

of the Regular Forces of the Canadian Forces and otherwise qualified) applied their vote in breach of the Canada Elections Act and the Canadian Forces Voting Rules in the Comox-Alberni Electoral District rather than to the electoral district in which is situated their place of ordinary residence as shown on the statement made by them under paragraph 25 of the said Rules. Sec.14(5) (b) of the Canada Elections Act, 1960 Ch.39 enacts as follows:

“(5) A Canadian Forces elector, as defined in paragraph 21 of *The Canadian Forces Voting Rules*, is entitled to vote
(b) at a general election only under the procedure set forth in those Rules, or, if he has not voted under that procedure, at the place of his ordinary residence as shown on the statement made by him under paragraph 25 of those Rules.”

Sec.16(5) thereof enacts as follows:

“(5) A Canadian Forces elector, as defined in paragraph 21 of *The Canadian Forces Voting Rules*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as shown on the statement made by him under paragraph 25 of those Rules.”

Appended as Schedule 11 to the Canada Elections Act, 1960, is The Canadian Forces Voting Rules, which apply to a general election held in Canada.

Para.21(1) thereof provides that every person who has attained the full age of twenty-one years and who is a Canadian citizen or other British subject shall be deemed to be a Canadian Forces elector and entitled to vote at a general election under the procedure set forth in these rules while he is a member of the regular forces of the Canadian Forces.

Para.24(1) provides that, notwithstanding qualification under para.21, a Canadian Forces elector is not entitled to vote under the procedure set forth in these rules unless he completes a statement of ordinary residence as provided in para.25 or sub-para.(1) of para.36 and specifies in a declaration the name of the place of his ordinary residence in Canada.

Para.25(1) provides that forthwith upon enrolment in the Regular Forces, every person theretofore resident in Canada shall complete in duplicate before a commissioned officer a statement of ordinary residence in the prescribed form indicating the city, town, village or other place in Canada in which his place of ordinary residence immediately prior to enrolment was situated.

Para.25(3) makes provision for changing such residence to provide for a different place of ordinary residence by completing a statement of such change in the prescribed form.

Para.36(1) is not relevant to these proceedings.

Para.24(3) provides that a Canadian Forces elector, as defined in para.21, shall apply his vote only to the electoral district in which is situated his or her place of ordinary residence as shown on the statement made by such elector under para.25 or sub-para.(1) of para.36.

Similar provisions are to be found in the Canada Elections Act and The Canadian Forces Voting Rules which were in effect earlier when the twelve men in question in these proceedings enrolled in the Forces.