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December 18, 2020

Honorable Nils Clarke Speaker Legislative Assembly Box 2703 (CM 1) Whitehorse, Yukon Y1A 2C6

Dear Mr. Speaker,

TERRITORIAL GENERAL ELECTION - AN UPDATE ON TERRITORIAL ELECTION READINESS

Please find attached my 'Report to the Legislative Assembly, An Update on Territorial Electoral Readiness.' It is submitted to be tabled in the Legislative Assembly as authorized by the Elections Act s 317.

This report provides background of some of the activities, challenges, and opportunities related to ongoing territorial general electoral readiness. Elections Yukon has set an internal electoral readiness date of March 15, 2021. This is considered the next readiness window if a spring territorial general election is to be called. If that period passes without an election call, an updated electoral readiness date will be set.

It is requested that the Members' Services Board or some other committee of the Legislative Assembly review this report in order to provide Elections Yukon with any guidance or feedback on behalf of the Legislative Assembly.

For your consideration.

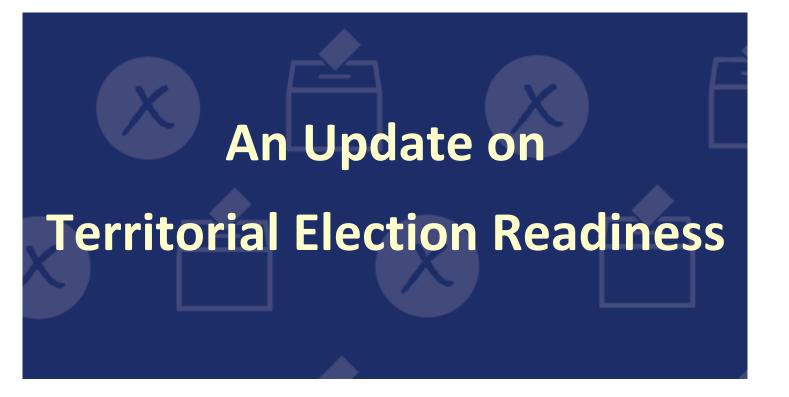
Respectfully,

H. Maxwell Harvey Chief Electoral Officer

cc. Helen Fitzsimmons, Director, Administration Finance and Systems



Report of the Chief Electoral Officer To the Legislative Assembly



REPORT OF THE CHIEF ELECTORAL OFFICER AN UPDATE ON TERRITORIAL ELECTION READINESS

Message from the Chief Electoral Officer



This report is to provide an overview of the election cycle activities and related resource and capacity considerations to ensure electoral readiness for a territorial general election.

For Elections Yukon, the readiness approach taken is process-based as a consistent and repeatable framework aligned with the electoral cycle. This longer horizon process-approach establishes the formal policies and

standards required of continuous improvement and to ensure readiness for the compliant delivery of an electoral event whenever called. Given the major changes and the increasing complexity of administering an election, this is an evolutionary shift from past electoral practices which were based on a more event-centric approach.

To that end, the next territorial election will introduce significant changes from the 2016 election. Much will be unseen internal processes that build on the fine work of previous Yukon electoral leadership to modernize and improve on the electoral services provided to electors and candidates. This is a pro-active, comprehensive and significant undertaking. Elections Yukon is working diligently, and proudly, to bring continuous improvement in electoral service and delivery to the elector and candidates.

In my November 19, 2019 'Report to the Legislative Assembly; A Summary of Electoral Activities and Proposed Elections Act Amendments', I indicated readiness was an ongoing process and outlined the plan over an electoral cycle. The report also detailed some of the challenges in delivering to a large mandate. This included overlapping electoral responsibilities for school elections as well as ongoing concern for structural gaps, capacity shortfalls, and budget misalignment. That said, a degree of organizational challenge is not unusual nor unexpected. Equally, there are also opportunities which accompany challenge. This will be managed and, as appropriate, raised to the Legislative Assembly or Members' Services Board for information, support, or approvals.

Also included in the November 2019 report was the introduction of the Elections Yukon vision and mission statements as part of our strategic plan guidance. This plan has foundational pillars of integrity, access, modernization readiness. It guides our work plans, priorities, budget, and decisions.

The overarching focus of Elections Yukon is the ongoing work needed to deliver a fair, compliant and impartial election event. Elections Yukon administers the democratic process that determines political power here in Yukon. To this end, it is the intent that this report provides some additional insight into the territorial electoral readiness program as well as an overview of some of the work Elections Yukon is undertaking to deliver to our important mandate.

It is requested that this report be reviewed by the Members' Services Board, or some other committee of the Legislative Assembly, in order to provide any guidance or feedback on behalf of the Legislative Assembly. It is my intent, that during the period between sessions, any further updates would be passed to this committee representing the Legislative Assembly prior to release to the public.

Background

Elections Yukon is one of three independent non-partisan agencies reporting to the Legislative Assembly and is accountable to the Legislative Assembly. The mandate is to prepare for, administer, and deliver fair, complaint and impartial elections for members of the Legislative Assembly, members of school councils, and trustees of school boards.

The foundation to meeting that responsibility is the electoral planning, preparedness and the ongoing readiness work across a broad spectrum of activities that follow the business process and timelines of an election cycle.

Election planning is unique partially due to its scale; it is one of the largest single activities that is ever organized in a country (or electoral jurisdiction). It is a very complex administrative task implemented in a politically charged atmosphere. Ensuring a fair, compliant and impartial election requires considerable planning, focused effort and investment. These processes are similar regardless of the size of the jurisdiction or number of electors. Smaller jurisdictions may have greater challenges due to limited capacity, large opportunity costs, limited staff support, lower budgets, and a smaller in-house pools of expertise. There are also the important routines and demands of running a busy office that consumes capacity, time and flexibility.

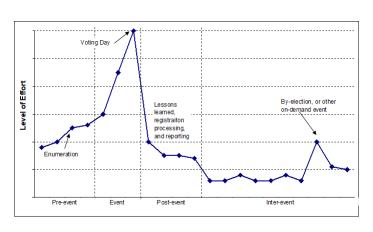
For Elections Yukon, unlike most other jurisdictions, there is added responsibility for school council and school board elections. While the profile and turnout is not as high as territorial elections, the school planning and process demands are similar. It is a considerable undertaking and the work demand should not be underestimated. Over the next five years, there will be at least six general elections (territorial and school). A number of school by-elections is also expected.

The work to ensure public trust, compliance, accessibility, and the integrity of election results is Election Yukon's highest priority.

Electoral Cycle - Readiness Ramp Up

Planning for elections, territorial and school elections, follow an electoral cycle. This uses a business cycle approach. For Elections Yukon there are four key periods;

Pre-Event Period: This is the current phase which leads up to the election call. Activities include the finalization and implementation of plans, conducting early targeted revision, updating technologies, hiring and training of core staffs, procurement of election materials, equipment technology, and introduction of new processes, as well as the launch of public and stakeholder outreach and advertising activities. This period is typically 12 months. It is aligned with the electoral readiness date.



• **Election Period:** This is the operational period of electoral delivery once the writ is issued. It is the most intense, high profile, and dynamic phase. It includes ensuring voting access, compiling the lists of electors, and providing a wide range of elector and candidate services. This period is typically 6 weeks

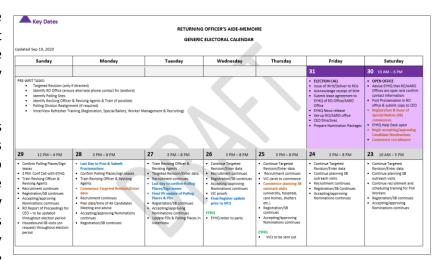
and ends with the return of the writ. This is the focus period of the public and media; for this period the readiness planning and work must already be done and in place to successfully administer the electoral event.

- **Post-Election Period:** This period is typically 12 months. It includes the return of materials, team reports and analysis, and a report to the Legislative Assembly detailing the conduct of the election, *Elections Act* recommendations, feedback, and strategic plan realignment. It may also include an Electoral District Boundaries Commission of which the Chief Electoral Officer is a member.
- Inter-event Period: This period of 24-36 months includes support activities to deliver on the strategic realignment, implementation of legislative and process changes, introduction of initiatives and new processes and technologies, stakeholder engagement, design and procurement of materials, and the updating of forms and manuals. It is the lowest risk phase. Due to the degree of change, some of the considerable work required of this phase is being progressed in the current pre-election period.

Readiness Date - March 15, 2021

There is currently no fixed date for the next territorial election. The Yukon Act provides for the Premier, through the Commissioner, to call an election any time prior to November 18, 2021.

Elections Yukon continually monitors legislative, political, and public activities as well as other events and trends to identify factors that might affect the timing of a territorial election. Minority governments or other considerations may require ongoing readiness even very early in an electoral cycle. From this, the



Chief Electoral Officer anticipate the date that an election could be called. The resulting readiness date is used to plan activities. It is under ongoing review.

There are hundreds of high-level activities that must be completed to meet the readiness date. This impacts the readiness focus as well as the degree of innovation, updates or pace of change that may be possible prior to an election. It also considers the deployment of resources, focus and budget allocation.

Elections Yukon has established a readiness date of March 15, 2021 to be prepared for a spring election if called. This is an updated date from the previous readiness date for a potential fall 2020 general election. This allows additional time for readiness activities and upgrades to be progressed.

If an election call is not made for the spring or early summer, Elections Yukon will continue to prepare based on a revised readiness date. Readiness dates are used to support or constrain consideration of change, additional work, projects, and innovation.

Challenges

As noted, electoral readiness involves the planning and coordination of hundreds of activities. Beyond the election focus there is considerable administrative overhead as an electoral management body and independent Office of the Legislative Assembly. There is change, evolution, and initiative. Elections Yukon considers these challenges in terms of electoral risk which could compromise the conduct of the election, compliance with established and statutory processes, and the acceptance of the results.

The challenges noted are included to provide insight into some of the drivers of the Election Yukon priorities and efforts. All are being addressed and managed.

- Mandate: Elections Yukon planning is focused on three levels of readiness activity; the analysis and implementation of the lessons learned from the 2016 election, the shift to a process-based operational and readiness profile, and to pro-actively leverage new legislation and opportunities to continuously improve electoral services and delivery. This includes:
 - o Addressing the gaps in process, materials and legislation identified after the 2016 election.
 - Establishing and institutionalizing an updated process-centric approach and methodologies as an electoral readiness framework.
 - Introducing new and realigned processes, practices, initiatives and technologies to meet statutory requirements and elector expectations.

This work is part of the strategic move to further the maturing of the electoral processes as well as evolve Elections Yukon as an electoral management body.

- Overlapping Events: The considerable work for school council and school board elections make many
 demands. It is an opportunity cost which can impede progress of territorial readiness. Since 2016 there
 has been one territorial general election, three school council general elections (and six by-elections) for
 the 26 school attendance areas, and two school board general elections (and four by-elections) for the
 Yukon Francophone School Board. As such, there are three electoral cycles, running concurrently, to
 administer.
- Capacity: Elections Yukon has a full time staff of two positions; Chief Electoral Officer (CEO) and
 Assistant Chief Electoral Officer (ACEO). There is no dedicated support, administrative, technical or
 operational staff although there are shared service support for some activities. Elections Yukon has the
 fewest staff of the 14 major electoral jurisdictions in the country. Small jurisdictions, like NWT, Nunavut
 and PEI, have up to 4 or more full time staff and increase full time staffs during the election year.
 - To date, budget requests to increase staff have not been supported. Some additional temporary capacity has been acquired through a government subsidized training program. As well, a 'tiger team' concept leverages the talent of returning officers and other personnel for specific project support. While it does not offer the continuity, focus, and availability of dedicated staff it is a critical supplement to capacity and in-house expertise. Contingences for the risks associated with capacity shortfalls remain a focus.
- Legislative Change: There have been major changes to the registration processes with the transition from enumeration to a permanent register. With it are new technologies to support the registration and the introduction of data sharing arrangements with Yukon public bodies to populate and produce an accurate list of electors. Special ballot has also undergone significant changes to open elector access

and align processes. This requires implementation and outreach. These major activities and related planning have made a large demand on capacity, time and resources.

 Recommended Elections Act Changes: Over the past 18 months, in three separate submissions, Elections Yukon has made a total of 19 recommendations to the Legislative Assembly and Members' Services Board. The time and work required to prepare these documents is significant.

Three recommendations were presented in in May 2019 as critical *Elections Act* changes related to the introduction of the permanent register and the expansion of special ballot access. They were supported and were later approved by the Legislative Assembly. Ten additional recommendations were tabled in the Legislative Assembly in November 2019. In July 2020, additional recommendations were made regarding the COVID-19 pandemic and post-pandemic contingencies.

diversion of effort. It has included many stakeholders, including the Department of Health and Social Services as well as other electoral jurisdictions. It began with the work prior to the CEO recommendation to postpone the school council elections scheduled for May 2020. This triggered additional review regarding legislation, alternate planning scenarios with numerous stakeholders, and due diligence safety measures and processes. It included an expanded mail-in balloting option. This work has provided valuable lessons learned which support territorial election planning. With it are subsequent modifications to processes, increased staff requirements at the polls, planning for the requirements and distribution of personal



protective equipment and other materials, and realigned training, contingency planning, and public outreach.

Recruitment of workers is an ongoing challenge. It may be exacerbated by the pandemic and post-pandemic scenarios that may limit availability of vulnerable or concerned workers. Larger and additional venues are required to support physical distancing. In addition, up to a 100 extra workers will be required to support polling place traffic control, sanitization stations, and station cleanliness. Dependent on pandemic scenarios, as part of various COVID-19 related scenarios, processes may require adaptation to ensure integrity and access to the electoral process.

• **Budget:** Elections Yukon has funding challenges for the mandate and degree of readiness and change required. In managing funds, expenditures are often delayed until the end of the fiscal year to ensure sufficient funds are available for committed expenses. Notwithstanding, funding alignment has improved. A supplementary budget request for additional funds for this fiscal year was approved and is under consideration by the Legislative Assembly as part of the Second Appropriation Act. It was a critical pre-requisite of a March 15, 2021 readiness date.

As a planning factor, election funding is required for at least one year prior to the issue of the writ to ensure the necessary lead-time for preparations. During this period, staff and resource capacity is needed for major procurement, training, and technology activities. If the election date is not known, or if there is a minority government, budgets would need be adjusted early to accommodate the readiness work to respond to the possibility of a short-notice election call. As such, budget year requirements vary and funding is aligned with the electoral cycle and readiness requirements. This approach is being progressed.

• Integrity and Access to the Vote: In 2016 there were many close election contests. Of the 19 electoral districts, 15 were won with a margin less than 100 votes. Of these, 8 districts were won by a margin of less than 50 votes. Two districts were won by 7 votes. Integrity and compliance must be of a high standard to withstand scrutiny and challenge. This has required updated processes, forms, training, and tracking.

Over 5,800 registered electors did not vote in 2016. It is also estimated that up to 5,000 eligible electors did not get enumerated or register during the election period or at the polls. This represents 10,000 electors who, for one reason or another, did not vote.

Improved registration and outreach will significantly increase the number of electors; this will require an increase in the number of polling divisions and additional planning, venues, materials, and workers.

• **Turnout:** For the next election, there will be approximately 5,000 more eligible electors.

Candidates – 63 Total Enumerated: 21,218 Total Electors: 24,668 (679 dpl) Total Voted: 18,840 Voted: 76.37% Total Did Not Vote:* 5,828 Did Not Vote: 23.6% Ordinary Polls: 63% Advance Polls: 28% Special Ballots: 7%

Elected < 25 votes: 5Elected < 50 votes: 7

Proxy Voting: 2%

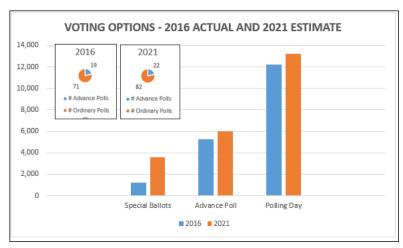
Elected < 100 votes: 15

Porter Creek North: 61% (989)

Old Crow: 86% (150)

As a baseline, if the same 76.4% of electors turn out; there could be up to 22,920 votes cast. This represents over 4,000 more votes across the territory.

Turnout is a measure of the number of electors who vote as a percentage of registered electors. The registration in 2016 rate in Yukon after enumeration (68%) and election period registration was approximately 82%. This coverage (number of registered electors as a percentage of estimated eligible electors) is typical of enumeration. It is lower than electoral jurisdictions with permanent registers. The typical coverage rate in the 92% -98% range. Yukon is expected to have



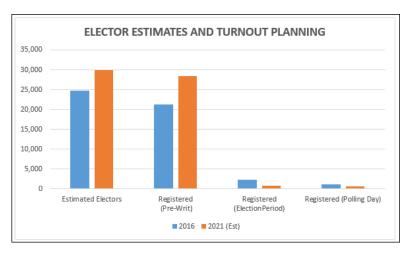
a coverage rate of up to 95% for the next election.

Electoral planning and administration requirements, as well as time and capacity demands, are increased as the electorate is expected to be almost 20% larger than in 2016.

In addition to the increased numbers that are expected to turn out to vote in 2021, the options by which they choose to vote is also expected to change. There will be increased use of special ballots, and although a higher elector turnout at advance polls and polling day is expected, the overall percentage of in-person voting will likely decline.

Register: For the next election, an updated register is expected to include up to 5,000 more electors than in 2016. The first of a series of registration campaigns to increase coverage is in progress.

The work to improve list accuracy is time consuming and detailed. Accurate address information is required to assign electors to an electoral district and polling division. There are still many hundreds of address validations to progress.



Data-sharing will improve address accuracy. This will support elector awareness with properly addressed voter information cards. This is expected to increase turnout. Even with a more accurate list of electors, there will be numerous new registrations and corrections at the polls as the register is established.

Jurisdictions, which have introduced a permanent register typically increase staff to manage the register. Elections Yukon staff was reduced from 3 (CEO, ACEO, and Ops Support) to 2 persons (CEO and ACEO) in mid-2018.

- Special Ballots Applications: It is expected that applications for special ballots will increase dramatically. Changes make it a more inclusive option for all electors. There is greater convenience with online applications, increased office hours to apply and vote by special ballot, and expanded outreach and awareness campaigns. There is also additional uptake expected due to COVID-19. This could increase special ballot applications by 3-4 times the 1,200 applications received in 2016. There is a new process to include the Elections Yukon administration of the online application of special ballots.
- **Electoral Risk:** There are several dimensions of the electoral process which highlight the various dimensions of risk which can harm trust in democratic institutions and processes as well as undermine the credibility of the electoral management body. These include:
 - Strict timelines, deadlines and chronologies as the election calendar unfolds. Delays in one area can impact delays in other areas.
 - Geographic scope which impacts recruiting, procurement and logistics, deployment of technology, and voter outreach, education and awareness.
 - Level of public involvement which affects the number and types of electoral services, and the scale of services required along legal, operational, technical, political and security lines of business.

With ongoing support, Elections Yukon will be ready in all respects to deliver an election that will implement significant statutory change as well as introduce a number of new and renewed processes. This is reflected in the strategic plan to continually build on measures to ensure electoral integrity, enhance security, increase elector registration coverage and accuracy, and expand services for electors and candidates.

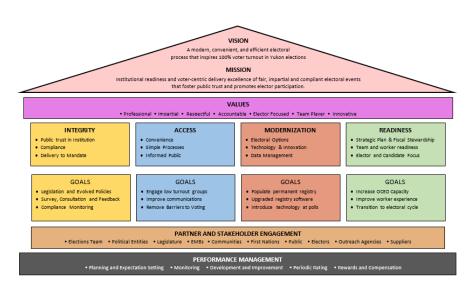
Electoral Readiness Activities

Elections Yukon has taken on an ambitious and pro-active program to ensure readiness and provide the voter-centric services of its mandate.

All electoral readiness planning is measured against the strategic framework of vision, mission and the four supporting pillars of integrity, access, modernization, and readiness.

> Vision: A modern, convenient, and efficient electoral process that

inspires 100% voter turnout in Yukon elections.



• **Mission:** Institutional readiness and voter-centric delivery excellence of fair, impartial and compliant electoral events that foster public trust and promotes elector participation.

Readiness draws from limited capacity, effort and time reserves. It includes planning, implementation and orchestration of readiness activities to prioritize areas to invest capacity, time, and funds.

Some of the work since 2016 to build on the institutional processes include:

- **Integrity:** Measures of public confidence in election and results. Key elements include compliance, transparency and accountability.
 - Confidence Building: greater Elections Yukon outreach and presence, increased security focus, process renewal, and improved privacy protocols.
 - <u>Legislative Change:</u> pro-active evolution of statutory requirements 19 Elections Act recommendations made.
 - <u>Permanent Register:</u> more inclusive and accurate electorate register 4,000 electors added to the list of electors; many more thousands of changes to correct and update addresses made, removed duplicates and deceased electors. Annual updates of the list of electors were introduced and provided to political parties and members of the Legislative Assembly beginning in 2019.
 - Special Ballots: greater elector inclusion, expanded outreach to key groups and communities, and clearer, simpler processes. Elector tracking of special ballots issue, date mailed and date received by Elections Yukon is being introduced. A new option for special ballots return will be a drop box located outside the Elections Yukon office during the election period. This is an alternative to mailing the special ballots back to Elections Yukon.
 - Reports to the Legislative Assembly: increased frequency of reports to the Legislative Assembly and Members' Services Board. This includes budget documents to demonstrate fiscal stewardship and strategic plan alignment.

- Access: Measures to reduce barriers to the right to vote and be a candidate, and raise awareness of ways to vote.
 - Accessibility Focus: review of physical space access, parking, policies and practices to expand support and tools for electors with disabilities or requiring assistance in election offices and polling places.
 - Under Represented Electors Focus: expanded outreach program to community groups and traditionally under represented elector communities – youth (including the register of 16 and 17 year olds), students, First Nation citizens, and new Canadians.
 - Access to Vote: increased hours of the returning office, increased number of polling divisions and polling places, pro-active registration campaign, updated voter information card distribution, and a special ballot outreach campaign for hospitals, care homes, shelters, correction centers, mining and other work camps, students at temporary residences, and remote electors.
 - Online Access: revamped website with expanded documentation and online forms. Launch of the registration online function in place and planned introduction of 'where do I vote?' and 'who are my candidates?' online search portals during the election period.
- **Modernization:** Measures for process and technology renewal of electoral readiness and support activities.
 - Returning Officer Team Support: upgraded and increased computer support for the Elections Yukon team, faster pre-planned office set up and internet access when writ dropped, and increased engagement of Returning Officers and Assistant Returning Officers during the pre-writ period.
 - New Electoral Management System Services: migrated to and set up a secure and proven software technology for register management and list of elector services as well as polling location and worker management functions.
 - Vote Anywhere Option: under consideration as a pilot program to allow electors to cast their vote at any advance poll in Whitehorse area and Dawson City for any electoral district.
 - Updated Results Reporting System: a new web display of results by poll and electoral district is under development to provide more timely and expanded results information reporting.



- Readiness: Measures of readiness across the Elections Yukon network to deliver to the statutory mandate. This includes the headquarters team, the Help Desk, and the electoral field teams (Returning Officers and staffs). Readiness includes the work to set, meet and manage the expectations of the electorate and various stakeholders.
 - Forms, Manual and Election Material Renewal: major renewal, update and validation of all materials (over 100 forms and manuals) for compliance and training alignment with the various changes and new processes. There is a key integrity link to ensure alignment between Elections Act, policies, processes, audit, and training.
 - <u>Candidate and Political Party Support:</u> introduced regular Advisory Committee on Elections meetings with political party leadership, updated manuals for candidates, official agents and scrutineers, produced detailed electoral calendars, updated electoral maps, increased financial reporting information, and provided portal access for the list of electors.

- Procurement: major procurement activities for ballot boxes, signage, computers and software,
 COVID PPE, and set up materials for returning offices, polling sites, and help desk offices. Early work in earmarking election facilities to lease during the election period has begun.
- Election Official Recruiting and Training: increased selection criteria for Returning Officers (11 of 19 new ROs since 2016) and a revamped training approach and materials. This includes orientation sessions, practical sessions, and Zoom workshops for ongoing technology training. An early start to recruiting is in place using new and expanded channels to establish potential pools for when the election is called. Tariff adjustments for election workers have been submitted to address the significant changes to duties following statutory and process changes, particularly the transition from enumeration to a permanent register.
- <u>Returning Officer Tasking:</u> early tasks include work for polling division realignment, election venue identification and pre-booking, list of elector address validation, and identification of recruiting requirements for election officer planning.
- Outreach: major campaigns for registration and the development of playlists (social media, press releases, and advertising during the election period). Pre-writ promotion and outreach campaigns are under development to support elector and candidate participation.

Way Ahead

Elections Yukon is progressing its team readiness for a possible election as early as spring 2021. The operational context has an additional 4,000 registered electors, new registration and special ballot processes, new procedures and increased staffing requirements to address COVID-19 contingencies. With it are considerable technology, material and training readiness requirements. The pilot project for Vote Anywhere at advance polls is under development for implementation.

Recruiting and training work is ongoing. Procurement of long lead-time inventory is being progressed. Material and technology deployment to field staffs are being assembled. Distribution will start in the first quarter of the new year.

With the readiness activities are the complimentary programs of awareness and outreach in support of some of the important changes to the stakeholders and political entities.

Integral to our readiness remains our mandate for the administration of the right to vote, the right to be a candidate, and the delivery of fair, impartial and compliant elections. Our work is aligned with the strategic plan.

Conclusion

The Elections Yukon readiness date is updated from the fall 2020 to March 15, 2021 acknowledging that an earlier or later territorial general election call is possible.

There has been significant change to Yukon's election administration since 2016. Superimposed on the three levels of readiness activity (lessons learned from 2016, shift to a process-based readiness structure, and ongoing evolution of services) has been the introduction of the permanent register and numerous other changes. It has had cascading capacity, investment and readiness impacts.



The work of electoral readiness is typically unseen and complex. Citizens count on electoral readiness and electoral integrity and access. It is a considerable and important democratic undertaking and one in which Elections Yukon is proud to play its part.

In addressing the challenge and opportunity of the mandate, the support of the Legislative Assembly to Elections Yukon's capacity and statutory alignments with the mandate is integral to readiness. Elections Yukon appreciates the continued support of the Legislative Assembly and Members' Services Board.

The work for electoral readiness and service continues.