

**Report of the
Chief Electoral Officer**



**RECOMMENDED CHANGES
TO THE ELECTIONS ACT
2021**

Table of Contents

CHAPTER ONE	1
SUMMARY OF RECOMMENDED CHANGES TO THE ELECTIONS ACT	1
CHAPTER TWO	7
RECOMMENDED CHANGES.....	7
TO THE ELECTIONS ACT.....	7
1. Eligibility as an Elector	8
2. Proof of Residence	9
3. Temporary Residence	10
4. Election Officer Eligibility	11
5. Election Officer Eligibility	12
6. Appointment – Other Election Officers	13
7. Referendum and Plebiscite Mandate	14
8. Ballot Design	15
9. Identification at the Polls.....	16
10. Election Results Tied After Recount.....	17
11. Electoral District Boundary Commission Establishment.....	18
12. Electoral District Boundary Commission Considerations	19
13. Internet Voting (iVoting)	20
14. Financial Provisions for Political Parties (General)	21
15. Financial Provisions for Political Parties (Fairness).....	22
16. Financial Provisions for Political Parties (Transparency)	23
17. Financial Provisions for Political Parties (Accountability).....	24
18. Administrative Responsibility for the <i>Elections Act</i>	25
19. Plain Language Rewrite of the <i>Elections Act</i>	26



CHAPTER ONE

SUMMARY OF RECOMMENDED CHANGES TO THE ELECTIONS ACT

The *Elections Act* regulates the election of members to the Legislative Assembly. It details the processes for the conduct of a fair, impartial and compliant election and the democratic right of Yukoners to vote and be a candidate.

As technology, modernization, and the growing expectations of electors evolve, the *Elections Act* undergoes periodic review and look to improve the administration, accountabilities, and supervision of elections.

This chapter is a summary of the 19 recommended *Elections Act* changes.

SUMMARY OF RECOMMENDED ELECTIONS ACT CHANGES

RECOMMENDED CHANGE	RELEVANT SECTION	RECOMMENDATION	RATIONALE
1. Residency Requirements	Section 3 – Qualification as an Elector	Reduce the 12 month residency period to 6 months or less.	<ul style="list-style-type: none"> • Best practices. • Increased and earlier participation in democracy. • Increase number of electors.
2. Proof of Residence	Section 5.01 (5) – Elector Identification	Add the requirement for proof of residential address when registering as an elector.	<ul style="list-style-type: none"> • Mailing addresses are approved to establish proof of identity. • Many elector’s identification has a mailing address only which is not sufficient to assign to a polling division or an electoral district. • A declaration of residence would be acceptable to update the register information.
3. Temporary Residency	Section 8 – Temporary Residence	Remove option for temporary workers to have choice of polling divisions. These electors would vote for a candidate in the district where they are ordinary resident.	<ul style="list-style-type: none"> • Special ballots would be the preferred option for temporary workers who are away from their ordinary residence. • Ambiguous definition of a temporary worker and no test for eligibility to have choice of electoral districts. • Temporary workers, voting outside their ordinary residence, could impact results in districts where they are not normally resident.
4. Election Officer Eligibility	Section 11(1) - Eligibility	Expand election officer employment opportunities of 16/17 Year olds.	<ul style="list-style-type: none"> • Recruiting of election officials is a challenge; 16/17 years olds would increase recruiting pool and promote engagement. • Poll attendant is the only open position; expand to include other positions except returning officer and assistant returning officers and supervisory Information Resource Officers.

SUMMARY OF RECOMMENDED ELECTIONS ACT CHANGES

RECOMMENDED CHANGE	RELEVANT SECTION	RECOMMENDATION	RATIONALE
5. Election Officer Eligibility	Section 11(1)(b) - Eligibility	Expand eligibility to work as an election official to include Yukoners who meet all qualifications except residency.	<ul style="list-style-type: none"> • Canadian citizens who live in Yukon but do not meet residency requirements cannot vote however are potential election officials. • Recruiting is a challenge and worker eligibility would increase pools. • Other jurisdictions allow non-electors (including permanent residents) to be election officials.
6. Polling Station Appointment	Section 11.02(1) - Appointment – Other Election Officers	The Deputy Returning Officer of a polling station can administer the vote in the absence of the poll clerk when an Information Resource Officer is present.	<ul style="list-style-type: none"> • Current technology and integrity processes support one-person administration of the vote. • Two person polling station operation is inefficient, worker intensive, and increases recruiting challenges. • Number of jurisdictions authorize one official to administer the vote without a poll clerk present.
7. Referendum and Plebiscite Mandate	Section 14(1) - Powers	Add the responsibility to conduct referendums and plebiscites.	<ul style="list-style-type: none"> • <i>Elections Act</i> is silent on referendums and plebiscites. • Referendum administration is typically under the electoral agency.
8. Ballot Design	Section 175(1) – In the prescribed form	Include the option for a picture of the candidate on the ballot.	<ul style="list-style-type: none"> • Support electors in candidate identification when they vote. • Used in a limited number of other jurisdictions.

SUMMARY OF RECOMMENDED ELECTIONS ACT CHANGES

RECOMMENDED CHANGE	RELEVANT SECTION	RECOMMENDATION	RATIONALE
9. Identification at the Polls	Section 234 – No proof of right to vote required	Require proof of identity and address to vote as for federal, municipal, and other jurisdiction elections.	<ul style="list-style-type: none"> Registered electors do not require to show identification to vote; this is not the case for federal and municipal elections. Integrity risk is elevated as outdated registration information could allow ineligible or incorrect electoral district assignment. This raises possibility of a contested or invalid election and the possibility of an election offence.
10. Election Results Tied After Recount	Section 300 - Tie Determined By Drawing of Lots	If, after a recount, no candidate can be declared elected because of a tie vote, a new election would be held.	<ul style="list-style-type: none"> Drawing of lots to elect a member introduces greater susceptibility to an invalid election challenge for the unsuccessful candidate. There is considerable time delay and expense if an election validity is challenged – the determination is either the election was valid or, if invalid, to hold an election in that district.
11. Electoral Boundaries Commission Establishment	Section 411 – Time of Appointment	Amend the minimum timeline requirement of six years and a two-election period to allow earlier establishment of EDBC.	<ul style="list-style-type: none"> The last Electoral District Boundaries Act was passed in 2008. Populations have changed significantly. Authorizes the Legislative Assembly to establish a EDBC before the next election.
12. Electoral District Boundaries Commission Considerations	Section 419 – Relevant Considerations	Update relevant considerations to allow additional guidance to the Commission prior to its establishment.	<ul style="list-style-type: none"> Would provide additional guidance to support EDBC mandate and approach. Could include range of district boundary options based on guidelines.

SUMMARY OF RECOMMENDED ELECTIONS ACT CHANGES

RECOMMENDED CHANGE	RELEVANT SECTION	RECOMMENDATION	RATIONALE
13. Internet Voting (iVoting)	Section 97(1) – Special Ballot	Provide that the Chief Electoral Officer may establish procedures to vote by special ballot using electronic means.	<ul style="list-style-type: none"> • Growing interest in internet voting to increase access and voter participation. • Proven technologies and processes • Used by NWT in 2019 territorial election with success.
14. Financial Provisions for Registered Political Parties (General)	Part 6	Review of political finance regulations for statutory provisions, limits, and reporting for political parties and candidates.	<ul style="list-style-type: none"> • Introduce additional provisions to support fairness, transparency and accountability. • Financing provisions support election integrity and public confidence. • Yukon has limited provisions for political finances.
15. Financial Provisions for Registered Political Parties (Fairness)	Part 6	Financial regulation includes setting of prescribed contribution limits and spending limits.	<ul style="list-style-type: none"> • Fairness relates to a ‘level playing field’. • There are no contribution limits regarding amount of who can contribute or from where the contributions originate. • There are no spending limits of political parties or candidates.
16. Financial Provisions for Registered Political Parties (Transparency)	Part 6	Financial regulation includes setting internal disclosure and public disclosure requirements.	<ul style="list-style-type: none"> • Transparency provides visibility into the sources of political funding. • Internal disclosure are requirements to Elections Yukon but are not publicly released. This can include financial statements (audited or unaudited) to support reported amounts. • Public disclosure includes information released to the public. Yukon only requires contribution and total revenue to be reported annually.

SUMMARY OF RECOMMENDED ELECTIONS ACT CHANGES

RECOMMENDED CHANGE	RELEVANT SECTION	RECOMMENDATION	RATIONALE
17. Financial Provisions for Registered Political Parties (Accountability)	Part 6	Financial regulation includes setting compliance requirements and enforcement requirements.	<ul style="list-style-type: none"> • Clear accountability requirements support compliance and enforcement. • There are limited requirements for election financing compliance. • Enforcement tools are insufficient for minor contraventions of the Act such as late filings.
18. Administrative Responsibility for the <i>Elections Act</i>	Not part of <i>Elections Act</i> . Government Organization Act and OIC 2014/174	Align administrative responsibility for the <i>Elections Act</i> be under the Legislative Assembly as for other house officers.	<ul style="list-style-type: none"> • Process for <i>Elections Act</i> amendments unduly complex and inconsistent with authorities and processes required of other independent house officers.
19. Plain Language Rewrite of the <i>Elections Act</i>	<i>Elections Act</i> (general)	Repeal and replace the <i>Elections Act</i> after a major review, update and plain language rewrite.	<ul style="list-style-type: none"> • After more than 20 years and 9 amendments, the <i>Elections Act</i> has a number of inconsistencies and outdated provisions. • <i>Elections Act</i> rewrite would support clarity and compliance with an updated format and plain language focus.



CHAPTER TWO

RECOMMENDED CHANGES TO THE ELECTIONS ACT

A key focus of electoral management bodies is ongoing legislative reform in order to pro-actively respond to changing expectations, new technologies, and the evolution to improved electoral processes and services.

The recommended changes are to further build on the integrity of elections and processes, provide access to the vote, modernize to improve the elector experience and election administration, and to ensure electoral readiness.

This series of recommendations also offer consideration of evolved administrative and operational processes, elector eligibility, and political finances.

1. Eligibility as an Elector

Section 3 – Qualification as an Elector

Recommendation

Reduce the 12 Month Residency requirement to 6 months or less

Discussion

According to Canada's 2021 census numbers, Yukon led the country in terms of population growth since 2016, increasing by 12.1 per cent. For new residents, who move to the Yukon in the year prior to an election, they would not be able to vote for their member in the upcoming election.

Residency requirements were historically linked with eligibility to vote to ensure a stakeholder interest in an election.

Components of population growth	Yukon (map)	
	2019 / 2020	2020 / 2021
	Persons	
Births ^{2, 3}	404	423
Deaths ^{4, 5}	264	289
Immigrants ⁶	336	300
Emigrants ^{7, 8}	24	16
Returning emigrants ^{8, 9}	25	2
Net temporary emigrants ^{8, 10}	17	4
Net interprovincial migration ¹¹	489	270
Net non-permanent residents ^{12, 13, 14}	-137	126
Residual deviation ¹⁵

Over a two-year period (2019-2021), there was a net of 759 new residents (489 one year and 270 during initial COVID-19 year) to Yukon from other provinces. That represents a large number of potential electors who would not have the right to vote (acknowledging that a six-month residency would still exclude a number of new residents). A further 636 international migrants entered the territory, although citizenship may exclude them from voting.

Yukon and NWT are the only jurisdictions with a 12-month residency requirement for elector eligibility to register and vote. Nunavut recently reduced the residency requirements to six months. Nova Scotia also has a six-month residency requirement. For other jurisdictions, being a resident at time of election meets the eligibility requirement.

Removing or reducing the residency threshold to be a qualified elector would increase the number of eligible electorate. It would also enfranchise electors who would not be able to vote for Members who may represent them for up to four or more years. If the residency period was 6 months in 2021, otherwise qualified electors who moved to Yukon during the summer and before October 12, 2020 could have voted. For the 2021 election, residency was required as of April 12, 2020.

2. Proof of Residence

Section 5.01 (5) – Elector Identification

Recommendation

Add the requirement for proof of residential address when registering as an elector.

Discussion

An elector must register to vote. The identification requirements, approved by the Members' Services Board, establish what constitutes proof of identity in determining elector qualification when registering to vote. Proofs for age, Canadian citizenship, or the length of residence in the Yukon is not required. Once the registration is complete and approved, the individual is an elector and entitled to receive a ballot.

The elector must also provide a residential address in order to be assigned to an electoral district. From legacy registrations, many Yukon electors have identification that only provides a mail box number. A number of electors have multiple properties, and although only one residence at a time is allowed for electoral purposes, identification may not reflect the residential address. Temporary workers may not have identification for their address to be used for electoral purposes. Couch surfers, transients, and others may not have identification with residential addresses.

While mailing addresses are acceptable as identification they do not provide the residential address. The elector may reside in a different polling division or electoral district than their mail box. As such, mailing addresses cannot be used to assign polling division or electoral districts.

In cases where the residential address is not established by acceptable identification, the new section would indicate an oath of residential address is required. The polling division assignment would be based on that address.

3. Temporary Residence

Section 8 – Temporary Residence

Recommendation

Remove option for temporary workers to have choice of polling divisions. These electors would vote for a candidate in the district where they are ordinary resident.

Discussion

Residence is defined as the ‘true, fixed, permanent home or habitation’ (section 6) which qualifies an elector to vote in that polling division (section 3). There is a specific exception outlined in section 8 for temporary residents.

Typically, if temporarily employed out of district or absent, an elector would vote by special ballot, or if available, at the advance or ordinary poll in their district. Special ballot eligibility and access, has dramatically increased with 2018 changes to the *Elections Act*.

Currently this section allows temporary workers employed at their “normal occupation” the option of being considered a resident in the polling division where they work or in the polling division of their ordinary residence.

Normal occupation is not defined and there may be a number of potential definitions and interpretations. Some may include part time, self-employment, or unpaid work. Many workers regularly deploy for periods in the course of their normal work such as in sales, transportation and logistics, construction, mining camps, resource operations or other work assignments. Typically, these are rural districts with lower elector counts.

As such, a person could temporarily move or be deployed for work or be assigned to a different district where they would then have the choice of two districts in which to vote. There is no electoral test to that provision or minimum time of temporary residence beyond one day prior to the issue of the writ

The option of temporary residence eligibility for electors studying at educational institutions in the territory and those who begin living in a hospital after Day 24 of the election period would be unchanged.



4. Election Officer Eligibility

Section 11(1) - Eligibility

Recommendation

Expand Election Officer Employment Opportunities of 16/17 Year Olds

Discussion

As of March 2019, it was estimated there were 805 youth aged 16 or 17. As of September 2021, this number has increased to 918 youth.

The 2015 *Elections Act* amendments authorized registration of 16 and 17 year olds.

Currently legislation allows 16 and 17 year olds employment only as a poll attendant. Poll attendants promote the orderly movement of electors in polling places. It is the lowest paid position.

Expanding opportunities would recognize the considerable youth skill, energy, and talent sets. Many are bilingual with advanced computer skills. It would also promote increased youth awareness and engagement in the election process. Benefits also include an expanded recruiting pool.

The increased opportunities would be open to suitably qualified youth (16 and 17) who, in all other respects except for age, would be an elector. These positions could include revising agent, deputy returning officer, registration officer, and poll clerk.

Only electors (including meeting the age requirements) would be eligible to fill supervisory positions of Returning Officer, Assistant Returning Officer, Additional Assistant Returning Officer and Information and Resource Officer.

Elections Canada allows 16/17 year olds in any electoral position with note that priority will be given to qualified electors. Elections Canada reports that youth workers have a low absentee/drop-out rate. British Columbia has no minimum age requirement for election workers.

16 AND 17 YEAR OLDS IN YUKON AS OF SEP 1, 2021							
COMMUNITY	Year	16 Both sexes	16 Females	16 Males	17 Both sexes	17 Females	17 Males
ALL COMMUNITIES	2021	440	215	225	478	230	248
BURWASH LANDING	2021				1		1
CARCROSS	2021	7	2	5	4	1	3
CARMACKS	2021	9	6	3	8	5	3
DAWSON CITY	2021	25	16	9	16	8	8
FARO	2021	4	3	1	2	1	1
HAINES JUNCTION	2021	16	9	7	12	6	6
MAYO	2021	1		1	2	1	1
MENDENHALL	2021	3	1	2	2	2	
OLD CROW	2021	4	1	3	2	2	
PELLY CROSSING	2021	3	1	2	6	4	2
ROSS RIVER	2021	4	2	2	8	6	2
TAGISH	2021	5	3	2	1		1
TESLIN	2021	8	4	4	7	4	3
WATSON LAKE	2021	12	5	7	19	10	9
OUTSIDE WHITEHORSE	2021	45	15	30	68	20	48
WHITEHORSE	2021	294	147	147	320	160	160

5. Election Officer Eligibility

Section 11(1)(b) - Eligibility

Recommendation

Expand eligibility to work as an election official to include Yukoners who meet all qualifications except residency

Discussion

This recommendation would apply to Yukon electors who do not meet residency requirements to allow them to work as election officials. It would not include Returning Officer or Assistant Returning Officer positions.

Current *Elections Act* requirements require election officials to be electors (except for interpreters and 16/17 years olds who meet all other elector requirements can work as poll attendants). This precludes all Canadian citizens of the Yukon who do not meet the one-year residency requirement.

As inter-provincial migration to Yukon increases, many new residents would not have had the right to vote based on the residency requirement. They would also not be eligible to participate as an election worker.

Age Group ²	Interprovincial Migrants ¹			International Migrants					
	In-migrants	Out-migrants	Net Interprovincial Migration	Immigrants ³	Emigrants ⁴	Returning Emigrants ⁵	Temporary Emigrants ⁶	Net Non-permanent Residents ⁷	Net International Migration
2017/2018									
-1 year ⁸	9	7	2	2	0	0	0	0	2
0 to 4 years	116	82	34	10	0	0	0	4	14
5 to 9 years	79	46	33	10	0	0	0	2	12
10 to 14 years	53	53	0	8	0	0	0	1	9
15 to 19 years	93	89	4	5	0	0	0	90	95
20 to 24 years	186	141	45	20	6	2	2	65	79
25 to 29 years	330	295	35	83	10	1	10	56	120
30 to 34 years	233	192	41	53	10	0	10	12	45
35 to 39 years	157	101	56	44	10	0	7	-1	26
40 to 44 years	120	107	13	17	8	0	0	12	21
45 to 49 years	78	71	7	5	5	0	0	0	0
50 to 54 years	83	95	-12	3	2	0	0	0	1
55 to 59 years	76	79	-3	2	0	0	0	4	6
60 to 64 years	57	51	6	0	0	0	0	-4	-4
65 to 69 years	10	41	-31	0	0	0	0	0	0
70 to 74 years	1	21	-20	1	0	0	0	2	3
75 to 79 years	3	7	-4	0	0	0	0	0	0
80 to 84 years	0	0	0	0	0	0	0	0	0
85 to 89 years	0	0	0	0	0	0	0	0	0
90 to 94 years	0	0	0	0	0	0	0	0	0
95 to 99 years	0	0	0	0	0	0	0	0	0
100 years and over	0	0	0	0	0	0	0	0	0
2017/2018 (All ages) (p)	1,684	1,478	206	263	51	3	29	243	429
2016/2017 (r)	1,558	981	577	233	51	3	29	126	282
2015/2016 (r)	1,531	1,255	276	254	51	3	28	112	290
2014/2015 (r)	1,348	1,261	87	264	3	0	28	-36	197

British Columbia does not require a worker to be an elector; Canadian citizenship is not required to work as an election official in their provincial elections.

Beyond the early engagement of these potential future electors in elector administration, there is considerable benefit to augmenting the worker pool. The number of election workers required to run a territorial election has increased. Recruiting is becoming more challenging particularly given the increased requirements of more frequent territorial school referendums, council and board elections. Some of these challenges include multiple electoral events (fatigue), the growing technology and bilingual skills demand, events are often held during traditional travel periods (snowbirds and extended holidays), and there are COVID or other health concerns which may limit availability.

6. Appointment – Other Election Officers

Section 11.02(1) Appointment – other election officers

Recommendation

The Deputy Returning Officer of a polling station can administer the vote in the absence of the poll clerk when an Information Resource Officer is present

Discussion

A polling station in a polling place is administered by two election officials; a Deputy Returning Officer and a Poll Clerk. They undergo the same training. A number of jurisdictions, including Elections Canada, require only one election official at a polling station to administer the vote; confirm registrations, issue and receive ballots. This reduces some of the growing recruiting challenges and also allows for additional relief for the poll workers.

Under a two poll worker polling station, the poll is closed if both workers are not in place.

Fatigue, meal and health breaks, and long days (typically with three or four busy periods; opening, noon, after work, before polls close) are an ongoing challenge for workers and impacts their availability.

During the 2021 territorial election in the Yukon there were more than 125 polling stations. This requires the recruiting, training, and administration of over 300 poll officials considering drop-outs and standby contingency personnel.

Under a one official polling station model, the Deputy Returning Officer would administer the vote. This would be the default arrangement; a poll worker would be made available to support the DRO during busier surge periods and to provide additional support or relief. A supervisory Information Resource Officer would oversee and monitor polling stations.

As such, Returning Officers would plan election official requirements to support polls remaining open and the additional personnel to support the polling station administration. This would reduce the requirement for DRO/Poll Clerks. to approximately 225. The additional personnel, as DROs/Poll Clerks would support initial set up, surge periods, relief, and the count and reporting activities. They could also support registration surges, elector traffic flow, special arrangements (such as COVID due diligence measures) or be available to support electors. This recognizes that some polls may be busy all day and need a second official all day.



7. Referendum and Plebiscite Mandate

Section 14(1) - Powers

Recommendation

Add the responsibility to conduct referendums and plebiscites

Discussion

Referendums are administered as part of electoral mandates in other jurisdictions. They are conducted as stand-alone events or aligned with territorial/provincial election voting.

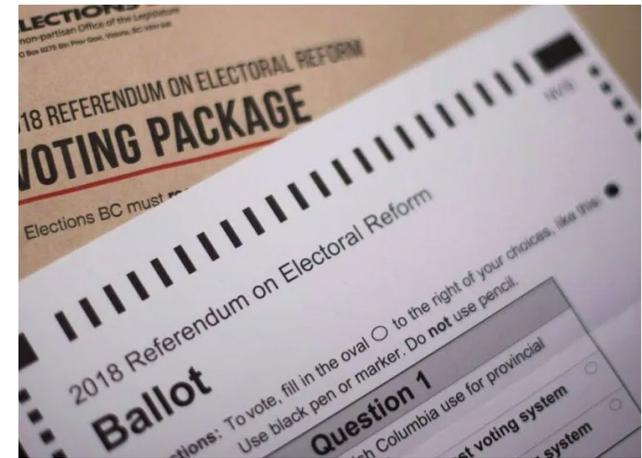
There is no statutory mandate or responsibility in the *Elections Act* for Elections Yukon oversight of referendums and plebiscites. As such, there are no preparatory processes, budgets, materials, or activities in place to ensure readiness.

The *Education Act* requires a vote on forming school boards; this is a referendum-type vote (Yes or No, Agree or Disagree) however there is no process outlined.

The *Public Government Act* (PGA), assented to in 1992, provided for the Chief Electoral Officer to be responsible for the conduct of referenda. It also repealed the *Plebiscites Act*. The PGA is no longer in force. The current *Plebiscites Act* (2002) provides for the Commissioner in Executive Council to make regulations for a plebiscite but makes no reference to referenda or responsibility for the conduct of the election.

The only mention of referendum or plebiscite in the *Elections Act* is as part of the interpretation of ‘official electoral purposes’ with specific reference to a requirement to produce a list of electors. Other jurisdictions include reference to referendums in their *Elections Acts*.

Elections Yukon has the permanent register and list of electors, territorial network of election officials, and statutory processes to support a territorial referendum and plebiscite. There is also new election experience in planning and delivering referendum ballot operations.



8. Ballot Design

Section 175(1) – In the prescribed form

Recommendation

Include the option for a picture of the candidate on the ballot

Discussion

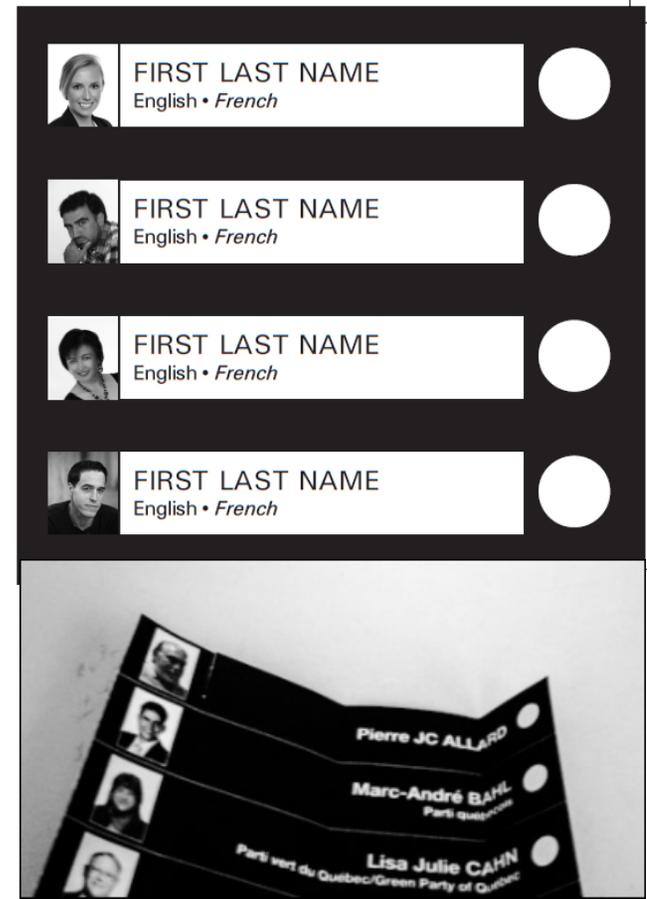
In 2021, there were 57 candidates representing three political parties and independents. There are now four registered political parties and there is interest for additional parties. As such, there will also likely be more candidates in the next election.

A picture of the candidate, as is the case for campaigns, websites, signage, and personal outreach, would support electors in candidate recognition.

Ballots for the Quebec and NWT elections have a black and white photograph of the candidate on the ballot. Their Acts specify the type of picture to be provided with the nomination papers. A picture is not mandatory.

A prototype ballot for Yukon, with candidate pictures, has been designed by the ballot supplier as a sample. The English and French line is for the name of the party or as an independent.

For the 2021 election, candidates were offered the option to include a professional quality photo for the Elections Yukon website to accompany their biography and contact information. All candidates provided pictures.



9. Identification at the Polls

Section 234 – No proof of right to vote required

Recommendation

Require proof of identity and address to vote as for federal, municipal, and other jurisdiction elections

Discussion

Once registered, there is no requirement for proof of right to vote in a territorial election is required. This is different from federal, municipal and First Nation elections where proof of identity and residence is required to be issued a ballot.

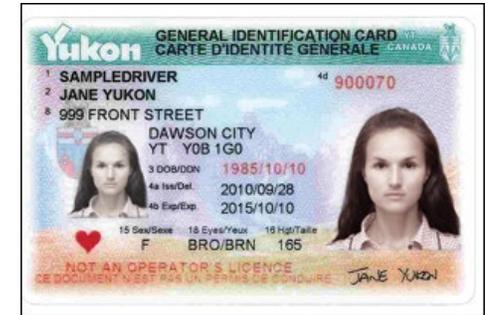
An elector at a polling station declares their name and address. The poll clerk determines if the name is on the official register. If so, a ballot is issued. If not, a registration is required. To register, identification must be produced.

Up to the 2016 election, there was no permanent register of electors. Enumerations were conducted for each election as a one-time register to create a list of electors. A permanent register is now established. It carried over information from the 2016 election registry. As it now stands, once on the register, no identification is required to vote.

There is considerable mobility in the Yukon. A number of residents move every few years. As such, there are outdated addresses in the register. This is evident from the return of hundreds of Voter Information Cards where the elector is no longer at that address.

Identification and residence identification supports accurate lists and also reduces the integrity risk of electors voting in polling divisions where they are not qualified to vote.

Very few electors do not have identification. Many electors show their identification when voting as it is the practice in most elections. For territorial elections, the List of Authorized Identification allows 49 different pieces of identification. If an elector has no proof of identification they would have the option to register and vote using attestations or vouching at the polls.



10. Election Results Tied After Recount

Section 300 - Tie Determined By Drawing of Lots

Recommendation

If, after a recount, no candidate can be declared elected because of a tie vote, a new election in that electoral district would be held.

Discussion

A member when elected may serve for a term of up to 4 years. In the Yukon, when a judge finds after a recount that there is an equality of votes cast between candidates with the highest number of votes, the process to determine the winner is for the Returning Officer to draw lots in the presence of a judge and witnesses.

In 2021, 10 of the 19 electoral districts declared winners with a 100 vote or less difference over the second place candidate. In 2016, 15 of the 19 electoral districts had a 100 vote or less difference. The potential for a ties or close votes is significant.

In 2021 there was a tie vote in Vuntut Gwitchin after a recount. A draw elected a member. A petition was then made to the court to find the election invalid based on the election was not conducted in accordance with the Act. It was denied. Fast tracked, it took the court four months to render a decision. The uncertainty pending the court decision impacted all stakeholders.

A tie vote also occurred in Vuntut Gwitchin in 1996. After the draw, an application was made to the court to find the election invalid. The judge ruled the results were void and to be set aside. A new election was called for that district in 1997.

In the event of a tie in the 14 electoral jurisdictions, 9 jurisdictions (including NWT and NU) resolve the tie with a by-election. Two provinces require the Returning Officer to cast a vote. Three others, including the Yukon, flip a coin or draws lots to elect a member.

APRIL 2021 ELECTION RESULTS	
Vote Difference (between 1 st and 2 nd highest vote counts)	# Electoral Districts
0 – 25 votes	2
26 – 50 votes	4
51 – 100 votes	4
> 100 votes	9

12. Electoral District Boundary Commission Considerations

Section 419 – Relevant Considerations

Recommendation

Include the option of relevant considerations and guidance to the Commission prior to its establishment.

Discussion

The electoral districts used in 2021 were established from the 2008 EDBC Report. In April 2018, the EDBC Report, which followed from the November 2016 election, was tabled.

The *Elections Act* requires of the government to introduce legislation based on the EDBC report to establish the electoral districts. The legislation, introduced to the Legislative Assembly in November 2018, recommended 20 seats. The recommendations were not adopted. The motion was defeated and boundaries were left unchanged.

The report was guided by the *Elections Act* (section 419) which details relevant considerations for the Commission in making their recommendation regarding electoral district realignments.

Additional guidance, including redistribution rules, and any other relevant considerations could be provided to the Commission when it is established. These could include other factors such as quotients (urban/rural), allowable variances, minimum number of rural districts, the number of districts or a range of district number options, the population information to be used, and any interim reporting or consultation requirements.

(Extract from the Alberta Electoral Boundaries Commission Act)

ELECTORAL BOUNDARIES COMMISSION ACT

1 Definition

Part 1 - Electoral Boundaries Commissions

2 Electoral Boundaries Commission

3 Function

4 Remuneration

5 Time of appointment

6 Report to Speaker

7 Public hearings

8 Amendment of report

9 Commission report

10 Report to Assembly

11 New electoral divisions

Part 2 - Redistribution Rules

12 Population of Alberta

13 Electoral divisions

14 Relevant considerations

15 Population of electoral divisions

13. Internet Voting (iVoting)

Section 97(1) – Special Ballot

Recommendation

Provide that the Chief Electoral Officer may establish procedures to vote by special ballot using electronic means

Discussion

This change would allow the option of internet voting based on special ballot application procedures.

Access to the vote is a key strategic pillar of Elections Yukon. During the 2021 election, turnout was 65.1% of registered voters. This acknowledges the coverage of the list of electors was greatly improved (increased register by over 4000 electors) and there was more accurate addressing. Still, 35% of eligible electors did not vote. This may be attributable to time of year, early dissolution of the Legislature, election fatigue, the COVID 19 pandemic, and the increased size of the list of electors.

There is growing interest in increased access through internet voting using electronic means. A number of provincial jurisdictions are exploring this option. In 2019, for the NWT territorial election, electors were given the option to vote by electronic ballot for absentee electors. In total, 489 electors selected this option. It represented 91% of their absentee ballot vote. The remaining 9% was by mail. Overall the Absentee Poll comprised 18% of their overall vote count.

Yukon provides for special ballots by mail (applications online) or from any Returning Officer or Additional Assistant Returning Officer. iVoting processes would require an elector to make an application.

Internet voting is planned for the 2022 fall elections of trustees for the Yukon First Nation School Board and the Commission Scolaire Francophone du Yukon.



14. Financial Provisions for Political Parties (General)

Part 6 – 370(1)

Recommendation

Review of political finance regulations for statutory provisions, limits and reporting for political parties and candidates.

Discussion

Laws that regulate financing for election campaigns serve to encourage respect for the election process and political institutions. This in turn fosters public confidence in elections.

Statutory political financing requires two reports:

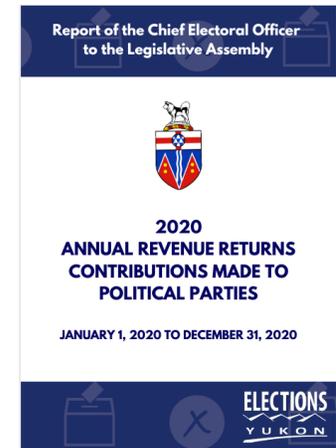
- Annual Revenue Return: the annual revenue return reports only revenue; contributions (monetary and in-kind) and total 'other revenue' for the calendar year. This is required only of political parties.
- Election Financing Return: following an election, three reports are required; for total revenue (including monetary and in-kind contributions), for expenses (including electronics and media, office and travel); and a balance sheet of revenue minus expenses (reported as deficit or surplus with any debt holders). This is required of political parties and candidates.

There is no financial regulation related to leadership contests, third party advertising, or for fundraising activities between election periods.

Typically, financial regulation follows three principles; these were supported by the Yukon government survey on electoral reform in 2018:

- Fairness: Promote fair competition and a 'level playing field' between parties and candidates
- Transparency: Encourage transparency and public access to information about campaign financing by setting financial reporting requirements – contributions to parties and candidates and other revenues and expenses
- Accountability: Require reporting so that information reaches electors and financing laws/regulations can be effectively monitored

This change would support an evolving election financial framework for integrity, public desire for fairness and transparency, and the Elections Yukon mission to deliver fair, compliant and impartial electoral event.



15. Financial Provisions for Political Parties (Fairness)

Part 6 – 370(1)

Recommendation

Financial regulation includes setting of prescribed contribution limits and spending limits.

Discussion

Contribution limits and spending limits support financing fairness.

In the published government survey regarding electoral reform in 2018, 87% of respondents indicated it was important that political fundraising and spending be fair and transparent.

There are no provisions for contributions to a third party or spending limits for third parties.

Contribution Limits: Contribution limits ensure a level playing field for parties and candidates. Currently there are no contribution limits. There are also no restrictions on who can contribute or if contributions from outside the jurisdiction are allowed or limits on individuals, corporations or union contributions. Typical limits of other jurisdictions range from \$1500 - \$5000 aggregate per year (although some are larger).

Spending Limits: Spending limits ensure all political participants operate under fair, consistent and enforceable rules. Currently there are no spending limits for parties or candidates. Yukon is the only jurisdiction in Canada that does not impose spending limits. Some jurisdictions have a maximum amount and others have a baseline minimum amount (NL has a \$12,000 baseline plus \$3.12 per elector on the preliminary list for political parties and candidates).

Parties typically have a spending limit using a calculation of dollar amount multiplied by the number of electors in each electoral district where they are running a candidate. Candidates typically have a spending limit multiplied by the number of eligible electors in the electoral district where they are running. These limits may have a set minimum baseline allowance with additional spending limits based on the number of electors.

The image shows a form titled "ELECTIONS Official Receipt for a Monetary Contribution to a Registered Political Party (Yukon)". The form is bilingual, with English and French text. It includes fields for "Calendar year OR Campaign period", "Name of contributor", "Address of contributor", and "Amount of contribution". There are also fields for "Date contribution received" and "Date receipt issued". The form is numbered "M 0383" and is issued by the "Chief Electoral Officer of Yukon".

16. Financial Provisions for Political Parties (Transparency)

Part 6 – 370(1)

Recommendation

Financial regulation includes setting internal disclosure and public disclosure requirements.

Discussion

Disclosure provisions and reporting requirements support the transparency principle of political financing. This supports elector awareness of where political party money comes from. There are two reports required; one annual report (political parties) and, for election periods, an election finance report (for both political parties and candidates).

In the published government survey regarding electoral reform in 2018, 89% of respondents indicated it was important that elections are fair and transparent.

Internal Disclosure: Clear disclosure of finances is essential to finance transparency. Contributor names for contributions of \$250 or less are reported to Elections Yukon but are not publically released.

The financial statements only require total revenue (only monetary and in-kind contributions are mandatory fields which require specific reporting and receipt accountability). Election expenses are reported as a total in each of five categories. No supporting documentation for internal disclosure is required to be filed.

Other Revenue, outside of monetary and in-kind contributions, is reported as a single number without documentation. It includes revenue from fundraising activities, donations received at meetings for political purposes (no receipts), membership fees, event registration fees, income from investments, loans, and income from any other source. There is no requirement to indicate debt, outstanding obligations, expenses, assets, or bank holdings.

Public Disclosure: The public reporting of financial information supports political system integrity and transparency regarding the source of funding and how money is spent. Contributors who contribute more than \$250 to a party or candidate are reported in the financial reports released by the Chief Electoral Officer. Total contributions, number of contributions, and other revenue are also reported.

ELECTIONS YUKON ANNUAL REVENUE RETURN

Name of Registered Political Party: _____ Calendar Year: _____

CONTRIBUTIONS	Monetary		In Kind (Value)		Total
	Number	Amount	Number	Amount	
1. Over \$250 (from Schedules A and B)		\$		\$	\$
2. \$50.01 to \$250 (from Schedules C and D)		\$		\$	\$
3. Up to \$50 (from Schedules E and F)		\$		\$	\$
4. Total Contributions (1+2+3)		\$		\$	\$
5. OTHER REVENUE: (Include profits from fundraising activities, donations received at meetings and rallies, membership fees, event registration fees, income from investments, loans and income from any other source.)					\$
6. TOTAL ELECTION REVENUE (Include total from Election Revenue Return (Line 17) in an election or by-election year.)					\$
7. TOTAL ANNUAL REVENUE (4+5+6)					\$

8. STATEMENT OF VERIFICATION
 This return contains financial information for the registered political party for the aforementioned calendar year. It has been prepared based on information and records that to the best of my knowledge are complete and correct.
 The duplicate copies of all receipts issued during the year and copies of statements provided by trade unions, political parties or other unincorporated groups are attached to this return. An electronic copy is also provided.
 Dated at _____ this _____ day of _____ year _____
 Name of Official: _____ Signature of Official: _____
 Tel: _____ email: _____

Elections Yukon Checklist: AAR Signed Summary and Schedules Duplicate Receipts Receipt Issued/Return Form On Time Electronic Copy

Original: Chief Electoral Officer Copy: Official

17. Financial Provisions for Political Parties (Accountability)

Part 6 – 370(1)

Recommendation

Financial regulation includes setting compliance requirements and enforcement requirements.

Discussion

Accountability provisions that are clear and unambiguous ensure parties and candidates are able to understand and comply with the legislation. This clarity also supports election financing compliance enforcement.

In the published government survey regarding electoral reform in 2018, 83% of respondents indicated it was important that the legislature be open and accountable.

Compliance: Most jurisdictions require audited (and some unaudited) financial statements to verify completeness and accuracy of the filings. Typically, there are regulations for compliance and documented guidelines and training provided.

The Chief Electoral Officer may issue direction to officials or official agents to enforce requirements. There are no related enforcement tools other than the Chief Electoral Officer can issue compliance orders for matters which may be offences under the *Election Act*.

Enforcement: To protect election finance integrity, the Chief Electoral Officers requires tools to enforce contraventions of the Act. Compliance orders can be issued by the Chief Electoral Officer which relate to election offences (Part 4 of the Act) to cease contravening the Act. A certificate may be filed with the Supreme Court, and enforced, on application to the Supreme Court. The applicable election offense would likely be under a False Declaration or Statements contravention.

Typically, enforcement tools are available for lesser minor contraventions and could include both administrative and monetary penalties for contraventions of the Act. This could include the authority for the Chief Electoral Officer to conduct investigations and impose administrative or monetary penalties for contraventions outside of a compliance order level of response to potential offenses. This could include penalties for late filings or failure to report, over contributions, or over spending.

Enforcement

399.1(1) The chief electoral officer may issue directions to officials or official agents to enforce the requirements of this Part.

UNOFFICIAL CONSOLIDATION OF THE STATUTES OF YUKON 168

ELECTIONS ACT

(2) A compliance order issued pursuant to Part 4 may be issued to a registered political party or candidate who fails to fulfil the requirements of this Part. *S.Y. 2004, c.9, s.71*

18. Administrative Responsibility for the *Elections Act*

Related Acts: Government Organization Act and OIC 2014/174

Recommendation

Align administrative responsibility for the Elections Act under the Legislative Assembly as for other house officers.

Discussion

The direction and supervision of elections exercised by the Chief Electoral Officer is governed by the Elections Act. Currently, responsibility of the Elections Act rests with the Executive Council and a Minister.

Previously responsibility for the administration of the *Elections Act* fell under the Legislative Assembly. This responsibility was transferred to the Executive Council in 2011. The Legislative Assembly maintains responsibility for other Acts pertaining to house officers, such as *Child and Youth Advocate Act*, *Ombudsman Act*, and *Conflict of Interest Act*.

Elections Yukon is an independent office of the Legislative Assembly responsible for the general direction and supervision over the administrative conduct of elections. The Chief Electoral Officer is accountable directly to the Yukon Legislative Assembly for the delivery of fair, compliant and impartial elections. To ensure independence of the office, the Chief Electoral Officer, as for all House Officers, is not subject to the direction of the Executive and are part of a different branch of government, the Legislative Branch.

Both the *Government Accountability Act* and the *Government Organization Act* adopt a definition of 'department' as a 'department of government'. Elections Yukon is not a department of government and not under the direction or control of a member of the Executive Council, a Minister.

As such, any recommendations by the Chief Electoral Officer for election amendment must be first processed through the Members' Services Board (MSB), and then approved by cabinet committees before they can be presented to the House. The Chief Electoral Officer managed all staff work to get MSB support and then prepare for ECO staffing. In the past four years, of 19 recommendations, 3 were approved and passed, and 13 were not approved by the MSB, and 3 were sent to ECO but not considered.



19. Plain Language Rewrite of the *Elections Act*

Elections Act

Recommendation

Repeal and replace the Elections Act after a major review, update and plain language rewrite.

Discussion

The Revised Statutes of Yukon came into effect in 2002 (RSY 2002). Over the past 20 years the *Elections Act* has undergone 9 major amendments.

These amendments have been targeted to address specific changes to reflect evolution and transformation of election administration, the introduction of a permanent register and end of enumeration, identification and residency updates, changes to special ballots, new technologies and processes, increased focus on voter-centric services, as well as election worker responsibilities.

Other needed amendments to align or remove inconsistent processes have not been made. This has resulted in an *Elections Act* that has considerable legalese, is somewhat outdated in approach and disorganized in format. Enumerators and derivatives are still mentioned 65 times in the act even though enumeration is no longer a major activity.

The purpose of a plain-language approach in written communication is to convey information easily and unambiguously. This does not mean an oversimplified or condescending style.

Straightforward vocabulary and sentence structures help in the clear and logical presentation of material. It is focused on the reader. This saves the reader time and effort and ensures that the information will be clearly understood.

Election regulations written in plain language make laws more accessible to the public. A number of jurisdictions have rewritten their *Elections Act* in plain language format. This supports outreach and compliance.



ELECTIONS ACT	LOI SUR LES ÉLECTIONS
RSY 2002, c.63; amended by SY 2004, c.9; SY 2009, c.14; SY 2012, c.14; SY 2015, c.11; SY 2016, c.5; SY 2018, c.7; SY 2019, c.6; SY 2019, c.11; SY 2020, c. 11	LRY 2002, ch. 63; modifiée par LY 2004, ch. 9; LY 2009, ch. 14; LY 2012, ch. 14; LY 2015, ch. 11; LY 2016, ch. 5; LY 2018, ch. 7; LY 2019, ch.6; LY 2019, ch. 11; LY 2020, ch. 11
Please Note: This document, prepared by the Yukon Legislative Counsel Office, is an unofficial consolidation of this Act and includes any amendments to the Act that are in force and is current to: surrency date .	Veillez noter: ce document préparé par le Bureau des conseillers législatifs du Yukon est une codification administrative de la présente loi, laquelle comporte les modifications à celle-ci qui sont en vigueur au : date en vigueur .
For information concerning the date of assent or coming into force of the Act or any amendments, please see the Table of Public Statutes and the Annual Act .	Pour l'information concernant la date de sanction ou la date d'entrée en vigueur de la loi, ou certaines de ses modifications, veuillez consulter le tableau des lois d'intérêt public et les lois annuelles .
If you find any errors or omissions in this consolidation, please contact: Legislative Counsel Office Tel: (867) 667-8405 Email: lco@gov.yk.ca	Si vous trouvez des erreurs ou des oublis dans cette codification, veuillez communiquer avec: le Bureau des conseillers législatifs Tel: (867) 667-8405 courriel: lco@gov.yk.ca

