably be able to satisfy myself that it might have been frivolous, but I would view it that they were doing it in the interest of trying to make the system the best it can be, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hamilton. Mr. Zoe.

**MR. ZOE:** With regard to the method of voting, I think it's been successful because voters use various methods to vote, but I still have a concern, particularly with employees working in the mining industry. For example, Diavik or BHP and a third one is going to come on stream. We will have a lot of people working on a rotational basis. I can't remember if it was in your remarks or your report, but there was no actual polling station set up. Some people, although they had an opportunity to vote at the returning officer's office before they went back, some missed it and once they were at the mine, because of time we couldn't send them a special ballot. That provision wasn't made available to them. We are going to have an increase in voters out in the boonies working at the mine sites for the next general election. I wonder if the office of the CEO has reviewed this concern that's been raised to him.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Mr. Hamilton.

**MR. HAMILTON:** Thank you, Mr. Chairman. I am just trying to remind myself if anyone had complained about that aspect that they weren't able to vote because they were out on shift change. I don't think we did receive any concerns about it, but there may have been one or two who asked our returning officer if they could vote and they had missed their chance to vote.

Prior to the number of voting opportunities that we have now, we did set up polling stations in mine sites. That was prior to division, because the only other mines were in Nunavut. That was before we had all the other voting opportunities that we have now. My view is fixing a permanent election date might also help those who know when the election is. There is certainly an onus on the voter to try to get a chance to vote. I am of the view that we probably provide every opportunity for an elector to vote. If an elector doesn't vote in the office of the returning officer and misses those 10 days and is not available on polling day, they could even get mail at the mine site. So they could apply for a special ballot and be able to vote that way if they were to inform us. So that is maybe another opportunity that we could advertise more and if you have missed all these other opportunities, there is still one if you get a special ballot sent to the mine and brought back again. That's another opportunity. Without knowing how many eligible voters are in at the mine site, where they are coming from, they could be from other than just one electoral districts, they could be from a number of electoral districts, so that poses some issues as well for us. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Zoe, we could come back to you if you have anything else. Mr. Hawkins, you are on the list again. Do other committee members want to come in? Mr. Bell.

**HON. BRENDAN BELL:** Just a few quick comments, Mr. Chairman. First, I would like to thank Mr. Hamilton for his many years of service to the people of the NWT. I think we are well regarded as having a very good system, one that is progressive. I think we have made a number of positive changes over the years. There were some very recent changes that aren't in this report, but the decision to sever the roles of Clerk and CEO in keeping with the changes that are happening across the rest of the country, I think those have been well thought out decisions. I also agree that we are in the very capable hands of Mr. McLean. I think that's good. He's had a number of years to learn the system and I think we will be well served by that.

A few of the recommendations are important. The idea of fixing an election date is very good. I have had a chance just recently to talk with one of my colleagues from British Columbia and they are getting set for a May 2005 election. He's in government and acknowledges that it does take away the advantage that governments have traditionally held being able to call a date at an opportune time for them. I think it's the feeling of people across the country that it's a progressive step to make elections fairer. Despite the fact that it's a legislature as opposed to a government that decides on the election date, it certainly does give challengers every advantage and an equal opportunity that sitting Members have and I think that's an important step to take.

The idea of working with the Department of Education to create some curriculum that will speak to the electoral process, the importance of voting, is a step in the right direction. I think we do need to do something to try to re-engage voters between the ages of 18 and 25. That's the phenomenon across the country. I think this is one piece of the puzzle. The other piece is to make leadership make a real effort to connect with young voters. That's more than just process. I think that part of the responsibility is on all of us in this Assembly to make sure we are able to connect and be relevant with that segment of the territory. That's critical for us.

Let me again thank Mr. Hamilton for his good service. I don't really have any questions. It's a very solid report. Again, thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Bell. Any comment to those remarks, Mr. Hamilton?

**MR. HAMILTON:** I appreciate the Member's comments. The issue that concerned me was for voter education or participation by our youth, but getting ready for my report I discovered that our curriculum for what we call Northern Studies -- all northern Members here went through it -- is not as up to date as we would like it to be. It's been recognized by the Department of Education officials I have talked with. We need to talk about our own system in Social Studies. They talk about a lot of other systems, but they don't talk about our own system in the North. It's not high on the list to understand our consensus system and how we elect our officials. This has been recognized with the Department of Education, so I think it's a two-prong approach. Youth at all ages need to understand how to vote. We've done programs for the young ones as well on elections, but it's education for our youth, good or bad, to understand it and for them to



make the informed choices. We were extremely fortunate, as Members know, to have our first 18-year-old. I think he was the youngest candidate in the country to run in the last election.

**CHAIRMAN (Mr. Braden):** Yes, that was exciting. Your report does flag that in some detail, so it's given us a very good platform to work from. Committee, I have Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. On page 7, it comments on fixing the election date and I will link that to page 24 in the actual report that recommends that a permanent election date be for the first Monday of October. Now I go back to page 7 and I note Mr. Hamilton's comments about winter campaigns, which are not popular with electors, candidates and election officials. What has driven some of this? Have there been formal concerns brought forward? It sounds funny to say that I am less interested in candidates complaining and more interested in electors, the general public. Do they feel it's affecting their interest on this? I wouldn't want to be seen as making the election process so much easier for the candidates by putting it on the warmest day of summer as opposed to the coldest day of winter. My concern more is is it built around engaging the citizens. Elections may be considered a significant amount of money to get democracy moving, but I think of it as a significant investment to the principles of democracy. Would this help invest into the principle of democracy by getting people to the ballot boxes? I think that's really the approach I am coming from. I think northerners are significantly hardier than other places in Canada and I sure saw participation out there on election day, even though it was a cold day. Where is this coming from and why did you frame it up as the first Monday in October, noting that it is a recommendation?

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. Mr. Hamilton.

**MR. HAMILTON:** Putting aside the candidates and all their campaign workers going door to door in November or December when we seem to be doing that, at least over the last two or three elections, we hear from some electors who are elderly that going out in November and December to vote is hard. Candidates are coming to their doors and they are having to open their doors and having to let all that hot air out -- not in, out I said...

---Laughter

...from the heating system in the house. People don't want to be disturbed in the dark days of November with people coming to their door, having to go out to community meetings. I think maybe sometimes, even though our voter participation still remains relatively high compared to the rest of the country and other areas, people would just rather do it when it's a little bit nicer outside. The candidates and their workers I am sure feel that way too.

I think that is coming from a number of sides. The Legislature, over the years, has gotten into a bit of a cycle with having late elections. The election is four years and 30 days after the return of the writ. So if you were to go your full four-year term, we would be calling the election sometime in December for January. I am sure nobody would like an election in December or January over Christmas and New Year's. We've got ourselves in a bit of a corner. Even though you can dissolve early, and that's what has been happening, it still puts it into a time period when most people don't want to be bothered with elections and they've got other parts of their lives to worry about.

I have suggested October, but it's only a recommendation. You get the complaints no matter when you have an election. If it's good in the Mackenzie Delta, it's bad in the Deh Cho. It's moose hunting season somewhere else, it's duck hunting season somewhere else. The schools are out early in Mackenzie Delta in May, they are not out in Yellowknife or Fort Simpson until June. So people are on holidays. You won't please everybody, but I am just trying to suggest that there has to be a happy medium and if it's well advertised and information is out, people will get used to having it at a certain time. In establishing a permanent election date -- and this goes to Mr. Bell's comments -- it will be quite clear that is when the election is held, but you can't take away the capacity of the Legislature to decide to hold an election at any time. It's fundamental. You have it on the first Monday in October, but if there is a reason why, the Legislature can still go and ask the Governor and Council, which is another thing that is a bit of an issue, you always having to go cap in hand to dissolve your own Legislature. It's one of those last little things that haven't been changed to allow for responsible government, but you still have to have that provision in there that allows the Legislature to go out anytime if there is a significant issue and we need to go to the polls. That requirement, even though in B.C., Ontario is proposing a permanent election day as well and Quebec, but they still have the right for the government to dissolve at any time. That right should still be in any changes to the act as well. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hamilton. Good discussion and that is probably one of the significant areas that the public will be attracted to this report, to your recommendations and to the committee's work. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. Seeing that Mr. Bell has spoken in support of it, I will also articulate that I am in full support of a fixed election day for the same reasons, without going into lengthy comments. It takes away the mystery as well as the overlying power. I am in full agreement with a permanent date.

I guess I am glad to hear that you spoke about schools, holidays, hunting and whatnot. The only one I didn't hear from you was civic. Initially right now I see the concern of the city. When I knocked on doors, I think people were so exhausted -- I wouldn't want to say sick and tired -- especially speaking for my riding of seven candidates, after just going through the election process, civic and school boards. I suspect that would be worked out in the process. Is there a reason why you may have picked October over April? Was it just a date you just picked? To make a recommendation, it's always nice to frame it up with some kind of suggestion, of course. Again, that would avoid some

overlap of civic elections that happen in Yellowknife. In my particular region, this overlap would only happen once every 12 years. It's not as if it would be significant enough to be too concerned with it.

The last comment I will make is I did hear in your words that once it's stabilized, we would create a cycle and there would be an awareness. Down the road, school holidays or travel periods could be stable enough that everyone would recognize it. Picking a date would probably just be useful in the long term. What drove October?

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins.

**MR. HAMILTON:** I think probably, Mr. Chairman, tradition drove the suggestion of the fall. With the exception of March, all elections in the Territories for the last 20-odd years, with the exception of one, have been in the fall. There was one in March, but that's the only time there was a spring election. I think it was more tradition that I went with that. It did fall within all the reasons. You are correct on the municipal aspect of community government elections and not just cities, towns and villages, but hamlets as well. We are also looking at the arrangement of the Tlicho, which will dictate when they hold their elections as well. All those things play into it now. As you said, times are changing. We have to bring a bit of certainty to it as well, Mr. Chairman. That's probably why I am recommending that it be in October, but it could be in the spring. I would suggest staying away from any other time in between though. If you were to go to a spring election, it would mean spring of 2007, which would shorten your term by nearly a year. You can't go to March 2008 because that would go beyond the NWT Act requirements. So that played into it as well. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Hawkins.

**MR. HAWKINS:** Just a small comment this time. I am sure Mr. Hamilton will chuckle on this one from his years of vast experience. From a new Member's point of view being elected late in the cycle of business plans coming in the end of November and trying to pull up the sleeves and learn everything in December and all of a sudden you are handed these huge budgets the first time, the fall period is a tough period. It's an enormously steep learning curve to have an impact. That also plays a role on who is elected to Cabinet. Fortunately, I should say, most Cabinet Members have at least one term under their belt, so the process wouldn't be absolutely new to them. The same complaint could be driven by an April election, whereas the new Cabinet's hands have been tied by the last government's agenda on the future of that one year's budget process. I don't think you are ever going to get a perfect date. I think everyone will complain about it the first time around and then after that it will seem normal. Like everything changes, it's just one of those things.

I appreciate you giving us a date that from your experience will work the best. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. Committee, I have a few areas that I would like to explore, especially with the benefit of Mr. Hamilton's experience here and we will not be able to call him back to our table in his new capacity. So with committee's approval, I would like to look at a few areas here. One, Mr. Hamilton, is your recommendation, and very well received by me at least, on youth programs and how we engage the young people into the political process overall. At the front of that is a right and responsibility in the democracy to engage in elections and make their views known.

Your remarks reflect on your moves by the federal government and they were quite aggressive in the last election campaign to go out and get the youth involved. Are there any other jurisdictions in Canada that are making this kind of effort? I would also like to link this with your suggestion about providing an administrative service for municipal and aboriginal electorate processes. Are we in a position here where if we are going to offer that service administratively to other levels of government, should we also be linking that with a service or initiatives to engage their youth in their electoral processes as well? Where can we go with this? Thank you, Mr. Hamilton.

**MR. HAMILTON:** Thank you, Mr. Chairman. I know that Canada put a considerable amount of financial resources to encourage the youth to vote in the last federal election and they will be producing statistics to show if there was an increase. They can do surveys. They also put in quite an effort to encourage aboriginal voters as well, not just the youth. Traditionally in Canada, not in the North, aboriginal voters are not normally high turnouts in elections. I know that Quebec and PEI do quite a bit on voter education, and Ontario as well.

Tying it all together I will point to my recommendation of the office of the Chief Electoral Officer providing administrative support and the sharing of resources with other governments and whoever else conducts elections. That would tie in as well because it's the same issue, I am sure at all levels of voting at any time; encouraging voters to come out.

I think what was partly more successful with the federal election is the youth organized themselves and decided to hold youth forums and they pushed a movement across the country. I can't quite remember its name, and I apologize for that, Mr. Chairman. The youth put together their own websites right across the country for youth to engage with politicians and to get their point of view along.

I think, Mr. Chairman, that issues will drive participation no matter what age you are in. If there are issues that are important to individuals no matter what your age, senior issues, movements on particular issues, same sex marriages, if the youth have issues, they will bring them forward. So issues will help to engage politicians in voter participation. So I think by bringing everything together, Mr. Chairman, under one-stop-shopping to provide assistance and resources in the Northwest Territories would benefit a number of those who engage in the voting process, whether it's an aboriginal government, community government, school boards, health boards or whatever. I think

they all face the same similar issues, and the process is important. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** Mr. Hamilton, one other area, and your remarks lead us into this area quite nicely, as this institution changes, as the dynamics of self-government come along and devolution and more authority, the way our Legislative Assembly works will change. We know that; we don't quite know how. But I think in the minds of most people, there is that expectation and that appreciation for the changes that lie ahead.

In the electoral process we are going to strive to continue as a public government, of course, but there would be these new influences, if you will, these new powers and authorities that we'll have to try to incorporate. I guess what I wanted to ask, again, based on your considerable experience and also your involvement in the countries of the Commonwealth around the world, are there any other jurisdictions that cope with this kind of thing or are also going through the same or similar kinds of dynamics that we are? Is there any kind of model or guidance or process already underway out there that we could look to? Thank you.

**MR. HAMILTON:** Thank you, Mr. Chairman. The electoral process is the ability to allow whatever the structure of governments to happen, to elect the people to that government structure. So it's the towards-the-end process of any governing structure. So if the Legislature and the Territories decide they need a new way of electing their representatives, whether it be based on after all the land claims are settled or even before all the major ones are settled, the issue of how you have representation in the Legislature for across the North and how that occurs in the election process will be designed to make that happen. So the big one is the one at the beginning.

Certainly, other jurisdictions have come up with new ways of electing Members, not just first...(inaudible)...proportional representation. In Australia there are a number of models with regard to aboriginal participation from the Northern Territory, as well as representation across Australia. So they have a mixed system. When Scotland went to their recent new parliament, they chose a mixed system as well, where they elect Members that represent constituencies from across the country, similar to what we do, but they also have another system where some Members are represented by party lists and proportional representation. So there's regional representation in the parliament in Scotland, then there's regional and country-wide representation. You don't really need a party system to do that either. You do in those cases because they follow it, but you could have a similar situation in the future in the Northwest Territories where you continue to elect 19 or however many Members that represent the whole of the Northwest Territories based on constituencies. You could have settled land claim areas, aboriginal governments, regions electing Members to the Legislature that would represent those particular governments in the Legislature. So you could have a number of methods. Some of these have been suggested over the years.

As you will recall, Mr. Chairman, in Partnerships in a New Beginning there was some discussion in it, but it wasn't clear as to the shape and how that would look like at that

time. So the time wasn't particularly right for that back then and the time isn't right now, as I have suggested, but it will be in the future. There will be a need to look at it, as to say how each individual and regional area represents in the Legislature. So there will be that need to engage in that discussion one day. Certainly not today or tomorrow, but certainly it will have to come fairly soon because of the connections between the public government and the Legislature and the other governments that are out there.

**CHAIRMAN (Mr. Braden):** Thank you. That's helpful for me, Mr. Hamilton. What I'm hearing is that the design and the agreement on how the government's process is going to be structured will lead to how the electoral process works. So it's correct; one first and then the next. Mr. Hamilton, Mr. McLean, I don't see any other questions. Okay, Mr. Villeneuve, and then perhaps we'll look at closing out our hearing. Thank you. Mr. Villeneuve.

**MR. VILLENEUVE:** Thank you, Mr. Chairman. I just want to say, Dave, your work is much appreciated. I went through the report and I like the recommendations, and you're probably going to be missed in the office. But I'm sure, like you said, it's going to be in good hands with Glen there. It's good to see that the recommendations are basically tuned in to get more or the electorate more aware and give people more accessibility to the whole election process in the NWT. I'm all for the educational aspects of it, getting it into high schools and I would even go as far as middle school, getting kids more aware of the elections process and how the government runs in the NWT, as well with regard to other jurisdictions in Canada and the world.

With Henry's point on the investigation side, I think Henry had a point when he said people will complain just because there's an option to complain. Whether it's substantiated or whatever, people will just scream out of spite or just for something to do. I think maybe we need something in the act that says it has to be something pretty substantive in order for you to file an official complaint, if you want to call it that. Maybe just a hotline or something like that so people could just vent...

---Laughter

I'm sure you'd get a lot of calls on that.

With regard to some of the other things like the weather; I'm supportive of having one day every four years as an election date just for people to know in advance. I think this year when they had the returning officers' office open for voting 12 or 14 days prior to the election day, I think that was a really good idea. I think it helped with a lot of the accessibility of dealing with the weather, for elders and stuff like that. I know a lot of my electors went and voted at the returning officer's office, way prior to voting day. So that was a very good thing, and it kind of avoids the rush on election day for elders especially. I know that's a big thing; people run around and whoever picks them up and gives them a ride to the polling station is probably going to be the one that they're going to vote for, whether they want to or not. People can get swayed into voting for a

particular person just on the drive over to the polling station, I've heard in the past. So that's a good thing.

But all in all, I like the recommendations. I think a lot of the recommendations have to do with the other acts, like the Jury Act and the Plebiscite Act, and not so much revision of the official Elections Act just to make it coincide with each other. I think the information contained in the Elections Act and with the database that you have is definitely something we should share with the communities in the community elections and all that, and maybe plebiscites or community plebiscites, something like that. I think it's a really good resource to have and share with anybody but the jury people...

---Laughter

...or the sheriff's office. Like I said, I went through the recommendations and I think they're all really good recommendations just to streamline the process a little bit. It definitely makes it more accessible and makes people feel a little more confident in the whole elections process in the NWT with the impartiality that is entrenched in it. With that, thank you very much.

**CHAIRMAN (Mr. Braden):** Mahsi, Mr. Villeneuve. Mr. Hamilton, any comments to those? I didn't hear a question in there.

**MR. HAMILTON:** Mr. Chairman, it just validates the fact that I think the respect that Elections NWT has throughout the North, and like anything you do, you always hear about the complaints. You don't hear from -- as Mr. Villeneuve has indicated...In this case there were 11,000 people who voted, and the system was there, it allowed them to vote. You don't hear about the happy ones, you hear from the ones who are disgruntled. So I think all in all the system is well respected and well used and continues to be in the North, as well, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hamilton and Mr. McLean, for being here today to help us gain a better understanding of the report and the process. In a moment we'll move down to the briefing room for a discussion with the media. But in the meantime, I would like to finish my remarks here and really leave the main message that our job here as committee and our hope is that the public will engage in the report in its recommendations and help us to bring good recommendations to the Legislative Assembly early next year. We have about 11 weeks between now and when we would like to hear from the public. We will meet again with officials from the CEO's office to go over what we've heard and fine tune our recommendations. Our goal is to ensure that the fundamental cornerstone of our democratic system, the electoral process, is good, is fair, and is as efficient and user-friendly as possible.

We encourage all northerners to watch for our advertisements and contact us if you have any questions at all. Copies of the report are available online by contacting the Clerk's office, and we have toll-free numbers as well. It is easy to get either the electronic or the print version.

Mr. Zoe, before we do conclude, you had indicated that you wanted to have a turn at the mike. Go ahead please, Mr. Zoe.

**MR. ZOE:** Mr. Chairman, just one comment or question for local governments or municipal and aboriginal governments. I thought that that responsibility already rests with your office. That's not the case, but it's being proposed. Am I correct? Could you just elaborate a little bit on that, because you mentioned the Tlicho self-government within maybe the next few months will become a reality. I'm not too sure when that authority will be given to you, but definitely they will be looking to you or to your office for some sort of assistance to do elections at the regional level and also at the community level. Can you share a little bit of the area that I'm questioning or commenting on in terms of municipalities and aboriginal self-government? I'm not really clear on that, particularly for the municipalities. I thought the Cities, Towns and Villages Act would give authority to you to help them administer those elections.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Mr. Hamilton.

**MR. HAMILTON:** Mr. Chairman, the authority for municipal elections, whether it be cities, towns villages and hamlets lies with the community itself and the council itself. But under the Local Authorities Elections Act, there is a chief election officer to provide advice, and that rests with MACA. There's an individual, amongst a lot of other duties that she has, who is also the chief election officer under the Local Authorities Elections Act. So she has the responsibility of providing advice only to the municipalities. Why I'm recommending that perhaps a review needs to be undertaken to have that transferred to sort of the one-stop-shopping for election advice, because we continually get calls from municipalities saying what do we do about this situation, also the same from some band councils, and of course, we have no authority to give advice. We give advice that we think might help them, but they have to rely on their own officials to give that advice. We don't want to step on any municipality's toes or any aboriginal government's toes on this matter.

Since we have now started to share our lists, we have agreements with some municipalities that we provide our list to them and they provide their list to us and, therefore, that saves them having to do enumerations and saves some finances for that municipality. So we're proposing the review look at perhaps transferring that out of the Local Authorities Elections Act, and the department so far, and I understand the Minister, is quite open to having that discussion. Of course, that discussion can't take place without some of the municipalities being involved in it as well. For example, under the Local Authorities Elections Act, Mr. Chairman, if an individual has a complaint about something that has gone wrong in their election in a particular community, the only avenue for them to register that complaint is to go to the courts. Now that's not something that the courts want to be blocked up with, or there's no process to help them resolve it without having to go to the courts. So a sharing could be a similar process to what we have in the Elections Act: there's an investigation and then it's dealt with without having to block up the court system.



With the aboriginal community governments in the Tlicho, they wrote into the agreement that the Chief Electoral Officer under the Local Authorities Election Act would be the chief for them for their election. But we have been working with them. We're not territorial; well, we're territorial-wide, but we're pleased to give them any assistance through this one. I think that helps, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** Mr. Zoe.

**MR. ZOE:** Just one final comment, Mr. Chairman. I, too, would like to thank Mr. Hamilton. Although we split the two roles between the Clerk of the Legislature and the new CEO of Elections NWT, he did serve in both capacities for a number of years and I did work under him as a returning officer in my riding years ago. I know that it takes a lot of work and you have to get to know a lot of people right across the Territories in order to do this type of job. It's not easy; you can't just pick somebody off the street and think that they'll learn right away. You have to know the interpretation of the act and know various people at the community level to make this machine run effectively, and for the last number of years Mr. Hamilton has demonstrated that he has put a good team to work and made the machinery run well. We can still make it a little better yet, and I agree with all the recommendations that he has brought forward. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Mr. Hamilton, in your remarks you indicated that the last election was one of many firsts, but I would like to also acknowledge that your service as the Chief Electoral Officer since I believe December of 1997 was also a first because Mr. Hamilton then became the first resident Chief Electoral Officer. Otherwise those duties were performed by the federal Chief Electoral Officer. So once more in Mr. Hamilton's career we have another first brought before us.

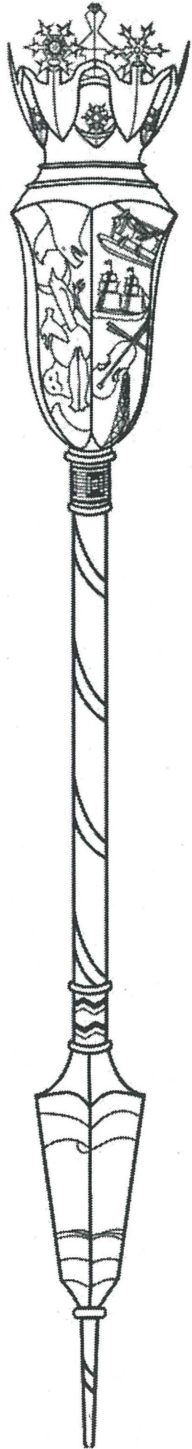
Mr. McLean is taking over in an interim capacity under Mr. Hamilton's authority, which runs out tomorrow afternoon. Mr. McLean, we look forward to working with you, of course not only in the electoral process itself but in the work of this committee, and to rely on your experience and your involvement to help us bring good recommendations through and to help us implement them.

Finally, I would like, as the Chair of this committee, to also express my sincere gratitude for David for his 30 years' involvement with this Legislature, with the electoral process. I think Mr. Villeneuve captured it all when he said that we must have confidence in this process. It is only through the actions of the people leading this process that we can have confidence, and David has delivered that. I express my sincere thank you.

We will conclude this public review now, colleagues. Mr. Hamilton, Mr. McLean, thank you.

---ADJOURNMENT





# **Northwest Territories Legislative Assembly**

## **Standing Committee on Rules and Procedures**

Review of the Report of the Chief Electoral Officer  
on the Administration of the 2003 General Election

Chair: Mr. Bill Braden, MLA

## **STANDING COMMITTEE ON RULES AND PROCEDURES**

### **Chairperson**

Mr. Bill Braden, MLA, Great Slave

### **Members**

Mr. Robert Hawkins, MLA, Yellowknife Centre, Deputy Chair  
Hon. Brendan Bell, MLA, Yellowknife South  
Mr. Dave Ramsay, MLA, Kam Lake  
Mr. Henry Zoe, MLA, North Slave

### **Witnesses**

Mr. Glen McLean, Acting Chief Electoral Officer

### **Committee Staff**

Mr. Dave Inch, Committee Clerk  
Mr. Robert Collinson, Research Analyst  
Ms. Darha Phillpot, Research Analyst

**STANDING COMMITTEE ON RULES AND PROCEDURES**  
**Review of the Report of the Chief Electoral Officer on the Administration**  
**of the 2003 General Election**  
**January 26, 2005**  
**Committee Room 'A'**  
**10:15 a.m.**

**CHAIRMAN (Mr. Braden):** Good morning, committee. I am Bill Braden. I am the chair of the Rules and Procedures committee. We are here this morning to continue our review of the Chief Electoral Officer and to consider recommendations for the electoral process in the NWT. I think we'll start with allowing Members to introduce themselves for the record. Mr. Zoe, could you start, please.

**MR. ZOE:** Henry Zoe, MLA for North Slave.

**HON. BRENDAN BELL:** Brendan Bell, MLA for Yellowknife South.

**MR. HAWKINS:** Robert Hawkins, MLA for Yellowknife Centre.

**MR. RAMSAY:** David Ramsay -- I'm an alternate on the Rules and Procedures committee -- from Kam Lake.

**CHAIRMAN (Mr. Braden):** Thank you, committee, and thank you, Mr. Ramsay, for joining us an alternate and assisting today. We are also joined by our staff: researchers Darha Phillpot and Robert Collinson; and our committee clerk is Dave Inch. We are also joined this morning by the acting Chief Electoral Officer for the Northwest Territories, Mr. Glen McLean. Mr. McLean, welcome.

Our agenda is relatively straightforward this morning. We are going to basically ask Mr. McLean if you have any opening remarks or comments for us at this time. Yourself and Mr. Hamilton, of course, on November 4<sup>th</sup> gave us a very thorough introduction to the report and the recommendations. We would like to see if you have anything to start us off with this morning, Mr. McLean.

**MR. MCLEAN:** Thank you, Mr. Chairman. No, at this time I don't have any opening comments for you. I think Mr. Hamilton did a pretty good job at presenting the report when we first met, but thank you very much for the opportunity.

**CHAIRMAN (Mr. Braden):** Alright. Thank you. I think we will be looking for your experience and your advice as we go through the recommendations and consider other matters that committee may wish to put forward.

Since our November 4<sup>th</sup> introduction at the start of this process, considerable public exposure was given to it. There was, I think, fairly good media coverage of our launch at that time, and then we went on to a series of advertisements and public service

announcements that were placed inviting public's interest or response or additions to these recommendations on how we run elections in the Northwest Territories. I believe Mr. Inch, Mr. Clerk, that there has not been any response to that public call as of today.

**MR. INCH:** That's correct, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Inch. I think one of the things that I wanted to seek committee's advice on was whether we should continue to proceed with the recommendations before us, or is the lack of public response any indication that we should allow more time and perhaps give more emphasis to soliciting public response. Is there any indication from committee that we should proceed or take extra steps to engage in public response? Mr. Zoe.

**MR. ZOE:** Thank you, Mr. Chairman. Mr. Chairman, although we didn't have any formal response from the public, it may be a good sign; that the Chief Electoral Officer's office is doing a good job. The recommendation that they put forward, I think may suggest that we're going in the right direction. So I would suggest that we continue with the process that we have always been following when dealing with reports. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Any further response? Are we basically set to go?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Okay. Thank you. We have before us the four recommendations that were tabled with the report of the CEO on the 31<sup>st</sup>, and committee has had the discussion with Mr. McLean and Mr. Hamilton earlier on. Could we proceed with a review of each of those recommendations, as at least a start of building our report to the Legislative Assembly?

To the first recommendation...Mr. Zoe.

**MR. ZOE:** Mr. Chairman, before we start dealing with the actual recommendations, I just want to make one comment; it's with regard to the report itself. I like the layout of the report, but for a lot of people, or even myself, I note that there are a few pictures in here, but people like looking at pictures and if there were a lot of them pertaining to the process like the administration of the electoral process. If there were a few more pictures in here, I think people would have more interest and they would start reading more. So if we could maybe fire it up a little bit, kind of thing, because it's a little bit dry. It's well written, but if there were a few more pictures I think people would read it more than the way it currently is. So that's what I would suggest to the office of the Chief Electoral Officer.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. To see a more visually-enticing and exciting report; I can agree, I do like to see the graphs and the charts. I think they have to communicate things. Mr. Zoe is advocating photographs. Mr. McLean.

**MR. MCLEAN:** Mr. Chairman, we'll be happy to make it less dry.

---Laughter

We will certainly put more photos in it.

**CHAIRMAN (Mr. Braden):** Good stuff. Thank you, Mr. Zoe. So to our order of continuing here, committee, let's look at the first recommendation and that is addressing the introduction of a permanent election day.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Okay. Thank you, committee. I think this is one that for the kind of public discussion, even though it's not on the record, I think many of us have heard that this is a very positive and welcome idea. Thank you. I have Mr. Ramsay.

**MR. RAMSAY:** Mr. Chairman, having a permanent election day; I definitely am in favour of fixing a date. The first Monday in October; can that ever be Thanksgiving? Is it possible that Thanksgiving could fall on the first Monday of October, and have we given any consideration to that happening? If that happens, does the election go on Tuesday? Maybe we could look at the third Monday in October, just to avoid Thanksgiving weekend.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Ramsay. That is, indeed, part of the body of the recommendation. Not only do we have a fixed election date, but that the first Monday of October is recommended. Does anybody have anything that they could give us as far as the flexibility of Thanksgiving?

**UNIDENTIFIED SPEAKER:** I think it's the second Monday.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Bell.

**HON. BRENDAN BELL:** I would like to ask Mr. McLean how they arrived at this date and why they thought that this one was the first amenable.

**CHAIRMAN (Mr. Braden):** Mr. McLean.

**MR. MCLEAN:** Thank you, Mr. Chairman. We didn't do a lot of study into it. I think the first Monday in October came up in discussions with Mr. Hamilton, myself and our staff; so there was no scientific reason behind it. The question that Mr. Ramsay posed: what happens if Thanksgiving falls on the first Monday; the act allows that the following Tuesday would then be election day. If you're proposing the third Monday in October, I think you might run into problems with CTVs and hamlets. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. McLean. So there's a default there to the next day if there is a holiday. Mr. Ramsay.

**MR. RAMSAY:** Thank you, Mr. Chairman. I guess that causes a little bit of concern. I know residents would have an opportunity to vote via special ballot or whatever if they are out of town that weekend. Some folks extend their Thanksgiving weekend by a day or two and I don't know...Just having an election immediately following a long weekend does cause me some concern, and I don't know which other way we could get around it, unless we have a look at having the election the last Monday in September or something like that. Thank you.

**CHAIRMAN (Mr. Braden):** Okay, thank you. We may have a point that we're going to have to do some further research on. Mr. Hawkins, then Mr. Collinson.

**MR. HAWKINS:** Thank you. I just checked it; Thanksgiving is the second Monday in October. I do have some information -- not that I'm suggesting a break -- that I can run to my office that gives me the rule on Thanksgiving, and I think it comes after the second Sunday of every October. So it wouldn't matter if the 1<sup>st</sup> begins on the Sunday; we'd still be fine. If the 1<sup>st</sup> begins on a Monday, we'd still be fine; of October, that is. This year, as an example, I just checked and it comes on the second Monday. I can confirm that myself because I have it on a piece of documentation that is actually handy in my office that I can grab, but it does explain the rule when all holidays fall and the ones that are on the sliding scale and they correspond with Sunday or a particular week. I can grab that; that will take 10 seconds. So maybe when committee goes into discussion as we wrap up, I'll walk to my office and grab that chart. That being said, I don't see it being an issue, but I can clarify it.

**CHAIRMAN (Mr. Braden):** Okay, thank you. It certainly sounds like there must be some kind of a rule on it, so we can confirm and investigate. Mr. Collinson.

**MR. COLLINSON:** That was precisely what I was going to say. I was pretty sure it was the second Monday that is always Thanksgiving, and I was going to find the research, but if Mr. Hawkins knows where it is, I accept all help at all times.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Collinson and Mr. Hawkins. Mr. McLean.

**MR. MCLEAN:** Thank you, Mr. Chairman. I should have mentioned that one of the reasons that we did the first Monday in October is that it's usually pleasant weather, the rivers aren't starting to freeze up, people are now back in their home communities, they haven't gone on the land yet, children are back in school, people are home from holidays, so we can capture all these people that we may miss in a December election or an earlier election than October or the last Monday in September. So that was one of the reasons why we looked at the first Monday in October.

**CHAIRMAN (Mr. Braden):** Alright, thank you. I think this is where that particular point has a good degree of understanding and would certainly have support from candidates. I don't know if I would miss wandering through the snowdrifts and the darkened backyards campaigning in September as opposed to November, which is my own experience, would certainly lend an extra degree of pleasantness and comfort to it.



There is one aspect of this, committee, that I have personally thought about for a number of years now in reflecting on the seasonal timing of it. I know there has been a bit of discussion, once in a while, about a spring election as opposed to the fall. I guess I would just like to put a couple of things on the record that would show there are potentially other times for us. I think a spring election's greatest impact would potentially be on our business planning cycle. When there is a fall election we have been having our major business plan reviews usually in September of the year. So once in every four years, of course, that opportunity would be lost to the Assembly, because it would basically be out there on an election. That's not a huge interruption in the process, because we do, of course, have multi-year business plans. They are basically considered on a three-year basis, not just a one-year basis, so there is certainly continuity there. But I have personally found that the fall business plan review is probably the most effective time that MLAs have to contribute to the shape and form and the priorities of the coming year. So there's an aspect, as I say, of not having that benefit one in four years. Mr. Ramsay, to that point.

**MR. RAMSAY:** To that point, Mr. Chairman. If you have an election on the first Monday in October and swear in the new Members in two weeks' time, you could squeeze in business planning prior to the Christmas break. It wouldn't be impossible.

**CHAIRMAN (Mr. Braden):** Okay. Yes, that may be. It's the kind of thing that I agree to wedge it in there. I know that one of the reasons that we undertake this in September is that it then allows the departments and the bureaucracy time to sort to re-jig and remould things.

**MR. RAMSAY:** They would have an extra six weeks to put their business plans together, that's all it would mean.

**CHAIRMAN (Mr. Braden):** Well, yes, and about two weeks less to make any amendments or adjustments to it, so it's potentially a bit of a wash. I know another aspect of it is for some ridings in the NWT that an election in the earlier part of the spring would permit some access to communities by ice road. We still have ice roads at least in the northern part of the territory into April, and there may be some advantage to candidates in those ridings to be able to get around; potentially not all that much quicker, but perhaps cheaper. I know that those were two or three things that were suggested. I'm just wondering, Mr. McLean, in sort of looking around this aspect of when to suggest a fixed election date, whether the spring to the spring or any other time of year factor into your discussion.

**MR. MCLEAN:** The only thing that actually the weather and the possibility of ice bridges going out or ice bridges not being made and when people are out on the land, so it's just basically what the transportation modes are like and when people are best available. But having said that, to the general public I guess there's never really a good time to have an election, because there's always something that's going to interfere or be in conflict with that. So as far as elections are concerned, we can gear up for any particular date. But, as I mentioned, our first Monday in October date was based on

people's availability, the weather is better, we're not into the ice season, we have no problems with getting over the Mackenzie River or over at either Providence and McPherson. Those kinds of things enter into the picture, and the first Monday in October looked like the date that was probably best for us in terms of availability of people. Thank you.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Agreed, okay. So recommendation number one then, that the Elections Act be amended to provide that the first Monday in October be the permanent election date in the Northwest Territories.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Okay. Thank you, committee, and thank you, Mr. McLean. To the second recommendation, there are actually a couple of suggestions here to the comprehensive review of the Elections Act that it be undertaken and a new act be presented to the Legislative Assembly for consideration. In summary, committee, my recollection of our discussion on this before was when we talked about a comprehensive review, this was not a wholesale rebuild or remodelling of the act; rather, it was an acknowledgement that there had been, over the course of several years now, a number of amendments to the Elections Act, and some of the connections and the coordination, perhaps, between certain parts of the act were being lost, and that a thorough review to essentially streamline was called for. So that is sort of my summary of what is intended here. Mr. McLean, can you offer any direction or clarification there?

**MR. MCLEAN:** Thank you, Mr. Chairman. That's correct; that's what we're looking at. Then, of course, adding in, if possible, the plebiscite.

**CHAIRMAN (Mr. Braden):** Right -- and I'm taking that as the second recommendation here -- that because of sort of the commonalities and the consistencies or inconsistencies there, that one act be repealed but that the provisions be built into a new Elections Act. Committee, any uptake here? Are there any other considerations or ideas that committee had for this review? Mr. Zoe.

**MR. ZOE:** I definitely agree with this recommendation, Mr. Chairman. Since that act was introduced in 1988, periodically we have been making small amendments here and there. I agree with the Chief Electoral Officer's recommendation that we should streamline and repeal that Plebiscite Act, and put that administration of a plebiscite into the new act. I think the timing is correct to clean up that act, and I think the government should do that right away. So I definitely agree with this recommendation. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Mr. Ramsay.

**MR. RAMSAY:** Thank you, Mr. Chairman. I, too, agree with the recommendation that's before us; both parts of it. I was just wondering if I could ask Mr. McLean a question, and my question would be whether or not his office has received any inquiries from folks requesting an amendment on the age of voting, from 18 to 16. I'm just wondering if he has had any correspondence with residents with regard to that. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Ramsay. Mr. McLean.

**MR. MCLEAN:** Mr. Chairman, no, we have not. Thank you.

**CHAIRMAN (Mr. Braden):** Okay. Thank you, Mr. Ramsay. This is something that we can perhaps write into our report as a suggestion for the government to consider as it goes about the comprehensive review and look at as a potential recommendation. Thank you.

Is there any further detail, committee, that we should build into our report as a recommendation? This is our opportunity now to flag specific things and have them addressed as the act is undergoing review. Anything further? Mr. Zoe.

**MR. ZOE:** Mr. Chairman, I think if this recommendation is accepted by the government, when they're developing the discussion paper or before they do the actual rewriting of the act, I think we'll have ample time to make various suggestions in terms of age limit and also the question of...I know a lot of people are going to be questioning the election of the Premier. That could be part of that process where the Premier's position could be elected at-large, rather than selected by the Members themselves. I think once this recommendation gets accepted and the government puts it in motion, then I think we'll have ample time for discussion of various components of the act. I'm interested in those kinds of discussions. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Now is the time to flag those, and certainly they will be ideas for further consideration. Before we go to Mr. Hawkins; Mr. McLean, to that potential and that idea that the Territories may suddenly decide that electing the Premier at-large is a good idea. Would there have to be special provisions built into the Elections Act to allow that, or is there flexibility within it?

**MR. MCLEAN:** Mr. Chairman, right now there is not flexibility to put it in the existing act, so a new act would have to be including a section there for the election of the Premier because your nomination process would be different, the voting would be different. Just those two items would have to be set aside and specific to the election of the Premier. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you for that advice and information, Mr. McLean. Mr. Zoe, anything further to that topic?

**MR. ZOE:** No, that's it. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. I'm glad Mr. Zoe brought it up, because that was one of my chief concerns the last time when we had the discussion with Mr. Hamilton here, although I wasn't sure that this time was the right time to bring it up. I'm wondering, Mr. Chair, if we could maybe address other recommendations under item number two, which would be a review of the act. Maybe we could break them out and come forward separately at this occasion with a meeting with comprehensive ideas of saying we agree that the act should be looked at, let's not today agree to recommendation number two. Let's, as the Rules committee, set aside an hour, two weeks from now -- it doesn't matter -- but set aside an hour and say okay, what would we like to be observed in this action, and then the Rules committee can make a recommendation to the review separately. I don't think they need to come together today, I think what we need to do is acknowledge that the review of the act has to happen. If we acknowledge that today, I think we've done our job as far as the recommendation is concerned.

How do we piecemeal that? I think a separate meeting that basically just deals with that, and at that time the Rules committee can come up with suggestions and recommendations. I know you had concerns that weren't addressed as a recommendation but were addressed, or at least acknowledged. Mr. Zoe brought up the one I had serious concerns with. I think Mr. Ramsay had brought up another concern, as an idea. But it's my belief that today is not the venue to deal with what recommendations should come out of the comprehensive review. I think today's recommendation, as a sidebar, Rules committee should recommend to meet on this, engage the regular membership for the review process and make sure that the ideas that all Members-wide who don't sit on the Rules committee as well as the Members on the Rules committee put forth those types of suggestions so that they get dealt with one on one. Clearly, each question gets asked and, clearly, each question gets some type of answer so everyone gets a chance at this. But dealing with these one off may not be the most useful at this time. So I'm suggesting let's take a coordinated, surgical sort of strategy on this issue and let's deal with this separately on maybe another occasion.

I think they're all good recommendations to be looked at; I wouldn't want to say one isn't, by no means. I would just say that it's my opinion that let's deal with these recommendations today, give our nod about the review of the acts, because, by the way, it's something that if the Leg says they don't agree...Let's just look at it the other way; if they vote against it, this is a mute point at this stage. Then it has to come through some type of an amendment. So it's my thought let's just deal with a nod of the act today, the Rules committee deal with any recommendations of the address within the review I think is also good and if it's not, then at that time Rules committee will recommend amendments come about if this is either ignored or considered not a priority at this time. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. Mr. Bell.

**HON. BRENDAN BELL:** I agree we accept or support the second recommendation, and that is the comprehensive review of the Elections Act, and I think the terms of reference, going forward we'll have discussion around that, and that is a future topic. We should report this recommendation as is for now.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Thank you. The recommendations will be subject to debate in the House, and then a motion of the Assembly to adopt the committee's recommendations and then that would trigger the next steps. So you're quite correct; in the Assembly, there will be at least that opportunity again to flag things, and that then becomes specific instruction to the government that these are the things the Assembly wants addressed. There's agreement to that.

Mr. Hawkins had indicated one other specific aspect that has come before us, and this was an issue, committee, that I had encountered in the election and it regarded access to constituency doors. The report of the CEO does address this as an event that occurred during the election. I won't go into detail now, but there was a matter of interpretation of the act and it may be something that the Legislature or the government would look at to see if further qualification is required. I know it did interfere. I believe it interfered with my ability to access constituency doors. Through a comprehensive review of the act, this particular section, section 68.1, may be readdressed to see if we can get some further clarification there. It is the kind of thing, as the number of apartment units and things in the Northwest Territories have grown, that there is a potential that it may affect other constituencies and other candidates. So I would like to put that one before committee for consideration in its report. Thank you for hearing me out on that, committee. Are we concluded then with recommendation number two to the comprehensive review?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Thank you. Okay. Committee, the third recommendation here, the youth programs, generated quite a bit of discussion in our session with the CEOs in November, and it was positive discussion. So the third recommendation then, that the CEO, in partnership with the Legislative Assembly and Education, Culture and Employment, develop a web-based interactive educational site and curriculum on election participation, for instance, in schools. Mr. Ramsay.

**MR. RAMSAY:** Thank you, Mr. Chairman. I'm, of course, in agreement with the recommendation, but I'm wondering if, as a government, we do enough to promote the institution of government to young people, and that's in the school systems across the territory. I was discussing this with the Speaker of the Manitoba Legislature and the courts office there in Manitoba. They have a program set up where the Speaker -- of course, when the House isn't sitting and they have the time -- goes out to the different schools across the province and they have an interactive type of program with the students in different classes. He seems to think it's very effective. Based on our

smaller population, I think we could, over the course of four years that we're here, try to cover each riding, get into a couple of schools in each riding. I think we could accomplish that. I think we should have this discussion with the Speaker and the Clerk's office to perhaps talk to the folks in Manitoba. It wouldn't be like we were recreating our own program; they have a program there and it's quite effective. So in conjunction with the web-based interactive education site, I think the onus is on us, as a government, and we can use the Speaker's office and the Clerk's office. When they go out to a school, you accompany the Speaker, and if it's the Clerk or one of the deputy clerks or the clerk of committees, whoever it is that day, you go there and it's a great learning tool for the children. If it's out in Chief Jimmy Bruneau, Henry would go with the Speaker. It's something that I think the government doesn't do enough of and we could do a hell of a lot more in that regard. So I think that has to be communicated; whether it's in this recommendation or not, that's another thing. Thank you.

**CHAIRMAN (Mr. Braden):** Mr. Ramsay, thank you very much. Anything further to this, committee?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Agreed. Thank you. Mr. Ramsay, I think, has put an interesting point forward. From what I have heard, you would like to expand that interaction with schools and with youth beyond just elections. You're talking about process and the whole institution of government.

**MR. RAMSAY:** There's a lot more that we could be doing.

**CHAIRMAN (Mr. Braden):** Yes.

**MR. RAMSAY:** Yes.

**CHAIRMAN (Mr. Braden):** Okay. Are you suggesting that we potentially take this recommendation and invite government, as well, to see how it could link up with this kind of technology?

**MR. RAMSAY:** Sure, Mr. Chairman.

**CHAIRMAN (Mr. Braden):** Would you like to...Sorry; I don't want to put words in your mouth, Mr. Ramsay, but I'm hearing that you want to sort of see if we can expand the envelope on this. Mr. Ramsay.

**MR. RAMSAY:** Yes, thanks, Mr. Chairman. What I'm getting at is outside of developing this web-based interactive type of thing, you could go to the schools and talk to them about elections, talk to them about how government runs. Spend a couple hours at a school and give a presentation on how an election is run, how government is formed, how we pick the Premier and the Ministers and the rundown on that. To me, students would get a heck of a lot more out of some real-life people showing up at their

school to show them how an election is run. I'm just getting to more of a personal level, Mr. Chairman. That's what I'm getting at, as opposed to...I still think this is a good idea, but in conjunction with this we should also try to be more personal on the delivery of elections. Not just elections, but government and how it is run in general, with students in schools across the Northwest Territories.

**CHAIRMAN (Mr. Braden):** So are you suggesting that we expand this recommendation, or leave it as it is for now?

**MR. RAMSAY:** We could leave the recommendation as is for now, but I think that discussion should take place with perhaps -- I know that you're the chair of the Rules and Procedures committee -- the Speaker's office and with the Clerk's office. As I mentioned, just as an example, the province of Manitoba has a program like that where they go out to the schools. So maybe you could work something out. I don't want to put into the recommendation that this should happen and that discussion has to take place, and perhaps we can incorporate that at a later date. I think it's just good government if you can get out and make it more personalized that way.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Ramsay. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. I think the comments being suggested are good ones; however, if we go back to the original recommendation, I think we should start with the genesis of that and proceed cautiously into the next step. I certainly believe firmly that our education system does not go into depth enough. I can say for a fact that I was speaking to a youth of our city yesterday and they cited the fact that they just learned the names of every Prime Minister and they really had no understanding of what it really meant, so it was a memory challenge for the next test. But beyond that understanding of politics, I wouldn't want to put words in their mouth saying they didn't care, but I would say there was a lack of relationship being built into why they were there and the relationship. So I would think that this recommendation is the genesis of the territorial position about engaging the education system.

I would also go back to say what is the mandate of the Rules committee, and be cautious by suggesting that we should action a program or make a recommendation that programs should be actioned. I think we should wait and let that be driven both out of the relationship between the electoral office and the educational system, as well as see what sort of happens out of this. I think the merits are there. I certainly think, in my earlier comments before we sort of got on record, we need to engage them a lot younger and explain the process and the importance of the process. I guess I speak in favour of what Mr. Ramsay said, but I'm not sure that this is the vehicle for this process, but I would certainly like to see the genesis of this and then we could deal with it in an expanded role. I'm just cautious in saying it is part of our mandate at this time. I'm not sure, but I certainly like the idea that the Speaker's office sort of gets out there and explains the role, obviously in a non-partisan position. You're not there to talk up a Member or talk up a party or whatnot, so it does provide that neutral support out there, which is a delivery mechanism on its own. So maybe that's a discussion that we need

to have with the Speaker's office, and the long-term role of what the Speaker's office should do for the Assembly. But as today's recommendation, I stand by how it's written and I'm happy with it. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Excellent. To the fourth recommendation, committee. In the report it's entitled "Sharing our Resources." Here's where the CEO is helping us into sort of the new era of governance here in the Northwest Territories where there are not only communities that have elections, but First Nations that will more and more be developing and growing their own governance and elections system. So the recommendation here is that a review be undertaken to consider the efficiencies and sharing of resources that could occur with the office of the Chief Elector Officer assuming responsibilities for elections of community governments under the Local Authorities Elections Act. Any questions to this particular area here? Mr. McLean, maybe you could at least refresh my memory here. If this were undertaken, then what would the change be from what you are doing right now? What's the status quo on how this recommendation would be changing? Thank you.

**MR. MCLEAN:** Mr. Chairman, thank you. Right now, of course, Elections NWT is only concerned with territorial elections. We have no authority over any other election process within the Northwest Territories, but we do happen to get calls from local governments asking for assistance. Of course, these calls are then transferred to the Department of MACA. But our opinion is that the election office is there; why should the election office just be a narrow scope of territorial elections, where we have the expertise and we can give advice to the local authorities in running their elections, as well. Thank you.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. Maybe Mr. McLean can expand a little further. I guess maybe as I would see this, we need to create a centre of expertise rather than little pockets everywhere. I think as I maybe understand it, there needs to be some bridging there. At this existing time, as I understand the roles -- and I beg for him to correct me if I'm wrong -- they're two independent roles and there needs to be some overlap to work together. Would the recommendation drive towards an emerging of the roles eventually, so then the two authorities could work together, both MACA running the municipal elections as well as the territorial elections? Maybe in the long run we could look at a sharing. I'm not going to say where we have one office, but I'm going to say where we marry and bridge a relationship that the two authorities could work together. Could he maybe expand on that and correct me if I'm wrong, or reaffirm if I'm right in my interpretation, where maybe the long-term vision of where this recommendation may go versus what we have now? Thank you.



**CHAIRMAN (Mr. Braden):** Thank you, Mr. Hawkins. Does the wording of the recommendation "to assume administrative responsibility" cover Mr. Hawkins' question? Mr. McLean.

**MR. MCLEAN:** Mr. Chairman, thank you. Our vision for that was that elections would be under one umbrella: Elections NWT. We've already had some preliminary discussions with the deputy minister of MACA and they seem to want to discuss it further about their role and what their role should continue to be. From my reading of it, they really want to get out of the election process business but stay within the political process in governing and assisting councils in operating their municipalities. I think they want to get out of the process. So we're certainly looking...This is what the recommendation was; to look at that initially and take those steps forward to a one-umbrella elections process: Elections NWT.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. McLean. Mr. Hawkins, anything further?

**MR. HAWKINS:** Thank you. No, I just want to hear; I think that's sort of not quite what I was saying. I understand it a little more clearly; that, essentially, the bad baggage would be the process that MACA doesn't want to have, and the good baggage would be governing and they want to keep that. I know from my perspective I would feel more comfortable in the long run that we would create an elections office that would have the mandate for all elections. I think that would at least provide continuity. I have some not personal experience, but I have some experience from the last municipal election. There were concerns about where do complaints go and how do they get driven and how do they get responded to, then they felt that the municipal legislation and the overall municipal authorities didn't have that ability to deal with certain complaints and they didn't have the avenues. I guess there are different rules to each type of election, and I think the one factor that's consistent is there are two different kinds of groups and I think people interpret the Elections Act, of what would be considered territorial, the same rules would apply to municipal and they're learning that they don't. Moving towards one elections office I think would provide some type of consistency, both for the public's view as well as maybe long-term integration of how we deal with responses to questions, how we deal with actioning things, and overall mandates. So I would be in favour, in the long run, that we deal with an elections office that has the overall mandate to take care of anything to do with a ballot, obviously, and it being governed under that process to wherever it then expands to. If it expands down to the municipal level, through the deputy clerks or whatever clerking function a municipality has, let it drive it's own processes and...(inaudible)...but I'm certainly in favour of an overall, long-term version of a single Chief Electoral Officer that mandates anything to do with an election, at least as the overall backstop to the process. Thank you.

**CHAIRMAN (Mr. Braden):** Mr. McLean, any response?

**MR. MCLEAN:** Mr. Chairman, the process for a municipal hamlet and Elections NWT territorial, the process is night and day. They have a longer nomination period and election period, the individuals must be resident in the community for 12 months. We

say they have to be resident of the Territories for 12 months. So there are some conflicts there. There are other administrative conflicts that have to be worked out, and we would probably end up having to amend somewhat the Local Authorities Election Act, or put it under one Elections Act. There are a lot of differences between the two processes, but the idea behind the recommendation was to bring it under one umbrella and one set of rules that everybody understands because you go into a territorial election it's different, you go into a municipal it's different, and there really are some confusing times for some of the electors. Especially when we had the elections back to back in 2003, there were some concerns. Thank you.

**CHAIRMAN (Mr. Braden):** Agreed. Thank you. Mr. Hawkins, anything further?

**MR. HAWKINS:** Thank you. I wouldn't want to suggest how the process should be driven or developed today, as long as go in the direction of an overall umbrella. I certainly recognize your point about the night and day issue. To be a territorial candidate is much different to being a municipal candidate. As per qualifications for that being the process, yes, I agree. I think that would be sorted out maybe not so simply, but probably be an easy exercise in the development of the new act that could deal with that through the type of subsections and rulings it would have on definitions of candidates and whatnot. So I think that could probably be a simple one to rule over and then agree to a simple set of rules. But in the short term, I agree with the recommendation today because I think it's going in the direction that will provide the simplest transparency and effectiveness for all citizens. That's all I have at this time. Thank you.

**CHAIRMAN (Mr. Braden):** Okay. Mr. Zoe, to the recommendation regarding sharing our resources and a review of elections with community governments.

**MR. ZOE:** Mr. Chairman, I agree with this recommendation. It's just a review. You want to review if the government-of-the-day would agree or not. But let them have this review and it's pertaining to community governments under the Local Authorities Elections Act; so whoever is under that act, like the cities, towns, villages and hamlets. But part of the review, I can't recall off the top of my head right now, but with the new Tlicho Governance Act, I don't know if they fall under the Local Authorities Elections Act. If they do or not, I can't recall. I think they're on their own because they're self-government. I guess part of your review would find these types of things out, and I guess one would also consult with the affected people, so the government could get their input. So I agree with this review so you can look at all the aspects.

In some of the communities; for instance, in my riding, I know of one in Wekweti and one in Gameti, they're First Nations governments and they don't fall under the Elections Act, but they still are a community government and they fall under the federal, Indian Affairs policy for elections and community elections. Would you also be talking to those other people? I know it says only under the Local Authorities Elections Act, people who are affected under that, but would you be able to expand to see if you can also look after the First Nations elections? Thank you.

**CHAIRMAN (Mr. Braden):** Thank you, Mr. Zoe. Mr. McLean.

**MR. MCLEAN:** Mr. Chairman, I think on the review it would be open to all parties. The more we have would be the better. The question on the aboriginal governments; it is correct that Indian Affairs is the people that look after those elections. I understand there was a movement afoot to have Elections Canada actually administer those elections on behalf of Indian Affairs. We would certainly welcome the opportunity at Elections NWT to give that same service. This service will be more of an administrative affect, not a dictatorial, this is how the process should be, also the powers that are invested in the Chief Electoral Officer to investigate wrongdoing. Municipal governments have to wait and go to court. That's where it happens there, where we can actually go out to the community and make investigations and lay charges and take things to court, so we don't have those hang-ups. But for the comprehensive review or the review of putting this all under one envelope, I think that the more that are involved the better off we'll be. It may turn out that municipalities and the aboriginal governments are happy to do what they're doing now, but at least we can go out there and find out whether or not they would like us to assist them in whatever manner. Thank you.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Thank you. Mr. Zoe has indicated that this is a review. This is not a recommendation to take these steps, but to do that scan and look into this. The preamble, Mr. McLean, to this recommendation in your report already outlines that your office has been approached I believe by the Tlicho to assist in creating the list of electors. So there has been a request at that level, also. And the interaction that they've had with communities would certainly seem to substantiate that a review, at least, is a good idea. So I think we have agreement on recommendation number four.

Committee, I think those are the only explicit recommendations before us. Is there anything else that any Member would like to put on the page as instruction to staff to write our report? Nothing at this time, okay. Then I think, Mr. Clerk, the procedure that we'll anticipate here is that staff will draft a report, we will, of course, have a chance to look at it, and we are to deliver the report to the Assembly hopefully earlier in the life of the upcoming session, I guess to some extent, committee, to see if there is going to be any public response or uptake to the recommendations. Then we'll have a chance to gather them and see if the Assembly will consider actually debating and then approving these recommendations later in the Assembly. Give us some time, give the public some time to hear and respond to the recommendations and to our report. But clearly the will of committee is to engage in this work sooner than later. Of course, it is always at the will of the Assembly, but we are going to endeavour to expedite this during the upcoming session.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Braden):** Mr. Clerk or committee, is there any further business before this committee? Alright. Mr. McLean, I would like to thank you for taking the time to come and assist us this morning. The committee is adjourned.

---ADJOURNMENT