

ELECTORAL SYSTEM MEANS MORE THAN JUST GETTING OUT THE VOTE

By Michael Mastromatteo

AMONG THE MANY activities prescribed in Ontario Regulation 941 of the *Professional Engineers Act* are the minutiae of candidate selection and conduct of PEO's annual elections for governing council. Although it's dry reading for non-legal types, the regulation is a key piece of instruction for a self-regulating profession dedicated to governing, licensing, setting standards for and disciplining its own professional peers.

Obviously, a self-regulated profession expects its executives and policy-making officials to come from within its own professional ranks. This accounts for the Regulation 941 stipulations about selection of candidates for council elections and how elections themselves are to be carried out every year.

Other senior self-regulating professions in Ontario operate under similar conditions when it comes to electing council members—or “benchers,” as is the case with the Law Society of Upper Canada (LSUC). Most of these associations also struggle with the problem of low voter turnout and less than optimal engagement of members in the day-to-day operations of their governing councils.

ENGAGING CANDIDATES

The College of Physicians and Surgeons of Ontario (CPSO) recently ran an appeal on its website for doctor members to consider taking up leadership positions at the council table.

As elected members of council, CPSO members were encouraged to “contribute to the regulation of medicine in Ontario in a host of meaningful ways,” including making decisions about standards of practice and professional conduct, competencies for entry-to-practise, development of new programs to guide the profession, and by service on complaints, discipline, registration and finance committees.

In many ways, the appeal to electoral candidates for the CPSO echoes PEO's challenges in searching out potential candidates for council positions. The key agency coordinating PEO elections and recruiting candidates for president, vice president, councillor-at-large and regional councillor positions

is PEO's Central Election and Search Committee (CESC), this year chaired by former PEO president Annette Bergeron, P.Eng., FEC. The committee's main role is to encourage members to seek nomination for election to council in one of the available positions. It also assists the chief elections officer with voting procedures and tabulation, and receives and responds to complaints regarding the procedures for nominating, electing and voting.

In addition, PEO retains the services of an outside elections agent—Everyone Counts, Inc. will be used for the 2017 elections. Everyone Counts makes sure that all ballots are submitted and counted properly and that the overall conduct of the election is fully above board.

To further assist in conducting its annual elections, PEO publishes an elections guide in *Engineering Dimensions*. It includes an official call for candidates, reiterates the voting and election publicity procedures, and contains a timetable for potential candidates for office to submit all their official campaign material. (For the 2017 election material, see page 48 of the July/August 2016 issue of *Engineering Dimensions*.)

INCREASING VOTER TURNOUT

In addition to ensuring properly-run elections, the CESC is also concerned with encouraging members to get out and vote at election time. “PEO is always looking at ways to increase voter turnout,” says Scott Clark, LLB, chief administrative officer at PEO and the staff advisor to the CESC. “The committee commissioned [polling firm] Ipsos-Reid to conduct a survey and, as a result, modified the way we communicate to voters,” he adds.

One such outcome of the survey was PEO's creation of the new website www.PEOVote.ca.

That site underscores PEO's interest in boosting voter turnout in the upcoming election. In 2016, for example, PEO received only 8218 votes, or 10.3 per cent out of a total of over 80,000 eligible voters. The results weren't much better the previous year, with only 11.5 per cent of members voting for their president, vice president or councillors.

On the PEO Vote website, CESC Chair Bergeron makes an appeal to members to take more interest in council elections: “If we can increase voting in our recent federal election, we can do it for PEO, too,” Bergeron says in a video message. “By voting, you are doing your part to ensure that we, as professional engineers, are in a strong position to continue regulating our own profession. Those we elect to council are your voice, and make decisions about regulations and standards that make an impact on how you do your job.”

The PEO Vote website also reminds would-be voters to look for a voting package, which is mailed to members prior to each elec-

tion. The package includes voting instructions, the member's individual control number and candidates' statements.

Although election procedures differ among Ontario's various self-regulating professions, PEO is still interested in learning what it can do differently election-wise from its fellow regulators. "Voting procedures, such as outlined in Regulation 941, are specific to PEO," Clark points out. "However we do look at other organizations to see if they have ways to engage voters."

COMPARING ELECTION PROCESSES

PEO is not alone in devoting a fair number of staff and volunteer resources to ensure elections are carried out efficiently and fairly. Other engineering regulators in Canada also make annual elections a high priority.

In Alberta, for example, candidates for the governing council of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) can be selected by a nominating committee or be self-nominated. The nominating committee selects candidates based on the composition of council as required by the *Engineering and Geoscience Professions Act*. The committee evaluates candidates' qualifications, experience, skills, and professional and governance expertise and compares that to the gaps of expertise that will be created by those who have completed their term in office.

The Alberta association saw 8289 members vote in its 2016 council election—nearly all of them electronically through its website's Member Self-Service Centre. This represents about 15 per cent of eligible voters, down from 21.6 per cent in 2015. Voter turnout in 2014 was 17 per cent and in 2013 it was 13.6 per cent. The 10-year average for APEGA is 15.9 per cent.

Immediately to the west, the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) also works with a nomination committee charged with seeking and selecting a slate of candidates for election to council. The BC committee seeks candidates through a series of call for nominations notices sent to the membership, and committee members reach out to potential candidates in regions throughout the province. APEGBC officials report this approach has been successful in recruiting new candidates for council.

"We've had a good response to the nominating committee over the last couple of years of people who were interested in being nominated by the committee," says Deesh Olychick, director of member services for APEGBC. "The clear description of the job and the qualities we are looking for helps. We've had good diversity with respect to region and discipline."

Olychick says that, similar to other regulators, APEGBC is always looking for ways to increase voter turnout for elections. The BC association took part in a recent election process environmental scan, initiated by PEO, to gather ideas on how best to engage member voters.

APEGBC voter turnout averages between 20 to 23 per cent. It climbed to nearly 28 per cent in 2015, but that was owing largely to an important association vote on a mandatory continuing professional development program for BC engineers. "In our last member survey, those members who don't participate in voting were asked why," Olychick explains. "About 41 per cent of those members indicated it was because they don't know enough about the candidates or issues and 13 per cent indicated that not enough information is provided."

REGULATORS IN OTHER PROFESSIONS

Non-engineering regulators must also contend with council/board election matters. At the LSUC, some 40 lawyer benchers are elected every four years by Ontario's lawyers. To ensure adequate regional representation, 20 benchers are elected from inside Toronto and 20 are elected from outside Toronto. The LSUC also holds separate elections for its paralegals, who are now part of the LSUC regulatory fold.

As with most self-regulating professions in Ontario, including PEO, the law society council includes a number of lay council members appointed by the province's lieutenant governor-in-council.

In a similar manner, the Chartered Professional Accountants of Ontario (CPAO) works with a council election commission to monitor, review and make recommendations respecting the election process. The CPAO council also makes rulings on eligibility of candidates, reviews the propriety of election materials and any other matters related to the election process, and addresses any matter related to the election system that might impact the integrity of the process or the reputation of the profession.

The accounting regulator encourages its members to participate in annual elections by emphasizing the privilege of self-regulation and the need to exercise that privilege by voting. They also stress how member votes shape the future of the professional association.

All regulatory associations in Ontario, it seems, are eager to encourage greater voter participation and to recruit future leaders from their respective ranks. Σ