



STRATEGIC BUSINESS PLAN
2020-2023

*Submitted to the
Standing Committee on Legislative Offices,
Alberta Legislative Assembly*

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Introduction

The Office of the Election Commissioner (OEC) was established in 2018 as an independent office of the Alberta Legislature with a statutory role of providing active oversight and enforcement of provincial election laws.

It has been the convention for the Standing Committee on Legislative Offices to request a documented four-year ‘business plan’ from each of the independent offices of the Alberta Legislature as a component of the annual budget submission and review process.

This approach is consistent with the annual multi-year business plans that Ministries of Government are required to submit, although those plans are expected to align with the strategic direction outlined in the Government’s annual strategic plan update.¹

The Legislative Offices of the Alberta Assembly are, of course, required to act independently from Executive Government and report to all Members of the Legislative Assembly and not to a Government Minister. It is sometimes said that “the other side of the independence coin is accountability” — it is appropriate that independent Legislative Offices demonstrate they are accountable organizations by preparing and publishing their strategic and business plans. Doing so shows that both a structure and documented path guide the achievement of each Legislative Office’s statutory mandate and organizational goals.

The OEC has chosen to refer to this document as its ‘strategic business plan’ because it reflects both the strategic direction for this recently established organization and the specific business objectives it will fulfil over the coming four fiscal years as it pursues its organizational goals. The first of those fiscal years will start on April 1, 2020 and the fourth will end on March 31, 2024.

It is the policy of the OEC that this document undergoes a formal review and update during an annual assessment process that includes participation and input from each of the permanent staff members of the Office. This updated document, covering the fiscal years 2020/2021 to 2023/24, is the second iteration of the Office’s strategic business plan. It can be expected that the plans described in these pages will continue to evolve as the Office delivers its legislated mandate regarding provincial elections, and newly legislated responsibilities for enforcing local authority election laws and Alberta Senate nominee election laws.

¹ See the web page <https://www.alberta.ca/government-and-ministry-business-plans.aspx> for a description of how the Alberta Government’s business plans for each of the ministries are aligned with the government’s overall strategic plan. Both are updated annually.

Strategic Context

The OEC was created with the appointment of the first Election Commissioner on May 15, 2018 in accordance with legislation that created the Commissioner's role. As of the beginning of July 2018 the Office was staffed and physically established, with protocols in place to allow members of the public to submit complaints about election wrongdoing.

Previously complaints and allegations of offences under Alberta election law were reviewed and investigated by the Office of the Chief Electoral Officer (Elections Alberta) which bears overall responsibility for administering provincial elections.

The responsibilities for enforcement of election rules increased significantly with the enactment of *An Act to Renew Democracy* in 2015, *The Fair Elections Financing Act, 2016*, *An Act to Strengthen and Protect Democracy in Alberta* in 2017, and the *Election Finances and Contributions Disclosure Statutes Amendment Act, 2018*.

Together, this series of legislative bills resulted in extensive amendments to the province's *Election Act* and the *Election Finances and Contributions Disclosure Act*. Since then, amendments to the *Local Authorities Election Act* (2018) and a new *Alberta Senate Election Act* (2019) have been passed into law and each contains additional enforcement responsibilities for the Office of the Election Commissioner.

During the organization's initial months of operation, the Commissioner and staff developed work flow process diagrams (see Appendices A - H at the end of this document) and agreed on the overall policy and procedural framework within which the OEC would operate. As part of that process, the OEC established consensus agreement on the following five organizational concepts as key components of their strategic plan:

Vision

To be the election oversight body that is the model of professional best practice.

Mission

To protect the integrity of the electoral process by fairly and consistently enforcing election rules.

Mandate

To provide fair, independent and impartial assessments and investigations of complaints and allegations of electoral wrongdoing and to make just decisions in accordance with statutory provisions related to election offences.

Values

Fairness

Integrity

Independence

Confidentiality

Professionalism

Goals

- 1. Provide fair, thorough and timely resolutions to complaints of alleged violations of election law.**
- 2. Judiciously apply remedies for election law violations.**
- 3. Establish collaborative working relationships with other Independent Legislative Offices, the Ministries of Municipal Affairs and Education, and local authority administrators.**
- 4. Ensure the role of the Election Commissioner is understood by provincial and local political entities.**
- 5. Maintain an investigative office of highly skilled and motivated professionals.**
- 6. Provide legislative reform recommendations to improve the fairness of elections and facilitate election law enforcement.**

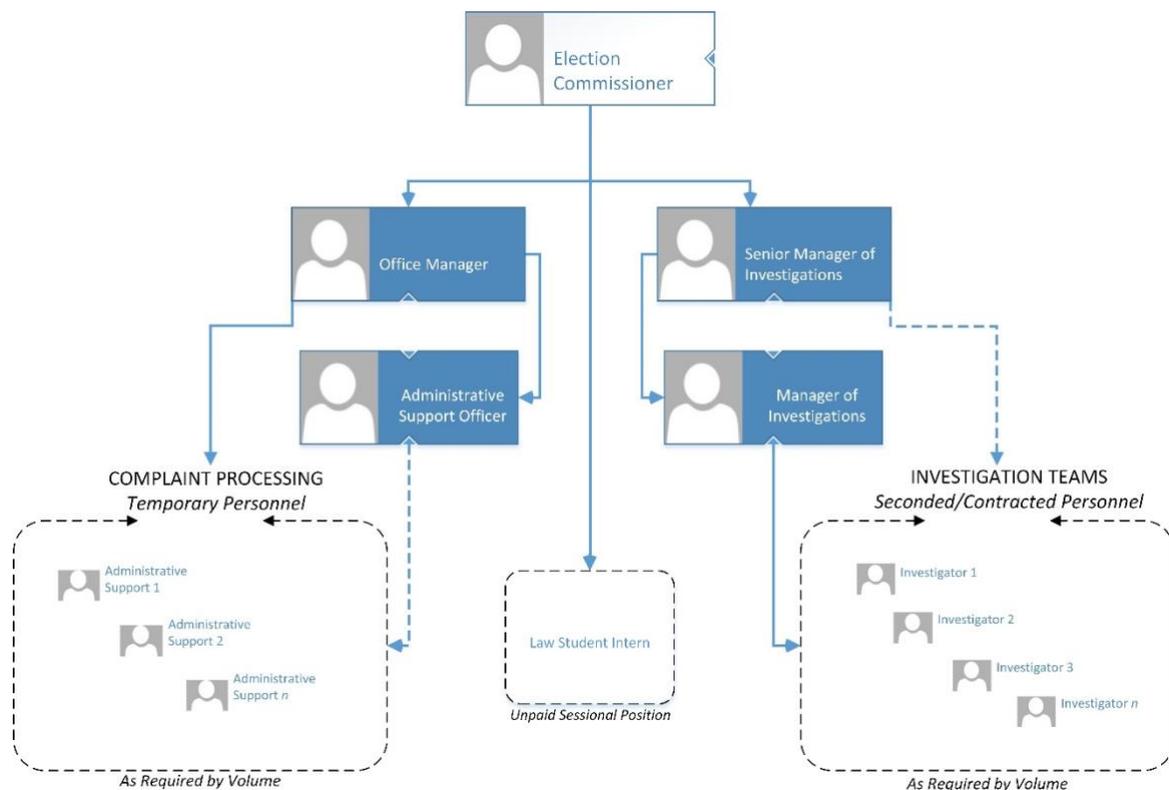
Organizational Context

The size of the OEC remains extremely small by government standards, consisting of five core positions: Election Commissioner, Office Manager, Administrative Support Officer, Senior Investigations Manager, and Investigations Manager.

However, the office must maintain a continuous capability to expand as necessary depending on the volume of complaints that need to be processed and the number of investigations that need to be conducted. Temporary support staff and seconded or contracted investigative resources are used to supplement core staff when the intake volume of complaints or the number of concurrently active investigations increase beyond regular staff capacity.

Resource sharing arrangements with the Office of the Alberta Ombudsman, the Office of the Child and Youth Advocate and the Office of the Information and Privacy Commissioner have been made for ongoing administrative and human resource functions. Starting in January 2020, a student from the University of Alberta Faculty of Law will be assigned to assist the OEC as a sessional intern. Each successive intern will provide six unpaid hours of legal research and analysis for the Office per week during their law school semester and will receive academic credit for this work contribution.

The volume of work that the OEC must perform is driven directly by the number of complaints it receives about electoral wrongdoing and specific violations of Alberta election law. For this reason, an ‘elastic’ organizational structure is required, as depicted graphically below:



During the first 16 months of its operation (July 2018 – October 2019), the Office of the Election Commissioner received 824 complaints of election wrongdoing. Each of these complaints has been assessed and reviewed to determine the validity of the concern, confirm the jurisdiction of the Office and clarify the specific alleged election law violation. The outcome of this process has resulted in the Election Commissioner ordering 87 comprehensive investigations to date. These investigations range considerably in complexity and detail and may take months, or even years, to complete.

Yearly details of the number of election law offences identified, the number of individuals and entities implicated, and the number of letters of reprimand, administrative penalties, compliance agreements and referrals for prosecution issued by the Election Commissioner are provided in an OEC Annual Report. This report is tabled with the Standing Committee on Legislative Offices following the close of each fiscal year and published on the OEC's website.

Strategic Objectives

The Election Commissioner and staff of the Office have identified a range of strategic objectives they believe to be both achievable and appropriate for meeting the OEC's organizational goals.

During planning sessions, it was noted that strategic planning methodologies are sometimes inconsistent in their description of how the terms 'goals' and 'objectives' should be used. The staff members of the OEC agree that their organizational goals describe an intended destination, while their objectives are tangible measures of progress needed to reach those goals.

Some of the six strategic objectives listed below can be achieved significantly sooner than others, and each simultaneously supports more than one organizational goal.

- A. Develop and continuously improve procedures to conduct timely and thorough investigations into complaints and allegations of acts or omissions that may violate Alberta provincial, local authority and senatorial election laws. *(Supporting Goals 1, 5, 6)*
- B. Apply criteria for the application of each type of remedy available to the Election Commissioner for enforcing election laws and develop policies, procedures and checklists that ensure consistency in the administration of these remedies. *(Supporting Goals 2, 3, 6)*
- C. Provide information, using various presentation media, to political parties, candidates, third parties and other political entities regarding the functions of the OEC, the specific legal responsibilities each type of entity must comply with, and the statutory penalties associated with non-compliance. *(Supporting Goals 4, 5)*
- D. Develop an efficient method of employing short-term high-quality administrative personnel, and seconding or contracting skilled investigative staff, in order to respond quickly to increased volumes of complaints and concurrent investigations. *(Supporting Goals 1, 5)*

- E. Develop, implement, evolve and maintain a records management system that ensures secure, efficient and orderly preservation and retrieval of all case records, while maintaining high levels of information security and appropriate access restrictions. *(Supporting Goals 1, 3, 5, 6)*
- F. Provide professional development opportunities for staff of the OEC. *(Supporting Goals 1, 2, 5, 6)*

Performance Measures

Management literature indicates that measuring organizational performance is a critical aspect of implementing any strategic plan, and that meaningful measurement can help an organization ensure that it meets its strategic goals.

The literature related to evaluating the experience of applying performance measurements to organizations also suggests that this is a clear case where ‘less is more’ — five to eight high-level annual performance measures are suggested to be optimal for most organizations.

Requiring too much time and effort measuring too many discrete aspects of organizational performance has been shown to be non-productive and can lead to resentment on the part of staff if they are repeatedly asked to ‘measure instead of deliver’.

Due to the small size of the permanent staff of the OEC (five persons), it was decided that a combination of six measures would be adequate for providing a meaningful indication of the organization’s performance and progress in meeting its goals during the next fiscal year of its operation.

Goal	Performance Measure	Target in FY 2020-21
1. Provide fair, thorough and timely resolutions to complaints of alleged violations of election law.	Percentage of complaints processed and resolved within 120 days.	80% of all complaints received are fully processed within 120 days. (Percentage score =>80)
2. Judiciously apply remedies for election law violations.	Develop a comprehensive table of election law offences under the two new Acts for which the OEC has enforcement responsibilities (local authority and Senate nominee elections); develop an offence severity scale and establish criteria for investigative priority.	Table, scale and criteria developed and used in establishing investigative priorities throughout the fiscal year. (Yes/No)
3. Establish collaborative working relationships with other Independent Legislative Offices, the Ministries of Municipal Affairs and	Partnership with the Ministries of Municipal Affairs and Education in conducting effective regional training of local authority administrators regarding election law enforcement.	Develop database containing current contact information for 90% of administrative officers of local authorities who bear responsibility for

Goal	Performance Measure	Target in FY 2020-21
Education, and local authority administrators.		municipal and/or school board elections. (Percentage score =>90)
4. Ensure the role of the Election Commissioner is understood by provincial and local political entities.	New presentation materials and summary infographics, specific to local authority and Senate nominee elections, are developed and published on the website of the OEC.	Posted to website before the end of FY 2020-2021. (Yes/No)
5. Maintain an investigative office of highly skilled and motivated professionals.	Professional development opportunities are made available to each employee of the OEC.	Two opportunities per employee during fiscal year. (Average number of opportunities taken per employee =>2.)
6. Provide legislative reform recommendations to improve the fairness of elections and facilitate election law enforcement.	A detailed inventory of topics where legislation is absent, incomplete, contradictory or otherwise problematic.	Developed throughout the fiscal year and published in Annual Report. (Yes/No)

The OEC is aware that most public organizations provide performance measures for each of the years covered by their business plan. However, activities of the Office as they pertain to new legislated responsibilities are still being developed for future implementation. For this reason, OEC staff have agreed that meaningful performance measures beyond the next fiscal year cannot be realistically established. This will likely continue to be the case until a full four-year electoral cycle has been experienced with the separate legal frameworks that define provincial and local authority elections.

The progress on the six performance measures described above, along with a clear indication of whether or not the stated targets were met, will be included in the 2020-2021 Annual Report of the OEC.

Key Assumptions and Underlying Risks

In any strategic planning process, there are key assumptions being made which are important to be recognized and confirmed. Likewise, there are underlying environmental risks that an organization must be aware of as it works to achieve its goals. These assumptions and risks are identified in the following respective sections.

Assumptions

- I. Strong public consensus support for democracy, fair electoral rules and procedures, and the legitimacy of elected governance will continue.

- II. Voters, political parties, candidates, media and other electoral stakeholders will continue to expect provincial, local authority and Senate nominee elections in Alberta to be run according to the rules established by electoral laws.
- III. Voters and other electoral stakeholders will be vigilant about reporting violations of election rules and will not be intimidated by partisans or be otherwise prevented from advising authorities about any electoral wrongdoing they witness.
- IV. The Chief Electoral Officer, Elections Alberta, the Ministry of Municipal Affairs and the Ministry of Education will each actively undertake to advise electoral participants with whom they interact about their obligations under Alberta election law and provide education, query support and informed assistance to help political entities achieve compliance with those laws.
- V. The expanded mandate of the OEC, which now includes enforcement of local authority election laws and Senate nominee elections laws in Alberta, will continue to be supported with the funding required for the associated program expansion.
- VI. Adequate financial resources to professionally operate the OEC will continue to be made available.

The planning assumptions listed above have informed the budget allocation request developed for FY 2020-2021. Should any of the above assumptions prove false, the circumstances and effects will be discussed in an Annual or Special Report of the OEC.

Risks

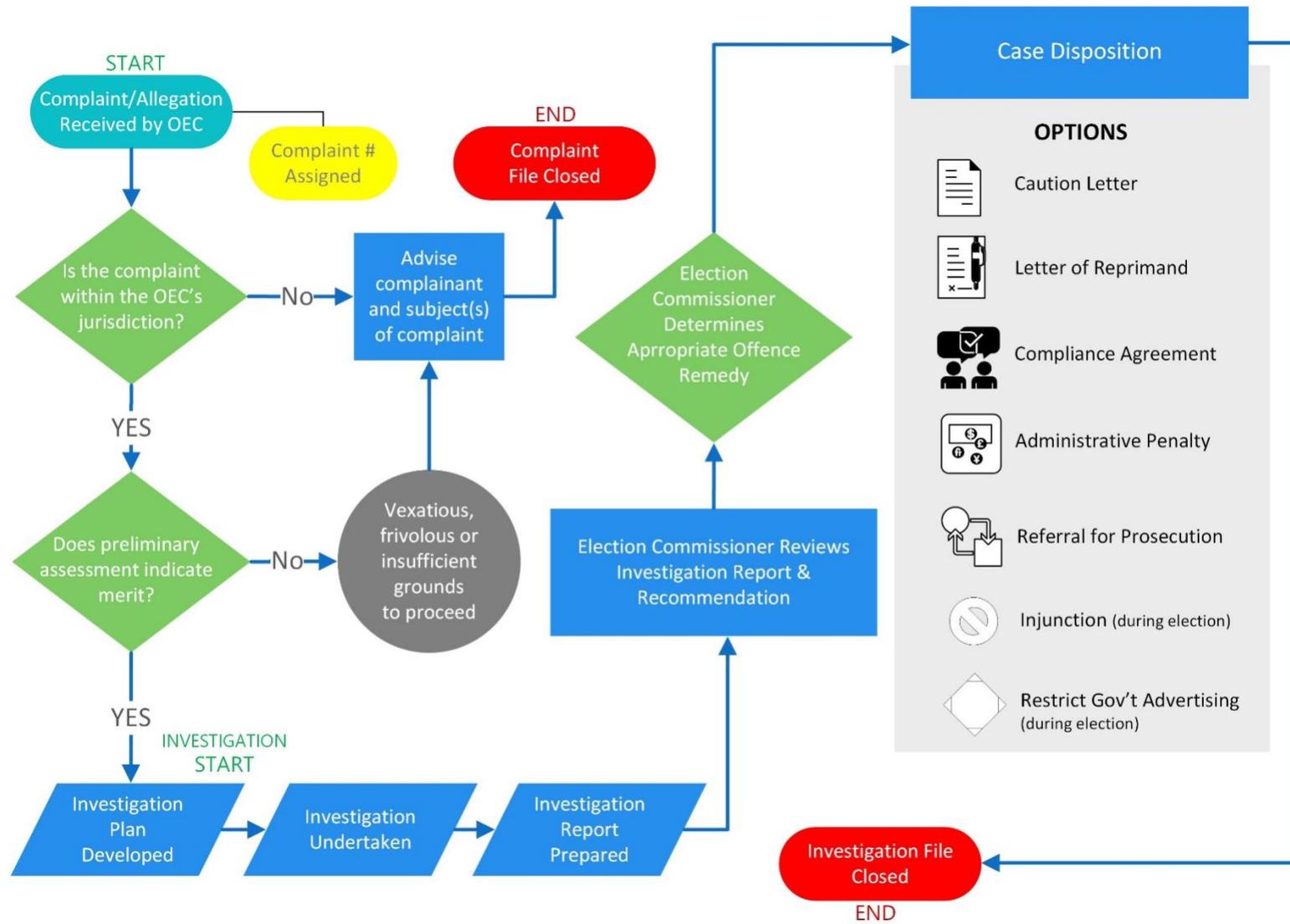
- I. The OEC may become overwhelmed by the number of complaints and allegations of election wrongdoing that are received in advance of the 2021 local authority general elections and a potential provincial referendum that will be conducted in conjunction with those local authority elections.
- II. The requirement to conduct multiple, overlapping investigations may be coupled with an inability for the OEC to hire or contract sufficient skilled personnel to conduct the required investigations in a timely and appropriate manner.
- III. Given the very small number of core office staff (five), the departure of any member of the OEC creates a great deal of risk to the continuity of efficient and professional operations.
- IV. Issues around potential foreign financial intervention in elections within Alberta, or covert use of social media to persuade voters to vote (or not vote) in a certain manner, have not yet been reported in the form of complaints but present immense challenges related to detection, prevention, investigation and prosecution.
- V. Reputation risks exist for the OEC as it becomes the 'face' of election law enforcement during the first local authority general elections and first senate election in which the new enforcement rules pertain.

- VI. The annual Budget Estimates submitted to the Standing Committee on Legislative Offices may prove inadequate if multiple complex investigations become necessary, or if legal appeals and judicial reviews require extensive legal representation.

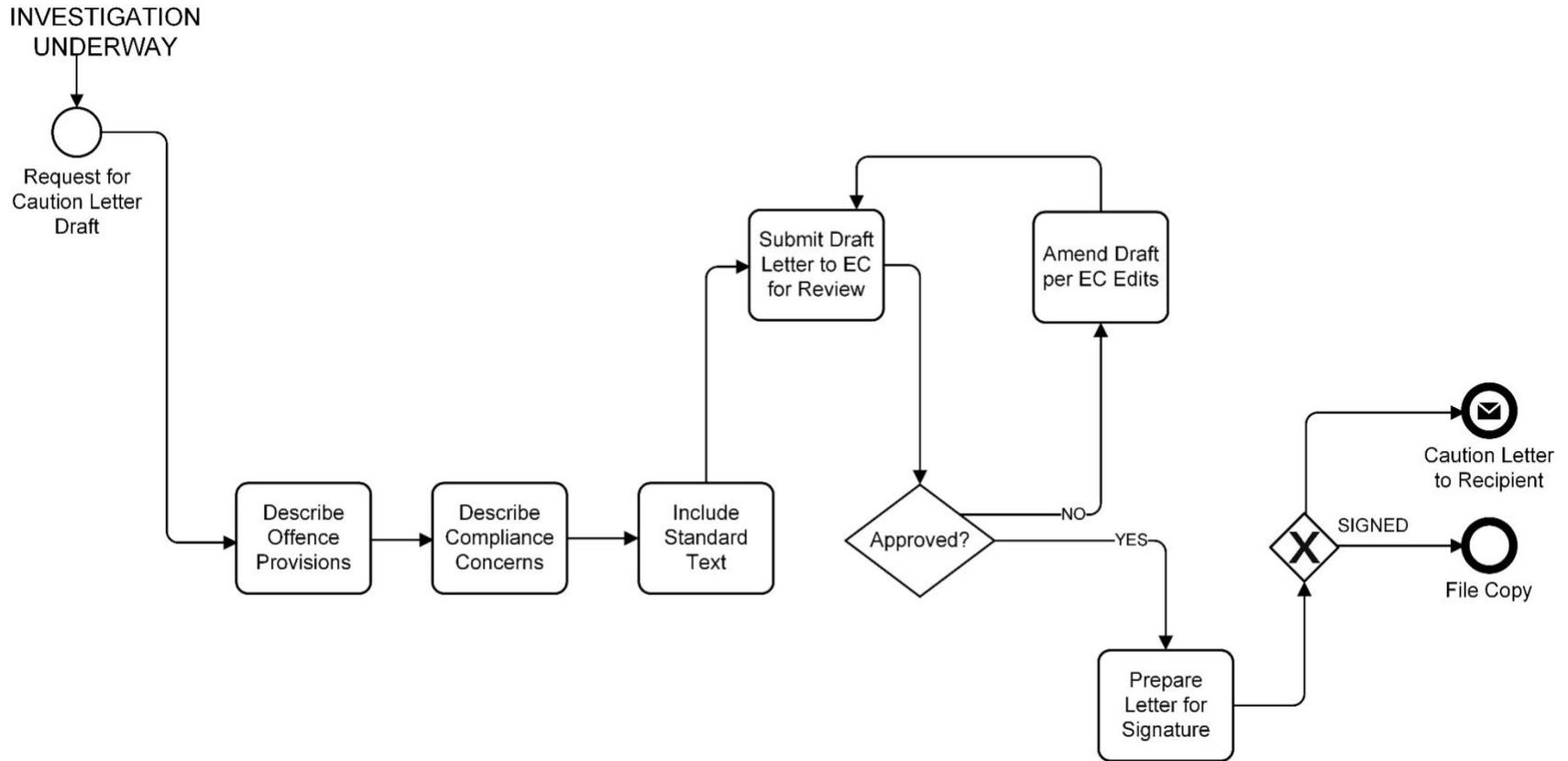
Wherever possible, the OEC will try to mitigate the six risks listed above. However, it recognizes that it has limited control in most of these areas and will need to react to circumstances as they arise.

APPENDICES

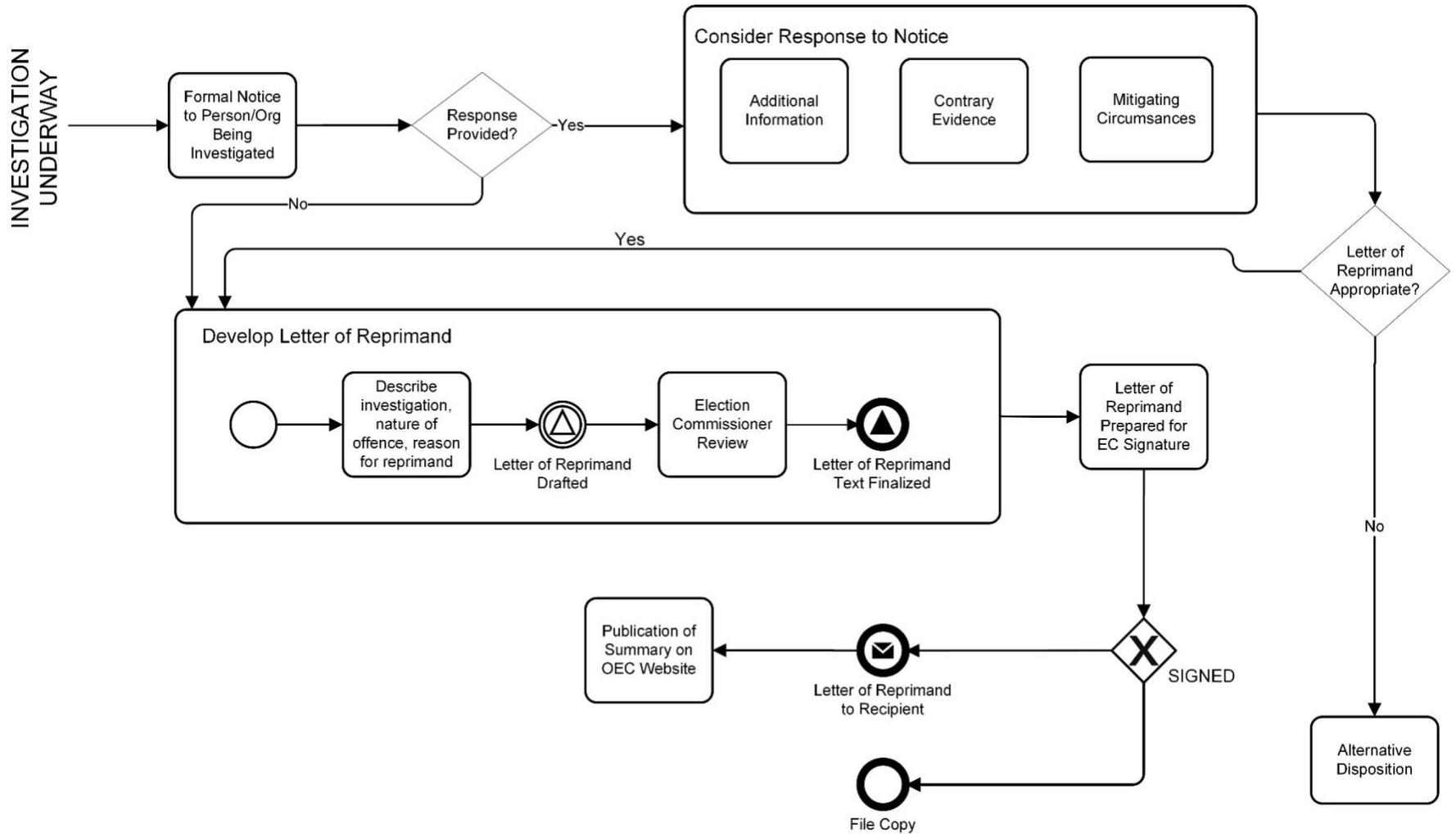
Appendix A - Complaint Process Overview



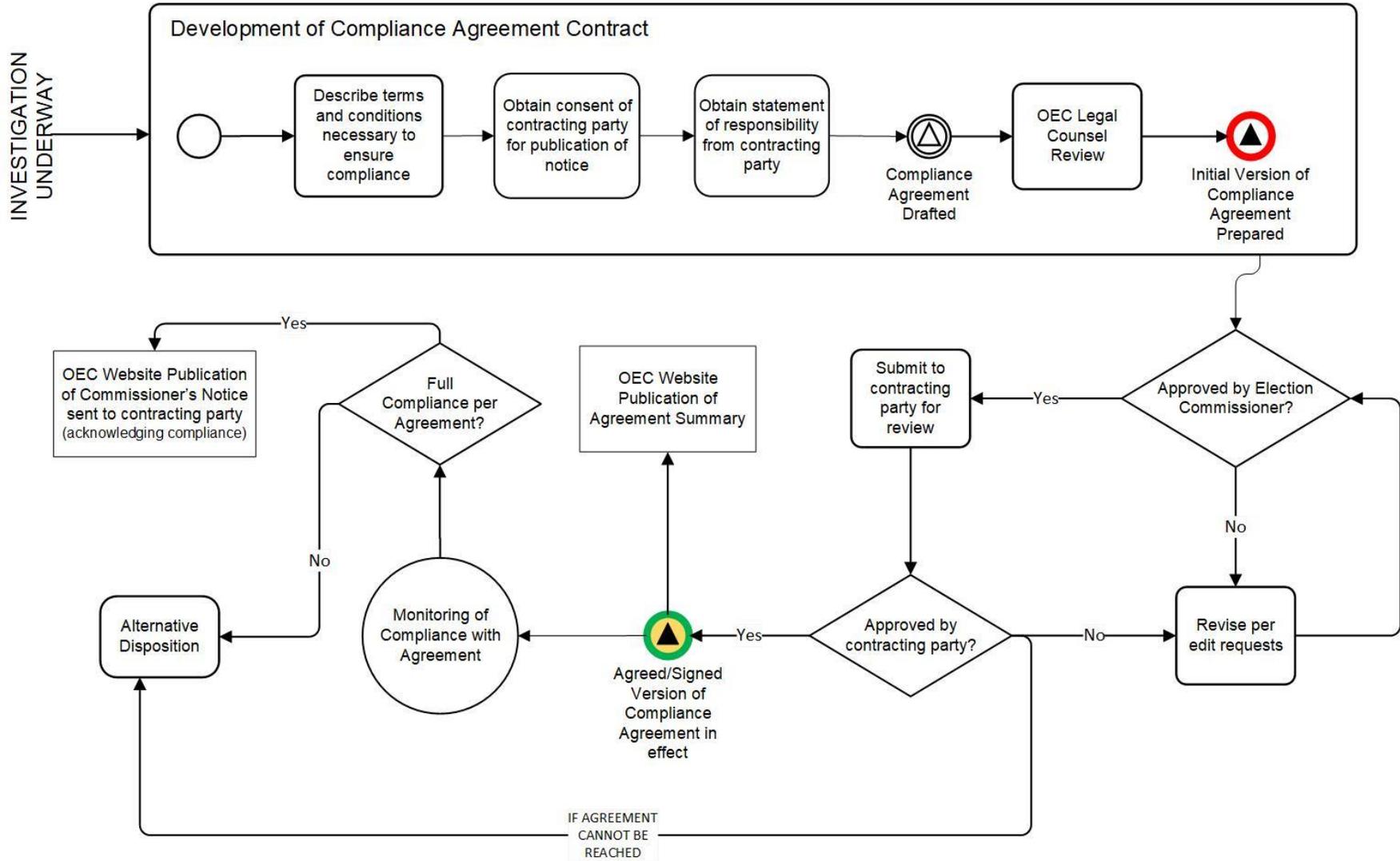
Appendix B – Caution Letter Process



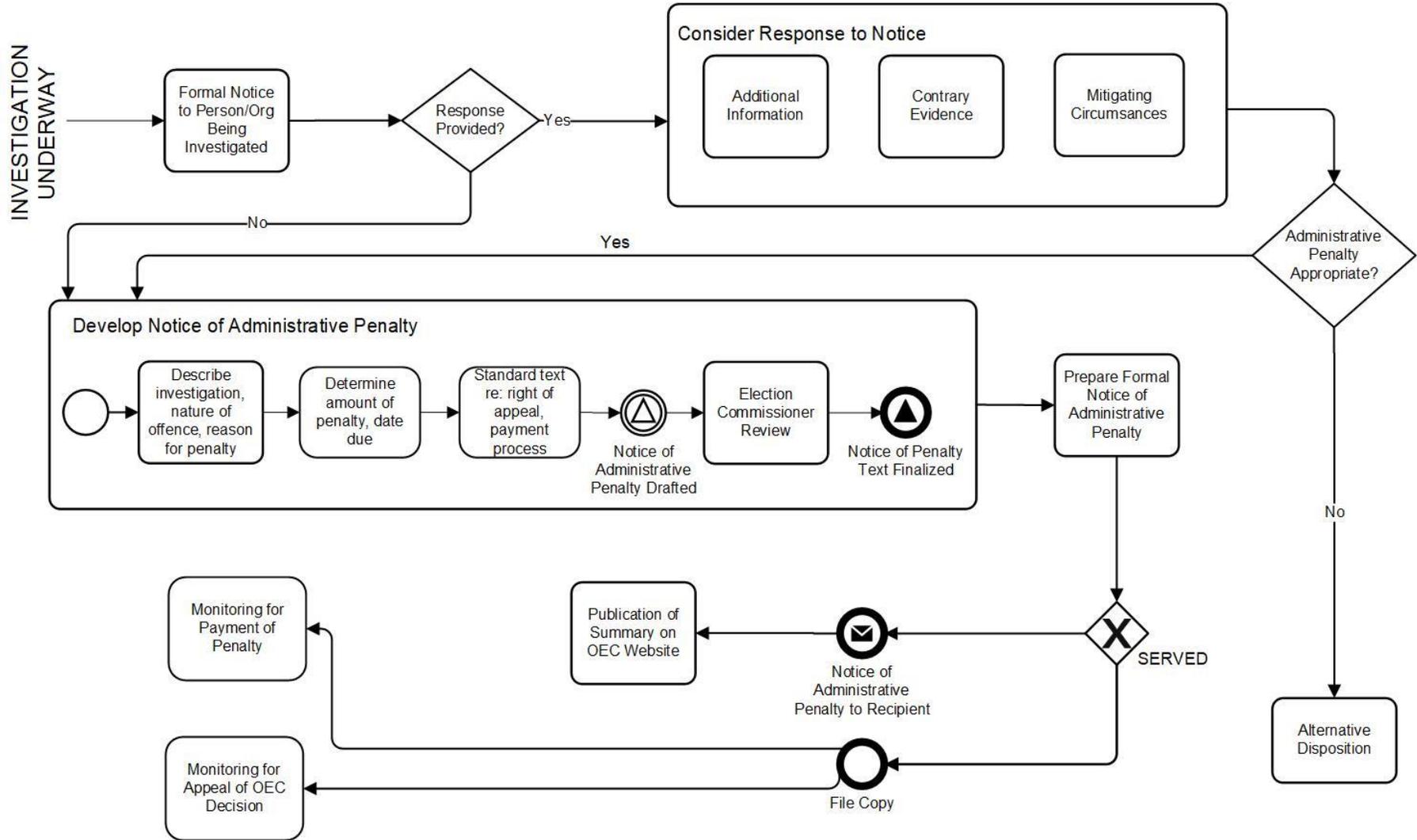
Appendix C – Letter of Reprimand Process



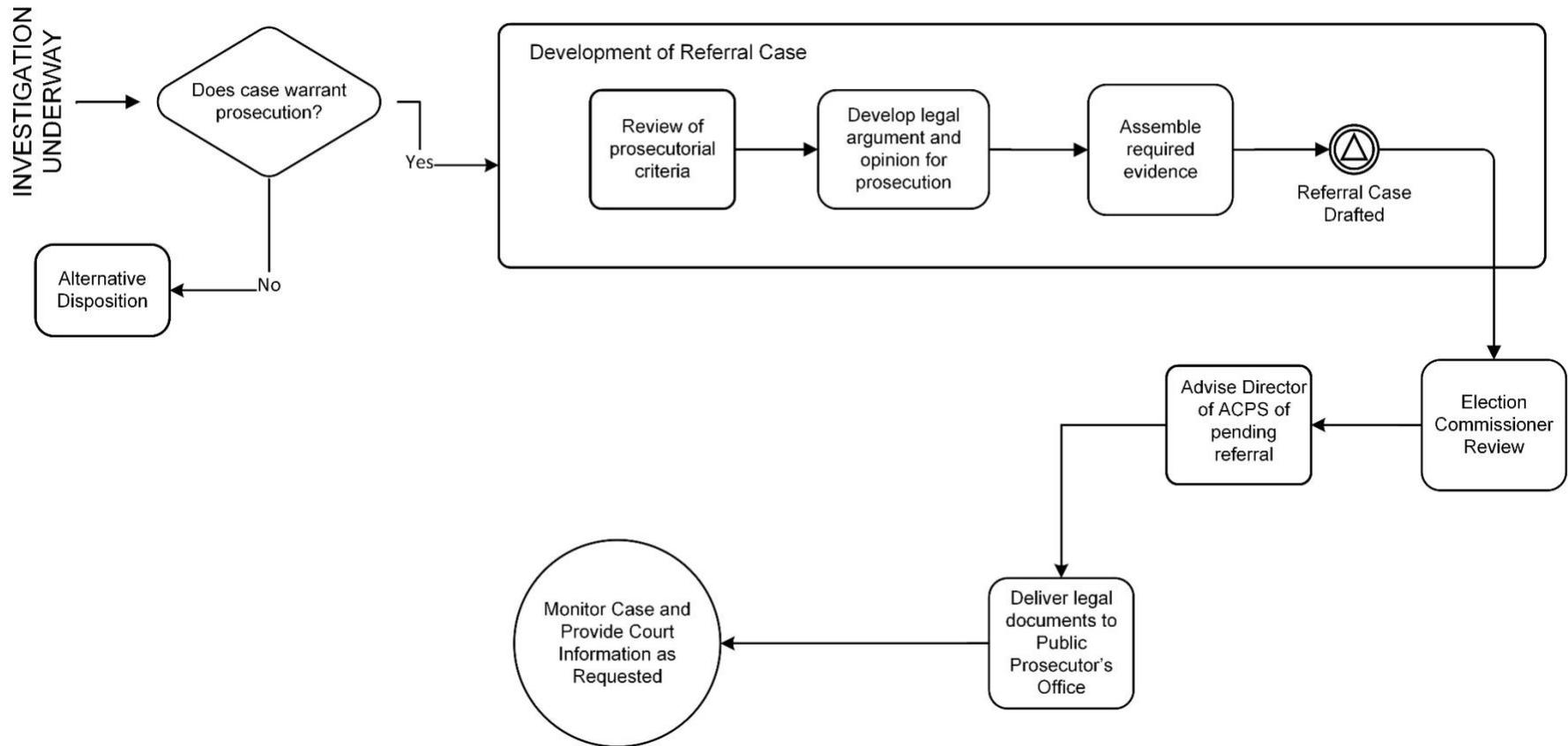
Appendix D – Compliance Agreement Process



Appendix E – Administrative Penalty Process

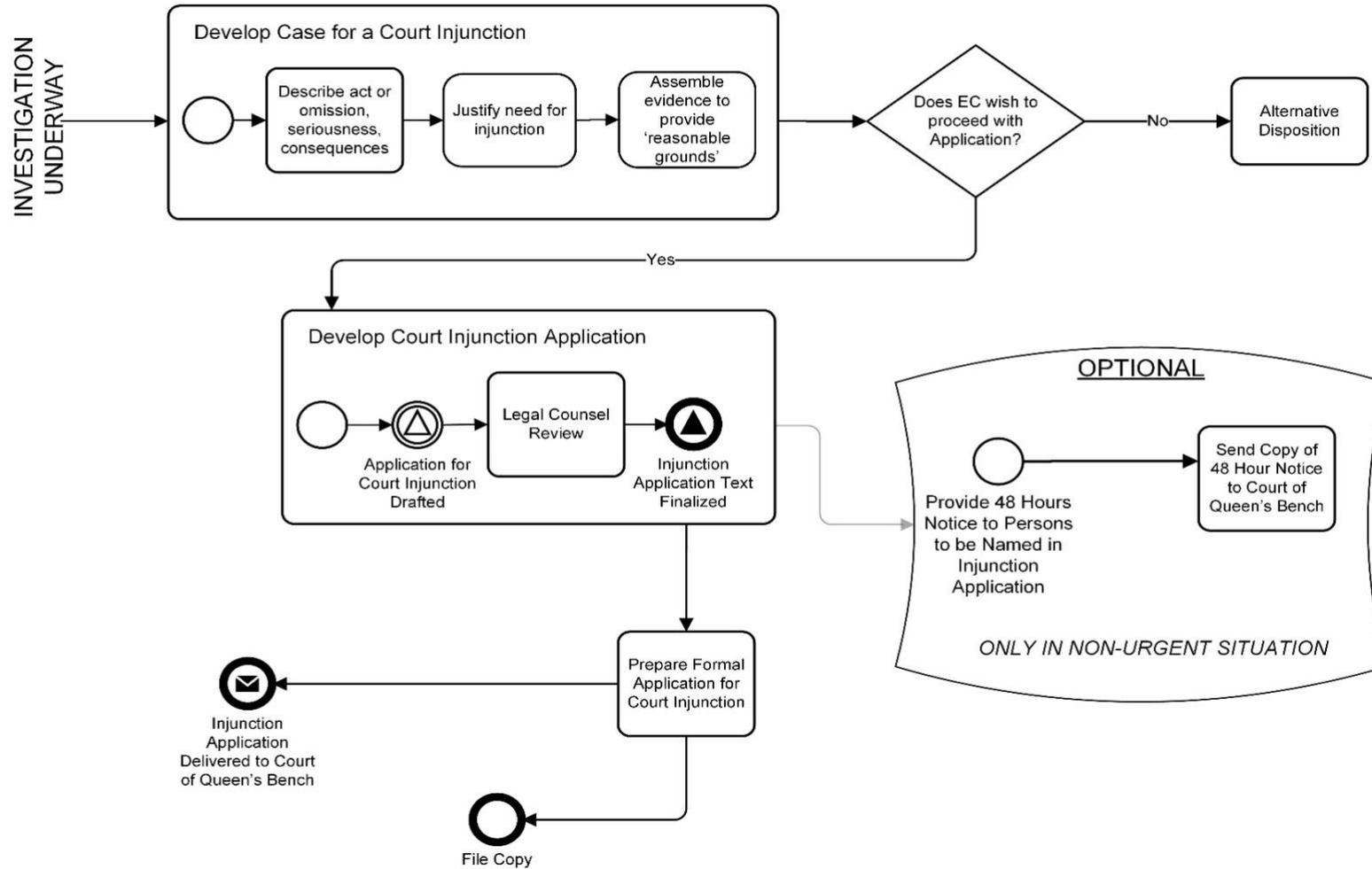


Appendix F – Referral for Prosecution Process



Appendix G – Injunction Application Process

(occurs only during election)



Appendix H – Restrict Government Advertising Process (only during election)

