

## RE: Meeting Request - Anton Boegman

---

From: Christensen, Jessica EBC:EX <Jessica.Christensen@elections.bc.ca>  
To: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>, Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>, Normand, Nicole PREM:EX <Nicole.Normand@gov.bc.ca>  
Sent: June 27, 2022 3:15:56 PM PDT

Thank you Tanera!

Anton noted that a meeting around the end of July/early August would be just fine, if that works any better for the Minister's schedule.

**Jessica Christensen** (*she/her*)  
Executive Services Lead | Elections BC

---

**From:** Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>  
**Sent:** June 27, 2022 2:56 PM  
**To:** Christensen, Jessica EBC:EX <Jessica.Christensen@elections.bc.ca>; Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>  
**Subject:** RE: Meeting Request - Anton Boegman

Thank you Jessica and nice to e-meet you. We will bring this to our scheduling meeting with Minister Eby next week. We will be in touch soon.

Best regards,

**Tanera Nanninga**  
Administrative Coordinator to the Honourable David Eby, QC  
Attorney General and Minister responsible for Housing  
Phone: (778-974-5933)

---

**From:** Christensen, Jessica EBC:EX <Jessica.Christensen@elections.bc.ca>  
**Sent:** Monday, June 27, 2022 2:41 PM  
**To:** Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>  
**Subject:** Meeting Request - Anton Boegman

Good afternoon,

By way of introduction, I am the new Executive Services Lead for Elections BC.

Anton Boegman has requested to meet with the Attorney General to discuss the May 2022 recommendations for legislative change report.

Please feel free to reach out by phone or email to arrange a mutually convenient time.

Warm regards,

**Jessica Christensen** (*she/her*)  
Executive Services Lead | Elections BC  
250-940-8662 (office) | 1-800-661-8683 (toll-free)  
Suite 100 - 1112 Fort Street, Victoria

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Suite 100 - 1112 Fort Street, Victoria

## 632651 - Boegman

---

From: Craven, Paul AG:EX <Paul.Craven@gov.bc.ca>  
To: Boegman, Anton EBC:EX <Anton.Boegman@elections.bc.ca>  
Sent: October 3, 2022 12:33:38 PM PDT  
Attachments: image001.jpg, image002.jpg

Dear Anton Boegman:

### Meeting of September 26, 2022

I am writing to follow up on the meeting held on September 26, 2022.

s.13

If you have any questions about the legislative amendments, please feel free to reach out to myself or Tarynn McKenzie at [Tarynn.McKenzie@gov.bc.ca](mailto:Tarynn.McKenzie@gov.bc.ca).

Yours truly,



**Paul Craven**

Pronouns: (he, him, his)

Acting Assistant Deputy Minister

Justice Services Branch | Ministry of Attorney General

Office 778-698-9333 | Cell 250-812-5176

Assistance with scheduling: Contact Lesley Todd at 250-978-9625 or at

[Lesley.Todd@gov.bc.ca](mailto:Lesley.Todd@gov.bc.ca)

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## FW: 632651 - Boegman

---

From: Craven, Paul AG:EX <Paul.Craven@gov.bc.ca>  
To: Saulnier, Jessica AG:EX <Jessica.Saulnier@gov.bc.ca>  
Sent: October 4, 2022 10:51:14 AM PDT  
Attachments: image003.jpg

Can you cliff and refer to PLD please.

**Alana**

---

**From:** Boegman, Anton EBC:EX <Anton.Boegman@elections.bc.ca>  
**Sent:** Tuesday, October 4, 2022 10:29 AM  
**To:** Craven, Paul AG:EX <Paul.Craven@gov.bc.ca>  
**Subject:** RE: 632651 - Boegman

Dear Paul Craven:

**Re: Meeting of September 26, 2022**

s.13

Sincerely,

**Anton Boegman (he/him)**  
Chief Electoral Officer of British Columbia  
tel: (250) 387-5305  
fax: (250) 387-3578  
email: [Anton.Boegman@elections.bc.ca](mailto:Anton.Boegman@elections.bc.ca)  
web: <http://www.elections.bc.ca>

**From:** "Craven, Paul AG:EX" <[Paul.Craven@gov.bc.ca](mailto:Paul.Craven@gov.bc.ca)>  
**Date:** October 3, 2022 at 12:33:38 PM PDT  
**To:** "Boegman, Anton EBC:EX" <[Anton.Boegman@elections.bc.ca](mailto:Anton.Boegman@elections.bc.ca)>  
**Subject:** 632651 - Boegman

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Yours truly,



**Paul Craven**

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Acting Assistant Deputy Minister

Justice Services Branch | Ministry of Attorney General

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## FW: Statutory Officer Reports

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From: Minister, AG AG:EX  
s.15

Attachments: 2022-vancouver-quilchena-surrey-south-by-elections-report.pdf, OMB-Special Report No. 52-2022.pdf

---

**From:** Office of the Speaker <OfficeoftheSpeaker@leg.bc.ca>

**Sent:** December 21, 2022 9:51 AM

**To:** Bonifacio, Thomas MOTI:EX <Thomas.Bonifacio@gov.bc.ca>; Cathcart, Casey MUNI:EX <Casey.Cathcart@gov.bc.ca>; Constable, Jane ECC:EX <Jane.Constable@gov.bc.ca>; Duguay, Ilene AF:EX <Ilene.Duguay@gov.bc.ca>; Hold - 220704 - Duncan, Kate LBR:EX <Kate.Duncan@gov.bc.ca>; Farmer, Susan PREM:EX <Susan.Farmer@gov.bc.ca>; Flesh, Cindy TACS:EX <Cindy.Flesh@gov.bc.ca>; Gotto, Sarah F JERI:EX <Sarah.Gotto@gov.bc.ca>; Grant, Lisa TACS:EX <Lisa.Grant@gov.bc.ca>; Greenup, Erica MOTI:EX <Erica.Greenup@gov.bc.ca>; Hansen, Lucy HLTH:EX <Lucy.Hansen@gov.bc.ca>; Hansen, Miranda LWRS:EX <Miranda.Hansen@gov.bc.ca>; Lajoie, Nicole E MCF:EX <Nicole.Lajoie@gov.bc.ca>; Hogg, Caroline ENV:EX <Caroline.Hogg@gov.bc.ca>; Kartz, Cali PSSG:EX <Cali.Kartz@gov.bc.ca>; Klus, Arianna EMCR:EX <Arianna.Klus@gov.bc.ca>; Maygard, Trudy EMLI:EX <Trudy.Maygard@gov.bc.ca>; McKnight, Valerie SDPR:EX <Valerie.McKnight@gov.bc.ca>; Minister, AG AG:EX <AG.Minister@gov.bc.ca>; Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Nash, Amber PREM:EX <Amber.Nash@gov.bc.ca>; Oldham, Lisa E CITZ:EX <Lisa.Oldham@gov.bc.ca>; Robb, Amanda FOR:EX <Amanda.Robb@gov.bc.ca>; Silverio, Lisa FIN:EX <Lisa.Silverio@gov.bc.ca>; Walters, Hailey WLRS:EX <Hailey.Walters@gov.bc.ca>; Waters, Leah IRR:EX <Leah.Waters@gov.bc.ca>; White, Christine PSFS:EX <Christine.White@gov.bc.ca>; Wilson, Cherie ECC:EX <Cherie.Wilson@gov.bc.ca>

**Subject:** Statutory Officer Reports

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Attached please find a report from the Chief Electoral Office and from the Ombudsperson. These reports can also be found on their respective sites (<https://elections.bc.ca>) and (<https://bcombudsperson.ca>)



# REPORT OF THE CHIEF ELECTORAL OFFICER

2022 Vancouver-Quilchena and  
Surrey South By-elections

## Elections BC

PO Box 9275 Stn Prov Govt  
Victoria, BC V8W 9J6

Phone: 250-387-5305

Toll-free: 1-800-661-8683

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Email: [electionsbcc@elections.bc.ca](mailto:electionsbcc@elections.bc.ca)

[elections.bc.ca](http://elections.bc.ca)



## **Report of the Chief Electoral Officer**

2022 Vancouver-Quilchena and  
Surrey South by-elections

December 20, 2022

Honourable Raj Chouhan  
Speaker of the Legislative Assembly  
Province of British Columbia  
Parliament Buildings  
Victoria, British Columbia  
V8V 1X4

Dear Mr. Speaker:

I have the pleasure to present the Report of the Chief Electoral Officer and Statement of Votes for the 2022 Vancouver-Quilchena and Surrey South By-elections to the Legislative Assembly, in accordance with section 13(1)(b) of the *Election Act*.

Respectfully submitted,



**Anton Boegman**  
Chief Electoral Officer  
British Columbia

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# SUMMARY

Elections BC administered two provincial by-elections in 2022, in the Vancouver-Quilchena and Surrey South electoral districts. These were unique and groundbreaking events, being the first elections conducted under the newly amended *Election Act*. Representing the most significant changes to provincial election legislation in 25 years, the *Election Amendment Act, 2019* enabled the deployment of a more efficient and accessible voting model through the use of secure and proven technology in voting places. These changes provided better service to voters, close to real-time participation information to candidates, to help get out the vote efforts, and enabled much faster results reporting on election night. The Vancouver-Quilchena and Surrey South by-elections showcased

these improvements and provided valuable experience to Elections BC in administering an election under this new model. Lessons learned will be applied going forward, and provide important input into the planning for the next provincial general election, scheduled for October 2024.

## Vancouver-Quilchena

On February 17, 2022, Andrew Wilkinson resigned as the Member of the Legislative Assembly (MLA) for the Vancouver-Quilchena electoral district. Pursuant to section 35 of the *Constitution Act*, the Speaker of the Legislative Assembly informed the Chief Electoral Officer of the vacancy through a warrant. The warrant was received on February 18, 2022. The last possible date for

## What does “voting model” mean?

A voting model is how voting and counting is administered by an election management body like Elections BC. It refers to the processes and procedures election administrators use to put election legislation into practice. The voting model is how your right to vote under the *Canadian Charter of Rights and Freedoms* becomes the ballot in your hand on Election Day!

The voting **model** is not to be confused with a voting **system**. A voting system is how votes translate into representation in a legislature. In 2018, a referendum was held asking British Columbians whether to keep the First Past the Post voting system for provincial elections or move to a system of proportional representation. In that referendum, voters chose to keep First Past the Post.

The new voting model described in this report is not a new voting system, and doesn't affect how your votes translate into your representation in the legislature.



calling the by-election was August 18, 2022, as the writ for a by-election must be issued within six months after the warrant is received.

The Vancouver-Quilchena by-election was called on April 2, 2022. Final Voting Day was Saturday, April 30, 2022. On Final Voting Day there were 38,399 registered voters in Vancouver-Quilchena.

There were five candidates in the by-election representing five registered political parties. BC Liberal Party candidate Kevin Falcon was elected as the MLA for Vancouver-Quilchena.

Voter turnout was 27.6%, and the cost to administer the by-election was \$766,293, or \$19.96 per registered voter.

### **Surrey South**

On April 28, 2022, Stephanie Cadieux resigned as the MLA for the Surrey South electoral district. The warrant was received on April 28, 2022, and the last possible date for calling the by-election was October 28, 2022.

The by-election was called on August 13, 2022. Final Voting Day was Saturday, September 10, 2022. On Final Voting Day there were 54,363 registered voters in Surrey South.

There were five candidates in the by-election representing five registered political parties. BC Liberal Party candidate Elenore Sturko was elected as the MLA for Surrey South.

Voter turnout was 19.8%, and the cost to administer the by-election was \$748,008, or \$13.76 per registered voter.

## Calendar of events

The *Election Act* sets the calendar of events for a provincial by-election. The by-election begins on Day 0 when the writ is issued and the by-election is called. Final Voting Day is 28 days after Day 0.

Table 1: Event timeline

Day	Milestone	Date	
		Vancouver-Quilchena	Surrey South
<b>0</b>	<b>Writ Day</b>	April 2	August 13
<b>7</b>	Close of candidate nominations, 1 p.m.	April 9	August 20
<b>18</b>	Close of general voter registration, midnight	April 20	August 31
<b>19/20-25</b>	Advance voting*	April 22-27	September 1-4 and 6-7
<b>22</b>	Deadline to request a vote-by-mail package	April 25	September 4
<b>28</b>	Final Voting Day	April 30	September 10
<b>28</b>	Initial count – preliminary results announced	April 30	September 10
<b>32/34</b>	Final count**	May 4	September 14
<b>41</b>	Return Day	May 11	September 21
<b>118</b>	Election financing report filing deadline	July 29	December 9

\* Due to the Labour Day statutory holiday (Monday, September 5, 2022), advance voting places were closed on Day 23 of the Surrey South by-election. Advance voting began a day early, on Day 19, to allow for six days of advance voting.

\*\* In accordance with section 128 of the *Election Act*, final count must take place on a date specified by the Chief Electoral Officer and not before the fourth day following Final Voting Day. In both by-elections, the Chief Electoral Officer specified that final count would begin on the fourth day following Final Voting Day.

## Statistics at a glance

Table 2: Statistics at a glance

Officials and voting places	Vancouver-Quilchena	Surrey South
Election officials and district electoral office staff	148	153
Voting areas	61	75
Advance voting places	2	4
Final voting places	9	6
<b>Voter registration and turnout</b>		
Registered voters at election call	38,052	53,993
New voter registrations	181	143
Voters who moved into the electoral district	178	241
Voters removed from the voters list*	12	14
Registered voters at close of voting	38,399	54,363
Registered voters who voted	10,579	10,742
Voter turnout (as a percentage of registered voters)	27.6%	19.8%
<b>Candidates, political parties and advertising sponsors</b>		
Registered political parties that endorsed candidates	5	5
Candidates	5	5
Registered third party advertising sponsors that filed disclosure reports	0	2
Registered political party expenses limit	\$64,399.38	\$67,058.28
Candidate expenses limit	\$64,399.38	\$67,058.28
Third party advertising limit	\$3,331.00	\$3,468.53
<b>Results</b>		
Total valid votes	10,579	10,742
Rejected ballots	5	14

\* Voters who moved outside Vancouver-Quilchena or Surrey South or who were deceased were removed from the voters list for each district.

# BACKGROUND: THE ROAD TO TWO HISTORIC BY-ELECTIONS

---

Both the Vancouver-Quilchena and Surrey South by-elections were examples of British Columbia's new modernized approach to elections, made possible by legislative changes in 2019.

## 2018 Report of the Chief Electoral Officer

Following the 2017 Provincial General Election, Elections BC submitted a recommendations report to the Legislative Assembly. The report recommended modernizing how B.C. elections are administered to provide better services to voters and other stakeholders.

The proposed model is explained in detail in the Report of the Chief Electoral Officer on Recommendations for Legislative Change – May 2018. Amongst other changes, the report recommended using technology to implement:

- A first-come, first-served model to reduce line ups at voting places
- Close to real-time participation data for parties and candidates to support get-out-the-vote efforts
- Faster results reporting, with almost all ballots counted on election night (including absentee and mail-in ballots)

## *Election Amendment Act, 2019*

The *Election Amendment Act, 2019* received Royal Assent in November 2019, addressing all of the Chief Electoral Officer's recommendations from the 2018 recommendations report. The Act was passed with the unanimous support of the Legislative Assembly and represented the most significant changes to the *Election Act* in 25 years.

The new legislation allows for the use of electronic tabulators (to count paper ballots) and electronic voting books (laptops to strike voters off the voters list in close to real time). These changes enable faster, better service for voters, as well as electronic participation data which may be provided to political parties to assist them with their get out the vote efforts. Improved get out the vote efforts may support increased voter participation.

Only a handful of the *Election Amendment Act, 2019*'s new provisions came into force immediately upon Royal Assent. Most of the provisions were designated to come into force through an Order-in-Council. This allowed Elections BC the necessary time to develop and optimize the many procedures, regulations, systems and supporting materials required to make a fully modernized election work.

## Work begins

Upon passage of the *Election Amendment Act, 2019*, the development phase of the Voting Modernization (VMOD) project began in earnest. Elections BC's focus was on developing the supporting processes and procedures in detail. At that point in time, Elections BC was preparing to deliver the scheduled provincial general election in October 2021. Many of the preparations for a general election, of course, are transferable to a by-election. Testing the new systems and procedures on the smaller scale of a by-election provides an invaluable opportunity to gather feedback and lessons learned that can be used to improve service and efficiency. These can then be applied to the planning for a general election.

Each step of the voting process, as administered by election officials, is described in a procedure. Procedures are how election legislation is put into practice. Under the new voting model, virtually every voting, counting, and administrative procedure was redesigned from the ground up.

Voter-facing procedures include:

- striking a voter off in an electronic voting book
- updating voter information, if necessary
- issuing the ballot

Other behind-the-scenes processes that enable voting administration and support voting place technology are also described in procedures, such as:

- setting up and testing equipment
- performing logic and accuracy testing on tabulators
- trouble-shooting and activating related backup procedures
- closing a voting place at the end of voting
- preparing for initial count
- preparing write-in and other ballots which require transcription

New Electronic Voting Books (EVBs) were needed to enable these new procedures. EVBs consist of hardware (a laptop computer) and custom software. Elections BC conducted a competitive process to select a contracted vendor to develop this core software. The vendor, Datafix, was selected in April 2020.

With the procedures and software solutions under development, we also began work on a series of training products and related materials to support election officials in their new workflow. These materials included quick reference guides to step officials through each aspect of the procedures related to their role. They help ensure that officials can administer voting and counting efficiently in accordance with legislation, and are able to troubleshoot any problems that may arise. We also developed a range of other supporting materials.

Election official roles were redefined to fit the new legislated requirements and procedures.

Table 3: Election official positions

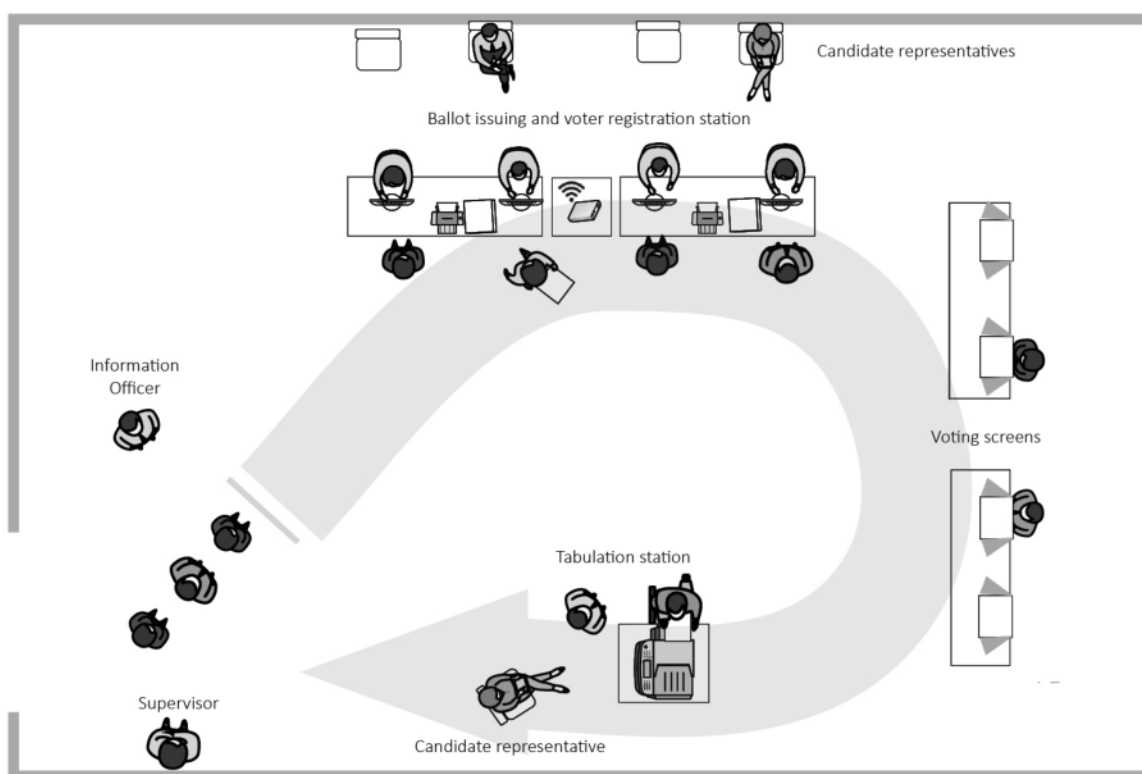
Position under old model	Position under new model
<b>Information Officers (IOs)</b> greet voters, place signs and give directions at the voting place, providing information and assistance to all voters, especially those with special needs.	
<b>Voting Clerks (VCs)</b> were responsible for supporting the administration of general, advance, absentee and special voting opportunities. VCs completed and maintained the paper voting book and other documents, accounted for and secured all voting materials, and participated in initial count at the end of General Voting Day. There was one VC and one Voting Officer (VO) per voting station or mobile team.	<b>Ballot Issuing Officers (BIOs)</b> serve voters by registering or updating voter information in the electronic voting book, administering oral declarations and issuing ballots.
<b>Voting Officers (VOs)</b> at general voting opportunities were responsible for administering voting at an assigned voting station, issuing ballots to voters, accounting for and securing all voting materials, and conducting initial count at the end of General Voting Day. There was one VO per voting station.	
	<b>Tabulator Officers (TBOs)</b> set up the vote tabulator, assist voters with inserting ballots into the tabulator and manage tabulator notifications.
	<b>Technical Supervisory Voting Officers (TSVOs)</b> oversee the technology in the voting place. They ensure election officials have the tools they need to administer voting in a technology-enabled voting place. They also ensure the security of voting materials and equipment.
<b>Supervisory Voting Officers (SVOs)</b> oversee and manage staff a voting place or group of voting places. The SVO ensures that voting procedures are followed correctly and that voting places are safe and accessible. They also ensure the security of voting materials and equipment.	
<b>Counting Support (CS)</b> assist the SVO or district electoral office staff with conducting initial count. A key duty under the new model is to transcribe ballots and ensure the ballots are ready for counting by a tabulator.	

Work begins

BACKGROUND: THE ROAD TO TWO HISTORIC BY-ELECTIONS

## What does voting look like under the new model?

The most immediate difference for voters under the new voting model is how efficiently they are served at voting opportunities. Rather than lining up at an assigned voting station, voters will experience a faster “first-come, first-served” service model in voting places. These service improvements have resulted in a leaner staffing model requiring fewer election officials with redefined roles. Voters will be served by the next available election official in each voting place, rather than by a team of two election officials at their assigned voting station.



As the voting procedures and tools were developed, it became clear that a comprehensive procurement process would need to be undertaken in order to secure the technological tools necessary to implement the new voting model. These tools include laptops to run the EVB software, printers to print ballots on-demand, and tabulator machines to enable automated counting, as well as related materials like modems, routers, scanners and peripherals. At the scale of general election, this represents thousands of individual pieces of equipment, which must be safe and secure. For a by-election, while range of requirements is similar, the quantities required are much lower.

Elections BC determined that the most cost-effective approach to procure ballot tabulators for a provincial general election would be through Elections Ontario's tabulator lease program. Under this program, Elections Ontario is able to lease out their tabulators on a simple cost recovery basis when they are not required for an Ontario provincial election. Because Ontario and BC do not hold provincial elections in the same year, both jurisdictions can use the same machines without any disruption in service. Elections Ontario has previously leased their tabulators to Elections New Brunswick as well as a large number of municipalities across Canada. They are a proven technology that meet the integrity and security standards for a B.C. provincial election. This unique resource-sharing agreement represents an innovative approach to finding an effective technological solution that is cost-efficient without any sacrifice in service. Elections Ontario's tabulator service provider is Dominion Voting Systems (DVS), and Elections BC contracted with DVS to purchase a small number of tabulators that would meet our by-election requirements.

## 2020: An unprecedented year

Following the 2017 Provincial General Election and the establishment of a minority government, Elections BC entered a state of elevated election readiness that would continue for the next three years. We maintained this readiness state while working to implement legislative changes and process improvements until the spring of 2020. At that time, our world was radically changed by the onset of the global COVID-19 pandemic, which included for B.C., a declaration of a provincial state of emergency that would last for over a year. Under these circumstances it seemed likely that B.C.'s 42<sup>nd</sup> provincial election, whether held as scheduled in 2021 or earlier, would take place during the pandemic and under some stage of public health restrictions. Preparing to hold a safe election during the pandemic became our highest priority.

Like all other organizations, Elections BC had to rapidly adapt to this new reality. We began by shifting to remote work for almost all staff and developed new processes based on electronic work flows. The impact of COVID-19 on our operations cannot be overstated; every aspect of our administration and operations had to be reviewed and updated.

Despite these challenges, we were well underway in developing the required procedures and tools to deliver a safe, modernized election in 2021. When the unscheduled election was called in September 2020, all work on implementing the voting modernization project (VMOD) was put on hold until February 2021, when close-out activities for the 2020 Provincial General Election were winding up.



## Election simulations

Conducting a large-scale, multi-day simulated election was a major focus of VMOD when it resumed in 2021. The simulation was held to test electronic voting books and tabulators and ensure we were ready to deliver a modernized election.

This included simulated voting at an external voting place and Elections BC headquarters using electronic voting books, tabulators, fictional voter profiles, and different voting scenarios to test new processes. Results were counted and reported to test results reporting procedures.

The overriding objective of the simulations was to identify procedural, physical layout, technological and other potential improvements to optimize the efficiency and effectiveness of the new voting model.

The simulations were run like a compressed election, and included many activities: training election officials; administering different voting opportunities using differing technology footprints, special voting, assisted telephone voting and mail-in voting; systems load testing and security testing; tabulator quality assurance testing; and initial and final count procedures.

Elections BC engaged headquarters staff and former district electoral officers and deputies to act as voters and election officials. Following the simulations, participants provided feedback on their experiences in their specific role. The lessons learned from conducting these simulations allowed us to identify improvements to our new voting and counting procedures and better understand the relationship between our contracted service providers, election officials and Elections BC headquarters.



## Regulations of the Chief Electoral Officer

A structural change to the *Election Act* implemented in the *Election Amendment Act, 2019* was an increase in the powers of the CEO to make regulations to define some aspects of voting and counting. CEO regulations have the same force and effect as other provincial regulations, and are drafted by Legislative Counsel, but they are approved by the CEO, not government. The regulations (and their resultant procedures) were developed in conjunction with one another to ensure that the administrative processes required to implement voting modernization were consistent with the provisions of the Act. Prior to their finalization, a consultation was held with the Election Advisory Committee.

Four regulations — the Voting Opportunities Regulation, Voting Options Regulation, Vote Counting Regulation, and Ballot Form Regulation— were deposited by the Chief Electoral Officer and brought into force on March 18, 2022.

With the regulations in place, the legal framework for conducting an election under the new voting model was officially established. As of April 1, 2022, any by-elections called would be administered under the new model.

# CONDUCTING TWO HISTORIC BY-ELECTIONS

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## By-election readiness

Elections BC maintains an ongoing state of readiness to administer on-demand events like provincial by-elections. The resignation of Andrew Wilkinson as MLA of Vancouver-Quilchena in February, 2022, resulted in a pending by-election. But because of the voting modernization changes, we had to be ready to administer a by-election under two different voting models. If the by-election was called before the *Election Amendment Act, 2019* (EAA) regulations were deposited and brought into force, we would need to administer a by-election under the legacy voting model – that used to administer previous provincial by-elections and general elections. If the by-election was called as of April 1, 2022, we would administer it under the new model.

Following the completion of election simulations in December 2021, we began preparations for implementing voting modernization under the new legislation. Elections BC incorporated lessons learned from the simulations to update and improve our systems, processes and procedures. A major component of these preparations was refining election official training content and materials, as well as enhancements to the EVB technology. We also updated our pandemic safety protocols to reflect the changed public health guidance in the

province at the time. As always, the safety of voters and election officials remained a top priority.

The Vancouver-Quilchena by-election was called on April 2 with Final Voting Day taking place on Saturday, April 30. It was therefore the first modernized election held under the newly amended *Election Act*, and a historic event for our province.

Although a number of the benefits of a modernized election will only be realized during a general election — for example, printing ordinary ballots on demand for out of district voters — the by-election was an important opportunity to test procedures, software and hardware.

Conversations with voters during the event confirmed they were very comfortable with the new procedures and technology. Many voters commented that they found the new first-come, first-served process to be a great improvement.

Others commented on how fast the voting process was. Many voters made it through the voting place from start to finish – from in the door of the voting place to out – in under five minutes. At the close of voting, Elections BC was able to provide initial count results much more quickly than had been previously possible because of the use of ballot tabulators. Preliminary results were known within an hour of polls closing.

In voting place exit surveys, 96% of respondents found it very easy to vote, 96% rated the voting process as very efficient, and 98% were satisfied with their voting experience.

On April 28, 2022, Stephanie Cadieux resigned as the MLA for the Surrey South electoral district. The Surrey South by-election was called on August 13, 2022, with Final Voting Day taking place on September 10, 2022. Surrey South provided another opportunity for Elections BC to refine and improve voting modernization procedures and processes. As with Vancouver-Quilchena, voters had a very positive reaction to the new process. 92% of voters surveyed found it very easy to vote, 93% rated the voting process as very efficient, and 93% were satisfied with their voting experience.

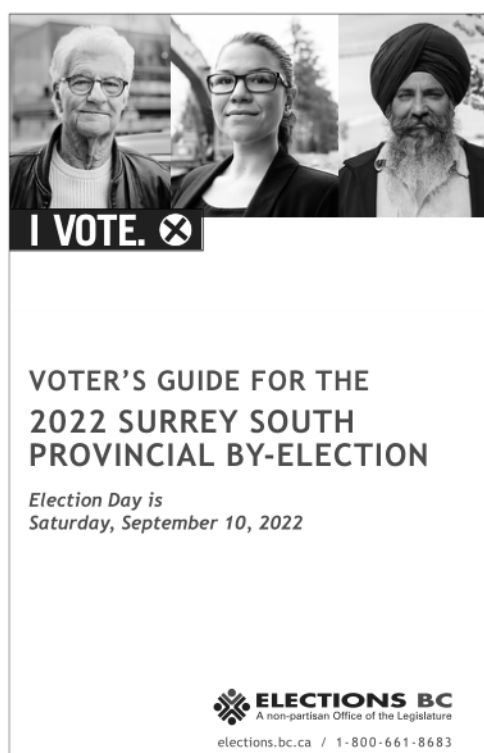
## Public information and communications

The Chief Electoral Officer has a statutory responsibility to inform the public about voter registration and voting opportunities.

In addition to meeting its statutory obligations, Elections BC is committed to providing an inclusive and accessible electoral process. With these goals in mind, Elections BC implemented a comprehensive communications plan to inform voters in Vancouver-Quilchena and Surrey South of their right to vote, the electoral process, the dates and locations of voting opportunities and where to find additional information.

### Voter's guide

Early in the campaign period for both events, Elections BC distributed a voter's guide to households in each electoral district. The guide included information about voter eligibility and ID requirements, voting opportunities, a map of the electoral district and information about services for at-risk voters and voters with disabilities.



The guide was designed to meet Canada Post standards so it could be sent economically as unaddressed mail. Elections BC worked with BC Mail Plus and Canada Post to target only residential points of call within each electoral district's boundaries, reducing "spillage" into neighbouring districts as much as possible.

In recognition of the demographics of each electoral district, the voter's guide for Vancouver-Quilchena was translated into two additional languages (traditional and simplified Chinese), and the guide for Surrey South was translated into eight additional languages (traditional and simplified Chinese, French, Hindi, Korean, Punjabi, Spanish and Tagalog). Translated versions of the guides were available on Elections BC's website.


In total, 21,308 voter's guides were delivered in Vancouver-Quilchena and 29,635 guides were delivered in Surrey South.

## Where to Vote cards

Where to Vote cards were mailed to registered voters in each district before the start of advance voting. Each voter's card showed the dates and locations for advance voting, the voter's assigned voting place on Final Voting Day (Election Day), information about voter identification requirements and where to find more information about voting options. Where to Vote cards were also accepted as one of two documents used for voter identification, for those voters without a single piece of government issued photo-ID.

# ELECTION DAY IS APRIL 30, 2022

## VANCOUVER-QUILCHENA PROVINCIAL BY-ELECTION



**ELECTIONS BC**  
A non-partisan Office of the Legislature

A provincial by-election in the Quilchena electoral district is being held on Election Day is September 10, 2022. For information about where, when and how to vote, refer to the other side of this card or visit [elections.bc.ca/surreysouth](https://elections.bc.ca/surreysouth).


### Voting safely

Pandemic protocols are in place to ensure you vote safely at the voting place.

If you are feeling unwell, please do not visit Elections BC to vote. Visit [elections.bc.ca](https://elections.bc.ca) for more information.

# ELECTION DAY IS SEPTEMBER 10, 2022

## SURREY SOUTH PROVINCIAL BY-ELECTION



**ELECTIONS BC**  
A non-partisan Office of the Legislature

A provincial by-election has been called for the Surrey South electoral district.

Election Day is **Saturday, September 10, 2022**.

For information about where, when and how to vote, refer to the other side of this card or visit [elections.bc.ca/surreysouth](https://elections.bc.ca/surreysouth).

### Who can vote

You can vote if you are:

- a resident of the Surrey South electoral district,
- 18 or older on **September 10, 2022**,
- a Canadian citizen, and
- a resident of B.C. since **March 9, 2022**.

### Ways to vote

Vote in person at any voting place listed on the back of this card. You can also vote at the district electoral office or by mail. Visit [elections.bc.ca/surreysouth](https://elections.bc.ca/surreysouth) for more information.

### Voter ID

Remember to bring ID to the voting place. For a complete list of acceptable ID, visit [elections.bc.ca/id](https://elections.bc.ca/id).

### Questions?

Contact Elections BC:  
**1-800-661-8683** | [elections.bc.ca](https://elections.bc.ca)

**Bring this card to the voting place to make voting faster and easier.**

96031-R (22/05)

In previous by-elections, general voter registration closed the day the by-election was called. In both 2022 by-elections, general voter registration closed on day 18 of the campaign period, after voters had received a voter's guide and when event awareness was higher. By moving the close of general voter registration further into the campaign period, more voters could update their information before voting, and consequently receive a Where to Vote card at their current address. Elections BC sent out two mailings for Where to Vote cards in each by-election. The main Where to Vote card mailing included voters registered as of the election call and was delivered before advance voting started. The second much smaller mailing was delivered after the voters list closed. This second mailing allowed voters with late registrations or information updates to receive a card.

Within the tight timeframe of a 29-day campaign period, delivery of this second round of Where to Vote cards may not be guaranteed before the start of advance voting, particularly in more remote areas of the province. While this was not an issue in Vancouver-Quilchena or Surrey South, which are urban electoral districts located in the lower mainland, Elections BC is continuing to look for ways to improve how essential election information is shared with voters. This may include exploring electronic or other options for Where to Vote cards in future elections.

## Statutory advertising

In accordance with the *Election Act*, Elections BC placed two statutory advertisements in local newspapers for each by-election. The first ad included information about voter eligibility requirements, voter registration, voting opportunities and candidate nominations, as well as a map of the electoral district boundaries and the district electoral office address and contact information.

The second ad included the list of candidates, a list of voting places and the dates they were open, and information about eligibility and voter identification requirements.

The Surrey South advertisements were translated into Chinese, Korean and Punjabi for placement in ethnic community newspapers.

**Sept. 10  
2022**

## 2022 SURREY SOUTH BY-ELECTION

A provincial by-election has been called in the Surrey South electoral district for Saturday, September 10, 2022.

**You can vote if you are:**

- a resident of the Surrey South electoral district,
- 18 or older on September 10, 2022,
- a Canadian citizen, and
- a resident of British Columbia since March 16, 2022.

**Voter registration**  
Register now to save time when you vote. The cancellation to update your information at [elections.bc.ca/register](https://elections.bc.ca/register) or by calling 1-800-663-8683. Voter registration closes at 11:59 p.m. Pacific time on August 30. After August 30 you can still register or update when you vote, but you will have longer to wait to be called to vote when you go to vote.

**Ways to vote**  
Vote at the district electoral office. Voting at the district electoral office is available now during office hours.  
**Surrey South district electoral office**  
4500-5477 - 152nd Street, Surrey, B.C.  
236-607-8372  
[info@elections.bc.ca](mailto:info@elections.bc.ca)

**Hours of operation**  
Monday - Friday, 9 a.m. to 5 p.m.  
Saturday, 10 a.m. to 4 p.m.  
September 1-4, 2022 Advance voting, 8 a.m. to 6 p.m.  
September 5, Labour Day - Closed  
September 10 Election Day, 8 a.m. to 6 p.m.

**Vote at advance voting**  
There are five days of advance voting, from September 1-5, and September 6-7. Advance voting places will be closed on Labour Day, September 5. You don't need a special reason to vote at advance voting - it's open for all voters. Advance voting places will be open from 8 a.m. to 6 p.m.

**Vote on Election Day**  
Election Day is Saturday, September 10, but there are lots of ways to vote before then. On Election Day voting places will be open from 8 a.m. to 6 p.m.

**Vote by mail**  
If you want to vote by mail, request your voting package as soon as possible. Go to [elections.bc.ca/votemymail](https://elections.bc.ca/votemymail) or call 1-800-663-8683.

**Candidate nominations**  
You can get a candidate nomination application package online at [elections.bc.ca/candidates](https://elections.bc.ca/candidates) or request a package from the District Electoral Office. Completed nominations must be filed with the District Electoral Office by 3 p.m. on Saturday, August 20, 2022.

**Work in the by-election**  
By-election jobs are available. Visit [elections.bc.ca/jobs](https://elections.bc.ca/jobs) for more information.

**Questions?**  
Call 1-800-663-8683 or visit [elections.bc.ca](https://elections.bc.ca)

#SurreySouthWotes

**ELECTIONS BC**  
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**April 30  
2022**

## 2022 VANCOUVER-QUILCHENA BY-ELECTION

The 2022 Vancouver-Quilchena by-election is on Saturday, April 30, 2022. There are lots of ways to vote.

**You can vote if you are:**

- a resident of the Vancouver-Quilchena electoral district,
- 18 or older on April 30, 2022,
- a Canadian citizen, and
- a resident of British Columbia since October 29, 2021.

**Voting safely during COVID-19**  
Voters are reminded to follow all voting place safety protocols. Follow the instructions from election officials at the voting place. If you are feeling sick or self-isolating, skip lines. Contact Elections BC to discuss your voting options. Visit [elections.bc.ca/safevoting](https://elections.bc.ca/safevoting) for more information.

**Ways to vote**  
**Vote at advance voting** - First advance voting places and the dates they are open online or visit [where.to.vote/elections.bc.ca](https://where.to.vote/elections.bc.ca)  
**Vote on Election Day** - First voting places will be closed on Saturday, April 30, but there are lots of ways to vote before then.  
**Voting in the district electoral office** is available during office hours from now until 4 p.m. on Election Day.  
**Vancouver-Quilchena district electoral office**  
230-1843 Broadway St., Vancouver, B.C.  
236-400-1843  
[info@elections.bc.ca](mailto:info@elections.bc.ca)

**Hours of operation**  
Monday - Friday 9 a.m. to 5 p.m.  
Saturday 10 a.m. to 4 p.m.  
Closed Good Friday, April 15

**Vote by mail**  
If you requested a vote-by-mail package from Elections BC, return it as soon as possible. Your by-mail package must be received by Elections BC by 4 p.m. on Saturday, April 30, 2022. Mail your completed package as soon as possible or drop it off at the Vancouver-Quilchena district electoral office.  
**What should I bring to vote in person?**

- 10 that shows your name and home address. See [elections.bc.ca/ID](https://elections.bc.ca/ID) for the list of acceptable IDs.
- Your Where to Vote card. Look for it in the mail from Elections BC. It will have voting paper and a return.
- You may need a form made in the voting place and will not be asked to return it to vote.

Where and when to vote	Open Dates
Advance Voting Places (open 8 a.m. to 8 p.m. on the days listed)	Fri. Apr. 22 Sat. Apr. 23 Sun. Apr. 24 Mon. Apr. 25 Tue. Apr. 26 Wed. Apr. 27
Banker Centre Centre 4000 Denison St., Vancouver, BC	✓ ✓ ✓ ✓ ✓ ✓
Walden Centre of Vancouver 4500 Arbutus St., Vancouver, BC	✓ ✓ ✓ ✓ ✓ ✓
Election Day Voting Places (open 8 a.m. to 6 p.m. April 30)	
St. B.C. Methodist Church School 4500 Arbutus St., Vancouver, BC	✓
Banker Centre Centre 4000 Denison St., Vancouver, BC	✓
Walden Centre of Vancouver 4500 Arbutus St., Vancouver, BC	✓
Point Grey School 2700 West 41st Ave., Vancouver, BC	✓
Pharmaprix West School 4500 Arbutus St., Vancouver, BC	✓
Trinity School 4500 Arbutus St., Vancouver, BC	✓
Trinity School 4500 Arbutus St., Vancouver, BC	✓

**Candidates for the 2022 Vancouver-Quilchena By-election**

Candidate's Name	Political Party	Official Agent
Justine Ache BC NDP	James Muller 201-441-1011, Vancouver, BC, V6P 1A4 844-432-0443	
Debra Breen Conservative	Ed Graham 236-588-1000, Vancouver, BC, V6B 1G5 844-432-0443	
Karla Fokien BC Liberal Party	Karla Teng 778-260-1133, New West Provinces, Vancouver, BC, V6C 3T7 844-432-0443	Joan Roy Chikara 778-588-1133, New West Provinces, Vancouver, BC, V6C 3T7
Sandra Flossch-Schlegel Libertarian	Sandra Flossch-Schlegel 25-845 Fraser St., North Vancouver, BC, V7S 2P9 844-432-0443	Clayton McLeod 25-850 Premier St., North Vancouver, BC, V7S 2P9
Wendy Haykin BC Green Party	Shirley Lewis P.O. Box 4000, Victoria, BC, V8B 0B7 250-475-3446	

**Questions?**  
Call 1-800-663-8683 or visit [elections.bc.ca](https://elections.bc.ca)

#VNCWotes

**ELECTIONS BC**  
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### Digital advertising and social media

In addition to the statutory newspaper ads required by legislation, Elections BC used digital and social media advertising to raise public awareness of the by-elections and direct voters to the Elections BC website for more information. Online ads were targeted to each electoral district to reach eligible voters. Digital and social media ads were translated into Chinese, Punjabi, Hindi and Korean.

Elections BC shared content consistent with the digital advertising campaign through its Facebook, Instagram and Twitter accounts. Relevant content was shared at particular times throughout the election period, directing followers to learn more about voter eligibility and registration, candidate nominations, voting opportunities, ID requirements and other information. Posts included the hashtags #VNQVotes and #SurreySouthVotes to encourage awareness and voter engagement.

### Website

Elections BC's website is the central source of information about the electoral process in B.C. A dedicated event page for each by-election contained answers to the most frequently asked questions from voters, as well as key dates, candidate information, voter eligibility and ID requirements. Elections BC also posted safe voting place plans, outlining the policies, guidelines, and procedures necessary to maintain business continuity while reducing the risk of transmission of COVID-19 and other communicable diseases in voting places.

New for the 2022 by-elections, Elections BC was required to publish notice of the voting administration tools used in each by-election. The notice is now required under section 79.01 of the *Election Act* and includes information about election official roles and the tools they use at voting opportunities (such as ballot printers, electronic voting books, and tabulators).

The Elections BC website also provided a Where to Vote application that allowed users to enter their address to find their assigned voting place. Users could also find voting places near them based on their location, and the application provided directions. Voting places, the district electoral office and electoral district boundaries were displayed on a Google Map. If the voter entered a home address that was outside of Vancouver-Quilchena or Surrey South, an error message informed them that they were not eligible to vote in the by-election.

On election night, results were tabulated in voting places, and telephoned into the election offices, from which they were reported online, starting when polls closed at 8 p.m. Results were updated every three minutes as counting progressed. More information about results reporting on election night is available on page 25.

## Election officials and office staff

The Chief Electoral Officer appoints a district electoral officer (DEO) to administer elections in each electoral district. One or more deputy district electoral officers (DDEOs) are also appointed to provide assistance, and to replace the DEO if the position becomes vacant.

The DEO for the Vancouver-Quilchena by-election was Debbie Fraser and the DDEO was Julie Brassington. The DEO for the Surrey South by-election was Kathi Kopan and the DDEO was Alexandra Ashcroft.

DEOs hire election officials to register voters, supervise voting places, issue ballots and maintain ballot boxes, provide information to voters and perform other duties at voting places. DEOs also hire staff to provide services at their district electoral office.

Under the new voting model, election official roles have been significantly revised. Instead of teams of two election officials at each voter's assigned voting station, a single Ballot Issuing Officer at each station served the next voter in line. This model avoids long line-ups at one station while other stations are unused, ensuring that all voters receive timely and efficient service.

Table 4: Number of election officials

Position	Number of officials	
	Vancouver-Quilchena	Surrey South
Information Officer / Tabulator Officer	43	54
Supervisory Voting Officer	15	13
Technical Supervisory Voting Officer	20	10
Ballot Issuing Officer	53	63
District electoral office staff	17	13

Candidate nominations

## Candidate nominations

The *Election Act* provides two methods for nominating candidates: standing nominations and ordinary nominations. For a by-election, standing nominations may be submitted to the Chief Electoral Officer at any time until 4:30 p.m. on Day 2 of the election calendar. Ordinary nominations may be submitted to the district electoral officer during the ordinary nomination period, between 9 a.m. on Day 3 and 1 p.m. on Day 7.

In the Vancouver-Quilchena by-election, candidate nominations closed on April 9, 2022. Five candidates filed nominations.

In the Surrey South by-election, candidate nominations closed on August 20, 2022. Five candidates filed nominations.

Table 5: Vancouver-Quilchena candidates

Candidate name	Political party
Jeanette Ashe	BC NDP
Dallas Brodie	Conservative
Kevin Falcon	BC Liberal Party
Sandra Filosof-Schipper	Libertarian
Wendy Hayko	BC Green Party

CONDUCTING TWO HISTORIC BY-ELECTIONS



Table 6: Surrey South candidates

Candidate name	Political party
Jason Bax	Libertarian
Harman Bhangu	Conservative
Pauline Greaves	BC NDP
Simran Sarai	BC Green Party
Elenore Sturko	BC Liberal Party

## Voting

British Columbia has the most accessible voting legislation in Canada. This provides voters with many ways to cast their ballot in provincial elections and by-elections. In addition to final and advance voting, the *Election Act* establishes a wide range of voting opportunities, providing for an accessible and inclusive electoral process. In essence, voters can vote throughout the campaign period, at the district office, at any voting place, at special opportunities and by mail. This accessible legislation works well for voters, but does add complexity for voting administration. Ensuring “vote anywhere” under voting modernization was a significant consideration, and a primary design element of the systems we have prepared for implementation in the scheduled 43<sup>rd</sup> Provincial General Election.

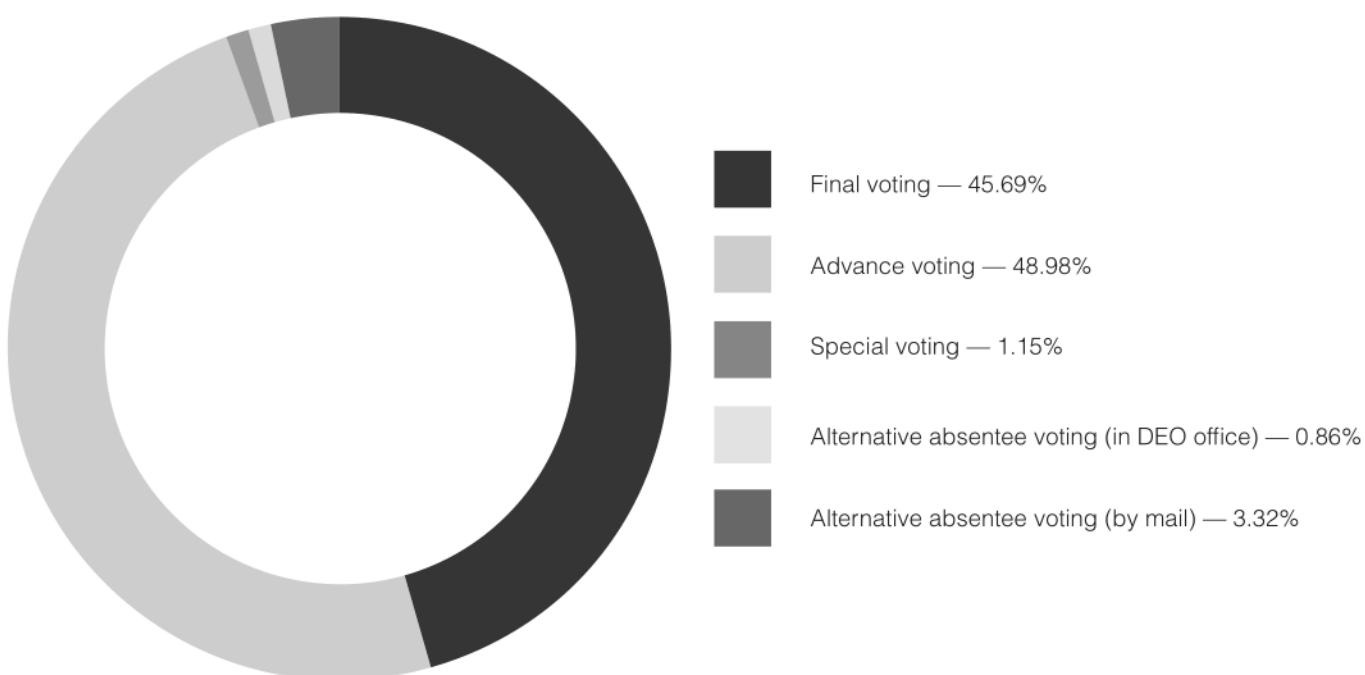
For Vancouver-Quilchena, Elections BC conducted voting at two advance voting places and nine final voting places. Special voting opportunities were also available in hospitals and long-term care facilities. Starting on Writ Day, all eligible voters could vote at the Vancouver-Quilchena district electoral office or by mail. Voters with disabilities were also offered the opportunity to vote by telephone.

Table 7: Votes cast by voting opportunity, 2022 Vancouver-Quilchena by-election

Voting opportunity	Valid votes	Rejected ballots	% of ballots rejected	Votes considered	% of popular vote
Final voting	4,833	3	0.06%	4,836	45.69%
Advance voting	5,182	2	0.04%	5,184	48.98%
Special voting	122	0	0.00%	122	1.15%
Alternative absentee voting (in DEO office)	91	0	0.00%	91	0.86%
Alternative absentee voting (by mail)*	351	0	0.00%	351	3.32%
<b>Total votes considered</b>	<b>10,579</b>	<b>5</b>	<b>0.05%</b>	<b>10,584</b>	<b>100.00%</b>

\* Assisted telephone voting and voting by mail figures combined

Figure 1: Votes by voting opportunity, 2022 Vancouver-Quilchena by-election



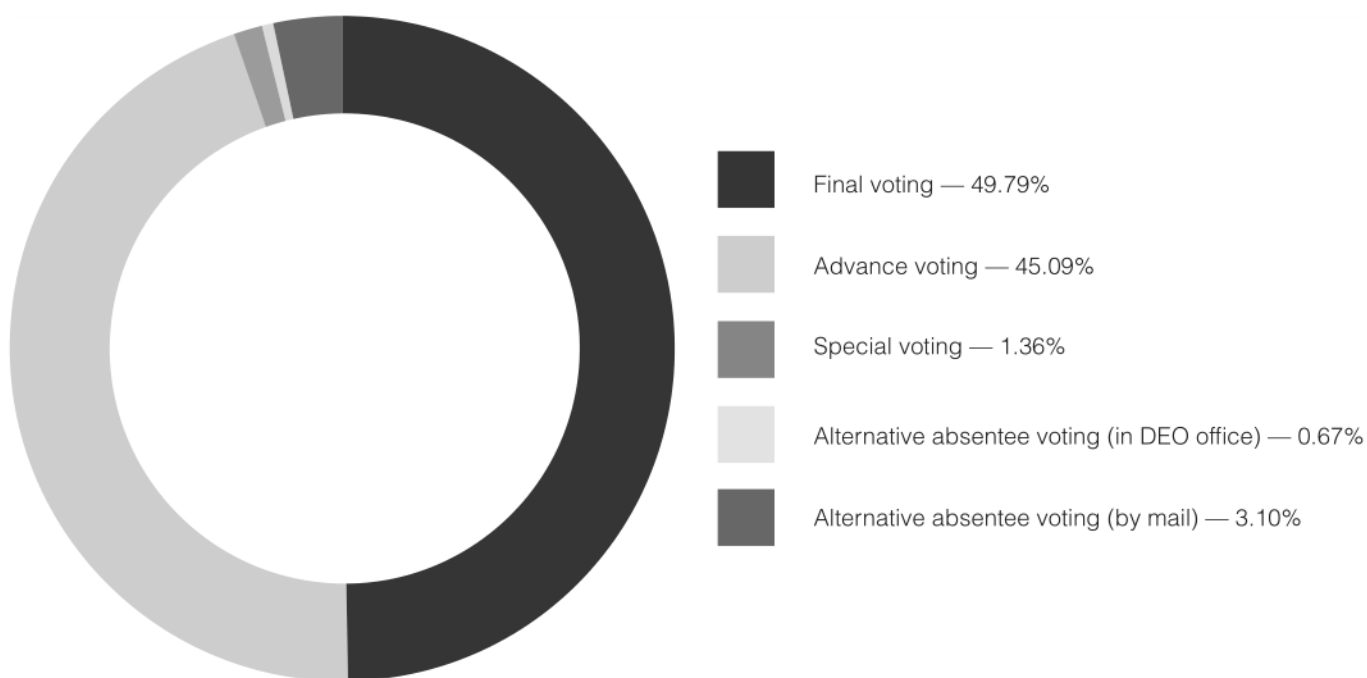
In Surrey South, Elections BC conducted voting at four advance voting places and six final voting places. Special voting opportunities were also available in hospitals and long-term care facilities. Starting on Writ Day, all eligible voters could vote at the Surrey South district electoral office or by mail. Voters with disabilities were also offered the opportunity to vote by telephone.

Table 8: Votes cast by voting opportunity, 2022 Surrey South by-election

Voting opportunity	Valid votes	Rejected ballots	% of ballots rejected	Votes considered	% of popular vote
Final voting	5,351	5	0.09%	5,356	49.79%
Advance voting	4,844	6	0.12%	4,850	45.09%
Special voting	142	3	2.07%	145	1.35%
Alternative absentee voting (in DEO office)	72	0	0.00%	72	0.67%
Alternative absentee voting (by mail)*	333	0	0.00%	333	3.10%
<b>Total votes considered</b>	<b>10,742</b>	<b>14</b>	<b>0.13%</b>	<b>10,756</b>	<b>100.00%</b>

\* Assisted telephone voting and voting by mail figures combined

Figure 2: Votes by voting opportunity, 2022 Surrey South by-election



### Final voting

Elections BC assigns voters to a final voting place based on their address, but they can vote at another voting place if it is more convenient for them. Thanks to voting modernization changes, voters experienced the same process wherever they voted on Final Voting Day. Electronic voting books and tabulators allowed all ballots to be counted after polls closed,

no matter which voting place they were cast at. Previously, if a voter did not vote at their assigned voting place on Final Voting Day, their vote was considered an absentee ballot, which would not be counted until final count.

Final Voting Day for the Vancouver-Quilchena by-election was April 30, 2022. Voting was available from 8 a.m. to 8 p.m. at nine final voting places. 45.69% of ballots were cast on Final Voting Day by voters at final voting places.

Final Voting Day for the Surrey South by-election was September 10, 2022. Voting was available from 8 a.m. to 8 p.m. at six final voting places. 49.79% of ballots were cast on Final Voting Day by voters at final voting places.

### Advance voting

Elections BC published advanced voting places and the dates they were open for both by-elections on the Elections BC website, the Where to Vote application, on Where to Vote

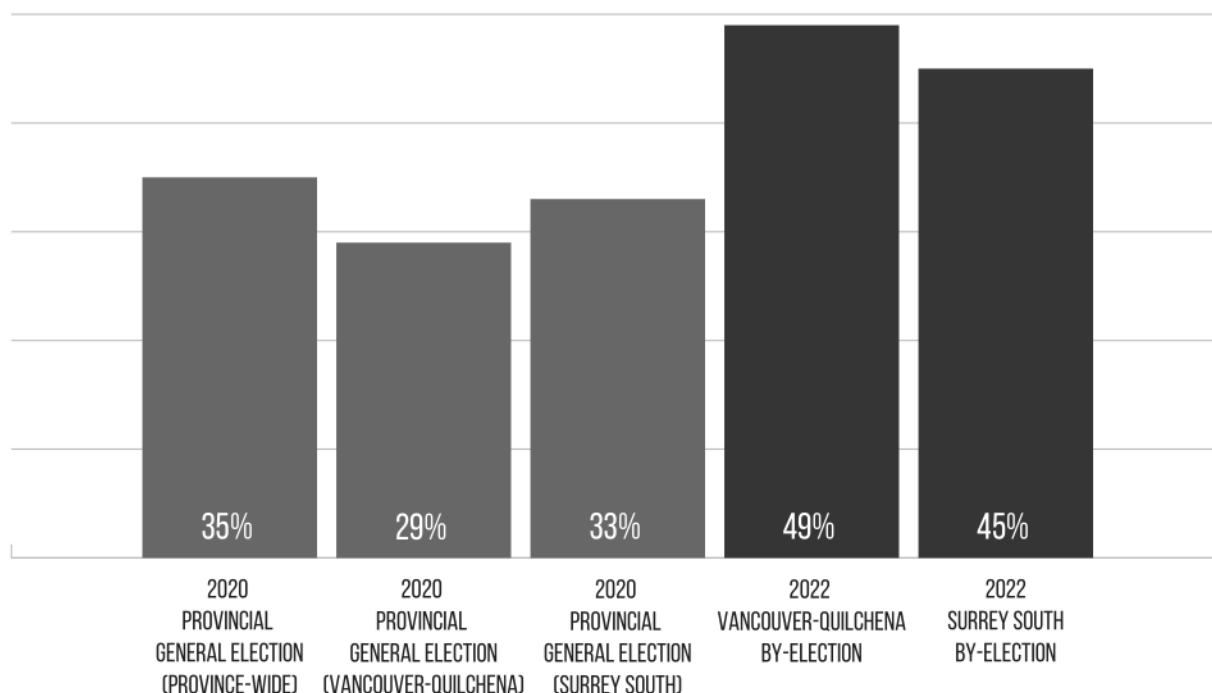
cards for registered voters, and in print and digital advertising in Vancouver-Quilchena and Surrey South. All advance voting locations were wheelchair accessible.

In Vancouver-Quilchena, advance voting was held from 8 a.m. to 8 p.m. on April 22 to 27, 2022 at two advance voting places. One voting place, the Dunbar Community Centre, was closed on Sunday, April 24; otherwise, both advance voting places were open on every day of the advance voting period.

In Surrey South, advance voting was held from 8 a.m. to 8 p.m. on September 1 to 4 and 6 to 7, 2022 at four advance voting places. Due to the Labour Day statutory holiday, advance voting places were closed on Monday, September 5. The advance voting period therefore started one day early to allow for a full six days of advance voting.

Advance voting turnout in both by-elections continued the trend of increased voter participation at advance voting compared to Final Voting Day. 49% of the total valid votes

Figure 3: Advance votes as a percentage of total valid votes



in the Vancouver-Quilchena by-election were cast at advance voting; 45% in Surrey South. In comparison, during the 2020 Provincial General Election, advance votes represented 29% of the total valid votes in Vancouver-Quilchena and 33% in Surrey South.

### **Special voting**

Special voting opportunities are usually established for voters who are unable to vote at other opportunities because they will be absent or are in a hospital, mental health or care facility, provincial correctional centre, or remote community or work site. Special voting opportunities can be held at any point in the election period until the close of voting on Final Voting Day.

Building on the approach used in the 2020 Provincial General Election, both DEOs contacted administrators of care facilities in their electoral district to offer an in-person special voting opportunity, or to coordinate vote-by-mail packages for eligible voters in those facilities. Elections BC also communicated with BC Corrections and Correctional Services Canada to ensure that any eligible voters at those facilities were aware of the by-elections and had the opportunity to participate using vote-by-mail. In Vancouver-Quilchena, 122 voters cast their ballot at these special voting opportunities. In Surrey-South, 142 voters voted at a special voting opportunity.

### **Absentee voting**

One of the benefits of the modernized voting model is that voters who vote on Final Voting Day at a voting place other than their assigned voting place no longer vote under absentee provisions. This means that these voters experience the same level of service whatever voting place they vote at. It also

means their votes are counted on election night, instead of being placed in a certification envelope and counted at final count.

Votes cast at the district electoral office are considered absentee votes. Voting in the Vancouver-Quilchena district electoral office was available from when the election was called on April 2, 2022 until 4 p.m. on Final Voting Day. 91 absentee votes were cast in the Vancouver-Quilchena district electoral office.

Voting in the Surrey South district electoral office was available from when the election was called on August 13, 2022 until 4 p.m. on Final Voting Day. 72 absentee votes were cast in the Surrey South district electoral office.

### **Voting by mail**

The 2020 Provincial General Election saw an unprecedented increase in the number of voters choosing to vote by mail. This voter behaviour was largely driven by the COVID-19 pandemic and the public health conditions in place at that time. However, feedback received during the election indicated that voters who used vote-by-mail found the process simple and convenient; many voters indicated their intention to consider using mail-in voting in future elections, regardless of the public health situation.

With this in mind, Elections BC prepared for a greater number of vote-by-mail package requests in comparison to previous by-elections. However, the experience of 2020 was not repeated in either by-election.

In Vancouver-Quilchena, Elections BC received 505 requests for vote-by-mail packages. Every request for a vote by mail package was fulfilled, but not all packages were returned by voters. Of the 505

packages mailed out, 351 were received by Elections BC before 8 p.m. on Final Voting Day. In Surrey-South, 515 voters requested packages, and 333 packages were returned by the deadline. These numbers represent approximately 3% of the total votes considered in each by-election. By comparison, during the 2020 Provincial General Election 42% of the total valid votes in Vancouver-Quilchena and 37% of the total valid votes in Surrey South in were cast by mail.

Voters who requested a vote-by-mail package could opt to vote at another voting opportunity instead; 16 voters in Vancouver-Quilchena and 48 voters in Surrey South chose to vote in person or through assisted telephone voting rather than by returning their vote-by-mail package.

### **Assisted telephone voting**

Assisted telephone voting was first piloted in the 2017 Provincial General Election. This voting option was available to a limited number of voters living with vision loss or a permanent disability that prevented them from voting independently at another voting opportunity.

We have continued to offer assisted telephone voting as an accessible voting option in subsequent by-elections as well as the 2020 Provincial General Election. We work with our partners including the CNIB to make eligible voters aware of this opportunity. In 2020, we significantly expanded access to this option due to the pandemic and the unscheduled election call. The option was made available to all voters living in care facilities and to patients in acute care hospitals experiencing an outbreak. In other cases, voters from a First Nations community that had instituted community quarantine measures, voters who

were self-isolating during the last week of the campaign period and Canadian Forces members deployed overseas were able to vote remotely using assisted telephone voting. This option proved invaluable in providing the flexibility to deal with the unique and challenging circumstances of a pandemic election. Use of assisted telephone voting rose by 226% in comparison to the 2017 Provincial General Election.

We maintained this expanded eligibility criteria for the Vancouver-Quilchena and Surrey South by-elections. In the Vancouver-Quilchena by-election, telephone voting was available between April 22 to 27 and on April 30, from 8 a.m. to 8 p.m. Nine Vancouver-Quilchena voters cast their ballot through telephone voting. In the Surrey South by-election, telephone voting was available between September 1 to 4 and September 6 to 9 from 8:30 a.m. to 4:30 p.m., and on September 10 from 8:30 a.m. to 7 p.m. Sixteen Surrey South voters cast their ballot through telephone voting.

## **Voter participation and turnout**

One of the key benefits of the new voting model is the ability to provide campaigns with close to real-time voter participation data to help them in their get out the vote efforts.

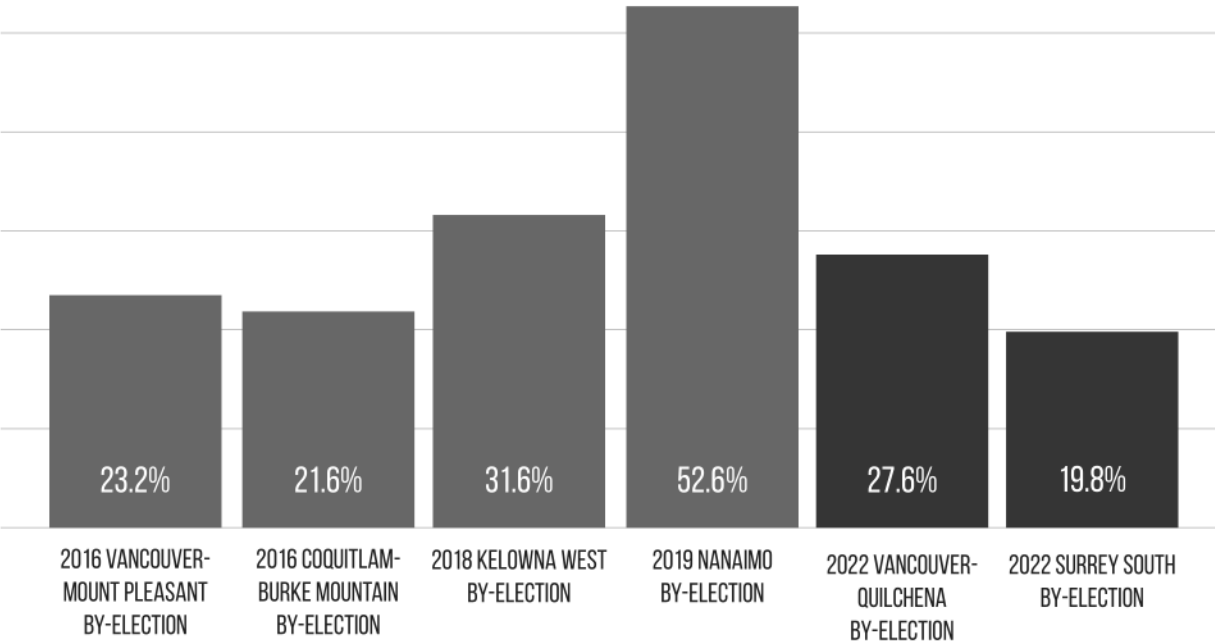
Candidates and parties who requested a voters list and submitted an approved privacy policy were given access to voter participation information (whether or not a registered voter had voted in the by-election) through the Secure Data Download Service (SDDS), the same process used to provide participation data since 2017.

Participation files were uploaded to the SDDS once a day, starting three days before the start of advance voting. These files included participation information about voters who had voted by mail or in the district electoral office. Files were provided twice a day on advance voting days and every 30 minutes on Final Voting Day. This represents more timely information than has been provided in previous general elections and by-elections. Participation files also included all voting opportunities for the first time. Previously, participation files only included advance voting.

Voter participation in a by-election is typically lower than turnout during a provincial general election. Turnout in the by-elections was lower than turnout in Vancouver-Quilchena and Surrey South in the 2020 Provincial General Election, and lower than turnout in the two previous provincial by-elections. That said, average turnout between both provincial by-elections in 2022 was 23.68%, higher than the provincial by-elections that were held in 2016 in Vancouver-Mount Pleasant and Coquitlam-Burke Mountain. Average turnout in the 2016 by-elections was 22.36%. The 2016 by-elections were held concurrently, but at a similar mid-range point in the electoral cycle between general elections.

Elections BC, like other election management bodies, focuses its efforts on ensuring an accessible voting process and providing timely, clear information so that all eligible voters who wish to participate can do so. Many factors influence voter turnout including campaign issues, political considerations, timing of the election, and the type of event (general elections vs. by-elections). Elections BC will continue to focus on reducing administrative barriers to participation, providing information and making the voting process as accessible as possible to encourage voters to exercise their democratic right to vote.

Figure 4: Turnout in recent by-elections



## Counting

### Initial count

Elections BC used electronic tabulators to count voter-marked paper ballots for the first time in a provincial by-election in Vancouver-Quilchena and Surrey South. Our election laws, procedures and security standards ensure the integrity and security of these systems, which are not connected to the internet. A rigorous quality assurance process was in place to ensure accurate counts. This process included pre-election logic and accuracy testing, producing zero-tapes from each tabulator before any ballots were inserted, ballot reconciliation after voting closed, scrutinized hand-counts of ballots from randomly selected tabulators to verify results, and post-election logic and accuracy testing.

Under the new voting model, all votes in a full-tech single-district by-election can be counted at initial count on election night. This means that absentee votes (votes cast in the DEO office, at a special voting opportunity, by mail, and by assisted telephone voting) can be counted on election night alongside votes cast at advance and final voting. Because voters are continuously struck off the voters list in the electronic voting book in close to real-time, multiple voting is prevented and there is no need for a delayed count of absentee ballots to allow time for these integrity checks.

Rejected ballot rates were slightly lower in the 2022 by-elections in comparison to previous by-elections. The rejected ballot rates were 0.05% in Vancouver-Quilchena and 0.13% in Surrey South, in comparison with 0.23% in the 2018 Kelowna West by-election and 0.14% in the 2019 Nanaimo by-election. The decreased rate of rejected ballots may be in part due to the use of ballot tabulators, which notify voters

if their ballot has been filled out incorrectly (e.g. the tabulator detects markings for two candidates). This gives voters an opportunity to correct their ballot such that it will not be rejected. Elections BC will continue to monitor ballot rejection rates closely in future elections.

At the close of voting, election officials produced a results tape from each tabulator and completed reconciliation procedures to ensure that the number of votes considered equaled the number of ballots issued. Results can be produced by electronic tabulators very quickly and accurately. Results from each voting place were reported by phone to the district electoral office, recorded in Elections BC's Voting Results System, and published on Elections BC's website.

In both by-elections, results began to be reported within 15 minutes of the close of voting. Complete preliminary results were known within an hour of polls closing. This was a marked improvement from past by-elections with manual counts. Typically in past by-elections results only started to be reported about 45 minutes after polls closed. Preliminary results reporting was usually not complete until late on election night. Nevertheless, we are examining our procedures with a view to getting further improvements in vote count reporting on election night.

Immediately following Final Voting Day, district electoral officers and Elections BC HQ staff conducted a hand count of a randomly-selected ballot box to confirm the accuracy of results. The manual count validated the results produced by the tabulator. Candidate representatives were invited to observe the hand count.



## Recounts

Under the *Election Act*, candidates or their official agents can request a recount of some or all of the ballots considered at initial count within three days after Final Voting Day. Recount requests can only be made where:

- the difference between the top two candidates is close (defined in the *Election Act* as 100 votes or fewer); or
- votes were not correctly accepted or ballots were not correctly rejected, or a ballot account does not accurately record the number of votes for a candidate.

No recount requests were received in either the Vancouver-Quilchena or Surrey South by-election.

## Final count

Under the previous model of election administration, absentee ballots were counted at final count, 13 days after election night. While historically it has been uncommon for the results of an election to hang on the count of absentee ballots, two recent high-profile examples illustrate the issues inherent in this model. In 2017, the margin between the top two political parties was very close – and the question of which party would form government was dependent on the results of final count. In 2020, an unprecedented number of mail-in ballots (a form of absentee voting) were counted at final count, representing approximately one third of all ballots cast in the election, and far exceeding the volume of votes the final count process was originally designed for.

The *Election Amendment Act, 2019* updated the timing of final count to a date specified by the Chief Electoral Officer, no earlier than four days following Final Voting Day. Under the new voting model, only a small number of votes will be counted at final count in a provincial general election. In a full-tech single-district by-election like Vancouver-Quilchena and Surrey South, all votes are counted at initial count on election night. The results of initial count were therefore certified at final count, and the winning candidate in each district was declared elected.

# ELECTION FINANCING

Under the *Election Act*, candidates, political parties and constituency associations involved in the election must file election financing reports within 90 days after Final Voting Day. Individuals and organizations that sponsor election advertising must be registered with Elections BC, and sponsors who sponsor election advertising with a value of more than \$500 must file an election advertising disclosure report within 90 days after Final Voting Day.

Scanned reports for political participants, including report summaries and contributions received, are available on Elections BC's website. The filing deadline for the Vancouver-Quilchena by-election reports was July 29, 2022. The filing deadline for the Surrey South by-election reports was December 9, 2022.

Under the *Election Act*, eligible parties and candidates can submit claims to have some of their election expenses reimbursed. Eligible parties and candidates can be reimbursed for up to 50% of their eligible expenses, up to a maximum of 50% of the election expenses limit. 50% of the estimated claim must be paid to the financial agent of a party or candidate within 15 days after the claim and supporting receipts are filed. The remainder is paid after Elections BC reviews the report and supporting records and receipts. The amount of the second payment is adjusted if the party or candidate has claimed amounts not eligible for reimbursement. Parties are eligible to have expenses reimbursed if their endorsed candidate receives 10% or more of the valid votes in a by-election. Candidates are eligible if they received at least 10% of the valid votes in the by-election.

For the 2022 by-elections, three political parties and five candidates received sufficient votes to qualify for election expense reimbursements. The table below shows the election expense reimbursements claimed by eligible candidates and parties in both by-elections.

Table 9: Amounts claimed for election expense reimbursement by political parties

Political party	Vancouver-Quilchena	Surrey South
BC Liberal Party	\$25,199.59	\$24,660.95
BC NDP	\$10,034.12	\$21,738.41
Conservative	-*	\$3,771.05

\* The Conservative party received less than 10% of the total valid votes in the Vancouver-Quilchena by-election, and therefore was not eligible for election expense reimbursement for that by-election.

Table 10: Amounts claimed for election expense reimbursement by candidates

Candidate name	Affiliation	Vancouver-Quilchena	Surrey South
Jeanette Ashe	BC NDP	\$21,896.16	-
Kevin Falcon	BC Liberal Party	\$32,199.69	-
Harman Bhangu	Conservative	-	\$17,269.09
Pauline Greaves	BC NDP	-	\$29,282.47
Elenore Sturko	BC Liberal Party	-	\$31,085.13

All reports were received by the filing deadlines for both by-elections.

# STATEMENT OF VOTES

## Summary of results

Table 11: Summary of results, 2022 Vancouver-Quilchena by-election

Candidate	Affiliation	Total valid votes	% of total valid votes
Jeanette Ashe	BC NDP	2,590	24.48%
Dallas Brodie	Conservative	698	6.60%
Kevin Falcon	BC Liberal Party	6,200	58.61%
Sandra Filosof-Schipper	Libertarian	66	0.62%
Wendy Hayko	BC Green Party	1,025	9.69%
		<b>10,579</b>	<b>100.00%</b>

Table 12: Summary of results, 2022 Surrey South by-election

Candidate	Affiliation	Total valid votes	% of total valid votes
Jason Bax	Libertarian	221	2.06%
Harman Bhangu	Conservative	1,364	12.70%
Pauline Greaves	BC NDP	3,221	29.98%
Simran Sarai	BC Green Party	368	3.43%
Elenore Sturko	BC Liberal Party	5,568	51.83%
		<b>10,742</b>	<b>100.00%</b>

## Results by voting place

The following pages contain summaries of the results of the 2022 Vancouver-Quilchena and Surrey South by-elections by voting opportunity and voting place. Registered political parties are listed in alphabetical order by the ballot name of their candidate.

Vancouver-Quilchena								
	Jeanette Ashe	Dallas Brodie	Kevin Falcon	Sandra Filosoﬀ-Schipper	Wendy Hayko	Total valid votes	Rejected ballots	Registered voters
	NDP	CP	LIB	LBN	GP			
Advance voting								
Dunbar Comm Centre	692	120	1,452	9	256	2,529	1	
Hellenic Comm of Vancouver	560	182	1,711	21	179	2,653	1	
Sub-totals: Advance voting	1,252	302	3,163	30	435	5,182	2	
Final voting								
Dr. R.E. McKechnie Elem School	80	29	377	4	37	527	0	4,933
Dunbar Comm Centre	175	41	350	3	102	671	1	4,369
Hellenic Comm of Vancouver	82	32	300	2	36	452	1	4,526
Kerrisdale Elem School	124	48	279	6	63	520	1	4,715
Lord Kitchener Elem School	241	51	362	5	98	757	0	4,714
Magee Sec School	137	44	322	8	69	580	0	4,531
Point Grey Sec School	147	46	228	2	55	478	0	3,508
Prince of Wales Mini School	91	24	240	2	41	398	0	3,454
Trafalgar Elem School	73	37	304	1	35	450	0	3,338
Sub-totals: Final voting	1,150	352	2,762	33	536	4,833	3	38,088
Special voting	36	25	55	1	5	122	0	311
DEO office voting	25	1	51	0	14	91	0	
Mail-in voting *1	127	18	169	2	35	351	0	
Assisted telephone voting *1	-	-	-	-	-	-	-	
Grand totals	2,590	698	6,200	66	1,025	10,579	5	38,399
% of valid votes	24.48%	6.60%	58.61%	0.62%	9.69%			
Summary								
Valid votes - Advance and final voting	10,015	94.67%			Total valid votes			
Special voting	122	1.15%			Total valid votes			
DEO office voting	91	0.86%			Total valid votes			
Mail-in voting *1	351	3.32%			Total valid votes			
Assisted telephone voting *1	-	-			Total valid votes			
Total valid votes	10,579							
Rejected ballots	5	0.05%			Ballots cast			
Registered voters who voted	10,584	27.56%			Registered voters			
Registered voters	38,399							
Candidate elected:	Kevin Falcon (LIB)							
*1 Mail-in and assisted telephone voting results are combined								
For a map of Vancouver-Quilcehna, visit <a href="https://elections.bc.ca/docs/map/redis17/ED/VNQ_ED.pdf">https://elections.bc.ca/docs/map/redis17/ED/VNQ_ED.pdf</a>								

Surrey South								
	Jason Bax LBN	Harman Bhangu CP	Pauline Greaves NDP	Simran Sarai GP	Elenore Sturko LIB	Total valid votes	Rejected ballots	Registered voters
Advance voting								
Benchmark Business Centre	2	18	38	3	75	136	1	
Gracepoint Comm Church	25	159	324	41	751	1,300	1	
Jericho Ridge Comm Church	42	226	645	54	525	1,492	1	
Rosemary Heights Elem School	24	184	510	56	1,142	1,916	3	
Sub-totals: Advance voting	93	587	1,517	154	2,493	4,844	6	
Final voting								
Benchmark Business Centre	7	44	70	9	158	288	0	4,478
Chantrell Creek Elem School	12	58	93	19	368	550	0	3,678
Jericho Ridge Comm Church	31	183	413	42	338	1,007	2	16,157
Pacific Heights Elem School	27	220	365	51	815	1,478	0	12,837
Peace Portal Alliance Church	9	106	279	30	494	918	1	5,917
Rosemary Heights Elem School	21	108	292	34	655	1,110	2	10,844
Sub-totals: Final voting	107	719	1,512	185	2,828	5,351	5	53,911
Special voting	7	21	39	4	71	142	3	452
DEO office voting	1	11	11	2	47	72	0	
Mail-in voting *1	13	26	142	23	129	333	0	
Assisted telephone voting *1	-	-	-	-	-	-	-	
Grand totals	221	1,364	3,221	368	5,568	10,742	14	54,363
% of valid votes	2.06%	12.70%	29.99%	3.43%	51.83%			
Summary								
Valid votes - Advance and final voting	10,195	94.91%		Total valid votes				
Special voting	142	1.32%		Total valid votes				
DEO office voting	72	0.67%		Total valid votes				
Mail-in voting *1	333	3.10%		Total valid votes				
Assisted telephone voting *1	-	-		Total valid votes				
Total valid votes	10,742							
Rejected ballots	14	0.13%		Ballots cast				
Registered voters who voted	10,756							
Candidate elected:	Elenore Sturko (LIB)							
*1 Mail-in and assisted telephone voting results are combined								
For a map of Surrey South, visit <a href="https://elections.bc.ca/docs/map/redis17/ED/SUS_ED.pdf">https://elections.bc.ca/docs/map/redis17/ED/SUS_ED.pdf</a>								

# ELECTIONS BC EXPENSES

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The following expenses were incurred by Elections BC in administering the 2022 Vancouver-Quilchena and Surrey South by-elections.

Actual costs vary between events based on factors such as the number of registered voters and the locations of electoral district (e.g. voter notice postage/printing and office and voting place rental costs). The Deputy District Electoral Officer (DDEO) salary was lower in Surrey South compared to Vancouver-Quilchena because the DDEO was appointed for the pre-event period only. During the by-election, this role was filled by a permanent Elections BC staff member as a learning opportunity.

Table 13: Elections BC expenses, 2022 Vancouver-Quilchena by-election

Central office expenses	Combined actuals for fiscal years 2021-22 & 2022-23
Salaries	\$90,208
Professional services	10,986
Travel	12,716
Information systems	157,728
General office expenses	32,578
Voter notice postage/printing	48,153
Ballot printing	8,026
Advertising and publications	60,611
<b>Total</b>	<b>\$421,006</b>
<b>District electoral office expenses</b>	
District electoral officer salary and benefits	\$31,123
Deputy district electoral officer salary and benefits	25,396
Election official fees	86,268
Support staff salaries	56,890
Travel	79
General office expenses	8,528
Voting place rental	23,003
Office rental	114,000
<b>Total</b>	<b>\$345,287</b>
<b>Total election expenses</b>	<b>\$766,293</b>
Number of registered voters on Final Voting Day	38,399
<b>Cost per registered voter</b>	<b>\$19.96</b>
<b>Election expense reimbursements to candidates and political parties</b>	<b>\$89,329.56</b>



Table 14: Elections BC expenses, 2022 Surrey South by-election

Central office expenses	Fiscal year 2022/2023
Salaries	\$58,603
Professional services	11,480
Travel	10,295
Information systems	141,363
General office expenses	32,131
Voter notice postage/printing	65,668
Ballot printing	8,911
Advertising and publications	93,979
<b>Total</b>	<b>\$422,430</b>
<b>District electoral office expenses</b>	
District electoral officer salary and benefits	\$31,694
Deputy district electoral officer salary and benefits	10,265
Election official fees	118,408
Support staff salaries	56,913
Travel	545
General office expenses	7,418
Voting place rental	15,335
Office rental	85,000
<b>Total</b>	<b>\$325,578</b>
<b>Total election expenses</b>	<b>\$748,008</b>
Number of registered voters on Final Voting Day	54,363
<b>Cost per registered voter</b>	<b>\$13.76</b>
<b>Estimated election expense reimbursements to candidates and political parties<sup>1</sup></b>	<b>\$100,000</b>

1 – Estimate based on the amount paid and number of eligible candidates and political parties from previous by-elections. Actual cost will not be known until Elections BC has audited the claims and associated receipts.

# CONCLUSION

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The two by-elections administered by Elections BC in 2022 demonstrated that the improvements to service, efficiency, transparency and accessibility envisioned by the new election model are real and effective. The first-come, first-served voting place model effectively reduced line-ups and wait times, with 96% of voters surveyed rating the voting process as very efficient. Parties and candidates were able to make use of close to real-time participation data to support their get-out-the-vote efforts during advance and final voting. Faster results on election night were perhaps the most visible outcome of the new technology used to administer voting; ballot tabulators produced results tapes shortly after the close of voting, with complete preliminary results reported publically within 45 minutes.

The by-elections were also the first time Final Voting Day has been held on a Saturday in a by-election in B.C. Having Election Day on a weekend allows access to a wider pool of election officials available to work a full day, and also enables the use of schools as voting places on a non-instructional day. Voting on weekends (or on public holidays) is also considered an international best practice to facilitate voter participation.

With these successes in mind, there were also lessons learned from these events that will be applied to our planning and preparations for future by-elections and general elections.

Some voting places experienced slower network connectivity than expected on voting days. While these issues did not prevent the transmission of voter participation data, we are reviewing our testing procedures as part of our preparations for future elections. Testing network signal strength is part of our voting place suitability review, but this testing was occasionally conducted under different conditions than those experienced on Election Day. For example, signal strength may have been tested during periods of low network usage that did not match the high loads seen during voting. We remain confident that the new voting model will continue to provide improved service to candidates and parties in the form of close to real-time participation data.

Electronic voting books (EVBs) performed well in the by-elections and election officials found them quick and easy to use. In a provincial general election, however, B.C.'s "vote anywhere" model will require election officials to follow more complex EVB procedures to serve out-of-district voters at any voting place. A thorough review of election official training to cover all scenarios is a major component of our general election planning.

While ballot tabulators functioned as expected – the quality assurance program confirmed that they counted ballots correctly – minor issues such as occasional paper jams were observed. We are exploring ways to address these issues such as improved ballot secrecy folders that will feed ballots into tabulators more smoothly. We have high confidence in the technology supplied by Dominion Voting Systems.

Although results were reported quickly on election night – a significant improvement over previous by-elections, where results were not reported until late into the evening – we are targeting further improvement in this area. Scaling results reporting up to meet the anticipated higher turnout of a general election, as well as the added complexity of reporting multiple electoral districts at once, are also factors that we are examining closely as we plan for general election night reporting.

As the first events held under B.C.'s newly modernized election model, Vancouver-Quilchena and Surrey South were significant events from an election administration perspective. These two by-elections represented the culmination of several years of work by Elections BC headquarters and field staff, contracted service providers, legal consultations and stakeholder input. The successful administration of the by-elections marks a major milestone, but the modernization work is not yet complete. As we apply the lessons learned and feedback received from the by-elections, our focus is turning to areas of election administration unique to a general election. Our experience in the 2022 by-elections will need to scale up to as many as 93 electoral districts<sup>1</sup> (conducting 93 concurrent elections), and involve new factors like out-of-district voters, print-on-demand ballots and thousands more pieces of equipment and technology. Elections BC is ready to meet these challenges head-on to provide the highest level of service to voters, political participants and all stakeholders in the electoral process.

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1 – In its preliminary report published on October 3, 2022, the BC Electoral Boundaries Commission proposed the creation of 93 provincial electoral districts. The Commission's preliminary report is available at <https://bcebc.ca/preliminary-report/>. The Commission's final report must be published by April 3, 2023. After the final report is published, the Legislative Assembly will decide whether to accept all, some, or none of the Commission's recommendations.

# APPENDIX: ORDERS OF THE CHIEF ELECTORAL OFFICER

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Section 280 of the *Election Act* gives the Chief Electoral Officer the power to issue Orders to vary from the Act if necessary because of an emergency, mistake or extraordinary circumstance. Typically Orders of the Chief Electoral Officer are reactive, responding to issues that arise during an election. Errors made by voters or election officials may result in an Order being issued to rectify the mistake.

The Chief Electoral Officer issued the following orders in relation to the 2022 Vancouver-Quilchena and Surrey South by-elections:

## Vancouver-Quilchena

### ORD002-2022

*April 2, 2022*

Due to the ongoing COVID-19 pandemic, public health orders required employers to maintain COVID-19 Safety Plans until April 8, 2022, and to maintain Communicable Disease Prevention Plans in accordance with the *Workers Compensation Act* after April 8, 2022. These plans may include the use of personal protective equipment. For the Vancouver-Quilchena 2022 by-election, the value of personal protective equipment obtained by provincial political parties and candidates was not subject to election expense limits provided the equipment did not include any partisan messaging, imaging, branding or election advertising.

### ORD003-2022

*April 2, 2022*

Due to election material supply chain constraints, the secrecy envelopes and certification envelopes developed for use with the amended *Election Act* mail-in voting provisions brought into force in March 2022 did not arrive in time for use in the Vancouver-Quilchena by-election. Exceptions were made to allow for modifications to the voting materials, voting procedures and receiving requirements for vote-by-mail ballots.

### ORD005-2022

*April 27, 2022*

During the advance voting period for the Vancouver-Quilchena by-election, an election official at an advance voting opportunity inadvertently inserted two ballots into the vote-counting equipment a second time while trying to resolve a paper jam issue. An exception was made to consider the ballot box to be an auxiliary compartment in which ballots were temporarily stored. The vote-counting equipment's memory card was cleared, and the ballots were then inserted into the vote-counting equipment to be properly tabulated.

**ORD006-2022***April 28, 2022*

Individuals voting at a special voting opportunity established at a care facility for the Vancouver-Quilchena by-election were permitted to be assisted by employees of the facility. Employees were able to verify the identity of each voter. Due to an error in communication surrounding the responsibilities of an individual assisting a voter, employees assisting voters in completing their certification envelopes did not follow the correct process for completing a voting package, and several voting packages were partially or incorrectly completed. The voting packages and ballots of the affected voters were permitted to be considered as if they had been fully and correctly completed.

**ORD007-2022***April 29, 2022*

An exception was made to allow for completed mail-in voting packages returned to an election official at a final voting place established for the Vancouver-Quilchena 2022 by-election before the close of final voting to be considered as if they were received at the office of the district electoral officer as required.

**ORD008-2022***April 30, 2022*

A voter in the Vancouver-Quilchena by-election was assisted by an individual in completing their mail-in voting package. Due to a mistake, the completed package was delivered to the office of the district electoral officer with the correct identification, but the voter's birthdate was incorrectly marked on the certification envelope by the person assisting the voter. An exception was made to allow the mail-in voting package of the affected voter to be considered as if the birthdate was correctly marked on the certification envelope by the person assisting the voter.

**Surrey South****ORD010-2022***September 1, 2022*

Due to the ongoing COVID-19 pandemic, a special voting opportunity was established at a care facility to allow voters to complete mail-in voting packages for the Surrey South by-election. Due to election official error, mail-in voting packages were delivered to voters with ballots that were not initialed in the Ballot Issuing Officer (BIO) initialing space. An exception was made to allow election officials, during initial count, to record their initials in the BIO initialing space on each ballot before inserting the ballot into vote-counting equipment.

**ORD011-2022***September 10, 2022*

Due to the ongoing COVID-19 pandemic, a special voting opportunity was established at a care facility to allow voters to complete mail-in voting packages for the Surrey South by-election. Due to election official error, one mail-in voting package was delivered to a voter with an incorrect, old stock certification envelope that had a space for a birthdate rather than the space for a witness signature. The incorrect certification envelope was used by a voter who included their date of birth instead of a witness signature. An exception was made to allow the certification envelope to be considered as if the correct certification envelope had been used by the voter.

**ORD012-2022***September 10, 2022*

Due to a procedural error, the majority of mail-in voting packages issued for the Surrey South by-election were delivered to voters with ballots which were not initialed in the Ballot Issuing Officer (BIO) initialing space. An exception was made to allow election officials, during the preparations for initial count, to record their initials in the BIO initialing space on each ballot before inserting the ballot into vote-counting equipment.

**ORD013-2022***September 10, 2022*

Due to a procedural error, some or all of the ballots completed by election officials during Assisted Telephone Voting (ATV) procedures for the Surrey South by-election were not initialed in the Ballot Issuing Officer (BIO) initialing space. An exception was made to allow election officials, during the preparations for initial count, to record their initials in the BIO initialing space on each ATV ballot before inserting the ballot into vote-counting equipment.

**ORD014-2022***September 10, 2022*

Due to the ongoing COVID-19 pandemic, special voting opportunities were established at a number of extended care facilities to allow voters to complete mail-in voting packages for the Surrey South by-election. Due to election official error, mail-in voting packages were delivered to voters with ballots that were not initialed in the Ballot Issuing Officer (BIO) initialing space. An exception was made to allow election officials, during the preparations for initial count, to record their initials in the BIO initialing space on each ballot before inserting the ballot into vote-counting equipment.

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# REPORT OF THE CHIEF ELECTORAL OFFICER

2022 Vancouver-Quilchena and  
Surrey South By-elections



# FAIRNESS BY DESIGN

An Administrative Fairness  
Self-Assessment Guide



**OMBUDSPERSON**  
BRITISH COLUMBIA

Special Report No. 52 | December 2022  
to the Legislative Assembly of British Columbia



As an independent officer of the Legislature, the Ombudsperson investigates complaints of unfair or unreasonable treatment by provincial and local public authorities and provides general oversight of the administrative fairness of government processes under the *Ombudsperson Act*. The Ombudsperson conducts three types of investigations: investigations into individual complaints; investigations that are commenced on the Ombudsperson's own initiative; and investigations referred to the Ombudsperson by the Legislative Assembly or one of its Committees.

The Ombudsperson has a broad mandate to investigate complaints involving provincial ministries; provincial boards and commissions; Crown corporations; local governments; health authorities; colleges and universities; schools and school boards; and self-regulating professions and occupations. A full list of authorities can be found in the *Ombudsperson Act*. The Office of the Ombudsperson responds to approximately 8,000 enquiries and complaints annually.

Under the *Public Interest Disclosure Act* the Ombudsperson investigates allegations of wrongdoing from public sector employees and former employees in or relating to a public body covered by the Act as well as allegations of reprisal.

Our Public Authority Consultation and Training Team offers educational webinars, workshops and individual consultation with public bodies to support fairness and continuous improvement across the public sector.

For more information about the B.C. Office of the Ombudsperson and for copies of published reports, visit [www.bcombudsperson.ca](http://www.bcombudsperson.ca).



**OMBUDSPERSON**  
BRITISH COLUMBIA

December 2022

The Honourable Raj Chouhan  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Ombudsperson's Special Report No. 52 *Fairness by Design: An Administrative Fairness Self-Assessment Guide* to the Legislative Assembly.

The report is presented pursuant to section 31(1) of the *Ombudsperson Act*.

Yours sincerely,

Ombudsperson  
Province of British Columbia



Our office is located on the unceded traditional lands of the Ləkʷəŋən (Lekwungen) People and ancestors and our work extends across the homelands of the Indigenous Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.



# MESSAGE FROM THE OMBUDSPERSON

Public service organizations aim to carry out the myriad functions they perform in society effectively, efficiently and fairly. The public, and Ombudspersons across Canada and around the world, expect certain specific fairness standards to be met when services are delivered. These standards include clear information and explanations for decisions, assurance that procedures and policies are followed, respectful treatment and timely action if mistakes are made to name a few. These are some of the key pillars of administrative fairness – pillars that are critically important to embed into policies and programs not only at the delivery stage, but from the outset when approaches to service delivery are being designed.

In order to ensure public bodies are meeting standards of fairness, in 2019 the Canadian Council of Parliamentary Ombudsmen comprised of Canada's provincial and territorial parliamentary Ombuds, issued the first edition of *Fairness by Design: An Administrative Fairness Self-Assessment Guide*. This practical self-assessment tool allows organizations to critically examine both existing and future procedures and practices to strengthen principles of fairness before problems occur. There are many benefits of taking the time to assess fairness within organizations including increasing public confidence, reducing the number of complaints a public body may receive and enabling the resolution of issues more quickly and efficiently, saving both time and money.

And now in 2022 this second edition includes enhanced resources including practical tools such as a fairness assessment checklist, quick references to fairness standards and more information about how to apply an equity lens when developing policies and practices. The goal of this guide is to empower public bodies to look deeply at fairness within their own organizations and identify areas where they can do better.

I would like to thank my Ombuds colleagues across Canada for their insight and input in collaboratively creating this tool that will be available to public organizations in British Columbia, and across Canada. And thank you as well to public bodies in British Columbia for their feedback on the first version of this tool. Using this updated resource will ensure that fairness is being widely promoted in our provincial and territorial public systems. The public is better served as a result.

Sincerely,

Jay Chalke  
Ombudsperson  
Province of British Columbia

# FAIRNESS BY DESIGN

An Administrative Fairness  
Assessment Guide

2022



Canadian Council of  
Parliamentary Ombudsmen

Conseil canadien des  
ombudsmans parlementaires

## **A Message from the CCPO**

This Fairness by Design guide is an assessment tool that can be used by public organizations across Canada to ensure they have fair decision-making processes and are fair in the design and delivery of their programs. The guide was developed by the Canadian Council of Parliamentary Ombudsman (CCPO). The CCPO is comprised of provincial and territorial Ombudsman (Ombuds) whose mandate is to ensure people are treated fairly in the delivery of public services.

Public organizations can use this guide to ensure their policies, programs and practices are consistent with administrative fairness standards. By following these fairness standards when reviewing or developing public programs, policies and procedures, those who deliver public services are more likely to achieve fair administration and excellence in service delivery. The CCPO encourages all public organizations to regularly review their policies using these fairness standards and invites proactive engagement and consultation with our offices to help build fairness into the design of their programs.

The first edition of this guide was issued in 2019. We are pleased to share this updated and revised second edition.

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# INTRODUCTION

## Using this Guide

How can you ensure your organization delivers its programs and services fairly and meets the public's expectation they will be treated fairly? You can do this by building fairness into your policies and programs from the start by designing your systems to support fairness in decision making and service delivery. Existing programs should also be evaluated regularly to ensure fairness.

This guide can be used to assess the fairness of your organization's systems, policies and practices. Fairness assessment requires a critical examination of existing and proposed systems and policies, taking steps where needed to revise processes to ensure they are administratively fair. This includes assessing whether your organization is meeting fairness obligations set out in your governing legislation, provincial and territorial Ombuds legislation and administrative law fairness principles, and also meeting broader societal fairness standards.

This guide provides seven fairness standards your organization can use to evaluate and ensure you are meeting your fairness obligations. Included in the guide are examples of what these standards look like in action and two practical resources to support you in implementing these fairness standards: a fairness self-assessment checklist and a one-page overview of the fairness standards.

As you evaluate your organizational framework using this guide, we invite you to think critically about the areas in your organization where gaps may result in unfairness, and use the guide and two resources provided to help identify those gaps and seek improvement where needed.

### Benefits of fairness assessment

- ☐ Demonstrates a commitment to fairness, which can increase public confidence in your organization
- ☐ Supports fair decision making and service delivery by your organization
- ☐ Gives your organization's employees confidence they are treating the public fairly
- ☐ May reduce complaints, improve stakeholder satisfaction and improve staff morale
- ☐ May enable public bodies to resolve issues more quickly and efficiently, saving time and money.



## What is Fairness?

Although we all may have an instinctive sense of what fairness is, it can be a difficult concept to define, and there are often different views of the requirements of fairness in any particular case.

In this guide, we focus on the three aspects of fairness shown in the Fairness Triangle below.



### Fair Process

Public organizations must follow fair decision-making processes when making decisions that directly impact a person, group of people or organization. This includes meeting the duty of procedural fairness owed to those impacted by a decision. The duty of procedural fairness has two key elements:

1. **Right to be heard:** Those directly impacted by a decision should have an opportunity to understand and meaningfully participate and be heard in the decision-making process.
2. **Right to an impartial decision maker:** The decision maker must have an open mind, be unbiased and not prejudge the decision they will make.

### Fair Decision

Public organizations must make fair decisions. Fair decisions follow the applicable rules, consider the individual circumstances and case, are equitable and reflect a fair exercise of discretion. Your organization should ensure it has policies and processes that support making fair decisions.

### Fair Service

Public organizations must treat people fairly. Fair service is about how people are treated when they access public programs and services. It includes ensuring your organization provides respectful, accessible and responsive service and is accountable to the public it serves.

# FAIR PROCESS STANDARDS

## Fairness Standard 1: Participation and Being Heard

### Overview

As part of your organization meeting its duty of procedural fairness, ensure that your decision-making processes provide opportunities for individuals to meaningfully participate and be heard when you are proposing actions or making decisions that impact them.

### Why participation and being heard matter

**Decisions made by public organizations can significantly impact people:** This means people affected by a decision should be given information so they can understand the decision being made and meaningfully participate in the decision-making process.

**Necessary to making a fair and informed decision:** Decision makers need to hear from and gather all relevant information from those impacted by their decisions to make a fair and informed decision.



## 1.1 Advance notice of an action or decision

- ☐ As part of your organization's decision-making processes, ensure that people and organizations are notified in advance when a decision will be made that will directly impact them.
- ☐ Establish the following for your organization's decision-making processes:
  - Process to ensure those impacted by the decision are notified about it, including how far in advance of the decision this notice should be provided. This time period should be consistent with any notice period set out in legislation.
  - Process for providing notice when urgent decisions must be made. Advance notice may not be possible in urgent circumstances, but must still be provided when required by law. Where advance notice is not possible, the person should be notified as soon as possible about the decision.

### How much notice?

The length and nature of notice given before a decision is made will depend on the decision being made.

Generally, the greater the impact and importance of the decision to those affected, the more advanced notice is required and the more information about the decision and decision-making process should be provided.



## 1.2 Adequate information about the decision being made and the decision-making process

- ☐ As part of your organization's decision-making processes, ensure those impacted by a decision are provided understandable information about the following:
- the nature of the decision to be made
  - the decision-making criteria
  - the decision-making process that will be used to make the decision
  - information about what evidence and information the person should provide so an informed decision can be made

### In Action: Ensuring participation in the decision-making process

A student applying for a government student loan calls with questions about her application. The agent she speaks to explains to her the basics of the application process, including the eligibility criteria, what information and evidence she needs to provide to establish her eligibility and timelines for applying, and directs her to their website to learn more.

The student now better understands the eligibility criteria for funding and what steps she needs to take to provide the information necessary to determine her eligibility for a student loan.

## 1.3 Opportunity to be heard

- ☐ Decision-making processes should include an opportunity for those directly impacted by the decision to be heard and present their information, evidence and views in support of their position. The extent of the opportunity to be heard provided is flexible and variable and depends on the circumstances of the decision being made and the impact and importance of the decision to those affected by it. The opportunity to be heard provided may include:
- providing access to the information and evidence the decision maker will rely on to make the decision, particularly where it may lead to an unfavourable decision. This is so the person may prepare and provide a response to this information.
  - providing an opportunity to respond to the information and evidence the decision maker is considering, and provide any supplemental or contrary information relevant to the decision.

### In Action: Providing an opportunity to be heard

A decision whether to grant a special event permit by a local government generally requires providing the permit seeker a chance to submit written information explaining how they meet the permit requirements.

A disciplinary decision at a correctional centre that may result in an incarcerated person being held in separate confinement requires a formal disciplinary hearing.

## 1.4 Communicate and document reasons for decisions

- ☐ Develop policies and procedures that ensure decisions are clearly communicated to those impacted by them. This includes providing those impacted by the decision an explanation of the decision that is understandable and meaningful to them. See section 4.1 and 4.3 of this guide for more on how to make and communicate fair and reasonable decisions.

### Why explain decisions?

- It helps people understand how and why decisions are made. This can support people to accept decisions and also allows them to determine if they wish to appeal the decision.
  - It gives the decision maker a chance to check their reasoning and ensure they have made an informed, evidence-based decision and their reasoning is clear and complete.
- ☐ Reasons should be documented in accordance with statutory obligations and any organizational requirements.
  - ☐ Develop template documents to assist staff to effectively communicate reasons for decisions. Reasons should generally include an understandable explanation of:
    - **The issue being decided**
    - **The facts based on the information and evidence considered:** this includes documenting what information was gathered and considered and any findings of fact made. It also includes demonstrating that those impacted by the decision were listened to and their information and evidence was considered when making the decision

### In Action: The importance of reasons

A small business owner applies for a wage subsidy so they can hire an extra employee during their busy tourist season. They receive an email about a week later that says:

"We regret to inform you that you are not eligible for a wage subsidy this year because you do not meet the eligibility criteria. Thank you for applying."

The small business owner is frustrated and feels unfairly treated because they don't understand why their application was found ineligible. They spent several hours on their application and believe they are eligible.

The reasons provided are not adequate because they do not explain how the decision maker made their decision. The reasons should have explained what the eligibility criteria for the wage subsidy were and how the person's information was considered when determining they did not meet the criteria. It should also have informed the person of any appeal or review options.

- **The decision-making criteria:** this includes referring to the applicable law or policy and any other rules used to make the decision
- **An explanation of how the law or policy was applied to the facts:** this includes how the decision-making criteria were applied to the facts to reach the decision. This may include discussing how evidence was weighed and relevant considerations in the decision-making process, and why more weight may have been given to one piece of evidence and why other evidence may have been given less weight or rejected
- **The conclusion or decision reached**
- **Any review or appeal options**



## 1.5 Timely decisions

- ☐ Establish a clear and reasonable time frame in policy for your organization's decision-making processes. The time frame may be found in legislation, but in the absence of legislated time frames, clear service standards for decision making should be established in your organization's policy or other guidance documents.
- ☐ Establish a process for addressing and responding to delays in decision making. This should include informing those impacted by the delay of the reason for the delay, any steps being taken to address it and when they can expect to receive the decision.

### In Action: Tribunal timelines

A tribunal has to appoint a new decision maker unexpectedly so this delays a decision being made by three months. The tribunal notifies the parties to the hearing process of the delay and reasons for it. The tribunal also reviews its practices to determine if steps can be taken to reduce the likelihood of this occurring in the future.



## 1.6 Adequate appeal or review mechanism

- ☐ Ensure there are avenues available for people to seek a review of a decision they disagree with.
- ☐ Information about your organization's appeal or review process should be clearly explained to the person when the decision is made, including the grounds or basis for appeal, any applicable time limits for requesting an appeal or review, and any other requirements for seeking review of the decision.
- ☐ Develop processes that ensure staff provide clear and meaningful reasons for appeal or review decisions and consistently document the rationale for their decisions. These reasons should include information about any additional internal or external appeal or review options that may be available.

### What is an appeal or review?

- An appeal or review process may be formal or informal and provides a way to check that decisions made are fair and reasonable.
- When a person impacted by a decision disagrees with it, they generally should be able to request the decision be reviewed and submit supporting information about why they think the original decision was wrong or unfair.
- A decision maker who was not involved in making the original decision then determines whether there are any procedural or substantive errors that warrant reconsidering or changing the original decision, or asking the original decision maker to make a new decision.

### In Action: Appeal granted

A person's application to be registered by their professional college was denied. When the person reviewed the decision, she believed the decision did not consider specific evidence she provided of her professional credentials and experience.

She successfully appealed the decision. On appeal, the decision maker noted that the original decision maker did not appear to have reviewed all of the person's evidence and on review, the evidence demonstrated the person met the requirements to be registered by her professional college.



## 1.7 Training on procedural fairness

- ☐ Provide staff with regular training in procedural fairness, standards for documenting and communicating reasons, and other topics relevant to ensuring meaningful participation for those affected by your decisions.

## Fairness Standard 2: Impartiality and Integrity

### Overview

Public bodies are responsible for ensuring employees understand the requirement to be impartial, act with integrity, and exhibit the highest standards of ethical conduct in the delivery of public programs and services. Public sector employees are expected to provide advice, deliver services and make decisions in a manner that is free from personal interest, preference or prejudice.

### Why integrity and impartiality matter

**Supports public confidence in your organization's decisions:**

When the decision maker is and appears to be impartial, unbiased and free from any conflict of interest, this supports public and individual confidence in and acceptance of decisions.

**Supports making fair decisions:** Decision makers who act with integrity and impartiality are more likely to make fair decisions based on relevant facts and evidence and in accordance with the applicable rules. These decisions are less likely to be seen as arbitrary or based on irrelevant grounds.





## 2.1 Conflict of interest policy and training

- ☐ Establish a conflict of interest policy to prevent, manage and mitigate perceived, potential and actual conflicts. This includes a process for assessing, responding to and resolving concerns raised by the public about conflict of interest on the part of staff.
- ☐ Ensure all employees receive training on the conflict of interest policy and periodically review and sign off that they understand the expectations with regard to declaring a conflict.

## 2.2 Impartiality and bias policy and training

- ☐ Develop a process in policy for assessing and responding to concerns raised by the public about bias or lack of impartiality on the part of staff who are making decisions or delivering services. Establish procedures for assessing, responding to, resolving and mitigating such concerns.
- ☐ Provide staff who make decisions that directly impact people with training on impartiality and unconscious/implicit bias. This includes the obligation to assess, disclose and respond appropriately to issues of actual or perceived bias on their part.

### Conflict of interest is different than bias

The element of financial or personal gain is what distinguishes conflict of interest from bias.

A conflict of interest arises when an individual's duty to act in the public interest is or may be affected by their personal or financial interest. Where a decision maker identifies a clear conflict of interest in a matter under consideration, they must declare this and refrain from influencing or participating further in the decision-making process.

Bias has been defined by the courts as "a leaning, inclination, bent or predisposition towards one side or another or a particular result" (*Wewaykum Indian Band v. Canada*, 2003 SCC 45 at para 58). Bias is the idea that at the outset, before gathering all the information and evidence required to make an informed decision, the decision maker is already leaning one way or another in terms of the decision they will make. If a decision maker determines they have a bias (actual or perceived) that impacts their ability to be impartial, they should step aside and another decision maker should make the decision.

## 2.3 Independence of reviews and appeals

- ☐ Establish a review or appeals policy that ensures that an independent decision maker is assigned to conduct any review or appeal of a previous decision. For the review of a decision to be fair and seen to be fair, it is important that the person reviewing the decision was not involved in the original decision. This supports an unbiased and objective fresh second look at the matter that is not influenced by the original decision maker.



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## 2.4 Ethical and professional conduct

- ☐ Ensure that your organization has systems and policies in place that promote ethical and professional conduct by your staff and organization, and that these expectations are clearly communicated to all employees. This includes training staff in the ethical standards that are expected in your organization.
- ☐ Develop and regularly review a code of conduct policy that sets out the expectations for ethical conduct in your organization and creates a shared understanding of the standards your staff are expected to apply in their work. Ensure all employees in your organization review and sign off that they understand these standards of conduct.
- ☐ Develop systems to identify, disclose, investigate, record and monitor any code of conduct or ethical concerns or incidents of ethical misconduct that may arise. Ensure these systems comply with public interest disclosure legislation in your province or territory.

# FAIR DECISION STANDARDS

## Fairness Standard 3: Lawful and Fair Rules

### Overview

Ensure your organization establishes and follows lawful and fair rules and decision-making criteria.

### Why lawful and fair rules matter

**Having fair rules and criteria is necessary to make fair decisions:**

Unfair rules and decision-making criteria lead to unfair decisions and outcomes. The rules that are used to make a decision must be fair for the decision itself to be fair.

**For rules to be fair they must be lawful:** Fairness requires following the law. To ensure fairness, your organization's rules, including policies and decision-making processes, must be consistent with and follow any applicable laws.



### 3.1 Meet legal requirements

- Ensure compliance with the laws that apply to your programs, services, and decision-making processes, including any governing legislation, administrative law, human rights legislation and the *Canadian Charter of Rights and Freedoms*. To ensure compliance with the law, seek legal, policy and any other advice as necessary. Consider and ensure the following:
  - **Policies and rules must be lawful:** All rules, including policies, procedures and eligibility criteria, must be consistent with the legislation that your program or service operates under, including its intended purpose.
  - **Explain legislative framework:** Ensure policies and procedures explain the legislative framework that your program or service operates under and any legal requirements that must be met.
  - **Define the decision maker and the scope of their legal authority:** Make sure your policies and procedures identify who has legal authority to make specific decisions or take certain actions within your organization. This includes ensuring there is a process in place for the delegation of statutory decision-making power, and clearly outlining the scope and limits of that authority.
  - **Policy should not restrict discretionary power granted by legislation:** Ensure rules and eligibility criteria set out in policy are not more restrictive or burdensome than the governing legislative scheme. See section 4.2 of this guide for more on the fair use of discretion.
  - **Decision-making processes must be procedurally fair:** Decision-making processes must be designed to meet the duty of procedural fairness discussed in the Fair Process section of this guide.

#### In Action: Unlawful eligibility criteria

A public organization is offering grants to support homeowners to increase the energy efficiency of their homes. The legislation setting out the grant eligibility criteria says the homeowner must submit a quote for the work to be done. In practice, the organization also requires homeowners to submit a history of any other energy efficiency grants they previously received and has adopted a practice of denying applicants who have received a similar grant within the previous two years. The public organization is acting outside its legal authority by imposing an eligibility criterion not required by the legislation.

### 3.2 Fair rules and decision-making criteria

- ☐ Your program's rules and decision-making criteria must be fair and just. Fair rules and decision-making criteria are:

- **Not arbitrary:** Your organization's decisions and actions should be reasonably tied to the rules, criteria and standards that apply in order to avoid appearing arbitrary.

To be arbitrary is to decide randomly, based on personal opinion or preference, or without regard to applicable rules or standards. Rules and criteria must provide a clear basis for decision making that is logical, understandable and meets the program objectives. When the legislation or policy sets out rules or criteria to apply, these should generally be applied consistently so that similar cases are treated in a similar way.

- **Not oppressive or unreasonably burdensome:** People should not experience unreasonable, burdensome requirements to access your organization's services or benefits.

A rule is oppressive if it overburdens a person seeking access to a process or legal entitlement, imposes unreasonable requirements on a person, is punitive or onerous, or results in an exercise of power by the public body that places the person at an unreasonable disadvantage.

- **Not improperly discriminatory:** Ensure your organization's rules are not improperly discriminatory. When delivering public services, to achieve the purposes of the program or service, public organizations are sometimes required to discriminate, in the sense of making distinctions between different people.

Making distinctions between people becomes *improperly* discriminatory when it distinguishes between people based on personal characteristics (e.g. race, disability or religious belief) in a manner that is contrary to human rights legislation.

Improper discrimination also occurs when the discriminating criteria is not reasonably required to meet the overall purpose of the legislation, program or service.

#### In Action: Improperly discriminatory

Student loan programs typically only provide funding to applicants who can prove they are registered in post-secondary education. This is an example of reasonable or proper discrimination because it is necessary to achieve the program's purpose of supporting students to attend post-secondary education and it does not exclude people based on personal characteristics protected under human rights legislation.

If the eligibility criteria for a grant intended for all low-income students in a province or territory had the effect of excluding students with a disability from being eligible for the grant, this would be considered improper discrimination. This is because the objective of providing grants to *all* low-income students is not being achieved and the exclusion of students with a disability may be contrary to human rights legislation.

## Fairness Standard 4: Reasoned Decisions

### Overview

Ensure that your organization has policies and procedures in place that support staff to make informed and well-reasoned decisions.

### Why making reasoned decisions matters

**Supports fair use of a public organization's power to make decisions that impact people:** With this power comes the requirement for decision makers to make well-reasoned decisions that are justifiable, transparent and understandable to those impacted by the decision.



## 4.1 Framework to support well-reasoned decisions

- ☐ Develop policy and guidelines that clearly explain the decision-making steps that should be followed when making decisions on behalf of your organization. This includes:
  - the legislation, policy and other rules to follow when making the decision
  - guidance on how to interpret and follow these rules
  - the scope of decision-making power and how to act within this power
  - the information and evidence that must be gathered to make an informed decision, and
  - how to fairly and equitably consider each individual case and circumstance when making a decision.
- ☐ Provide decision makers with the training necessary to make fair and reasonable decisions. This should include knowledge of all relevant legislation, policies and rules and any technical or sector-specific knowledge or expertise required to make a fair decision.



### What is a decision?

A decision is an outcome, action, or response by a public organization that directly impacts one or more people or organizations.

Decisions include administrative decisions made by public sector employees under specific legislation, as well as other decisions such as how to respond to a complaint or assess a general service request.

There are generally greater fairness requirements for administrative decisions, but fairness principles should be applied for all decisions where those decisions directly impact people or organizations.

## 4.2 Fair use of discretion

- ☐ Provide staff training and guidance on exercising discretion fairly.
- ☐ Policies and guidelines may be adopted to support decision makers to exercise their discretionary power. However, these policies and guidelines must not fetter or restrict the exercise of the full discretionary power granted to the decision maker by legislation and must not be more rigid than or contrary to any legislation that applies. Where applicable, staff should be informed of expectations to seek supervision or to consult with senior staff regarding the exercise of discretionary power.

### What is discretion?

Discretion is the element of choice in decision making. It requires using professional judgment and expertise to decide based on the individual case and circumstances and in accordance with any applicable legislation. Exercising discretion fairly requires decision makers to make decisions:

- consistently with any legislation that applies. This includes being consistent with goals and purpose of the legislation and the purpose for which the discretionary power was granted
- independently based on the merits of the case or situation. This includes avoiding adopting policies and practices that lead to a rigid, one-size-fits-all approach to decision making that restricts or fetters the decision maker's discretionary power
- in good faith. The decision must not be based on any improper intent or hidden motive, or be made to achieve a purpose unrelated to the decision-making criteria in the applicable legislation
- based on relevant considerations and not on any extraneous or irrelevant considerations that are not set out in the decision-making criteria

### In Action: Fettered discretion

A tribunal's legislation says it may establish non-binding guidelines for its hearing process. It also provides that tribunal members who hear cases may do anything they consider necessary to provide a fair hearing to participants. The tribunal's guidelines state hearings are held in-person.

About two months before a hearing, one of the participants requests the hearing be held by video because they have moved and do not have funds to travel to attend the hearing. The tribunal member denies the request saying the guidelines require the hearing to be in-person. The tribunal member may be fettering their discretion because they have deferred to the guidelines rather than considering the participant's request in light of their authority to do what they consider necessary to provide a fair hearing.



## 4.3 Reasonable decisions

- Ensure your organization's policies support staff to make reasonable administrative decisions. Administrative decisions generally must meet the legal test of reasonableness set out in administrative law.<sup>1</sup> Reasonable administrative decisions are justifiable, transparent and intelligible to those impacted by them.
  - **Justification:** Considering the legislation and other rules that apply and the particular facts and context of the matter being decided, the reasons given for the decision should justify the outcome.
  - **Transparency:** The reasoning and chain of analysis used to make the decision should be clear to those impacted by the decision.
  - **Intelligible:** The decision can be understood by those impacted by it.

Decision makers should demonstrate given the circumstances and facts of the case and the rules that apply that both the reasoning used to reach the decision and the outcome itself are reasonable.

Legal advice should be obtained to ensure decision makers are supported to make decisions that meet the legal test of reasonableness (or correctness, where applicable) in the context of your organization's decision-making framework.

### Ensure decision makers demonstrate justification for decisions

A common pitfall in decisions is a lack of justification for how a decision maker reaches their conclusion on a matter. This can happen when the decision maker relies too much on implied reasoning, and fails to identify how they got from one step to the next in their chain of analysis. One way to avoid this is to ensure decision makers show their thinking when communicating decisions by clearly explaining how the information and evidence gathered was considered in the context of the rules that apply.

#### In Action: Reasonable decisions

A person who receives income assistance applied for a crisis supplement to pay her heating bill. Because of a late spring cold snap, her bill was unexpectedly \$75 more than usual. She received an email from the government ministry stating: "Your request for a crisis supplement has been reviewed. In your circumstances, we have decided you do not meet the eligibility criteria for a crisis supplement and your request is denied."

This is not a reasonable decision because the decision maker did not provide justification for the decision and did not provide a transparent and understandable explanation of the decision. The decision maker should have provided the person a transparent and understandable explanation of how and why the decision was made. This includes explaining the decision-making rules and criteria and how these were applied to the information and evidence the person provided about their specific circumstances to reach the decision.

<sup>1</sup> In *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 441 D.L.R. (4th) 1, the Supreme Court of Canada determined reasonableness is the presumptive standard for reviewing administrative decisions. It also found courts should use correctness as the standard of review in certain situations.

## Fairness Standard 5: Equity

### Overview

Develop policies and procedures that support equitable programs, policies and decisions that deliver equitable outcomes for all people and groups.

### Why being equitable matters

**Key to addressing existing inequities in public service delivery and decision making:** All people should receive equitable and fair services and outcomes from public organizations. In Canada, institutional and systemic racism, ableism, sexism and other forms of discrimination exist in law, public policy and in our greater society. This means programs and decision-making processes, including those that may appear neutral and fair, may be inadvertently or purposely structured in a way that is inequitable and discriminatory. This leads to less favourable outcomes for certain groups of people because of their personal characteristics, such as their race, sex, disability and/or gender identity. Taking an equitable approach is key to addressing inequities that may be built into programs and decision-making processes.



## 5.1 Equity lens in program and policy development

- ☐ An equity lens should be used when developing or reviewing programs, policy and rules, including decision-making criteria. Using an equity lens requires considering whether people and communities may be unfairly treated differently based on their identity or personal characteristics. It requires your organization to consider whether your programs, policies and decision-making processes, in design or implementation, may intentionally or unintentionally lead to:
  - barriers to people receiving services or benefits
  - people being mistreated or excluded by your services
  - people receiving unfavourable decisions and outcomes based on their identity or personal characteristics
- ☐ Review existing eligibility criteria for programs and services to ensure they do not intentionally or unintentionally exclude people or groups or unfairly make it more difficult to meet program or eligibility criteria.
- ☐ Take proactive steps to ensure the benefits of your programs and services reach those who may have currently or historically not been treated equitably by your organization. This may include considering whether measures should be taken to address historical and systemic barriers particular groups or communities may face to access your organization's services.

### Equity questions to ask

- Will the desired fairness and equity objectives and outcomes be achieved by the program, policy or legislation?
- Is our program and service fair given the circumstances of those groups, individuals or organizations we aim to serve?
- Will the policies or rules being developed unfairly or inadvertently exclude or lead to unfavourable outcomes for certain people or groups based on their personal characteristics?
- Do the eligibility criteria being used to make decisions unfairly advantage or disadvantage certain people or groups based on their personal characteristics?

### What is equity?

Being equitable means taking steps to ensure the programs and services your organization delivers do not treat people unfavourably or lead to lesser outcomes because of their personal characteristics.

### Why think about equity?

Considering equity in the development of your programs and policies will assist your organization to be fair to those your organization serves and to ensure all people receive the level and type of program and service they are entitled to. The goal should not be to treat everyone the same, but rather treat people according to their needs and circumstances and work to remove any structural barriers that impact people's access to public services.

## 5.2 Diverse and representative perspectives and approaches

- ☐ Your organization's staff recruitment and retention approaches should support creating and maintaining a diverse workforce. Your organization's staff should reflect the diversity of the population you serve.
- ☐ When revising or building your programs or services, seek input from a diverse range of people and perspectives in your community. The development of fair and equitable programs and services requires hearing from and incorporating the perspectives of the people and groups who use your organization's services.



### Why are diverse perspectives important?

Every person has their own unique life experiences that shape their needs and expectations for receiving public services.

The meaning of fairness and justice can be shaped by personal characteristics, circumstances, worldviews and experiences. Hearing from and incorporating the perspectives from a diversity of people and groups will support your organization to deliver more equitable and effective services.

# FAIR SERVICE STANDARDS

## Fairness Standard 6: Accessibility and Responsiveness

Overview

Your organization’s programs and decision-making processes should be accessible and responsive to all people and communities that use them. Establish processes and training programs that support respectful treatment and fair consideration of the needs and circumstances of all people in the delivery of your programs and services.

Why accessibility and being responsive matters

**Everyone your organization serves should have timely and easy access to your programs and services:** A diverse range of people access public programs and services. This should be accounted for in the design and delivery of your organization’s programs and services. Administrative structure and policies should not present barriers to timely and easy access to your organization’s services.



## 6.1 Accessible services and information

- Develop and implement a service model that is accessible to the diversity of people and communities who access your organization's services. This includes:
  - Create accessible, culturally safe and inclusive workspaces and services for your service users and staff.
  - Consider the needs and perspectives of the people who use your organization's services and seek their involvement and input when designing and delivering your service.
  - Ensure your service is accessible to and meets the diverse needs of those your organization serves, particularly those who may face barriers to accessing your service.
  - Minimize any unnecessary regulatory or administrative burdens to accessing your programs and services. It should not take unreasonable effort for members of the public to obtain the services and information they need from your organization.
  - Ensure understandable, plain language information about your programs, policies and decision-making processes is readily available to the people and communities served by your organization. This information should be accurate, complete, clear and understandable, and kept up to date. It should also be available in the languages of your service users. Additionally, translation and interpreter services should be made available in multiple languages, including local Indigenous languages where possible.
  - Offer access to your organization's services in a variety of ways, including online, in-person, by mail, fax and toll-free telephone line. Develop materials that explain your organization's services for people who do not have electronic access to such information (i.e., brochures, pamphlets, fact sheets).



- Ensure people can use the advocacy or support people and services of their choice when they access your organization's service
  - Conduct regular accessibility audits and reviews of your program and service delivery model to ensure any accessibility barriers are addressed. This should include regular surveys of program users to seek to understand and address any barriers they face to accessing your organization's services.
- ☐ Ensure your organization complies with any accessibility legislation in your province or territory.

## 6.2 Responsive service

- ☐ Train and support staff to provide responsive and people-centred service. This includes:
- Develop service delivery standards. This includes establishing reasonable timelines for delivering services, making decisions and responding to an enquiry or concern. Clearly communicate these standards to staff and the public who access your services.
  - Provide staff training and education on the service standards, rules and decision-making processes they are expected to follow in their work.
  - Develop policies and procedures that support delivering services in a way that reflects a trauma-informed approach and cultural humility.
  - Clearly and immediately communicate to staff about any policy and procedure changes that impact their work.
  - Support staff to provide timely service and avoid unnecessary delays in program delivery. Ensure any delay is explained to those impacted, including information about when a decision or service is expected to be provided. Efforts should be made to minimize any potential hardship resulting from the delay.
  - Develop policies and procedures that empower staff to respond efficiently and effectively to enquiries, requests and complaints.

### Why have service standards?

Clear service standards can help manage expectations of those who are accessing your services, while holding the organization accountable for maintaining timeliness in service delivery. This demonstrates accountability and transparency on the part of the public body providing the service.

- Conduct regular education and training in issues relating to providing respectful, inclusive, accessible services. Training may include: trauma-informed practice, conflict resolution, administrative fairness, respectful communication, dealing with vulnerable persons, cultural humility, cultural fluency, mental health and responding to challenging behavior.

## 6.3 Indigenous perspectives

- ☐ Collaborate with Indigenous leaders and communities in the development and delivery of your organization's services, and ensure your services are respectful and accessible to these communities.
- ☐ Ensure your programs and services are designed in a manner that reflects and meets the Truth and Reconciliation Commission of Canada's [Calls to Action](#) and the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP), along with any provincial or territorial legislation relating to UNDRIP.

## 6.4 Privacy and information management

- ☐ Ensure your information and records management system complies with the privacy and information management laws in your province or territory. This include ensuring your systems adequately protect personal information held by your organization from a privacy breach. It also includes training staff on their obligations under privacy and information laws and informing staff of their duties to protect personal information in accordance with the requirements set out in the applicable privacy law.





# Fairness Standard 7: Accountability

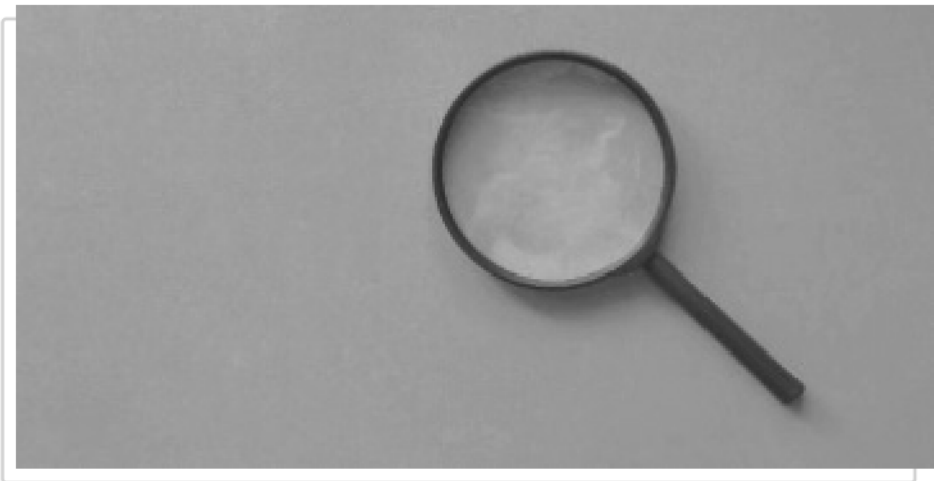
Overview

Demonstrate accountability by developing a robust and accessible complaints process, and by fostering a culture of ongoing quality review and continuous service improvement.

Why accountability matters

**Supports public confidence in your organization:** Organizations can demonstrate accountability by proactively reviewing and addressing service delivery issues in their programs or policies. This supports public confidence in government and the broader public sector.

**Ensures programs or policies that are not functioning well are fixed:** Delivering services fairly includes fixing programs and services that are not working well. Accountable public organizations work to improve policies, programs and processes that are unfair, do not function properly, or fail to meet their intended objectives.



## 7.1 Seek continuous improvement

- ☐ Regularly review your organization's processes, including policy, procedures and guidelines to assess how they are functioning. This may include seeking the views of stakeholders on how well your program is operating and what could be improved. Following each review, develop an implementation plan that identifies what actions are to be taken, by whom and any applicable timelines.
- ☐ When a program, policy or other aspect of your organization is not functioning well, take steps to address the problem. This may include collaborating with staff and other stakeholders to determine the best solution.
- ☐ Keep staff informed of any continuous improvement initiatives, including any policy or practice changes that result from a review of a complaint.



## 7.2 Develop a complaint process

- ☐ Develop a complaint resolution policy and process, and encourage service users to provide feedback on your programs and services by establishing an organizational culture of valuing and welcoming complaints.
- ☐ Ensure your complaint process is publicly available and that your service users are made aware of and can easily access it. This includes providing information about how to raise a concern or complaint about your organization and how complaints are assessed.

### Why complaints are important

- Complaints are an important form of feedback on how well an organization is doing in terms of its services, systems and staff. An effective complaints resolution process can help to restore trust after something has gone wrong and help organizations improve their services.
- For more information on how to set up a complaint process, refer to the BC Ombudsperson's [\*Complaint Handling Guide\*](#).

## 7.3 Track feedback and complaints

- ☐ Develop and implement a system for tracking complaints and compliments to capture feedback about your organization's systems and processes. Track the outcome of complaints and any changes or service improvements made as a result of complaints.
- ☐ Regularly review and share your complaint data internally with a view to seeking improvement in your organization's service delivery.

## 7.4 Support apologies

- ☐ Develop an apology process or policy that details the procedure to be followed and the events and circumstances in which your organization believes apologies should be given.
- ☐ Provide practical training to staff at all levels of the organization on the importance of apologies, and empower them to apologize when appropriate by providing information about when and how to issue an apology for a service issue identified.

### How to give an effective apology

Key features of an effective apology include the 5 Rs:

- **Recognition:** a description and recognition of the wrong and acknowledgment of the harm caused
- **Responsibility:** an acceptance of responsibility for the problem
- **Reasons:** an explanation of the cause of the problem or promise to investigate the cause
- **Regret:** an expression of sincere regret
- **Remedy:** an explanation of what you and your organization are going to do to address the problem

For more information: Refer to the BC Ombudsperson's [\*On Apologies Quick Tip\*](#)

# FAIRNESS SELF-ASSESSMENT CHECKLIST

This checklist can be used by your organization to conduct a self-assessment of the fairness of your programs, policies and decision-making processes. It highlights and links back to the key principles of the *Fairness by Design: An Administrative Fairness Self-Assessment Guide*. The checklist is fillable so you can note whether and how you are meeting each standard using the check boxes and fillable text box below each checklist.

ORGANIZATION:	
BRANCH/SERVICE:	
COMPLETED BY:	
DATE:	

## Fairness Standard 1: Participation and Being Heard

Can those directly impacted by our organization's decisions meaningfully participate and be heard in the decision-making process?		
1.1	Do we provide advance notice of actions or decisions to those directly impacted by them?	<input type="checkbox"/>
1.2	Do we give adequate information about the decision being made and the decision-making process?	<input type="checkbox"/>
1.3	Do we ensure those impacted by the decision have an opportunity to be heard?	<input type="checkbox"/>
1.4	Are the reasons for decisions effectively explained and communicated and well-documented?	<input type="checkbox"/>
1.5	Do our policies and processes ensure timely decisions?	<input type="checkbox"/>
1.6	Do we have an adequate appeal or review mechanism?	<input type="checkbox"/>
1.7	Do our staff receive regular training on procedural fairness?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

## Fairness Standard 2: Impartiality and Integrity

Do we support our staff to act with integrity and be impartial?		
2.1	Have we established a policy that effectively manages any potential or actual conflict of interest and trained staff on the policy?	<input type="checkbox"/>
2.2	Do we have a policy established to ensure impartial and unbiased decision making and have we trained staff on impartiality and bias?	<input type="checkbox"/>
2.3	Do we ensure independent decision makers are used for reviews and appeals of decisions?	<input type="checkbox"/>
2.4	Do we promote and support ethical and professional conduct by staff through our system and policy design, code of conduct and staff training?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

## Fairness Standard 3: Lawful and Fair Rules

Do we use lawful and fair rules when delivering our organization's services?		
3.1	Does the design and delivery of our programs, services and decision-making processes comply with all applicable laws and legal requirements?	<input type="checkbox"/>
3.2	Do we have fair rules and decision-making criteria for making decisions and delivering our programs and services?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

## Fairness Standard 4: Reasoned Decisions

Do we have policies, procedures and systems in place to support staff to make informed and well-reasoned decisions?		
4.1	Do our policies, guidelines and training clearly explain the decision-making steps that decision makers should follow to make fair decisions on behalf of our organization?	<input type="checkbox"/>
4.2	Do our policies, processes and training support staff to exercise discretion fairly?	<input type="checkbox"/>
4.3	Do our policies, processes and training support staff to make reasonable administrative decisions?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

## Fairness Standard 5: Equity

Do our policies, procedures and systems support equitable program and service delivery and equitable decisions and outcomes for all people and communities we serve?		
5.1	Do we use an equity lens when developing or reviewing programs, policies and rules, including decision-making processes and criteria?	<input type="checkbox"/>
5.2	Do we have a workforce that is diverse and representative of the diversity of the population our organization serves? When developing or revising our programs and services, do we seek input from the diverse range of people and communities we serve?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

## Fairness Standard 6: Accessibility and Responsiveness

Are our programs and decision-making processes accessible and responsive to the people and communities served by our organization?		
6.1	Is our service delivery model accessible to the diversity of people and communities our organization serves?	<input type="checkbox"/>
6.2	Are staff trained and supported to provide responsive and people-centred service?	<input type="checkbox"/>
6.3	Do we work collaboratively with Indigenous leaders and communities in the development and delivery of our organization's services?	<input type="checkbox"/>
6.4	Do we have a privacy and information management system in place that complies with applicable privacy and information legislation and ensures personal information is protected?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

## Fairness Standard 7: Accountability

Do we demonstrate accountability in the delivery of our organization's program and services?		
7.1	Do we seek continuous improvement by regularly reviewing our programs, policies and processes and by fixing problems and things that are not working well?	<input type="checkbox"/>
7.2	Do we have a complaint resolution policy and process that is accessible and effective?	<input type="checkbox"/>
7.3	Do we track feedback and complaints and use this information to improve our organization's services?	<input type="checkbox"/>
7.4	Do we have an apology process or policy that supports and empowers staff to apologize when warranted?	<input type="checkbox"/>
Have we implemented this fairness standard? Describe how below.		

# FAIRNESS STANDARDS OVERVIEW

## Standard 1: Participation and Being Heard

- Provide advance notice of a decision
- Give adequate information about the decision and decision-making process
- Provide an opportunity to be heard
- Ensure reasons for decisions are explained and documented
- Ensure decisions are timely
- Have an adequate appeal/review process

## Standard 2: Impartiality and Integrity

- Have a conflict of interest policy and training
- Ensure decisions are made impartially and without bias or personal interest or benefit
- Ensure an independent decision maker is used for appeals or reviews
- Ensure high ethical and professional standards

## Standard 3: Lawful and Fair Rules

- Comply with all applicable laws and legal requirements when delivering services and making decisions
- Use fair rules and decision-making criteria to make decisions and deliver services

## Standard 4: Reasoned Decisions

- Train and support decision makers to make well-informed, reasonable and fair decisions consistent with the applicable rules
- Ensure discretionary power is exercised fairly and reasonably
- Ensure decisions made are reasonable (justifiable, transparent & understandable)



## Standard 5: Equity

- Use equity lens in design of programs, policies and decision-making processes
- Seek diverse perspective of communities served in developing and revising programs
- Ensure organization reflects the diversity of the communities the organization serves

## Standard 6: Accessibility and Responsiveness

- Ensure service delivery model supports programs and services that are accessible to the people and communities served
- Train and support staff to provide responsive and people-centred service
- Collaborate with Indigenous communities in design and delivery of organization's services
- Meet privacy and information management obligations

## Standard 7: Accountability

- Develop a culture of continuous improvement
- Have an accessible and effective complaint process
- Use feedback and complaints to improve services
- Support apologies when warranted





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