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HOUSE OF COMMONS

Second Session—Twenty-fourth Parliament  
1959



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STANDING COMMITTEE  
ON

**PRIVILEGES AND ELECTIONS**

*Chairman: Mr. Heath MACQUARRIE, Esq.*

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 1

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FEBRUARY 17, 1959  
TUESDAY, MAY 12, 1959  
FRIDAY, MAY 22, 1959

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CANADA ELECTIONS ACT

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WITNESS:  
Mr. Nelson J. Castonguay, Chief Electoral Officer.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Heath Macquarrie, Esq.,

*Vice-Chairman:* M. Deschambault, Esq.,  
and Messrs.

Aiken,	Fraser,	Meunier,
Barrington,	Grills,	Nielsen,
Beech,	Hardie,	Ormiston,
Bell ( <i>Carleton</i> ),	Henderson,	Paul,
Bell ( <i>Saint John-Albert</i> ),	Howard,	Pickersgill,
Benidickson,	Johnson,	Richard ( <i>Ottawa East</i> ),
Carter,	Kucherepa,	Tassé,
Dinsdale,	McBain,	Valade,
Flynn,	McIlraith,	Webster.

Antonio Plouffe,  
*Clerk of the Committee.*

ORDERS OF REFERENCE

HOUSE OF COMMONS,  
TUESDAY, February 10, 1959.

*Resolved*,—That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Aiken,	Fraser,	Meunier,
Barrington,	Grills,	Nielsen,
Beech,	Hardie,	Ormiston,
Bell ( <i>Carleton</i> ),	Henderson,	Paul,
Bell ( <i>Saint John-Albert</i> ),	Howard,	Pickersgill,
Benidickson,	Johnson,	Richard ( <i>Ottawa East</i> ),
Carter,	Kucherepa,	Tassé,
Deschambault,	Macquarrie,	Valade,
Dinsdale,	McBain,	Webster—29.
Flynn,	McIlraith,	

(Quorum 10)

MONDAY, February 9, 1959.

*Ordered*,—That the said Committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House, and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

WEDNESDAY, February 18, 1959.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to print such papers and evidence as may be ordered by it, and that Standing Order 66 be suspended in relation thereto.

WEDNESDAY, April 29, 1959.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, and the several amendments thereto suggested by the Chief Electoral Officer; and to report to the House such proposals relating to the said Act as the Committee may deem to be advisable.

*Attest*.

LÉON J. RAYMOND,  
Clerk of the House.



## MINUTES OF PROCEEDINGS

TUESDAY, February 17, 1959.

(1)

The Standing Committee on Privileges and Elections met this day at 10.30 o'clock for organization purposes.

*Members present:* Messrs. Aiken, Beech, Bell (*Carleton*), Bell (*Saint John-Albert*), Benidickson, Carter, Flynn, Hardie, Henderson, Howard, Kucherepa, Macquarrie, McBain, McIlraith, Meunier, Ormiston and Pickersgill.—17

The Clerk attending, and having called for nominations, Mr. Bell (*Carleton*) moved, seconded by Mr. Kucherepa, that Mr. Macquarrie be elected Chairman.

On the motion of Mr. Flynn, seconded by Mr. Benidickson,

*Resolved*,—That nominations be closed.

The question being put on Mr. Bell's motion, it was resolved in the affirmative and Mr. Macquarrie took the chair.

Mr. Macquarrie thanked the members for having elected him.

### ROUTINE PROCEEDINGS

The Clerk read the Order of Reference.

On motion of Mr. McBain, seconded by Mr. Bell (*Saint John-Albert*),

*Resolved*,—That permission be sought to print such papers and evidence as may be ordered by the Committee.

A general discussion followed on the possible references to the Committee.

No decision was taken respecting the election of a Vice-Chairman nor the appointment of a Steering Committee.

At 10.40 o'clock, the Committee adjourned to the call of the Chair.

TUESDAY, May 12, 1959.

(2)

The Standing Committee on Privileges and Elections met at 9.30 o'clock. Mr. Heath Macquarrie, the Chairman, presided.

*Members present:* Messrs. Aiken, Beech, Bell, Deschambault, Dinsdale, Flynn, Fraser, Henderson, Howard, Kucherepa, Macquarrie, McBain, Nielsen, Ormiston, Paul, Pickersgill, Tassé and Webster—18.

*In attendance:* Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer, Ottawa.  
*Vice-Chairman*

On motion of Mr. Webster, seconded by Mr. Aiken,

*Resolved*,—That Mr. Deschambault be elected Vice-Chairman.

On motion of Mr. Fraser, nominations were closed.

*Subcommittee on Agenda and Procedure*

On motion of Mr. Aiken, seconded by Mr. Ormiston,

*Resolved*,—That a subcommittee on Agenda and Procedure, consisting of the Chairman and six other members of the Committee to be named by him, be appointed.

*Printing*

On motion of Mr. Kucherepa, seconded by Mr. Paul,

*Resolved*,—That, pursuant to the power given to the Committee by the Order of Reference of February 18th, the Committee print, from day to day, 750 copies in English and 200 copies in French of its minutes of proceedings and evidence.

The Clerk read the Order of Reference dated Wednesday, April 29, 1959.

(*See evidence issue No. 1*)

Mr. Pickersgill referred to the House of Commons Debates of August 26, 1958 and quoted a suggestion he then made in respect of political broadcasts. He reiterated his suggestion.

Mr. Aiken was of the opinion that the Committee might consider this matter on conclusion of its Order of Reference.

The Chairman introduced Mr. Nelson J. Castonguay and Mr. E. A. Anglin.

Mr. Castonguay was called. He made a brief statement and tabled mimeographed copies of suggested draft amendments to the Canada Elections Act for the perusal of the members and subsequent consideration of the Committee. These copies were distributed forthwith to the members present.

The witness also tabled a document comprising suggestions which his office has received and which pertain to various sections of the Canada Elections Act.

*Ordered*,—That the above papers be printed as an Appendix. (*See Appendix I to this day's evidence*)

At 9.50 o'clock, the Committee adjourned to the call of the Chair.

FRIDAY, May 22, 1959.

(3)

The Standing Committee on Privileges and Elections met this day at 9.30 o'clock pursuant to notice. The Chairman, Mr. Heath Macquarrie, presided.

*Members present*: Messrs. Barrington, Bell (*Carleton*), Carter, Grills, Hardie, Henderson, Howard, Johnson, Kucherepa, Macquarrie, McBain, Paul, Pickersgill, Richard (*Ottawa East*), and Tassé—15.

*In attendance*: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.



The Chairman informed the Committee that he had appointed the following members to act with himself as a Subcommittee on Agenda and Procedure: Messrs. Howard, Richard (*Ottawa East*), Aiken, Bell (*Carleton*), Deschambault and Webster.

The Subcommittee, he stated, held a meeting on Tuesday, May 19th, and recommends as follows subject to the Committee's assent:

1. That no exhaustive examination be necessarily made this session on the proposed amendments to the Canada Elections Act;
2. That Mr. Castonguay be heard and further examined thereon;
3. That the communications tabled at the previous meeting by Mr. Castonguay be summarized by his office and printed as Appendix I (*Referred to in the Minutes of Proceedings of May 12*), along with the other communications received by the Secretary of State Department and forwarded to the Committee on May 15th and 19th last.

On motion of Mr. Bell, seconded by Mr. Howard, paragraph 3 above was adopted.

The Chairman's report was agreed to.

The Chairman then welcomed the Secretary of State, the honourable Henri Courtemanche.

Mr. Castonguay was then called and questioned on his proposed amendments. He made further comments on the general features of the Act and was examined.

Mr. Bell queried the witness on a report submitted to him by Justice Wilfrid Lazure. Mr. Castonguay undertook to secure legal advice as to whether he could table this report in the Committee before submitting same to the House as provided by statute.

Mr. Castonguay was also questioned on certain irregularities during elections which were the basis of investigations. A report on this matter will be made to the Committee later.

At 11.50 a.m. Mr. Castonguay's examination still continuing, the Committee adjourned to the call of the Chair.

A. Plouffe,  
*Assistant Chief Clerk of Committees.*



## DELIBERATIONS

TUESDAY, May 12, 1959.

The CHAIRMAN: Gentlemen, I see a quorum. We have some routine matters in respect of organization which we should take up at this time.

Before that, and before someone else moves it, your chairman wishes to say he regrets that this meeting conflicts with other important committee meetings. In the future, we shall do our best to avoid such a conflict. Having made that abject confession, we will go on to the next item of business, which is the election of a vice-chairman. I do not know why I should so closely juxtapose these two things. Nominations are in order.

Mr. WEBSTER: I would like to propose Mr. Deschambault as vice-chairman of this committee.

Mr. AIKEN: I second the motion.

Mr. PAUL: Mr. Deschambault has not arrived yet.

The CHAIRMAN: Mr. Deschambault performed faithfully and well at the last session. Are there any further nominations?

Mr. FRASER: I move the nominations close.

The CHAIRMAN: Thank you, Mr. Fraser.

Motion agreed to.

The CHAIRMAN: Thank you, gentlemen. The mantle has fallen upon Mr. Deschambault. He will be so advised when he comes along.

It also has been the procedure that we have a steering committee on agenda. In the past it has been composed of six members of the committee and the chairman.

Mr. AIKEN: I would move that the chairman be authorized to appoint a steering committee of six members.

Mr. ORMISTON: I second the motion.

Motion agreed to.

The CHAIRMAN: We also have the matter of the printing of the evidence.

Mr. KUCHEREPA: What is the usual motion?

The CHAIRMAN: In the past, the committee has authorized the printing of 750 copies in English and 200 copies in French.

Mr. KUCHEREPA: I so move.

The CHAIRMAN: Moved by Mr. Kucherepa that the committee have printed 750 copies in English and 200 copies in French of its minutes of proceedings and evidence; seconded by Mr. Paul.

Motion agreed to.

The CHAIRMAN: Mr. Deschambault, you have been acclaimed vice-chairman of this committee.

Would the clerk be good enough to read the reference from the house as to our procedure?

The CLERK of the COMMITTEE:

WEDNESDAY, April 29, 1959.

That the standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, and the several amendments thereto suggested by the chief electoral officer; and to report

to the house such proposals relating to the said act as the committee may deem to be advisable.

The CHAIRMAN: Thank you.

Mr. KUCHEREPA: For clarification, do those fundamentals preclude us from submitting further recommendations to the house relative to the Canada Elections Act?

The CHAIRMAN: Further than those put forward by the Chief electoral officer?

Mr. KUCHEREPA: Yes.

The CHAIRMAN: I am not a legal officer, but nevertheless I should think they do not preclude such. However, I think in order to avoid the necessity of an immediate interpretation, we would be perfectly safe in proceeding with the recommendations of the chief electoral officer. Of course we are perfectly safe in calling upon him at our first meeting.

Mr. PICKERSGILL: Before you do that, I wonder if I might draw the attention of the committee to something which took place in the House of Commons at the last session. It seems to me this committee should take some cognizance of the matter. I am not asking we take cognizance of it today. I am merely giving notice. Perhaps the simplest thing for me to do would be to read from *Hansard* of August 26, 1958 in respect of an amendment I moved to the Broadcasting Act which was later withdrawn at the request of Mr. Nowlan, the minister. This is at page 4119.

Mr. Chairman, in view of what the minister has just said and in view of the opportunity we have had to air the matter, if the minister were prepared to give the assurance that at the next session of parliament—

That is the one we now are in.

—the whole question of political broadcasting would, on the initiative of a member of the government, be remitted to the committee on privileges and elections for study with a view to making recommendations as to suitable legislation, because this is not the kind of legislation the government should design—

Mr. Nowlan interrupted and said this:

I am perfectly prepared to do that. I felt that I could not accept the amendment in the words in which it was phrased.

In view of that understanding given by the minister to bring this matter to the attention of this committee at the beginning of the session—I admit this is quite a long way, we hope, from the beginning of the session—the amendment was withdrawn and I believe that the committee ought to give consideration as to how this matter could be brought before it.

The CHAIRMAN: Thank you.

Mr. AIKEN: I feel this would be a matter for the house because we are not sitting to discuss estimates or anything of that nature. We are starting out to consider the Canada Elections Act. That is all the house has referred to us. I would think it would be a matter to be arranged in the house, unless we want to assume much more work than we can handle at this session.

The CHAIRMAN: It is conceivable that the matter may be discussed before another committee which is now sitting dealing with the other aspect of the case.

Mr. PICKERSGILL: That was discussed at the time the legislation was before the house at the last session. I think there was general agreement it was not a proper subject to go before the broadcasting committee and should go before this committee.

Mr. AIKEN: Might I suggest that perhaps when we have concluded our work in respect of the Canada Elections Act, at that time we might consider asking for further terms of reference.

The CHAIRMAN: Yes. It is conceivable there might be quite a lapse of time between now and the conclusion of our work. It is difficult at this time to predict. I think the steering committee, when formed, might have a look at the general picture.

If that is all of a general nature, I would like to call to the committee one of its star witnesses of the past, an expert on this question of elections, the chief electoral officer, Mr. Nelson J. Castonguay whom we are very happy to have with us. With him we have the assistant chief electoral officer, Colonel E. A. Anglin. Both these gentlemen are very well known to the committee.

### EVIDENCE

Mr. NELSON J. CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman, since the Canada Elections Act last was referred to this committee for study in 1955, I have received representations and suggestions for amendments to it. I advised all the persons making representations and suggestions that I would submit their representations and suggestions for the consideration of this committee whenever the Canada Elections Act was referred to the said committee for study. If I may I would now like to give you these suggestions. These are all the original letters containing the suggestions and representations.

The Canada Elections Act permits me to make suggestions in respect of amendments for the more convenient administration of the act. I have prepared a draft mimeographed bill with explanatory notes of all the amendments I propose to suggest. They are of a technical nature and in my opinion they would be an improvement to the present provisions, if the committee decides to adopt them.

For each member of the committee I have prepared a kit containing the amendments, plus a copy of the Canada Elections Act, plus a copy of my remarks in respect of the last two general elections of the House of Commons.

Mr. Chairman, I do not have much to say beyond that.

Mr. KUCHEREPA: May I ask a question? Have you had many complaints regarding the difficulties in reading the office consolidation of the Canada Elections Act by the public?

Mr. CASTONGUAY: No. I received only one complaint from one official agent in respect of the office consolidation of the Canada Elections Act. It will appear in these letters which I have submitted to the chairman.

Mr. BELL (*Saint John-Albert*): May I ask what will happen to these letters? Will they appear in our record?

The CHAIRMAN: I would think the committee might move they be printed as a part of our evidence of today.

Mr. BELL (*Saint John-Albert*): I move that that be done, if it is necessary and if it is what has been done.

Mr. CASTONGUAY: It has been done in the past.

The CHAIRMAN: Mr. Bell moves that the letters which Mr. Castonguay has tabled be printed as an appendix to the minutes of proceedings and evidence of today's meetings.

Seconded by Mr. Beech.

The CHAIRMAN: Agreed.

*(See Appendix I)*

The CHAIRMAN: I believe there are some fifty-odd letters. The correspondence is much more voluminous than it was the last time.

Mr. CASTONGUAY: I think the reason for that is we have had two general elections.

## EVIDENCE

FRIDAY, May 22, 1959.

The CHAIRMAN: Gentlemen, at long last I see a quorum and we will proceed with our meeting. It is my pleasure to announce that, pursuant to your action of last meeting, I selected the steering committee, comprised of the following members; Deschambault, Aiken, Bell of Carleton, Howard, Richard of Ottawa East, and Webster.

This group met on Tuesday and gave some consideration to questions of agenda. As I recall our collective thought, it was felt that we might, with feasibility, proceed with the recommendations suggested by the chief electoral officer; that we might subject him to questions and elicit his views on certain other suggestions which have come in from various sectors of the public. We need not, necessarily, proceed in this session towards that very important and somewhat Herculean task which has eventually to be performed by this committee, the close and detailed, section by section survey of the act with a view to amendments to be passed on to the house.

The steering committee paid some special attention to the letters which were presented to us at the previous meeting by Mr. Castonguay, and certain considerations have arisen which affect the decision taken at the last meeting. It has been discovered that several of these letters are—to all of us, so far—quite indecipherable. That is one factor.

There have been, since then, memoranda from the office of the Secretary of State referring to several other letters which have come in and which are not, therefore, included in this group. The steering committee concluded that it would be better—indeed, perhaps necessary—that these be not printed, because of these technical reasons; but that the chief electoral officer might make a summary of the letters and note the suggested amendments to the Canada Elections Act to which they refer.

We have received—and I will table these—two notes from the office of the Secretary of State, dated May 15 and May 19, doing just that with respect to other letters. That is the report of the steering committee. It will be up to the committee to take action relative to its action of the last meeting, and I am prepared to entertain a motion along those lines.

Mr. BELL (*Carleton*): Mr. Chairman, I would move that the summary alone be printed as an appendix to these proceedings.

Mr. HOWARD: I second that.

The CHAIRMAN: Moved by Mr. Bell, seconded by Mr. Howard: that the letters be printed in summary and that the chief electoral officer prepare that summary. Is that agreeable, gentlemen?

Agreed.

The CHAIRMAN: I am happy to have with us the Secretary of State, showing his interest in this committee. We do appreciate your presence, sir, and ask you to take a place with us. I call upon Mr. Castonguay and Colonel Anglin to come before us again.

Our first item today will be consideration of the amendments proposed and tabled by the chief electoral officer at the last meeting. If he has any comment to make at this time, we will be happy to have him do so: if not,

we may proceed directly with the questions which any members of the committee may care to direct to Mr. Castonguay. You have all had these proposed amendments for some time.

Mr. HOWARD: Are we to deal with these seriatim as they appear?

The CHAIRMAN: I would think so, unless there is something of a general nature on which you would like to inquire.

Mr. HOWARD: I have one question with respect to the suggested change to Rule (23). This, as I understand it, will conform with the procedure with respect to other notices under the act?

Mr. N. J. CASTONGUAY (*Chief Electoral Officer*): Yes, it will, Mr. Chairman—the same procedures as the notice of grant of a poll and a proclamation.

Mr. HOWARD: In Rule (23B) you propose a new rule, that if the postmaster fails to post up this notice of revision, and so on, that failure to do so will be ground for his dismissal from office. Does that same penalty also apply if he fails to put up the other notices?

Mr. CASTONGUAY: That same penalty applies to the other notices. It is not a new provision.

Mr. BELL (*Carleton*): Has the Postmaster General been consulted with respect to that particular provision?

Mr. CASTONGUAY: No, he has not.

Mr. BELL (*Carleton*): Is it not unusual to put in an election act a provision for the dismissal of a postmaster?

Mr. CASTONGUAY: The committee previously recommended this to the house. They supported this particular thing. I do not know if there was any reference to the Postmaster General. It is not a new principle in the act.

Mr. BELL (*Carleton*): It is not a new principle in the act?

Mr. CASTONGUAY: No, it has been a long-standing principle in the act.

Mr. HARDIE: Why are you proposing this amendment?

Mr. CASTONGUAY: Under the urban procedure, the returning officer is required to post up two notices of revision in each polling division, and representations have been made by returning officers that parks authorities, hydro companies and telephone companies complain that our notices are there and endanger their men.

At the last election, action was even taken against some of our returning officers in Toronto by the parks committee—but the charges were withdrawn—about posting these notices there. We received similar complaints from the parks people in Montreal. It must be remembered that under the urban procedure we mail a copy of the list of electors in a polling division to each householder, roughly speaking. On that list of electors there is a notice on the top informing the householder where the revising officer is going to sit and the hours he is going to sit, so that the public will not be deprived of any information. Of these notices that are put up, some are torn down pretty fast, and I think the civic authorities, the hydro people, and the Bell Telephone people in general approve of this.

Mr. RICHARD (*Ottawa East*): As a matter of fact, they do not last very long in rain or in snowy weather in the winter, or anything like that.

Mr. BELL (*Carleton*): There is no change proposed in the procedure so far as the rural polling divisions are concerned.

Mr. CASTONGUAY: None at all.

Mr. CARTER: Did Mr. Castonguay say that notices are mailed to every householder in the rural districts?



Mr. CASTONGUAY: No; in the urban divisions the list of electors is mailed to each householder of that polling division, and on that list of electors is a heading informing the electors when the revising officer sits, the hours he sits and where he sits for his sittings of revision. Also, the electors are informed—in that same heading—as to where they will vote. That information is also contained in this notice which is posted up. You can imagine that more people receive service from the mailing of these than people who actually read this notice—if they are up long enough for people to read them.

Mr. HOWARD: Mr. Chairman, I would move endorsement of this particular change to Rule (23), if that is what you desire, procedurally.

The CHAIRMAN: I am wondering if we need to commit ourselves at this stage.

I am wondering whether or not at this stage we need any resolution.

Mr. HOWARD: It does not matter to me.

Mr. PICKERSGILL: I wonder why not. There is no point in threshing the straw more than once unless there is some dissent.

The CHAIRMAN: I would be happy to entertain the motion.

Mr. KUCHEREPA: Is there any other way of advertising this, such as in the newspapers and the press.

Mr. CASTONGUAY: I think the difficulty in respect of advertising in newspapers in large centres such as Toronto, Montreal, Vancouver and Winnipeg, would be that it would add more confusion for the electors. For instance in a city like Toronto, where you would have 100 revisal districts, we would have to describe all those districts and I think it would be a very difficult thing.

Mr. PICKERSGILL: In the first place no one would read the advertisements, or most of those who would not be able to understand them. They would not know where the streets were. I think it would be a sheer waste of the taxpayers' money.

Mr. KUCHEREPA: A lot of persons seem to miss the revision. I wonder whether or not the returning officer has any suggestion as to means of getting this across to the people?

Mr. CASTONGUAY: I have received no suggestions from returning officers other than representations to remove these postings. It seems to me the mailing of this list is working fairly well. There are bound to be persons who will not get the list, but their neighbours will. I also understand that the political organizations do a great deal of work in this respect.

Mr. PICKERSGILL: Do you send these to every householder regardless of whether or not his name is on the list.

Mr. CASTONGUAY: No; we have to use the voters' list for the mailing.

Mr. PICKERSGILL: Why?

Mr. CASTONGUAY: The names are on there.

Mr. PICKERSGILL: The post office provides a good householder delivery service. That would ensure that everybody in the district would get it.

Mr. CASTONGUAY: It could be done that way.

Mr. PICKERSGILL: You would not have to put the individual's name on it.

Mr. BELL (*Carleton*): In a rooming house district there would be a problem where there may be 15 or 20 persons living in the residence.

Mr. RICHARD (*Ottawa East*): If you have two Smiths and two Jones' living in a house do you mail only one list to each?

Mr. CASTONGUAY: We send it to one Smith and one Jones.

Mr. RICHARD (*Ottawa East*): Is the difficulty not so much in the fact that persons do not know where the list is but rather the fact that it is difficult

to get to the revising office, which is not accessible in urban centres to most of the people? Does that not cause great difficulty?

Mr. CASTONGUAY: I do not know that I will go along with the word "accessible".

Mr. RICHARD (*Ottawa East*): But the distance?

Mr. CASTONGUAY: Yes. In the Canada Elections Act there is a provision which provides for another elector to act as the agent of an elector who is not on the list. If anyone is not able to go to the revisal office, his agent may go on his behalf. It is used a great deal.

Mr. PICKERSGILL: Do these agents have to be authorized?

Mr. CASTONGUAY: Not necessarily. The qualification for agent is just that he be a qualified elector of that whole electoral district.

The CHAIRMAN: Are there any further comments on 23?

Mr. PICKERSGILL: Why does he have to be an elector?

Mr. CASTONGUAY: That is one of the qualifications put in by parliament. I would imagine it is part of the basic safeguards that are now provided in the Canada Elections Act in respect of local knowledge.

Mr. PICKERSGILL: I am thinking that someone eighteen years of age is just as competent to put somebody else's name on the voters' list as is somebody aged 21. I think they should be persons resident in the district but not necessarily an elector.

Mr. RICHARD (*Ottawa East*): The agent's name is already on the list. I think it saves a lot of trouble in establishing that a man is a resident of the district if his name is on the electors' list.

Mr. HOWARD: There is a proposed change in the form which is required when an agent puts a person's name on the list. I wonder if we might not have this discussion as to residence of the qualified voter under that particular section. It is form 17.

The CHAIRMAN: Is that agreeable?

Agreed.

The CHAIRMAN: Have you any comment, Mr. Castonguay on the next section?

Mr. CASTONGUAY: Mr. Chairman, the Canada Elections Act now prescribes that an election officer must be an elector of the electoral district. However, the forms of oath of office on appointment do not require he take an oath to that effect. In the electoral district of St. Paul's, in the 1958 general election, more than 80 polling divisions were enumerated by persons who were not electors of the electoral district.

I ordered an inquiry to be held. Mr. Justice McRuer recommended that if the principle of an election officer being an elector is of sufficient importance, then to facilitate the work of the returning officer and to facilitate administration of the act, it would be advisable to require that the election officer take an oath to the effect that he is qualified as an elector in the electoral district.

Mr. BELL (*Carleton*): The language of the report of Chief Justice McRuer is rather interesting. He starts off: If the residential requirement of the enumerator is of substantial importance the oath of office should be established. After he made a very detailed investigation he seemed to have some doubt as to whether or not there was substantial importance to this. Would you outline what you think is the substantial importance of the residential requirement?

Mr. CASTONGUAY: My own view of the substantial importance is that the safeguards provided in the Canada Elections Act mostly are on local knowledge.

We are required to collect nine million names in six days. In putting a name on the list, the benefit of the doubt is left very much in favour of the elector when the enumerator calls. When they call at an apartment building, invariably they get their information from the janitor, because the people are not present. In a dwelling house they may get their information from a minor.

Our instructions to enumerators are to include the name rather than deprive someone by not putting his name on the list. During the period of the revising, the revising officers have a great deal of difficulty in knowing whether to add names or strike off names. Then in respect of your officials at the poll on polling day, a great deal of the safeguards are through local knowledge of the electors who present themselves to vote.

If we had a system of permanent lists and a means of identifying the elector, then I do not see any importance to a person serving who is an elector of the riding. Most of the safeguards imbedded in the Canada Elections Act are on local knowledge.

Mr. PICKERSGILL: How long has there been the provision that you must be an elector?

Mr. CASTONGUAY: Since the act was established in 1920; since the office was established in 1920.

Mr. PICKERSGILL: Then I broke the law on two occasions. In 1921 when I was 16 I was a poll clerk and again in 1925 when I was 20 years of age. So also did nearly every other impecunious student in my class at the University of Manitoba. I would like to put in a word for students. I think that local knowledge is important, but I do not see any reason why the enumerator or the poll clerk need be of the full age of 21 and an elector of the riding.

Mr. HOWARD: Those are the views I was about to express in so far as poll clerks in particular and enumerators are concerned, that university or high school students in their later years, and so on, be allowed to participate in this process of elections in order to familiarize themselves with the electoral processes. Secondly, I believe in many cases, even under-age high school or university students are far more assiduous in the application to their duties than are many older persons who happen to have these posts.

The particular thing I would be concerned with is it would allow the younger people to participate in some way in the electoral process and to familiarize themselves with it as much as possible so that they may later be able to perform their duties as voters, or participants, when they do become of age.

Mr. RICHARD (*Ottawa East*): I do not agree with that.

Mr. HENDERSON: In an election in the town of Dawson Creek, the enumerators had no knowledge of the people when they went out and swore in 700 people in an afternoon. If they had been high school students doing the work, they would not have had that many.

Mr. RICHARD (*Ottawa East*): I do not agree with the suggestion. I can understand that in certain districts it is difficult to obtain enumerators. I think, however, the whole Elections Act is based on the principle that the electors who cast their votes are also the persons who will be working at the polls as poll clerks and returning officers. I think enumerators should be persons who are punishable under the law and who could be charged with offences under the law.

Mr. PICKERSGILL: There are certain areas in the country where it is very difficult—perhaps not in a year like this, but in some years—to get enumerators, poll clerks and persons of that sort who might be convenient. As a matter

of fact, it was a great convenience to me because it was a little bit of extra cash which I found very welcome indeed. Nobody else particularly wanted the job at that time.

Mr. HARDIE: You find places in the north like Bathurst Inlet where there is only one white man, a missionary who is a Belgian without Canadian citizenship. The Hudson Bay man who arrived there very recently is not an elector of the district. These two men are the only persons qualified in the area to act as enumerator, poll clerk, or deputy returning officer.

Mr. CASTONGUAY: The last committee in 1955 recommended that eligibility of clergymen to act as election officers would be removed. They would not be eligible to serve under the act.

Mr. HARDIE: Would you consider sending in a man in a chartered aircraft at a cost of \$1,000 or \$1,600 to act as enumerator and also spend another \$1,000 to send in a man on election day to run the polls?

Mr. CASTONGUAY: In respect of these remote posts invariably we have to send in an aircraft to deliver the ballot box.

Mr. HARDIE: Yes, some time before the election.

Mr. CASTONGUAY: So the expense is there anyway. We have to get the box there.

Mr. HARDIE: But if you were to take a man in you would have to leave him there for a matter of two weeks in some cases.

Mr. KUCHEREPA: Should we not take a look at this whole problem. Undoubtedly, there are cases of which Mr. Hardie knows which are peculiar because of the great distances involved.

But, going back to the situation in Toronto-St. Paul's, there is no question about it that the fact there are so many people who participated in this election, in that particular election, who are not electors of that riding, contributed a great deal to the problems which arose in that constituency.

Mr. CASTONGUAY: There were no problems as such in 1958; the problems area of participate in the election that created some of this problem?

Mr. KUCHEREPA: But would you consider that to be the basis of the problem, that there were so many people who came from outside that particular area to participate in the election that created some of this problem?

Mr. CASTONGUAY: No, I would not say that.

Mr. KUCHEREPA: You would not think so?

Mr. CASTONGUAY: No, I am not in a position really to give any opinion on that. I do not think that Chief Justice McRuer commented. He held an inquiry, and I do not think he made any comment to that effect.

Mr. RICHARD (*Ottawa East*): I have another suggestion. I think this opens up a whole new outlook on the act, because it might affect other sections. I was wondering whether this section could be passed, or whether the committee could decide for the present, in view of the fact that you intend to revise the whole act next year, at the next sitting of parliament, where there will have to be a matter of policy outlined in respect of the whole act, and a decision could be made at that time. At this time could we touch only one particular section, because we are only touching these amendments; we are not touching the rest of the act. If you amend this, it is out of line with the rest of the act somewhere else; I think for the present perhaps we should just put it in line with the present practice, and then next year we could go ahead when we make a revision of the whole act, and discuss at that time how we should treat this problem. Otherwise we will be delayed.

Mr. KUCHEREPA: I agree that that is the basic principle involved. It affects many sections of the act, and we should make up our minds as to the principle

—whether we are going to touch that principle at this time or not. Because, by making a hodge-podge type of arrangement we may end up by developing or we may develop new problems in other sections.

Mr. CASTONGUAY: This amendment I recommend is not introducing a new principle in the act; it is strengthening the principle that is now in the act. But permitting people under 21 years and permitting anyone who is not an elector to act as an election officer introduces a new principle.

Mr. BELL (*Carleton*): I think I agree that if we are going to continue the principle in the act we must strengthen it as it is here. Mr. Richard has pinpointed the problem, that if you take people who are residents and not electors you have really no means of finding out who they are.

The situation is that if they are electors they are on the list and they turn up at the poll in some official capacity. Then the party organizations have a chance to check that person through an official list. If it is just a matter of residence, then it seems to me you would have to have a city directory and a rural mail directory for your people in the area, and you would have a very considerable problem on your hands. No doubt there has been a breach of the provision in the act, so far as students are concerned.

All of us know that students have acted from time to time and I do not think anybody has ever raised any serious complaint about it. But to import a completely new principle of residence only to qualify I think might be very dangerous and very difficult for the party organizations in those ridings where the organizations sometimes are not the very best. I have in mind ridings such as Cartier, which has created problems in every election.

On the other hand those of us who have ridings where there is not too much difficulty in elections would perhaps go along with this; but there are ridings in this country where we have to have the tightest possible control.

The CHAIRMAN: Do you have any comments, Mr. Castonguay?

Mr. CASTONGUAY: The only thing is that, in connection with the requirement that a person be a qualified elector to act as an election officer, we find that they give residence in the constituency for the purposes of receiving their cheques. When we cannot find them on the list we find them on the lists of other electoral districts.

I do not know how we would check where these residences were. People who have residence in other electoral districts could give residence in districts in which they are working, and just get their cheques; and then we have no means of finding out whether they are qualified residents of the district; because their names might not have appeared in any other list.

The CHAIRMAN: Is there anything further?

Mr. HOWARD: Without prejudice to any future position I might take, I am still of the opinion, especially in so far as poll clerks are concerned, and enumerators, that this provision, so far as being a registered voter is concerned, should be waived. But because we intend to make an exhaustive study at the next session—which I hope will be done early in the session—I would agree to endorse these suggestions, with that qualification, that it does not bind me in any way to a position in review later on.

The CHAIRMAN: I understand, Mr. Howard, that you have expressed the view of the subcommittee when it had a discussion. The purpose was that we look at these things today as amendments to the existing act; the house ordered us to do that.

It is conceivable that the term "elector" could be re-defined, and therefore the operation would be quite different. Is there anything further?

Mr. HARDIE: With respect to remote areas, not only the people in the Northwest Territories but, for instance, those in areas of northern Saskatchewan and northern Manitoba as well as northern British Columbia, there are cases where, if you were to follow these amendments out to the letter, the electoral officer would have to ship in people from other districts who are not familiar with the particular polling booths, to act as election clerks or deputy returning officers.

I feel that in these districts, in this sort of amendment there should be some rider in there dealing with remote areas where—well, for instance such as in the Hudson bay area where a British subject might come in too late to be an elector in that district, and some other person might act. Usually you will find that they are more familiar than anyone you could send in from any other part of the electoral district.

Mr. CASTONGUAY: I suggest that in 1955 the committee made an exception to permit clergymen to act as election officers in 21 electoral districts. Those are electoral districts that bordered on the Northwest Territories, Yukon and Hudson bay.

I would imagine that the committee would consider section 130 again, permitting northern electors to act as election officers in those 21 ridings where those problems do exist.

The CHAIRMAN: Meantime we hope there will be no election in the northern areas before that time.

Mr. HOWARD: Or the southern areas.

Mr. HARDIE: I do not care; any time at all suits me.

The CHAIRMAN: Then, have you agreed to that section, gentlemen?

Agreed.

The CHAIRMAN: Then, to move on—

Mr. CASTONGUAY: Form No. 13—

The CHAIRMAN: Form No. 13—

Mr. CASTONGUAY: And then form No. 32, and form No. 33.

Mr. RICHARD (*Ottawa East*): They are all the same.

Mr. BELL (*Carleton*): Form 17 is a different principle.

Mr. CASTONGUAY: Yes, it is a different problem. That covers—those forms are to be amended.

Mr. BELL (*Carleton*): The proposed amendment to form No. 17 is to bring it in line with what I always thought was the situation.

Mr. RICHARD (*Ottawa East*): Yes.

Mr. CASTONGUAY: This is a recommendation of Chief Justice McRuer, again as a result of the inquiry made into the revision in connection with the 1957 general election in the electoral district of St. Paul's.

Mr. RICHARD (*Ottawa East*): That was also the interpretation you always put on it, and gave as instructions to those who called on you, that it should be signed in the presence.

Mr. CASTONGUAY: We could not very well—

Mr. RICHARD (*Ottawa East*): You could not enforce it?

Mr. CASTONGUAY: No, but it was suggested. But now Chief Justice McRuer makes this situation, that it is to be signed in his presence.

Mr. BELL (*Carleton*): It is difficult to see how anyone could take an oath that it was in the handwriting of the person, without it being signed in his presence, particularly when there is no qualification in the old affidavit—"to the best of my knowledge, information and belief"—or something to that effect.

The CHAIRMAN: Is that carried?

Agreed.

Mr. CASTONGUAY: That is form 18, too?

The CHAIRMAN: That takes care of form No. 18, as well.

Mr. CASTONGUAY: The next is form No. 36. It is a suggested amendment to form No. 36 which is as a result of a suggestion made to me by an officer of the Auditor General's branch.

The CHAIRMAN: Any questions, gentlemen?

Mr. HOWARD: Agreed.

The CHAIRMAN: Then, we will pass on.

Mr. CASTONGUAY: The next has to do with the printing of the list of candidates to enable members of the Canadian forces to vote. The provisions and the regulations require that I print these lists of candidates. We find it difficult, in so far as time is concerned.

Nomination day is two weeks, in most electoral districts, before polling day. All telegrams from 241 returning officers are sent to me that day. We have to compile a list of the candidates and their political affiliations. Then, the time element has been in the past—the procedure has been that I go to the Queen's printer about midnight with the proof of this list, and it is delivered next morning at nine o'clock—that is, Tuesday morning, 13 days before polling day.

But, as you know, the service voting begins on the Monday preceeding the ordinary polling day. So that that only gives us five days to deliver these lists to Edmonton, Ottawa and Halifax. From there they break it down to some 300 service voting places.

They have to distribute it in 300 service voting places. That problem is difficult enough; but the one for overseas voters is a great deal more difficult. In that connection we get on the phone at midnight and we spend two hours on the phone with the special returning officer, to phone in all the names of the candidates and their political affiliations, so that he, in turn, can have it printed there.

That takes two days in England. After it is printed in England he has to distribute it to Egypt, Israel and all the Western European countries, and Indo China and everywhere else.

I would say that in Canada we can still print the list of candidates and have it distributed to the special returning officers for distribution from them to the various voting places and military establishments. But for overseas voting, this requirement of printing makes it very difficult. It would save a great deal of time if we could just have it mimeographed or reproduced in some other method.

Mr. KUCHEREPA: Litho.

Mr. HOWARD: This proposal applies only to the armed forces voting list.

Mr. CASTONGUAY: This is the list of candidates.

Mr. HOWARD: I am sorry,—the armed forces voters.

Mr. CASTONGUAY: Yes, the armed service voters. The act now requires that we print this list. Printing in Ottawa is very fast, due to cooperation of the Queen's printer. They do excellent work there. We have it next morning at nine o'clock. But when we have to phone to England, and invariably have a two-hour phone conversation with the special returning officer there, he has to check back. Some of the information he has not got correctly or he has not prepared, or he is not prepared to print until four or five hours after the phone call; and then it takes about 48 hours to get the list printed.

Mr. BELL (*Carleton*): On occasions you have had problems with the names in transmission, have you not?

Mr. CASTONGUAY: That is why we adopted the phoning method. The telegram method was not satisfactory at all.

Mr. BELL (*Carleton*): It seems to me there was a certain constituency in Cape Breton one election where the wrong name of the candidate was put on.

Mr. CASTONGUAY: You can imagine the problem we had in 1953 for the Korea set-up. There, at the other end, with the Japanese operators, the electoral districts did not turn out, and the candidates were all mixed up.

Mr. CARTER: Is that printing done by a private firm in England?

Mr. CASTONGUAY: Yes.

Mr. CARTER: Have you ever tried to make arrangements with the Queen's printer for things like that?

Mr. CASTONGUAY: I give the special returning officer complete freedom in the manner in which he can get it done by the fastest and most expeditious means.

Mr. CARTER: You mentioned that here in Ottawa you had tremendous cooperation with the Queen's printer, because you have got it done quite fast. I was wondering whether perhaps at government level or at departmental level some arrangement could not be worked out with the Queen's printer in London or in England?

Mr. CASTONGUAY: We have had excellent cooperation there through Canada House, and with all the authorities in England. The special returning officer has full instructions and full liberty to have it printed in whatever manner he wants, and in the most expeditious manner. It is to his interest to have it printed that way. So if the Queen's printer can turn it out faster, I am sure we can get the cooperation.

Mr. CARTER: I was not thinking about putting the burden on him and working out an arrangement with the Queen's printer; I was wondering whether it could not be arranged beforehand between the two governments.

Mr. CASTONGUAY: That could be explored.

The CHAIRMAN: Is there any further comment, gentlemen?

Agreed.

Mr. CASTONGUAY: That takes care of all my amendments.

The CHAIRMAN: Having sat in several other committees of late I must explain my psychological inability to accept your offer with alacrity, Mr. Howard. Thank you very much.

Mr. HOWARD: We are not all stinkers.

The CHAIRMAN: We intend to hear further from Mr. Castonguay at a later date—probably even before this meeting is over. You say, through the correspondence you saw,—through the correspondence that has been sent to you,—certain suggestions which were fairly popular, and none of these is terribly new, with respect to substantive changes in the Elections Act, and it might be that the committee would be interested in exploring these in a general way.

Mr. BELL (*Carleton*): Mr. Chairman, I wonder if Mr. Castonguay, at a subsequent meeting, could give us a survey of the manner in which advance polling is handled in each of the provinces? Perhaps he could also indicate the situation in some of the other commonwealth jurisdictions, if he has that information available.

I would like to know what the total number of votes cast in the advance polls in the provinces may be—take the province of Ontario, which is wide



open now—and the cost of running the advance polls in the provinces. I think that if we could get that in tabular form, it would be very helpful to the committee in considering the problem of advance polling, which has been raised by a very large number of people who have written in.

Mr. CASTONGUAY: With regard to the province of Ontario, the chief electoral officer there has been very cooperative with me in the past; but it may take some time to get this information because he is rather busy now. I would need his cooperation to get that information. I might have to wait a month or two before I could get that information from him.

Mr. HOWARD: We will still be here.

Mr. CASTONGUAY: Given time, I could get that information.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I thought there had been a suggestion made that Mr. Castonguay would, from his correspondence and from his experience—because outside of the correspondence, no doubt he has had many representations from other people—classify the other headings where there have been suggestions made, such as advance polling, regional voting, a permanent list, et cetera, for those who have not had experience of the committee before.

Perhaps he could give us his views on these things, so that next year we may be better educated and better prepared to study the whole situation. I do think that we should have, maybe not a lecture, but a sort of resume of this act: what this act is; how it is built up. Perhaps Mr. Castonguay could do that, and then follow on with the general headings, such as advance polls and other subjects.

The CHAIRMAN: As I recall the suggestion which Mr. Castonguay has accepted, it is that this correspondence will be so classified. For instance, these from the Secretary of State's office do just that: they note the letters that have come in on various subjects, with summaries on them.

Mr. CASTONGUAY: Most of the suggestions I have read are representations for absentee voting or extension of privileges to vote at advance polls for all classes of people, not only commercial travellers and transportation people.

In most commonwealth countries absentee voting—in the two provinces in Canada that have absentee voting—goes hand in hand with a permanent system of lists; that is, a permanent registration. Then you can provide for absentee voting. In the province of Saskatchewan they adopted a method of absentee voting which merely requires an elector to make an affidavit that he will be absent, and he is allowed to vote.

The province of Saskatchewan does not record a permanent list; they have the same basic method as we have to prepare lists. I am not familiar with the details of the permanent lists—that is, the technical aspect of it, or the administrative side of it—because the only experience I have ever had in this country with a permanent list was in 1934, when parliament brought down the Franchise Act and there was a general enumeration in June, 1934. There was a revision in June, 1935, and the election was held in October, 1935.

The committee that was set up after the 1935 elections studied methods of compulsory voting, compulsory registration, permanent lists and all features of the act for three sessions, 1936, 1937 and 1938. They made their report in 1938, adopting the present system. The reason that the permanent list system did not give any satisfaction here was that the onus of recording any change of dwelling or position was left upon the elector himself, mostly. There was no house-to-house canvassing, checking on lists to bring them up to date. Where they have permanent lists in the commonwealth, there is at least a bi-annual house-to-house check to bring the list up to date. I am just giving you a rough picture of this.

But if the committee were anxious to have detailed information as to the workings of these systems, it would require—in my view—somebody to make a study of the permanent lists, say in some of the states of the United States where they have permanent lists. This would include a study of the situation in England also, and maybe Australia, where they have compulsory registration and compulsory voting. They have had that for many, many years, and I would imagine that, from the mechanical side, they would have that down pat by now. I can only give you information, even next year, of the general principles involved in the permanent lists, not the working details.

Mr. CARTER: Mr. Chairman, I would like to make a suggestion about a different subject, for Mr. Castonguay's consideration; that is, the better delineation of polling sections and directions to the booths in a riding like St. John's, which is an urban riding but which extends out into the country and becomes rural. There was considerable difficulty there. I went down to the headquarters, and there were a lot of people trying to locate where the geographical boundaries of certain polling sections were. It was so vague that hardly anyone could be sure about it.

I searched around, and it took me about two hours to discover the booth. There should be more conspicuous markings and more conspicuous directions, so that people do not have to search around to discover the polling booth.

Mr. CASTONGUAY: In so far as the descriptions of the polling booths are concerned, I ordered a general revision of all polling divisions in Canada in 1956 and 1957. Also, instructions were given to the returning officers that they were to give a list of the descriptions of the polling divisions they established to all recognized political organizations in their electoral districts, and they were to entertain any recommendation or suggestion to improve these descriptions.

That is the procedure we have adopted now, and it has been fairly satisfactory. In so far as giving directions to the electors as to where the polling booth is located is concerned, that could be improved a great deal by the returning officer, who has full freedom to do it.

Mr. CARTER: I am not complaining that they did not do all you asked them to do, but even with that, the description was still not very sharp; you hardly knew whether you were in this section or whether you belonged to the adjoining one, and when you came to look for the place in which to vote, it was in a little inconspicuous house some distance off the road. You would pass it 100 times without noticing the sign that there was a polling booth there.

I think it certainly should be out near the road, where people driving around in a car would see it. You do not look a quarter of a mile away from the road, looking for the sign to a booth. It was there; but it was hard to find.

Mr. CASTONGUAY: I could send a copy of the minutes of the evidence of this committee meeting to the returning officer, and he could improve that at the next election, I am sure, with your recommendations.

Mr. PICKERSGILL: I would like to return to this question of a permanent list, and I would like to ask Mr. Castonguay if he has ever made an estimate of how much the electoral period could be reduced if there were a permanent list. I must say, I do not think there is anything terribly wrong with the present system of enumerating in itself; but the thing that has always bothered me about it is that the total election campaign has to be so long.

Mr. CASTONGUAY: In 1934, the Franchise Act permitted the holding of elections in 30 days from the date of the issue of the writ, but the period from

the date of the issue of the writ and polling date, in 1935, was 60 days, even though the legislation provided a period of 30 days. So you could reduce it to 30 days, I would say, in this country.

Mr. PICKERSGILL: You think you could: you could provide for the necessary revision, and so on?

Mr. CASTONGUAY: If we had a permanent list.

Mr. PICKERSGILL: That was always my opinion, that it could be very substantially reduced; and it has always seemed to me it was pretty important from that point of view. Obviously, a permanent list would cost more than the present system, I would think; but you would have an enormous saving in the cost of elections.

Mr. CASTONGUAY: There would be a big problem with the 21 constituencies where there is a period of 28 days between polling day and election day.

Mr. PICKERSGILL: Is that 28 days really necessary?

Mr. CASTONGUAY: In some cases, yes. The period of 28 days is provided because of the limited printing facilities in some of these remote districts. In a large city you can get your ballots printed in two days, and in these districts it may take five or six days. Then there is the question of transportation and communication, and the climate may be such that you cannot land by aircraft. That time is very essential, in those circumstances, to get the boxes in. We have dropped ballot boxes by parachute.

Mr. PICKERSGILL: I know.

Mr. CASTONGUAY: I would not say the period of 28 days is required in all of the 21 constituencies, but I would say that in maybe four or five of those districts that are now listed in these 21, the period of 28 days may be essential. If the writ issues on the 30th day, and nomination day is on the 28th, it is going to present a very great problem to political candidates.

Mr. PICKERSGILL: I do not think you could have a thing like that; but even three days would make a difference. My riding is one of those 28-day ridings, where obviously it is not necessary it should be 28 days.

Mr. CASTONGUAY: At certain times of the year, no; but at other times of the year, yes—when the ice comes down.

Mr. PICKERSGILL: In my experience, in my riding it has not been necessary. But in Grand Falls-White Bay-Labrador—

Mr. CASTONGUAY: There, you have difficulty.

Mr. PICKERSGILL: Even with 28 days.

Mr. GRILLS: You have difficulty in my riding too.

Mr. PICKERSGILL: I do not think that in the other ridings you would have difficulty.

Mr. CASTONGUAY: If I mention some of them: the Yukon, the Mackenzie district, the electoral district of Saguenay, White Bay-Grand Falls-Labrador, it is essential, if the ballot box is going to be delivered on time to all places.

Mr. HARDIE: It is evident, from what Mr. Castonguay has said, that you could not drop a man off by parachute, very well, to enumerate some of those polls in my riding.

Mr. GRILLS: Mr. Chairman, I was not here at the earlier part of the meeting. Was there any discussion about this military service list? One of the most confusing problems we had in my riding was concerned with military lists; military personnel who had the privilege of voting the week previous to the elections. In some cases they did not vote, and in some cases they had voted and they went—in two cases that I know of—to a civilian polling booth

that was situated in their neighbourhood and wanted to vote there also. In a couple of cases they voted in both places—to which I objected.

However, there were several who came there and then found they could not vote there. They were quite annoyed about it and there was a lot of complaining. They did not make use of their franchise the week previous. Their place of domicile—register—was out of the riding, but they were living in the riding, of course, off the R.C.A.F. station.

Mr. CASTONGUAY: That problem exists in every electoral district where we have military establishments. There is only one way to control it, and that is compelling members of the Canadian forces to vote merely through the service voting procedure. That means they would not be entitled to take part in civilian polls in this country. I am not trying to suggest that it needs controlling, but if the committee wish to avoid this, and simplify the work of election officers, then the only way is to compel servicemen in Canada to vote through their service voting procedure.

Mind you, they have six days to vote; they can vote at any military establishment in the country if they are on leave or furlough. In that way, it could be controlled very easily, and this problem would not arise; but it will always arise as long as the present regulations stay as they are. As long as they are permitted to vote at the civilian poll, this problem will always arise and be very difficult to control.

Mr. GRILLS: I think it does need controlling—and I say that respectfully—because of the confusion that it causes, if for no other reason.

Mr. KUCHEREPA: Do you think it might be desirable, for example, to have a permanent list for these 21 ridings to which reference has been made, as a way of alleviating some of the problems that face your officials and the candidates in these ridings?

Mr. CASTONGUAY: A permanent list requires at least a bi-annual revision in order to bring the list up to date; that is, to record anyone who has left, who has come of age, or has died. You would need officials to operate in this way in these remote polling divisions.

Mr. KUCHEREPA: You would not have that list for enumeration; you would only have revision?

Mr. CASTONGUAY: I do not have any problems there—when I say “problems”, everything is relative—but in these remote areas, do not ever think the enumeration commences on the 49th day and ends on the 44th day. I have power, under the act, to extend the period of enumeration. I do extend the period of enumeration under certain circumstances, when we cannot get in there—that is, the returning officer cannot select a point and get the supplies to the enumerator so he can commence his enumeration on the 49th day. So I extend the period of enumeration in these areas to a time when we can get an enumerator in there, or the supplies in there.

That only happens, under our present system—except for the last few years—once every four years, so there is leeway. The only leeway I have not got, and the only power I have not got is to extend the polling day, if the returning officer cannot get in with the ballot box. There are not many places where we have not been able to get in with a ballot box, including these 21 districts. In one case we dropped them in James Bay; the box, which was on a parachute, fell into the water. They wired me up there and asked me if they could dry them out and use them, and I said, “Yes, go ahead”. They fished them out of James Bay. But I do not think that would happen in many places.

Mr. PICKERSGILL: It seems to me that the main advantage is simply to cut down the total time for the election, and the problem of enumeration is just as great in Toronto as it is in Mackenzie river, from that point of view.

You have to have the time for regional enumeration and revision, whereas if you had a permanent list, you would only have the revision.

Mr. CASTONGUAY: I would say the most important factor with a permanent list is not the period of enumeration, but with a permanent list there is the bi-product of the absentee vote. That would be the answer—in many, many cases—of people voting who, necessarily, for any reason, have to be absent from home.

Mr. PICKERSGILL: Quite.

Mr. CASTONGUAY: That would be, I imagine, the major consideration the committee would like to consider, because that is the answer to most of the representations made here to the committee. In my own view, the advance poll is not the answer, for the simple reason that in the province of Ontario they used to have the same restrictions as we do regarding persons voting at the advanced polls. I believe the vote then was 5,000. They had roughly around 220 advance polls, and then in their last election they permitted anyone to vote at the advance poll for any reason. That had the effect of nearly doubling the vote. I think the vote went to about 9,000; but it also had the effect of quadrupling the number of polls. From 220 that went up to 900 advance polls. Advance polls are expensive under our set-up; they run to a minimum cost of about \$155.

That has been the experience I have noticed in the provinces where they have removed all restrictions. So really, from those statistics, you do not feel—at least, I do not feel—that is the answer to the representations made here. You must remember that under the Ontario system their advance polls are on a Friday and Saturday, and their ordinary polling day is on a Wednesday or Thursday, so there is a greater gap to take people who have to leave, and yet the number of votes has only doubled. When I say “doubled”, it has gone to 9,000. Our advance polls ran to about 256, and there are around 11,000 people who voted, and in this country there must be 50 electoral districts where there are no advance polls, the answer to that would be a very expensive answer. It depends on the way the government lists are adopted. And if it is adopted in that way it runs to a great deal of money.

That is why I say if the committee wishes to consider a permanent list, then I think someone should make a study—not in the parliamentary library, but actually seeing these places where the system is in effect, and making a study of the mechanical side. I am not making a pitch for a trip to any of these overseas places.

Mr. HOWARD: I would be glad to go.

Mr. CASTONGUAY: I do not see how anyone could get reliable or authoritative information on a permanent list until someone makes a study of the existing system.

Mr. PICKERSGILL: Is it not true that no one could very effectively make such a study, except someone who had conducted an election? I am not trying to get a trip, but I am trying to be realistic about it. If you have never run an election yourself in this country, you are not going to have any standard of comparison.

The CHAIRMAN: I was wondering if Mr. Castonguay is suggesting that the committee should make the expedition!

Mr. JOHNSON: I wonder if it is on the record, that the hon. member for Skeena has agreed?

Mr. BELL (*Carleton*): I had considerable experience.

Mr. CARTER: I am interested in the problem of missing ballot boxes, or delay in returning ballot boxes. I could not take my seat in the House of

Commons when parliament opened because about 50 votes were missing in a couple of ballot boxes, which had no effect whatsoever on the outcome of the election.

Mr. CASTONGUAY: That can be easily cured if all the ballot boxes are not in on the official eve of the voting. There is a maximum period of two weeks in which the returning officer may exercise his authority, until such ballot box or ballot boxes which are delayed because of distances and inaccessibility arrive. A simple method would be to reduce the period of two weeks to one week. Then you would have had your seat on time.

Mr. CARTER: Well, I move that. I move a motion to that effect.

Mr. PICKERSGILL: I think you will have to make some provision for the fact that at least in a very close election, the other ballot boxes might affect the election. There would have to be some flexibility. In Mr. Carter's of course, he had practically all the votes anyway.

Mr. CASTONGUAY: In a close election we have always taken steps to have an aircraft go in to get the ballot boxes, so that the boxes would always be there; because a recount generally follows a very close balloting and it must be ordered within four days after.

Mr. RICHARD (*Ottawa East*): With reference to that trip to Australia, I suggest that our Chairman should request his leader to send him to the parliamentary association meeting in Australia this summer, and then he could spend his time studying the system over there.

The CHAIRMAN: There is no objection to that suggestion—but perhaps you might carry it further.

Mr. BELL (*Carleton*): Might I ask Mr. Castonguay one or two questions in connection with his report of May 8, 1958? He stresses at page 3 of this report, the report on the inquiry being made by Mr. Justice Wilfrid Lazure. Has that report been received?

Mr. CASTONGUAY: The report has been received. I have appointed counsel to prosecute, to take proceedings against one person. Proceedings have been taken, and we have received convictions. As soon as the period of appeal has been reached—about which I must consult counsel—I am prepared to submit that report.

Mr. BELL (*Carleton*): You will be submitting it to the committee at that time?

Mr. CASTONGUAY: According to the Canada Elections Act I have to submit the report to the House of Commons within the first ten days of each session. Whether I would have to wait until the next session, I cannot say. I propose to do it at the next session, because the period of appeal would have expired by that time. But whether I am permitted to submit it to this committee, without first having submitted it to the house, I do not know.

Mr. PICKERSGILL: I should think not.

Mr. BELL (*Carleton*): I would think it would be to the house first. But I can see no objection to its going to the house as soon as the period for appeal expired.

Mr. CASTONGUAY: The act permits me to do it within only the first ten days of each session.

Mr. BELL (*Carleton*): That is something that should be clarified.

Mr. PICKERSGILL: Have you had legal advice on that?

Mr. CASTONGUAY: No.

Mr. PICKERSGILL: That you could not do it earlier.

Mr. CASTONGUAY: Within ten days after the commencement of a session. That is set out in section 58(1) of the Canada Elections Act, as it appears at page 227 of this booklet, General Election Instructions for Returning Officers.

Mr. PICKERSGILL: That is, if you have a report to submit; but supposing you have a report to submit after those ten days are over, I would think you would not have to wait until another session has started.

Mr. CASTONGUAY: I can obtain a legal opinion on that.

Mr. BELL (*Carleton*): I think you should, because that is an anomaly.

Mr. PICKERSGILL: My own opinion would be that it would not be.

Mr. BELL (*Carleton*): You mentioned offences in certain other ridings; were charges laid in respect of those?

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): You spoke of seven ridings?

Mr. CASTONGUAY: All the investigations have been completed and proceedings have been taken against each one of them. The evidence substantiated or justified taking proceedings against them.

Mr. BELL (*Carleton*): Do you have any report on that?

Mr. CASTONGUAY: I have it here.

Mr. BELL (*Carleton*): Could we have it at another meeting of the committee?

Mr. CASTONGUAY: I have it here now.

The CHAIRMAN: I understand Mr. Bell would be happy to have it at the next meeting.

Mr. BELL (*Carleton*): Quite satisfied.

Mr. HOWARD: We are getting close to the time of adjournment. As I understand, what might happen is that Mr. Castonguay will summarize the contents of those letters, so far as general suggestions are concerned; and then at a future meeting or meetings during this session we will deal with the specific things, in a general way.

Mr. RICHARD (*Ottawa East*): Specific headings.

The CHAIRMAN: Then, I understand the meeting is adjourned.

Mr. HOWARD: When do we meet again?

The CHAIRMAN: At the call of the Chair—likely in about a week's time.









HOUSE OF COMMONS  
Second Session—Twenty-fourth Parliament  
1959

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

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MONDAY, JUNE 1st 1959

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CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Heath Macquarrie, Esq.

*Vice-Chairman* M. Deschambault, Esq.,

and Messrs.

Aiken,	Godin <sup>(1)</sup> ,	Meunier,
Barrington,	Grills,	Nielsen,
Beech,	Hardie,	Ormiston,
Bell ( <i>Carleton</i> ),	Henderson,	Paul,
Bell ( <i>Saint John-Albert</i> ),	Howard,	Pickersgill,
Carter,	Johnson,	Richard ( <i>Ottawa East</i> )
Dinsdale,	Kucherepa,	Tassé,
Flynn,	McBain,	Valade,
Fraser,	McIlraith,	Webster.

Antonio Plouffe,  
*Clerk of the Committee.*

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(1) Replaced Mr. Benidickson on May 22, 1959.

ORDER OF REFERENCE

FRIDAY, May 22, 1959.

*Ordered*,—That the name of Mr. Godin be substituted for that of Mr. Benidickson on the Standing Committee on Privileges and Elections.

ATTEST.

LÉON J. RAYMOND,  
*Clerk of the House.*

REPORT TO THE HOUSE

WEDNESDAY, February 18, 1959.

The Standing Committee on Privileges and Elections has the honour to present its

FIRST REPORT

Your Committee recommends that it be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto.

Respectfully submitted,

H. MACQUARRIE,  
*Chairman.*

NOTE: Concurred in the same day.



## MINUTES OF PROCEEDINGS

MONDAY, June 1, 1959.

(4)

The Standing Committee on Privileges and Elections met this day at 9.30 a.m. Mr. Heath Macquarrie, Chairman, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Bell (*Saint John-Albert*), Carter, Henderson, Howard, Kucherepa, Macquarrie, McBain, Nielsen, Ormiston, Paul, Richard (*Ottawa East*) and Webster.—(14)

Also present: Mr. Frank McGee, M.P.

*In attendance:* Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer, Ottawa.

The Chairman tabled a statistical summary of the communications received by the Chief Electoral Officer and the Secretary of State. The letters in question were filed on May 12, by Mr. Castonguay and identified as Appendix I.

(*See also Minutes of Proceedings of May 22, page 7*)

Mimeographed copies of this summary were distributed.

Mr. Nelson Castonguay was called, and questioned on the suggestions contained in Appendix I, particularly on

1. Absentee voting;
2. Permanent list of electors, revision and cost thereof;
3. Rejected ballots.

By consent, Mr. McGee queried the witness on spoiled ballots.

The witness tabled an answer to Mr. Bell (*Carleton*), regarding election offenses.

On motion of Mr. Bell (*Carleton*), seconded by Mr. Aiken,

*Ordered*.—That the above answer be printed as an appendix. (*See Appendix II to this day's evidence*)

Mr. Castonguay was asked to prepare memoranda relating to

1. An amendment to Section 14 of the Canada Elections Act;
2. Voting by Civil Servants abroad;
3. A possible extension of the present system of absentee voting.

At 10.55 o'clock, the Committee adjourned to the call of the Chair.

Antonio Plouffe,  
Assistant Chief Clerk of Committees.





## EVIDENCE

MONDAY, June 1, 1959.

The CHAIRMAN: Gentlemen, we now have a quorum. At the last meeting Mr. Castonguay was asked to prepare a summary of the various communications he and others had received with respect to suggested amendments to the Canada Elections Act. This has already been prepared and may be distributed now. I will ask Mr. Castonguay and Mr. Anglin to join us again.

Mr. Castonguay has also taken up a question asked by Mr. Bell of Carleton, and he has the answer here. We might lay that answer on the table for the committee, making certain that Mr. Bell has access to it.

Mr. BELL (*Carleton*): Is this the one with respect to investigations in the last election?

Mr. N. J. CASTONGUAY (*Chief Electoral Officer*): Yes, Mr. Bell.

Mr. BELL (*Carleton*): Are there any aspects of it upon which Mr. Castonguay would like to comment?

Mr. CASTONGUAY: No, Mr. Chairman. There is one suggestion made by counsel in Montreal to amend section 29 of the Canada Elections Act, and that is included among the letters that I tabled at the first meeting.

Mr. NIELSEN: Mr. Chairman, may we ask questions on this correspondence?

The CHAIRMAN: If Mr. Bell and Mr. Castonguay have finished that item, we can proceed to this summary, and I am sure Mr. Castonguay will answer any questions you may have.

Mr. BELL (*Carleton*): This is a very brief statement, actually, Mr. Castonguay is giving about election offences which occur, and it seems to me it might be generally useful if it were printed as an appendix. It is only three pages.

The CHAIRMAN: You so move, Mr. Bell?

Mr. BELL (*Carleton*): Yes, I do.

Mr. AIKEN: I will second the motion.

The CHAIRMAN: Mr. Bell moves; Mr. Aiken seconds: that the information which is made available be printed as an appendix to our record.

Motion agreed to.

Mr. NIELSEN: I would like to ask Mr. Castonguay, with regard to the third letter as listed in his summary as being received from Dr. Boyer, whether any changes have been contemplated in your suggested amendments so as to allow survey parties in the field to cast their ballots in future elections?

Mr. CASTONGUAY: Mr. Chairman, the Canada Elections Act limits any suggestion I may make only to amendments that would be for the more convenient administration of the act. This would involve a change in principle, which I am not permitted to tackle in any way.

The CHAIRMAN: Are there any further questions?

Mr. HOWARD: Was it our thought that we would take these one by one, or seriatim, maybe, in the general discussion?

The CHAIRMAN: I do not think there was any clarification on that. There is certainly an area of interest for any member to ask questions on.

Mr. HOWARD: I wonder whether that might not be the easiest thing, to go through them, instead of jumping all over the place.

Mr. BELL (*Carleton*): Yes.

The CHAIRMAN: If that is agreeable, we shall direct our attention to a letter from Mr. Charlebois, who is suggesting an amendment dealing with an improvement in polling facilities.

Mr. BELL (*Carleton*): What type of improvement?

The CHAIRMAN: You might indicate, Mr. Castonguay, just what suggestion Mr. Charlebois did have.

Mr. CASTONGUAY: Mr. Chairman, it is more along the lines of more suitable premises for polling stations. With election officers, suitable premises are what really are available. Before 1940 returning officers did not seem to have too much difficulty in finding premises in private dwellings for polling stations. But since the end of the last war this has been an increasing problem, so much so that in many cases we have not been able to find suitable premises and we have had to centralize polling stations into schools, community centres—public buildings.

It has been the experience of some returning officers that when finding suitable premises, even private garages are now put at their disposal; so it is a matter of availability and what is at their disposal.

Mr. BELL (*Carleton*): In your instructions to your returning officers, you do tell them to get the best places that they possibly can?

Mr. CASTONGUAY: That is in the instructions.

Mr. BELL (*Carleton*): So, surely, this is a local problem?

Mr. AIKEN: I was going to ask: this is really a problem for the returning officer, to find the best premises he can?

Mr. CASTONGUAY: Yes.

Mr. AIKEN: Along that line, I would like to ask about returning officers, Mr. Castonguay. I notice you have had new returning officers back for instructions previous to the elections. How long has this procedure been carried out? Has it always been the case?

Mr. CASTONGUAY: Oh, yes. That procedure was initiated by the first chief electoral officer and continued by my immediate predecessor. It is almost impossible to hold an election within sixty days without this work being done.

Mr. AIKEN: Are any of the old, previously appointed returning officers called in for instruction as well?

Mr. CASTONGUAY: It has been my policy to bring in returning officers and give them a three-day course of instruction. If time permits, I travel throughout the country and draw them into a central place in each province and give them a course of instruction: old and new, if time permits.

Mr. AIKEN: So that all returning officers at various intervals receive verbal instructions about all these matters?

Mr. CASTONGUAY: At the last election only twenty did not receive my instructions, because time did not permit it. We had a course lined up for the week the election was held.

Mr. AIKEN: Can you tell me approximately how many new returning officers there were, just prior to the last election?

Mr. CASTONGUAY: I think, roughly, around sixty.

The CHAIRMAN: Are there any further questions with regard to letter No. 1?

Mr. HOWARD: Mr. Chairman, I would like to express one thought arising out of what appears to be the most general complaint—especially in smaller communities, which are invariably rural polls—where there is a community hall or a publicly owned building. The point has been made that in such cases the community hall should be used.

Mr. CASTONGUAY: The argument is the rent, and so on, would assist the community in financing and operating its own hall rather than using the D.R.O.'s home, which will be in many cases.

Mr. HOWARD: I can appreciate this is a problem for the returning officer, particularly; but I wonder if in the instructions that are issued concerning the finding of suitable places, whether that specific matter is dealt with or covered?

Mr. CASTONGUAY: No, it is not. The instructions give the returning officer full latitude to select whatever suitable premises there are in a polling division for a polling station. After all, the act gives him exclusive jurisdiction in this matter, and the instructions are all along those lines.

Mr. HOWARD: There is nothing in the instructions about specific types of facilities—schools, and things of that nature?

Mr. CASTONGUAY: No, none whatsoever.

Mr. HOWARD: Do you think that is something that should be drawn to the attention of, or a request made to the R.O.?

Mr. CASTONGUAY: To the returning officer locally.

The CHAIRMAN: Are there any further questions on this one?

The second letter on our list is one from Mr. Whitehouse, and deals with voting by civil servants employed overseas.

Mr. AIKEN: Mr. Chairman, looking through this summary of suggestions, I find the vast majority relate to this particular subject—that is, absentee voters. There are several in connection with civil servants and several others in connection with service men. Perhaps those could all be covered at one time, rather than going through them individually.

I am referring to items 2, 3, 4, 5, 6, 7—practically all of them. We hardly need to go through them individually. No. 19 is registration of voters, and so is No. 20. No. 24 refers to the lowering of the voting age. A good many of them refer to this particular subject.

Mr. BELL (*Carleton*): Could we start by having Mr. Castonguay outline to us what the experience has been in Canada with regard to absentee voting? As I recollect, it was in the act at one stage—I believe, in 1935.

Mr. CASTONGUAY: Mr. Chairman, in 1934 the Franchise Act came into being, and it may be of interest to the committee if I were to read my predecessor's report on the use of absentee voting at that election. It was used, for the first time, in the 1935 election.

Mr. BELL (*Carleton*): And the only time?

Mr. CASTONGUAY: Yes, for the only time. It was limited to fishermen, lumbermen, miners and sailors only; and was only applicable within the provinces. If a miner from Ontario was employed in British Columbia he would not get privileges of absentee voting, because he had to be absent within his own province.

My predecessor, in his report to the House of Commons, made the following comments on absentee voting:

I was also called upon, on many occasions, to express an opinion with regard to absentee voting. This is the first time that there has been absentee voting at a dominion election. The procedure appeared to be

most complicated to election officers and political workers. The right to vote as an absentee voter is limited to four classes of persons, namely: fishermen, lumbermen, miners and sailors actually engaged or employed in any of these occupations on polling day at a distance of not less than 25 miles from their ordinary polling stations and in the same province. This limitation gave rise to a lot of dissatisfaction and misunderstanding in most electoral districts and the application of the absentee voting provisions complicated to a great extent the duties of the election officers, which were already intricate enough. Absentee voting was not resorted to to a great extent. There were only 5,334 absentee voters' ballots cast in the whole of Canada on polling day. Of this number 1,533 ballots were rejected, leaving only 3,801 valid ballots.

Furthermore, the absentee voting procedure was the cause of a considerable increase in the cost of the holding of the general election. In the first place, a large number of blank forms, ballots, etcetera, had to be printed to supply each polling station with a certain number. This printing cost upwards of \$16,000.

In the second place, a list of the names, addresses and occupations of the candidates nominated in each province had to be furnished to each polling station. Except in the province of Saskatchewan, where there is an interval of two weeks between nomination and polling days in every electoral district, this list could not be printed until after the close of nomination on the seventh day before polling day. For obvious reasons, the list was printed in four different cases in the western provinces and it was printed in Ottawa only for the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island.

The delivery of these lists of candidates necessitated the use of aeroplanes in several electoral districts and it has also made it necessary to deliver the ballot boxes by messengers in most rural polling divisions at great cost. Otherwise, most of these boxes would have been sent by mail at parcel post rates. The cost of the application of the absentee voting provisions is not yet available, but it is estimated that it will be close to a quarter of a million dollars. In my opinion, therefore, the result of the last general election shows that absentee voting is a costly, ineffective and complicated procedure which should not be resorted to at any future dominion election.

The CHAIRMAN: Your question, Mr. Carter?

Mr. CARTER: On the statement that has just been made, is there any special reason for an abnormal number of spoiled ballots?

Mr. CASTONGUAY: Yes. I think it has been shown that at that time most electors, especially in large urban centres, did not know the name of their electoral district. They may be living on the dividing line between one constituency and another. There were no facilities, such as maps, and postal guides, in each polling station in Canada for the elector to establish conclusively in what electoral district he was entitled to vote. So, most rejected ballots were attributed to the elector who had cast a vote in the wrong electoral district.

Under the service voting procedure, which is a form of absentee voting used, in each voting place we supply an index book and map of all cities in Canada having more than two electoral districts. In addition to that they have a book of excerpts of the postal guide. While this is not perfectly normal at too many ballots, that information is supplied on that basis. It gives the service elector an opportunity to identify clearly which electoral district he votes for. But to provide that facility for each polling station in Canada would be a very costly experience.

Mr. HOWARD: I am wondering if Mr. Castonguay could outline under this absentee voting system exactly what is the method of registration of voters, and the manner in which the ballot that a person casting an absentee vote in his home electoral district is checked, to show that the person who voted was the person who should have voted, and so on?

Mr. CASTONGUAY: There is a basic method with the absentee vote. First, we have a permanent list that was adopted in 1934. There was a general enumeration in October, 1934 to compile a basic list.

In June, 1953 there was a revision, and that revision ended on June 30. From that day onwards there was no means of making any amendment in the electoral list. If a voter became ineligible there was no means to remove names from the list of people who had left the country and who had moved to a new electoral district, or of people who had died.

The election arrived in October, 1935, and I think it would be a fair comment to make that it did not give any satisfaction to any political party, because they all came back to Ottawa after the election, and I think the report of the committee in 1938 was unanimous, that the Franchise Act should be repealed, and that we should return to our present system. I would say that the method used then was the basic method used in all absentee voting. First there is the normal safeguard which we did not have in 1934. That is, a signed application to be on the list. With that signed application there is a check to verify the signature on the ballot which is included in an absentee vote. Some people maintain it is not an adequate check because not all returning officers are handwriting experts. It is, however, the system which has been used in all countries. There is the check against the signature contained in the postal envelope containing the absentee ballot.

If an elector presents himself at a polling station as a miner, fisherman or lumberman, he then is given a ballot. He writes in the name of the candidate on the ballot in the electoral district in which he believes he is qualified to vote. He marks that ballot in the poll, puts it in the envelope, signs his name on the back of the envelope and drops it in the ballot box. When the ballot box was returned to the electoral officer of the electoral district, he took out the envelopes and mailed them to the various returning officers. When the returning officers received them, the only check they had was to see whether or not the name was on the list. There was no check on this particular occasion, which is very important, of looking at the poll book to see whether or not anyone had voted in his name. That is another safeguard in absentee voting, that the poll book must be examined by returning officers to see whether that candidate has voted or whether someone had voted in his name. If so, that ballot is rejected.

Another system is comparison of the signature on the envelope against the signature on the ballot. There is another weakness of the 1935 system. Mind you, these are opinions I formed from the experience of my father and my predecessor. As you know, with the permanent list it is a closed list. People in urban areas are used to closed lists. At that time, however, there were roughly four million people voting under the rural procedure which, as you know, is very flexible. If a person's name is not on the list, all he has to do is get a qualified elector who is on the list and have him vouch for him.

In 1935 the rural population was faced with a closed list. That was not at all satisfactory to the rural population.

Mr. BELL (*Carleton*): They did not like it.

Mr. CASTONGUAY: The failure of the 1935 system, I would say, would be attributed to the fact that they adopted only 50 per cent of the working methods of a permanent list. All countries which have a permanent list have

a half-yearly revision of this list, which is done by postmen, provincial employees and municipal employees, such as secretaries of municipal councils and so on. This is brought up to date by this half-yearly revision. In addition to that, not only do they take these effective steps to keep the list up to date but also they provide absentee voting and do away with the criticism which may result from someone who has moved to another electoral district and finds himself unable to vote in the new electoral district. He can vote in the electoral district, but his vote is applied to the district in which he resided prior to his moving.

In 1935 this facility was provided for only four classes of people. Everybody was frozen into their residence the same as now, only there was a period of about eight months between the election; and now we have a period of roughly sixty days. If it is the committee's thought to give consideration to permanent lists, such permanent lists will fail completely if absentee voting is not provided to electors who necessarily have to be absent from home. If you have permanent lists without absentee voting, the same situation as in 1935 will be repeated.

Mr. BELL (*Carleton*): What about the reverse? Will absentee voting fail without permanent lists?

Mr. CASTONGUAY: In the province of Saskatchewan, absentee voting is based generally on an affidavit taken at the poll. It is somewhat similar to the 1935 system, inasmuch as there is no permanent list. They have, however, the safeguard of comparing the signature against the one on the postal envelope. I would imagine there would be a lot of persons who had hopes of being elected who would find 2,000 postal ballots on the returning officer's desk. The candidate may have a majority of about 1,000. There would be a lot of "people from Missouri" who would want to know where these had come from. If you have a signature to compare against an application card, then there is one safeguard. However, they are not 100 per cent perfect.

There are systems which have been adopted in places such as in Australia where they have a compulsory vote. It might be interesting to the committee that in the last election in Australia roughly 10 per cent of the people used the facilities of absentee voting. There were 4,619,517 electors. There were 4,142,814 votes cast in their own polls. There were 145,360 postal votes. There were 324,553 absentee votes, and 6,844 declaration votes.

Declaration votes are affidavits taken by the elector at the poll in the case where his name is not on the list. Generally speaking, in Australia in the last 25 years, eight to ten per cent used the absentee postal facilities for voting. You must remember that in Australia in at least four of the states the lists are used for federal and state purposes, and that since the provincial and federal officials do the work the costs are greatly reduced in that manner.

Mr. BELL (*Carleton*): Is there the absentee voting system anywhere in which is used the system of registration as we have it in Canada?

Mr. CASTONGUAY: In a national election I think we are the only country which prepares a list in the manner we do. I do not know of any country in the world where a list is prepared after they issue the writ in the manner in which we do it. Most of the other countries in the commonwealth, Europe and the United States, have permanent registration. So there is, to my knowledge, no comparison to be made.

Mr. BELL (*Saint John-Albert*): Since 1935 has there been a great increase in the number of people who would be classed as absentee voters?

Mr. CASTONGUAY: I think that is the main complaint at each election since I have been in office, since 1934.

Mr. BELL (*Saint John-Albert*): That there has been an increase?

Mr. CASTONGUAY: It has been the complaint after each election. I am not in a position to say whether or not it is increasing. I do know this is a problem at least since 1934. An extensive study was made of permanent registration and absentee voting by committees of the House of Commons from 1936 to 1939. I am not able, however, to give you any information as to whether or not this is increasing.

Mr. BELL (*Saint-John-Albert*): Have you any conclusions in addition to the statement you have read in the light of the present-day situation and in the light of the failure of 1935?

Mr. CASTONGUAY: The only comment I can make would be that I do not see any serious objection to our present system. I may be rather naive, or it may be thought I am sitting in an ivory tower when I make this statement; but I received only one complaint in two general elections, from candidates, to be tabled by the Speaker of the house.

In my dealing with general elections this system appears to be giving general satisfaction, except that it does not provide facilities for people to vote who necessarily have to be absent from home.

My only other comment is that the permanent list is not the answer, because it will create new problems. Moreover, it is a very expensive package. The degree of expense would depend on whether we could use letter carriers, rural mail carriers, municipal officials, and so on, and give them a supplementary payment, other than their salary, to do this particular work.

There are many methods of applying a permanent list; but if it is proceeded with as we do it now, and if we appoint enumerators, I would imagine that we would have to have a half-yearly revision. You must remember that the list of electors contains 10 million names, and we would have to make about 2½ million changes a year to that list.

The normal percentage of changes, for instance, in connection with family allowances—I saw their accounts—is 24 per cent of changes in addresses, and so on. I have not even explored the cost of keeping these changes up to date.

They certainly could not be centralized at a central office here. This whole procedure would have to be decentralized, and with 2½ million changes a year, this would involve a great amount of clerical work, unless it was possible to obtain I.B.M. machines to replace the clerks. But that is one factor alone.

A half-yearly revision would cost \$4 million a year if we were to use our present methods of obtaining enumerators. This is merely an estimate, but it is based largely on our present system, if we were to draw from the same pool for our election officers as we do now.

If we changed that principle and went to mail carriers, letter carriers, rural mail carriers, municipal officers, provincial officials, and so on, and if we supplemented their income to do this particular work—I think in Australia for every 100 notations, they are paid so much, but it is not comparable with what we pay our enumerators here.

The cost factor is a great one; and whether that extra cost to cure this particular problem that now exists would be warranted, I am not in a position to say.

Mr. CARTER: A lot of electors are disfranchised because there are no advance polls on whose lists they are, and because they are on the move,—let us say, from boat to boat, on the Canadian National boats. Although they can put into a port in the same electoral district, nevertheless they cannot vote there, because their names may not be on that particular polling list, but on a list farther up the coast. Could something be done to alleviate that situation?

Mr. CASTONGUAY: The absentee vote is the only method I know of to correct that, but it would have to have adequate safeguards.

Mr. CARTER: You said that if a person's name was not on the list at the poll, he could still vote if he could get two people to vouch for him.

Mr. CASTONGUAY: Provided it could be proved that the person is ordinarily resident in that polling division; but how can they prove that when they are not ordinary residents?

Mr. CARTER: As long as he is in the same electoral district I do not see why he should be forced to vote at one particular polling place.

Mr. CASTONGUAY: I think the agents of the candidates would be terribly busy checking that particular matter, when people are on the move all over the place. In fact, they might be moved around in trucks.

Mr. CARTER: Could that not be overcome by giving these people who cannot have an advance poll, such a thing as a certificate which they could produce at whatever poll they could get to within that district? Once he has voted it could either be taken away from him, or countersigned, so that he could not vote elsewhere?

Mr. CASTONGUAY: It could be done, but certificates could be rather simply reproduced. In fact they reproduce our ballot paper now. I imagine you could drive a truck-load of people around these districts and vote them all over the place.

Mr. CARTER: It is not a very good reflection on the honesty of the voters.

Mr. CASTONGUAY: I am not speaking of voters in general; I am speaking only of the very small percentage of people who lend themselves to this sort of practice.

Mr. AIKEN: Mr. Carter has not read Mr. Bell's return showing the number of convictions in 1957-58.

Mr. CARTER: Simply because an evil may exist, I do not see why we should deprive these people.

Mr. NIELSEN: Before I ask my question, might I make a suggestion in relation to Mr. Carter's recent observations, that it may be possible to design some form of rubber stamp which could be affixed on the presentation of this registration or certificate, as Mr. Carter suggested before. The stamp could be specially designed for the purpose of each election, or changed with each federal election. Perhaps some such system might be worked out, in the absence of a permanent list.

My question is twofold—but let me put it this way: the permanent list countries have had experience costwise in the administration of this type of system. I wonder if Mr. Castonguay has done any investigating along these lines in order to obtain comparable costs. If he has, is it the reason of Canada's geography that prevents us from instituting a permanent list system?

The second part of my question is this: if he has conducted this investigation and has come to the conclusion that a permanent list is not feasible in Canada, has he considered any other system which would allow absentee polling to be included with our present system, and if so, what?

Mr. CASTONGUAY: On the first part of your question, my comment on a rubber stamp or die-mark on the certificate would be that in large or sparsely settled electoral districts, where there is one returning officer, I would hate to see such authority to stamp these certificates passed around to a number of people, because there has to be control.

It would be simple in a constituency if the people could go to the returning officer and get the stamp. But in a large or sparsely settled electoral district it would be difficult to keep adequate control on the use of this check.



The only study I have made of the permanent list system is the one I made in the library of the parliament buildings. I did it through looking at Hansards and various statistics, as well as the information collected for this committee in 1936 which studied the particular problem of a permanent list.

In so far as costs are concerned, my observations are that all those countries make use of state officials, municipal officials, federal officials, and so on; they are used as election officers, and they are paid a supplementary allowance which is not by any means the same as paying an enumerator a full scale fee.

There is no question that when parliament wanted to use federal officers, such as letter carriers and rural mail carriers, it was feasible that a great saving would be effected in the half-yearly revision, and to supplement with election officers from another pool, where these postal facilities are not available. But I do not think we have passed any legislation here that would draw on the provincial and municipal people to cooperate with us.

In Australia, four of the states use the federal list for permanent purposes; therefore it is easy to obtain the cooperation of these officials without getting into any constitutional problem; and the same with the municipal set-up. I feel here that we would be limited only to our federal employees. The cost could be reduced a great deal there, but it would still be more expensive than the present system; however, not to the extent of \$4 million or \$5 million a year.

Mr. NIELSEN: Have you considered any other system of absentee voting in the absence of the possibility of a permanent list?

Mr. CASTONGUAY: The only system I know of, which is in existence which has adopted absentee voting is under the provincial Elections Act in Saskatchewan.

Mr. HARDIE: And B.C.?

Mr. CASTONGUAY: No, they have a permanent list there. Under the Saskatchewan provisions all you are required to take at a poll is an affidavit. I do not know whether that would be acceptable in certain electoral districts here. It is difficult to make a study of every place, because we are the only country in the world that prepares lists, after they issue the writ, and all absentee voting methods are tied or linked to a permanent list. All of them, without fail, make it so that at least on the date of the issuance of the writ no name can be added or taken off the list. A lot have a half-yearly revision. We will say it begins in April and ends in April. There is no way of getting on the list until the next half-yearly revision begins on October 1, and there is a mechanical set-up to provide a list. In England they start preparing the list on April 1, and they go through the processing, revision and checking of the list up until October 1. That list becomes effective for all elections ordered from October 1 until the end of March. Then that process is repeated again on October 1, when they start the process of revising the list so it will be effective for all elections called in the period from April 1 to October 1.

Mr. NIELSEN: You have also made some sort of estimate as to the cost of a permanent list. Inaccurate as it might be, could you give us the same type of estimate in connection with the cost of a permanent list system in Canada as compared with our present system? The last election cost was in the neighbourhood of \$8 million. If we had a permanent list and had to maintain it for four years, what would the cost be?

Mr. CASTONGUAY: I cannot see it being done for less than \$4 million a year, and it would take approximately \$3 million a year to take the vote.

Mr. NIELSEN: That would be \$15 million as compared with roughly, \$8 million.

Mr. CASTONGUAY: The initial cost of setting up a permanent list, including the obtaining of signatures from each elector, would run \$6 million or \$7 million. That is the amount it would cost to establish your foundation. I am not including this amount in the cost. Once it has been set up it would require about \$4 million a year to maintain the list. However, that is merely an estimate.

Mr. HOWARD: Could you give us the costs in connection with the preparation of the original voters' list in British Columbia? This is a permanent list and you sign a card and so on.

Mr. CASTONGUAY: I have not the costs in connection with that.

Mr. HOWARD: They do not have in British Columbia half-yearly or regular revisions of the list, except when the writ is issued; and then there is an enumeration that follows a somewhat similar pattern as our federal list. Then there is the closing of the list—I forget the time involved. But after it is issued a group of enumerators can be appointed, and are, who prepare additions to the list which applies to that constituency or polling division.

Mr. CASTONGUAY: I believe the lieutenant governor in council has the power to order an enumeration when he believes the list of that district is inadequate.

Mr. HOWARD: He can cancel the list that has been made either in the constituency or the polling division, depending on the circumstances, and revise it.

Mr. CASTONGUAY: Yes.

Mr. HOWARD: Or he can establish a new list.

Mr. CASTONGUAY: Yes.

Mr. HOWARD: That happened in Delta. Because of the institution of street and street numbers instead of rural route, they cancelled the whole list and had a completely new enumeration in that district. I wonder whether it would be possible to communicate with the chief electoral officer out there to ascertain what their costs are for revision of the list after the writ is issued.

Mr. CASTONGUAY: I think the thought expressed at the last meeting was not only for absentee voting, but to curtail the period of the election; and if the thought to curtail it to 30 or 36 days does exist, or is desirable, I cannot see how you can have a revision of the list after they issue the writ, or 30 days before polling day.

Mr. HOWARD: This revision presently exists in British Columbia. They are putting people on the list after the writ has been issued. I think their elections can be called within 38 days. It can be a longer period, but that is the minimum. They have a very difficult job in printing the list and getting them ready for election day; sometimes they just make it.

Mr. ORMISTON: I am wondering what percentage of the eligible voters are deprived of their franchise under the present facilities.

Mr. CASTONGUAY: There is no accurate way of estimating that. The only figure I gave the committee was in relation to the Commonwealth of Australia, where they have postal ballots. I do not know whether their circumstances, such as geographical location and so on have any bearing, but they have one district which is 700,000 square miles in area. This district would compare with the Mackenzie district. However, there roughly from 8 to 10 per cent of the people use these facilities. I am not going to imply that would be the percentage here. I do not know what the percentage would be.

Mr. HOWARD: Do you know what the percentage is in Saskatchewan and British Columbia?

Mr. CASTONGUAY: I have some British Columbia figures. The figures in connection with the 1954 election are the last ones I have. The total votes cast were 817,397; the number of absentee votes cast was 33,194, and there were 11,288 rejected absentee votes.

Mr. HOWARD: That is for British Columbia?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: That is for 1954?

Mr. CASTONGUAY: No, 1956. The next one is 1953. The total votes cast at that time were 727,839. There were 35,447 absentee votes cast and 6,926 rejected.

Mr. HOWARD: There is some reason for that 1953 figure.

Mr. CASTONGUAY: You mean the 1956 figure concerning the 11,000?

Mr. HOWARD: No, the 1953 one. There may be some reason attached there for the higher percentage of rejected ballots. There was a higher percentage as well rejected in the ordinary ballots that were cast. That was because there was a change in the system.

Mr. CASTONGUAY: I believe the figure for the ordinary vote run around 2 per cent over a period of time in British Columbia with the Alternative vote, but they only used it for about two elections.

Mr. HOWARD: A great percentage of rejected ballots there are those from people who get themselves in the wrong constituency.

Mr. CASTONGUAY: Yes.

Mr. HOWARD: They think they are in Vancouver South whereas they might be in some other riding bordering it and the ballot goes to the wrong electoral district.

Mr. CASTONGUAY: No, Mr. Howard, I have not any figures in connection with the province of Saskatchewan.

Mr. RICHARD (*Ottawa East*): Could some system be devised for our civil servants abroad? This is a class of people who would be very easy to handle. I think this matter was brought up before. I would be pleased if you would comment on that and advise the committee as to the objections in that case.

Mr. CASTONGUAY: Well, this question was studied by the 1955 committee and, as I recall it, it was defeated by one vote; so mechanically it is feasible and practical at very little expense. When I say "very little expense", it is just a matter of extra forms. But the committee then voted this suggestion down.

Mr. BELL (*Carleton*): Simply a matter of following the procedure of the Canadian forces voting regulations?

Mr. CASTONGUAY: Yes; but I think there was another principle involved, as I recall the meeting. But I may be treading on dangerous ground. It would appear to me that the committee made representations that they thought provincial employees would get into large industrial corporations who have employees who necessarily have to be absent, serving in other countries. Therefore, on the broad principles—I cannot speak for what motivated the members in putting it down, but that was part of the discussion—they would be getting into a large field and maybe the whole picture of permanent list, absentee voting and the whole set-up should be considered before they started considering special legislation for civil servants.

Mr. RICHARD (*Ottawa East*): I remember now; it was because there were other groups who would not be so well favoured.

Mr. BELL (*Carleton*): There is another aspect of this, which I think could very easily be taken care of. That is in respect of wives, particularly, or others who have been abroad for perhaps two or three years in diplomatic

fields or the armed forces, and then return to Canada. They are caught by the rule of not being ordinarily resident for 12 months preceding polling day at such election. I, personally, have expressed my disagreement to the chief electoral officer with regard to the interpretation which is given to the act.

I think it could very well be argued that the wife of a serviceman who is abroad retains her place of ordinary residence in Canada. However, the fact is that it has been ruled that she does not, in many cases. This was the principal grievance concerning the Canada Elections Act in my riding at the last election. Wives would be back 10 or 11 months in Canada, after a period overseas, and they were refused the ballot.

It seems to me we could very simply cure that by a very simple amendment to section 14 of the act, and that we ought to do so. It is the most discriminatory thing, to prevent these wives, who have had to be overseas with their husbands, from having a ballot after they have been back in Canada for that length of time. If they were back in Canada one day, I say they ought to have a ballot; but one can imagine, when they have been back 11 months, the howl that goes up.

Mr. CASTONGUAY: That situation was aggrieved by a transfer to a brigade between the 1957 and 1958 election, and there were many, many complaints on that score.

Mr. BELL (*Carleton*): I had hundreds of them.

Mr. RICHARD (*Ottawa East*): That is the problem: the same thing applies to wives who have gone abroad, whose husbands have been working for big corporations for so many years, and who have come back. Their husbands are not in the armed forces, but are civil servants.

Mr. BELL (*Carleton*): Yes, it applies generally. The only person who is not concerned with this is the serviceman, because he can have his vote under the active service regulations. But it does apply to a civil servant abroad.

If the High Commissioner of Canada, in London, were to return here, he would be deprived of a vote for 12 months after coming back to Canada.

Mr. BELL (*Saint John-Albert*): We cannot make an exception for the high commissioner, can we?

Mr. WEBSTER: In this case, yes.

Mr. BELL (*Carleton*): I venture to suggest that perhaps the chief electoral officer should submit suggested drafts of an amendment which would take care of that situation. I know he, personally, is sympathetic, although he has a differing view of what the act presently provides than I confess I have.

Mr. NIELSEN: Mr. Chairman, Mr. McGee, of course, is not a member of this committee; but we have been discussing a question here which he would like me to put. I would much prefer that he put it himself, if it is agreeable to the other members of the committee.

Agreed.

Mr. MCGEE: Thank you very much, gentlemen. This concerns the spoiled ballots, and in particular, spoiled ballots by the use of some implement other than the pencil provided in the balloting booth to mark the ballot. I am wondering how widespread this is. Do you have any estimate of the number of ballots spoiled on any specific count?

Mr. CASTONGUAY: I have that information, but I have not it here. I know—speaking from memory—the largest percentage of rejected ballots are spoiled because electors vote for more than one candidate. That seems unbelievable; but they vote for more than one candidate.

I am not speaking of voting in the federal districts of Halifax or Queens, where that is permissible; but in centres such as Toronto, Montreal, Winnipeg

and Vancouver—where “municipal” seems to creep into the federal field—they think they are electing two councillors, or aldermen. That is the largest percentage: it runs to about 20 per cent of the ballots being spoiled because of that reason.

I think, with regard to the ink—the blue or red pencil, or whatever you have—the average runs below 10 per cent. There is the tick mark that comes in quite a lot; that runs about 4 or 5 per cent. But the largest percentage, definitely, is from the group of electors who wish to vote for more than one candidate on a single ballot.

Mr. MCGEE: And the total percentage of spoiled ballots is, approximately?

Mr. CASTONGUAY: I think it runs slightly over 1 per cent.

Mr. MCGEE: Mr. Castonguay, this is my last question. Do you think it would serve any useful purpose, perhaps, in the next election, to call in all the spoiled ballots, examine them and perhaps make some recommendations to some future committee, with a view to changing the regulations concerning what is, and what is not, a spoiled ballot?

Mr. CASTONGUAY: I personally examined all the rejected ballots of the 1953 election.

Mr. MCGEE: They do come to you for examination?

Mr. CASTONGUAY: Yes, I keep the supply for a year; and before I disposed of them, after the year expired, in 1953, I personally looked at all the rejected ballots; that is, over 60,000.

The only recommendation—it is not a “recommendation” I am making, but all I am saying is there is no legislation can sure an elector voting for more than one candidate.

The two things that may be cured is to accept a book-mark or ballot paper-mark by something such as a black or red pencil. But I am not recommending this, because this allows room for identification of the elector later on, when the ballots are counted. There are certain combinations can be worked out. You can give a fellow a green pencil and say, “You vote this way, or you are down the river”. And that night the agent looks for the green cross, and if it is not there, then certain intimidation follows.

There are certain factors which can influence an elector, such as even guaranteeing an investment. If you give a fellow a purple pencil and say that he does not get his investment until that purple pencil mark appears as a cross on the ballot paper that night—that is another example.

You could not do it for everybody, but there are enough colours of the rainbow in pencils to identify a substantial number of electors at the poll, if you want to work that combination.

I think that is the reason why members in the past have always resisted changing the method of marking the ballot paper, for fear of intimidating or influencing electors in their vote.

I personally do not think the percentage of rejected ballots compared to the total number—that is the marks other than black pencil—amount to more than 10 per cent of 60,000.

I can assure the members of the committee they cannot be cured by legislation. Some of them put very frivolous remarks on the ballot, and some of them are not too flattering. As I say, I do not think you can cure that by legislation.

The CHAIRMAN: Have we any other questions on this item?

Mr. BELL (*Carleton*): I was wondering if we could leave this question of absentee voting, and get to grips with it at a later time?

I wonder if Mr. Castonguay could prepare for us an amendment to section 14, which would deal with this question of wives of civil servants back in Canada who are not back in Canada for more than one year.

Secondly, I was wondering whether he could outline in a memorandum the procedure which would meet Mr. Richard's point on civil servants.

And then, thirdly, whether he would indicate to us whether by a system of transfer ballots, or in any way other than that, there is any practical means that he sees under which we could have some extension of the system of absentee voting.

I think we have to come to grips with this in some fashion, and I personally am searching to see how we can come to some decisions.

Mr. AIKEN: On the same subject, could I ask another question?

The CHAIRMAN: Yes, Mr. Aiken?

Mr. AIKEN: What period of time before the election would an absentee voter be in his polling subdivision? Are most of these people away for a period of months, or would it be possible to use the list enumerated for that particular election in any way?

Mr. CASTONGUAY: It goes back to whether parliament wants safeguards, in their electoral legislation on absentee voting.

The minister accepts the principle of the affidavit of a person going to the poll and saying, "I have to be away from home, and I live in Vancouver South. I want my vote to be applied to Vancouver South". That is simple, but you would not have safeguards. One is that the person is qualified to vote in Vancouver South; and, secondly, there is no comparison of a signature on the original application for enrolment against the one that appears in the postal ballot.

Mr. AIKEN: What I am envisaging is something along these lines, that the voter, after the enumeration had been completed, could go to the D.R.O. in his own proper polling station and obtain from him a certification which he could use anywhere. Then, at that time, his name would be removed or checked off the list so he could not vote again. I wonder whether that would be useful to absentee voters, or whether they are away for a month before the election actually takes place?

Mr. CASTONGUAY: In the first place, I think, generally speaking, electoral officers do a reasonably good job and are basically honest; but I think it would be pretty difficult to keep at that 45,000 if the D.R.O. issued certificates permitting people to vote. I think that should be controlled by the returning officers. You will get this problem, that deputy returning officers can only be granted after enumeration day. It has been my experience that deputy returning officers sometimes are appointed on the Sunday before polling day. So, from an administrative point of view, I think it would collapse, that suggestion, unless you had permanent officials all year round.

Mr. AIKEN: The time limit would also work against it?

Mr. CASTONGUAY: Yes, the time limit would also work against it. That certification might also enable you to vote in Halifax. But to get the Halifax vote you have also to have the names of the candidates running in your constituency. You also have to have some facility in a large area in order to know what electoral district you will be in, and so on. The province of British Columbia allows a period of three weeks for postal ballots to come in before you can have an official count. That is to permit all of the boxes to come in to the returning officer.

If absentee voting were permitted from one coast to another and we had, at many electoral districts, the official addition of the votes three weeks after, a second look would have to be taken at the official addition of the votes;

because if you want all these postal ballots to arrive on time you would have to have a period of two months. We have some ballot boxes which do not come in until 30 days after polling day. So I think if you do not want to have too long a period after polling day until the official addition day, you would have to allow absentee voting only in adjacent provinces and not from Newfoundland to British Columbia. You could have it that way, but there would be a long period after polling day before you would be able to have an official count, and that might not be desirable on some occasions when it is the wish to have parliament called in a hurry.

Mr. AIKEN: Do you agree with Mr. Bell that absentee voting is well nigh impossible without a permanent list?

Mr. CASTONGUAY: It is possible, but you would not have the same safeguards. Everything is possible. You can adapt absentee voting to any system if you are willing to sacrifice some of the safeguards. I do not know whether or not the members of this committee would be prepared to sacrifice those safeguards. One is the checking of the signature of the elector against the signature on the envelope. You need a signature to compare.

I know of no other system. I have made a long study of it and have tried to adapt absentee voting to our present system. There may be more impetuous minds than mine, but certainly I cannot find any method of adapting absentee voting to our system and still retain adequate safeguards.

I can design right here a system, if you are prepared to accept affidavits, like Saskatchewan does. I am not saying it does not work in Saskatchewan. Saskatchewan, as you know, is pretty well a rural province with only one or two large cities or towns. It is easy to design an act to a province. I am not, however, too sure that it is a good thing in some centres, which I will not mention.

Mr. KUCHEREPA: I know this question of absentee voting is a problem. I would like to ask this question. In the case of the armed forces, the party affiliation of the candidate is placed on the ballots?

Mr. CASTONGUAY: Not on the ballot. We publish a list of the candidates.

Mr. KUCHEREPA: But they have it available?

Mr. CASTONGUAY: Yes.

Mr. KUCHEREPA: What I have in mind may be a novel idea. Having in mind the figures given in respect of Australia, where it would appear that possibly 5 to 10 per cent of the population might be affected, and having in mind a federal election and the number of people entitled to vote, perhaps a constituency at large could be created. Every person would have an opportunity of casting the vote, which could be checked back against the original list made, or on the basis of an affidavit. The whole matter would only affect one constituency instead of 265 and probably prevent the elimination of the safeguards to which Mr. Castonguay has been referring. It would create a constituency of about 45,000 to 90,000 persons, which is an average constituency.

Mr. CASTONGUAY: This is a novel suggestion. The way the other countries solve this problem is in this manner. With the permanent lists, if you are leaving the country, you would apply to the registrar and say you are leaving and that you wish to appear on the absentee voters' lists. You are struck off the permanent list and when an election is ordered you write to the registrar and ask him for a postal ballot. He sends you a postal ballot.

Mr. KUCHEREPA: In this case you would be on the absentee list.

Mr. CASTONGUAY: It could be done.

Mr. BELL (*Carleton*): Dr. Kucherepa's suggestion is along the line adopted in some provinces during and immediately after the war in electing service representatives at large. I think the province of Manitoba had three service representatives. The Minister of Trade and Commerce had his first entry into politics as a servicemen's representative in the legislature of Manitoba. It would be the same principle; instead of the servicemen's votes being distributed to all candidates, they would vote for certain ones.

Mr. HOWARD: I am not wishing to cut off this particular discussion. However, Mr. Bell made two or three suggestions with respects to wives of armed services personnel, and civil servants in respect of absentee voting.

In order that we might have at some future time something concrete before us, I wonder if this necessitates a formal decision or whether or not anything could be done through request?

Mr. CASTONGUAY: I would be glad to prepare an amendment respecting any person who would be qualified to have these limitations restricted to one year's residence.

I would like to have some direction on that. What resident qualifications would you want? In your urban list, the list is closed about 16 days before polling day. Would you tie down their return to a certain date before the issue of the writ, or in respect to what prior residence they had in the constituency?

All electors now must meet the basic requirement, as being ordinarily resident in the electoral district on the date that the writ is issued. Now, if you prolong this date into the period of the election, you are creating another class of people who have special privilege.

I could prepare an amendement whereby they meet only the basic requirement, if you think it desirable.

Mr. BELL (*Carleton*): Offhand my view would be that the date the writ was issued ought to be the test.

Mr. CASTONGUAY: I could prepare an amendement along those lines.

Mr. Bell asked for a study of the permanent list and absentee voting and for a memorandum on that basis at the last meeting. I believe we have it, and it is easily procured, but there is no information on it which would be of any assistance to the committee. It merely sets up the procedure. It would require an on-the-spot study. Then you can go in with some facts and authoritative information about it. The United States used a permanent list, as well as the United Kingdom and Australia.

I believe, if the committee wants authoritative and detailed information, it would not be a matter of cost; it would be whether it could be applied to this country. It would be very simple to prepare a memorandum on that basis, but to prepare such a memorandum on the basis of information in the library of the House of Commons I do not think would supply you with too much with respect to applying the details, and the mechanical side of the list.

Sometimes I have written for costs and they have said: we use state officials and so on, but you cannot really get at the real cost, because the officials who are employed would receive an annual salary anyway. I think an on-the-spot study of the systems, which have been used in Australia for 40 years, and in the United Kingdom and in many of the states of the United States of America, having to do with permanent lists, should be made. I do not see how a comprehensive report could be prepared unless it was made on the spot.

I would be glad to prepare a report based on the information in the library of the House of Commons. That is very easily done. But I do not see how you could get any more information from it than I have already given to you.



Mr. BELL (*Carleton*): What I had in mind in the third suggestion was your giving an indication to us of the extent to which the absentee vote might be grafted upon our present system of enumeration.

I had fairly detailed experience in 1935 with the permanent list, and I was not enamoured with it; and having an estimate of the cost which Mr. Castonguay has referred to this morning, I am less enamoured. But it does seem to me that it should be possible to graft a moderate degree of absentee voting on the existing system, and I would like to see Mr. Castonguay prepare a memorandum on the subject to show us how it could be done. Whether we wish to go to the extent or whether we are prepared to lower the safeguards, and whether we would be prepared to accept a simple affidavit.

As I am presently advised I would not be prepared to accept it in most constituencies in Canada. There are some places where I know the "goon squads" would get started, and we would have real trouble. There is bad enough trouble in those constituencies now.

Mr. WEBSTER: Speak for yourself, Mr. Bell.

Mr. BELL (*Carleton*): Do not identify your area.

Mr. CASTONGUAY: I pointed out at the last meeting that I do not have sufficient information on the actual operation of permanent lists to prepare a memorandum. I would have to know more about it with respect to the mechanical side.

Mr. RICHARD (*Ottawa East*): I think we have to make the decision. If we accept Mr. Castonguay's explanation, maybe we could bring in somebody from Australia, the United States or the United Kingdom to explain it to us, or we could send competent officials to one of these countries to find out about the system. Otherwise we may go on like this for a long time.

Mr. HOWARD: Could we not, if it were nothing more than a start, have a look at the system which operates in British Columbia? That is the present day system? That is an absentee system. It has a permanent list. There is a signed card and there is a check against the poll book. There are all these safeguards that you have mentioned which exist and which you necessarily need to prevent any sculduggery taking place. The only thing that does not exist in British Columbia is the half-yearly or regular revision of the list. I wonder, as a start, if we could have an analysis of the system that exists in British Columbia; it seems to work fairly well out there. The only difficulty is that there is not the regular revision of the list, but that takes place between the time the writ is issued and the closing of the list. Also, anyone can register any time except in that period when the lists are closed and election day. He can register then, but he cannot vote at that election, but he can for the next one.

The CHAIRMAN: At this time, gentlemen, we are due to depart from this room to allow the next committee to get under way. You heard Mr. Castonguay express his views on the limitations which are upon him in reference to the exhaustive sort of study which Mr. Bell has requested. Is it your wish that he might proceed to explain a little further, if he can with his present facilities, at a subsequent meeting?

Mr. KUCHERPA: Would Mr. Castonguay consider giving some thought to my suggestion by looking into the matter of what success we had in the case of Manitoba where we had a similar—

Mr. CASTONGUAY: You mean Alberta.

Mr. KUCHERPA: Yes, I am sorry, Alberta, where we had a similar conception, and see if we cannot evolve something along that line.

The CHAIRMAN: Perhaps we should hear from Mr. Castonguay further at the next meeting. At that time we can explore it in greater detail because if an on-the-spot survey of these things is envisaged, we cannot make any definite conclusions on it at this time.

## APPENDIX I

(Contents referred to on May 12 and May 22)

SEE ISSUE No. 1 PAGE 7

## SUGGESTIONS PERTAINING TO THE CANADA ELECTIONS ACT

(Prepared and submitted by the Chief Electoral Officer)

Name and Address	Date	Addressed to	Amendment suggested
1. P. E. CHARLEBOIS	—	Secretary of State	Improvement in polling facilities.
2. F. W. WHITEHOUSE, President, Civil Service Federation of Canada	18/2/57	Secretary of State	Voting by Civil Servants employed Overseas.
3. MARC BOYER, Deputy Minister, Dept. Mines and Technical Surveys	6/6/57	Chief Electoral Officer	Voting by Civil Servants employed in the field at date of an election.
4. GARTH McDOWELL, Director, Memorial Unit, University of Saskatchewan, Saskatoon, Sask.	6/6/57	Chief Electoral Officer	Absentee Voting.
5. ALBERT ENGELHARDT, 518-4th Ave. S.W., Calgary, Alta.	10/6/57	Chief Electoral Officer	Absentee Voting—Student going to job after Writs issue.
6. MRS. CLARE DERKSON, Clinton, Ont.	12/6/57	Prime Minister	Wife of serviceman moving with husband to new station.
7. N. D. LANE, Secretary, Canadian Association of University Teachers, McMaster University, Hamilton, Ont.	31/9/57	Chief Electoral Officer	Disfranchisement of University Teachers attending meetings of learned societies.
8. P. K. MACDOUGALL, Federal Electric Corp., Dorval, P.Q.	11/11/58	Minister of National Revenue	Enquiring when men on "Dew Line" will be permitted to vote.

9. ARTHUR TURNER, M.L.A., Vancouver, B.C.	15/4/58	Chief Electoral Officer	a) Absentee Voting. b) Extending hours of polling. c) Permanent election organization (federal-provincial). d) Permanent voters list. e) Registration of voters. f) Voting cards to be issued. g) Use of High School teachers and students, etc., as D.R.O.'s and poll clerks.
10. MRS. H. A. WALKER, C.N.R. Station, Shellbrook, Sask.	12/4/57	Chief Electoral Officer	Absentee Voting.
11. G. I. MACINNIS, 2572 Birch St., Apt. 206, Vancouver, B.C.	24/4/57	Chief Electoral Officer	Absentee Voting.
12. HARRY HAMP, 1010 University Drive, Saskatoon, Sask.	11/5/57	Chief Electoral Officer	Absentee Voting.
13. J. MAIN, Grand Secretary, Grand Lodge of British Columbia, Independent Order of Odd Fellows, No. 1-5E, Broadway, Vancouver, B.C.	28/6/57	Prime Minister	Absentee Voting.
14. H. WERIER, 428 Anderson Ave., Winnipeg 4, Man.	21/10/57	Chief Electoral Officer	a) Absentee Voting. b) Form of ballot paper.
*15. EDMUND BOYER, Sec.-Treas., Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America, 33 King St. E., Kitchener, Ont.	12/8/58	Prime Minister	a) Absentee Voting. b) Extension of privilege of voting at Advance Polls.
*16. REV. JOHN SHEFFIELD, 4501-20th St., Vernon, B.C.	23/6/58	Minister of Justice	Absentee Voting.
17. MRS. E. J. MCCLEERY, Hon. Corresponding Sec., The National Council of Women, 360 Elgin St., Ottawa, Ont.	26/9/58	Secretary of State	Absentee Voting.

SUGGESTIONS PERTAINING TO THE CANADA ELECTIONS ACT—*Concluded*

Name and Address	Date	Addressed to	Amendment suggested
18. M. J. G. McMULLEN, Manager, Manitoba Chambers of Commerce, Winnipeg, Man.	6/11/57	Secretary of State	Single Alternative Vote.
19. A. O. OLSEN, Ford Hotel, Toronto, Ont.	9/4/58	His Excel. the Gov. General	Registration of Voters.
20. A. O. OLSEN, Ford Hotel, Toronto, Ont.	3/5/58	Chief Electoral Officer	Registration of Voters.
21. MRS. W. J. ANDRIESHYN, Apt. 7—3802 W. 4th Ave., Vancouver 8, B.C.	31/3/58	Chief Electoral Officer	Wife of serviceman stationed in Europe not in Canada one year before issue of Writ—could not vote.
*22. MRS. CLARE W. DERKSON, R.C.A.F. Station, Moose Jaw, Sask.	18/2/58	Secretary of State	Repeal of residence requirements for wives of servicemen returning from overseas service.
23. G. C. SEAMAUS, 1718—12th Ave. N.W., Calgary, Alta.	22/8/58	Secretary of State	Canadian citizen residing outside of Canada returned but not within a year before Writ issued—not allowed to vote.
24. CHARLAND PRUD'HOMME, Clerk of the Legislative Assembly of Manitoba.	28/3/58	Secretary of State	Lowering of voting age.
*25. BERNARD J. LANIGAN, 161 7th St., Box 574, The Pas, Manitoba.	5/5/59	Prime Minister	Age of voters to be reduced to 18.
*26. ROBERT ARMOUR, Coal Harbour, B.C.	21/3/58	Secretary to Prime Minister	Seasonal workers—waiving of residence qualifications to permit their inclusion in voters list.
27. S. K. A. KAYS, Foam Lake, Sask.	17/6/57	Prime Minister	a) Discrimination against Indians and non-Canadian citizens b) Do away with voters lists and issue voters certificate.

28. JOSEPH LAPRESTE, Box 24, Station F, Toronto, Ont.	13/2/58	Chief Electoral Officer	Enumeration—Rooming House Operator should be obliged to furnish names of roomers to enumerators.
29. E. CHARLEBOIS, 202 Laurier Ave. W., Ottawa, Ont.	27/1/58	Public Relations	Card or Book with photo and all particulars should be furnished. Should include a blank space to be stamped when person votes.
*30. STANLEY R. M. FRYER, 270 Winchester St., Winnipeg, Man.	29/1/58	Secretary of State	Enumeration—Voters to attend at offices of responsible officials (such as RCMP, Postmasters, Dep. Returning Officers); voters list to be posted in those offices only.
31. A. WALKER, 4396 Windsor St., Vancouver 10, B.C.	5/8/58	Chief Electoral Officer	a) should be 14 days between issue of Writ and commencement of enumeration. b) alternate way of publishing Notice of revision. c) Advance Poll should close not later than 9 P.M.
32. MRS. MARGARET RUSSELL, Secretary, Simonds Ladies P.C. Association, Saint John, N.B.	8/2/58	Chief Electoral Officer	More competent persons to be appointed as enumerators.
*33. W. M. PICK, R.R. 1, Aldergrove, B.C.	1/4/58	Prime Minister	Candidates for public office be required to produce credentials, namely birth certificates and citizenship papers.
*34. L. J. WALSH, 66 West 12th Ave., Vancouver, B.C.	21/5/58	Prime Minister	Candidates' posters not to be allowed in polls on election day.
*35. MISS JESSIE PENTZ, 105½ Charles St., Halifax, N.S.	30/4/58	Prime Minister R. J. McLeave, M.P. Edmund Morris, M.P.	Physically incapacitated to be allowed to cast votes in their homes.
*36. MRS. ELLEN STEWART, 3447 Shuter St., Apt. 2, Montreal, P.Q.	Undated (Rec. 27/2/58)	Prime Minister	Facilities for shut-ins to cast their ballots.
*37. MRS. IRENE WAGG, P.O. Box 13, Collingwood, Ont.	12/6/57	Prime Minister	a) Improved conditions at polling stations. b) Voting in hospitals.
38. OTTO NORDLING, Regina Hotel, Whitehorse, Y.T.	27/11/57	Chief Electoral Officer	a) Soldiers deprived of vote at by-election. b) Election expenses. c) Tampering with Indians. d) Permanent election officials. e) Use of Transfer or Identity card.
39. MISS MAE BURNISS, Gelert, Ont.	24/2/58	Chief Electoral Officer	Placing of ballot in ballot box by elector.

## SUGGESTIONS PERTAINING TO THE CANADA ELECTIONS ACT—Continued

Name and Address	Date	Addressed to	Amendment suggested
40. MRS. B. L. JAMIESON, Apr. 10A—157 King St. W., Toronto, Ont.	17/2/58	Prime Minister	Voting by persons in hospital.
41. NORMAN PATRICK WALTON, 206 Ashdale Avenue, Toronto, Ont.	11/6/57	Chief Electoral Officer	Voting by proxy by bed-ridden patients.
42. EDITH E. SARGENT, Eyre, Sask.	29/4/57	Chief Electoral Officer.	Rural Notices of Revision to be posted up in Post Offices.
43. H. McLEOD, 470 Loehside Dr., R.R. No. 2, Sidney, B.C.	14/7/58	Chief Electoral Officer	a) Lists of electors to be posted up in Post Offices. b) Party affiliations of candidates to be shown on ballot papers.
[44.] JOHN GIBSON, 1274 Barclay St., Vancouver, B.C.	17/6/57	Prime Minister	Party affiliations of candidates to be shown on ballot papers.
*45. MRS. M. COURTNEY, Celtic, Box 166, Perdue, Sask.	1/3/58	Prime Minister	Party affiliations of candidates to be shown on ballot papers.
*46. OLAF THEO. SATHER, Box 22, "Echo Farm", Loreburn, Sask.	10/3/58	Prime Minister	Party affiliations of candidates to be shown on ballot papers.
47. J. O. BEAUCHEMIN, 101, rue St-Jean-Baptiste, St-Guillaume d'Upton, Comté de Yamaska, Que.	6/8/57	Chief Electoral Officer	Method of Voting—ballot box and form of ballot paper.
*48. RAOUL BRAZEAU, 4693, rue Chabot, Montreal, P.Q.	25/2/58	Prime Minister	Form of ballot and method of marking. White circle on black background—to facilitate counting of votes where pencil marking of ballot is faint.
49. JEROME CHOQUETTE, 261 St. James St. W., Montreal, Que.	22/5/58	Chief Electoral Officer	Amending Section concerning offences in connection with ballots and ballot boxes.

50. L. J. WALSH, 66 West 12th Ave., Vancouver, B.C.	March '58	Chief Electoral Officer	Method of voting—use of voting machines.
51. J. A. PERRY, Manager, Perry Brick & Tile Co. Ltd., Redcliff, Alta.	14/3/58	Chief Electoral Officer	Time off for employees to vote.
*52. PIONEER GOLD MINES OF B.C. LIMITED	2/4/58	Minister of Justice	Curtailement of time permitted for voting where less than three hours required, such as in lumber camps. (To avoid loss of production; unnecessary expense involved in payment of wages.)
53. THE CANADIAN LEGION	July '58	Secretary of State	Advance Polls.
54. L. AUSTIN WRIGHT, Gen. Secretary, The Engineering Institute of Canada, 2050 Mansfield St., Montreal, P.Q.	June '57	Prime Minister	Extension of privilege of voting at Advance Polls.
55. P. J. ROWAN, Motor Vehicle Branch, Dept. of Highways, Govt. of Alberta, Edmonton, Alta.	17/6/57	Prime Minister	Extension of privilege of voting at Advance Polls.
56. CAROL SLIGHT, 460 Roslyn Blvd., Dollarton, B.C.	17/6/57	Chief Electoral Officer	Extension of privilege of voting at Advance Polls.
57. SCOTT F. D. TAYLOR, Provincial Director, State Farm Agency (Ontario) Ltd., 31 Yonge St., Toronto, Ont.	18/6/57	Chief Electoral Officer	Extension of privilege of voting at Advance Polls.
58. GARNET C. BEST, 126 Baltimore Rd., Winnipeg, Man.	25/6/57	Chief Electoral Officer	Extension of privilege of voting at Advance Polls.
59. ELIZABETH H. MORTON, Exec. Secretary, Canadian Library Associations, 46 Elgin St., Ottawa, Ont.	29/7/57	Secretary of State	Extension of privilege of voting at Advance Polls.

## SUGGESTIONS PERTAINING TO THE CANADA ELECTIONS ACT—Continued

Name and Address	Date	Addressed to	Amendment suggested
60. M. J. G. McMULLEN, Manager, Manitoba Chambers of Commerce, Winnipeg, Man.	Nov. '57	Secretary of State	Extension of privilege of voting at Advance Polls.
*61. CANADIAN CHAMBER OF COMMERCE, Montreal, P.Q.	3/1/58	Secretary of State	Extension of advance polls. Extension of hours of polling to 8.00 P.M.
*62. CANADIAN CHAMBER OF COMMERCE, Montreal, P.Q.	23/4/59	Secretary of State	(1) Provision for the greatly extended use of advance polls in federal elections. (2) That federal polling hours be extended to 8.00 P.M.
63. CANADIAN FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS	—	Secretary of State	Extension of privilege of voting at Advance Polls.
64. ASSOC. CHIEF JUSTICE W.B. SCOTT, Superior Court, Montreal, P.Q.	27/8/57	Chief Electoral Officer	Deposit on application for recount should be increased.
65. L. WHITE, Apt. 22, 394 Dovercourt Rd., Toronto, Ont.	9/7/58	Chief Electoral Officer	Publication of summary of candidates' election expenses. Form should be re-designed and candidate should have choice of medium.
*66. G. KENNETH ILSLEY, Berwick, N.S.	4/3/59	Prime Minister	Ceiling of \$2,500 on candidates' election expenses (as in U.K.).
67. R. B. HUTTON, 56 Sparks St., Ottawa, Ont.	19/3/58	Chief Electoral Officer	Forms 19 and 112 (used by revising officers) should be changed so as to do away with necessity of typing on both sides.
68. F. T. McDERMOTT, Chairman, Election Law Committee, Ont. Liberal Association, 302 Bay St., Toronto, Ont.	10/2/58	Chief Electoral Officer	Form 37 (Directions to electors) use of certain name appearing thereon.
69. GEORGE K. HAVERSTOCK, Returning Officer for Acadia, Castor, Alta.	13/12/57	Chief Electoral Officer	Acadia should be included in Schedule Four.

\* Filed by Secretary of State



## APPENDIX II

(Reply to a question by Mr. R. A. Bell, with regard to election offences.)

### GENERAL ELECTIONS—1957 and 1958

#### ST. PAUL'S

- One person—6 charges of forging Form No. 18—Section 309 (1) (b), Criminal Code.  
6 charges of uttering Form No. 18—Section 311, Criminal Code.  
6 charges of personation—Section 17 (16), Canada Elections Act.  
*Sentence:* one month and a fine of \$300 or an additional one month.
- One person—10 charges of forging Form No. 18—Section 309 (1) (b), Criminal Code.  
10 charges of uttering Form No. 18—Section 311, Criminal Code.  
12 charges of personation—Section 17 (16), Canada Elections Act.  
*Sentence:* 6 months.
- One person—2 charges of forging Form No. 18—Section 309 (1) (b), Criminal Code.  
2 charges of uttering Form No. 18—Section 311, Criminal Code.  
*Acquitted.*
- One person—10 charges of forging Form No. 18—Section 309 (1) (b), Criminal Code.  
10 charges of uttering Form No. 18—Section 311, Criminal Code.  
2 charges of perjury—Section 112, Criminal Code.  
*Sentence:* 6 months.
- One person—4 charges of forging Form No. 18—Section 309 (1) (b), Criminal Code.  
4 charges of uttering Form No. 18—Section 311, Criminal Code.  
*Sentence:* 3 months.

#### BEAUCE

- One person—1 charge—opening a ballot box—Section 29 (f), Canada Elections Act.  
2 charges—taking ballot books from ballot box—Section 29 (f), Canada Elections Act.  
24 charges—illegally supplying ballots—Section 29 (b), Canada Elections Act.  
24 charges—unlawful possession of ballots—Section 29 (c), Canada Elections Act.  
*Sentence:* One year without hard labour for each count (concurrent)—sentences to run concurrent with sentences imposed under sections 29 (c), 29 (f), 29 (b) of the Canada Elections Act.

One person—13 charges—unlawful possession of ballots—Section 29 (c), Canada Elections Act.

*Sentence:* One year for each count (concurrent).

One person—11 charges—unlawful possession of ballots—Section 29 (c), Canada Elections Act.

*Pending.*

#### LAURIER

One person—Illegal possession of ballots—Section 29 (c), Canada Elections Act.

Having caused to be deposited in ballot boxes, papers other than ballots prescribed by law—Section 29 (d), Canada Elections Act.

Attempted to cause to be deposited in ballot boxes, papers other than ballots prescribed by law—Section 29 (l), Canada Elections Act.

*Acquitted.*

#### LONGUEUIL

Three persons—2 charges—manipulation of ballots and ballot boxes—Section 29 (f), Canada Elections Act.

*Sentence:* 6 months each person.

One person—2 charges—manipulation of ballots and ballot boxes—Section 29 (f), Canada Elections Act.

*Sentence:* 1 month on each charge (concurrent).

#### ST. LAWRENCE-ST. GEORGE

Two persons—42 charges—charged while acting as enumerators—added fictitious names to list of electors—Section 17 (17), Canada Elections Act.

*Sentence:* first person 7 days; second person 3 days.

#### SAINTE-MARIE

Two persons—1 charge—forgery—adding names to poll book—Section 309, Criminal Code.

1 charge—illegally making use of forged documents—Section 311, Criminal Code.

1 charge—taking false oath—Section 114, Criminal Code.

*Sentence:* 3 months each person on each count (concurrent).

One person—charged with fraudulently having taken ballots—Section 29, Canada Elections Act.

*Sentence:* 3 months.

#### CARTIER

One person—13 charges—forgery—Section 309, Criminal Code.

13 charges—uttering—Section 311, Criminal Code.

5 charges—false statement in extra-judicial proceedings—Section 114, Criminal Code.

*Sentence:* 1 day on each charge for a total of 31 days to be served consecutively.

In addition, as a result of allegations having been made that offences had been committed in the electoral districts of Chambly-Rouville, Hull, Quebec South, Hochelaga, St. Ann, Saint-Jacques, Saint-Jean-Iberville, Napierville, Saint-Antoine-Westmount, Quebec East, and Maisonneuve-Rosemont, the R. C. M. P. were asked to conduct investigations into each case. In my opinion, the evidence adduced by the R. C. M. P. did not justify charges being laid in connection with any of such allegations.

HOUSE OF COMMONS

Second Session—Twenty-fourth Parliament

1959

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

Including Second Report to the House

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MONDAY, JUNE 8, 1959

WEDNESDAY, JUNE 10, 1959

MONDAY, JUNE 22, 1959

---

CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Heath Macquarrie, Esq.,

*Vice-Chairman:* M. Deschambault, Esq.,

and Messrs.

Aiken,	Godin,	Meunier,
Barrington,	Hardie,	Nielsen,
Beech,	Henderson,	Ormiston,
Bell ( <i>Carleton</i> ),	Howard,	Paul,
Bell ( <i>Saint John-Albert</i> ),	Johnson,	Pickersgill,
Dinsdale,	Kucherepa,	Richard ( <i>Ottawa East</i> ),
Flynn,	McBain,	Tassé,
Fraser,	McIlraith,	Valade,
Grills,	*McWilliam	Webster.

\* Replaced Mr. Carter on June 12.

Antonio Plouffe,  
*Clerk of the Committee.*

ORDER OF REFERENCE

FRIDAY, June 12, 1959.

*Ordered*,—That the name of Mr. McWilliam be substituted for that of Mr. Carter on the Standing Committee on Privileges and Elections.

*Attest.*

L. J. RAYMOND,  
*Clerk of the House.*

## REPORT TO THE HOUSE

WEDNESDAY, June 24, 1959.

The Standing Committee on Privileges and Elections has the honour to present its

### SECOND REPORT

Pursuant to the Orders of Reference dated Monday, February 9 and Tuesday, February 10, 1959, your Committee held its Organization Meeting on February 17.

On Wednesday, April 29, the House adopted the following Order of Reference:

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, and the several amendments thereto suggested by the Chief Electoral Officer; and to report to the House such proposals relating to the said Act as the Committee may deem to be advisable.

In consequence of a resolution of the Committee passed on May 12, the following Members were designated by the Chairman to act with himself on a subcommittee on Agenda and Procedure, namely; Mr. Deschambault, *Vice-Chairman*; Messrs. Aiken, Bell (*Carleton*), Howard, Richard (*Ottawa East*), and Webster.

At a further meeting of the Committee held on May 22, your Committee assented to a recommendation of its Subcommittee on Agenda and Procedure to the effect that no exhaustive examination be made this session of the Canada Elections Act.

Your Committee held six meetings in the course of which Mr. Nelson J. Castonguay, Chief Electoral Officer, was heard and examined. Present also at these meetings was Col. E. A. Anglin, Assistant Chief Electoral Officer.

Considerable information relating to The Canada Elections Act was tabled before the Committee at the meetings either on the initiative of the Chief Electoral Officer or at the request of the Committee in the form of prepared statements, memoranda and answers to questions.

A great number of communications received during the years 1957, 1958 and 1959 by the Chief Electoral Officers Office and/or the Secretary of State Department from individuals, organizations and others were tabulated and printed in the Evidence.

Your Committee believes that this material which was either ordered printed or filed with the Committee will be of major assistance to the Committee when reconstituted at the Third Session of this Parliament.

Your Committee proceeded to consider certain amendments to the Act suggested by the Chief Electoral Officer, which amendments the Committee accepted in principle.

Your Committee recommends that the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act at the earliest possible date next Session with a view to affording this Committee an opportunity for exhaustive and constructive examination and study of the said Act.

Your Committee wishes to record its appreciation to the Chief Electoral Officer and his Assistant for their helpful testimony and assistance.

A copy of the Minutes of Proceedings and Evidence is appended together with a copy of suggested amendments to The Canada Elections Act.

Respectfully submitted,

(HEATH MACQUARRIE)  
*Chairman.*

## MINUTES OF PROCEEDINGS

MONDAY, June 8, 1959.

The Standing Committee on Privileges and Elections met this day at 9.30 o'clock, pursuant to notice. Mr. Heath Macquarrie, the Chairman, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Bell (*Saint John-Albert*), Kucherepa, Macquarrie, Nielsen, Ormiston and Webster. (8)

*In attendance:* Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer, Ottawa.

It being 9.57 o'clock and there being no quorum, the Chairman adjourned the meeting to the call of the Chair.

He thereupon instructed the Clerk to call a meeting for 11.00 o'clock this day.

### LATER THIS DAY

The Standing Committee on Privileges and Elections met this day at 11.00 o'clock, pursuant to notice, Mr. Heath Macquarrie, the Chairman, presided.

*Members present:* Messrs. Bell (*Carleton*), Bell (*Saint John-Albert*), Kucherepa, Macquarrie, Ormiston and Webster. (6)

*In attendance:* The same as above.

It being 11.13 o'clock, and there being still no quorum, the Chairman adjourned the meeting until Wednesday, June 10th next at two o'clock.

WEDNESDAY, June 10, 1959.

(5)

The Standing Committee on Privileges and Elections met this day at 2.00 o'clock p.m. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Bell (*Carleton*), Deschambault, Flynn, Godin, Henderson, Kucherepa, Macquarrie, McIlraith, Meunier, Paul, Pickersgill and Tassé. (12)

*In attendance:* Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Chairman made a statement with respect to the extent of the study of the Committee this Session.

Mr. Castonguay was called. He read a letter he received on June 1st from the Chief Electoral Officer of British Columbia with respect to the system of registration used in that province. He made further comments on absentee voting and rejected ballots in the Province of Saskatchewan.

The witness then tabled a report respecting registration and voting in Australia.

On motion of Mr. Bell (*Carleton*), seconded by Mr. Pickersgill,

*Ordered,*—That the above report be printed as an appendix. (*See Appendix III to this day's evidence*).

The witness also read into the record, in answer to Mr. Bell (*Carleton*), an additional suggested amendment to The Canada Elections Act concerning qualification of electors.

On motion of Mr. Pickersgill,

*Ordered*,—That the above amendment be printed as an appendix. (See Appendix IV to this day's evidence).

With respect to voting by Civil Servants abroad, the witness stated that the Department of External Affairs intended to make proposals in this respect to an appropriate Committee of Parliament.

Mr. Castonguay also tabled for distribution to the members mimeographed copies of a letter appending a report dated May 22, 1959, of an inquiry into alleged irregularities in the electoral district of Cartier. This official report was tabled in French and copies of a translation thereof were also distributed.

After a brief discussion on the proposed work of the Committee at the next Session, and Mr. Castonguay's examination being concluded, the Committee adjourned at 2.30 o'clock to the call of the Chair when it will consider its Report to the House.

MONDAY, June 22, 1959.

(6)

Pursuant to notice, the Standing Committee on Privileges and Elections met *in camera* at 1.30 o'clock this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present*: Messrs. Aiken, Barrington, Beech, Bell (*Carleton*), Bell (*Saint John-Albert*), Deschambault, Dinsdale, Flynn, Godin, Henderson, Kucherepa, McWilliam, Macquarrie, McBain, Paul, Pickersgill and Webster. (17)

The Committee proceeded to consider a draft report.

The members present read the said report, and on motion of Mr. Kucherepa, seconded by Mr. Flynn, the Second Draft Report was adopted.

*Ordered*,—That the Chairman present the said draft report as the Committee's Second Report to the House.

The Chairman referred to a letter which he had received from the Canadian Association of Broadcasters dated June 19, 1959, forwarding mimeographed copies of representations of this Association relating to The Canada Elections Act.

On motion of Mr. Pickersgill, seconded by Mr. Aiken,

*Resolved*,—That the said copies be distributed forthwith, and that the Chairman write to the Canadian Association of Broadcasters informing the said association that time did not allow the Committee to make an exhaustive study of the Act, and that the association was at liberty to make whatever distribution they wanted of the above mentioned document.

The Chairman expressed his appreciation to members for the cooperation he received throughout the proceedings.

At 1.40 o'clock, the Committee adjourned to the call of the Chair.

Antonio Plouffe,  
Assistant Chief Clerk of Committees.



## EVIDENCE

WEDNESDAY, June 10, 1959  
2 p.m.

The CHAIRMAN: Gentlemen, we now have a quorum. I would like to extend a welcome to Mr. Godin whose name has been added to this committee since it was originally constituted. You are particularly welcome at this juncture.

Now, gentlemen, with the utmost brevity at my command, I would like to state that we had some difficulty with our meeting arrangements last Monday, and to show a triumph of hope over experience we have called a meeting in the largest room in the whole place. I am glad we have a properly constituted quorum.

It was thought by your chairman and the steering committee that had we been able to meet on Monday we might have dealt with the questions the chief electoral officer had taken up, in addition to others, and possibly have concluded this phase of our work.

We have to keep the fact in mind that at the next session the Privileges and Elections Committee will be taking up the Elections Act. I am confident it will be referred to the committee early in the forthcoming session and I am confident too that the committee will have a great deal to do during its exhaustive study of the whole question. Therefore, the advisability of dealing at this session with many things which will inevitably arise at the next session must be considered. Now that we are sufficiently strong enough to constitute a committee, it is up to us to decide what we will do. We will have to decide whether we will meet several times in the future, whether one meeting will be sufficient or whether we might conclude our questioning, prepare our report and move on.

Now, gentlemen, I leave that thought with you for a moment and I will call upon Mr. Castonguay to deal with the questions which were brought up at our last meeting. While we have lots of space here, we have very little time. We have to move out at 2.30 p.m.

Mr. Nelson CASTONGUAY (*Chief Electoral Officer*): At the last meeting, Mr. Chairman, I was asked to obtain information in connection with the permanent list of electors in the province of British Columbia, absentee voting in the provinces of British Columbia and Saskatchewan and some information with respect to the system of registration and voting in Australia.

I was in communication with the chief electoral officer in the province of British Columbia and he sent me the following letter, which I would like to read to the committee. It is dated June 1, 1959 and addressed to me. It reads as follows:

Further to your enquiry today, the following may help to clarify the system of registration used in the province of British Columbia.

The permanent voters list in this province is maintained in the rural electoral districts by the government agents who also act as registrar of voters in addition to other duties. In the urban electoral districts the registrar has no other duties.

Addressograph equipment is employed, hand machines in rural districts and electric in urban. By means of this equipment a list can

be prepared for the printer many times faster than by hand. The printer, from this copy, sets the type and prints the list.

Concerning registration periods before an election, the act provides a period of not less than seven days after issue of the writ before the list closes. Although voters may register at any time at the registrar's office, they do not avail themselves of the opportunity, therefore this seven-day period would hardly be long enough for a complete registration, and with any election with which I have been connected the government has allowed time for registration in addition to that allowed by the act.

There is provision in the Election Act (Sec. 18) for the lieutenant-governor-in-council to order the cancellations of the existing registrations or any portion thereof, and the list was fully cancelled in 1948 and a new list compiled by enumeration, covering a fairly extensive period. That was the list used for the 1949 election, plus registrations filed in the legal time allowed after issue of writ. Prior to the 1952 election the list was not cancelled but a very extensive registration was carried out by enumeration over a period of several months. In the last two elections some of the larger districts were enumerated, but generally speaking, registration centres were opened throughout each district. Although time for registration was in excess of that allowed under the act it was quite limited.

The Saskatchewan electoral system provides for the preparation of a list, Mr. Chairman, in the same manner as we probably use. They have a provision for absentee voting. At the 1956 election 7,077 absentee ballots were counted and 640 were rejected.

The provisions there—I do not know if the committee wish me to read the provisions, but it is generally an affidavit taken at the poll, with none of the normal safeguards. The only safeguard they have is to check to see whether that elector's name is on the list when the postal ballot arrives. There is no comparison of signatures. That is the only safeguard they have.

In my files I have a memorandum prepared by the chief electoral officer of Australia, Mr. V. F. Turner, on the system of registration and on the system of voting in Australia. It is quite detailed and, maybe in the interest of saving the time of the committee, you might wish to have it printed as an appendix.

Mr. BELL (*Carleton*): I so move.

Mr. PICKERSGILL: I second that motion.

The CHAIRMAN: Is that agreed?

Motion agreed to.

Mr. CASTONGUAY: There is one more suggestion. In order to implement the suggestion made by Mr. Bell with respect to persons returning to Canada and being able to vote at an election, and not meet the year's residence qualification prior to voting day, I have prepared an amendment. I have copies here for each member of the committee.

This amendment was prepared with the assistance of the Department of Justice, and its effect would be that any Canadian citizen returning to Canada would only be required to be resident in the electoral district on the date of issue of the writ ordering an election.

However, a British subject arriving in Canada, who is not a Canadian citizen, would have to meet the year's residence qualification prior to polling day.

Whether this meets the desires of the committee, I do not know, and I would like to be informed.

The CHAIRMAN: Are there any questions or comments on this proposed amendment?

Mr. BELL (*Carleton*): This conforms—

Mr. PICKERSGILL: I was just going to suggest we have it made an appendix to our record, and it will be there for study when we come to study the whole election Act next year.

The CHAIRMAN: You make that motion?

Mr. PICKERSGILL: Yes, I make the motion.

The CHAIRMAN: Agreed, gentlemen?

Motion agreed to.

The CHAIRMAN: Mr. Bell, you had a comment you wished to make?

Mr. BELL (*Carleton*): Yes; this conforms to what I had in mind, and I think it is a matter on which we should not take a final decision now. But as Mr. Pickersgill suggested, we should take our final decision when the whole act is under review next year. However, I think it does meet the point I have in mind.

The CHAIRMAN: Thank you Mr. Bell, and thank you Mr. Castonguay. Have you anything further to say?

Mr. CASTONGUAY: Mr. Chairman, at the last meeting Mr. Richard asked me to prepare a memorandum with respect to civil servants voting abroad. I understand a committee of the Department of External Affairs is going to make representations to this committee with respect to allowing civil servants to vote under the Canadian forces voting regulations abroad.

The CHAIRMAN: It might be expedient for us to postpone full consideration of this until such time as we have this matter come up next session. Any comment on this, gentlemen?

Mr. PICKERSGILL: I would like to make a suggestion, that in our report to the house we suggest that next session the committee be set up at the earliest possible moment, because it is to the advantage of the house we should be sitting when the debate on the address is going on, and when we are not otherwise much occupied.

The other thing I hope attention will be drawn to in the same way is the fact the government intended to give us the responsibility of looking into political broadcasting. I think this committee should do that and not the Broadcasting Committee.

The CHAIRMAN: Any further comment, Mr. Castonguay?

Mr. CASTONGUAY: I have sent the report on the Cartier inquiry to the Speaker, and it has been tabled in the House of Commons; I have a copy for each member, of the Cartier inquiry presided over by Judge Lazure.

Mr. BELL (*Carleton*): I gather the Department of Justice ruled you were not confined to filing it within the first fifteen days of the session?

Mr. CASTONGUAY: No, I was not.

The CHAIRMAN: At the present time, this document being tabled before the committee, is there any disposition of the committee that it might be printed as part of our evidence?

Mr. PICKERSGILL: I just wonder if it is imposing any more charges on the taxpayers, that is all.

Mr. BELL (*Carleton*): We did not print the other ones, the two of Chief Justice McRuer; and unless the chief electoral officer should suggest to us there are some very significant matters in this that should require it, personally I would be opposed to it.

Mr. PICKERSGILL: I would, also.

Mr. CASTONGUAY: There are not.

The CHAIRMAN: Do I take it that Mr. Bell and Mr. Pickersgill have expressed the sense of the meeting? Is there anything further, gentlemen?

Mr. KUCHEREPA: When will you prepare your report?

The CHAIRMAN: The report of the committee may be prepared within a very short space of time.

Mr. KUCHEREPA: Then I suppose you will call another meeting of the committee?

Mr. PICKERSGILL: We have a quorum here now; why do we not agree that we will have the next meeting next Monday, when we have enough people with consciences here?

Mr. BELL (*Carleton*): At what time?

Mr. PICKERSGILL: Because it does not compete with other committees. These perpetual services, like the Broadcasting Committee, take up all the rest of the time.

The CHAIRMAN: So far as we know, there is a meeting of the Standing Orders Committee scheduled for Monday; that is the only meeting we have noted here. That is at 2.00 p.m.

Mr. BELL (*Carleton*): Is it Mr. Pickersgill's thought that the next meeting should be solely for the purpose of considering the report?

Mr. PICKERSGILL: Yes, solely for the purpose of considering the report. Could we not meet on Monday at 2.00 o'clock?

Mr. DESCHAMBAULT: What about Monday afternoon?

Mr. KUCHEREPA: We cannot meet while the house is sitting.

Mr. BELL (*Carleton*): We cannot meet while the house is sitting, unless we put a motion to that effect.

Mr. DESCHAMBAULT: Let us say 1.30 or 2.00 o'clock. I believe the Broadcasting Committee is sitting in the morning.

Mr. PICKERSGILL: Half an hour would be ample to dispose of it.

Mr. DESCHAMBAULT: At 1.30?

Mr. PICKERSGILL: Say 12.30.

An hon. MEMBER: Some of us have train times to contend with.

Mr. DESCHAMBAULT: The Broadcasting Committee is meeting in the morning, is it?

Mr. PICKERSGILL: Not on Monday, surely? All right, say 1.30.

The CHAIRMAN: We will try and leave it as late as we can, to meet all the trains. This, gentlemen, is with the proviso that the work of preparing the report will be in hand at that time.

Mr. BELL (*Carleton*): The labour, I am sure, will not be too considerable for the chairman.

Mr. PICKERSGILL: I move that we adjourn.

The CHAIRMAN: If there is nothing further, we will adjourn. Thank you, gentlemen.

### APPENDIX III

#### COMPULSORY REGISTRATION *Administration (Explanatory).*

The Commonwealth Electoral Administration comprises:—

- (a) the Chief Electoral Officer, who is responsible for the administration of the Commonwealth Electoral laws throughout Australia;
- (b) a Commonwealth Electoral Officer for each of the six States, who, subject to the direction of the Chief Electoral Officer, is the principal executive Electoral Officer, for Federal purposes, in the State;
- (c) a Returning Officer for each of the 75 Electoral Divisions (28 in New South Wales, 20 in Victoria, 10 in Queensland, 6 in South Australia, 5 in Western Australia, 5 in Tasmania and 1 comprising the Northern Territory) who, subject to the control of the respective Commonwealth Electoral Officer in the States, officiates in his respective Division; and
- (d) An Electoral Registrar for each Subdivision (i. e. registration unit) of each Division, who acts under the direction of the respective Returning Officer.

NOTE: As a general rule the Returning Officer in Metropolitan Divisions is also the Electoral Registrar for each of the Subdivisions in his Division, and in country Divisions the Returning Officer is also the Registrar for such Subdivisions as are convenient to his headquarters.

The Chief Electoral Officer, Commonwealth Electoral Officers and Returning Officers are permanent officers of the Commonwealth Public Service solely employed in the administration of the Electoral laws and such other official duties of a similar nature as are imposed upon them. The Electoral Registrar (other than where the Returning Officer so acts) is invariably some local official, e.g. Postmaster.

#### *Electoral Rolls.*

The Electoral Rolls are reprinted by the Government Printers in the respective States from time to time as occasion requires and when necessary supplemental rolls are made up. Copies of the latest print of the appropriate subdivision rolls are kept on public exhibition at all Post Offices. For the purposes of an election the rolls close on the day the writ for the election is signed. Under arrangement between the Commonwealth and the States concerned the one "Joint" Roll (kept by the commonwealth authorities) is used for both Commonwealth and State elections in the States of New South Wales, Victoria, South Australia and Tasmania. In Queensland and Western Australia, however, the State Government maintains its own electoral roll separate from that of the Commonwealth.

#### *Compulsory Enrolment.*

Section 42 of the Commonwealth Electoral Act requires every person entitled to enrolment or transfer of enrolment to obtain and complete the necessary Claim and send or deliver it to the Registrar for the Subdivision concerned (i.e. the Subdivision in which the claimant lives) within 21 days after he becomes so entitled. It also requires every elector who changes his address (other than temporarily) within the Subdivision for which he is enrolled to notify the Registrar of such change within 21 days.

Enrolment Claim Cards, with envelopes (specimen attached), which are transmissible through the post "Post Free" are made available to the public at Post Offices and other places. These cards may be, and usually are, used for notifying a change of address as well as for claiming enrolment or transfer of enrolment. In effect each qualified elector obtains, completes and submits to the appropriate Registrar a fresh Claim Card on each occasion he changes his place of living.

These compulsory enrolment provisions have been operative for more than twenty-five years and having regard to their effectiveness seem certain to be retained as a permanent feature of the Electoral law of the Commonwealth.

While a considerable proportion of the electors may not be relied upon to promptly comply with the law's requirements on their own initiative, and, on the approach of an election, the political organizations and their canvassers stimulate activity in this regard, the administration employs various means to ensure the continuous maintenance of up-to-date rolls and the implementation of the compulsory enrolment provisions, of which the following are typical:—

*Habitation Index System:*—This is an arrangement whereby in the cities and larger towns a card for each habitation (excepting residential hotels, colleges, hospitals, etc.) containing the names of electors enrolled in respect of the habitation, is reviewed half-yearly by the best postman. The postman checks, by inquiry where necessary, the entries on the card relating to the particular habitation, indicates thereupon any entries which relate to persons who have permanently left the habitation, and enters on the card the names of any qualified persons living (other than temporarily) at the habitation which do not already appear thereon.

NOTE: With regard to hotels, colleges, hospitals and so on, schedules are maintained and periodically reviewed in a direct manner.

*Agency System:*—This operates in rural areas where the Habitation Index System is not practicable. Selected persons, usually holding some public office (e.g. Postmasters, Police Officers, Shire Clerks) are appointed Electoral Agents. These agents are supplied periodically with an interleaved list of electors enrolled for their areas and, as in the case of postmen working the Habitation Index, they note in the lists the names of electors who have left etc., and the names of newcomers.

Upon the return of the Habitation Cards or Agent's List from the Postman or Agent concerned, it is the duty of the Registrar to utilize the information contained therein in the prescribed manner towards the cleansing of his roll by the removal of superfluous entries and towards ensuring, by enforcement if necessary, the lodgement of claims for enrolment or notification of change of address by persons not already correctly enrolled. Between reviews the Habitation Cards and Agency Lists are of course kept up to date with the rolls.

*Periodical Advices:*—Advices of death of adults, marriages of adult brides, convicted persons, and persons granted naturalization and so on are obtained from time to time from the appropriate official sources and utilized as circumstances require.

*Index of Electors:*—The Official Roll of electors for each Sub-division is kept by the Registrar for the Subdivision, but in the office of the Commonwealth Electoral Officer at the capital of the State is maintained a Card Index of the whole of the electors of the State arranged in lexicographical order. When this Index was inaugurated in 1912, a fresh Claim Card was obtained

from each elector then enrolled. They were assembled alphabetically and since that time every Claim Card submitted by an elector for enrolment, transfer of enrolment or notification of change of address, after being dealt with by the Registrar, is sent to the Commonwealth Electoral Officer for the State who causes it to be placed in its proper position in the Index. At the same time any previous card relating to the same elector is extracted and action taken (where necessary) to ensure the cancellation of the previous enrolment. Cards relating to electors whose names have been removed from the roll through death, objection etc., are extracted from the Index on receipt of the Registrar's Advices. This index of electors for the State safeguards the cleanliness of the rolls by avoiding duplications etc. It also provides a unique directory of the adult electors resident in the State, which proves a most valuable source of reference for many and varied official purposes—Electoral and otherwise.

The manner of the application of the compulsory enrolment provisions is set out substantially in Regulations 17 to 25 of the Electoral and Referendum Regulations (Statutory Rules 1940 No. 163) under the heading Division 2—Enforcement of Law in relation to Enrolment.

The objective is to keep the registration of all qualified persons constantly and continuously up to date so that whenever an election or referendum eventuates a thoroughly accurate and complete roll of those entitled to vote is immediately available.

In administering the compulsory enrolment provisions, every effort is made by the Administration to extend helpful co-operation to the public and to avoid harshness to the fullest possible extent. A notice reminding electors that correct enrolment is compulsory is constantly kept on exhibition at all Post Offices and, as a general practice, Postmen and Agents, where practicable, either leave Claim Cards and envelopes with persons whom they list on the Habitation Cards or Agency Lists, or in some other way remind them of their obligation to adjust their enrolment. Nevertheless, many, because of apathy, forgetfulness or procrastination, neglect to take the required action and in these cases compulsion is necessarily applied. A notification is issued to the person concerned charging him with having failed to comply with the requirements of the law. The person charged may make a statement in answer to the charge, if he so desires, and may consent to the matter being dealt with by the Commonwealth Electoral Officer, thus avoiding proceedings in the ordinary Courts. With very few exceptions, defaulters choose to be dealt with by the Commonwealth Electoral Officer, who is empowered by the law to impose a fine (not exceeding ten shillings for a first offence and not exceeding £2 for any subsequent offence) if he so determines. The penalty actually imposed is, except in the case of second offences or aggravated continuous default, usually a nominal one of 2/6 and wherever even this small amount would involve a hardship, no penalty at all is imposed provided the person concerned remedies his enrolment failure.

There are at present approximately 4,500,000 electors enrolled on the Commonwealth Electoral Roll, and, in a normal year, the number who become entitled to original enrolment or transfer of enrolment from one subdivision to another or change their address within the Subdivision, and who therefore are required by the law to submit a claim or notification to the Registrar totals about 1,500,000. In the great majority of cases, the required claim or notification is submitted readily and promptly either on the elector's own volition or when he is reminded of his obligation, and as a result, on the general average of recent years, only about 25,000 (or less than 2% of those from whom action is required) are fined annually for having failed to comply with the compulsory enrolment provisions within the time allowed. It might

be mentioned that the imposition of a penalty for default does not in any way relieve the person concerned of the obligation to attend to his enrolment. If he is obstinate, it continues in further proceedings and a heavier penalty.

#### *Compulsory Voting*

Compulsory Voting was introduced into the Commonwealth law in 1924. It appears to be generally popular with Parliamentary Candidates and the political organizations, and to have been accepted without demur by the great majority of the people. While distasteful to some, especially those with conscientious or religious objections and, occasionally, electors whose views are not represented by any of the candidates at an election, the compulsory principle apparently has the support of the bulk of the responsible elements of the community and consequently, on present indications, seems likely to continue a feature of the Commonwealth Electoral law.

The following facilities are provided to electors to cast their vote:-

#### *Postal Vote*

(1)

85.-(1.) An elector who—

- (c) in the case of a person whose name is on the Roll for a Subdivision the State for which he is enrolled;
- (b) will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling booth open in the State for which he is enrolled for the purposes of an election;
- (bb) will throughout the hours of polling on polling day be travelling under conditions which will preclude him from voting at any polling booth in the State for which he is enrolled; or
- (c) is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote, or, in the case of a woman, will by approaching maternity be precluded from attending at any polling booth to vote,

may make application for a postal vote certificate and postal ballot-paper.

(2.) The application must contain a declaration by the applicant setting out the grounds upon which he applies for the postal vote certificate and postal ballot-paper, and may be in the prescribed form, and must be signed by the applicant in his own handwriting in the presence of an elector and must be made and sent, after the issue of the Writ for the election and before the polling day for the election, to the Divisional Returning Officer for the Division for which the applicant is enrolled or to some other Divisional Returning Officer if the applicant has reason to believe that the application may not, in the ordinary course of post, reach the Divisional Returning Officer for the Division for which he is enrolled so as to enable him to receive a postal vote certificate and postal ballot-paper from that officer in time to permit of the applicant voting at the election:

Provided that the application shall not be deemed to have been duly made unless it reaches the Divisional Returning Officer to whom it is addressed before six o'clock in the afternoon of the day immediately preceding the polling day for the election.

91. (1.) The Returning Officer for the Division in respect of which postal vote certificates and postal ballot-papers have been issued shall, if there is time conveniently to do so, note on the certified lists of voters the names of all electors to whom postal vote certificates and postal ballot-papers have been issued.

(2.) If there is not time conveniently to note on the proper certified list of voters the issue of a postal vote certificate and postal ballot-paper, the



Divisional Returning Officer shall immediately advise the presiding officer to whom the certified list of voters has been furnished of the issue of the postal vote certificate and postal ballot-paper.

92. (1.) The following directions for regulating voting by means of postal ballot-papers are to be substantially observed:

- (a) The elector shall exhibit his postal ballot-paper (unmarked) and his postal vote certificate to an authorized witness;
- (b) The elector shall then and there, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter;
- (c) The authorized witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness and the date;
- (d) The elector shall then and there, in the presence of the authorized witness, but so that the authorized witness cannot see the vote, mark his vote on the ballot-paper in the prescribed manner, and shall fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorized witness;
- (e) The authorized witness shall then and there place the ballot-paper in the envelope addressed to the Divisional Returning Officer, fasten the envelope, and hand it to the voter who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Divisional Returning Officer.

112. (1.) In the case of a Senate election, an elector shall only be admitted to vote for the election of Senators for the State for which he is enrolled.

(2.) In the case of a House of Representatives election, an elector shall only be admitted to vote for the election of a member for the Division for which he is enrolled.

#### ABSENT VOTE

113. (1.) On polling day, an elector shall be entitled to vote at any prescribed polling place for the Subdivision for which he is enrolled or he shall be permitted to vote at any other polling place within the State for which he is enrolled at which a polling booth is open, under and subject to the regulations relating to absent voting.

(2.) The regulations relating to absent voting may prescribe all matters (not inconsistent with this Act) necessary or convenient to be prescribed for carrying this section into effect, and in particular may provide for—

- (a) the forms of absent voters' ballot-papers;
- (b) the manner in which voters are to be marked on absent voters' ballot-papers;
- (c) the method of dealing with absent voters' ballot-papers, including the scrutiny thereof, and the counting of the votes thereon; and
- (d) the grounds upon which absent voters' ballot-papers are to be rejected as informal.

(3.) Absent voters' ballot-papers containing votes and enclosed in any prescribed envelope may, if so provided by the regulations, be placed in any ballot-box in use at the polling booth at which the votes were cast, but notwithstanding anything contained in this Act a prescribed envelope containing an absent voter's ballot-paper shall (unless the regulations otherwise provide)

only be opened and the ballot-paper dealt with, as regards the scrutiny thereof and the counting of the votes thereon, by the Divisional Returning Officer for the Division for which the voter declares that he is enrolled.

#### DECLARATION VOTE

121. (1.) Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the Roll for a Subdivision claims to vote at an election at a polling place prescribed for that Subdivision, and his name has been omitted from or struck out of the certified list of voters for that polling place owing to an error of an officer or a mistake of fact or when any person who is enrolled on the Roll for a Subdivision claims to vote at an election at a polling place prescribed for that Subdivision, and his name cannot be found by the presiding officer on the certified list of voters, he may, subject to the Act and the regulations, be permitted to vote if—

- (a) in the case of a person whose name has been omitted from the certified list—
  - (i) he sent or delivered to the Registrar for the Subdivision a duly completed claim for enrolment or transfer of enrolment, as the case requires, in respect of the Subdivision, and the claim was received by the Registrar before the issue of the writ for the election; and
  - (ii) he did not after sending or delivering the claim and before the issue of the writ become qualified for transfer of enrolment to another Subdivision; or
- (b) in the case of a person whose name has been struck out of the certified list—
  - (i) his name was not, to the best of his knowledge, removed from the Roll for the Subdivision owing to objection, or transfer or duplication of enrolment, or disqualification; and
  - (ii) he had, from the time of his enrolment for the Subdivision to the date of the issue of the writ for the election, continuously retained his right to enrolment for that Subdivision; or
- (c) in the case of a person whose name is on the Roll for a Subdivision for which he claims to vote, but cannot be found by the presiding officer, he claims that his name appears or should appear on the Roll,

and makes a declaration in the prescribed form before the presiding officer at the polling place.

(2.) Where a voter claims to vote under the provisions of this section he shall mark and fold his ballot-paper in the manner prescribed in this Act and return it so folded to the presiding officer.

(3.) The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot-paper, enclose it in an envelope bearing the declaration of the voter and addressed to the Returning Officer for the Division for which the voter claims to be entitled to vote, and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

As will be observed from the summaries in the Booklet of Statistical Returns in relation to the 1940 Elections, the effect of Compulsory Voting at Commonwealth Elections has been to raise the percentage of Voters to electors enrolled from approximately 64% (the average at the eight Senate Elections held prior to the introduction of Compulsory Voting) to approximately 96%. The actual proportion of the electors enrolled who voted at the last pre-war Senate Election (i.e. that of 1937 (was 98.11%. In other words, of 4,080,038

electors enrolled, 3,921,337 recorded their votes. At the 1940 election the percentage of voters was 94.75 (i.e. 4,016,803 voters as against 4,239,346 persons enrolled) the fall in the percentage being mainly due to the inability or failure of many absent on War Service to record their votes. Compulsory voting does not apply to members of the Forces voting under the provisions of the Electoral (War-time) Act. The fact that voting is compulsory is extensively promulgated through the press and radio broadcasting stations on the occasion of each election, and it is evident in normal times very few electors now deliberately refrain from complying with the requirements of the law.

After an election the names of all electors who have voted (as shown by the certified lists used at the polling) are marked off a clean copy of the certified roll which results in those names not so marked being the list of electors who apparently have failed to vote. Notices are issued to those persons (except where the Returning Officer knows the person has since died or was absent from the Commonwealth or for any other reason was unable to vote) calling upon them to furnish their reason for not voting. Replies are received from about 75% of the persons to whom the notices are issued, the bulk of the balance being returned "undelivered" by the Postal Authorities owing to the persons concerned having left the addresses for which they were enrolled, or are otherwise untraceable (the latter applies to prospectors and other itinerant workers etc. with indefinite postal addresses).

The law requires any person receiving a notice calling upon him to explain his failure to vote to reply thereto, and in those instances (relatively few) where the recipient ignores both the notice and a subsequent reminder sent by registered post, he is proceeded against through the Courts for so failing to reply and usually is convicted and fined.

Of the replies received, generally about 95% contain a valid and sufficient reason for the failure to vote—mostly sickness, long distance from a polling booth, religious objections, out of Australia, etc. Of the remaining 5% usually more than half contain a reason not wholly satisfactory but where the administration considers a formal warning against any future dereliction sufficiently meets the case. In only about 2% of the total number of non-voters is the reason (if any) given for failing to vote unacceptable and in these cases the defaulters are so informed and given the option of having the matter dealt with by the Commonwealth Electoral Officer or by the ordinary Courts.

In most instances the delinquents agree to the Departmental adjudication and their cases are dealt with accordingly, a fine of 10/- generally being imposed provided that where any pecuniary penalty would involve a real hardship—that is, where the defaulter is in indigent circumstances—it is waived altogether and a warning issued. Where the offenders do not agree to departmental judgment proceedings are instituted against them in the ordinary Courts and their cases dealt with accordingly.

The aim of the Compulsory Voting provisions is that every qualified elector who is in a position to do so should be required to record his vote, and accordingly, while he is subject to a penalty for failing to vote on any occasion, his entitlement to vote at any future election is not thereby restricted or interfered with.

One very definite advantage derived from the Compulsory Voting provisions is that at each election the roll of electors undergoes an effective check. Each entry on the roll is substantiated by the person named voting or is subject to review by the inquiries in relation to the non-voters. As a result any obsolete entries which have escaped attention in the ordinary course are detected and appropriate action taken towards their removal.

Canberra, 14th February, 1944.

Chief Electoral Officer  
for the Commonwealth.

## APPENDIX IV

Suggested Amendment  
*Re Qualifications of Electors*

In order to supplement the suggestions made by Mr. R. A. Bell, Q.C., M.P., the following is suggested:

1. Repeal paragraph (c) of subsection 1 of section 14 of the Canada Elections Act and substitute the following therefor:

“(c) In the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the 12 months immediately preceding polling day at such election; and”

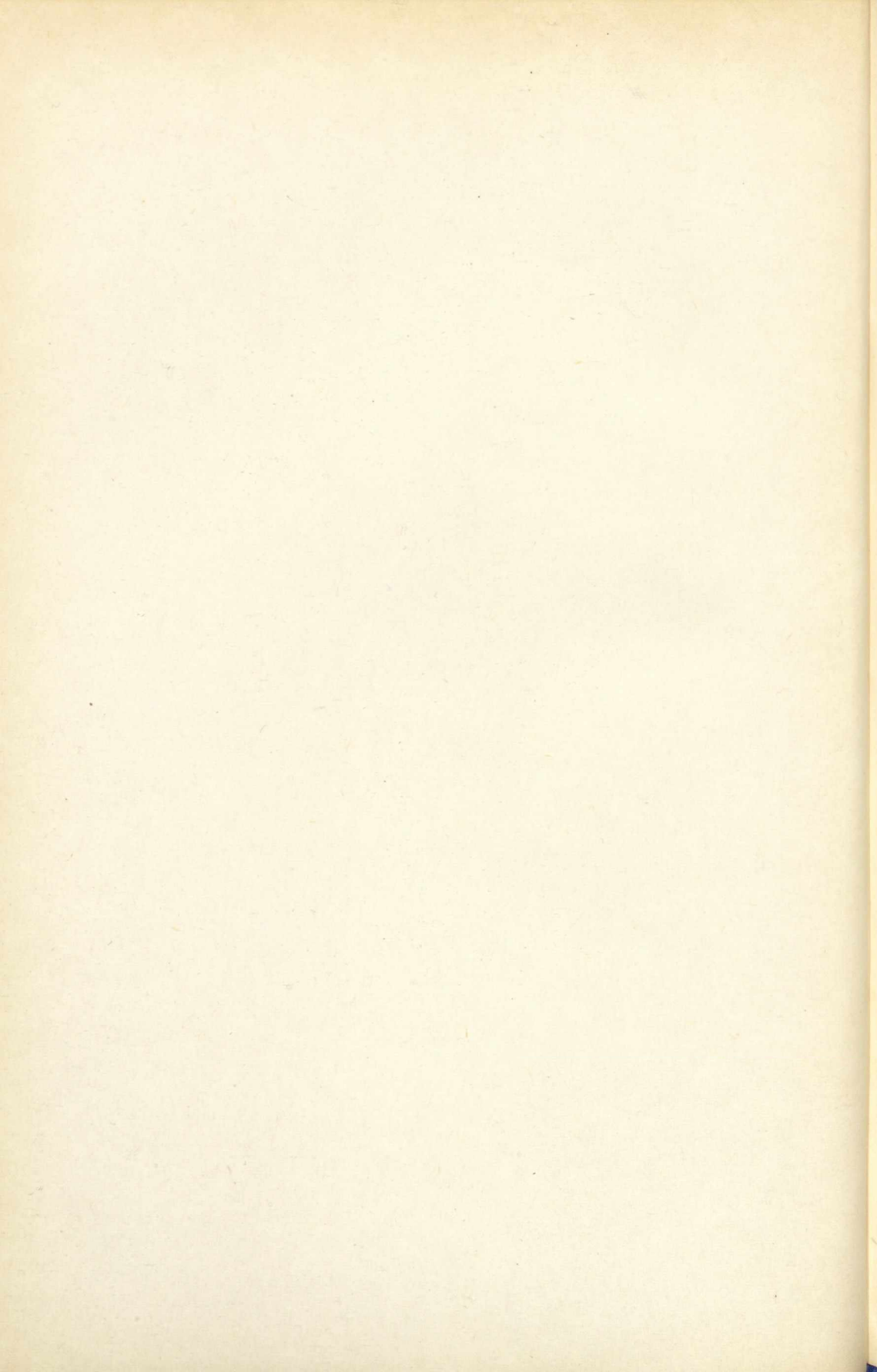
2. Make the necessary consequential amendments to Forms Nos. 15, 18, 41, 42, 45, 49 and 50;

3. Make the necessary consequential amendments to paragraphs 41, 61 and Form No. 12 of The Canadian Forces Voting Regulations.



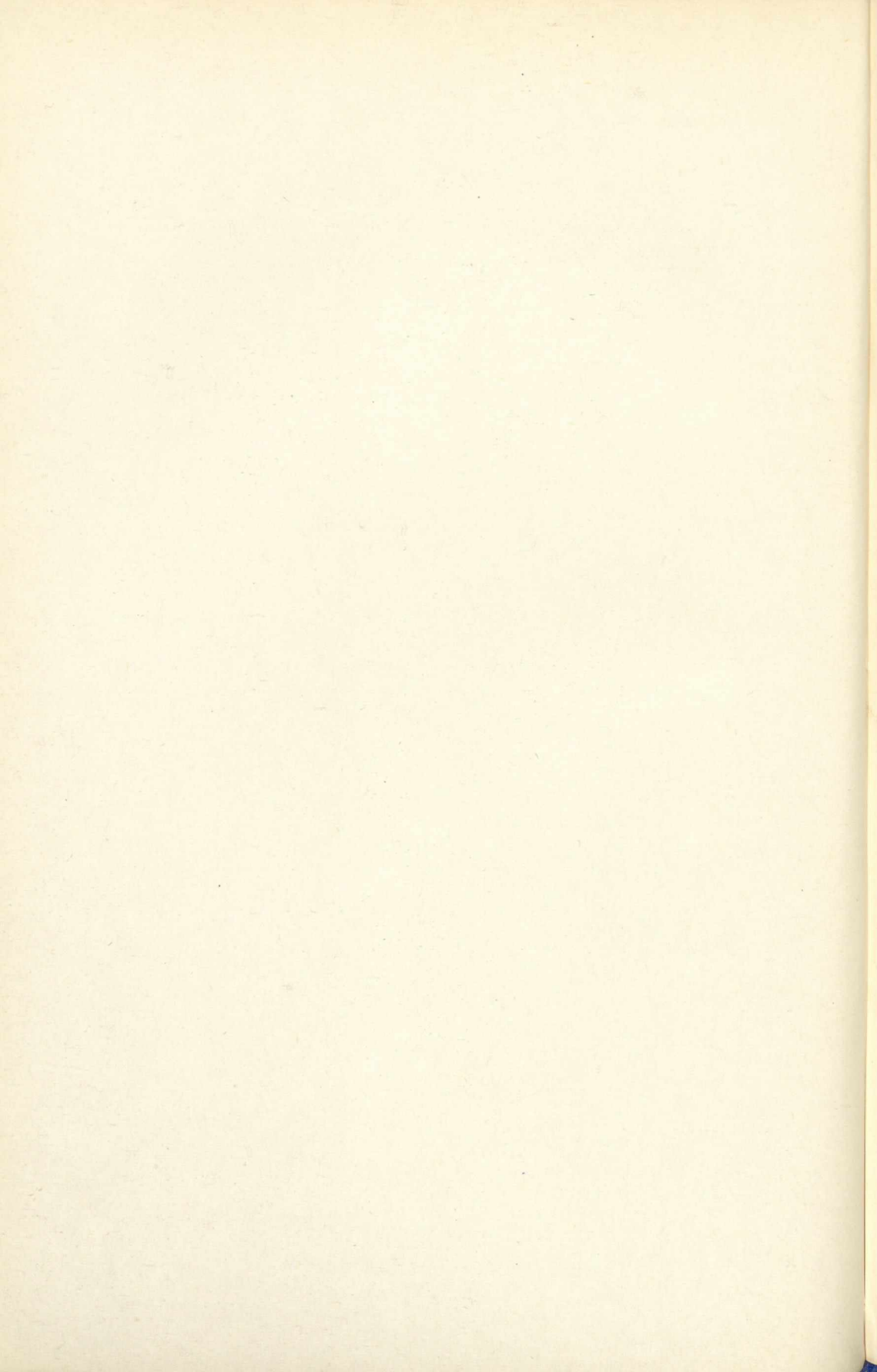


























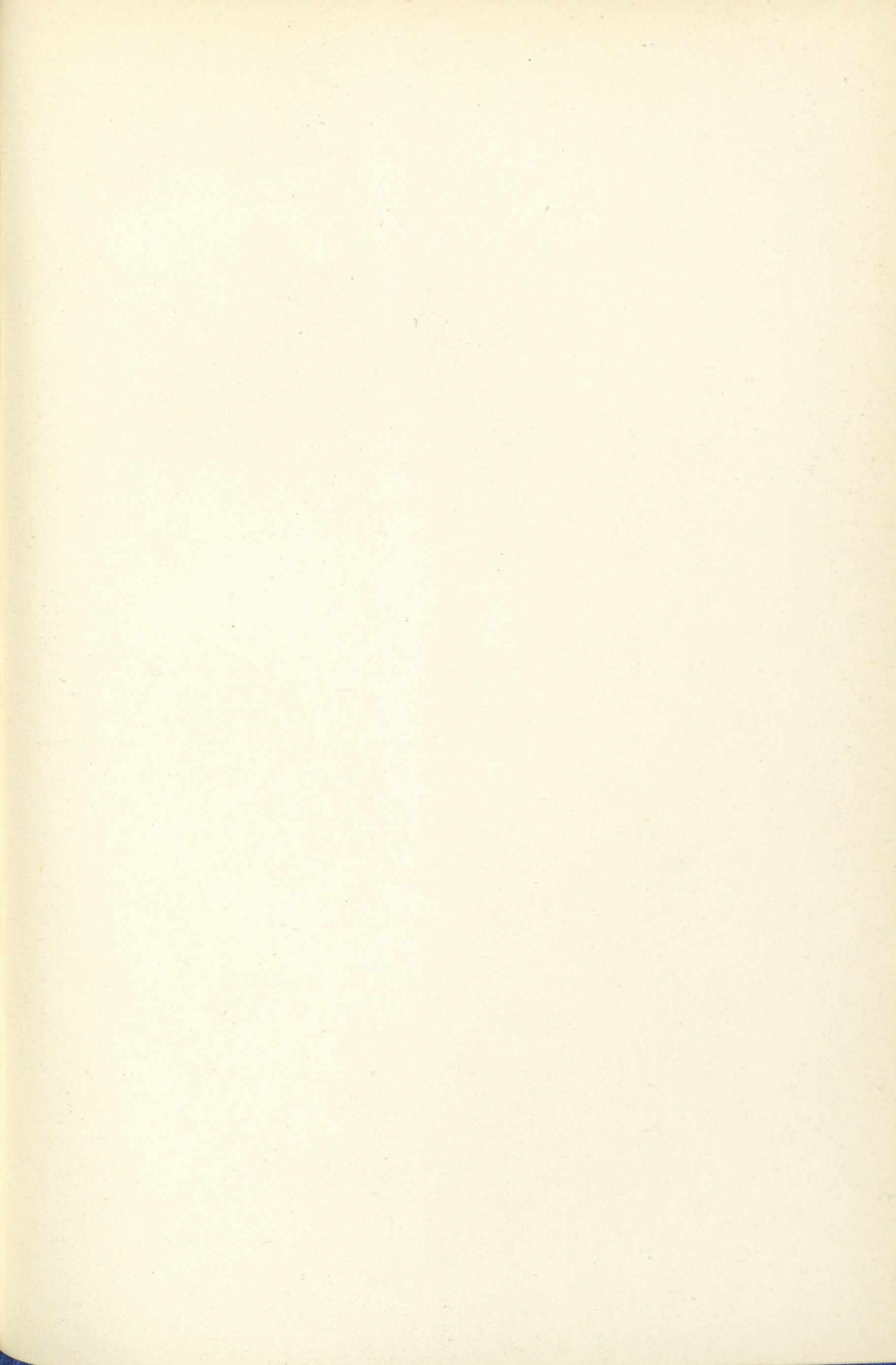








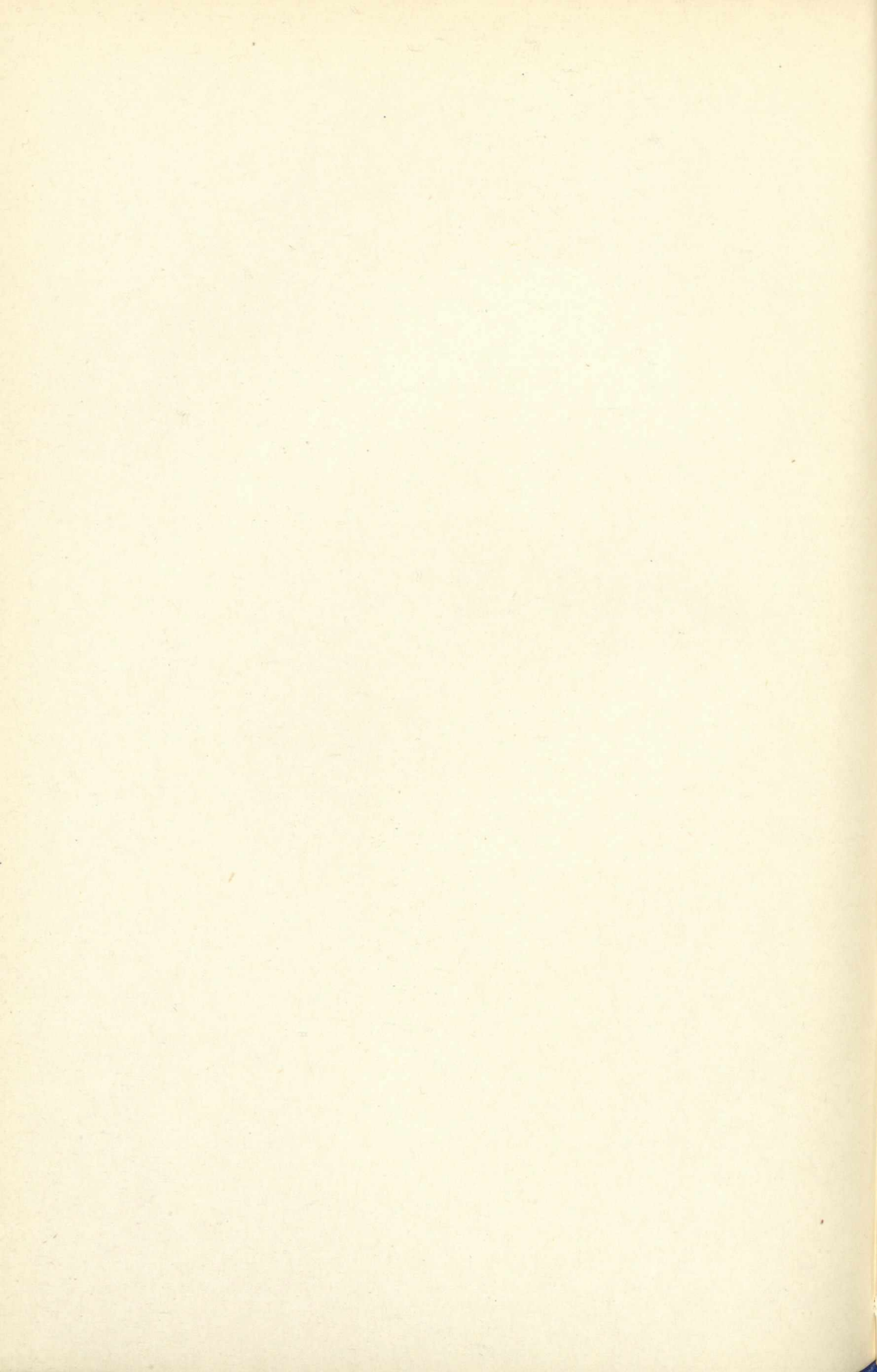


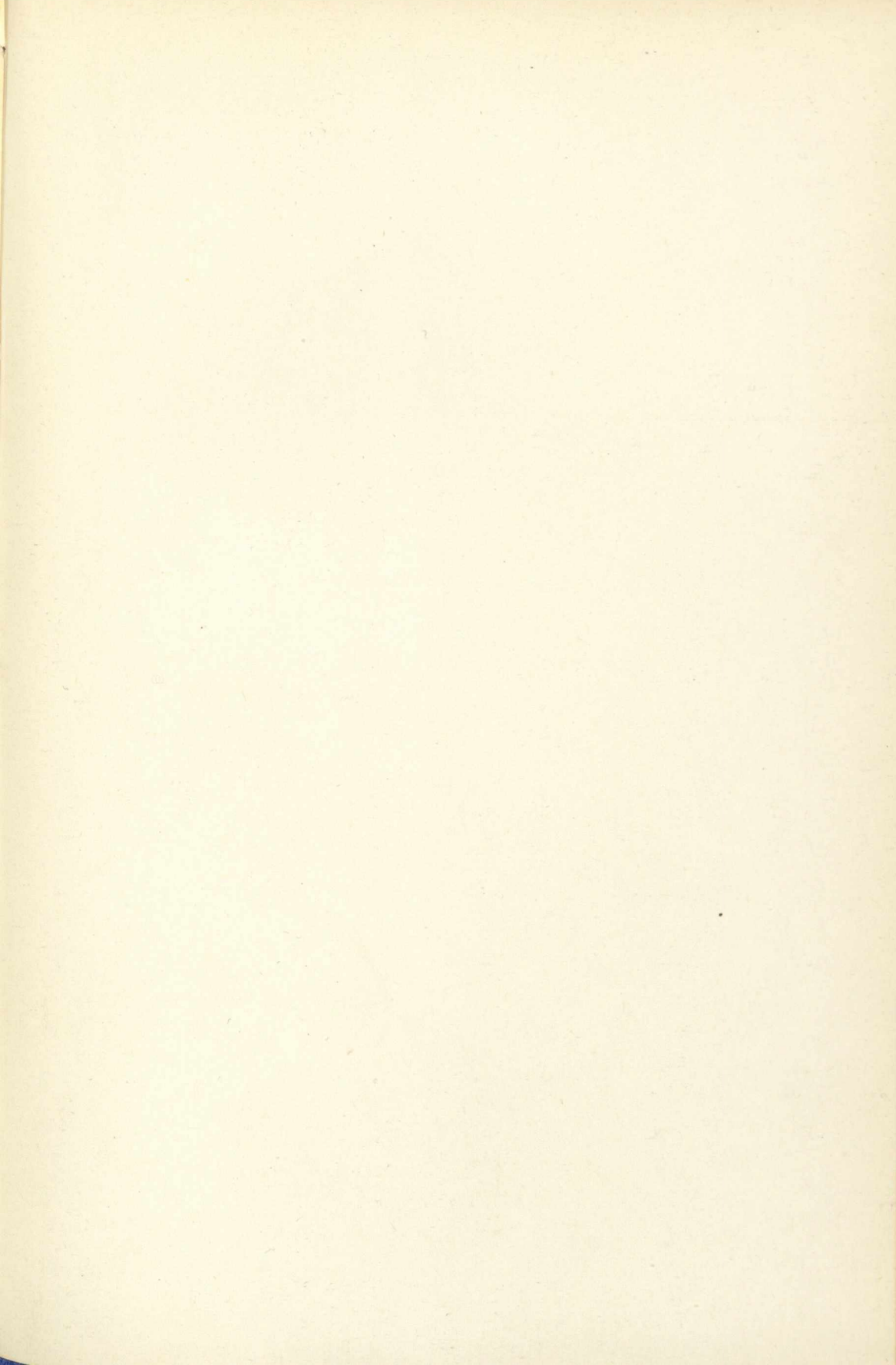




















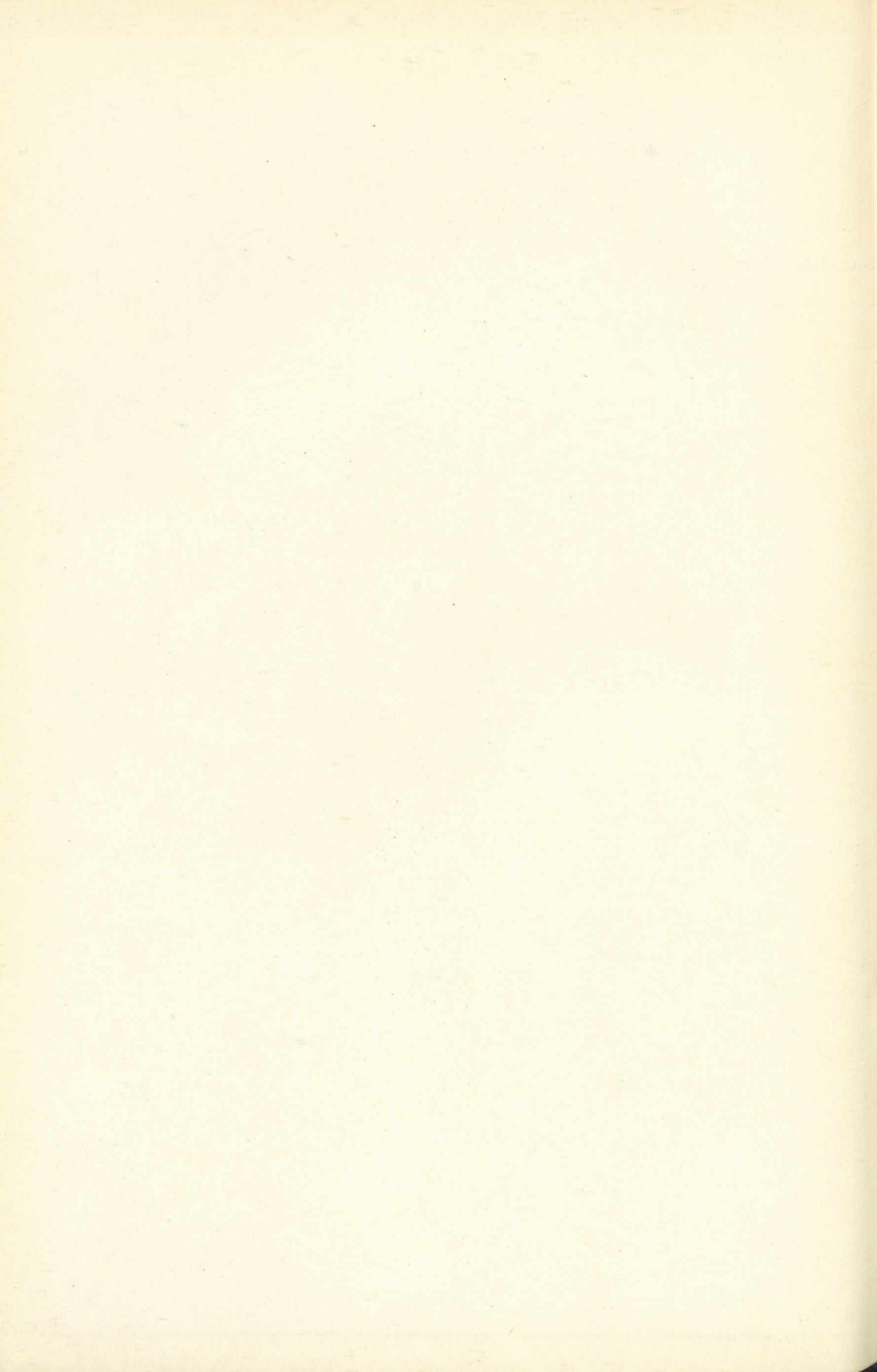
















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