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SPECIAL COMMITTEE ON ELECTORAL REFORM

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Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Elections Yukon
Maxwell Harvey, Chief Electoral Officer of Yukon

EVIDENCE**Whitehorse, Yukon****Tuesday, January 25, 2022 — 11:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White and I'm the Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today we have with us Maxwell Harvey, the Chief Electoral Officer. Mr. Harvey has served as the Chief Electoral Officer of Yukon since June 2018. He leads Elections Yukon's mandate for the administration, readiness, and delivery of territorial, school board, and school council elections. His office also provided planning and operational support for the recent Whitehorse municipal election, and currently his office is administering a number of community referendums for school attendance areas.

Mr. Harvey has over 15 years of experience in senior election leadership and administration. Prior to his current position, he oversaw electoral administration in Newfoundland and Labrador.

We will start this hearing with a short presentation by Mr. Harvey and then Committee members will have the opportunity to ask questions.

We will now proceed with Mr. Harvey's presentation.

Mr. Harvey: Thank you very much, Madam Chair and Committee, for the invitation to present to the Special Committee on Electoral Reform. I'll just put my screen up — can you see the screen okay?

Chair: Yes.

Mr. Harvey: Okay, thank you very much. Elections Yukon is an independent and non-partisan office of the Legislative Assembly. As such, I do not advocate — or our office does not advocate — for or hold an opinion regarding the type of electoral system we will deliver to. However, my mandate and statutory provisions allow *Elections Act* recommendations to the Legislative Assembly and to the Members' Services Board.

I will be talking on four themes. One is the context of electoral system reform and electoral system considerations, electoral administration — this is specific to Elections Yukon, what we believe needs to be considered; they're not recommendations; they are considerations — as well, electoral reform consideration if the electoral system changes. So, the first part is more *Elections Act* considerations; the other is for if the electoral reform system came into place.

We do know that election referendums have been held in a number of constituencies across Canada, and we know that there is a considerable interest. So, in the context of Elections Yukon, I just want to set a bit of background for the Committee and for the listeners following this process.

My aim is to provide practical insights into the changes and whatever degree and what kind of support would be required to have that synergy between Elections Yukon and the legislation to support the elections. I want to make sure we can keep pace with and align with the change while doing our own behind-the-scenes work as an electoral management body and our ability to set, meet, and manage the expectations of the public and stakeholders.

Work to prepare and deliver elections is based on a strategic plan that we have developed, and all we do for election readiness is to compare it against our strategic plan. We look at our vision, which is to have a modern, convenient, and efficient electoral delivery. We want to inspire turnout. Our mission is electoral readiness and voter-centric delivery of fair, compliant, and impartial elections. We do this to foster public trust, credibility of the results, and to promote participation.

We are based on four strategic pillars, those of integrity, of access, of modernization, and readiness. Integrity is to make sure we give a ballot to an elector who is entitled to receive the ballot, which is kept secret and the results are counted as they were intended. Access for electors is not only physical barriers but psychological barriers, ensuring we have enough venues, we have enough options to vote so people can participate and are aware.

Modernization is technology, of course. It's systems; it's also processes and alternate options to vote; and readiness, which takes a large part of our work, is making sure our teams, our materials, our plans are in place so that when an election is called we are ready to deliver to that mandate.

I will say that one of the most common questions I get is: What do you do between elections? What we do between elections is to prepare for elections. In the next five years, we have forecast up to 16 different electoral events. Each electoral event has an electoral cycle. Territorial elections take three to four years to prepare for, so it is quite complex. With that number of elections, we also have many overlapping electoral cycles. For example, in the next number of months, we will have more referendums which are ongoing now; we have school councils to get ready for; we also have potential school boards to get ready for all of this year. Many of those electoral cycles are overlapping, and each one has specific people, specific materials, and specific plans to pull it into place.

Obviously, we have a large territory here, with dispersed populations and small communities. During a territorial election, for example, we hire — we had to find — a challenge — to engage and train 600 workers. We had materials and processes for all the different election types, over a hundred manuals and forms, and we have to make sure that they all align, develop the processes, design, and for the months, make sure they are rolled out and that people understand — not only the workers, but also the electors and political entities who will use them. We have about 100 polling divisions and 68 locations

for the territorial elections. Add COVID, add a minority government, which has a higher degree of readiness, and it all adds to the mix of what we do here.

We have three permanent staff; until recently, it was two. I would like to acknowledge the support of the government to provide us with the additional worker. We're very appreciative of that support and the recognition of the work that we do. Notwithstanding, there are still gaps in processes that need to be resolved. We are still gap-filling; we are establishing processes to transform Elections Yukon into a more robust electoral management body, and we are looking forward so we can meet our mission of being voter-centric about electoral, fair, compliant elections. We are always trying to be proactive, make things better, and fix what needs to be fixed.

In a typical period, we follow our mandate, which is quite demanding. Change is ongoing all the time. Here we have operational demands; we deal with the public; we work with many stakeholders from all of the different electoral themes, as well as administratively throughout government: the political parties, with different community groups, First Nations, partners, and municipalities. I will just say that it is consuming. It takes time, talent, and coordination. They say that electoral administration is the most complex operation a jurisdiction can deliver, so it's quite an operation that needs many hands to make it happen, and we're very grateful for those many hands who are part of our Elections Yukon team across the territory.

I will say that, in our review of the electoral system reform, from our view, there are no showstoppers to delivering the change to transition to a different electoral system, if we were called upon to do so. This acknowledges that additional support, structure, appropriate lead times, and capacity would be required to get it all done.

The question of electoral reform is for the actual system. As I say, we have no opinion on it. We did research on the case for and against, because that helps inform us on what some of the areas that need attention are and things that we should be looking at, because it may affect how systems are implemented. I think there have been a number of referendums held in provinces over the past 20 years on electoral reform; others are still under consideration. It has been a topic of interest here in the Yukon.

The electoral systems — the Committee will have expert information on this from their other presenters. I'm not going to discuss those, but these are the six types of electoral systems that I looked at in coming up with some of the considerations of how it could affect Elections Yukon and how we deliver the vote. They were: first-past-the-post, which is a plurality system; an alternate vote, which was majoritarian; and four proportional systems: proportional representation, mixed member proportional, single transferable vote, dual member proportional. This is not a recommended list; it's just some of the more common, and they serve as good models, when you're looking at considerations.

When we look at electoral systems — when I went through my process to speak to the Committee today, there were many different factors that we considered. Certainly, the principles — there are many principles. One of the models that we look to

has nine principles: legitimacy, voter choice, and participation are key elements to those, as well as fairness and effective parliaments. Principles were something that I will turn to, just like my strategic plan, to make sure that whatever we do aligns with electoral system principles.

Characteristics of an electoral system is very key, and it impacts the administration considerably. The ballot type — as a rank, as multiple candidates — the number of candidates per district, the number of districts, and the procedure to determine winners and, if required, any thresholds are components of some of the different proportional systems.

Administrative impacts — overall, I would propose that there are no major impacts for a plurality for the administration. I think we would be fairly comfortable with the *Elections Act* changes that come and go, as approved by legislation. A majority type of system — obviously different kind of ballot types, different procedures to determine winners, vote calculation may be more complex, and some delays, but no major impacts in delivering that system.

Proportional representation would be a major transformation of electoral systems. In all of those categories, the ballot type, candidates, procedures, threshold — so it would have major changes and impacts which would be expected, and this is what we would work to if that was required. That was a very brief background on Elections Yukon and some of the things that we do.

Now what I will do is go into the final two themes of this presentation. One is electoral reform considerations, which I will call “small ‘e’ electoral reform considerations”, which basically are electoral reform under this first-past-the-post, single-member plurality system. There are bullet points. I'm not going to spend a long time on each one. I'll just give a highlight of some of the things that we would ask be considered. These are not recommendations; this is input into the electoral reform small “e” version.

Typically, the *Elections Act*, as we know, requires long lead times to find out the requirements, to go through the approval process, to get it to the point of legislation — which can be relatively long and complex — and then time to implement, provide awareness to put the changes into effect. Typically, once legislation is passed, it may be a six-month window before that new process is implemented, which means that you would have two processes — preparing for two processes — because if an election was called before those were implemented, then of course, you would use the previous system.

The reduced elector residency requirements — right now, it is one year in the Yukon. Nova Scotia and the Northwest Territories, it is six months; Northwest Territories reduced from one year to six months; Nunavut was a one-year residency required before you were an eligible elector; Nunavut ended that requirement. I believe Nova Scotia and Northwest Territories are the only two that have residency required.

Based on some of the Bureau of Statistics data, there could be a thousand or so additional electors on our register. Our register now has about 29,000 registered electors. So, it would increase the electors and increase the participation. It also

would look at — if somebody moved into the Yukon 11 months before an election, they could be up to almost five years before they would be able to vote for the next territorial election.

Residential proof of address — this is an ongoing challenge for Elections Yukon. The legislation allows mailing addresses to be used as proof of address. We have some declarations to work around that to get the correct address. We have an ongoing process through the Members' Services Board for elector identification, which will also address some of the proof of address, the point being, what do we want to put into legislation, as opposed to reviews of the identification requirements after each election. That's just to tighten up residential proof of address, because obviously you don't live in your mailbox, and many people have mailboxes and mailing addresses outside of their electoral district.

Temporary resident — the definition, for some clarity — obviously, we count students who are in an educational institution. They have the option of voting where they normally reside when they're not in school, and they're quite often with their parents or in the district where the school or educational institution is located. That provision in the act also allows workers who are working in their normal course of duty in a district when an election is called to have the option to vote, just like students, at their home address or where they are working. We would like to tighten that up, obviously, with expanded special ballot applications. A worker who is on assignment in a different electoral district in the normal course of duty can vote by special ballot. We would like to tighten that up and give a bit more integrity to that process.

Election officer eligibility — right now, 16- and 17-year-olds — and there are about 900 of them in the territory — can work in one position in the election process as an election officer, and that is as a poll attendant. They're giving people directions; they're keeping the doors; they're checking on things; they're picking up voter information cards; they're assisting electors. One for consideration is to expand their role, as they do in a number of other jurisdictions where a 16- and 17-year-old can fill a greater number of election positions. We see the 16- and 17-year-olds' talents — their reliability, their energy, their bilingual capabilities — as an asset to the election team, and we would like to expand that, or we would like that to be considered.

There's also, to be an election officer worker — except for those 16- and 17-year-olds currently — you must be an eligible elector. Somebody moves in, may be in the Yukon 10 months or five months before an election — even though they can't vote, what would really preclude them from being able to work, even though they can't vote? So, if they, like the 16- and 17-year-olds, meet all the other conditions except for age, otherwise eligible Yukoners who, except for the residency requirement, may have an option of being an election officer to support the elections. I will note that the Chief Electoral Officer and the Assistant Chief Electoral Officer are not allowed to vote in elections. That would be similar to a Yukoner who doesn't meet the residency requirement.

From an Elections Yukon perspective, election workers are a constant challenge. With COVID, for example, some of the

traditional workers decided not to participate, and challenges were present. Obviously, increasing the pool is something that we would like to do, from an electoral operations perspective. We do believe that, for consideration, it may have other purposes.

"Vote anywhere" is a system we would like to have considered, and this is to allow — it's a bit like the New Brunswick model where they have like a bank-teller sort of process when they vote. For our purposes, we're looking at advance polls, and this would allow any elector from any polling division to go to any advance poll and vote. No matter where you live and were eligible, you could go and vote. This is based on the new technology that we have, it's based on the permanent register that we have, and it's based on the systems to allow that to happen, because it happens in a number of other jurisdictions as well, and it's something that we're looking at to trial. It is a bit more training, a bit more tech-savvy election workers that we'll require, but it is something that voters would find more convenient and speed up their vote and hopefully, as part of our mission and mandate, to increase access so the turnout can be supported.

Elections Yukon does not have a referendum mandate. It is not part of the *Elections Act*. Obviously, we have some experience now running the First Nation school board referendum vote, and we're quite comfortable that putting it in the *Elections Act* would support our readiness, our preparation, and the capacity that we needed and the plans to make sure that we could provide that service and align it with the other work that we do.

Ballot design is a bit of a fun one. I put it there for consideration. It is to include a candidate picture. In a number of jurisdictions — specifically Northwest Territories and Québec — include on the ballot where you go to vote the person's name and party and a small picture. I found in my work with those jurisdictions that many electors appreciate that. If someone came to their door, they may be familiar with a face but may not remember a name or party they belong to. Those are some, and there are more.

Tie after a recount — right now, we draw lots to make that happen. Just for consideration, instead of drawing lots, as they do in a number of jurisdictions, we could have a new election. This would be the same sort of thinking as when a candidate dies — God bless — after the close of nominations in a territorial election; that election would be stopped and there would be a call for another election in that elector district, and it would go through the whole nomination process and such again as basically a by-election. It would not necessarily prevent contested elections after a recount, but it would make it less likely, because the outcome of a court proceeding would either be a draw, vote stands, or a new election is required.

Boundaries commission appointments — currently, a boundaries commission requires, typically after two elections, six years between and six years between elections. As such, right now, no boundaries commission could be established under the current act until May 2023, which would be the six years after the previous EDBC was commissioned. So, we just look to that — one other element beyond the appointment dates

and times is the direction provided to the boundaries commission on what to look at. Right now, the boundaries commission has the task of determining what they will do to make the recommendations. Some other guidance may be a consideration, and this is done in other jurisdictions to give more direction.

One of the considerations is Internet voting for the Yukon for a territorial election. We would look at it as a consideration for the option to cast special ballots by Internet if that was your choice. Just another option; special ballot would still exist in the traditional forum. The Northwest Territories did that in the last territorial election. They used it for their absentee ballot program. There are hundreds of municipalities throughout the country that use this. PEI is considering it, so it has a lot of options. We are looking to introduce Internet voting for school board elections, and that's something that we have some knowledge of, and we have the equipment, the computers, and the mindset to make that happen.

Expanded election financing requirements — basically, we're looking at some limits and additional reporting requirements. I know this has been a long-standing interest. Right now, there are limited provisions. We do appreciate that there is a small pool of contributors in the territory, not like some of the large provinces where there are many people who can contribute. The cost to run a campaign is high. I looked at the survey from the last electoral reform. Some elements of fairness, transparency, and accountability came through and from the election financing requirements, potentially contribution spending limits, transparency for disclosure, internal and public, and accountability that would speak to compliance and enforcement. That would be part of a separate submission from Elections Yukon here to the Legislative Assembly, if it is something that we will pursue.

The *Elections Act* right now is under the responsibility of the Minister responsible for the Executive Council Office. The other House officers are under the Legislative Assembly and the Speaker. What this does for us is it makes any *Elections Act* changes that we wish to introduce a bit more complicated for the process. The Members' Services Board can say no, and then it doesn't happen. Even if the Members' Services Board says yes, it doesn't mean that we'll get any further consideration, and there is no champion to support Elections Yukon in the administrative process of those recommendations.

A final one is a repeal and replacement of the *Elections Act*. It's well over 20 years old; it requires updating. It has had five or six different updates along the period, but it is a bit of a patchwork. There are some disconnects; it requires a major update to take into account some of the dramatic technology and process changes over the past 20 years and to make it into plain language and easier to understand. I appreciate this is a long process of many years, and obviously none of these considerations are to say we need them or they should be considered right now. We understand minority government, and *Elections Act* changes are more difficult and are typically limited to very high priority kind of items. So, these considerations are in the context of looking to the further horizon. Some may be easy and could be done earlier, but there

is no time associated with any of those considerations. These are generic considerations.

I'll just move to the big "e" considerations, and these would be if the government moved to a different system of electoral delivery. The number of electoral districts obviously could change, and we did look at the possibility from the Electoral District Boundaries Commission if seat numbers were changed. Yes, there are impacts, but they would be more or less incremental, depending on the number of seats. If an electoral district boundary changed and you added one, obviously two or three districts would actually change their boundaries. That makes a complicated process, because you have to realign electors; the returning officers would have to be reassigned and reappointed, so there could be a recruiting issue there as well, but typically, beyond capacity, that is just an incremental change.

The electoral district boundaries, as I mentioned slightly, would be work, obviously. The boundaries would all need updating; polling divisions would have to be realigned; elector balance and maps would have to be recreated; street keys; the returning officers would need to be reappointed, tasked, trained, and managed to do all of the work that's required before an election. So, there is work with boundary changes. Obviously, some of the systems would have very transformational boundary changes as opposed to adjustments to various scales. Obviously, if you have two candidates, or two MLAs, in a district, that would have a dramatic impact on the boundaries if the number of MLAs remained the same.

Electoral district quotients and variances — this is something that needs to be considered. Electoral districts are typically based on the number of electors. If all the districts have the same number of electors, you would have equal vote in all of those districts. In the Yukon right now, if all the districts were the same size, we would have about 1,532 electors in each of the districts.

Beyond equal vote, there's also a concept of effective vote, which has been supported by Supreme Courts, which allows a variance of the number within a district. Lots of reasons why elector populations within a district change. Typically, 25 percent under or over the quotient is generally acceptable, which for us would be between 1,100 and 1,865 electors. What you would do is, if a district looked like it was growing, then when you set up that electoral boundary — which could last 10 years or so — you would say, "That's growing, therefore, I will overrepresent it. I'll make that district of a size that I could add several hundred more electors and still remain in the variance." So, you would basically overrepresent them, which would be fewer electors than the average, and as they grew, they would get closer to a zero variance.

This is just an electoral district boundaries commission, but it is a major element in electoral delivery and balanced, fair, compliant, impartial elections.

Statutory provisions — this is the *Elections Act* things that we see, things to be considered — obviously, especially with electoral reform in the systems, major changes to processes, rules, result calculations, and materials to make it all happen — very complex. Obviously, the *Elections Act* would need to have

great clarity and be easy to understand, especially considering that it's new.

Also, if the *Elections Act* did change substantially, there would need to be consideration of a planned re-look to make any *Elections Act* adjustments as a second phase to find where there were gaps, or misalignments, so that they could be corrected.

The nomination process — typically, some of the systems have different kinds of lists from appointed candidates and nominated candidates, so that the nomination processes could be different — that's something to consider, because that is a major aspect and, when we close nominations, allowing who gets to be on the lists or who is being voted for.

Identification — with a new electoral system, districts could be larger, more options, and one of the aspects right now in Elections Yukon territorial elections is you are not required to produce ID when you go to vote if you are registered and nothing has changed. This is a different process from Yukon municipality and Yukon federal where you must provide proof of identify and residence. Maybe something to move toward is that we would align with the federal and municipality elections regarding identification.

The boundaries commission I mentioned earlier — obviously, it's a complex process as a key element of what census do you use, the outreach of the timelines, and the guidance of some of those aspects.

Fixed election date — right now, it's in the *Elections Act*, as November 2025. Obviously, if an election is called prior to that, 2025 would be a four-and-one-half-year term. An election in 2025 is still in the act, so a minor tweak would be required there.

Also for consideration, a number of jurisdictions look at weekend voting on Saturdays or during the week on Thursday, which may be less disruptive. I would say that a weekend, from an Elections Yukon perspective, on a weekend election date, schools are empty and people are more available, and it may be more convenient for electors.

Election periods — with proportional representation, especially with some of the bigger EDs and some of the time needed to travel around for potentially a number of candidates within a district, it may require additional time for the election period, considering that if it is two districts in one, you would have double the electorate to campaign to.

Urban/rural — this is a modification of one of the systems. You may have different quotients or different electoral systems for those areas. For example — and it's used in other jurisdictions — some of the rural — if it's a 1,500 quotient for the urban areas, it may have a 1,000-electoral quotient for the rural districts. So, there could be differences there. You could also, in the systems, guarantee a number of seats for the rural districts.

Referendum — again, if it is a role, that it would be established for that provision — some statutory work there.

Elections Yukon is the machine to deliver to whatever electoral system is determined. So, this is an important aspect from our perspective. Obviously, the mandate — I would propose that it's relatively complex and full now with the

expanded requirements, the technology, the services, shorter time between territorial elections — it was five years; now it's four years with the fixed election dates — and we have a minority government, which may not be the standard — all to say that, for the readiness and all those things that we do, the organizational structure will need to be revisited. This is ongoing, by the way, and I thank the various committees that I work with for that support.

Capacity — as I mentioned, we have three staff. We just got the third person in the last year or so full time, so we're looking at some gaps. We're doing some transformations. As I say, in the next five years, we'll have 16 events, all with their cycle. So, capacity and time and talent are a huge issues for Elections Yukon. It's not only our team here; it's also for the field teams that we support and they deliver on our behalf.

Change management transition — I have a background in change management. Change is difficult. There's resistance; it takes a long time; there are many steps along the way to implement it after project management is completed. So, it's a huge concept to deal with. If there is transformational change, how do we manage the change within Elections Yukon, within our teams, and within the electorate and the political entities? It's an interesting process.

The readiness workload — we have 100 forms and manuals. We have all the stakeholders we deal with; we have all these multiple elections. This isn't to say anything more than that time to do things in an office of three is considerable. Dealing with one client, one elector, may be several hours. Working with meetings with school boards, with school stakeholders, or public bodies for register management or Bureau of Statistics — it just takes time. To produce a new manual and to review all the processes and all the forms, what everybody has to do, takes months and months of time. It's just to say that it is a considerable demand on the electoral team to do all this readiness work.

The potential for administering two electoral systems — obviously, there are electoral systems there that use a first-past-the-post or alternate vote system as well as a system of proportional representation. So, you would have one set of manuals and training for one type of election, during the same election, and maybe a proportional representation election, which may have different processes and counts and people and the kind of expertise required. That's something that is a consideration for that.

Obviously, in the transition period before a new electoral system came into place, you would still have to honour the existing one until — in the case of a by-election or in case of an earlier election or whatever reason — before the new system came into place, so you would have to have that in mind and have to do all that work.

Timelines to implement — lead times. It's a large amount of work for Elections Yukon; it also would be for political entities and there would be a lot of elector awareness needed for that to happen to work out the bugs and gaps and have them corrected before you actually implemented them.

The Elections Yukon office — we are an office in the Legislative Assembly. Just with transformation, we would

require more space and likely a changed location to support the organization structure, warehousing, and meeting requirements of the office.

Chair: Mr. Harvey?

Mr. Harvey: Yes.

Chair: If I may, just in the desire to make sure that we have time for questions, are there any pertinent points that you want to make on the last two points of your final slide?

Mr. Harvey: No, that's good. Thank you very much.

Chair: I thank you so much for that presentation. Now I'm looking toward the Committee members. Mr. Streicker, do you have a question?

Hon. Mr. Streicker: Sure, I'll start, Madam Chair. Thank you very much, Mr. Harvey. We really appreciate it. Early on in the presentation, you were talking about some of the values of the work that Elections Yukon does, and you stated that it's explicitly not your role to recommend a type of voting system, but I'm wondering if you have any thoughts — for example, you talked about the importance of voter turnout. So, there are things that you work toward, or you support overall, and I'm just wondering if you have any comments about the various types of voting systems for those values that you do try to promote and uphold as an office.

Mr. Harvey: Thank you very much. I would just say that, in our look at the system, we are agnostic on for or against. There is a pretty detailed argument on both sides for different reasons. I would say that on which system is better, I have no opinion. I wouldn't say I even know enough. I would say that, from our point of view, the two compelling sides are — one is, that the system is broken and can't be fixed, to move to it; and the other one is, yes, there may be some flaws, but it's proven, and this is how we can improve and make it better. Otherwise, we'll go wherever we're told to go.

Chair: Thank you, Mr. Harvey. Mr. Streicker, do you have a follow-up?

Hon. Mr. Streicker: Yes, I appreciate that, Mr. Harvey. I recognize that you're within the role of your office, but while we have you here, while we're trying to think about electoral reform, are there other values? You mentioned voter turnout as being one of those, and access, and I'm just wondering if there are any other values that you think are important. One of the things that we're trying to think about is: What are the critical values as we think about the electoral system?

So, without you trying to suggest what electoral system works better or not, if you have other values from your experience that you would like to share with us, I would appreciate hearing those.

Mr. Harvey: Obviously, the voter choice is important to us and voter representation. One of the things is turnout. Many groups, electors, will not vote, because they think their vote doesn't count or it doesn't matter. Obviously, that's an important element for turnout. Yukon is typically a very good turnout, and I think, in 2016, it was 76 percent, although it was based on an electorate of about 25,000, because that's how many they had registered. It was about 65 or so percent during COVID, when we added 5,000 electors to the roll.

So, turnout in the Yukon is generally good anyways, but anything to encourage turnout, to encourage representation, to encourage legitimacy. Obviously, one value is simple and practical, from an Elections Yukon perspective — that it's easy to understand. The voter knows exactly how their vote counts, which is a very key element. It's also key for the workers as well. It's one thing they have to administer, what they're doing. The systems need to be clear, so that's a challenge for major change.

Chair: Thank you, Mr. Harvey. Mr. Cathers, did you have a question?

Mr. Cathers: Thank you, and I would just ask Mr. Harvey, since there has been some discussion with Mr. Streicker's question and your response about voter turnout, are you able to provide us with any comparisons — particularly of people who are listening to this — on how the Yukon's voter turnout numbers compare with other parts of Canada and national numbers?

Mr. Harvey: I would say that we're comparable to other electoral districts. In 2016, we were the second highest in the country for turnout, but that recognizes that the vote, because we didn't have all the electors in the register — so, 4,000 or 5,000, we estimated, weren't part of the register — it made the turnout percentage higher. So, when we added a number of electors through the different systems and such, obviously, there was a higher threshold to get to additional votes.

I would say typically we are maybe slightly better than the average district or jurisdiction and getting better. I will say that, during COVID, there has been a reduced turnout in all of the jurisdictions across the country. What conclusion we draw is based on — yes, there's lots of energy. I think we have a good system, we provided good access, and we have a good turnout.

Chair: Thank you, Mr. Harvey. Mr. Cathers, do you have a follow-up?

Mr. Cathers: No, I don't have a follow-up question; thank you for that answer.

Chair: Mr. Streicker?

Hon. Mr. Streicker: Thanks again, Madam Chair, and thanks, Mr. Harvey. As we think about this possibility of electoral reform, I think one of the things that we have discussed as a Committee is about a referendum. In other words, the ability for the Yukon to make that choice rather than it being by a committee.

Earlier, you were talking about the difference between the Yukon *Elections Act* and I think there's a plebiscite act. I would like to ask you a couple of questions about if we were to get to referendum. The sorts of things I'm interested in are: Would you expect, as Elections Yukon, to be the likely body that would carry it out once a referendum or plebiscite was set up? Also, from your perspective, do you think it would make a difference whether that happened at the time of an election or in between elections, et cetera? Just your thoughts around that, given your experience in your role as Chief Electoral Officer.

Mr. Harvey: Thank you. Obviously, the referendum — we believe that we would be the logical authority to do a referendum, and that's based on the technology. First of all, it would be: What process are you going to use? To my mind, if

you're going to use Internet voting, if you're going to use a mail-out ballot kind of process, that may have limited — or may or may not have in-person voting for a referendum — British Columbia, for example, did all mail-out voting. That was the way that it was done. So, depending on the process, we obviously have the focus and the knowledge, and we know the Yukon. I would also say another element is that we have the list of electors. So, I wouldn't — giving that to — but for a referendum, it would be in accordance with the list of electors, and we would run it typically as an electoral event — obviously very different — and if you weren't on the list of electors, you would register and we would put you on the list of electors and we would administer that.

We have all the systems, and we can count. Technology — we have scanners; we have the electoral management system that could give results. I do think we would be the logical body. I'm not saying we're the only one, but we would have some advantages.

Chair: Thank you, Mr. Harvey. Mr. Streicker?

Hon. Mr. Streicker: Thank you, Madam Chair. Just following up on the other side of that, from your perspective, in your role as the Chief Electoral Officer, would it make sense that a referendum would happen alongside an election, like a regularly scheduled territorial election, or would you think better in between? What are the pros and cons, from your perspective?

Mr. Harvey: Obviously, stand-alone. It has to fit in a referendum period. If it's a mail-in vote, that could be a month or five weeks long, and that's a big chunk of time with a huge territorial focus and interest, so it would be kind of overlapping with other activities. It can be done; it just has to be properly managed, but that's one of the big considerations of another major event when we have all these other ones on the go.

There is nothing that would preclude an election and a referendum at the same time. Other jurisdictions have done it. It would potentially mean either two ballots or a single ballot that had two different blocks on it — one for the candidate vote, in the current system, and a candidate one for the referendum question — but either option could be done. It would be more convenient; there would be a synergy, a scale of economy to do it during an election period, but if it was something to — to my mind, when I look at referendums and plebiscites, it is typically — not always, but typically — a referendum is binding, and a plebiscite is a survey or is not binding. So, if you had a referendum at the same time, that would potentially be something that the government would have to look at when they came in.

Chair: Thank you, Mr. Harvey. Those are important considerations.

Mr. Cathers, maybe one or two final questions?

Mr. Cathers: Thank you, Madam Chair. The next question I have is: Are you in a position at this point to outline what additional resources you might require if there was a decision to hold a referendum on potential changes to the system?

Mr. Harvey: Right now, I'll give you an estimate. It's not something that we scoped out, but depending on the process

you were going to use — if it was an Internet vote and a mail-out only — those were the two options — when I say “mail-out”, they could apply online and then mail it to them, whatever was required, but we wouldn't have in-person voting — that would be a relatively — I won't say small; it would be a huge project for us, but for the actual planning, you could have — it could probably be done with a surge capacity of five or six people to administer, if it was for that period and a couple of months before.

Chair: Thank you, Mr. Harvey. And just checking with the panelists, is there a final question?

No? Okay, seeing no final questions, I'll just take this opportunity —

Before I adjourn today's meeting, I'd like to say a few words on behalf of the Committee. First, I would like to thank the witness, Mr. Harvey. I would also like to thank the Yukoners who were listening to and watching this hearing. Several more hearings, with experts from across the country, are scheduled for this week. Transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public, and the Committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned. Thank you very much.

The Committee adjourned at 11:59 a.m.