SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

TUESDAY, MAY 15, 1951

THURSDAY, MAY 17, 1951

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

SPECIAL COMMITTEE

Appointed to Study

THE DOMINION ELECTIONS ACT—1938

And Amendments Thereto

Chairman: Sarto Fournier, Esq.,

Vice-Chairman: George T. Fulford, Esq.

Messrs.

Applewhaite	Fair	Murphy
Argue	Fleming	Nowlan
Balcer	Harris *(Grey-Bruce)*	Pearkes
Boisvert	Hellyer	Power
Boucher	Herridge	Stick
Cameron	Jeffery	Valois
Cannon	Kirk *(Antigonish-Guysborough)*	Viau
Decore	MacDougall	Ward
Dewar	McWilliam	Wylie
Diefenbaker		

(Quorum, 10)

E. W. INNES,
Clerk of the Committee.

ORDERS OF REFERENCE

THURSDAY, April 19, 1951.

Resolved,—That a special committee consisting of 30 Members to be named later be appointed to study the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments as the Committee may deem advisable, and report from time to time, with power to send for persons, papers and records and to print the proceedings, and that the provisions of Section I of Standing Order 65 be waived in respect to this committee.

Ordered,—That the following Members comprise the Special Committee on The Dominion Elections Act: Messrs. Applewhaite, Argue, Balcer, Boisvert, Boucher, Cameron, Cannon, Decore, Dewar, Diefenbaker, Fair, Fleming, Fournier (*Maisonneuve-Rosemont*), Fulford, Harris (*Grey-Bruce*), Hellyer, Herridge, Jeffery, Kirk (*Antigonish-Guysborough*), MacDougall, McWilliam, Murphy, Nowlan, Pearkes, Power, Stick, Valois, Viau, Ward, Wylie.

Wednesday, May 16, 1951.

Ordered,—That the said Committee be empowered to sit while the House is sitting.

Ordered,—That the quorum of the said Committee be reduced from 16 to 10 Members.

Attest.

LEON J. RAYMOND,
Clerk of the House.

REPORT TO THE HOUSE

WEDNESDAY, May 16, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, begs leave to present the following as a

FIRST REPORT

Your Committee recommends:—

1. That it be empowered to sit while the House is sitting.
2. That the quorum be reduced from 16 to 10 Members.

All of which is respectfully submitted.

GEORGE T. FULFORD,
Vice-Chairman.

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MINUTES OF PROCEEDINGS

TUESDAY, May 15, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 11.00 a.m. this day.

Members present: Messrs. Applewhaite, Argue, Balcer, Decore, Dewar, Fair, Fleming, Fulford, Harris *(Grey-Bruce)*, Herridge, Kirk *(Antigonish-Guysborough)*, McWilliam, Murphy, Stick, Valois, Viau, Ward.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer.

On motion of Mr. Fulford, seconded by Mr. Applewhaite,

Resolved,—That Mr. Fournier *(Maisonneuve-Rosemont)*, be Chairman of the Committee.

On motion of Mr. Viau, seconded by Mr. Decore,

Resolved,—That Mr. Fulford be Vice-Chairman of the Committee.

In the absence of the Chairman, the Vice-Chairman took the Chair and thanked the Committee for the honour conferred on him.

The Orders of Reference were read.

On motion of Mr. Applewhaite,

Resolved,—That a recommendation be made to the House to reduce the quorum from 16 to 10 members.

On motion of Mr. McWilliam,

Resolved,—That, acting on the authority conferred upon it by the Order of Reference of April 19, 1951, the Committee print from day to day, 500 copies in English and 200 copies in French of its minutes of proceedings and evidence.

On motion of Mr. Decore,

Resolved,—That the Committee request permission to sit while the House is sitting.

Mr. Nelson Castonguay was called and made a brief statement regarding the amendments to be suggested.

On motion of Mr. Harris,

Resolved,—That a sub-committee on Agenda and Procedure, comprising the Chairman and 6 members to be named by him, be appointed.

On motion of Mr. Herridge,

Resolved,—That the order of the agenda of this Committee be, first, the consideration of the amendments suggested by the Chief Electoral Officer, and then the consideration of amendments proposed by the members of the Committee.

At 11.40 a.m. the Committee adjourned until Thursday, May 17, at 4.00 p.m.

THURSDAY, May 17, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met this day at 4 p.m. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Argue, Cameron, Cannon, Decore, Dewar, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Harris (*Grey-Bruce*), Hellyer, Herridge, Kirk (*Antigonish-Guysborough*), MacDougall, McWilliam, Murphy, Pearkes, Stick, Valois, Viau, Ward, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Chairman announced that the following Members had been chosen to act with him as a sub-committee on Agenda and Procedure: Messrs. Balcer, Fulford, Herridge, Kirk (*Antigonish-Guysborough*), Stick and Wylie.

A letter from the Canadian Chamber of Commerce was read expressing the views of that group regarding the single alternate vote and advance polls.

The Committee commenced consideration of amendments to The Dominion Elections Act, 1938, suggested by Mr. Castonguay.

Section 7 (4). New subsection:

Withdrawal of writ.

(4) Where the Chief Electoral Officer certifies that by reason of a flood, fire, or other disaster, it is impracticable to carry out the provisions of this Act in any electoral district where a writ has been issued ordering a Dominion election, the Governor in Council may order the withdrawal of such writ, and a notice to that effect shall be published in a special edition of the Canada Gazette by the Chief Electoral Officer; in the event of such withdrawal, a new writ ordering an election shall be issued within . . . . .months after such publication in the Canada Gazette, and the procedure to be followed at such election shall be as prescribed in section one hundred and eight of this Act.

On motion of Mr. Cannon,—

Resolved,—that between the words "issued within" and "months" there be inserted the word "six".

On motion of Mr. MacDougall,—

Resolved,—That the proposed section 7 (4), as amended above, be adopted.

Section 12 (1). Repeal was suggested and substitution of the following:

Chief Electoral Officer to decide what polling divisions are rural or urban.

(1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of ..... or more. All the polling divisions comprised in every such place shall be treated as urban polling divisions.

On motion of Mr. McWilliam,—

Resolved,—That after the words "a population of" in the suggested substitution there be inserted the words "five thousand".

On motion of Mr. Applewhaite,—

Resolved,—That 12(1) be deleted and replaced by Mr. Castonguay's substitution as amended above.

Section 14(3). Repeal was suggested.

On motion of Mr. McWilliam,—

Resolved,—That section 14 (3) be repealed.

Section 17 (5) (*a*) and (*b*). Repeal was suggested and substitution therefor of the following:

Arrangement of names on urban lists, etc.

(*a*) In the case of urban polling divisions, the names of the electors shall be arranged on the printed preliminary list in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically. Notices shall be printed at the top of the preliminary list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station established in the urban polling division for the taking of the votes on polling day.

Arrangement of names on rural lists, etc.

(*b*) In the case of rural polling divisions, the names of the electors shall be arranged on the printed preliminary lists in alphabetical order, as in the preliminary lists prepared by the enumerators in Form No. 21.

On motion of Mr. Stick,—

Resolved,—That section 17 (5) (a) and (b) be deleted and that the foregoing be substituted therefor.

Section 17 (8) and (9). Repeal was suggested and substitution therefor of the following:

Copies of preliminary lists for Chief Electoral Officer.. Receipt and disposal of copies of statement of changes and additions.

(8) The returning officer shall, forthwith after the preliminary lists for the urban and rural polling divisions comprised in his electoral district have been printed, transmit to the Chief Electoral Officer thirty copies of such preliminary lists.

(9) The returning officer shall, upon receipt of the six certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to *Rule (42)* of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each rural polling division, pursuant to *Rule (20)* of Schedule B to this section, immediately transmit or deliver one copy of each, respectively, to each candidate officially nominated at the pending election in the electoral district, and shall keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours. The returning officer shall also deliver, in the ballot box, one copy of such statement, together with the preliminary list, to the appropriate deputy returning officer, to use at the taking of the votes on polling day.

On motion of Mr. Cameron,—

Resolved,—That in the first line of the suggested new paragraph (9), the word "six" be deleted and the word "thirty" substituted therefor.

On motion of Mr. Applewhaite,—

Resolved,—That section 17 (8) and (9) be deleted and that the foregoing (8), together with the foregoing (9) as amended, be substituted therefor.

Section 17, (10) (11) (12). Repeal was suggested.

On motion of Mr. Applewhaite,—

Resolved,—That section 17 (10) (11) (12) be repealed.

Section 17 (13) (14) (14A). Repeal was suggested and substitution therefor of the following:

Official list.

(13) In urban and rural polling divisions, the preliminary lists and the statements of changes and additions shall together constitute the official list of electors, to be used for the taking of the votes on polling day.

Issue of certificate in case of omission in list.

(14) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copies contained in the enumerators' record books in his possession that such an omission has really been made, issue to such elector a certificate in Form No. 18 entitling him to vote at the polling station for which his name should have appeared on the official list. The returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate. No such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer during his sittings for revision.

Issue of certificate in case of name omitted by revising officer.

(14A) If after the sittings of the revising officer it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent, pursuant to *Rule (33)* of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the official list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the official list; the returnng officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the

pending election in the electoral district or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate.

On motion of Mr. Applewhaite,—

Resolved,—That section 17 (13) (14) (14A) be deleted and the foregoing substituted therefor.

Section 17, Schedule A, paragraph (b) of Rule (3). Repeal was suggested and substitution of the following.

(b) in an electoral district returning two members and in an electoral district, the urban areas of which have been altered since the last preceding Dominion election, and in an electoral district where at the last preceding Dominion election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (a) of this Rule is not available to nominate enumerators or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate urban enumerators, and then proceed with the appointment of such enumerators as above directed.

On motion of Mr. MacDougall,—

Resolved,—That Schedule A to section 17 be amended by deleting paragraph (b) of Rule (3) and substituting the foregoing therefor.

Section 17, Schedule A, Rule (40). Repeal suggested.

On motion of Mr. Applewhaite,—

Resolved,—That Rule (40) of Schedule A to section 17 be repealed.

Section 17, Schedule A, Rule (42). Repeal suggested and substitution of the following therefor:

Rule (42). Upon completing the foregoing requirements, and not later than Monday, the fourteenth day before polling day, the revising officer shall deliver or transmit to the returning officer the thirty copies of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to *Rule (41)* of Schedule A to this section, together with the revising officer's record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.

On motion of Mr. Applewhaite,—

Resolved,—That Rule (42) of Schedule A to section 17 be deleted and the foregoing substituted therefor.

Section 17, Schedule A, Rule (43). Repeal suggested.

On motion of Mr. Applewhaite,—

Resolved,—That Rule (43) of Schedule A to section 17 be repealed.

At 6 p.m. the Committee adjourned until Thursday, May 24 at 4 p.m.

E. W. INNES,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

MAY 15, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 11.00 a.m. Mr. George T. Fulford, the Vice-Chairman, presided.

The VICE-CHAIRMAN: Gentlemen, now that we have disposed of routine matters we might decide as to who will be our first witness.

Hon. Mr. HARRIS: I think we should ask the Chief Electoral Officer to be our chief witness until we dispose of him.

The VICE-CHAIRMAN: You have heard the minister's suggestion that the Chief Electoral Officer be our witness until he is disposed of.

Mr. MURPHY: Mr. Chairman, are you going to appoint a steering committtee?

The VICE-CHAIRMAN: That will be the next order of business.

I think, Mr. Castonguay, if you have anything to say this might be the appropriate time to say it.

Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Gentlemen, these amendments I propose to submit for the consideration of the committee are substantially the same as those submitted to last year's committee on the Dominion Elections Act, 1938. They are mostly of a technical and procedural nature and involve recommendations made by my predecessor in office, and I might add here, that I sought his assistance and the assistance of the officials of the Department of National Defence and the Department of Veterans Affairs in preparing these amendments. There are some changes in form from the ones we submitted last year but in substance they are the same. In these large file folders distributed to members you will find that I have included our office consolidation of the Dominion Elections Act, and the minutes of proceedings of the committee meetings of last year. You will find in the minutes No. 1 of the said committee reports received by my predecessor, by the Speaker of the House, and the report of the Chief Electoral Officer on the 1949 general election. They are printed as appendices to the minutes No. 1 of the Special Committee on Dominion Elections Act, 1938.

I would like to take this opportunity now, if I may, to point out to the members of the committee that in the Canadian Defence Service voting regulations as they stand now there is no provision for taking the vote of prisoners of war, and it is my hope that there will never be any necessity for it. However the Canadian prisoners of war regulations, 1944, were repealed in 1948, and I would like to know, if the committee feels there is any need for proxy voting by Canadian prisoners of war, and if so, would they like me to adapt the Canadian prisoner of war regulations, 1944, to present circumstances. The Ontario legislature has enacted legislation to provide for the taking of votes of prisoners of war, and I just thought at his stage I would seek the committee's views on this matter. As I said, the Canadian prisoners of war regulations, 1944, were

repealed in 1948, and there is no legislation for taking the votes of prisoners repealed in 1948, and there is no legislation on the statute books now for taking the votes of prisoners of war.

Mr. STICK: How would you proceed to take the votes of prisoners of war? How would you get their votes?

The WITNESS: In the 1944 regulations the procedure was that in the case of any prisoner of war who was officially recorded as such at national defence headquarters, a certificate was sent to his next of kin and his next of kin voted by proxy for the prisoner of war in the polling division where the next of kin resides. That was the procedure in 1944.

Mr. APPLEWHAITE: In addition to the next of kin's own vote?

The WITNESS: Yes. In adition to the next of kin's own vote. The provisions of the regulations prescribed that the prisoner of war elector had to be officially recorded as a prisoner of war at defence headquarters, and then the chief electoral officer found out who his next of kin was from the Department of National Defence and then such information was transmitted to the returning officer of the electoral district where the next of kin resided, and if the next of kin was a qualified elector he was given the proxy and he voted on the ordinary polling day firstly by proxy for the prisoner of war and secondly for himself.

Mr. MURPHY: Is that the way the province of Ontario obtains the vote of prisoners of war?

The WITNESS: I am not familiar with their regulations, but the procedure is all based on proxy voting. There is no other way of taking such votes. Whatever method they have may differ slightly in detail from that provided in 1944, but basically the instrument for taking the vote is the proxy vote.

Hon. Mr. HARRIS: Probably you could use that for the voting of soldiers overseas.

Mr. MCWILLIAM: Is there any machinery set up for taking the vote of a prisoner of war qualified to vote whose next of kin is not qualified to vote?

The WITNESS: No, there is none. I think there were only three or four cases in the 1945 general election where the next of kin was not a qualified elector.

Mr. ARGUE: How many votes would have been cast on this basis in the 1945 general election?

The WITNESS: In 1945? I am speaking from memory now but I believe that in April 1945 there were something like 10,000 prisoners of war, but as you recall these prisoners of war were released from prisoner of war camps as the campaign progressed on the continent and it ended up that the only prisoners of war who voted by proxy were the prisoners of war in Japanese prisoner of war camps, because all the other prisoners of war had been released and could vote through the normal service channels provided at that time.

The VICE-CHAIRMAN: You do not know how many there were?

The WITNESS: I think there were 1200.

The VICE-CHAIRMAN: As many as that?

The WITNESS: I am speaking from memory now, between 800 and 1200.

Mr. APPLEWHAITE: Would it be a fair question to ask the Chief Electoral Officer if he would express an opinion as to which is the greater evil: disfranchising our own people who are prisoners of war or introducing proxy voting into the Canadian system?

The WITNESS: I would not like to.

Mr. APPLEWHAITE: I just wondered if you had an opinion which you would like to express.

The VICE-CHAIRMAN: That might be a job for the committee.

Hon. Mr. HARRIS: Mr. Chairman, Mr. Murphy has raised the question of a steering committee. We found a steering committee very useful three or four years ago, as Mr. Murphy knows very well, on this particular committee. I wonder, though, if we could come to some general conclusion on the way to handle the work of this committee. There are before us a number of amendments suggested by the Chief Electoral Officer as the result of the experience of the 1949 general election. I should think we would expedite his work and our own by disposing of them first, either approving them or otherwise, and then getting into the other questions which he has not raised but which the members of the committee might wish to raise to improve the Act. If that is the sense of the committee. I should think we ought to choose a steering committee. It is always useful in any event. Let us first, though, proceed to dispose of these suggested amendments, and by that time the steering committee will be able to organize the work for a full consideration of suggestions which the members want to bring out and which are not specifically referred to in the proposed amendments. If that is the wish of the committee I think the steering committee could be appointed by the chairman after consulting with the various groups so as to have a full representation on the steering committee.

The VICE-CHAIRMAN: It might be of interest to know how these steering committees are composed. They are generally composed of the chairman and four members to be named by the chairman. Now, it has been moved by Mr. Harris that a steering committee be appointed comprising the chairman and four members to be named by the chairman to deal with matters that come before this committee.

Hon. Mr. HARRIS: I think we found from experience, Mr. Chairman, that four are hardly sufficient for this purpose. I did not know you had a drafted suggestion on this. Our usual custom is to have five, I think, if not six, in order to give adequate representation to the various groups that are always represented on a committee. However, suppose we leave that to your discretion, after discussion with the various groups represented on the committee.

Mr. MURPHY: I think in the last session there were seven on the steering committee.

The VICE-CHAIRMAN: That would be six and the chairman?

Mr. MURPHY: Yes.

Hon. Mr. HARRIS: I move that the steering committee be composed of the chairman and six members to be appointed by him.

Mr. HERRIDGE: I second that.

The VICE-CHAIRMAN: Any further discussion on this motion? All in favour? Contrary?

Carried.

Mr. WARD: Arising out of the discussion of a few moments ago in reference to prisoner of war votes, there is a situation in Manitoba and it may be similar in certain other districts, especially in our fresh water lakes, where large numbers of fishermen have been disfranchised simply because they were away from home at voting time.

The VICE-CHAIRMAN: That applies to fishermen and fresh water mariners. I think these are matters that are important and should be discussed later by the committee as a whole.

Mr. HERRIDGE: I would like to move that the agenda for the business of this committee be first, the consideration of the amendments suggested by the Chief Electoral Officer and then the consideration of the amendments proposed by members of this committee.

Mr. STICK: Would that be the work of the steering committee, to organize the work of the committee?

Hon. Mr. HARRIS: Yes, I think so, after we have disposed of the amendments proposed by the Chief Electoral Officer.

Mr. FAIR: I want to know for my own information, and the information of the committee—last year we had a number of amendments suggested by the Chief Electoral Officer—will it be necessary to go over those again?

The WITNESS: I do not think any amendments were approved last year. I think they were all stood over. Some were passed but some still stood when we adjourned.

The VICE-CHAIRMAN: Some were held over from last year.

Mr. FAIR: Well, then, it would mean we would deal with the ones that were left to stand last year and then carry on with the programme?

The VICE-CHAIRMAN: I take it that is right. Is there a seconder to Mr. Herridge's motion?

Mr. APPLEWHAITE: I second that motion.

The VICE-CHAIRMAN: Would you repeat your motion please, Mr. Herridge?

Mr. HERRIDGE: I move that the agenda of this committee be, first, the consideration of the proposed amendments to the Dominion Elections Act, 1938, the amendments proposed by the Chief Electoral Officer, and then after that is disposed of, the consideration of any amendments proposed by members of the committee.

The VICE-CHAIRMAN: You have all heard this motion. Any discussion? All in favour? Contrary?

Carried.

Mr. MURPHY: Mr. Chairman, you purpose then going into each section of the Act?

The VICE-CHAIRMAN: There are certain sections are there not, Mr. Minister, that we decided to let stand last year? It was decided by the committee to let them stand. I believe it is the intention of the committee to go through those sections that have not been discussed.

Hon. Mr. HARRIS: In a general way. This is not a revision. A revision is not necessary. The committee reporting in 1947 and 1948 did that.

Mr. MURPHY: Then we will only consider the sections that the members refer to?

Hon. Mr. HARRIS: Yes; and if the new members of the committee as well as the older members feel that any decision made then was wrong and there should be changes then, of course, this is the committee to deal with those matters.

The VICE-CHAIRMAN: Have you any further statements to make, Mr. Harris?

Hon. Mr. HARRIS: No, I have not. It always seems unfortunate that this committee goes to work late in the session, and I would hope that members would arrange through the steering committee a suitable time so that we could get a quorum and have as many meetings as possible, because the amount of work before us will keep us busy until the end of the session and it is desirable to get a lot of this work done this year if only for matters of printing, not to speak of anything else that might arise.

The VICE-CHAIRMAN: Is there anything further anyone wants to bring up?

Mr. MURPHY: Would you suggest, Mr. Minister, that we have more than the usual number of meetings starting as late as we are?

Hon. Mr. HARRIS: Until we have disposed of the Chief Electoral Officer I would say, yes, and then the steering committee could consider what they had ahead of them.

Mr. APPLEWHAITE: When is it proposed to meet again?

Hon. MR. HARRIS: Could we make it 4.00 o'clock on Thursday?

Mr. HERRIDGE: That is a good suggestion.

Hon. MR. HARRIS: We all understand the difficulty the opposition members are in, in that they have to take part in the debate in the House in the afternoon, but the steering committee may be able to work that out.

The VICE-CHAIRMAN: Any further business?

Mr. STICK: I move we adjourn.

The committee adjourned.

HOUSE OF COMMONS,
MAY 17, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4.00 o'clock. The Chairman, Mr. Sarto Fournier, presided.

The CHAIRMAN: Gentlemen, the meeting is open. I think that first of all I have to tell you I appreciate the renewal of your confidence in me as your chairman while I was absent and I do thank you very much for honouring me with the post of chairman. I wish also to congratulate the vice-chairman on his re-election.

Now, we will proceed immediately with the nomination of the steering committee. I have some suggestions to make to you. I have chosen six members to be members of the steering committee. They are Mr. Balcer, Mr. Herridge, Mr. Wylie, Mr. Fulford, Mr. Stick, Mr. Kirk and myself. If it is agreeable to you those members will compose the steering committee. Today, perhaps we can decide on the work that the steering committee will have to do at its first meeting. Have you any suggestions? So far as the agenda is concerned, I understand that a proposition was made at the last meeting in a motion by Mr. Herridge to this effect: It was resolved that the order of the agenda of this committee be, first, the consideration of the amendments suggested by the Chief Electoral Officer and then the consideration of the amendments proposed by members of this committee. That was agreed to. Maybe we should start now to hear the Chief Electoral Officer, Mr. Castonguay, who will explain some of the amendments that he is suggesting be made to the Election Act. Will you proceed, Mr. Castonguay?

Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, and gentlemen, these suggested amendments have been prepared in draft form. On the left hand side of each page is the proposed amendment and on the right hand side of each page is the section as it presently stands.

The CHAIRMAN: If you will permit me—I see Mr. Crestohl here, and I understand he has a suggestion to make. I would like to say, Mr. Crestohl, that I did not speak about that before as I noticed you were not present. So far as your problem is concerned in your own particular district, we will postponed discussion on that until after we have heard Mr. Castonguay and then if you are not here the clerk of the committee will remind me to call on you. Will you continue, Mr. Castonguay?

The WITNESS: I have nothing further to add, Mr. Chairman, to what I have just stated. I have tried to provide explanatory notes, which I hope are clear, on the right hand side of the sheet, and I am prepared to answer any questions or give any further explanation that you desire.

Since the last committee was established in 1950, we received one letter from the Canadian Chamber of Commerce on a suggestion that we had brought to the attention of the committee at the last session and which they wished to again bring to the attention of this committee. I would like to give it to you, Mr. Chairman.

The CHAIRMAN: Gentlemen, we have received from the Canadian Chamber of Commerce a letter concerning some suggestions in connection with the Election Act. If you have no objection I would suggest that this letter be incorporated in the record.

Mr. MURPHY: Would you read it, Mr. Chairman?

The CHAIRMAN: Yes, it is addressed to Mr. E. A. Anglin, Assistant Chief Electoral Officer, Ottawa, Canada. The date of the letter is April 30, 1951. It reads:

Dear Mr. Anglin:

Further to our telephone conversation when I was last in Ottawa, I am pleased to again ask you to bring to the attention of the special committee of the House of Commons on the Dominion Elections Act the policy of the Canadian Chamber of Commerce re the single alternative vote and advance polls. These matters are contained in our policy declaration on voting procedures which will be found on page 38 of the enclosed booklet.

You will recall that these matters were brought to your attention during the last session of parliament and the minutes of proceedings indicated that they had been received.

Should the committee require additional copies of our booklet containing our voting procedure policy please do not hesitate to ask me to send additional copies to you.

Yours sincerely,

(Sgd.) W. J. MCNALLY,
Manager,
Policy Department.

Mr. MURPHY: Mr. Chairman, would you mind reading the section in the booklet that he refers to?

The CHAIRMAN: It is on page 38, and titled Voting Procedures and reads as follows:

The Canadian Chamber of Commerce, recognizing the use of the free ballot as a blessing of our democratic way of life, is anxious to see in the use of the ballot a reflection of the will of the majority.

The Chamber notes that there has been in recent years a growing tendency to place in parliament candidates that have been elected by a minority of those voting. The Chamber submits that if this tendency continues the result may well be that the wishes of the majority of voters will go unrecognized.

The Chamber believes that the method best suited to bring about the election of the most acceptable candidates is the single alternative vote. This method of voting provides for the indication of preferences on the ballot paper (first, second, third, etc.) and for the distribution of the votes of the candidates receiving the smallest number of votes among the other candidates until one candidate has an absolute majority of the votes cast.

The Chamber believes that any qualified voter who signed a sworn statement to the effect that he or she would be unable to vote on polling

day at the ordinary polling station due to absence for cause should be able to vote at an advance poll, and that advance polling stations should be opened sufficiently far in advance of election day to accommodate those who would make use of them.

The Chamber, therefore, urges the Federal Government to amend at the earliest opportunity the Dominion Elections Act to make provision for the use of the single alternative vote in federal elections, and to provide for advance polls in federal elections.

Mr. MACDOUGALL: Do you wish to discuss that subject now, Mr. Chairman?

The CHAIRMAN: No, that will be discussed later. At the present time we are going to discuss Mr. Castonguay's amendments and then we will discuss amendments that might be brought forward by members of parliament or may be received from other organizations in the country. I think the most reasonable way to proceed would be first to consider the proposition of the Chief Electoral Officer right now, and after that is over we might come back to all these new suggestions. Now, will you proceed again, Mr. Castonguay?

The WITNESS: I have nothing further to add, unless you want to start considering the amendments.

The WITNESS: I have nothing further to add, unless you want to start considering the amendments.

Mr. CANNON: On the first suggestion you make, why is a definition no longer necessary? If it was necessary before why is that not necessary now?

The WITNESS: The practice in the past has been that this section (2), which is the interpretation clause of the Act, was allowed to stand until other sections were considered, and then the committee dealt with the other sections where those definitions will be affected. It is, of course, conditional whether you are going to approve the amendments as proposed in other sections. Section (2) is the interpretation clause and section (2) stands until all matters are considered, and then we refer back to section (2).

The CHAIRMAN: Now, we will consider page 2. There is a proposed amendment but I understand the Hon. Mr. Harris would like to be present when we discuss this item so we will let it stand in the meantime. I would ask the Chief Electoral Officer to read the article first before giving the explanation.

The WITNESS: I will read section (4):

4. Where the Chief Electoral Officer certifies that by reason of a flood, fire, or other disaster, it is impracticable to carry out the provisions of this Act in any electoral district where a writ has been issued ordering a dominion election, the Governor in Council may order the withdrawal of such writ, and a notice to that effect shall be published in a special edition of the *Canada Gazette* by the Chief Electoral Officer; in the event of such withdrawal, a new writ ordering an election shall be issued within...months after such publication in the *Canada Gazette*, and the procedure to be followed at such election shall be as prescribed in section one hundred and eight of this Act.

I brought this problem to the attention of the committee last year. It has to do with elections that have been ordered by the issue of a writ, and after ordering such election a disaster occurs as happened in the province of Manitoba, where the area was completely flooded, and it would been impracticable to hold an election. As you see, I prepared this amendment with the assistance of the officials of the Department of Justice and at the suggestion of last year's committee. I pointed out that in the case of the flood in Manitoba, if that flood had occurred the year previous, the writ would have been issued on the 30th of

April and I understand at that time there was no indication of a flood. Then the election having been ordered on the 30th of April there were about at least, to my knowledge, six or seven electoral districts affected where it would not even have been practicable to hold an election during the 1949 general election, because they were flooded. We could not gone on with the enumeration, nor with the revision and we could not have established polling stations. There is no legislation now which enables one to withdraw a writ once it is issued; the election must be carried through. I think the honourable members will agree with me in the case of Manitoba, and also probably in the case of the fire at Rimouski, that it would be impossible to hold an election in those places, if the disaster occurred after the issue of the writs.

By Mr. Murphy:

Q. Who determines what is a disaster?—A. Under this section, I would certify that it is impracticable to hold an election. Of course, I would get my information from the returning officers. There is one point I am not particularly happy about and that is to what extent would a situation be considered a disaster in an electoral district? I mean, if ten polls were affected that may not be called a disaster.

Q. That is the point I was going to raise.—A. It might be considered a disaster if it was a close election and if those ten polls had voted there might have been a different result, but I would assume if I had to act on this matter I would take it that at least 50 per cent of the polls would have to be affected.

Q. Fifty per cent, you say?—A. I am only using that percentage as a broad rule. I would like some direction from the committee on this matter. It is quite a matter to rule on. If this section could be drafted in a different way to give me some yardstick to determine when I should certify a disaster I would be more happy about exercising such discretionary powers.

Mr. APPLEWHAITE: Do you not think that from the nature of the different constituencies certain leeway will have to be left to your judgment?

The WITNESS: Yes. I think in all of Canada there were only about ten polls that did not open at the last election on polling day, and that was due to various circumstances. They were unavoidably not opened. Generally speaking, returning officers and all election officials do all they can to see that the vote is taken on election day because otherwise the community will not vote. If the committee could provide me with some yardstick as to what constitutes a disaster, and what should be a basis for certifying that there is a disaster and that it is impracticable to hold an election it would facilitate my tasks.

Mr. MURPHY: Mr. Chairman, was this point discussed at meetings at the last session?

The CHAIRMAN: At the last session, yes, we discussed that point, but not to a great extent, and we came to no decision about it.

I would suggest that it might be up to the Chief Electoral Officer to report to the Governor General in Council that, in his opinion, at such and such a place a disaster occurred which made it impracticable to hold an election there; and we might leave the final decision to the Governor General in Council. It is difficult for us to foresee what might happen. We do not know.

Mr. WYLIE: First of all, it would be reported by the returning officer to the Chief Electoral Officer.

The WITNESS: According to the way this section is worded I would certify that it was impracticable to hold an election. Naturally I would obtain my information from the returning officer. According to this provision the Governor General in Council may order the withdrawal of the writ. He may. It is not mandatory. Discretion still remains with the Governor General in Council. I

would obtain my information from the returning officer and I would go beyond him. I would go whenever or wherever possible to all the interested parties in the district to see what could be done. I would take steps to ascertain whether it was practicable or not. But still, there is that yardstick. What would constitute a yardstick to determine a disaster, and what yardstick would I use?

Mr. MURPHY: It may be that most of the members of the committee would agree that fifty per cent could be a disaster, and yet it might not mean fifty per cent of the polling subdivisions. I do not know how we are going to guide the officer who has to make the certification. I wonder if this section could stand over until we have given it some thought.

Mr. MACDOUGALL: In connection with this matter, I think it is very clear. Personally, I am quite prepared to ask for withdrawal of the amendment now because there is no one in this room who can define, even within his own riding, what may or may not constitute a disaster.

Take for example the case of the Fraser Valley flood. It was a terrific flood. Of course, I am only going on supposition, but in the areas immediately adjacent to both banks of the Fraser, I think the likelihood would be that there would not be more than three or four polls in that whole area adjacent to either bank of the Fraser which would be forced to close, by reason of the flood.

Consider, for example, an isolated area, for instance, in the northern part of any of the central provinces of Canada, let us say in Skeena or in northern Quebec or Ontario; you might have a complete isolation of one or two polls. The only way the Chief Electoral Officer can get his official information about it, on which he is going to base his decision, which decision will be handed on to the Governor General in Council, will be through the report of the Returning Officer who is right on the spot.

Candidly, to me this thing is as plain as a pike staff. He has to get his information from some one. And who is more reliable to give it than the returning officer who is right there on the spot?

Mr. HERRIDGE: It seems to me, Mr. Chairman, that a much more accurate way of determining the nature and the effect of a disaster would be to take the percentage of voters who would not be able to exercise their franchise. For example, you might have 20 small polls affected in one case, yet in another case one poll alone will represent far more votes than did the 20 small polls.

In my opinion, if 25 per cent of the voters in any one district cannot exercise their franchise because of some disaster, that would be good ground for adjourning the election.

Mr. CANNON: I think the matter should be left to the judgment of the Chief Electoral Officer. But I think the figure he mentioned a while ago of 50 per cent is much too high.

If 25 per cent or even less were unable to exercise their franchise, I think it would be a good reason for postponing the election. After all, elections only take place once in five years or so. Everybody wishes to exercise their franchise if possible; and if there is any considerable portion of those able to vote who are deprived because of a disaster, I think the election should be postponed.

In short, I think it should be left to the judgment of the Chief Electoral Officer.

Mr. FAIR: May I ask whether during the years of office of the Chief Electoral Officer he knows of any situation when it was necessary to postpone an election?

The WITNESS: There has never been a similar situation to my knowledge. I discussed this matter with my predecessor, and he does not recall any. But

this point was clearly brought to our attention by the flood in Manitoba and the fire in Rimouski. That was the first time that we realized here was no provision to handle a situation of that type.

Mr. PEARKES: It occurs to me, Mr. Chairman, and I think I mentioned it during the last special committee, that perhaps a distinction should be drawn between a disaster which is an act of God and a disaster which is man made. I am thinking at the moment of the general strike in Winnipeg in 1919 or 1920. It seems to me that there might be subversive elements, perhaps, at some time who would deliberately cause such a disturbance in the hope of postponing an election. Has any consideration been given to that point?

The WITNESS: Yes. As you will remember, sir, when you brought this point up, I referred to the Winnipeg strike of 1919 when enumerating the various types of disasters to the committee. I consulted the Department of Justice on this matter, and the point you raised then was considered when this subsection was drafted.

The Justice Department tells me that this wording does not cover strikes; it covers acts of God. There is quite a lot of room for interpretation by the use of the word "disaster". But I feel that in all cases I would be governed by the type of disaster comparable to the disasters enumerated in this proposed subsection.

By Mr. Applewhaite:

Q. If you were suddenly faced with this question, would you regard a major epidemic, such as that of the fall of 1918, as a major disaster?—A. From what some of the members of this committee have stated, I think 25 per cent of the electors would be a useful guide, but I would say that it would still be hard to judge what constitutes a disaster.

Q. But if you had an epidemic, and it was made apparent to you that 25 per cent of the electors, for one reason or onother would not be able to vote, would you regard that as a disaster?—A. I would hesitate to do that, because it is hard to determine whether or not 25 per cent of the people of an electoral district cannot get to the poll because of illness.

Q. The electors themselves may not be held up, but possibly the poll itself. For instance, there might be a severance of transportation lines so that you could not get your material into the poll. In that case you still could not hold your election.—A. That is a normal risk or hazard of elections. For example, in Newfoundland we had to drop the ballot boxes in some cases by parachute. In one case we were unable to contact the people and they received the ballot box, but they did not know what to do with it. In an other place, there was a bad drop and it did not reach the people.

Q. They were isolated cases?—A. Yes, they were isolated cases. But at the last general election not more than ten out of 40,000 polling stations failed to open on polling day.

Mr. DECORE: What about the case of severe weather conditions such as occur in Alberta? We might have a severe storm. Would that constitute a disaster?

The WITNESS: I am afraid that it would not. I think that is not the intention of this proposed subsection.

The CHAIRMAN: We had that occur in Montreal in the election of 1945. There was a big storm, but nevertheless many people went to the polls.

Mr. APPLEWHAITE: You mean something beyond normal hazards?

The WITNESS: Yes, something beyond normal hazards. I think that is the intention of this section. There are normal hazards of elections at any time of the year.

Mr. ARGUE: Before this section would be used in regard to any electoral district, I wonder if the Chief Electoral Officer could say whether or not it might

be practical to ask for the opinion of the candidates, let us say, of the two major parties involved in the constituency in question; and if the candidates were nominated representatives at the previous election?

The CHAIRMAN: It might happen that some people would be interested.

By Mr. Argue:

Q. You do it in your selection of enumerators. There is some consultation in that case. I would like to have the opinion of the Chief Electoral Officer.—A. Naturally, I would like to ascertain from all authoritative sources the extent of the disaster, something which would support the returning officer's recommendation. I feel that any recommendation which a returning officer would make to me would be acceptable; but I would feel more comfortable in making my decision if I could get substantiation from the returning officer as well as from other people. I would consult the best sources available to me. I would try in every case to substantiate the returning officer's report from some other source.

Q. Would not the opinions of the major political parties, in so far as they could be ascertained, be quite an important thing?—A. My predecessor and I have worked in close cooperation with all national organizations. So I would consult them.

Mr. APPLEWHAITE: In actual practice the returning officer would report to you at the instance of the candidates. They would be the most interested people.

Mr. MACDOUGALL: I move the passage of the amendment.

Mr. MURPHY: I think the section has a lot of merit. But I wonder, when we consider this particular section, if we might not also consider some way of getting around the disaster in this way: that would be a qualification on the voters. I think this might be considered in that other section as well, but possibly some provision could be made whereby the people who would ordinarily be deprived of their franchise could, under the Elections Act, be permitted to vote in another poll.

If for some reason or other, for example, there were five polls closed, and, let us say, 20 per cent of the voters were represented in those polls, there may be availability for voting by those same people at another poll.

Mr. VIAU: Within the same riding.

Mr. MURPHY: With respect to that matter, if, let us say, 20 polls could not open in view of a national disaster, I wonder how many electors of that area would be able, in view of the disaster, to get to other polls?

The WITNESS: I think this shifting around would remove some of the safeguards that ordinarily are required at elections. I am thinking of one of the basic qualifications of a voter, that he is entitled to vote in the district and polling division in which he is ordinarily a resident on the date of the issue of the writ. That is the only place that he can vote. If an elector is to be allowed to move to some other place some notice must be given to the candidates, the affected electors and other interested persons and I think that the shifting of electors from one poll to another would open the door to all kinds of abuses. From the point of view of the returning officer and from our point of view it would be difficult to shift people to another poll.

Mr. APPLEWHAITE: Yes, in any time of great disaster.

Mr. WYLIE: Mr. Chairman, I think we can give the Chief Elector Officer more power in a situation of this kind. We would have avoided a lot of discussion back in 1940, you recall the situation which developed in that year when 50 per cent of the voters in the southern portion of the province were not able to vote, practically the whole of that part of the province was blocked with snow and it was impossible for people to travel then, twelve or fifteen or even twenty miles to vote, they just stayed at home. That is what you might call

a disaster. I think it would be a good thing if we could give the Chief Electoral Officer a chance to deal effectively with a situation of that kind. I know it can be done, but if we could persuade the government and perhaps the opposition as well to select a proper time for holding an election, I mean so it could be held in good weather, then we could get away from a lot of this sort of thing and I believe it would be possible to get out the vote, because many people in the country are not the same as the honourable member for Vancouver, they have to travel distances of up to 20 miles, and you have muddy roads, and that sort of thing, and they just can't get out to vote.

Mr. MacDougall: There is no man in the world who can tell in advance what the weather is going to be in any particular section of the country. It may be perfectly clear in one section while in another area you may have a very severe storm, and there is nothing you can do about it. You will recall that in one election recently down in the Lethbridge area was a very heavy snow storm which came up in a matter of just three or four hours.

Mr. Decore: You would not call that a disaster, would you?

Mr. Wylie: Well, in the case I cited it was not a disaster; it was a case where an election could not be held.

Mr. Decore: Where would you draw the line?

Mr. Murphy: I think, since this is an innovation in the Act, and it is a very important one, we may be facing an era unlike anything in the past. This subject is so important that I would suggest having it delayed and maybe it could be discussed under the section of the Act with respect to the qualifications of voters. It can be brought up at that time. It certainly is an innovation in the Election Act, and I am inclined to think and I think that the committee will agree with me because of its importance it might be delayed for discussion at another meeting.

The Chairman: Is it the opinion of the committee that we should postpone discussion?

Mr. Cannon: No, let us have a vote on it.

Mr. Argue: Mr. Chairman, I would agree with that suggestion. I for one am not in a position to say whether I am in favour of this or not without giving it further thought and I cannot see that anything would be lost by postponing consideration of it until at least one other meeting.

The Chairman: The matter is not one for me to decide. I will put the motion. Your suggestion is quite fair.

Mr. Murphy: It is a point on which Mr. Castonguay very frankly admitted that he wanted guidance from this committee.

The Chairman: Yes.

Mr. Murphy: He has not got a great deal of guidance so far that would give him the direction that he would like to have. Someone suggested the figure of 50 per cent and others have suggested 20 or 25 per cent of the voters, and very few remarks have been made even respecting these figures. I am inclined to think that an innovation of this sort is one which should have more consideration since so much will depend on the judgment of Mr. Castonguay; and, as he points out, he would like to have some direction from this committee. Now, he has not had direction yet, but he has had it suggested that 20 or 25 per cent of the voters being affected might be taken as indicating a disaster condition.

Mr. Dewar: I think with respect to a clause of this kind that we should see what Chief Electoral Officer means. We have been holding elections in Canada now for approximately 75 years and in all that time no comparable parallel has ever come up where this section would be required, as I understand it, is that right?

The WITNESS: No, there has never been such comparable parallel. However there used to be deferred elections.

Mr. DEWAR: But this particular thing would only apply to disasters.

The WITNESS: Yes.

Mr. DEWAR: Well, in view of that, I do not see why we should labour this point to that extent. Now, let us say a disaster occurs in Qu'Appelle of the type suggested by this new subsection, who is the one to determine just what constitutes a disaster? I think that is a matter which might well be left to the electoral officer in the district to report to the chief electoral officer. Let's proceed with it.

Mr. MURPHY: Then, Mr. Chairman, there is a proposal in the fourth last line that a new writ ordering an election shall be issued within blank months, that might mean twelve months or it might mean most anything. What did you have in mind there?

The WITNESS: We wanted to leave that for the decision of the committee.

Mr. ARGUE: How can the committee pass that when they have not made a decision on that important part of it. They might postpone it forty-eight months until the next general eletion. I suppose there was a purpose in leaving it blank?

The WITNESS: Yes, it was left blank purposely so the committee could decide what period of time should be provided.

Mr. WARD: I would like to ask Mr. Castonguay what are the objections to deferred elections. You spoke of the Red River Valley being flooded last year. Would you have any objection to transferring it to another constituency which was not affected by the general flood conditions for the purposes of a general election?

The WITNESS: Generally speaking I do not think any political party that I know of thinks very much of deferred elections at a general election.

Mr. APPLEWHAITE: This would only apply after the writ issued?

The WITNESS: Yes, after the writ issued.

Mr. APPLEWHAITE: And once the writ has been issued I suppose there is no way of withdrawing it.

The WITNESS: Before a writ issues it is a matter for the Governor in Council to decide the date on which it will be issued, but after the writ has issued there is no machinery for withdrawing the writ in the event of disaster.

Mr. PEARKES: Can we get any suggestions as to the period of time?

Mr. CANNON: I would move, Mr. Chairman, that it be six months. I think that is a reasonable time.

The WITNESS: There is this consideration, that the Governor in Council can issue today a writ ordering a general election, say for next October. There is no time limit in so far as the date when polling day at a general election must be set, it is generally set for a period of 60 days between the date of the writ and polling day. In the case of a by-election for instance, the Governor-in-Council can also issue a writ today ordering a by-election next October. It has never been done. That length of time has never been extended more than a period of sixty between the day of the issue of the writ and polling day. I do not think the period should be too long here because should the Governor in Council find it impossible because of the disaster to order an election say within a required period of two months, the Governor in Council could then issue a writ at the end of the period and set polling day for the election at a date three months after the prescribed period of two months when it could be practicable to hold an election. It might be made three months, or six months.

The CHAIRMAN: We have a motion from Mr. Cannon that the period be six months.

Mr. APPLEWHAITE: Not more than six months.

The CHAIRMAN: Within a period of six months. That is the motion.

Mr. PEARKES: Speaking on that motion, in view of the authority of the Governor in Council to set elections why should it not be left to the Governor in Council to set the time. It might very easily vary under these different circumstances. A disaster might be something which could be cleared up within a couple of months, on the other hand it might be a type of disaster which would take a very long period. It seems to me we are getting rather rigid if we say a period of time. I do not know. I am only asking for information. Would it not be possible to leave it in the hands of the Governor in Council to set that time?

Mr. CANNON: That is not to be used for the issue of a writ. A writ may be issued within six months and an election can take place six months after that, or even more.

The CHAIRMAN: As I understand your motion it reads like this:

> (4) Where the Chief Electoral Officer certifies that by reason of a flood, fire, or other disaster, it is impractical to carry out the provisions of this Act in any electoral district where a writ has been issued ordering a Dominion election, the Governor in Council may order the withdrawal of such writ, and a notice to that effect shall be published in a special edition of the Canada Gazette by the Chief Electoral Officer; in the event of such withdrawal, a new writ ordering an election shall be issued within six months after such publication in the Canada Gazette, and the procedure to be followed at such election shall be as prescribed in section one hundred and eight of this Act.

I do not think it is necessary to say, "issued by the Governor in Council", because it is automatic.

Do you still want a vote on your motion?

Mr. CANNON: I will leave it the way it reads in the section. What is that section?

The CHAIRMAN: Section 7.

Mr. PEARKES: I simply wanted information as to whether it was practical to do it.

The CHAIRMAN: We might take a look at that section which deals with by-election procedure.

The WITNESS: You might refer to section 108 with respect to the procedure to be followed at by-elections. If you hold it under the general election procedure, the mechanism for the taking of the Canadian defence service vote would have to be kept in operation for such elections. It would require special returning officers in each of the voting territories to take the service vote and it would be necessary to have the whole mechanism for the service vote at a general election in operation, and you would have to apply it to this new election if the election is held under the general election procedure; but with the by-election procedure there is no mechanism required to be set up to take the vote of the Canadian forces electors.

Mr. CANNON: Mr. Chairman, I am willing to withdraw my motion, but before doing so I would like to know what Mr. Castonguay has to say with respect to my suggestion. He presented this draft. Now, I would like to know what he thinks of the suggestion that no time be set, if he is willing to agree to that. He knows more about it than we do. He has more experience, and I would like to have his opinion.

The WITNESS: I see no objection at all to that method.

Mr. CANNON: You see no objection to it?

The WITNESS: I see no objection to the method suggested by Mr. Cannon.

Mr. WARD: Leaving it open?

The WITNESS: Leaving it open.

Hon. Mr. HARRIS: Is there not a section relating to the powers of the Governor in Council which says that it shall not delay the taking of a vote any longer than is reasonable and necessary?

Mr. PEARKES: I agree with that, Mr. Chairman.

Hon. Mr. HARRIS: I agree that the authority vests in the Governor in Council but I feel that he would not be the proper one to have this function. It is possible that such a power might be exercised in such a way that public opinion would not support it if you left it open and one of these disasters should occur. It might be that action in issuing the writ might be delayed longer than public opinion thought it should be and there could actually arise a demand that a writ be issued and if we held it up, if the Governor in Council deferred making his decision to issue the writ in the light of all the circumstances, there might be real dissatisfaction that he had not done it earlier, and I think if you had a provision in there he would have to take it anyway and in the meantime the public would be more convinced that he was going to take that action then would be the case if there were no limit.

Mr. PEARKES: The Governor in Council has to make the decision to delay or to withdraw the writ in the first place, and if he does that surely it is not going too far to say that you would expect the Governor in Council to see when he withdrew the writ, having consideration to the circumstances involved that he would not withhold the election too long.

The WITNESS: The procedure suggested in this amendment is not new. There is a similar procedure in the case of a by-election. When a vacancy occurs in the House of Commons the Speaker issues a warrant to me, and from the day I receive the warrant in my office, a writ must issue within a period of six months. It is the prerogative of the Governor in Council to issue a writ for the holding of the by-election, but the writ must issue within that period of six months from the date I receive a warrant from the speaker of the House of Commons. So, this is not establishing a new procedure, it is more or less "cribbing" from the House of Commons Act.

Mr. PEARKES: Why not make it six months then—the same time?

The CHAIRMAN: Then I think we should say "a new writ ordering a by-election" instead of saying "a new writ ordering an election".

The WITNESS: "An election" is, I believe, the proper term.

Mr. APPLEWHAITE: You cover that in the last two lines.

Some Hon. MEMBERS: Question?

Mr. ARGUE: I wonder whether the minister might be able to say whether the government is anxious to have that type of authority—or whether it depends only on what the committee decides.

Hon. MR. HARRIS: This?

Mr. ARGUE: Yes, the whole thing.

Hon. MR. HARRIS: This amendment arose as a result of a discussion in the committee last year and it is not unusual for the government to adopt reasonably sound suggestions. This, I thought was one of them. We have got along without it but there is the possibility, having in mind the factors that were mentioned last year, and the government feels if the committee would like to have this amendment there is no reason why they should not have it.

The CHAIRMAN: All those in favour of six months, raise their hands.

Carried.

Mr. CRESTOHL: Mr. Chairman, I am not a member of this committee but I would like your permission to let me have my say and perhaps you will be able to deal with the item.

The CHAIRMAN: With unanimous consent.

If it does not deal with this amendment we will have the vote before you speak.

Mr. MacDougall's motion is that the amendment be carried.

Mr. ARGUE: Before the motion is put I would like to ask the Chief Electoral Officer what he might have in mind by "or other disaster." Personally, I would like to see each disaster defined, such as "flood" or "fire". I would like to have an opinion as to what might constitute another disaster.

Mr. HELLYER: Possibly an atomic attack on our cities.

The WITNESS: I would be guided by the disasters already defined in this section. It would have to be comparable to the disasters defined in this section.

Mr. HELLYER: Would the Chief Elector Officer consider an atomic attack on the heart of one of our cities, perhaps causing widespread distress, to be a disaster?

The WITNESS: There can be no doubt about that.

Mr. HERRIDGE: May I suggest the committee be quieter—for the sake of the official reporters.

The CHAIRMAN: The motion by Mr. MacDougall is that the amendment be carried.

All those in favour?

Carried.

We are now at page 4.

The WITNESS: The next suggested amendment reads as follows: subsection 1 of section 12 of the said Act is repealed and the following substituted therefor:

Chief Electoral Officer to decide what polling divisions are rural or urban.

(1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of ..... or more. All the polling divisions comprised in every set place shall be treated as urban polling divisions.

Mr. MCWILLIAM: What has the Chief Electoral Officer in the past based his decision on—as between urban and rural? $5,000?

The WITNESS: At present it is 3,500. In 1938 it was 10,000 and was lowered to 3,500 in 1938.

Mr. MCWILLIAM: You feel 3,500 is low.

The WITNESS: Well, we obtain our figures from each decennial census—we establish from such figures every incorporated city or town over 3,500 population from the census. Such cities and towns then have urban polling divisions.

Now, as you know, there is a census this year and I am sure there are a lot of places which will change. In 1938, there were a lot of places under 10,000 population that were considered for electoral purposes rural; however, as a result of the decrease to 3,500, they become urban and the Chief Electoral Officer had no alternative but to declare them urban.

In the urban procedure, as you know, the list is closed. In 1938, when this limit was decreased from 10,000 to 3,500, my predecessor received representations from places that became urban as a result of the decrease. They preferred to remain under the rural system of preparing list of electors and of voting. I foresee that similar representations may be made to me after the 1951 census. A lot of these places which are now rural will become urban.

My predecessor was of the opinion that 3,500 was too low. In his opinion it should be 5,000. There are advantages and disadvantages to either procedure—whether it is rural or urban.

In the case of an incorporated city or town adjoining a large city, the population may be transient and there is a provision in the Act which provides that upon representations made to me five days after the issue of the writ I can declare such places urban. It then becomes urban for that purpose even if it has only 2,000 population.

These small cities or towns which adjoin larger cities like Montreal, Toronto, and Vancouver, can be declared urban and therefore have closed lists on representation being made to me five days after the issue of a writ.

There are some isolated places that now have 3,000 population which, after the next census from the information we have, we feel quite confident will be over 3,500. They will then be obliged to adopt the urban procedure of preparing lists of electors and they will not be very content with the change. I feel that by raising it to 5,000 we may reduce the number of such complaints.

Mr. CANNON: You recommend 5,000?

The WITNESS: My predecessor was of that opinion and I share it with him.

My office figured out the effect of raising the limit. It is cheaper as to costs to apply the urban procedure at an election—I am sorry, I should have said it is cheaper to run the rural procedure because, in the urban procedure we have two enumerators in each polling division and we have to print extra copies for each of the electors. The recommendation I am making to this committee is based more for the convenience of the electors. They have been accustomed to vote under the rural procedure and, if they have increased in population perhaps by as little as 500 such cities or towns will be declared urban. My predecessor always used the figures of the census to apply the provisions of this particular section.

Mr. PEARKES: I do not actually think the wording of this amendment will quite meet the situation as I see it in an area which I know. I am referring to my own constituency only because I know the conditions there.

There is a municipality on the outskirts of a city—it is neither a town nor a city. There are some urban polls and there are some rural polls. That has been a satisfactory arrangement as far as I know but I would not recommend that all of the polls in that municipality be made urban because some, the northern part of that municipality, is purely rural or semi-urban districts. Now, how would you overcome that because this says "every incorporated city or town"—which this municipality is not. It is an incorporated municipality; it is not a town. You say "all polling divisions". I do not think it would do to have all those polling divisions—

The WITNESS: We have not changed this particular subsection in substance at all. It is a subsection which has been in force all along since 1938 but this limits it to the incorporated towns, not to the municipality. There may be an incorporated town in a municipality, but just the town is urban if it has a population exceeding 3,500 and the rest of the municipality is rural. All polling divisions within the boundaries of that town, comprised within the boundaries of that town or city, are urban. However, there have been representations made to my predecessor at general elections to declare certain areas of a municipality that border on a town, urban—because of the transient nature of the population residing therein. That is accomplished under section 12 (2).

Mr. PEARKES: Even though it is not a town? In the district I am referring to there is no town.

The WITNESS: It does not matter. Any area can be declared urban on representations received within five days after the issue of the writ.

If you will look at page 224, subsection (2) of section 12: "whenever it has been represented to the Chief Electoral Officer that the population of any other place is of a transient or floating character, he shall, when requested not later than five days after the issue of the writ of election, have power to declare, and he shall so declare if he deems it expedient, any or all the polling divisions comprised in such place to be or to be treated as urban polling divisions."

Mr. PEARKES: I am sorry, I was not familiar with that.

Mr. FAIR: Mr. Chairman, back in 1938 there was a lot of discussion in connection with the number and with reference to the decision there was a motion made—I do not know whether above or below 3,500. But there was an amendment made in the opposite direction. Because there was apparently not any agreement upon either the lower or higher number, I moved a motion that brought about the acceptance of the 3,500 population. Looking back to that I do remember quite a long discussion and 3,500 seemed to meet with the approval of the committee.

Mr. MACDOUGALL: Mr. Chairman, that is not in accordance with the statement of the Chief Electoral Officer.

Mr. FAIR: I beg your pardon?

Mr. MACDOUGALL: That is not in accordance with the statement of the Chief Electoral Officer.

Mr. FAIR: The Chief Electoral Officer did not make the decision, the committee did.

Mr. MACDOUGALL: No, but he is giving the information now that he believes this figure of 3,500 is too low and the figure of 10,000 is too high, and to strike a happy medium he suggests putting it at 5,000.

Mr. FAIR: I am simply relating what took place at the committee meeting back in 1938, that is all.

Mr. MCWILLIAM: To bring this to a head I move that the figure 5,000 be set as the point of distinction between urban and rural polls.

Mr. VIAU: I second that motion.

The CHAIRMAN: We have a motion by Mr. McWilliam to the effect that 5,000 electors be inserted in the amendment suggested by the Chief Electoral Officer. Those in favour? Contrary?

Carried.

Now, we will go to page 6.

Mr. APPLEWHAITE: The amendment with the figure 5,000 inserted has been carried?

The CHAIRMAN: Yes.

Mr. APPLEWHAITE: Just for the record, I will move that the amendment appearing on page 4 be carried?

The CHAIRMAN: Moved by Mr. Applewhaite that the amendment as proposed on page 4 by the Chief Electoral Officer be carried?

Carried.

Mr. APPLEWHAITE: There will have to be a corresponding change made in subsection (38) of section 2.

The WITNESS: Yes, I have a note of that.

Mr. APPLEWHAITE: I just wanted to be sure you would not forget it.

The CHAIRMAN: Now, subsection (3) of section 14 is repealed.

Mr. PEARKES: Would it not be better to amend rather than to repeal this section because there are men who are now serving in Korea who will be under the age of 21 by the time that the next general election is held.

I saw a young man only last Saturday who returned from Korea wounded. That young man is under 21 years today, he is only about 20, and as I was informed in the House this afternoon, in answer to a question of mine, men may be sent overseas at 19, so it is quite obvious there will be men returning from Korea who will be under 21 when another election may be held, so should not this subsection (3) be amended so as to include personnel returning from Korea rather than repealed.

Mr. APPLEWHAITE: Why not just leave it as it is?

Mr. MACDOUGALL: If you are old enough to fight you should be old enough to vote.

Mr. PEARKES: This subsection provides for that, but as the explanatory note says the age limit is passed for those veterans of World War II.

The CHAIRMAN: Maybe before we discuss this we can have a word from the Chief Electoral Officer.

The WITNESS: This section applied only to veterans of World War II so it seemed to me it was no longer applicable to those veterans as they are all now over 21. I intended to bring to the attention of the committee the point you raised, however, I did not feel I could suggest a matter of principle or policy—in my recommendations especially as to whether this should be extended to present members of the Canadian Forces. I thought it was a matter for the committee to decide.

By Mr. Applewhaite:

Q. May I suggest that you prepared these amendments about a year ago, before we had an expeditionary force in Korea.—A. These amendments have been continually revised but it is a matter of policy for the committee to decide.

Q. Subsection (3) of section 14 as it now reads does not refer to any war, so suppose it was just left in.—A. The provision presently reads: "Notwithstanding anything in this Act, any person, man or woman, who, prior to the 9th day of August, 1945, was a member of the naval, military, or air forces of Canada..." so it does restrict the provisions of this subsection to veterans of World War II.

Hon. Mr. HARRIS: I should think it is the concensus of opinion of the committee that this provision should be extended to those who would be returning from Korea but for the mechanics of it we would eliminate now the group who were covered by the amendment as it stands since they are now over 21. Can we agree with this amendment on the understanding that we draw up another measure that will take care of the class of persons you mentioned.

Mr. PEARKES: That is satisfactory to me.

By Mr. McWilliam:

Q. Would you draft a subsection to take care of the personnel now in Korea? —A. There is one difficulty in that regard, and that is where the line is to be drawn. In the Canadian Forces there are three components. There is the regular force, the reserve force and the active service force. I understand that the servicemen in Korea now are in the regular force. Now, should we draft something here which would just include the servicemen who have served overseas? I do not know what is desired by the committee; whether the provisions of this subsection are to apply to Canadian force electors on active service which would include sericemen in Canada or whether you want to limit this to servicemen actually serving in a theatre of war or combat.

Q. We were thinking of men under 21.

Mr. APPLEWHAITE: Previously you did not make overseas service a requirement?

The WITNESS: No.

Hon. Mr. HARRIS: We will draw up a memorandum for the committee to study at another time.

Mr. PEARKES: I think there might very easily be objection taken to granting the franchise to a young man who in peace time was serving in one of the active forces. Unless you are going to extend the franchise to all young men of 18, 19, or 20, I do not know why an exception should be made for a young man who joins the active army, navy or air force in peace time. I do feel myself that a young man who serves in an actual theatre of war should be entitled to the franchise, but whether that entitlement should be extended to those who did not serve in an actual theatre of war is, in my opinion, debatable.

Hon. Mr. HARRIS: That is why I think Mr. Castonguay should make a draft of all the possibilities and circulate it to the committee and we could consider it later.

Mr. MCWILLIAM: I move the adoption.

Mr. PEARKES: Can you let that stand?

Hon. Mr. HARRIS: I thought we were agreed that this group would be eliminated.

Mr. APPLEWHAITE: If we adopt this, we will do so on the understanding that we will come back to the points just raised at another time.

Mr. PEARKES: That will include subsection (2)?

The CHAIRMAN: Those in favour? Against?

Mr. FAIR: What is the motion?

The CHAIRMAN: The motion is by Mr. McWilliam to the effect that the suggestion as made by the Chief Electoral Officer be carried. Those in favour? Those against?

Carried.

At page 7. At the request of the Chief Electoral Officer I suggest that this section stand until we consider section 21 of the Canadian Forces Voting Regulations.

On page 8, I suggest that this amendment stand also. And page 9, this matter should stand too.

Now we will take up page 10 dealing with section 17.

The WITNESS: We received several representations on this matter, and what I propose here is that the second printing of the urban lists be eliminated. In the urban polling divisions, the list of electors is printed, and the printer keeps the type set up for a period of two weeks. The revision takes place on the 18th, 17th, and 16th days before polling day. All changes made by the revising officer to the printed preliminary list are given to the printer and the printer makes those corrections on the type that is kept standing, and then he runs off 125 copies for each polling division, and such lists constitute the finally revised urban list. Now, I am suggesting this elimination for many reasons. First, the difficulty of the printer in getting this finally revised list completed on time so he will be able to satisfy all the candidates and the returning officers. The last day of revision is Saturday and invariably the changes get to the printer on the Tuesday or Wednesday before and that leaves only a period of twenve days before polling day. Printing establishments throughout the country have difficulty in having these corrections made to the type in the required time, and in completing the printing so that the candidates and the returning officers will have the list five or six days before polling day.

We pay more for urban printing. There is a higher rate in the tariff of fees for the printing and corrections made to the type and the printing of one hundred and twenty-five extra sets.

I have received representations from returning officers and from candidates to the effect that this second printing is not necessary.

We would substitute for it our by-election procedure which has been used since 1948, whereby a list is printed only once. After the revision, the revising officers prepare a statement of changes, additions and corrections. One copy of that statement is supplied to each candidate and two copies to the returning officer. The preliminary list together with the revising officer's statements become the official list on polling day. I have some specimen forms here. These are the lists as they are received from the printer, urban preliminary lists.

The type, as I explained, is left standing during that whole period of revision. The corrections are made on this form by the revising officer; names are added to this section, names are corrected in this section and names are struck off in this section.

It could be, if the committee approves my suggestion, that more copies could be prepared by the revising officer for the candidates.

At by-elections the act now provides that each candidate be supplied with one copy of the revising officer's statement for each polling division. I feel that should this suggestion be accepted there would be an economy effected. I estimate now that under present rates we could save four cents a name.

Mr. MURPHY: What would that amount to?

The WITNESS: $160,000 on the printing. That would not mean that there will be a reduction in the cost of printing for the next general election because we have to provide for an extra 500,000 electors at each general election. But on the over-all cost, it would mean a reduction in the cost of the printing.

Candidates have told me that this second printing is unnecessary, because their campaign is based on the preliminary list, and that they would be satisfied with the revised statement.

Moreover, there is less chance of error, because each candidate will receive these statements directly from the revising officer; whereas the printer can make a mistake when adding one name to the type; he can drop the type and thereby drop off two or three names. In my opinion the second printing should be eliminated. The rest of the amendments on these pages concerns just details for bringing into force the by-election procedure which we now use.

The CHAIRMAN: Have you got some figures to show in the way of statistics the number of names which are changed, corrected, or dropped?

The WITNESS: We have made a survey of the 1949 general election, but this survey includes both urban and rural areas. I have not been able to break them down. However, I think the list, was close to eight million and during the revision of the rural and urban lists there were 94,976 names added to the list; there were 30,061 corrections made to the list; and there were 9,809 names struck off, that is, by both rural and urban officers.

Mr. CANNON: That makes an average of how much?

The WITNESS: That represents 140,000. I have not got it by polls.

Mr. CANNON: How many polls are there?

The WITNESS: There are 40,000 polling stations.

Mr. CANNON: And you say that roughly there were 140,000 changes made?

The WITNESS: On a list of eight million, there were roughly 140,000 changes made.

Mr. APPLEWHAITE: I have had quite a lot of experience in different capacities with justice work, and I am of the opinion that a much bigger proportion of changes are made in urban polling divisions than in rural polling divisions because

of the way in which the list is made up. Moreover, the procedure which has been recommended is the very procedure we now employ in connection with rural areas.

The WITNESS: And for by-election also.

Mr. APPLEWHAITE: Yes; and of the districts in which I have worked, in two of them where there were both urban and rural areas, the procedure as applied to the rural areas proved far more satisfactory.

Mr. HELLYER: Is that 160,000 saving based on these qualified records?

The WITNESS: It is based on the work of the revising officers.

Mr. HELLYER: At the last election?

The WITNESS: Yes. I have them here by cities, if you would like to have them.

Mr. CANNON: How many polls are there?

The WITNESS: Polling stations? 40,000; but polling divisions run around 30,000.

Mr. CANNON: What would be the average number of changes per poll, in connection with 40,000 polls?

The WITNESS: 160,000 changes.

Mr. CANNON: That would mean about four changes per poll.

The WITNESS: A great deal of the work of the revising officer depends upon the quality of the enumeration made. If you have a poor enumeration, then the revising officer will have a great many changes to make. That is a factor. If the enumeration is perfect, there will be very little work for the revising officer.

Mr. MCWILLIAM: In the 1949 election there was a lot of difficulty in getting lists printed, particularly lists. The printers did not want to touch them in many localities; I had a lot of experience with it; but there was no trouble in getting rural lists printed.

The printers have to keep a lot of type standing. The work comes at a certain period of their work on other types of jobs, and they are not very happy about it.

The WITNESS: When a provincial elections runs concurrently with a federal election—and last time there were three, Newfoundland, Nova Scotia, and British Columbia—the printers would be doing provincial work, and they would not be interested in our work. So we had a lot of difficulty in getting our urban lists printed. And when there were two general elections going on almost concurrently in the same province, it is quite a struggle to get the urban lists printed.

Mr. MURPHY: I think we ought to commend Mr. Castonguay for the proposed changes. I am in favour of them, if we are going to save 160,000. I think we should give him some credit for it.

Mr. HELLYER: Does the Chief Electoral Officer have any figures as to the amount of saving if individual copies of the electors' list were not sent out to each individual elector?

The WITNESS: At present, we provide an allowance to each returning officer of one cent for folding the list, for inserting it in an envelope, and for addressing the enevelope. In cities of over 25,000 we send a list to each elector, but in cities of under 25,000 a list is sent to each householder. I may be out of order in discussing this matter under this section, Mr. Chairman.

Mr. HELLYER: I was wondering about one as against the other.

The WITNESS: I do not think it would effect a great saving. It might save the returning officer a lot of work, but it would not affect a great saving in printing, because the actual printing costs include the original type set-up, and running off an extra 30 or more copies would not add very much to the cost. The

only thing you would save would be on the allowances provided for clerical assistance.

The CHAIRMAN: I think it would be preferable to wait until we come to the section.

Mr. HELLYER: I know. I just wanted to get that information at some time.

Mr. HERRIDGE: I support the proposal of the Chief Electoral Officer with respect to this amendment. My experience bears out exactly what Mr. Applewhaite said. In my experience the great majority of changes were in the rural lists. There was great difficulty in getting the urban lists printed and for the very reasons mentioned by the Chief Electoral Officer.

The WITNESS: That was generally our experience from the last general election.

The CHAIRMAN: Now we will have the motion, if somebody will move it.

Mr. STICK: I so move.

Mr. APPLEWHAITE: I will second the motion.

The CHAIRMAN: It was moved by Mr. Stick, seconded by Mr. Applewhaite, that this amendment carry. Those in favour? Those opposed?

Carried.

The WITNESS: Mr. Chairman, the amendment dealing with printing is, I think, self-explanatory. There is one matter I suggest which the committee might like to consider, that the revising officer supply more copies to the candidate. At the present time the Act only provides for one copy to be supplied to the candidate. It may be desirable to supply two copies or more. I just want to point that out. Candidates are now entitled to twenty copies of the final revised list. Under this amendment each candidate will still be entitled to receive one copy. I am in the hands of the committee on this matter.

Mr. ARGUE: If we leave that provision at 20, would that be sufficient?

The WITNESS: You mean 20 for each candidate?

Mr. ARGUE: Yes.

The WITNESS: That will involve a great deal of clerical work for the revising officer. Candidates at that time are very interested in getting these statements and should too many copies be required from the revising officer, we will have to provide him with more clerical assistance and there may be too great a delay in obtaining the statements.

Mr. ARGUE: Wouldn't five be a reasonable number?

The WITNESS: I have no objection to five.

Mr. APPLEWHAITE: I would like to ask Mr. Castonguay if the revising officers are required to send in a list of these changes?

The WITNESS: Yes, they are required to send in a statement.

Mr. CAMERON: I would move that the number be changed to five, Mr. Chairman.

The CHAIRMAN: We have a motion by Mr. Cameron, seconded by Mr. Ward, that the number be limited to five.

Mr. WARD: Where is that, please?

The WITNESS: It is on page 10, section 6.

The CHAIRMAN: Order, please.

The WITNESS: That would have to be substituted for 22. Let us say there are four candidates and each get five copies, that means 20 copies, and one for the returning officer's use and one for the use of the deputy returning officer on polling day; so if we are to provide five for each candidate we would have to start on a basis of 20 copies for the candidates. There would be a change in

the wording, that is strike out "six" and in place of it substitute the word twenty-two.

The CHAIRMAN: What is your motion again, Mr. Cameron?

Mr. CAMERON: That we will reduce it to—

The WITNESS: Twenty-two.

The CHAIRMAN: Five to each candidate and two for the returning officers.

Mr. CAMERON: I was thinking of the candidate, the revising officer and the returning officer.

The WITNESS: The returning officer would need one, the revising officer would need one, and the deputy returning officer would need one. The returning officer needs one for his records which he sends in to us after the election.

Mr. APPLEWHAITE: I understand that the chief electoral officer would like to do that.

The CHAIRMAN: It is moved by Mr. Cameron, seconded by Mr. Ward, that the number "six" be changed to "thirty".

Mr. STICK: That is in the third line of subsection 9.

The CHAIRMAN: Yes, in the third line of sub-section 9.

The WITNESS: It appears on page 13, rule 42.

The CHAIRMAN: Yes, it appears on page 13, rule 42.

The WITNESS: At the fourth line of rule 42, page 13.

Mr. CAMERON: Then I would move that it be amended by striking out the word "six" and putting in the word "thirty", would that be in order?

The CHAIRMAN: Yes. Change "six" for "thirty".

Mr. CAMERON: Yes, thirty.

The CHAIRMAN: Thirty, wherever it appears.

Mr. CAMERON: It would be changed all through the section?

The CHAIRMAN: Those in favour of Mr. Cameron's motion please signify? Those opposed?

Carried.

What about the whole section? Shall section 6, as amended, carry.

Mr. APPLEWHAITE: Could we have an explanation as to how this happens to appear in printed form?

The WITNESS: You might wonder why the left hand side is printed but that is from my office consolidation of the statute. Our office consolidation of the Act for by-election purposes. Section 108 of the Act prescribes for a shorter period so that in substance except for the shorter period, it is the same. For instance, on page 9, the only change in substance is the last sentence which is left out. If you will look at the right hand side of the page one, the last sentence of clause (a) has been deleted—"the lists of electors for rural polling divisions shall not be reprinted after revision." There is no longer any need for this sentence, if you agree to my suggestion. All these changes on pages 9, 10 and 11 and 13 are necessary to bring the procedure into conformity with the recommendations you are deciding on now.

The CHAIRMAN: Now, we have a motion by Mr. Applewhaite, seconded by Mr. Stick, that the suggestions of the chief electoral officer with respect to pages 9, 10, 11 and 13 be concurred in. All those in favour? Against?

Carried.

Now, we come to page 12. Will you kindly read that for us?

The WITNESS: The only change in substance to this present section is that we are adding in electoral districts returning two members. Now I will read it:

> (*b*) "in an electoral district returning two members and in an electoral district, the urban areas of which have been altered since the last preceding Dominion election, and in an electoral district where at

the last preceding Dominion election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (*a*) of this Rule is not available to nominate enumerators or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate urban enumerators, and then proceed with the appointment of such enumerators as above directed".

The difficulty we had with this section and the reason why we would like to improve it is this. In the electoral district of Halifax at the 1945 general election the first four candidates were two liberals and two progressive conservatives so at the next following general election those four candidates were entitled to nominate the enumerators in this dual member constituency. However in 1947, a by-election was held and there were one liberal, one P.C. and one C.C.F. candidate. The liberal candidate was elected and the C.C.F. was second. Then came the 1949 general elections and some of the candidates at the 1945 general election believed they were entitled to nominate the enumerators because at the preceding dominion general election they had polled the highest number of votes. However the Act is very clear on this matter. Clause (a) to rule 3 of schedule A to section 17 of the Act reads as follows (that is on page 235) (a) "in an electoral district the urban areas which have not been altered since the last preceding dominion election." Now, the last preceding dominion election was the 1947 by-election. So, my predecessor ruled that the preceding dominion election was in 1947 by-election—his view was that the liberal and the C.C.F. candidates only were entitled to nominate the enumerators for the urban polling divisions in the electoral district of Halifax; but a number of persons took exception to this strict interpretation of this clause and considered that the candidates at the 1945 general election were also entitled to nominate urban enumerators. A similar situation might again occur in dual electoral districts; so that is why I am recommending to the committee this amendment. Where you have a dual seat and a by-election is held after a general election the enumerators would have to be nominated by the candidates who came first and second at the by-election and you have to disregard the candidates at the preceding general election unless this suggested amendment is approved.

Mr. ARGUE: How would this new section have affected the Halifax situation had it been in effect?

The WITNESS: In this way: At the 1945 general election, as stated before, two Liberals and two Progressive Conservative candidates polled the highest number of votes, in that order. At the 1947, in Halifax, a Liberal and a C.C.F. candidate polled the highest number of votes. Representations were made to my predecessor that one of the Liberal candidates elected at the general election, and that the Liberal candidate elected at the by-election should each nominate 25 per cent of the enumerators and that the Progressive Conservative candidate who polled the highest number of votes at the general election and the C.C.F. candidate who was second to the Liberal candidate at the by-election should each nominate 25 per cent of the electors. My predecessor informed me that he would have approved this suggestion if he had been able to find any statutory authority to do so. I would rule likewise if this suggested amendment is approved by the Committee.

Mr. MACDOUGALL: I move the adoption of it.

The CHAIRMAN: All those in favour of adoption?

Carried.

Mr. MURPHY: I move we adjourn.

The CHAIRMAN: When shall we meet again? Would Wednesday afternoon next suit you?

Mr. PEARKES: There is a meeting of the Veterans Affairs Committee on Wednesday at which an important presentation is to be made. I think there may be other members on the Veterans Affairs Committee here.

The CHAIRMAN: Thursday at 4 o'clock.

Mr. MCWILLIAM: I move we adjourn at the call of the chair and the chairman can find a suitable date.

The CHAIRMAN: It will be Thursday at 4 o'clock.

The committee adjourned to meet again Thursday, May 24, 1951, at 4.00 p.m.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

THURSDAY, MAY 24, 1951

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

MINUTES OF PROCEEDINGS

THURSDAY, May 24, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Argue, Boisvert, Boucher, Cameron, Cannon, Fair, Fournier (*Maisonneuve-Rosemont*), Harris (*Grey-Bruce*), Hellyer, Herridge, MacDougall, McWilliam, Murphy, Nowlan, Stick, Valois, Viau, Ward.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Committee continued consideration of the amendments to The Dominion Elections Act, 1938, suggested by Mr. Castonguay.

Section 20 (2) (*b*). Repeal was suggested and substitution of the following:

(*b*) a member of His Majesty's Forces whilst he is on active service as a consequence of war.

Agreed,—That Section 20 (2) (*b*) be deleted and the foregoing substituted therefor.

Section 20 (2) (*f*). Repeal was suggested and substitution of the following:

(*f*) a member of the reserve forces of the Canadian Forces who is not on full time service other than active service as a consequence of war.

Agreed,—That Section 20 (2) (*f*) be deleted and the foregoing substituted therefor.

Section 23 (2). Repeal was suggested and substitution of the following:

Notice and Proclamation of New Nomination and Polling Days

(2) Notice of the day fixed for the new nomination of candidates, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling which shall, in the electoral districts specified in Schedule Four to this Act, be Monday the twenty-eighth day after the day fixed for the nomination of candidates, and, in all other electoral districts, shall be Monday, the fourteenth day after the date fixed for the nomination of candidates.

Agreed,—That Section 23 (2) be deleted and the foregoing substituted therefor.

Section 33 (4) (7) (9). Repeal was suggested and substitution of the following:

Dividing Lists for Urban Polling Stations

(4) If the polling division is urban, the returning officer shall divide the preliminary list into as many separate lists as are required for the

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taking of the votes at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector registered on the preliminary list so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.

Special Statements of Changes and Additions Prepared by Returning Officer

(7) For any polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions as certified by the rural enumerator or by the revising officer, special statements of changes and additions, in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such special statement of changes and additions to the polling station to which it belongs. If no changes have been made in the preliminary list for any such polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word "Nil" in the three spaces provided for the various entries on the said form, and completing the form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list to be used for the taking of the votes on polling day at such deputy returning officer's polling station.

Where Urban Electors Vote

(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four, five and seven of this section, shall vote, if at all, at the polling station to which such part of the list applies, and not otherwise.

Agreed,—That Section 33 (4) (7) (9) be deleted and the foregoing substituted therefor.

Section 17(9). Repeal was suggested and substitution of the following:

(9) The returning officer shall, upon receipt of the two certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to Rule (42) of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each rural polling division, pursuant to Rule (20) of Schedule B to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall immediately transmit or deliver to each candidate officially nominated at the pending election in the electoral district one copy of the statement of changes and additions received from the enumerator of each rural polling division; the returning officer shall also deliver, in the ballot box, one copy of the statement of changes and additions received from the revising officer or from the rural enumerator, together with the preliminary list, to the appropriate deputy returning officer, for use at the taking of the votes on polling day.

Agreed,—That Section 17(9) be deleted and the foregoing substituted therefor.

Section 17, Schedule A, Rule (41). Repeal was suggested and substitution of the following:

Rule (41). The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and two copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

Agreed,—That Section 17, Schedule A, Rule (41) be deleted and the foregoing substituted therefor.

Section 17, Schedule A, Rule (42). Repeal was suggested and substitution of the following:

Rule (42). Upon the completion of the foregoing requirements, and not later than Thursday, the eleventh day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the two copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (41) of Schedule A to this section; in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.

Agreed,—That Section 17, Schedule A, Rule (42) be deleted and the foregoing substituted therefor.

At 5 p.m. the Committee adjourned until Tuesday, May 29, at 4 p.m.

E. W. INNES,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 24, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 p.m. The Chairman, Mr. Sarto Fournier, presided.

The CHAIRMAN: Well, gentlemen, I think we will proceed, but before we do so I have a few remarks to make to you.

Due to the fact that there was a certain amount of confusion at the last meeting which resulted in great difficulty to the committee reporters it is desirable that the members of the committee address their remarks to the Chair at all times.

Also, if members would speak clearly and slowly, reducing their interjections to a minimum, the business of this committee would be much easier to follow. You will understand that if the reporters cannot hear all that is said there are certain to be errors and omissions in the evidence as reported.

Some Hon. MEMBERS: Hear, hear.

The CHAIRMAN: At the last meeting I had some complaints from the reporters who missed some parts of our deliberations.

Now we will proceed with Mr. Castonguay and we will take up our work where we left off the last time we met, that is on page 14. And I desire to ask the Chief Electoral Officer not to forget to read the amendment it is proposed to discuss. So would you proceed, Mr. Castonguay?

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: The amendment on page 14 is to the section dealing with the ineligibility and eligibility of candidates, and it reads as follows:

> 20. (2) (*a*) the member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of National Health and Welfare, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport, Minister of Agriculture, Minister of Veterans Affairs, Minister of Mines and Technical Surveys, Minister of Citizenship and Immigration, Minister of Resources and Development, Solicitor General, Minister of Defence Production, Parliamentary Secretary, or Parliamentary Under Secretary, or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown.

The only changes in this proposed amendment are the words underlined in the suggested amendment.

Mr. APPLEWHAITE: Might I ask whether this form is necessary? As I understand it it would mean that every time a new department is created we would have to have an amendment to this section. Isn't there some way of shortening it up so that it will cover the whole thing?

The WITNESS: Mr. Chairman, this has been the form in which it has always been used and in which it was passed by the committee of last year and other similar committees.

Mr. APPLEWHAITE: I was just wondering if there is any reason why we could not have one general definition that would cover the whole thing.

Mr. HERRIDGE: That seems very reasonable, Mr. Chairman; then it would always be in order, wouldn't it?

Mr. MCWILLIAM: Even if it has to be amended from time to time there would not be much difficulty about it—it is not a major issue.

Mr. APPLEWHAITE: I was not objecting to it, I was just asking the reasons for it.

The CHAIRMAN: It has always been customary to have it like that, anyway.

Mr. HERRIDGE: That is not a reason, Mr. Chairman; that is not good logic.

The CHAIRMAN: No, that is not a reason, assuredly not.

The WITNESS: I think we could eliminate everything after "member of the King's Privy Council" on down to "Minister of Defence Production", then you will have it read this way: "Member of the Privy Council, parliamentary secretary or parliamentary under-secretary, or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown." By deleting those words, I think that the desired effect will be achieved.

The CHAIRMAN: Otherwise we would have to amend the Act every time the title of a minister was changed or every time a new portfolio was created, and I think that is undesirable.

Mr. CAMERON: I agree to that in principle, Mr. Chairman; I think that will eliminate a lot of amendments which otherwise would have to be made.

Mr. HELLYER: I wonder if that proposed change could be submitted to the Department of Justice officials for their comment and opinion?

The WITNESS: Mr. Chairman, these amendments usually, if they are passed by the committee, are sent to the Department of Justice.

Mr. CAMERON: I know we have sent them to them before and they have been sent back to us again.

Mr. MACDOUGALL: There is nothing wrong in the way it is written out now except that it may be a little laborious, but if there is any possibility of the recommendation being ruled out by the Department of Justice we are only going to have to deal with this again. I suggest we pass the amendment as it now stands.

Mr. HERRIDGE: Mr. Chairman, I do not agree with Mr. MacDougall. I think the suggestion made by Mr. Applewhaite was reasonable, and the chairman saw some merit in it. I think we should agree to the suggested amendment as it is and, as these gentlemen suggest, refer it to Justice.

The CHAIRMAN: We can allow it to stand and refer it to the Justice department, and then after we receive their opinion on it we can consider it further.

Mr. MCWILLIAM: Mr. Chairman, I would move that the item stand and that the Chief Electoral Officer confer with Justice in regard to the validity of the amendment.

The CHAIRMAN: Now we come to Page 14-A.

The WITNESS: This deals with a proposed amendment to section 20, subsection 2, paragraph (*b*). Subsection 2 deals with persons who are eligible to be candidates. By this amendment it is proposed to repeal paragraph (*b*) which reads as follows:

> (*b*) any person serving in the naval, military or air forces of Canada, or in any other of the naval or military forces of the Crown, while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service;

and to substitute for that paragraph the following:

> (*b*) a member of His Majesty's Forces whilst he is on active service as a consequence of war.

The amendment proposed here is just to bring this section in line with the new National Defence Act.

Mr. STICK: There is another point there. You say; as a consequence of war. You may have a condition in Canada such as a civil riot or something like that, or you might have a flood, a condition such as we had last year. Some provision should be made to cover the situation where a man might be on service duty in Canada and as a result may not be able to cast his vote, due to his being on special duty within Canada. A situation like this is not covered by this amendment—this is only in consequence of war.

The WITNESS: I did not change this section in principle. The principle is already established in the present Act. The only change I am making in the section is in the form. The principle is established in the present section where it says clearly, "any person serving in the naval, military or air forces of Canada, or any other of the naval or military forces of the Crown, while such forces are on active service in consequence of any war, receiving salary, pay or allowances as a member of such forces while on such active service."

Mr. STICK: He may be on service in Canada and not be on active service, as in the case of the flood condition which we had in Manitoba last year; or he may be away up in the north-west on special duty which would bar him. There is no provision in the Act for that; here it is only "as a consequence of war".

The WITNESS: I think, Mr. Chairman, if you will refer to the next subsection you will find that the point raised is covered there.

Mr. APPLEWHAITE: Is it an established principle that a member of the permanent force is regarded at the present time as being debarred from being a candidate because of being in receipt of remuneration from the Crown? With regard to those forces which serve in war time, being civilian, it seems to me that this debarment from eligibility should not apply to them. Is that what it means?

The WITNESS: The principle is already established in the Act and I have not changed it in these amendments. I understand that members of the regular forces are barred by service regulations, K.R. and O. (Canada) from being candidates at a dominion election but during the last war those restrictions were removed in the case of members of certain components of the forces. Now, as I said before, when I prepared this amendment I did not think it was within my power to change the principle in the Act, but I did suggest changes as to form in order to make it comply to the amendments made in the new National Defence Act.

Mr. MCWILLIAM: That is what I am getting at. All right.

The WITNESS: The next proposed amendment reads as follows: clause (*f*) of subsection 2 of section 20 is repealed and the following substituted therefor:

(*f*) a member of the reserve forces of the Canadian Forces who is not on full time service other than active service as a consequence of war.

Mr. Chairman, if you refer to this book of instructions, on page 252—the next proposed amendment I propose reads as follows:

Subsection three of section twenty is amended by adding the words "by a competent court" immediately after the word "declared" in the second line thereof.

Now, the difficulty we have experienced with this subsection is this, that when you read further on in this subsection 3, there is a provision whereby a returning officer may declare the election of a candidate void if in his opinion that candidate was a member of a provincial legislature when he was elected. Now, there have been different elections where some of the returning officers have undertaken to interpret this section to mean that they might declare, for instance, an election void if the candidate was under 20, or if he were a civil servant; and my predecessors have always taken the stand that once a returning officer has accepted the papers of a candidate there is no way that those papers can be thrown out except by a competent court and that the returning officer has no authority to do so.

Mr. MACDOUGALL: A competent court meaning a competent provincial court?

The WITNESS: Any court competent to try cases under the Controverted Elections Act as provided by law. The way this section is drafted now has led to some confusion; and, although we have not had any difficulty in as much as we have had no trouble arising out of it, trouble may arise; it might have arisen out of it if we had not taken a very strong stand; and I think an amendment should be made providing for the insertion of the words "by a competent court"; I suggest it should be amended in order to remove any confusion as to the rights of the returning officer concerning these matters at an election.

Hon. MEMBERS: Agreed.

Mr. CANNON: You have read items 2 and 3. I think you might read the other one there on page 14-A, item 4, that is section 20(3).

The WITNESS: Mr. Chairman, if I may, I would like to make this further recommendation to the committee. This second sentence of section 20(3): "and if such candidate is a member of the legislature of any province and receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible". I think one way to remedy this situation would be to delete this sentence and leave it to a competent court to determine whether a candidate's election should be declared void; as the Act now provides the returning officer before he accepts a candidate's papers may satisfy himself that a candidate is not a member of a provincial legislature and this should be sufficient; giving authority to declare any election void to a returning officer is, in my opinion, a dangerous practice; yet, as I say, we have had no serious difficulty with it in the past.

Mr. MURPHY: What section is that?

The WITNESS: That is section 20(3).

The CHAIRMAN: That is on page 252 of the yellow book.

The WITNESS: On page 14-A, and this is an amendment.

Mr. STICK: That seems to be a rather peculiar position since a man may be elected and then disqualified and then you give the election to the next highest

man. I think you should have the election all over again because with a man being disqualified the voters who supported him might have given their support to some other candidate. Personally, I think you should have another election. I do not think you should give the election automatically to the next highest man.

The CHAIRMAN: For the election to be voided it has to be declared void by the election officer.

Mr. STICK: Yes, it has to be agreed to by the returning officer.

The CHAIRMAN: That is right.

Mr. MACDOUGALL: Has such a case ever occurred where a sitting member of a legislature has been elected and debarred? A sitting member of the legislature is supposed to submit his resignation before standing in a dominion election. That is the only thing that this applies to. Has there ever been such a case?

The WITNESS: Not to my knowledge, Mr. Chairman, but the fact that it has not occurred does not say that it might not occur or will not occur in the future. I do not particularly like the provisions of this section as it stands. I think it may cause some trouble in the future

Mr. APPLEWHAITE: And your intention is to strike out all the words after the word "void" in the second line?

The WITNESS: Yes, Mr. Chairman.

Mr. APPLEWHAITE: Is there any provision elsewhere in the statute which says that a man cannot hold a seat in the provincial legislature and be a candidate in the dominion election?

The WITNESS: Yes, in clause (*d*) of subsection one of this section. The returning officer before he accepts the nomination paper has the authority to ascertain whether the candidate is qualified to be a candidate at an election and if he is not qualified then he can refuse to accept his nomination paper. The returning officer, in this case, will only accept his nomination paper if he is not a member of the legislature, but why give the returning officer this power after the election is over? I believe that a competent court should be the one to decide.

Mr. APPLEWHAITE: I move that all the words in subsection (3), section 20, after the word "void" in the second line be struck out.

The CHAIRMAN: Does anyone want to talk about Mr. Applewhaite's motion?

Mr. HERRIDGE: I think it is a very satisfactory amendment.

Mr. CANNON: What would be the result—it is not likely to happen but it is nevertheless a possibility—if a person was not a member of the provincial legislature on nomination day but was elected a member between nomination day and voting day?

The CHAIRMAN: What is the question?

Mr. APPLEWHAITE: He can still be declared ineligible.

The WITNESS: In the first place the provincial elections require at least thirty days to be held, that is the minimum period of time, so nomination day may have been reached at a dominion election and he might have been elected at the provincial election.

Mr. CANNON: But being a candidate in a provincial election does not disqualify one from being a candidate in a federal election; he is only disqualified when he is a member of the provincial legislature. If he were just nominated as a candidate at the provincial election and also nominated as a candidate at a federal election and the provincial election takes place between nomination day and the actual federal election, and he is elected, his nomination papers would be in order because at the time he made them he was just a candidate. I am

just asking the question as to what would happen if we did away with the rest of this paragraph, and took away from the returning officer the right to declare the election void in such circumstances.

Mr. APPLEWHAITE: In that case an application could be made to the court to have his election declared void.

Mr. STICK: He could resign his provincial seat.

Mr. CAMERON: To me he would have to resign his membership in the legislature before he filed his nomination papers for the federal seat.

Mr. CANNON: That is not the case I suggested.

The WITNESS: In any event it would have to be dealt with by a competent court.

Mr. VIAU: We had that set of circumstances in 1945. The Ontario election was changed to a date one week prior to the federal election. Supposing an individual had been a candidate in both elections and up to the federal election day he was not declared a member of the legislature; he is not a member until the returning officer has made the declaration as such which may be ten or five days after the federal election. It was only one week between the two elections in 1945.

Mr. CAMERON: If two elections were going on simultaneously and he was elected to both seats he would be given the opportunity to make up his mind which House he wanted to be a member of, but this covers the case where a man is a member of the legislature and yet allows his name to be entered. Now, that is a question of fact. Surely any returning officer in Ontario ought to be able to determine if Leslie Frost, for instance, is a member of the Ontario legislature.

Mr. VIAU: It could have happened in Ontario in 1945.

Mr. BOISVERT: It could happen anywhere.

The CHAIRMAN: Just one at a time, gentlemen, please.

Mr. VIAU: What is the period of time in the province of Ontario? In 1945 the provincial election was held a week before the federal election. In such a case a candidate in both elections could have been declared elected to the provincial seat by 15,000 majority but not be declared a member of the legislature until after federal voting day. He is not a member until he is declared to be a member by the returning officer.

Mr. BOISVERT: I move that this proposed amendment be referred to the Department of Justice.

Mr. CANNON: There is a possibility there. I doubt whether the court of competent jurisdiction would have jurisdiction to declare that he is ineligible to hold a seat, because article 20, subsection (1) says that a person cannot be a candidate (*d*) who is a member of a legislature. Now, if he is not a member but just a candidate for the provincial legislature and becomes a member only after the federal election, he is not disqualified. Can a court then declare him disqualified if he was simply a candidate for a seat in the provincial legislature and not a member under section 20 (1) (*d*)? The court would not have the jurisdiction and that may be why we have this second part of subsection (3) which, in such a case, will give the returning officer the right to declare the winning candidate ineligible to hold a seat.

Mr. MURPHY: Mr. Chairman, this point has not been raised before in the committee, and I wonder if it might not be advisable to refer it to the Department of Justice.

The CHAIRMAN: Yes, and get an opinion on it.

Mr. STICK: Is it the idea that a man cannot be a candidate for both provincial and federal Houses?

Mr. VIAU: Not necessarily. He can be a candidate for both, just as a federal candidate can be a candidate in two ridings.

Mr. STICK: He cannot be a member of both.

The CHAIRMAN: No. We will have that stand and refer it to the Department of Justice.

Mr. MACDOUGALL: Is that on page 14A, the item that is to be referred to the Department of Justice?

The CHAIRMAN: Yes. Just No. 4 will stand, that is, section 20 (3).

Order, please, gentlemen.

Page 15.

The WITNESS: The next proposed amendment reads as follows: subsection (2) of section 23 of the said Act is repealed and the following is substituted therefor:—

> (2) Notice of the day fixed for the new nomination of candidates, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling which shall, in the electoral districts specified in Schedule Four to this Act, be Monday the twenty-eighth day after the day fixed for the nomination of candidates, and, in all other electoral districts, shall be Monday, the fourteenth day after the date fixed for the nomination of candidates.

As you will remember, Mr. Chairman, the amendment of subsection (3) of section 21 was approved by the committee last year and passed by parliament and this amendment provided for a period of twenty-eight days between nomination day and polling day in some twenty-one electoral districts, and in the others a period of fourteen days. Now, this amendment is suggested merely to bring this section in line with the amendment passed last year by parliament.

Agreed.

The CHAIRMAN: Page 16.

The WITNESS: Mr. Chairman, as you will note, on pages 16 and 17, there is no change in the substance by the proposed amendments suggested to these subsections other than the change which was approved by the committee at the last meeting and it relates to the elimination of the second printing of the urban list of electors. These are just the operative details of the amendments passed at the last meeting and the changes on pages 16 and 17 are merely the words underlined.

Mr. MURPHY: I move it be carried.

Agreed.

The CHAIRMAN: Section 17.

The WITNESS: Before we go on to section 17, may I request—

Mr. STICK: You mean page 17?

The CHAIRMAN: No, section 17.

The WITNESS: May I refer you to the amendments which were passed at the last meeting, namely to subsection (9) of section 17 on page 10 and to rule 42 of schedule A of section 17. The committee at that time changed the number of copies of the statement of changes and additions required to be prepared by the revising officer. Subsection (9) reads: "The returning officer shall, upon receipt of the six"—we changed that to thirty. I think it may be advisable, and I recommend this for your consideration, that instead of putting it at thirty we enumerate the persons to whom the certificates

are to be sent. I prepared these new amendments on that basis and without changing them in substance. It reads this way: "The returning officer shall upon the receipt of the two certified copies of the statement"—that is the only change there. Previously the returning officer received all the statements and now he is only to receive the two he is entitled to. According to the new rule (42) the returning officer will have to send directly to each candidate five copies of each statement, so there will be no second person involved. The amendment to section (9) is merely to delete the thirty copies of the statement of changes and additions from each of the revising officers required pursuant to rule (42) of schedule A of this section. That is the only change in this. That is for the returning officer's purposes. This deals merely with the returning officer. Now, if you go to rule 42, which was passed at the last meeting and which is on page 13, at the 4th line, we have the thirty copies instead of six. I suggest we amend it in this manner: Upon completing the foregoing requirements, and not later than Thursday—we have to give the revising officer two or three days to prepare the copies because now he has to send to each candidate five copies, and to the returning officer the two copies of the statement of changes and additions for each polling division. Now, the only change in this rule is in specifying that five copies are to go to the candidate, and two to the returning officer, and where before these statements of changes and additions had to be delivered on Monday now they will have to be delivered on Thursday. A revising officer has generally the revision of twenty-five polling divisions and where formerly he had to prepare six copies for each of the twenty-five polling divisions, that is one hundred and fifty copies, now he will have about five hundred copies to prepare and he could not be expected to prepare such copies in one day, so I suggest we extend that period of time to give the revising officer sufficient time to complete his work. The enumeration of the persons entitled to receive copies is the only change suggested in this rule.

At the last meeting we did not consider rule (41). There was no change in substance contemplated. The only change suggested concerns this enumeration of persons entitled to receive the statement of changes and additions from the revising officer.

If the committee will agree to substitute these first three amendments appearing on these new pages for those passed at the last meeting, these recommendations I am making now would be implemented by these amendments.

Agreed.

Mr. APPLEWHAITE: May I ask this question first? Has the revising officer a list of candidates and their official addresses?

The WITNESS: The nomination of candidates in some electoral districts is twenty-eight days before polling day and in others it is fourteen days. The revision ends on the Saturday preceding nomination day which is the sixteenth day before polling day. Consequently on the following Monday the revising officer can obtain the names and addresses of officially nominated candidates from the returning officer after the close of nominations.

Mr. APPLEWHAITE: There is no likelihood of the returning officer not being in full possession of the names and addresses, is there?

The WITNESS: No likelihood whatsoever.

Agreed.

The WITNESS: The last amendment on page 2 of this new sheet is next. As you know, Mr. Chairman, the practice now in urban electoral districts is to mail a copy to each elector of the list of electors prepared for the polling division on which his name appears in electoral districts situated in an urban area which has a population of more than 25,000.

At the last general election, and especially at the 1945 general election, my predecessor received many complaints about the wastage of paper caused by such mailing. In a dwelling there may be a family of seven or eight people, four of them entitled to vote. The four each get a copy of the list where one would be sufficient—where the persons have all the same surname.

Returning officers have informed me that they are criticized very severely for this wastage of paper and I would recommend very strongly to the committee that we adopt the same practice as we use in urban areas of under 25,000 population where the procedure is as follows—and I will read the subsection:

> (7) The returning officer shall send, not later than Saturday the twenty-third day before polling day, a printed copy of the preliminary list for the appropriate urban polling division to every householder whose name appears on such list and who resides in a dwelling place or apartment block situated therein, and to each individual elector whose name appears on such list and who resides in a hotel, rooming house, hospital, college or other similar institution situated within such urban polling division; such lists shall be enclosed in sealed envelopes which shall be entitled to pass through the mail free of postage; this provision shall apply only to urban polling divisions.

Mr. STICK: It goes to the head of the house?

The WITNESS: To the householder. One returning officer who has made a test of this mailing in fifteen polling divisions has informed me that a saving of 30 per cent could be made in the number of copies of the lists required to be printed if my suggestion was adopted.

Mr. STICK: Are you going to have any trouble where one gets it and another does not? You have decided to whom you are going to send it?

The WITNESS: To the householder.

Mr. CANNON: Is the word "householder" defined in the Act?

The WITNESS: No, it is not.

The CHAIRMAN: How will the returning officer know who is the householder—out of a list of six or ten names?

Mr. McWILLIAM: Let the enumerator do it.

Mr. VIAU: They all go to the same house?

The WITNESS: Here is a list. It is printed geographically and Albert street is here. There are five "678's" Albert street. At that street address there is a Mr. Howard, a Mr. Burke, a Mr. Brennan. The list will go directly to Mr. Howard at apartment 1, but not to Mrs. Howard and Miss Howard whose names are listed in apartment 1.

Mr. STICK: Well, I am a householder and I have four or five people boarding with me in that one house—the thing goes to me but does not go to the other fellows. They could kick up a row, could they not?

The WITNESS: Well, it is a rooming house then and the list is sent to each elector. If you look at the last sentence you will see a copy of the list goes to each individual elector whose name appears on the list and who resides in a hotel, rooming house, hospital, college, or other similar institution.

By Mr. Hellyer:

Q. How can you tell from the list whether it is a rooming house?—A. That would be difficult—it cannot be told from the list.

Q. In practice how is it going to be determined?—A. In practice, I would issue instructions to the returning officer to send a copy of the list to every person who has a different surname in the household.

Mr. FAIR: It means that in the case of the Albert street address that you would send one to every individual where the names are not the same?

The WITNESS: At the Albert street address there are three Howards, two Burkes, one Brennan, and four Dunlops. One would go to Mr. Howard, one to Dunlop, one to Burke and one to Brennan—but for instance, they would not be mailed to each of the four Dunlops. That can be done by instructions to the returning officers.

The CHAIRMAN: Does it mean, Mr. Castonguay, that the returning officers will have to check all of the names and decide the number of copies that will be printed at the printers? He will have to tell the printer he needs so many copies for that house and so many copies for the other house?

The WITNESS: Well, Mr. Chairman, I am not advocating a new procedure. In any electoral district whose population is under 25,000 of urban population, this system is now in practice. We have had no difficulty in applying it in such places. As far as determining the number of lists to be printed is concerned the returning officer has to look at each list to determine how many should be printed, before it goes to the printer.

When he goes to the printer he requires the printer to print him 125 sets—20 for each candidate, 30 for the Chief Electoral Officer, and the others that he has to have for the conduct of the election. Then he also orders the number necessary for mailing to electors. There are many urban electoral districts now where they are mailed to each householder—mailed in the manner set out in the recommendation I am making, and we have experienced no difficulty in applying this procedure. The returning officers have applied the rule I just mentioned—where there are four Burkes in the same dwelling one Burke only is mailed a copy of the list. Where there are three Smiths in the same dwelling one Smith receives it.

Mr. STICK: It works satisfactorily?

Mr. CANNON: What about the saving? You say 30 per cent—

The WITNESS: The saving would not only be limited to paper. Returning officers have informed me that in urban electoral districts there would be 30 per cent saving in paper. There would be, in addition, a saving in clerical assistance. We have to provide the returning officer with an allowance of one cent a name for addressing the envelope, for folding the list, and for inserting the list in the envelope. If we reduced the mailing list by one-third we would also reduce the allowance for clerical help.

Mr. NOWLAN: You would reduce the printing costs?

The WITNESS: Not very much. In printing the main cost is the initial set-up of the type. Printing an additional 30 per cent will not effect much of a saving, but there will be a saving in paper—it will avoid waste. There would be also a saving in the clerical allowance.

Mr. MURPHY: Have you any idea of the amount in dollars and cents?

The WITNESS: It is very hard to determine.

Mr. CANNON: That is what I would like to get at.

Mr. HELLYER: Is it necessary to mail these lists out at all? I know from experience in the last election at least, that representatives of three political parties went to every house and checked with all the people in the house, on a personal basis, to see that no names were left off the list—to make sure that no one was missed. This I think involves great duplication of effort.

Mr. CANNON: But you could not leave it to the representatives of political parties. There must be some official method.

Mr. HELLYER: Well, in addition they post the lists every so often. Is it not correct that in every electoral polling subdivision the lists are put on posts for people to scrutinize—to determine whether their name is on the list?

Mr. CANNON: May I be allowed to say just this? I have to be convinced that the saving that will be made will be considerable enough to justify us interfering with the principle that every elector should get a copy of the list. What we are doing now is leaving it to the judgment of the returning officer to decide who is going to get a copy and who is not. He may be right but he may make mistakes. When we open that door we are taking a big step. I, for one, would have to be convinced that there would be a very big saving before we change the law which provides that every elector gets a copy of the list.

Mr. VIAU: You had an amendment the other day whereby urban areas of less than 5,000 may be declared rural areas.

Mr. CANNON: But that is different.

Mr. VIAU: Why should they be discriminated against?

Mr. CANNON: Everybody is supposed to know everybody else in a rural area.

The WITNESS: May I interject a remark here. If you read the present section 7 right through, you will see we are not changing the principle. We are just making the principle the same for all the urban electors in Canada. We have two different groups of urban electors. We have electors in urban areas over 25,000 who are each receiving a copy, but in urban areas of under 25,000 the procedure I am suggesting now is in practice.

Mr. CANNON: It is in practice now?

The WITNESS: Yes, so really I am not changing the principle. I am trying to make the principle standard for all electors and at the same time to avoid waste of paper.

On the point of the rural polling division, discussions have been held in several committees in the past. The reason why the list is mailed in urban areas is because in such areas there is a closed list as opposed to an open list in the rural areas. A person in an urban area whose name is not on the list of electors cannot vote on polling day. In a rural area if a person's name does not appear on the list all he has to do is to proceed to the polling station with a qualified elector of his polling division, be vouched for by such elector, take an oath, and vote.

This mailing procedure was adopted in 1940 for the first time but there was a discussion in 1938 as to whether it should be extended to the rural polls. The committee then decided, in view of the fact that the rural lists were open lists, that it was not necessary to mail the list to each elector. In addition, there are many rural polls where the list cannot be sent by the enumerator to the returning officer in time for printing and for mailing. It is impossible, from an administrative point of view, in some of the sparsely settled divisions—and there are a lot of them in Canada—to have the list reach the returning officer in sufficient time to have it printed and mailed.

Mr. VIAU: Generally speaking this is just a courtesy to the urban areas—whereas in the rural areas they have to be satisfied if their list is placed on a post half a mile away from their home—where they may have no chance of visiting it.

The WITNESS: Prior to 1940 in an urban area the returning officer was required to send a card to the urban elector informing him where he was to vote. At that time it was estimated the card cost 1½ cents to send out. This list which is mailed to the urban elector notifies also the elector when and where the revising officer is going to sit and also where the elector is required to vote.

We estimate this whole operation now costs roughly 2 cents—that is for the printing, and the clerical assistance. This list now serves for three purposes and wide publicity is, in addition, given the list. Prior to 1940 I would say that not more than 5 per cent of the electors in urban areas saw the list whereas

now I would say 80 per cent see it. At the same time they are informed when the revising officer sits and also where they should vote.

I just wanted to make these remarks to assist the discussion.

By Mr. Cannon:

Q. Why was the distinction made between towns of more than 25,000 and less than 25,000? If there was a valid reason what was it?—A. Well, I have read the minutes of the committee at that time but there was not much discussion on the subject and I really cannot give you the reason for the distinction.

Q. You do not know what the reason was?—A. No, I do not know what the reason was.

Mr. MacDougall: In urban ridings where we now send a notification of the electoral list to every elector should that not be sufficient—without having to post two or three notices on telephone poles? Why should that not be eliminated if every elector now receives a copy of the list?

The Witness: Well only each elector who is enumerated and whose name is printed on the list receives a copy of the list. When this matter was discussed prior to 1940 it was considered that in order to make sure that no elector would be left off the list it would still have to be posted up in the polling division. It may be seen by some electors who have been left off the printed list. I would say that the cost of posting up such lists is negligible because the enumerators have only to prepare an extra copy.

Mr. MacDougall: All right.

The Witness: I would recommend that this practice continue, because if a person does not receive a list, he still has another method to find out if his name is on the list.

Mr. Stick: Agreed.

Mr. Boisvert: Mr. Chairman, how about servants or employees in a house? They may never get a list.

The Witness: My instructions to returning officers, and the procedure which we use now in urban areas under 25,000 is as follows: If in a domicile, let us say at 600 Albert Street, there are two Smiths, three Burkes, and one Brown, a list will go to one Smith, to one Brown, and to one Burke. On the other hand, if there are eight people, let us say, in a house, two Browns, two Smiths, two Burkes, and two Whites, there will be four lists sent there, not eight.

Mr. Boisvert: But that does not cover the case of servants. I understand the amendment, but I do not think it would cover the case of servants in a house.

The Chairman: Oh, yes, it does.

Mr. Boisvert: No. Let us say that I have two servants. I will receive a list, but my servants would not.

The Chairman: Because their names are different from yours, they would receive the lists.

Mr. Stick: The servants would receive the list.

The Chairman: If they have different names, they would receive the list.

The Witness: I think that Mr. Boisvert's problem is not provided for in this suggested amendment, and it never has been provided for in the past in electoral districts situated in an urban area of under 25,000 of population. But we have provided by means of instructions to our returning officers, to take care of such cases. Let us say there are eight people in the one house. Where the names differ, each different name will get a copy of the list. But on the other hand, if there are eight people in that house, and two of them are named

Smith, two are named Jones, and there is one named Green, one named Brown, and one named White, then one Smith will get a list, one Jones will get a list, and a list will go as well to Green, White and Brown.

That is not covered by this specific amendment, but we have been doing it. We have been following that procedure; and my instructions have been issued to the returning officers that that should be done and it is done.

Mr. CANNON: Was not the reason for the distinction which was made between towns of below 25,000 population and over, this: That the returning officer who would distribute these lists would be in a better position to know, in the smaller towns, those of less than 25,000, those who were householders, those who owned rooming houses, and all that kind of thing; whereas in the case of the larger towns, those over 25,000, the returning officer would not be in a position to know as well who was a householder, who had a rooming house, and so on? Does not that information still obtain, and should we not be guided now by that same reason?

The WITNESS: When the returning officer orders the lists for mailing, he has to go through the list. It is prepared in a geographical manner; for example, at 478 Albert Street there are four different types of names. So, for that address he would order four lists; and he would go through each list individually to determine the number of lists required to be printed.

And when he examines the list in order to determine the number required to be printed, I am told that he makes a notation, or draws a line on the list, indicating to whom lists are to be mailed at each dwelling place. For example, he may determine on a list of 500 electors, that 300 lists should be mailed.

Mr. CANNON: In towns of below 25,000?

The WITNESS: In towns of below 25,000; but I do not see any difficulty in a town over 25,000 of population with a list of let us say, 40,000 electors.

Mr. CANNON: The only difference there would be that the returning officer would know the people less well in a larger city.

The WITNESS: Let us take No. 678 Albert Street, where there are two Howards, two Burkes, and one Brennan. There he would only send three lists.

Mr. CANNON: How does he know that?

The WITNESS: He addresses the lists to the persons; he sends a list to the householder; he puts "householder" on the envelope; and when he sends the list to a person, he puts that person's name on it, such as William Howard, Arthur Burke, and so on. I think it is a simple administrative problem and one which he can easily handle.

Mr. MACDOUGALL: Suppose you had five Browns in a certain house, and out of those five, four of them were not on speaking terms with the others. Where are you going to end it?

Mr. STICK: In jail, I would imagine.

Mr. MACDOUGALL: I am not saying that it would happen; but it could possibly happen. And for the saving that would be brought about by this amendment, I cannot see where the situation is going to be particularly helped. Four of the Browns might say: "Albert Brown did not let me know that my name was not on the list, so therefore I did not know."

Mr. NOWLAN: It has worked in towns of under 25,000 for a good many years. I wonder if we should not insert a provision to the effect that it would apply only to urban polling divisions?

The WITNESS: It is merely for emphasis now.

Mr. CAMERON: If for any reason Mr. Castonguay failed to instruct the returning officer along the lines he has indicated to this committee, what would be the result?

The WITNESS: I can assure the committee that I have not failed in instructing returning officers along these lines.

Mr. CAMERON: Yes, but you might die, and someone else might fail. Should we not put in some such words as: "To be defined by the Chief Electoral Officer"?

The WITNESS: If there is any definition to be required, I would rather see it inserted in this amendment than have it in the interpretation clause.

If the committee agrees in principle to this suggestion, I will try to draft some definition of "householder", which would meet the committee's approval. I have no fixed views as to whether this should be accepted. I merely recommend it because I know that at the 1945 general election this matter of waste paper was a very serious one. Moreover, paper is now in hard supply again. At the next general election we may have enough complaints to deal with, without that of wasting paper.

Mr. APPLEWHAITE: May I ask if there have been any complaints received from those areas where this householder system was in effect?

The WITNESS: We have not had one complaint in the office. And I have not heard a complaint from any returning officer I have spoken to.

The CHAIRMAN: Do you mean just one person in a house, or all of them having different names?

The WITNESS: I mean: to every person whose surname differs, and who resides in a dwelling place.

Mr. CANNON: That is not what the law says. When you say it, it sounds simple; but that is not what the amendment says. The amendment uses the word "householder"; but that word "householder" is not defined.

The WITNESS: I have suggested that I would try to draft a definition of "householder".

The CHAIRMAN: We will let it stand and get another draft. I am not satisfied with the expression "householder". That means only one person, yet there might be five different names.

The WITNESS: I gather that you would like me to draw a definition of the word "householder"?

Mr. MURPHY: That is right.

The CHAIRMAN: You can avoid using that expression by saying: "All persons having a different surname at such and such an address will be entitled to receive a copy of the list." You can do that instead of using the word "householder", because "householder" means only one person.

Mr. STICK: The person who owns the house.

The WITNESS: Yes.

Mr. HELLYER: That is a reasonable suggestion, that the wording be changed to indicate that a copy will be sent to each person of a given surname residing at each address.

The CHAIRMAN: Perhaps you can draft two or three suggestions which we can discuss at a further meeting and try to agree on the one we think is the best.

The WITNESS: Very well.

Mr. APPLEWHAITE: Mr. Chairman, cannot the electoral officer be given instructions to draft a suggestion which would include something to this effect: "provided at least one notice shall be sent for every surname which appears at the address"? I am not wedded to that wording or that idea, but might it not be done?

The WITNESS: I shall try to meet the wishes of the committee in this matter.

The CHAIRMAN: Let it stand. Now, No. 17.

Mr. MURPHY: Do you want to go any further tonight, Mr. Chairman?

Mr. CAMERON: Since this is the 24th of May, I would suggest that we adjourn, if it meets the approval of the committee.

Mr. STICK: Some of us have to go down to view the Prime Minister's new residence; so perhaps it might be well for us to adjourn now.

The CHAIRMAN: Will somebody move that we adjourn?

Mr. CAMERON: I move that we adjourn, Mr. Chairman.

The CHAIRMAN: Is there any seconder?

Mr. HELLYER: I second the motion.

The CHAIRMAN: Very well. When shall we meet again? I would like to have your opinion about two sittings a week.

Mr. STICK: Agreed!

Mr. MURPHY: I think that is a good idea.

The CHAIRMAN: We have a lot of work to do, so we shall try to have two sittings a week.

Mr. MURPHY: On Tuesday and Thursday?

The CHAIRMAN: Tuesday afternoon and Thursday afternoon.

Mr. STICK: Or at the call of the Chair, because there are other committees meeting.

The CHAIRMAN: We shall try to make them as regularly as possible. I thank you.

The committee adjourned to meet again at the call of the Chair.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

TUESDAY, MAY 29, 1951

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

MINUTES OF PROCEEDINGS

TUESDAY, May 29, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Argue, Balcer, Boucher, Cameron, Dewar, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Herridge, MacDougall, McWilliam, Nowlan, Pearkes, Stick, Viau, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Committee continued consideration of the amendments proposed by Mr. Castonguay.

Section 43(1). On motion of Mr. Fair,—

Resolved,—That the words "the opening of the poll on polling day" in the second line, be struck out and the following substituted therefor: "not later than ten o'clock on the afternoon of the Saturday immediately preceding polling day".

Section 43(4). On motion of Mr. Fair,—

Resolved,—That after the words "the election clerk may", in the first line, there be inserted the following words "at any time".

Section 34(4). On motion of Mr. Cameron,—

Resolved,—That the following words in the second line be struck out "with the permission of the deputy returning officer".

Section 45(1)(3). Repeal suggested and substitution of the following:

Delivery of ballot paper to elector.

(1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has, as prescribed in subsection (1A) of section thirty-six of this Act, affixed his initials, so placed, as indicated on the back of Form No. 32, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper.

Mode of voting.

(3) The elector on receiving the ballot paper, shall forthwith proceed into a voting compartment and there mark his ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate (or of each of the candidates) for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it, and hand the ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the above mentioned initials and printed serial number that it is the same ballot paper as that delivered to the elector and if the same he shall forthwith in full view of the elector and all others present, remove and destroy the counterfoil and the deputy returning officer shall himself deposit the ballot paper in the ballot box.

87090—1½

On motion of Mr. McWilliam,—

Resolved,—That Section 45(1)(3) be deleted and the foregoing substituted therefor.

Forms No. 32—Back of Schedule 1 to said Act. Repeal suggested and substitution of the following:

No. 325 *(Line of perforations here)*

.....

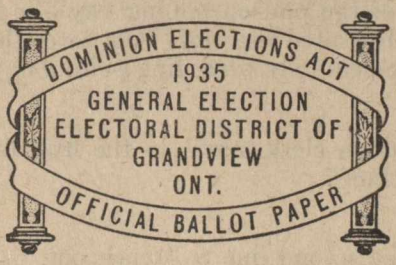
No. 325 *(Line of perforations here)*

.....

FORM No. 32 (*Concluded*)

FORM OF BALLOT PAPER BACK

Space for initials of D.R.O.



POLLING DAY:

September 14th, 1935.

Printed by JAMES BROWN
260 Slater Street, Ottawa, Ont.

On motion of Mr. McWilliam,—

Resolved,—That Form No. 32—Back of Schedule 1 to the said Act be deleted and the foregoing substituted therefor.
Section 45(14).

On motion of Mr. Viau,—

Resolved,—That Section 45 be amended by adding thereto the following subsection:

Voting by qualified elector who is a bedridden patient in a sanatorium, etc.

(14) Whenever a polling station has been established in a sanatorium, a chronic hospital, or similar institution for the care and treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are

ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections seven and eight of this section.

Section 16 (10).

On motion of Mr. Viau,—

Resolved,—That Section 16 be amended by adding thereto the following subsection:

Persons residing in a sanatorium, etc.

(10) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, on the date of the issue of the writ of election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ..... days immediately preceding the date of the issue of such writ.

Section 51 (2) (3). Repeal was suggested and substitution of the following:

Opening of ballot boxes and official addition of votes.

(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4, for the official addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the official statements of the poll therein contained, add together the number of votes cast for each candidate.

Attendance of electors in certain cases.

(3) If, at the official addition of the votes, none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such official addition of the votes has been completed.

On motion of Mr. MacDougall,—

Resolved,—That Section 51 (2) (3) be deleted and the foregoing substituted therefor.

Section 51 (5) (6). Repeal suggested and substitution of the following:

Declaration of name of candidate obtaining largest number of votes.

(5) The name of the candidate who, on the official addition of the votes, is found to have obtained the largest number of votes, shall then be certified in writing and there shall be delivered to such candidate a certificate giving the number of votes cast for each candidate, in the form prescribed by the Chief Electoral Officer and a copy of such certificate shall also be forthwith delivered to any other candidate or his representative, if present at the official addition of the votes, or, if any candidate is neither present nor represented thereat, the certificate shall be forthwith transmitted to such candidate by registered mail.

Casting vote of returning officer.

(6) Whenever, on the official addition of the votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared as having obtained the largest number of votes, the returning officer shall cast such additional vote.

On motion of Mr. MacDougall,—

Resolved,—That Section 51 (5) (6) be deleted and the foregoing substituted therefor.

Section 52 (1) (2) (6). Repeal was suggested and substitution of the following:

Adjournment if ballot boxes are missing.

52. (1) If the ballot boxes are not all returned on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such official addition of the votes.

Adjournment for other causes.

(2) In case the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate, he may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Declaration of name of candidate appearing to have majority.

(6) In any case arising under the last three preceding subsections, the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to be sent to the Chief Electoral Officer with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes cast for each candidate.

On motion of Mr. MacDougall,—

Resolved,—That Section 52 (1) (2) (6) be deleted and the foregoing substituted therefor.

Section 54 (1) (2) (13). Repeal was suggested and the following substituted therefor:

Recount by a Judge

Application for recount by judge.

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs of the candidate who has obtained the largest number of votes, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes.

Meaning of "the judge."

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection fifteen of section two of this Act within

whose judicial district is situated the place whereat the official addition of the votes was held, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.

Procedure at conclusion of recount.

(13) At the conclusion of the recount, the judge shall seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount, and forthwith certify in writing, in the form prescribed by the Chief Electoral Officer, the result of the recount to the returning officer, who shall, as prescribed in subsection one of section fifty-six of this Act, declare to be elected the candidate who has obtained the largest number of votes; the judge shall deliver a copy of such certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection five of section fifty-one of this Act; the judge's certificate shall be deemed to be substituted for the certificate previously issued by the returning officer.

On motion of Mr. MacDougall,—

Resolved,—That Section 54(1) (2) (13) be deleted and the foregoing substituted therefor.

Section 56(1). Repeal of the first nine lines was suggested and substitution of the following:

Return of elected candidate.

56. (1) The returning officer, immediately after the sixth day next following the date upon which he has completed the official addition of the votes, unless before that time he shall have received notice that he is required to attend before a judge for the purpose of a recount, and, where there has been a recount, then immediately thereafter, the returning officer shall forthwith declare elected the candidate who has obtained the largest number of votes by completing the return to the writ on the form provided for that purpose on the back of the writ; the returning officer shall then transmit by registered mail the following documents to the Chief Electoral Officer:

On motion of Mr. MacDougall,—

Resolved,—That the first nine lines of Section 56(1) be deleted and the foregoing substituted therefor.

Form No. 4 of Schedule 1 to the said Act. Repeal was suggested and substitution of the following:

FORM No. 4

PROCLAMATION. (Sec. 18)

Electoral district of .....
Province of ..... } To wit:

Pursuant to His Majesty's writ bearing date the ..... day of ....., 19...., I am commanded to cause an election to be held according to law of a member (*or* two members) to serve in the House of Commons of Canada for the above mentioned electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations of candidates at such election and shall attend specially to receive such nominations at (*describe the place at which the returning officer will attend to receive nominations*), in the town (*or* city *or* village) of ....., on the (*insert the date fixed as nomination day*) day of ....., 19...., from noon until two o'clock in the afternoon, after which said last mentioned hour no further nominations of candidates will be received.

And that in case a pool is demanded and granted in the manner by law prescribed, such pool will be held on the (*insert the date fixed as polling day*) day of ....., 19....., between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at places of which I shall subsequently give notice.

And that in case a poll is held, I shall at .....o'clock in the ..... noon, on the (*insert the date fixed for the official addition of the votes*) day of ....., 19....., at (*describe the place at which the votes will be officially added up*), in the town (*or* city *or* village) of ....., open the ballot boxes, add up the votes reported in the statements of the poll as having been cast for the several candidates, and declare the name of the candidate who has obtained the majority of such votes.

And that (*the wording of this paragraph will be altered to suit the circumstances*) the territory comprised in the city (*or* town, *or as the case may be*) of ..... will be urban polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule A to section seventeen of *The Dominion Elections Act, 1938*, and that the territory comprised in the remainder of the electoral district will be rural polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule B to the said section seventeen.

And that I have established my office for the conduct of the above mentioned election at (*describe location of the returning officer's office*).

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at ....., this ..... day of ....., 19.....

(*Print name of returning officer*)
Returning officer.

On motion of Mr. MacDougall,—

Resolved,—That Form 4 of Schedule 1 to the said Act be deleted and the foregoing substituted therefor.

On motion of Mr. MacDougall,—

Resolved,—That the Act be amended by inserting the following Section therein:

Words "official addition" substituted for "final addition".

(1) Whenever the words final addition are mentioned or referred to in The Dominion Elections Act, 1938, or in any Schedule thereto, there shall in each and every case be substituted the words official addition.

At 5.35 p.m. the Committee adjourned until Thursday, May 31, at 4 p.m.

E. W. INNES,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

MAY 29, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 p.m. The Chairman, Mr. Sarto Fournier, presided.

The CHAIRMAN: Gentlemen, the meeting is open.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, at the direction of the committee given at the last meeting I have prepared, in consultation with the Department of Justice, three amendments to the sections and subsections that were allowed to stand until these amendments were prepared. I have had copies prepared for each member and I would like to have them distributed.

Also, at the last meeting the committee was interested in knowing what saving would be effected if it were to adopt the procedure suggested at the last meeting with regard to the mailing of the urban printed lists of electors in urban areas. I took the liberty of making a survey of your electoral district, Mr. Chairman, of Davenport, of Winnipeg North Centre and of Vancouver-Burrard—that is, I applied the formula that I suggested at the last meeting to these electoral districts for mailing purposes. I found that in the case of the electoral district of Maisonneuve-Rosemont at the last general election there were 45,525 electors and each one received a list. If the suggested new procedure had been in force then we would have mailed only 21,805 lists, representing a saving of 47·89 per cent.

In the electoral district of Davenport there were 42,219 electors who received lists whereas under the new suggested procedure only 22,442 lists would have been mailed and that would have represented a saving of 53·15 per cent.

In the case of the electoral district of Winnipeg North Centre 44,078 electors received the printed lists at the general election, whereas if the new proposed procedure had been adopted only 23,497 electors would have been mailed lists and the saving would have been 53·30 per cent.

In the electoral district of Vancouver-Burrard there were 46,722 electors at the last general election who received lists and if the new proposed procedure had been in force then, only 27,542 lists would have been mailed and the saving would have been 58·92 per cent.

The average percentage with regard to these four constituencies would have been 53·37 per cent of saving.

The total number of urban electors in electoral districts situated wholly or partly in cities having a population of 25,000 or more amounted to 2,757,563. That is, returning officers mailed that many lists to those electors.

So, if a saving of 53 per cent could have been effected in all such urban districts, the number of lists which would have been mailed, if the new procedure suggested had been in force at the last general election, is 1,461,711.

The total saving, as close as one can estimate it now on this basis firstly of one cent per list for the printed lists, secondly, one cent for the clerical

assistance for folding, addressing and sealing the envelopes, and thirdly a half a cent for the cost of the envelopes, would have been two and one-half cents a name exclusive of the mailing which is free under this section.

At two and a half cents per name if this new procedure had been in force at the last general election we would have saved $36,532.78. It is impossible for me to give an estimate for the next general election because I do not know how many electors there will be in these urban areas.

The CHAIRMAN: With regard to the amendments which have been distributed I suggest that in order to give the members of the committee a chance to study them thoroughly and to have time to digest them we consider them at our next meeting on Thursday.

The WITNESS: Mr. Chairman, in order to understand the section dealing with the printing I have attached to these amendments a specimen geographical list, and if you read the suggested amendment to section 17 with this list a greater understanding will be had of the procedure outlined in this subsection 7.

This specimen list is not an amendment—this last page—it is merely supplied to facilitate the study of this new subsection 7 I am now proposing.

The CHAIRMAN: We are now on page 18.

The WITNESS: Mr. Chairman, before we go on the page 18, I have a matter which I would like to bring before the committee and it has to do with the issuing of transfer certificates at elections to candidates' agents, and if you will turn to page 267, section 43, subsection 1, you will see that a transfer certificate is issued to a candidate's agent, who is an elector and who is appointed to act in a polling division other than the one in which his name appears. So if he is appointed to act as a candidate's agent in polling division No. 10 and he would normally vote in polling division No. 1, he is given a transfer certificate by the returning officer to vote in polling division No. 10. Now, the difficulty returning officers are having with the application of this subsection is as follows: that transfer certificates may be issued at any time by them after the close of nominations right up to the opening of the polls on polling day at 8 o'clock in the forenoon. The difficulty does not present itself so much in rural areas.—I have some statistics of the last general election—in all Canada there were 25,788 transfer certificates issued. The average number per electoral district of transfer certificates issued in wholly urban electoral districts situated in the cities of Vancouver, Calgary, Saskatoon, Winnipeg, Toronto, Hamilton, Ottawa, Quebec, Montreal, St. John, Halifax, St. John's and Charlottetown is 255.

That is 255 transfer certificates per electoral district.

Now, in a wholly rural electoral district—I made a survey of some 63 electoral districts—there were only 18 transfer certificates per electoral district; and in partly urban and partly rural electoral districts, 98 transfer certificates were issued per electoral district in some 127 of such districts.

This problem appears to apply only in wholly urban electoral districts. The problem consists of this: some returning officers tell me that candidates or their agents arrive at their offices at 7.30 in the morning with 100 applications for transfer certifications, and each one has to be made out in duplicate; it takes five minutes to fill in each transfer certificate, so if you have 100 of these applications at 7.30 in the morning it requires 500 minutes for the returning officer to complete such forms. Now, you will appreciate that 500 minutes starting at 7.30 in the morning when only two election officers are authorized by the Act to issue those certificates—the returning officer and the election clerk —results in an extra load of work for election officers at a time when they have to attend to other details before the opening of the polls, such as replacing deputy returning officers who are unable to act at the last minute, and countless

other details which fully occupy these officers. So they have asked me if something could be done to advance the deadline to Saturday afternoon at 10 o'clock. The reason for suggesting this deadline is that advance polls close at 10 o'clock. Advance poll certificates are also issued in duplicate and the duplicate must also be sent to the poll where the elector would normally vote if he had not voted at the advance poll.

The returning officers tell me that if the deadline was 10 o'clock on Saturday the duplicates of transfers and advance poll certificates could be delivered to the returning officers on Sunday or on Monday morning to the polling stations concerned before the opening of the polls. I did not include this suggestion among the amendments of this draft bill because I thought it affected directly the candidates and is therefore a matter of principle, so I did not put it in as my recommendation. However, a lot of returning officers have asked me to raise this question, and I think their suggestion of 10 o'clock Saturday immediately preceding polling day has merit.

Mr. FAIR: That is reasonable. I do not think anybody will be vitally affected by that change being made.

Mr. APPLEWHAITE: That antedating the closing time would apply to transfer certificates on candidates' or agents' requests only; it would not stop you making a change—

The WITNESS: This is only to apply to the candidates' agents because with regard to deputy returning officers and polling clerks, they cannot leave the premises once they arrive at the poll, while the candidate's agent can leave the poll and go to vote at the poll he would normally be entitled to vote at. The returning officers inform me that if the duplicate certificates are delivered to the polling stations on polling day as presently prescribed, it is physically impossible for them to deliver them while the polls are open because requests come in such large numbers for such certificates between 7 and 8 o'clock in the morning; but they have informed me that if the deadline was not later than 10 o'clock on Saturday afternoon immediately preceding polling day, that they could make sure that the certificates issued before such time would be delivered to each deputy returning officer on Sunday and to each polling station concerned on Monday.

Mr. MACDOUGALL: I think the suggestion is a sound one.

Mr. APPLEWHAITE: That would involve a change in subsection 1 and subsection 4 because at the present time it is the same in both cases.

The WITNESS: In subsection 1, in the first line thereof, the words "the opening of the poll on" could be deleted after the word "and"; and the following words inserted "and not later than 10 o'clock in the afternoon of the Saturday immediately preceding polling day."

Mr. APPLEWHAITE: Is that 10 o'clock p.m.?

The WITNESS: I believe the proper expression is 10 o'clock in the afternoon of the Saturday immediately preceding polling day. I suggested that same expression and I was informed that this is the right one. If after the word "and" the words "the opening of the poll on polling day" were deleted and the following words were inserted, "and not later than 10 o'clock in the afternoon of the Saturday immediately preceding polling day," the necessary amendment would be provided.

Mr. FAIR: I move that the change be made.

Mr. CAMERON: Before you put the motion, I would like to call your attention to section 34, subsection 4, which deals with the rights of agents of candidates at the polls and gives the D.R.O. permission, if he sees fit, to permit them to absent themselves from and return to the polling station. That is purely permissive. I would be prepared to agree with the amendment if that were not

there in that form. They have the right to leave at certain times. That agent can return to his own poll and vote and does not need to bother about getting a transfer certificate, but if he has to stay there you have to give him a transfer certificate, and sometimes you do not know your agent at the beginning.

The WITNESS: The candidates will have the same difficulties in obtaining competent agents as returning officers have in obtaining election officers.

Mr. CAMERON: It is discretionary with the D.R.O. whether he gives that permission. It has been refused, although not often.

The WITNESS: They should, in my opinion, be able to leave the poll up until the hour before the close of the poll but in order to be entitled to be present at the counting of the votes after the close of the poll, they should have to be continuously present for a period of one hur before the close of the poll.

Mr. CAMERON: Have you some amendment to sub-section 34?

The WITNESS: I could prepare an amendment for the next meeting. Section 34, subsection 4—what do you suggest, sir?

Mr. CAMERON: I would say that as far as I am concerned if you eliminate from subsection 4 the words "with the permission of the deputy returning officer"; in other words, they have absolute right to absent themselves.

The CHAIRMAN: Is this a verbal or a written permission?

The WITNESS: It is not specifically expressed in the Act; it is inferred, implied. If it is deleted would it meet with your wishes?

Mr. CAMERON: That it just a suggestion. It will overcome any objection I have to the proposed amendment to section 43.

The CHAIRMAN: Will somebody move that the amendment to section 34, subsection 4, be carried?

Mr. ARGUE: Have we not one motion before us?

The CHAIRMAN: No, it was agreed.

Mr. CAMERON: No, that is the one on which I raised my objection before the motion was put.

The CHAIRMAN: Will you kindly move your motion to section 33?

Mr. FAIR: You have the motion. All you need to do is take a vote.

The CHAIRMAN: The motion of Mr. Fair has to do with the matter of 10 o'clock in the afternoon.

Mr. MCWILLIAM: Before we agree to that, does Mr. Castonguay think that 10 o'clock is a good time, or is it too late?

The WITNESS: No, it is a good time, because the returning officer has to be present in his office until 10 o'clock on Saturday, as he and the election clerk are the only ones authorized to issue advance poll certificates. The office has to be open until 10 o'clock on Saturday night.

The CHAIRMAN: What about the second motion?

Mr. CAMERON: I move that subsection 4 of section 34 be amended by deleting the words in the second line, "with the permission of the deputy returning officer."

Agreed.

Mr. APPLEWHAITE: Before we leave this section may I point out that subsection 4 of section 45 is the one which gives the transfer certificate to election officials, to replace somebody who is sick or fails to act. You would have to put a proviso in there and I suggest the words "at any time."

The WITNESS: There is no limit now. I think your suggestion has a good deal of merit for clarification.

Mr. MACDOUGALL: What are you dealing with now?

The WITNESS: Subsection 4 of section 43.

Mr. MacDougall: What is the suggested amendment?

Mr. Applewhaite: I was not undertaking to prepare an amendment, but I think one is necessary.

The Witness: I suggest that after the word "may" the words "at any time" be added; then would follow the words "also issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling division established in the electoral district other than that at which such person is entitled to vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated." The provisions of this subsection apply only to such election officers.

Mr. Applewhaite: If he can issue it at any time, suppose he issues it after he had voted in the first place? Have we left ourselves open? If it is after the opening of the poll he can vote in his home poll.

The Witness: With a transfer certificate he may be required to take the oath in form No. 37 that he has not voted before.

Mr. McWilliam: You do not change that at all; you still cover it.

The Witness: The principle is there. They have been issuing certificates at any time to election officers under that subsection as it stands now.

Mr. Cameron: With regard to an election clerk, why does he require a transfer certificate at all?

The Witness: The election clerk?

Mr. Cameron: Where would he vote?

The Witness: Either the returning officer or the election clerk must be in the office of the returning officer all day on polling day. It may be that the election clerk does not possibly have the time to go to his own poll to vote; it might be too far away; he will vote at the adjoining poll to the returning officers office.

Mr. Cameron: It says that he can vote anywhere the returning officer sends him; it does not have to be the adjoining poll.

The Witness: That is the practice.

Mr. Cameron: It is not the practice and it is not the phraseology, but it does not matter.

The Witness: There is only one election clerk in each electoral district. There are 260 election clerks in Canada.

Mr. Cameron: It may not be convenient for him to go home but it certainly would not be the polling booth where the returning officer was, and that is what the section would seem to indicate.

The Witness: This subsection permits the election clerk to vote in the polling division where the returning officer's office is situated.

Mr. Applewhaite: I do not want to force my wording on Mr. Castonguay.

The Witness: I think your suggestion is made for clarification.

Mr. Applewhaite: I move that the words "at any time" be inserted.

Agreed.

The Witness: Mr. Chairman, the next amendment pertains to the ballot paper on page 18. May I say that at the Regina inquiry it was found for the first time with our present ballot that numerals that are given to the electors in the poll book and inserted by the election officer on the back of the ballot in the space provided for that purpose here did offset on to the next ballot paper in the book of ballots. At the recount in Regina objection was made to those marks and the judge at the recount rejected something like 460 ballots

because he could not determine whether the mark had been made by the deputy returning officer or by the elector. However, at the inquiry it was revealed that the offset took place this way: tear from this book, the ballot at the stub; take a specimen book of ballots which has just been distributed to you and tear off the ballot paper together with the counterfoil from the stub in this manner, then place your detached ballot on top of the book over the blue space and insert any number you like in the space provided for that purpose on the back of the ballot. Here is the space for such consecutive number. Take the top ballot away and you will see the offsetting of numerals that occur. You have to place your ballot paper here and you will find that that numeral offsets itself. We have had many recounts since 1900, and this defect had never been found or at least reported to us. The other type of ballot at the Regina inquiry was in the case where the D.R.O. tore the ballot off like this, and then, folded it like this and then inserted the consecutive number here, and you will observe that the numerals offsetted onto the back of the ballot paper. For the information of the committee, Mr. Chairman, may I have these two photographs which were filed as exhibits at the Regina inquiry and which will more clearly illustrate the two types of offsetting of numerals revealed by the inquiry.

Mr. NOWLAN: When was the inquiry?

The WITNESS: Shortly after the last general election in early October. The first time this defect was brought to our attention was by the Regina inquiry.

Mr. NOWLAN: We had hundreds of them. We counted 35,000 ballots and we found hundreds of them that were that way.

The WITNESS: It was thought that it was the fault of the paper, but we supply to all returning officers sheets of blank ballot papers like this, so it could not have been the fault of the paper. The paper was not supplied locally. It is bonded paper which we obtain from the king's printer. If there are two candidates, the printer can print sixteen ballots from the sheet, if there are four candidates, he can print twelve ballots. We give to the printer on this specimen sheet, instructions how to set it up. If there are two candidates it should be cut here and if three it should be cut here. We supply the printer with a stereotype block. Eight stereotype blocks are sent to each printer. Now, my suggestion to remedy this defect is as follows. By the way, Chief Justice Brown, who was in charge of the investigation at Regina, came here to Ottawa on my invitation to discuss this matter with me and he informed me that he did not have any specific suggestion to make but he thought as I did, that if this consecutive numbering could be dispensed with, the offsetting of such numerals would not occur. If the insertion of these consecutive numbers were dispensed with the only other mark that would be put on the ballot paper would be the initials of the D.R.O., and if they offset they would offset on the identical space on the back of the next ballot paper where it could do no harm. If we eliminate the insertion of this consecutive number given to the elector in the poll book, in this space here, there is still a printed numeral on the stub and counterfoil. There is a printed number which always begins from 1,001 up to 40,000 so you have, when the elector comes back to the D.R.O. with the folded ballot, after having marked it, adequate means for the deputy returning officer to compare this printed number on the counterfoil with the printed number in his book which, in my opinion, is sufficient, together with his initials, on the back of the ballot, to establish the authenticity of the ballot. Furthermore, I imagine it would be difficult to duplicate this bonded paper. So my sugestions that I offer for the consideration of the committee, which are on page 18, and at page 25, consist merely to eliminate the insertion of this consecutive number given to the elector in the space provided for that purpose on the back of the ballot paper and this I believe is the only way you can remedy this defect.

Mr. APPLEWHAITE: Could you tell us why it was placed there in the first place?

The WITNESS: It has been required since 1900. I think it is just a double safeguard, that is all. I have discussed this matter with my predecessor and have asked him why it was there and he informed me that it was a double safeguard. Well, there are adequate safeguards now to the ballot. It is bonded paper and if anyone tried to duplicate this ballot he would have to know what serial numbers these ballots had in a particular polling station, secondly, he would have to know what printed number in the books of ballots at a polling station was going to turn up the time he tried to use a false ballot in a poll. All of which is very unlikely to happen. So I think there is adequate safeguard to prevent such fraud. Chief Justice Brown and I discussed this matter and he seemed to be in perfect agreement with me as to this procedure. Now, I cannot offer any other suggestion to remedy this other than drastically changing the style of the ballot.

Mr. MCWILLIAM: This procedure of marking in the number was started, I believe, in the early days before the number was printed on the ballot paper at all. I doubt if in 1900 printers would have these numbering machines as part of their equipment.

Mr. WYLIE: You do not remember those days!

The CHAIRMAN: Now would you proceed, reading your suggestions as slowly as you can?

The WITNESS: The first suggestion reads as follows:

> Subsection one of section forty-five of the said Act is repealed and the following substituted therefor:—
>
> 45. (1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has, as prescribed in subsection (1A) of section thirty-six of this Act, affixed his initials, so placed, as indicated on the back of Form No. 32, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper.

The change in substance are the words underlined "when the ballot paper is folded the initials can be seen without unfolding the ballot paper" and the deletion of the insertion of the numbers.

> Subsection three of the said section forty-five is repealed and the following substituted therefor:—
>
> (3) The elector on receiving the ballot paper, shall forthwith proceed into a voting compartment and there mark his ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate (or of each of the candidates) for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it, and hand the ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the above mentioned initials and printed serial number that it is the same ballot paper as that delivered to the elector and if the same he shall forthwith in full view of the elector and all others present, remove and destroy the counterfoil and the deputy returning officer shall himself deposit the ballot paper in the ballot box.

Mr. Chairman, members of the committee may be interested in this new form I am supplying in each poll at the by-elections which are scheduled

to be held in the near future. This new form I believe, is necessary for the guidance of election officers to insure proper handling of ballot papers on polling day. I believe it will facilitate the handling of ballot papers. I might say that this is a form prescribed by me.

Mr. VIAU: Has the new ballot form been used in former by-elections?

The WITNESS: No. You will see on the cover of this book of ballot papers the measures I took to prevent offsetting of numerals, until parliament was abel to remedy these defects of the ballot paper. I have also instructed returning officers wherever possible to instruct deputy returning officers not to use this book as a pad when marking ballot papers.

By Mr. Applewhaite:

Q. May I ask, Mr. Chairman, if Mr. Castonguay is also sending out instructions in this form not to be so used that it can be seen by the elector? —A. Mr. Chairman, I believe that it should be seen by the elector for this reason: There is a different voting procedure in England. In the United Kingdom electors, for instance, put the ballot paper in the ballot box themselves. Here the deputy returning officer puts the ballot paper in the ballot box and this has resulted in some confusion at the polls. I feel that if more publicity is given to this form it will ensure that deputy returning officers will properly handle the ballot papers and electors will have a greater understanding of our voting procedure.

Q. The first picture I looked at it says to affix your initial with a lead pencil on all ballot papers, and there is a picture of a person writing. Might the elector not think it was up to him to write his initials? Of course, you are proceeding on the assumption that pictures speak better than words.—A. I could instruct my returning officers to restrict the use of this new form. This form has not left my office yet.

Mr. MCWILLIAM: These instructions will not be before the elector?

The WITNESS: They are primarily intended for the use of the deputy returning officer and I thought that if wider publicity was given on how the ballot paper should be handled more persons would know whether the deputy returning officer is following the proper procedure.

Mr. MACDOUGALL: As I understand from Mr. Castonguay's explanation, this is not something that is going to be posted up in the polling booth.

The WITNESS: No, it is for the guidance of deputy returning officers only.

By Mr. Nowlan:

Q. I take from your remarks that in Great Britain there are no counterfoils to the ballots. You said in Great Britain the voter puts the ballot paper in the box himself.—A. In Great Britain this printed number appears on the back of the ballot paper and on the stub, so when you vote the counterfoil is here and the number is here too. If anybody should happen to look at this ballot and compare it with the stub, it may be possible to identify the voter, if it were possible, but it is not possible under their system. In our system, once the ballot is in the ballot box there is nothing to identify it to the voter.

Q. That is so hard for the voter to understand, he does not believe it in many cases.—A. If a deputy returning officer handles the ballot paper properly then the electors should not run into any such difficulty, but I feel that the defect in our ballot should be corrected for many reasons.

Mr. HERRIDGE: I think this is an excellent suggestion. I have seen a lot of fumbling, and possibly in Skeena they look more at pictures.

Mr. PEARKES: Anyway, would not the returning officer put his initials on that before he hands it to the elector?

The WITNESS: Yes, he has to initial all the ballots in this book before any voting commences in the poll.

Mr. NOWLAN: What is the penalty if the returning officer does not put his initial on until after the voter comes in? Is that provided for?

The WITNESS: If it is an irregularity of commission, he can be punished, but trying to enforce it in 40,000 polls is quite difficult. There are a lot of irregularities which are more irregularities of omission than of commission. I have made a survey of all the polls in Canada and I think that generally speaking, the work of election officers is satisfactory. We try to supply clear and concise instructions to election officers. We also provide, as you see, a diary of duties in such handbooks of instruction. If the deputy returning officers would only follow the diary they would do their work 80 per cent right. If they all read the books of instructions they will do it a lot better. Some officials act as election officials at municipal, provincial and other elections and they are so confused that they proceed under their own rules, so there is very little you can do. That is why I think that with this new form here they are liable to conduct the poll properly. My surveys show that the work of election officer is generally good. Generally speaking, it is good under the system we have to operate and I have no serious complaints to make. I feel that these irregularities of omission can be reduced with this new form, and I can say that each one of these sketches illustrates something that one of the deputy returning officers has forgotten to do.

Mr. APPLEWHAITE: Which way do you read these numbers? People reading the sketches think it should be 1, 2, 3, 4, this way, instead of this way.

Mr. MACDOUGALL: That is the way I began to read it before reading the numbers.

Mr. FAIR: Do the Chinamen not read that way, from top to bottom?

The CHAIRMAN: Maybe you can print it this way.

The WITNESS: It could be printed this way, 1, 2, 3, 4, 5, that way.

Mr. HERRIDGE: That is the normal way.

Mr. APPLEWHAITE: That would cover the people in West Kootenay too.

The WITNESS: I will see to it that before the general election it is printed that way.

Carried.

By Mr. Nowlan:

Q. If that is carried, Mr. Chairman, there is a matter that just occurred to me on the question of marking ballots, arising out of what was found in Regina. There is another error in connection with these ballots. I do not know whether it has come to the attention of the Chief Electoral Officer or not, but the printer in printing the ballot paper uses defective machinery and prints ballots with no names on them at all, blanks. In a dark booth a person with poor eyesight maybe will not notice that, and he marks the ballot paper in a blank space so that there will be on the ballot a plain X in a blank space. There was no name on the ballot. Those ballots were all ruled out at a recount because there was no name where the cross was marked. Would it not be possible if there were defects like that if it could be determined for him who the voter intended to vote for, and it could be counted? With some printers you will have that thing happening.—A. Mr. Chairman, there were something like 50,000 rejected ballot papers at the last general election. I examined 25,000 of them and I found that not more than 200 had defects in printing and if that discretion was in the Act to find out who the mark was intended for, it would be a very bad practice. Some electors, for instance, place the X between two names, or across two names. We instruct the deputy returning officers that when a ballot paper is badly printed it is not to be

used. Now, there is a provision in the Act to the effect that a ballot paper on which a mark has been made by the deputy returning officer should not be rejected but there is no provision anywhere in the Act giving authority to an election officer to determine, in the case of a doubt like that raised by Mr. Nowlan, for whom a voter intended to mark his ballot.

Q. That is the point I am making. If it is marked there it should be counted. —A. I have seen ballot papers marked underneath the name Brown here. I have seen marks right here underneath this word barrister. I have seen a mark on this black border. So I do not think that authority should be given any election officer.

Q. Of course that would be a matter for the recount.—A. Yes, and there is a provision now—the judge has that authority.

Q. If the judge says there is no name he says there is no vote.—A. I have seen 200 badly printed ballots. Now, there were 50,000 rejected ballots out of a total of 5,000,000 votes cast, so there could not have been many badly printed.

Q. I know there were more than twenty in one constituency that were all blanks.

By Mr. MacDougall:

Q. Does it not rest in the hands of the deputy returning officer and if it is badly marked then he does not hand it out.—A. That is right.

Q. So I do not think it is necessary to have any additional regulations on that.

Mr. HERRIDGE: Does Mr. Nowlan say that the returning officer handed out a perfect blank?

Mr. NOWLAN: Yes.

By Mr. Viau:

Q. In place of having the folding starting from the front where you have to tear that, why not reverse the number 1026, 1027 and work backwards in this way?—A. Well, we have never received a suggestion like that from any of the deputy returning officers.

Q. I think it would be easier. All he has to do now is to put his initial on and tear it off.—A. If the committee wishes me to have them printed that way I will have it printed accordingly.

Q. Change the numbers and work backwards from the back of the book.

Mr. WYLIE: They have to tear them off anyway, before.

Mr. VIAU: Yes, tear them off and reverse it to put his initials on.

By Mr. Nowlan:

Q. Of course, putting the initial on is a bad practice. So many people think the deputy returning officer is putting an identifying mark on the vote, I mean the number on the stub, and if you could get away from that practice it would be better.—A. Mr. Chairman, I think that initials are additional proof that is desirable to determine if a ballot paper is genuine.

Q. I do not mean the initials, I mean the number you were speaking of before.—A. The amendments on page 18 provide merely for operative details if my suggestions are approved.

By Mr. Wylie:

Q. Mr. Chairman, there is another point I would like to say a few words about. I have run into this trouble in the rural polls where the ballot is folded twice. Usually when you mark a ballot you mark it very close to the edge. It is then folded twice and it is like that, and then you give it to the deputy returning officer to tear off his portion, and in the process it can very easily be

in tearing the slip off, they can find out how everybody votes. We have run into that case many times. If that ballot is folded three times, that is, over, and over again, we would get away from that because the mark would be in the middle of the fold. In the way it is done now all you have to do is just do something like that, in tearing it off, and they know pretty well the name against which the X is marked.—A. I think we have covered that. In each large envelope we have a smaller envelope with a folded ballot paper in it. We instruct the officials to fold it this way. First, this fold, and second this fold. Now, when it comes back, it should be handed back in the same manner. The deputy returning officer is only supposed to check the number and the initials. Now a deputy returning officer who starts jockeying the ballot in his hands before an elector to see how such elector voted would certainly rouse the suspicions of the elector.

Q. An elector does not pay any attention to that when he is voting.

The CHAIRMAN: As I say, we have an envelope with a ballot paper folded in this manner. The only complaint we have ever received in connection with secrecy was on this initial and the committee took care of that in 1947 in ruling that all ballots had to be initialled before the voting began.

By Mr. Wylie:

Q. If it was folded that way just once over and then turned in, then you would get this piece there just to tear off.—A. I could have it folded that way, certainly.

Q. I have had complaints of that kind from many people who say the deputy returning officer knows exactly how everybody voted, and that is the reason, so many people are careless and they will not pay any attention. The D.R.O. knows exactly how they vote, they will tell you that so and so voted Social Credit and he always has been a Liberal and upon being asked how do you know, the answer comes back, I saw his vote.—A. Could I have that folded ballot for a sample?

Q. If it is folded that way they cannot see the X. If it is folded the other way they can.

The CHAIRMAN: Even if they open it.

The WITNESS: I assure the committee that in the envelope the sample ballot will be folded this way. And also I will have this sketch re-designed to illustrate this new fold.

Mr. FAIR: Shall we call it the Wylie fold? Would it be right to do that?

Mr. MACDOUGALL: I think you are going to run into a lot of confusion in the folding of the ballot.

The WITNESS: It will be illustrated on this sketch and there will be a specimen folded ballot inserted in an envelope.

Mr. MACDOUGALL: The deputy returning officer has been folding the ballot this way now—

The CHAIRMAN: Order, gentlemen, order, please.

Page 18, does everybody agree?

Agreed.

Page 19.

The WITNESS: Excuse me. I think if we deal with the form of the ballot at page 25, we will dispose of this amendment. The amendment at page 25 merely consists of deleting the square in the form of the ballot to bring it into conformity with the amendments just agreed to by the committee.

Agreed.

The CHAIRMAN: Page 19.

The WITNESS: Mr. Chairman, I have one more knotty problem to bring to the attention of the committee. It has to do with tuberculosis patients in sanatoria. I would like to read the figures I have obtained from the Canadian Tuberculosis Association of Canada. In some eighty-five sanatoria in Canada there are 18,000 patients and eighty per cent of them are over the age of twenty-one. The sanatoria contain from 100 beds to 740 beds. The average stay of the patients in these institutions is 308 days. At the last general election we had a lot of representations from sanatoria where a polling station was already established exclusively for the sanatarium and where ambulant patients could vote but the bedridden patients could not in view of their disability which prevented them from going to the office where the poll was established. My predecessor suggested an amendment in 1947, I believe it was, but it was too broad in its scope, it included general hospitals and acute hospitals such as the Civic hospital here in Ottawa. The practice prior to 1947 was this, that with mutual agreement or consent of all candidates, the procedure that I am suggesting now and which my predecessor suggested in 1947, was employed for the voting in such sanatoria. Now, in 1947 the committee turned down this procedure, so at the last general election we had requests from six or seven sanatoria to authorize this procedure. Naturally with a fresh expression of views from the committee we could not. I do not know what happened in the other seventy-nine sanatoria. I understand they did not come to us for a ruling and they may have continued with the procedure that was followed prior to 1947. Dr. Ewart, medical superintendent of the Mountain Sanatorium at Hamilton has informed my predecessor that if this procedure was authorized it would be good for the morale of these patients. They now have the right to a vote in the district, they reside in the same building where the polling station is established, a polling station which is established in the sanatorium exclusively for the patients of such sanatorium, so the procedure, I am suggesting in this amendment for the consideration of this committee, would be that after the voting of ambulant voters had taken place in the sanatorium and with the approval of the person in charge, the deputy returning officer, the poll clerk and one candidate's agent would go from room to room to take the vote of the bedridden patients. Concern was expressed that patients may be upset by this procedure for voting, but this procedure was used in the past and we have never received complaints about election officials not being able to take the votes properly in such sanatoria. Now, there is one letter here that is representative of all representations received by my predecessor on this subject.

Mr. APPLEWHAITE: Before you read that, did you say one candidate's agent? Did you not mean one agent for each candidate?

The WITNESS: Yes, one agent for each candidate. This letter is from the Mountain Sanatorium at Hamilton, Canada, and it is dated July 8, 1949. It reads:

THE MOUNTAIN SANATORIUM
HAMILTON, CANADA

July 8, 1949

Mr. Jules CASTONGUAY,
Chief Electoral Officer,
Ottawa, Canada.

Dear Mr. CASTONGUAY: As you are aware, during the recent Federal Election, the privilege of holding a travelling poll for bedridden patients was discontinued.

We, at this sanatorium, where there is a bed complement of some 740 patients, had many complaints from the patients that they were unable

to vote. We feel that the privilege of voting is very important, particuso amongst our group of patients, as we have always carried on a very active educational programme and we fit the privilege of voting in with our course of civics.

We believe that it would be in the interests of all if the travelling poll for bedridden patients was again authorized. We are therefore passing this suggestion forward for your consideration.

Yours very truly,

(Sgd.) H. T. EWART, M.D.,

Medical Superintendent.

Dr. Wherrett, Executive Secretary of the Canadian Tuberculosis Association informs me that this is the largest sanatorium in Canada. I have prepared an amendment for the consideration of the committee. May I have it distributed for your consideration. This amendment incorporates the procedure that I have just outlined. It limits the application of this procedure only to tuberculosis sanatoria or other chronic hospitals, that is to persons, who due to some paralytic or some crippling condition are in chronic hospitals. I am informed by the Deputy Minister of National Health that patients suffering from these crippling conditions have an average stay in these hospitals of a year or more so that general hospitals or acute hospitals, which is the proper expression in the hospital world, are not covered by this amendment. It is not meant to apply to acute hospitals because the length of time between the issuing of the writ and polling day is sixty days and the average stay of a patient in an acute hospital is something like ten days. So that you will have five sets of new patients passing through this hospital in that period and it is impractical for me to suggest to you that this procedure should be adopted at these acute hospitals.

By Mr. Viau:

A. What about old folks homes, homes for the aged?—A. Those homes are covered now by the Act. At page 230, section 16, subsection (9) reads as follows:

(9) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ of electtion in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless such person has been in continuous residence in such lodgings, hostels, refuges, or similar institutions, for at least ten days immediately preceding the date of the issue of such writ.

Q. Yes, but what I had in mind was that the returning officer and clerk and an agent for each candidate would visit all the patients in old folks homes. There is a dispute right now between the Department of National Health and Welfare and National Revenue as to the listing of chronic institutions. I have in St. Boniface the St. Boniface Old Peoples' Home in which there are 238 patients, 233 of them at the last election required nine ambulances to take the patients out to vote and I thought it was very stupid. By the time I arrived at the hospital all the patients had been taken out. I see no reason why the returning officer after the ambulant inmates had finished their voting can not go around the institution and record the votes of the others.—A. It would be a simple thing to do. We could tie in subsection 9 with the new subsection 14 of section 45.

Q. As far as the Election Act is concerned that needs to be made clearer. It is the only one case I have in my own riding. There are over fifty per cent chronic bed cases in that institution.—A. A chronic hospital or similar institution, I think that the provisions of the new subsection are broad enough to authorize this procedure in such chronic hospitals.

Mr. APPLEWHAITE: I do not think it is, it reads:

Section sixteen of the said Act is amended by adding thereto the following subsection:—

(10) A person shall, for the purpose of this Act, be deemed to to be ordinarily resident, on the date of the issue of the writ of election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least..... days immediately preceding the date of the issue of such writ.

I do not think old age is a chronic disease.

Mr. FULFORD: It is a chronic condition.

Mr. APPLEWHAITE: It does not say condition here.

The WITNESS: We could make this new procedure apply to these homes by saying that this provision should apply to subsection (9) of section 16, that is the provisions of the new subsection I am suggesting should apply to any person referred to in subsection (9), if it is the wish of the committee.

Mr. FAIR: Mr. Chairman, could you not name specifically chronic hospitals and old folks homes maintained by provincial or municipal governments? I remember we had quite a time to get the vote for the people in those old folks homes a few years ago. The committee did a good job and gave them the vote.

By Mr. Herridge:

Q. I think Mr. Fair's suggestion is a good one. I think this is a case that can be given a very wide interpretation. The provinces have some wide classifications.—A. I am informed by the Department of National Health and Welfare that some persons are in these old homes more or less in custodial care for a crippling or a paralytic disease. It would appear to me that the new subsection (14) would cover old folks homes, that is such persons who are bedridden in those old folks homes.

Q. Well, those who are bedridden are chronic cases. A. Yes. I think I would rule that is under the provisions of this section they are chronic cases and it is a chronic institution.

Q. As against that I was just thinking of two institutions side by side and the difficulties that occur during the election. There is a hospital adjacent which is not a chronic hospital but has a chronic ward of about ten patients, although it is a general hospital.—A. This suggestion is conditional upon there being a polling station established in the hospital. Take, for instance, the Civic hospital here in Ottawa. We will not establish a polling division in the Civic hospital for patients therein. We will, if the staff residing at the hospital are sufficient to warrant a polling division but if not, they are included in the adjoining polling division. We do not establish polling divisions for acute hospitals. First of all, this suggestion is conditional on there being a poll established in the institution. There must be a polling division established there, so Mr. Fair's suggestion that the provisions of this section shall apply to the electors referred to in subsection (9) of section 16 would be acceptable. I could prepare an amendment to link section 16 (9) with the new subsection (14) of section 45 if the committee desires.

Mr. MACDOUGALL: What about the situation in what is generally termed a convalescent home?

The CHAIRMAN: I had a case of that kind in my riding prior to 1935.

By Mr. McDougall:

Q. Under the Act now, you would not be permitted to establish a polling booth in a convalescent home even if it had, say, 200 patients.—A. The first condition would be the average length of stay of the patients in that home. If the

average length of stay is ten days they would not be qualified to vote in the electoral district where the home is situated or have a polling division established for such home.

Q. I am not referring to my particular riding but to Vancouver generally, where there are a number of so-called convalescent homes. Now, I do not know what the exact number of days' stay per person there is in this institution but I would say frankly that in many instances they run up as high as four and five months.—A. Should that be the case there would be a polling division established in that home if it were sufficiently large to warrant the establishment of a polling division, but if it were not the patients would have to vote in the polling division in which such home is situated.

Q. Suppose that they cannot walk.—A. The returning officer, if a request is made in sufficient time would establish a polling division exclusively for such homes and the new procedure in subsection (14) of section 45 would apply for taking the votes.

Mr. VIAU: That is what happened in 1945 in my constituency.

By Mr. Nowlan:

Q. What machinery would you set up to insure the secrecy of the ballot in cases such as these? It seems to me to be highly dangerous. You have sanitoria in different provinces; most provinces today assist in the treatment of tubercular patients; these patients are getting government aid, and I think if you go around to each bed you are not going to have any secrecy of the ballot and it will be open to widespread abuses. They may feel they are being maintained there at the expense of a Social Credit government, say, in Alberta, or by a Conservative government in Ontario, or by a Liberal government in some other province. I think you are going to get more complaints on that issue than on any other one you have had in a long while.—A. On page 270 the procedure for taking the vote of incapacitated and blind electors is set out in subsections 9 and 7 respectively. A blind elector for instance, if he so desires, may have his ballot marked by a friend, and if he enters the polling booth without a friend the deputy returning officer marks the ballot for him in the presence of candidate's agents. The case of an incapacitated elector is also covered in subsection 7.

Q. I think you will find that the deputy returning officer is also an official of the hospital.—A. Not necessarily.

Mr. MACDOUGALL: I do not think you will find as much complaint on that as you would if you deprive him of the ballot.

Mr. APPLEWHAITE: There is a lot of complaint on their not being able to vote, I know.

Mr. NOWLAN: A lot of people are deprived of the ballot who are sick. The next thing will be, why should a person who is crippled in this particular hospital be able to vote and I am in a hospital for appendicitis, and I have as much right to vote as he has.

Mr. WYLIE: I believe that is entirely different. I believe when people are kept in a hospital they have the right to vote. I know my own father and mother have been in St. Joseph's hospital for a year now, and they will stay there, I expect, until they pass away. I do not think it is right to disfranchise them. My mother cannot go out to vote but my father can and his mind is very very active. They are in that St. Joseph's hospital. Every case in there is one, you might say, where they are not able to look after themselves.

Mr. APPLEWHAITE: Is that a general hospital?

Mr. WYLIE: No, it is not, it is an institution for people that cannot look after themselves. Actually in that hospital there are perhaps about 400 cases.

The WITNESS: My predecessor's instructions to returning officers were to establish polling divisions with one consideration in mind, that is, for the maximum convenience to electors. Unless the returning officer, who should know the district, studies those cases and brings it to our attention it is difficult to provide for them, but I would say in the case of old people's homes, if representations are made we will establish a polling division for such homes. We do it for as little as ten or fifteen electors. The prime consideration is the convenience of the electors. I think that the whole matter rests on what procedure should be provided for taking the vote of bedridden patients. They have the right if they have their ordinary residence in those homes, they have the right to vote there. The returning officer has the authority under the Act now to establish polling divisions there so I think the question now to be decided is merely as to what procedure we are going to provide for taking the votes in various types of hospitals, whether we are going to authorize a travelling poll for some institutions. I think that is the only question before the committee. All the cases mentioned so far relate to persons who have the necessary ordinary residence qualifications and are entitled to vote in the electoral district. We can provide the facilities as the returning officer has the authority to establish polling divisions. Patients in certain institutions containing bedridden patients have the right to vote in such institutions—they have the right to vote by the Act—but all that is now required is a procedure which will enable bedridden patients to vote.

Mr. WYLIE: Will it be up to the returning officer to advise the chief electoral officer of those conditions before the election so that can be established or has the returning officer the power to go ahead?

The WITNESS: Well, Mr. Chairman, it is planned next year, in August 1952, conditional on factors which are beyond my control, such as whether the amendments to the elections act will be passed this year and also whether a Representation bill is going to be passed next year, and if both acts are passed as outlined, then on the 1st of August, 1952, instructions will go out to all returning officers to revise their polling division arrangements. We will instruct them as in the past to communicate with the recognized political organizations in their districts after they have made their revisions and a copy of the descriptions of the boundaries of polling divisions will be given to each recognized political organization in the districts. If we are given the time, if these amendments pass this year, if a Representation bill passes next year, those instructions will be issued the first of August 1952. The reason why we have not been able to do this in the past is because the Chief Electoral Officer has never been given the time to adequately prepare for an election. Amendments were passed in July, 1948, and the general election as announced on the 1st of April, 1949. Preparations for a general election consist in part of the printing of these books of instructions, they are all revised now except for the amendments the committee is going to deal with; we have to print 164 forms, both in French and in English, we have to order five hundred tons of supplies which we have to assemble in Ottawa. I have a staff of thirteen to do that. My predecessor found himself in this position that when the election was ordered in April 1949, half the forms were not in our office. It is impossible to prepare for a general election in six months. It is possible, but the degree of efficiency decreases. Now, if given the necessary time the returning officers will be able to completely revise the polling arrangements of their electoral districts to the general satisfaction of everybody concerned in every electoral district but everything is conditional on time. Some of my friends ask me what do I do between elections? As the members of this Committee know my work never ceases. One reason that my father had to resign was that he had only six months to prepare for the last general election after the amendments were passed in 1948. When he

started the general election in April he was in very poor health and after the election he had to retire. He was in his office seven days a week, twelve hours a day from July 1948 onwards and these long hours brought about the cause of his retirement. We need one and a half years to prepare for a general election, one year for the chief electoral officer and six months for the returning officers. The latter cannot get his polling divisions settled unless instructions are sent to him in August 1952. If given in December 1952, we cannot expect that the rural returning officer will or can travel around his electoral district to see what conveniences can be given to electors. The present polling division arrangements in most electoral districts are basically those in force at the 1935 general elections because in this interval of time Parliament has never given us adequate time to prepare. I do not know to what extent improvements can be made at a general election but I can say that generally speaking, if we have time to give courses to returning officers, bring them in and give them a course at Ottawa, returning officers would be more familiar with the Act and all details relating to the conduct of elections. We could bring them here and give them a course; they would then be more familiar with their work. The implementation of all these plans are subject to the factors I have mentioned to the committee as being beyond my control, but given time we could carry out all our plans to improve the conduct of elections. The revision of polling arrangements is made in consultation with the recognized political organizations in an electoral district. The problems that have been raised in this committee about polling divisions in old people's homes can be dealt with then, but time is something that no Chief Electoral Officer that I know of has ever had very much of since the office of the Chief Electoral Officer was established in 1921. For instance, the Bureau of Statistics has two years to prepare for a census to be held at a fixed date, and they started two years ago. I maintain that our operation of enumerating and printing a list of eight million names, revising such lists, providing voting facilities for eight million electors in a period never exceeding a total of 60 days, requires as much time as is given to the census officials who plan for a fixed date.

Mr. WYLIE: I fully appreciate what the Chief Electoral Officer is up against and it comes back to the point I have always pressed, that the election in Canada should be held on a certain date. We have an election every so many years. It should be on a definite date. And if that is done the better it will be for everyone. I think we ought to be able to give our answers—

The CHAIRMAN: That is a very nice point, Mr. Wylie. Order. That is a very nice point, that was raised by you but we are discussing something else at the present time. When we are through with this that point might be taken up again before the committee.

The WITNESS: Does the committee wish me to read this section?

The CHAIRMAN: We have had the explanation.

The WITNESS: Yes.

The CHAIRMAN: Does the committee wish to have that read over or shall we dispense with the reading?

Agreed to dispense.

Mr. HERRIDGE: It is a good amendment.

The WITNESS: Before reading these suggested amendments, I would like to explain them briefly. It has to do with the two dates in two sections of the Act, where a candidate is duly declared elected at two different times. When the returning officer prints the proclamation he sets the date for the final addition of the votes. That date in an urban district at a general election is usually one week after voting day. In a rural area the fixing of this date depends on when the last ballot box can normally reach the returning officer so he can

conduct his final addition of the votes. Now, if you look at page 19, on the right hand margin, subsection (5) reads as follows:

> (5) The candidate who, on such final addition of the votes, is found to have obtained the largest number of votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his representative, if present at the final addition of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

You will observe that the candidate obtaining the largest number of votes is, on that day, declared elected.

What is really intended to happen at this final addition is that the returning officer opens the ballot boxes and removes the official statements of the poll of the deputy returning officers. The final count is made from those statements of the deputy returning officers. Now, if you turn to page 283 of this yellow book, subsection (1) of section 56 reads as follows:

> 56. (1) The returning officer, immediately after the sixth day next following that upon which he has made the final addition of or ascertained the number of votes cast for each candidate, unless before that time he shall have received notice that he is required to attend before a judge for the purposes of a recount by such judge of the votes cast at the election, and, where there has been a recount by the judge, immediately thereafter, shall transmit by registered mail to the Chief Electoral Officer:
>
> (a) the writ of election with his return in Form No. 56 endorsed thereon that the candidate having obtained the majority of votes has been duly declared elected;

You will observe in this section that the candidate is again declared elected after the sixth day next following the day of the final addition of the votes. A candidate cannot be declared elected twice and this has led to confusion. My predecessors have maintained that the final addition of the votes is merely an addition of the votes. You cannot declare the candidate elected on that date for the simple reason that there is a period of six days during four of which the candidate may ask for a recount, and the cushion of two other days is to provide for the delay that may happen in the delivery of an order issued by a judge, say on the fourth day to the returning officer. If that cushion was not there the returning officer might on the fifth day declare him elected, if he had not received the judge's order, so that only after a period of six days has expired after the final addition of the votes can a candidate be declared elected. I say that is the opinion held by Colonel O. M. Biggar, the first Chief Electoral officer, and my predecessor. This confliction of dates has led to a great deal of confusion among candidates. I suggest that the final addition of votes be the official count. The count that is made on polling day is unofficial but on the day of the official addition of the votes the only physical act that is done is to make the official count from the official statements of the poll and then that official count is, as in the past subject to a recount. It appears to me that if a candidate could be elected on the day of the final addition of the votes how can the judge hold a recount if the candidate is already elected. This has led to a great deal of confusion. The amendments I am suggesting at pages 22 to 24 provide for an official count as before, and the declaration of the duly elected candidate after a period of six days has expired after such count. An addition of the votes is made from the official statements of the poll and the result of the election is certified by the returning officer on a form which is prescribed by the Chief Electoral Officer. This is the form I intend to prescribe if my suggestions meet with the committee's approval.

I have nothing further to add to what I have outlined except to say that the provisions of the present sections leads to confusion and should be clarified.

Mr. HERRIDGE: At the time the candidate is declared elected has the returning officer by then received the returns of the defence service votes?

The WITNESS: Mr. Chairman, he cannot hold the final addition of the votes until he has received all returns, so when he prints his proclamation the date he fixes is left to his discretion. In rural areas where the ballot boxes might take two weeks to be returned he will allow himself two weeks or eighteen days after polling day so that on the final addition of the votes he has all his ballot boxes and all returns. If he has not, he has to adjourn to another day and until such time as he has all the boxes, but he cannot adjourn for a period of more than two weeks after the date set for the official count, that is to say the period of adjournment cannot exceed two weeks, but primarily in order to hold the final addition of the votes he must have all his returns in. Should one box be lost then there is provision in the Act to provide for the adjournment but as I said, not to exceed two weeks.

By Mr. McWilliam:

Q. Is any time set for the day on which he can make his final count?—A. I am sorry, sir, I did not hear your question.

Q. The returning officer sets two weeks or eighteen days for the final count. He is not bound by the fourteen days?—A. If he cannot find the ballot box within two weeks he will ask to declare a candidate elected. However when he fixes the date for the final count he is not bound by any fixed time. In the city all ballot boxes are returned that night after the polls close, and if it were not for the defence service vote the final addition could be held two days after. We do not receive the results of the service voting in Ottawa until late Friday night or Saturday morning, and on receipt of such results we telegraph the results to the returning officers. They can therefore only hold their final addition of the votes, a week after polling day.

Q. I understand that clearly. I was thinking of remote areas. Can he give himself thirty days?—A. He can give himself sixty days.

Mr. STICK: In Newfoundland the boxes may not get in for two months.

The WITNESS: Now, the operative details in this amendment are on pages 22 to 24. I will read each one if you would like me to. Subsections (2) and (3) of section 51 of the said Act are repealed and the following substituted therefor, respectively:

> "(2) After all the ballot boxes have been received the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4."

I have changed the words "final addition" to "official addition". I do not know whether that meets with the approval of the committee.

Mr. PEARKES: Is it necessary to read all these amendments, Mr. Chairman?

Mr. MCWILLIAM: That word "official"—would the word "first" avoid any misunderstanding?

The WITNESS: Mr. Chairman, the first count is that made on the night of the election. The public generally believe that a candidate is elected on that count. Very few know of the official procedure.

Agreed.

The WITNESS: It will be defined. I have the amendment here.

Mr. PEARKES: That takes us to the end of page 25.

By Mr. Applewhaite:

Q. I could not find it.—A. Official addition will be defined in these sections here.

Q. As it is referred to in several sections, and one might not read the whole Act I ask whether it would not be advisable to have "official addition of votes" defined.—A. That could be done if it is desirable.

Q. I would like to ask a question on page 20, section 52, subsection (1). Am I right in saying that there is only one possible adjournment?—A. Two, but not to exceed two weeks.

Q. You say not to exceed two weeks under subsection (2), does that also apply to subsection (1)?—A. Yes.

Mr. STICK: How do you take care of the conditions in Newfoundland?

The WITNESS: There is a section that covers that.

The CHAIRMAN: Now, we come to page 23.

The WITNESS: Page 23 is new all except—

Mr. APPLEWHAITE: You are assuming the wording of the others is correct in detail.

The CHAIRMAN: We can have that stand and the members of the committee will have an opportunity to read it over before the next meeting.

The WITNESS: These amendments have been submitted to the Department of Justice.

The CHAIRMAN: Pages 20, 21, but not page 23.

The WITNESS: Mr. Chairman, the amendments on page 23 pertain to advance polls and I understand there are some members who would like to discuss the question of advance polls, and I think that should be done before this discussion takes place that is if the privilege of voting at advance polls should be extended to others or whether more advance polls should be established, because if this amendment at page 23 is accepted a change may result later that may require a further consideration of this amendment.

The CHAIRMAN: We can allow it to stand. Page 23 stands.

Now, page 24.

The WITNESS: The amendment to the form on page 24 is merely bringing that form in line with the new term of official addition of the votes.

By Mr. Applewhaite:

Q. You say in that form, about two-thirds of the way down, you referred to the candidate who has obtained a majority of such votes. You say the candidate who has obtained the largest number.—A. It was the same before, the terms "the majority of votes", and "the large number of votes" I did not want to change that form. The largest number of votes or the majority of such votes means for the purposes of the Act, the same thing. We are now at the Canadian defence service voting regulations and I would suggest that before considering all the amendments I am proposing to the Canadian defence service regulations, the matter of residence of Service Electors should be agreed to by the Committee. If the proposed amendments suggested on pages 32 and 33 and 34 and 35, are approved by the committee in principle then the other amendments to the Regulations which are operative details only could then be considered. If we do not proceed in this manner all the amendments from pages 32 to 36 may have to be redrafted, so that merely as a suggestion I think it may be advisable in order to facilitate the discussion and to save the time of the members, if the committee were to first consider the amendments to paragraphs 21 and 23.

Mr. APPLEWHAITE: Mr. Chairman, before we start on active service defence regulation voting might I at this time make a suggestion? I would like to suggest that we meet more frequently than we are doing. If we do not report and get the bill through at this session then all the work we are doing now will have to be done again, and this would be a perfect waste of our time. I was impressed by the very sincere plea for lots of time which was made by the Chief Electoral Officer just a few minutes ago and it seems to me if we are only going to meet on Tuesdays and Thursdays we are not going to get through at this session.

Mr. HERRIDGE: I support Mr. Applewhaite's suggestion.

The CHAIRMAN: I am prepared to accept that if it is the wish of the committee. There are some other committees sitting on which some of us are members. Maybe we can meet Friday.

Mr. APPLEWHAITE: Anytime.

The CHAIRMAN: Usually I am not here on Friday.

Mr. FULFORD: I am here on Friday.

The CHAIRMAN: We can meet then on Tuesday, Thursday and Friday.

Mr. STICK: You will have to arrange Friday's time so as not to conflict with the External Affairs' Committee.

Mr. NOWLAN: We already ran into conflict this afternoon with the Public Accounts Committee.

The CHAIRMAN: I am in favour of that. We will try to meet as often as possible, at least three times a week. We should really have started our sittings earlier in the session.

Mr. HERRIDGE: That is not our fault.

The CHAIRMAN: No, of course not.

Mr. HERRIDGE: We wanted to sit earlier.

Mr. NOWLAN: We are not going to take up the service defence voting regulations tonight, I hope.

The CHAIRMAN: I think it would be preferable to adjourn now.

—The Committee adjourned.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

THURSDAY MAY 31, 1951

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

ORDER OF REFERENCE

THURSDAY, May 31, 1951.

Ordered, that the name of Mr. Macdonald (*Edmonton East*) be substituted for that of Mr. Decore on the said Committee.

Attest.

LEON J. RAYMOND,
Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, May 31, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Balcer, Boisvert, Cameron, Cannon, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Hellyer, Macdonald (*Edmonton East*), Nowlan, Stick, Valois, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Committee resumed consideration of the amendments proposed by Mr. Castonguay to the Act.

Section 17(7). Repeal was suggested and substitution of the following:

Copy of Printed Preliminary List to Electors in Urban Polling Divisions

(7) The returning officer shall send a printed copy of the preliminary list of electors for the appropriate urban polling division, not later than Saturday, the twenty-third day before polling day, to the electors residing in such polling division whose names appear on such list, in accordance with the following provisions:

(*a*) where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of such group;

(*b*) where two or more groups of electors, each group having a different surname, reside in one dwelling place, one copy of such list shall be sent to one of the electors of each of such groups and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of each such group;

(*c*) in the case of any other dwelling place and in the case of any hotel, hospital, university, college or other institution, one copy of such list shall be sent to each elector residing therein;

and such lists shall be enclosed in sealed envelopes and shall be entitled to pass through the mails free of postage.

On motion of Mr. Applewhaite,—

Resolved,—That Section 2 (35) (38) be deleted and the foregoing substituted therefor.

Section 2 (35) (38). Repeal was suggested and substitution of the following:

Rural Polling Division

(35) "Rural polling division" means a polling division whereof no part is contained either within an incorporated city or town having a population of five thousand or more, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act.

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Urban Polling Division

(38) "Urban polling division" means a polling division which is wholly contained within an incorporated city or town having a population of five thousand or more, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act.

On motion of Mr. Wylie,—

Resolved,—That Section 2 (35) (38) be deleted and the foregoing substituted therefor.

Section 17(16). Repeal was suggested and substitution of the following:

Urban Lists Alphabetically Arranged in Some Cases

(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of five thousand or more, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.

On motion of Mr. Wylie,—

Resolved,—That Section 17(16) be deleted and the foregoing substituted therefor.

Section 20(2)(*a*). Repeal was suggested and substitution of the following:

Ministers of the Crown, etc.

(*a*) a member of the King's Privy Council for Canada holding the recognized position of First Minister, any person holding the office of President of the King's Privy Council for Canada or of Solicitor-General, or any member of the King's Privy Council for Canada holding the office of a minister of the Crown;

On motion of Mr. Boisvert,—

Resolved,—That Section 20(2)(*a*) be deleted and the foregoing substituted therefor.

Section 16(10). On motion of Mr. Fulford,—

Resolved,—That the word "ten" be inserted after the words "for at least" in the second last line of Section 16(10).

At 6 p.m. the Committee adjourned until Friday, June 1, at 4 p.m.

E. W. INNES,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 31, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 p.m. The Chairman, Mr. Sarto Fournier, presided.

The CHAIRMAN: Gentlemen, the meeting is open. We will try to meet tomorrow and next Tuesday at 4 p.m. What is our first task for today?

Mr. FAIR: Mr. Chairman, it seems to me that it would be well for us to try to finalize some of these matters; nearly every page in my book has "stand" on it.

The CHAIRMAN: We shall now proceed with the new amendment proposals brought by the Chief Electoral Officer.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, I distributed copies of these amendments to the members at the last meeting. There are three altogether. To the amendments was attached the voters' list. The first proposed amendment deals with the procedure for mailing a list of electors in an urban electoral district. Perhaps I had better read it:

Subsection seven of section seventeen of the said Act is repealed and the following substituted therefor:—

Copy of printed preliminary list to electors in urban polling divisions.

(7) The returning officer shall send a printed copy of the preliminary list of electors for the appropriate urban polling division, not later than Saturday, the twenty-third day before polling day, to the electors residing in such polling division whose names appear on such list, in accordance with the following provisions:

(*a*) where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of such group;

(*b*) where two or more groups of electors, each group having a different surname, reside in one dwelling place, one copy of such list shall be sent to one of the electors of each of such groups and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of each such group;

(*c*) in the case of any other dwelling place and in the case of any hotel, hopsital, university, college or other similar institution, one copy of such list shall be sent to each elector residing therein;

and such lists shall be enclosed in sealed envelopes and shall be entitled to pass through the mails free of postage.

Mr. APPLEWHAITE: I think the Chief Electoral Officer is to be congratulated for having met with the objections which were made in this committee, and I move that this amendment be adopted.

Mr. CANNON: I have one suggestion to make; it is a minor one; it is in paragraph (*c*). In my province we have many religious institutions, and I wonder if it would not be better to add after the word "college" in the second line the words "convent and monastery."

Mr. STICK: Does not "similar institution" cover that?

Mr. CANNON: I wonder whether it does. There is no religious institution in a hotel or a hospital or a college. It would not do any harm to make the change.

The WITNESS: I prefer to have a direction from the committee in the light of Mr. Cannon's suggestion.

Mr. STICK: If that were put in and you were asked for a ruling how would you rule?

The WITNESS: I would rule that a convent is an institution and send lists to each elector.

Mr. STICK: It won't hurt to put it in.

Mr. APPLEWHAITE: Does that cover them all?

Mr. BOISVERT: I think "religious institution" would be better.

Mr. NOWLAN: When you specify one you have to specify them all.

Mr. BOISVERT: I think "religious institution" would be better.

Mr. CANNON: If you have "religious institution" you may have a conflict with "other similar institution."

Mr. APPLEWHAITE: As a suggestion would it meet with the wishes of the committee if we changed the word "similar" to read "residential"?

Mr. STICK: Cut out the word "similar" altogether: ". . . college or other institution"; that would be broad enough.

The CHAIRMAN: I do not see much difference between a college and a convent except that a convent is for girls.

Mr. STICK: Cut out the word "similar" and have it read "college or other institution." That would establish a broad interpretation to cover all institutions.

Mr. FULFORD: Put it in the plural "other institutions."

Mr. STICK: I move that we cut out the word "similar" and add the word "institutions." That would cover all objections.

Agreed.

The WITNESS: Before we leave section 17 may I say that on May 17 the Committee passed an amendment to section 12 raising the minimum urban population for incorporated cities and towns from 3,500 to 5,000. In subsection 16 of section 17 the figure 3,500 appears and I would like if it could be brought in line with section 12; also in section 2 (35) and (38). It appears in the printed general election instructions book at page 234, in the third line thereof. That minimum of 3,500 has been raised to 5,000 by the committee and I suggest that 5,000 should be substituted for 3,500 in this subsection. At page 220, subsection 35, in the third line thereof, 3,500 appears and 5,000 should be substituted.

In subsection 38 of the same section, in the third line thereof, 5,000 should be substituted for the numerals 3,500.

Mr. STICK: And the same thing applies to sixteen.

The WITNESS: The same thing applies in subsection 16 of section 17. This is necessary to bring these subsections in line with what the committee approved in section 12.

Agreed.

Mr. FULFORD: Does that have to be moved?

Mr. VALOIS: I shall be happy to move that.

The CHAIRMAN: The next amendment is on page 3 of the sheets before you.

The WITNESS: At the third page of the special amendments I prepared for the committee I direct attention to paragraph (*a*), that will be substituted for the amendment suggested in my draft bill that appeared at page 14.

Paragraph (*a*) of subsection two of section twenty of the said Act is repealed and the following substituted therefor:

Ministers of the Crown, etc.

(*a*) a member of the King's Privy Council for Canada holding the recognized position of First Minister, any person holding the office of President of the King's Privy Council for Canada or of Solicitor-General, or any member of the King's Privy Council for Canada holding the office of a minister of the Crown;

Mr. CANNON: I would like to ask you one question on that. What became of the parliamentary secretary and the parliamentary under secretary that we had in 2 (*a*)?

The WITNESS: These expressions must have been cribbed from some British law because there are no parliamentary secretaries or under secretaries in this country, there are parliamentary assistants. This draft was prepared by the Department of Justice, and the parliamentary assistants do not come within this provision; their salary ceases on the dissolution of the House.

Mr. CANNON: O.K., thank you.

Agreed.

The CHAIRMAN: The next amendment is on the second page.

1. Subsection one of section twenty of the said Act is amended by adding paragraph (*g*) thereto.

Candidates at a provincial election.

(*g*) every person who at any time during an election is an officially nominated candidate for election as a member of a provincial legislature, and was so nominated with his consent.

2. Subsection three of section twenty of the said Act is repealed and the following substituted therefor:—

Effect of election of ineligible person.

(3) The election of any person who is found by a competent court to have been ineligible under this Act as a candidate at any time between the day of his official nomination and the day the return to the writ is made pursuant to section fifty-six, is void.

The WITNESS: In drafting this clause we use the expression "during an election" because it is defined in the interpretation section 2 of the Act, but this period may not be acceptable to the members, because during the election is a period from the dissolution of the House until a member is declared elected, or in the event of a vacancy, as from the date of the vacancy until such time as the member is declared elected in the electoral district where the vacancy occurred.

Mr. CANNON: On that point, if we had a vacancy I understand that the writ does not have to be issued until six months after the vacancy occurs?

The WITNESS: It depends. The writ is issued within six months after I receive the Speaker's warrant. There can be a vacancy but not an official vacancy for a period of three or four months. I receive the Speaker's warrant

and the six-month period begins then, and the Governor in Council can wait until the day before the expiration of the period and set an election for six months to two years.

Mr. CANNON: I submit that is too long a period; there is time to have a provincial election and a man might be a candidate and might be defeated and would not be eligible to run at a federal election. I think there should be a limit during which he has been an officially nominated candidate for an election in a provincial legislature. I suggest that the paragraph be changed by taking out the words in the first line, "at any time during an election" and add "during the time he was so nominated," so as to bring the drafting of that paragraph in line with the drafting of all the other sub-paragraphs of section 20.

The WITNESS: To indicate at the end of each one the time during which the disqualification lasts. At the end of paragraph (*a*) you have a period of seven years; in (*b*) it is a period of five years; in (*c*) it is during the time he is so holding, enjoying, undertaking or executing; in (*d*) it is during the time he is such member; in (*e*) it is during the time he is holding such office; and in (*f*) it is during the time he is so holding any such office. Those subparagraphs will be added—

Mr. CANNON: Mention at the end of paragraph, "during the time he was so nominated," and the qualification will be only that time he was nominated for election to a provincial legislature.

Mr. APPLEWHAITE: I am not objecting to that as an alternative. What would be the feasibility of saying: every person who at any time from the date of the issue of the writ to the date of nomination?

The WITNESS: Mr. Chairman, I prepared this amendment in consultation with the Department of Justice. I am responsible for the period of time. I have no fixed ideas, as to what period of time should be provided, but it was defined in the Act so it was a good period to take; but Mr. Cannon's suggestion is that if a candidate at a federal election after nomination day was nominated as a provincial candidate and then he withdrew his nomination papers before the election he may have been ineligible between nomination day and election day but not for the whole period. The officials I dealt with in Justice asked: must the candidate be ineligible during the whole period between nomination day and polling day, or ineligible at any one time between the dates provided in this draft, or can he rectify his ineligibility during that period of time, and that is the danger we foresaw. If Mr. Applewhaite's suggestion is adopted, between the date of the issue of the writ and nomination day, a returning officer would have authority to refuse a candidate nomination paper if he believed that a person who was an official candidate at a provincial election between the date of the issue of the writ and until nomination day, and should he become a candidate at a provincial election after nomination day, then it is a matter for the courts to decide.

Mr. BOISVERT: Why should it be a question for the courts to decide, Mr. Chairman. The law is clear. Under the House of Commons Act the election is null and void. I think if we introduce the court into the picture by our amendment we are going to interfere with what the law says, and it is clear a member of a provincial legislature cannot be elected, he cannot be nominated and if elected his election is null and void, and the Sepaker of the House of Commons is authorized by law to issue new writs for a new election in that constituency.

Mr. CANNON: We are not on that paragraph now.

Mr. BOISVERT: I am afraid that we might get into trouble by adopting this amendment.

The WITNESS: We are not dealing with the case of a member of the legislature, we are dealing with a candidate at a provincial election.

Mr. BOISVERT: Yes, but according to the House of Commons Act he cannot be nominated.

The WITNESS: I know of one case where it happened. In Ottawa, one person was at the same time, a candidate at the federal election and also a candidate at the provincial election. He did not get more than 350 votes at either election, but he was legally a candidate at both elections.

Mr. STICK: Why can't we make the law simple by saying that a candidate cannot be a candidate for a provincial and a federal election at the same time. That is what is means, does it not?

Mr. APPLEWHAITE: Has Mr. Boisvert got the House of Commons Act there?

Mr. BOISVERT: Yes.

Mr. APPLEWHAITE: Would you read the section?

Mr. BOISVERT:

> No person who, on the day of nomination at any election to the House of Commons, is a member of any legislative council or of any legislative assembly of any province now included, or which shall be hereafter included, within the Dominion of Canada, shall be eligible as a member of the House of Commons, or shall be capable of being nominated or voted for at such election, or of being elected to or of sitting or voting in the House of Commons.
>
> 2. If any one so declared ineligible is elected and returned as a member of the House of Commons, his election shall be null and void.

Now we want to cover another case, the case of a candidate who is a candidate in both elections, federal and provincial. He cannot be nominated because if he is nominated his election will be null and void.

Mr. CANNON: The Act does not apply to candidates. The section of the Act you have just read does not apply to candidates it only applies to members of a provincial legislature.

Mr. BOISVERT: But if he does become a member he is automatically deprived of his membership in the House of Commons in virtue of the law as it exists.

Mr. APPLEWHAITE: Yes, but is not the situation this that he may be nominated for both and run for both concurrently, and be defeated as a provincial candidate and elected to the dominion house. Then at the time of the dominion election, having been defeated in the province, he is eligible. The purpose of this is to make him ineligible as a candidate, having accepted a provincial nomination.

Mr. CANNON: That is what we are suggesting.

Mr. FULFORD: I think Mr. Stick's suggestion covers it admirably. You cannot be a candidate for both the provincial and federal elections at the same time.

Mr. CANNON: That is what this proposed amendment says. I will read it: "Subsection (1) of section 20 of the said Act is amended by adding paragraph (*g*) thereto:

> (*g*) every person who at any time during an election is an officially nominated candidate for election as a member of a provincial legislature, and was so nominated with his consent."

It comes exactly to your suggestion, if you read it in conjunction with the first part of the paragraph which says:

> 20 (1) The respective persons hereunder mentioned shall not for the time specified as to each such person be eligible as candidates at an election, namely:—

And then you go down to (*g*), which is to the effect that no one can be a candidate at a federal election if he is an officially nominated candidate at a provincial election.

Mr. BOISVERT: Section 3 covers the situation, too. I will read it:

> (3) If any member of the House of Commons is elected and returned to any legislative assembly, or is elected or appointed a member of any legislative council and accepts the seat, his election as a member of the House of Commons shall thereupon become null and void, his seat shall be vacated, and a new writ shall issue forthwith for a new election.

Mr. APPLEWHAITE: That is assuming he is successful in the provincial election. Both those sections assume that he has been elected in the province. We are assuming that he is only a candidate in this amendment.

Mr. WYLIE: We are assuming an awful lot here. I think I should move that we agree to this amendment.

The WITNESS: There may be one objection here, there is a too long period of time provided in this amendment. I think, to follow Mr. Applewhaite's suggestion, between the date of issue of the writ and polling day which would limit it to that 45 days in the case of a by-election and 60 days in the case of a general election, would be advisable, because there has never been a longer period than 60 days between the issue of a writ and polling day. To leave it as it is may disqualify some candidates for a long period of time.

Mr. APPLEWHAITE: Why not put these words in after "at any time".

Mr. CANNON: We have two suggestions now. My suggestion is that we replace the words "at any time during the election" by adding at the end of the paragraph "during the time he is so nominated", which would limit his disqualification to the time he is nominated as a provincial candidate, and we have Mr. Applewhaite's suggestion to replace "at any time during an election" with "any time after the date of the issue of the writ to polling day" which would make the disqualification last between 45 to a maximum of 60 days.

Mr. STICK: That covers the point. He cannot be a candidate at both elections.

The WITNESS: There may be one advantage with Mr. Applewhaite's suggestion, that before nomination day the returning officer could refuse to accept his papers until such time that that candidate adduces proof to him that he is not officially nominated as a candidate in a current provincial election.

Mr. CANNON: What makes you say that.

The WITNESS: Well, it is comman knowledge that the returning officer has the authority under the Act to refuse nomination papers if he believes you are, say, under 21, but once those papers are accepted and if he finds out later you are under 21 it is a matter for the court to decide as to your eligibility. Between the date of the issue of the writ and nomination day the returning officer would say to the candidate, I will refuse to accept your papers until such time as you prove to me you are officially nominated at the provincial election without your consent. A candidate can be nominated at any time two days after the proclamation until nomination day. You are officially nominated as a candidate when you deposit your nomination papers and $200 with the returning officer and he accepts your papers. You are then officially nominated. It could be 60 days or two weeks less than 60 days before polling day, which would be 48 days.

Mr. FULFORD: The delay in the Ontario provincial elections is, I think, 30 days.

The WITNESS: That is the advantage with Mr. Applewhaite's suggestion, because parliament gave the returning officer power to refuse to officially nominate a candidate if he believed such candidate was ineligible. I thought that it was the wish of the committee to have some means to be able to refuse the papers of a provincial candidate before nomination day, and that after nomination day it would be a matter for the court. That is what I gathered the committee wanted me to do and I drafted these amendments with this in mind.

Mr. STICK: I suggest he could not be a candidate at the same time in both elections.

Mr. CANNON: I have not made any formal motion.

Mr. APPLEWHAITE: I move that the following words be inserted after the expression "at any time" in the first line of the proposed subsection (*g*) so that it would then read in this way: every person who at any time between the date of the issue of the writ and polling day is an officially nominated candidate for election as a member of the provincial legislature and was so nominated with his consent.

The WITNESS: We should take the words "during an election" out because it is defined in the Act. I would suggest this that it should be "after the date of the issue of the writ" because if you say "between" there may be some doubt as on what date the period begins. Any time after the date of the issue of the writ, that ties it right down, and "polling day" ties it down.

The CHAIRMAN: Until polling day?

The WITNESS: Until after the day of the issue of the writ and until polling day.

Mr. STICK: That seems to cover it.

Mr. CANNON: You need not put in the words "during the election" there because those words are defined in the Act.

Mr. FULFORD: That would be redundant.

Mr. STICK: That is all right, that covers the point.

Mr. CANNON: There is one thing I have in mind; what are we going to do about defining the time because under that paragraph the time of the disqualification—under the second line of the section—should be specified. The first three lines would read: the respective persons hereunder mentioned shall not in the time specified.

The WITNESS: We are specifying it now.

Mr. CANNON: I am just asking whether you think it is sufficiently specified?

The WITNESS: Yes, because polling day is defined and I believe the issue of the writ is defined, as there can only be one date of issue of the writ.

Mr. BOISVERT: Supposing that when polling day is ten days after the issue of the writ . . .

The WITNESS: It cannot be.

Mr. BOISVERT: . . . and a candidate is defeated?

The WITNESS: It could not be ten days.

Mr. BOISVERT: No, no, but suppose. I will give you an example. Suppose that the writs are issued on the first of June. Polling day for the provincial election is the 10th of June, and the federal election is the 2nd of July, and the candidate at the provincial election is defeated, could he be a candidate at the federal election?

The WITNESS: I think that the shortest period of time is thirty days.

Mr. BOISVERT: I think that we are going to prevent a man who is entitled to be a candidate at the election from running in the federal election.

The WITNESS: I think the shortest period of time that any provincial government can run an election in is 30 days.

Mr. BOISVERT: That could be changed by an act of the legislature at any time.

The WITNESS: It is physically impossible to hold an election under any provincial electoral law within at least 30 days.

Mr. NOWLAN: It was done the other day, Mr. Chairman, wasn't it, in less than 30 days? In P.E.I.

The WITNESS: I do not think so.

Mr. FULFORD: How would that affect the Dominion Act? It could not, because it is specifically understood here it must be 60 days for the federal, but whether it is 45, 30 or any other number days in the provincial it is not going to affect our 60 days.

Mr. CANNON: Mr. Chairman, to bring the drafting of this special paragraph in line with the other special paragraph I think we should add that after the words "so nominated with his consent" the words "during the time between such dates," that is the date of the issue of the writ and polling day. This conforms with the rest of the sub-paragraphs.

The WITNESS: You mean during the period of time.

Mr. CANNON: During the period of time.

The WITNESS: Did you wish to spell it out "during the period of time after the issue of the writ and until polling day," Mr. Cannon?

Mr. CANNON: I don't think it is necessary, "during the period between such days" covers it. There are only two days.

The WITNESS: "During the period of time between such days."

Mr. CANNON: Yes, and then you make it in conformity with all the other sub-paragraphs.

Mr. CHAIRMAN: There is another point I would like to have clarified. I would like to know the reason why you have the expression "and was so nominated with his consent". That implicitly assumes that he might have become a candidate without his consent.

The WITNESS: It could happen.

Mr. APPLEWHAITE: In British Columbia it can be done.

The CHAIRMAN: I would prefer to see that expression removed from the amendment because if later he comes and says: I was a candidate but I did not consent, I was overseas, I was somewhere else; he may not come under it.

Mr. BOISVERT: His nomination will show it.

The WITNESS: You may be a candidate at a federal election and somebody might file nomination papers at a provincial election for you without you knowing it, and if this provision is approved you would not then be disqualified at a federal election. If a person is absent from the electoral district, most provinces have a procedure whereby his nomination papers may be filed with the returning officer. Now it could happen that somebody, in order to disqualify a candidate, might file provincial nomination papers for a federal candidate and he would then become disqualified as a federal candidate, but it is easy to establish from the provincial returning officer whether it was done with his consent.

The CHAIRMAN: If he did not consent to his nomination then he cannot be a candidate in both places.

The WITNESS: He can under the present section.

Mr. APPLEWHAITE: I think that is essential to protect any of us.

Mr. FULFORD: Suppose I was a disgruntled liberal and I wanted to disqualify Mr. Applewhaite as a federal candidate, I would go and nominate him for a provincial election.

Mr. BALCER: What is the need for such an amendment when the House of Commons Act prohibits anybody from being a member of the provincial legislature. There is no real basis for preventing a man from being a candidate in both places.

The CHAIRMAN: It is to add something to the Election Act. The House of Commons Act deals with members of a provincial legislature and we are trying to add a section here dealing with candidates.

Mr. BALCER: What is wrong with being a candidate at both elections?

Mr. NOWLAN: It is up to the people. They probably might not elect him to either seat. I do not see why we should interfere with him. We may, as Mr. Cannon says, remove one injustice and create another. I think he will be defeated in both places, so why should we prevent him from being a candidate in both a provincial and in a federal election?

The CHAIRMAN: Maybe we don't need that amendment at all.

Mr. BOISVERT: That is what I think.

The CHAIRMAN: We will cancel it out then.

Mr. NOWLAN: I agree with Mr. Cannon, but I am open to conviction.

The CHAIRMAN: Hardly anyone will run for two elections. I think perhaps we should cancel that proposed amendment, cancel the whole amendment. He cannot be a member and run for both houses anyway.

Mr. APPLEWHAITE: May we ask the chief electoral officer if he foresees difficulties if the provision is not there?

The WITNESS: We have had no difficulties in the past. There was to my knowledge, only one occasion when that occurred and that was at the 1945 election. In Ottawa a person was a candidate at both elections, but the situation did not present any difficulty because he was defeated at both elections.

Mr. STICK: What happens if he is elected for both? He cannot sit in the House at all.

Mr. BOISVERT: He is debarred from the House of Commons.

Mr. CANNON: I do not think he should be a candidate for both houses at the same time. I know that we have had it in the past, but we should not have it now.

Mr. STICK: If he is elected to the provincial house he is automatically debarred from being a member of the House of Commons.

Mr. APPLEWHAITE: What would the chief electoral officer do under existing circumstances in a case where he has accepted nomination papers, and the nominated person is elected to the provincial legislature? The federal election is also conducted and he receives a majority of votes for the House of Commons. Does he declare him elected or has he the power under the Act to declare the man ineligible and declare the election null and void or does he have to have the court to settle the matter.

Mr. CANNON: I think you will avoid a lot of trouble by preventing him from being a candidate in both places.

The WITNESS: The procedure would be to declare him elected and then it would be a matter for the court or the House of Commons to decide.

Mr. APPLEWHAITE: Even though he was ineligible you would have to go through the procedure of declaring him elected and then it is out of our hands.

Mr. STICK: I think it boils down to where I was sometime ago that we should bar a man from being a candidate in both elections.

Mr. CANNON: That is what we are suggesting.

Mr. BALCER: Then somebody might file a nomination without the consent of the candidate and he will be disqualified.

Mr. CANNON: That is provided for in the Act.

Mr. VALOIS: That is, provided that it is done with his consent.

Mr. STICK: It is a ticklish point.

Mr. BALCER: Even if without his consent he is nominated his nomination will be legal just the same.

The CHAIRMAN: Louder please, gentlemen, and order please.

Mr. BALCER: As the chairman said a minute ago, if somebody files nomination papers for him without his consent, under this proposed amendment he could be a candidate at both places.

Mr. WYLIE: It is necessary for the candidate to sign his nomination papers, so it will be with his consent.

The WITNESS: Not if he is absent from the electoral district.

Mr. WYLIE: I think you will find very few that will nominate anybody and put up the $200, all without the candidate's consent.

Mr. APPLEWHAITE: I will not agree with that, because during the war any number of men were nominated while they were still on active service, and the sponsoring party or nominator made some sort of a statutory declaration that the man was out of the province and out of the district. At least one of the candidates who ran in my first election was nominated before he got back from Europe.

Mr. STICK: Would the returning officer not make sure in a case like that, when papers are filed for an absent candidate that it was with his consent?

The WITNESS: He could not do any more than what the Act prescribes. It allows a candidate to have his nomination papers filed when he is absent from the district and his consent is not necessary. I think your idea is, could it be established that the nomination paper was filed with his consent?

Mr. STICK: Suppose I am a returning officer and you file papers say for Mr. Applewhaite. Is it not up to me, as he is not present but is absent from the riding, as a returning officer to see that provision of the Act is carried out, that we have the consent of the candidate before he accepts the nomination papers?

The WITNESS: Not necessarily. The procedure provided in our Act states that the papers can be filed by another person for him and the consent of the candidate is not on the nomination paper, provided the candidate for whom the papers are being filed is absent from the electoral district.

Mr. STICK: How does the returning officer know it is with his consent?

The WITNESS: He does not. But the procedure is provided for in the Act.

Mr. APPLEWHAITE: He either signs his consent to the nomination, or the nominator signs a certificate he is out of the district.

Mr. STICK: If he signs it without his consent is there a penalty?

Mr. VALOIS: If he has not consented then that is without his consent and it does not disqualify the candidate. That is pretty fair.

Mr. NOWLAN: Mr. Chairman, I wonder what the chief electoral officer's ruling would be in a case like this: if we adopt this amendment preventing the nomination, under the circumstances we discussed the day before yesterday suppose we just delay the declaration until some long period after election day, in other words, the declaration is not made for some weeks. Is that man still a candidate in the interval and therefore disqualified. We know he lost the election be we won't know it officially until we get the declaration here in Ottawa, and we might prevent a man from being nominated for a long while.

Mr. APPLEWHAITE: The amendment says between the date of the issuance of the writ and election day.

Mr. NOWLAN: You have a week afterwards during which time the returning officer sends in the certificate and the result of the polling, and later on the electoral officer declares somebody elected. I thing that until that certificate is made the candidate is still a candidate.

Mr. APPLEWHAITE: My answer to that would be that he cannot become a candidate for a dominion election after polling day. Nominations are closed and therefore the situation would not arise.

Mr. BALCER: Mr. Chairman, is there anything immoral for a man to run in both places? I mean we allow mayors of municipalities to be candidates, such as the mayor of a city, and it seems to me a candidate for a federal election should not be debarred from being a candidate at a provincial election. Of course there is the House of Commons Act which prevents him sitting in both legislatures, but apart from that there is nothing wrong with the man being a candidate in both places.

The CHAIRMAN: Personally I do not see the necessity for this amendment.

Mr. VALOIS: Why have a candidate running for both seats at once when he is only eligible for one seat?

Mr. BALCER: He is taking a chance on both.

Mr. VALOIS: It does not seem logical to let a fellow go before the electors and if he is elected he is not qualified to take his seat. What is the use of that.

Mr. CAMERON: I think you are establishing a new class of ineligibility. The Act says a member of a provincial legislature, and this amendment says one who is a candidate for a provincial legislature. It seems to me that the provincial election might take place after, and he won the provincial election and loses the federal, or he may win the federal and lose the provincial and after winning the federal seat he will not be allowed to take it because he was a candidate in the provincial election.

Mr. NOWLAN: Most of our elections are being timed so that the dominion and provincial elections come close together and if we do something here today that looks reasonable we might be debarring someone who has a perfect right to run in one of these elections. The people are not going to vote for a person in that position, the public will not elect him, and we might create a real injustice by trying to legislate against every contingency that might arise.

Mr. APPLEWHAITE: In former days, not so long ago, they did elect to both houses.

Mr. NOWLAN: But that is not in effect today.

Mr. CANNON: In the past you could run in two federal districts. I think at one election Sir Robert Borden ran both in Ottawa and in Halifax.

The CHAIRMAN: Maybe we can have that stand today and we will come back to it at another meeting.

Agreed.

The CHAIRMAN: The next item.

The WITNESS: The next amendment is on the same page and reads as follows. "Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor: (3) the election of any person who is found by a competent court to have been ineligible under this Act as a candidate at any time between the day of his official nomination and the day the return to the writ is made pursuant to section 56, is void". This section was also drafted with the assistance of an official of the Department of Justice.

The CHAIRMAN: The period of time proposed here seems to me to be shorter than in the other paragraph where it is after the issue of the writ until polling

day and here it is between the day of his official nomination and the day of the return of the writ.

The WITNESS: Official nomination is defined in the Act and until a candidate has filed his official nomination papers he is not subject to the provisions of this section. Official nomination is defined as follows. It is paragraph 23 of section 2—official nomination or officially nominated means the filing of a nomination paper and deposit by a candidate with the returning officer at any time between the date of the proclamation, in form number 4, and the hour fixed for the close of nominations on nomination day.

Mr. VALOIS: Nomination does not mean anything.

Mr. BOISVERT: Mr. Chairman, would it not be sufficient to say the election of any person who is ineligible under this Act shall be null and void.

The WITNESS: Well that is the difficulty we had. This whole problem has been raised on the last part of this subsection. I do not think any returning officer would like to exercise this authority and it appears to me that it should be exercised by a competent court only. Most returning officers are responsible and sensible people but there are 260 of them and like any other group of people there are some who interpret anything to suit the occasion, and they are the ones who may cause us trouble if they attempt to exercise their authority. I would like to see it clearly stated that a competent court will be the one to decide this question. At the present time instructions are given to returning officers not to throw any nomination papers out until they consult the chief electoral officer, but that should they act without consulting me it may result into an embarrassing situation.

Mr. BOISVERT: Suppose a member of the legislature is ineligible, but nevertheless he is elected at the federal election. He is debarred by the House of Commons Act. But some of the electors decide to contest the election, and the contestation proceeds. Would it be possible for him to sit in the House of Commons until there is a court judgment declaring that he was ineligible? If we open the door for a member of the legislature to be elected as a member of the House of Commons, he might sit in the House of Commons until he secures a judgment from the court, and if a court judgment is given against him after four years he will sit in the interval in the House of Commons against the provisions of the House of Commons Act. The present House of Commons Act says that if a member of a provincial legislature is elected he is not permitted to sit in the House of Commons and a new writ will be issued by the Speaker. If we open the door for contestation of a case where a member of the legislature has been elected I do not know where we will arrive at.

The WITNESS: Will the House of Commons Act not prevent him from sitting in the House if he is a member of a provincial legislature? The House of Commons Act will prevent him from taking his seat in the House.

Mr. BOISVERT: Yes, but if there is a contestation before the court based on the amendment we are proposing now, the Speaker cannot declare that he is not a member of the House of Commons as long as there is no judgment declaring that his election is null and void.

Mr. APPLEWHAITE: I think that always has been the case where there have been certain irregularities and papers have been filed controverting the election. There are cases where members have sat here for three years because proceedings were not completed in the court.

Mr. CANNON: We have one in the House right now.

Mr. BOISVERT: I quite agree with Mr. Castonguay that we should not allow a returning officer to become a judge but on the other hand we have to think seriously about the amendment we are proposing now which might open the doors for some trouble.

Mr. APPLEWHAITE: We might remember that this is replacing the section which said that if an ineligible candidate got the largest number of votes and was then found ineligible the returning officer for his district would then declare elected the second highest man on the list.

Mr. CANNON: Only if he is a member of a provincial legislature, not in the other cases of ineligibility.

The CHAIRMAN: Maybe we can have that duty transferred from the hands of the returning officers to the hands of the chief electoral officer.

The WITNESS: I would not like it any more than the returning officers.

Mr. CANNON: Mr. Chairman, I would suggest a compromise. If I understand the chief electoral officer correctly he objects to the second part of the paragraph which gives the returning officer the right of declaring the person having the second largest number of votes elected. Let us take that out. I agree that we can take that out without amending the first part of the paragraph and without declaring that the election has to be declared void by a competent court because then, as Mr. Boisvert says, you bring it to litigation which may drag on for three or four years which means that anybody even if he is not eligible can continue to sit until the contestation has been dragged through all the courts in the country. I think if we leave it at this, that the election of any person . . . . shall be void, and put a period after void that would probably enable the Speaker of the House of Commons to prevent him from taking his seat without the whole thing going through a law court—if the Act just says it is void.

The CHAIRMAN: And we will strike out the words "by a competent court".

The WITNESS: I think in most cases you have your Controverted Elections Act, but somebody has to declare it void, and the only machinery now for declaring an election void is the Controverted Elections Act.

The CHAIRMAN: The point raised by Mr. Boisvert is most logical. As it is today he has no right to sit, and the way we are organizing the election we give him the right to sit until a competent court has decided upon the nullity of the election. We open the door when we permit a member of the legislative assembly to become a member of parliament and sit in both houses until a competent court after years of trial decides upon the election.

Mr. BOISVERT: There is no doubt that the election will be contested and the contestation may last two, three or four years and in the interval he will be sitting in both houses.

Mr. BALCER: Cannot the Speaker of the House of Commons prevent anyone from sitting in the House of Commons?

The CHAIRMAN: When it is sub judice the Speaker will wait for the decision of the court. Somebody might run as a federal candidate who is actually a member of the legislative assembly and have one of his friends contest his election. That will permit him to sit in both houses for four years.

Mr. BOISVERT: Suppose any one of us runs as a federal candidate and a member of the provincial legislature runs against us and he is elected and we come second. He knew he had no right to run. As a member of a provincial legislature he knew he could not sit in Parliament. Why not award the seat to the one who, after all, had completed his election and who received enough votes to be awarded the election.

Mr. APPLEWHAITE: I will tell you why I would not do that. If I run against the C.C.F. and the C.C.F. beats me and on a technicality the election is held to be null and void I would get the seat despite the fact that the majority of the electors had voted against electing a Liberal.

Mr. BOISVERT: We are not giving the power to the returning officer in that case.

The CHAIRMAN: Gentlemen, you have to address the chair, please.

Mr. BALCER: Mr. Chairman, could we not have an amendment to say: The returning officer, upon receiving notice from the Speaker of a legislature advising him that this man is a member of the legislature. That would close the door. If the returning officer is told after asking the Speaker of the legislative body if this man is a member of his legislature and if the Speaker says, yes, well then the returning officer will immediately disqualify him. There must be one way for a returning officer to refuse the nomination papers of a member of a legislative body.

The CHAIRMAN: Why should we amend the law in such a way as to prevent that man being nominated at a federal election when we know that he will not be able to sit here? The speaker will prevent him from entering the House so nobody will be fool enough to run for a federal seat if he is already a member of a legislature.

Mr. APPLEWHAITE: Which amendment are we discussing now, number 2?

The CHAIRMAN: Number 2.

Mr. APPLEWHAITE: May we have the reaction of the chief electoral officer that the present subsection 3 of section 20 be left as it is, merely stopping at the word void in the second line.

Mr. CANNON: On that I might say there you take care of cases of ineligibility, and in the case of a man who is already a member of a provincial legislature he is taken care of by the House of Commons Act, so his case is settled.

The WITNESS: I will consult the Department of Justice again and ask them if what you suggest would achieve that purpose, and report at the next meeting.

The CHAIRMAN: We will let the matter stand then.

Mr. NOWLAN: I think you will find you will still have to have a declaration from the court that the election is void.

The CHAIRMAN: We have some business left over from the meeting of May 29.

Mr. BOISVERT: May I ask a question of Mr. Castonguay about that section we were discussing. I would like to ask him a question regarding section 20, paragraph (*c*) of subsection 2, page 251 which reads "A shareholder in any incorporated company having a contract or agreement with the government of Canada, except any company which undertakes the contract for the building of any public works".

Does that mean that a shareholder of a company like the Foundation Company is ineligible as a candidate?

The CHAIRMAN: That goes quite far.

The WITNESS: I am afraid I cannot answer your question but I will consult the Department of Justice and endeavour to obtain an answer to your question.

Mr. BOISVERT: Some little time ago I was discussing that subject with an expert in electoral matters and he told me that it might be possible, according to this section, that a shareholder of a company such as the Foundation Company or Dominion Bridge, companies who undertake large public works, may be disqualified.

The WITNESS: There was one case I know of where a candidate who before becoming a candidate was a member of a company that was renting space to the government, and I believe he had to sever his affiliations with this company before being a candidate. I do not know whether that answers your question.

Is it the intention of the committee to provide that shareholders in any incorporated company that has contracts with the government will be eligible as candidates at a federal election.

Mr. BOISVERT: Suppose I become a shareholder of Foundation Company tomorrow by buying a share of Foundation Company on the stock market, I may be disqualified.

Mr. FULFORD: Even International Nickel Company has large contracts with the government.

Mr. BOISVERT: A lot of companies today are undertaking public works. As a matter of fact everything today is public works in the country, and if the shareholders of Foundation Company are not eligible as a member of the House of Commons, I think we are going too far.

The WITNESS: I have a ruling in my office on a similar matter, which I am sending for now, and a ruling from the Department of Justice, which will be here in a few minutes.

Mr. BOISVERT: That is a point I would like to have clarified.

Mr. STICK: Where are we now, Mr. Chairman.

The CHAIRMAN: The other day Mr. Viau moved an amendment to section 16, page 228. It is an addition to the section.

The WITNESS: It pertains to the provision for a voting procedure for bedridden patients. I have copies here but I forgot to bring it to the attention of the committee at the last meeting, the second amendment on this page, which reads as follows:

> Section 16
>
> (10) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, on the date of the issue of the writ of election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least . . . days immediately preceding the date of the issue of such writ.

Now if you will turn to page 230 in this general election instruction book and refer to subsection nine of section 16 you will find that persons residing in lodgings, hostels, refuges, etc., are required to have only ten days of residence prior to the date of the issue of the writ in such institutions. The reason why I suggest the adoption of this new subsection is because both my predecessors in interpreting the rules of residence in connection with a sanitorium they required before polling day a period of six months residence in a sanitorium before being entitled to vote. Now I believe, far be it from me to disagree with them, that as a precedent has been established in this connection and as in the case of residents in hostels, refuges, etc., a period of ten days is sufficient, and as the average stay of patients is 308 days in a sanitorium, it may cause some hardships. I am asking the committee for direction in this matter. My predecessors required six months residence before polling day. I thing that a period of 10 days prior to date of issue of the writ would bring residence qualifications more in line with the subsection 9 I just referred to.

Mr. APPLEWHAITE: It will bring them both into line with each other and there will be less room for misunderstanding. I move that the figure 10 be inserted.

Mr. FULFORD: I will second that.

Agreed.

The WITNESS: The next amendment for your consideration is on page 23 of the draft of amendments. In section 95 of the Act, printed at page 305, the

privilege of voting at advance polls is extended to a certain class of persons such as commercial travellers, fishermen and sailors, members of the R.C.M.P. and transportation employees. It is extended to these persons providing they live in a place where an advanced poll is authorized and their names appear on the list of electors prepared for such place. For instance, in the case of the electoral district of Trinity-Conception, an advance poll is authorized say for the town of Carbonear. Therefore in the electoral district of Trinity-Conception only those people who are described in this section 95, who live in the town of Carbonear and whose names appear on the list of electors prepared for Carbonear, are entitled to vote at the advance poll at Carbonear under the present provisions of the Act. This amendment I am suggesting is only to provide clarification and involves no change in substance . We have difficulty with these sections at the time of a general election because people just read sections 95 and 96 and say that anybody in the district can vote at an advance poll. Present section 96 reads as follows:

"An elector who is by this section authorized to vote at an advanced poll may vote at any advanced poll established within the electoral district in which he is qualified to vote. No deputy returning officer shall permit any person to vote at an advance poll upon any certificate in form 62 issued by the returning officer or any other election officer of another electoral district."

Now there is another section, section 94 subsection (1), which reads: "Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in schedule 2 of this Act for the purpose of taking the votes of such persons as are described in the next following section of this Act and whose names appear on the list of electors for one of the polling divisions included in such place or any other place mentioned in the said schedule 2 and situated in the same electoral district."

Schedule 2 is printed on page 351. The difficulties we experience are caused by persons who read sections 95 and 96 and who do not read section 94, and a great many long distance telephone calls are made by these persons at their expense to clarify the interpretation of these sections. Under the present provisions of the Act the only people who can vote at an advance poll at Carbonear are the persons defined in section 95 and who reside at Carbonear, it does not apply to others who live outside the town limits of Carbonear. If the Act is to remain as it is, I would suggest that the words underlined be inserted and they will provide the necessary clarification. It does not change any principle because the principle is the same as is established in section 94.

Mr. STICK: I will just tell you what happened in the last election in my constituency of Trinity-Conception. The difference between the vote in the provincial election, which took place just a month prior to the federal election and the votes cast in the federal election was something like 7,000 votes. Now those people were fishermen who had left home between the time of the provincial election and the federal election. In other words, the provincial election was on the 27th of May and the federal election was on the 29th of June. This number of people had left my district and gone out fishing and lumbering in Labrador. They did not vote at all. I do not say it was the whole 7,000 but a large proportion of them. The reason I am bringing it up is that I know a very large proportion would have voted Liberal, but that does not make any difference; but by not having a proper advance poll it prevented those people from casting their vote. I do not know how you can overcome it. I sent you a memorandum on the subject last year. If you put one advance poll in Carbonear and one in Clarenvelle, there are 100 miles between these two places. I am not allowed to drive anybody to a poll to vote. If in between these two places someone is living who is going fishing before election day he is certainly not going to hire a car to go to either of these two places to vote for me, travelling 50 miles each

way to do it. How you can overcome that I do not know. You have that situation in Newfoundland and I suppose in other districts. People are sometimes away for five or six months of the year and your advance poll is only set up for ten days. Men came to me and asked: can I vote in the advanced poll and I said no; but in the provincial poll they could vote at any time. There was an advance poll set up in the town in which they resided. I think there are 160 polling booths there. That means opening a polling booth for each one, but if you could space them at a reasonable distance, within eight or ten miles, the people probably would go. The situation is probably peculiar to Newfoundland only. I do not know how you can overcome it. I have no suggestion to make. It is a big problem but the idea is to get as many people out to vote as is possible, but I wish to say that there was that difference, a difference of over 7,000 votes cast as between the two elections, and that in a month. That was the reason. Probably you had better leave it as it is.

The WITNESS: I may save the time of the committee if I may describe the mechanical difficulty in extending the privilege of voting at advance polls. The first difficulty that presents itself as far as extending the privilege to all persons in an electoral district under our system is this: in an urban electoral district, one advance polling station is now authorized, and this advance poll is sufficient to take the votes of the classes of persons now authorized to vote pursuant to section 95 because they are limited in numbers. If this was extended to all electors in an electoral district, first, there is the basic principle in the Act that a polling station should not contain more than 350 electors and if there are more than 350 electors the poll has to be split in two. Assuming that 5 per cent of the people will vote at an advanced poll in an urban electoral district of 40,000 electors that would be 2,000 electors who through Thursday, Friday and Saturday may come at any time to vote. One poll would not then be enough. As chief electoral officer, I say that if the privilege was extended to all electors I would have to provide for what I thought was the maximum vote to be expected at the advance poll. It may mean roughly 25 more polls in an urban district of 40,000 electors. That means in effect that in that district as all others, there is going to be four days of general election. To the candidate it means he has or may have to have an agent in each poll for four days. Then we come to the rural aspect of the question. In rural electoral districts you may have—I have a map here which may help to explain this point. This is a map of Lethbridge. Now there is an advance poll authorized for the city of Lethbridge. If we extend this privilege to every elector in the district we also have to extend the facilities for voting. So here is a place called Coaldale, and here is another place called Picturebutte. One poll would do in each one of those places. I have studied this question thoroughly, and I feel that we may need one-third as many advance polls as there are ordinary polls. In connection with the expense of the increased number of advance polls, an advance poll costs approximately $70 per poll. Another difficulty is, every time you give somebody a certificate you must have a duplicate of that certificate forwarded to the poll where the person to whom such certificate is issued would normally vote. There may be a lot of these certificates circulating around, having been issued to people who say they want to vote at an advance poll. Now the advance poll certificates are issued only by the returning officer, the election clerk, or a specially deputized person so the problem resolves itself into this, if you extend the privileges you have to provide the facilities and if you provide the facilities you are going to have more polling stations and it will increase the expenses both to the country and to the candidate in most electoral districts. I am told candidates have representatives in each polling station. Now the mechanical difficulty of getting duplicate certificates to the polls concerned presents itself. The other suggestion I have heard is that we should have a longer period for advance polls, say ten

days, but if you do that you would have to advance nomination day. We now have 14 days. If you advance it you are going to add another 14 days to the present period which will make a period of 28 days. In urban electoral districts it is not, I am informed, desirable to have candidates in the field 24 days before polling day. In rural districts they have to be in the field 28 days before polling day because they need that time to get around the district. Committees in the past have studied this question of advance polls, they have spent days trying to find means under our present system to extend the privileges of voting and the polling period. I think it can be done but we would have to adopt a new method of preparing the lists.

Mr. STICK: Before Newfoundland came into the union there was an important election and we wanted everybody to vote at it. It was an 80 per cent or a 90 per cent vote. There were certain advance polls set up thirty days before nomination day. They were spaced in the different parts of Newfoundland and of course we had the privilege of driving the electors there. I think there were nearly 1,000 men in the banking fleet. They would come into port, they would happen to put in there for supplies, and then we went down and got those fellows and got them to the polls but, of course, there had to be somebody there to swear that they were bona fide electors.

The WITNESS: The referendum in Newfoundland did not deal with candidates, so it did not make any difference where the electors voted, but when you are dealing with candidates voters must vote in the place where they are resident.

Mr. STICK: You have your list, your list will be printed, and a candidate goes down and he has his list there and if he gets somebody to sponsor him, what is wrong about that?

The WITNESS: It could not be applied for elections of candidates.

Mr. STICK: Well it is something to be considered. I am not bringing it up in the committee because we will be arguing it until doomsday.

The WITNESS: I have given a great deal of thought to this question and have tried to find a solution but I have found that the only way, if it is desirable to provide the facilities to anybody who is absent from his electoral district, is by adopting a permanent list such as they have in British Columbia and in Australia. With a permanent list a postal ballot or an absentee vote can be provided. If you are absent from your electoral district, if you are in St. John's east, you can walk in to any poll in Carbonear and obtain a postal ballot. They have a list of the candidates in the province. Now, you vote on the postal ballot for, say Mr. Stick. On the outside of the envelope you sign your name and leave it with the deputy returning officer. The returning officer puts it in a ballot box and on election day he takes the postal ballots out of the box and mails them to the returning officers concerned. When a returning officer receives a postal ballot he compares the signature of the elector on the envelope to that of the elector on the registration card, first to find out if it was Mr. Brown who voted, secondly he looks at the poll book to see if he has voted at the ordinary poll, and thirdly he then accepts the postal vote. To provide similar facilities for advance voting on that scale means the adoption of a permanent list. I think if it is adopted to our system, you are going to remove all the safeguards we now have.

Mr. STICK: I can see that.

The WITNESS: In the case of the referendum which you mentioned, unusual facilities were provided to take the votes of fishermen on the Labrador coast. Between July 2 and July 20, 1948, a motor vessel was sent to the Labrador coast to take the votes of the floaters. The number of fishermen ran up to as high as 6,000. This motor vessel went up and down that coast, into the bays, visited the

fishing schooners and spent three weeks in that area. I was informed by Commission government officials that the total number of votes cast on the motor vessel in those three weeks from 4,000 to 6,000 electors was 287 votes.

Mr. STICK: Do you know why?

The WITNESS: The reason I was informed, was because when the motor vessel came alongside a schooner the captain would not call in the dories if it was a good fishing day, but he said he would meet the motor vessel that night in a bay. The motor vessel would proceed to the bay and wait but the schooner would not show up. These were facilities provided for voting that I have never heard of before and yet only 287 votes were cast out of a potential 4,000 or 6,000.

There was another factor to be considered. The shore fishermen were permitted to vote at any polling station on the Labrador coast and they were, I was informed, about 2,000 in number. However, only 287 votes were cast on this motor vessel despite the fact that unusual facilities were provided to take the votes of the Labrador fishermen. Taking the vote for a plebiscite is an easier matter than taking the votes for candidates, because it does not matter so much where the vote is cast.

Mr. STICK: As long as he does not vote four or five times.

The WITNESS: The difficulty with elections for candidates is to apply the vote of the elector to the district where it should apply. I have studied this question from the angle of permanent lists. I will point out that in the United Kingdom they start preparing the list, let us say, on April 1, and they proceed through the various processes of enumeration, revision, printing and so on, up to October 1. On October 1 that list then becomes effective for all elections from October 1 to April 1. That is why they can hold an election in two or three weeks. And from April 1 they repeat this process all over again, compiling the list which will be effective for all elections held after the 1st of April.

Mr. STICK: They do it yearly, twice yearly?

The WITNESS: Yes. It is a continuing process. Our national registration showed that out of nine million registrants there were changes recorded yearly amounting to one million through persons moving, changes of address, marriages, deaths and persons reaching the age of 16. If we had a permanent list here in Canada for nine million electors I would need a staff here in Ottawa of nearly 300 persons, that is what the registration people had. I would need registrars across the country who would have to be appointed permanently. In Australia they have compulsory registration but they have to have a door-to-door revision twice a year for their lists. Now, our enumeration at the last general election, which would be the same such revision costs $1½ million just for fees for enumerators. It would be $1½ million twice a year—$3 million a year for four years—$12 million, to prepare the list; another $3 million for taking the vote—and that is $15 million.

Then, I do not know whether there are going to be more people registered at the time of a general election than there would be under our present system. We have made an attempt to adopt a permanent list in Canada—in 1934 Parliament provided for a permanent list. The Franchise Office spent $1¼ million for a general enumeration. Then, in June of 1935, this office spent $½ million to have a revision and the election was held in October. After that general election every member from every party came back to Ottawa and said: Please scrap the permanent list and return to the former method of preparing lists.

The reason it failed is it provided for: only one annual revision; the onus of recording changes was left to the elector and there was a closed list in the rural areas. I think you will agree that the interest of the electors in elections is only at its height about three weeks before polling day. I will point out one

illustration. Colonel Minns the assistant franchise commissioner lived at the Laurentian Club. You also know where the shoe-shine parlour on Elgin street is located—well, the registrar's office was above this parlour. During the revision of 1935 he had told a few of his friends who were living at the same place that their names were not on the list. He told them every day for thirty days and those people walked by the office four or five times a day. Came October and the general election and they were indignant because they could not vote—but for thirty days he had told them that their names were not on the list.

Now that is an example of what generally happened throughout Canada with the permanent list adopted in 1935.

I have given a great deal of thought to this matter of advance polls and I would not recommend any change to the provisions of the Act dealing with advance polls because you may remove all the necessary safeguards.

Mr. STICK: Well, we will leave it alone.

Mr. NOWLAN: I have one comment that I wish to make here. I agree with everything the Chief Electoral Officer has said but I would like to suggest that it would be possible to extend this within the ambit that he has discussed—namely limiting it to railway men, fishermen, and commercial travellers by permitting the filing of a certificate at the advance poll—a certificate issued by the returning officer. At the moment, in King's County, you are limited to the town of Kentville. In the first by-election in 1948 every sailor, every railroading man, and every commercial traveller who wanted to vote at the advance poll went to the returning officer in error and got a certificate. They then went to Kentville and voted. There were about 100 or 150 who did that.

In the next election the Chief Electoral Officer issued instructions that that could not be done outside of Kentville. Now, you have a railway man living in the northwest end of Kentville who votes at the advance poll, but his next door neighbour who lives on the other side of the fence cannot vote because he is living outside of the town of Kentville.

My suggestion is that you could amend the Act to permit voters whose names appeared on the list and who are described in those classifications named in the Act—

The WITNESS: Any one in the electoral district.

Mr. NOWLAN: Yes, whose description was that of railway man, commercial traveller, sailor, or fisherman. He would get a certificate from the returning officer and go to one of perhaps two advance polls, register there, and vote. It was done, and it worked perfectly satisfactorily—much more satisfactorily than it did later on.

Mr. FULFORD: I agree with you entirely.

Mr. STICK: Could you extend that classification to include lumbermen, for instance?

The WITNESS: It is a matter for the committee to decide.

Mr. STICK: They are not stationary around where we are.

The WITNESS: I would like to clarify my previous statement. I stand second to none in trying to provide facilities to vote but I think under the present system we would be dangerously weakening our system if we extended it to everybody.

Some Hon. MEMBERS: Hear, hear.

The WITNESS: If it is the committee's desire to extend it to everybody then we would have to adopt another system. Then, I doubt if we will have achieved any additional advantages by adopting permanent lists? I think that as many electors will find themselves deprived of the right of voting because their names do not appear on a list.

Mr. STICK: Speaking for Newfoundland, a place I know, the lumbermen move around just as much as the fishermen—more so today because there are more lumbermen than fishermen.

The WITNESS: May I interrupt you, sir, to read the correspondence referred to previouly on the question raised by Mr. Boisvert relating to section 20 (2) (*c*). The following telegram reads as follows:

> IS A CANDIDATE DISQUALIFIED ON ACCOUNT OF THE FACT THAT HE IS A SHAREHOLDER IN A LIMITED COMPANY WHO HAS LEASED OFFICE SPACE TO THE DOMINION GOVERNMENT STOP MATTER URGENT AWAITING REPLY

I referred this telegram to the Department of Justice and in reply I received the following memorandum:

> Memorandum:
>
> The position taken by this Department is that we have no responsibility to advise candidates or members of Parliament as to whether they are disqualified under the provisions of the Elections Act or the Independence of Parliament Act. I may say, however, that the position has been taken here on more than one occasion that a person does not necessarily bring himself within the exception of shareholders by incorporating himself and placing the company in the position that he otherwise would have been in.

That was an opinion of Justice.

Mr. CANNON: That is a particular case. He is a man who would have a contract and would incorporate himself to protect the contract.

Mr. BOISVERT: There would be a distinction between a private company and a public company.

Mr. FULFORD: May I just continue the argument started by Mr. Nowlan regarding the voting by sailors at advance polls. I might say that I am heartily in agreement with the suggestion he puts forth. The practice followed in the 1949 election was difficult. We went to the trouble of having our returning officer phone Mr. Castonguay because we have a great many sailors in the county of Leeds who serve on the Great Lakes. Everyone outside of the town of Brockville was disenfranchised. Brockville is the only place in the county of Leeds where an advance poll was set up. I do not know what percentage of the sailors could have been enfranchised but I know that a large percentage of them would have voted had they been allowed to vote at an advance poll. I believe the system should be that if a man is registered as a sailor when the voters list is prepared, and if he receives a certificate from the returning officer, then he should be allowed to vote in the advance poll in his electoral district.

The WITNESS: That should be easy to do. All you have to do is as Mr. Nowlan suggested, if the elector's name appears on the list for that electoral district, allow him to vote at the advance poll. I refer to an elector described in section 95 who could vote at the advance poll established in his electoral district—regardless of where he resides in the electoral district. The difficulty which Mr. Stick brings up has to do with voting outside of the district.

Mr. STICK: I hope, as far as I am concerned, that they have no advance polls.

The WITNESS: Well, Mr. Chairman, could I have some expression or suggestion, following the remarks by Mr. Nowlan and Mr. Fulford, of whether the committee would want some draft amendments prepared for the next meeting?

Mr. APPLEWHAITE: I would think it would meet the wishes of the committee if the Chief Electoral Officer could submit a draft which would enable voters in the occupational classes already provided for to vote at advance polls provided

there is an advance poll in their electoral district—irrespective of where in the electoral district the elector himself would be registered?

The WITNESS: There is only one difficulty I see. Under the Act I can establish an advance poll if a request is made stating that more than 15 votes of persons will be cast at the advance poll—that is of those persons included in the occupational group listed in section 95. Now, there may be more requests for advance polls than we have ever had in the past if all such electors in an electoral district were given the right of voting at advance polls. There might be, however, a limit placed on the number of advance polls I may authorize for a district.

Mr. APPLEWHAITE: Well, I would not suggest that because the situation in outlying districts varies so much. The size of the district may be out of all proportion to the number of voters in it.

The WITNESS: I am in complete agreement with Mr. Nowlan and Mr. Fulford on this matter but the only thing that concerns me is that there may be more advance polls than we have ever had in the past. In the last election there were 207 advance polls for the whole of Canada, at which 11,000 votes were cast.

If you want me to draft an amendment along these lines I will do it.

Mr. FULFORD: Is not our purpose to get as many people voting as possible?

Mr. CANNON: Supposing I asked for an advance poll in my county—there were none in the last election and a few people lost their votes. Any fishermen can vote at an advance poll and 85 per cent of my people are fishermen. If more say 50 per cent applied to vote at the advance poll it would be flooded and there would be no control. I do not think it would be a good thing.

Mr. APPLEWHAITE: What if more the 85 per cent are not going to be at home on election day?

Mr. CANNON: They do not go out on long voyages. They go out in the morning and come back at night. If there was an advance poll a lot of them would take it into their heads to vote well in advance.

Mr. STICK: Well, you could control that by the time for the closing of your booth.

The CHAIRMAN: Shall we continue the discussion at the meeting tomorrow?

The WITNESS: I would like to know just what the committee would like me to do for the next meeting?

Mr. FULFORD: Well, is it not required, in voting at an advance poll, that you prove to the returning officer that it is absolutely impossible for you to be there on voting day?

The WITNESS: That is not the difficulty I foresee. What I foresee is a greater number of advance polls—somewhat along the lines I advanced in my explanation.

Mr. NOWLAN: I think it could be left to your discretion?

The WITNESS: I notice that every provincial Act prescribes that a fixed number of advance polls will be authorized per district. If it is left to my discretion it is difficult for me to refuse representation from a responsible source.

Mr. NOWLAN: Say "not to exceed one for so many voters." In Kings-Annapolis, my constituency, we have one advance poll in Kings, and I think the most that we should have is another in Annapolis county. We do not want to put the country to a lot of expense and it would be too difficult.

The WITNESS: If the committee would agree to set a ceiling of say five advance polls per district—

Mr. FULFORD: I think that would be too many.

The CHAIRMAN: Not in every district?

The WITNESS: I could authorize as many as five but not more than five. There are some districts which have three.

The CHAIRMAN: We do not need that many.

The WITNESS: I do not mean that we would have to establish five, but I could only establish up to five.

Mr. NOWLAN: You want some protection—a limit beyond which you cannot be compelled to go.

The WITNESS: There is no ceiling or no limit set now. I cannot refuse a request from a responsible source. I could get fifty or sixty such requests and every one of those would say that they had ten commercial travellers or fifteen commercial travellers.

Mr. FULFORD: Would five satisfy you?

The WITNESS: If the representations are made by recognized political organizations I cannot refuse them if they say that fifteen votes would be cast by persons listed in the occupational groups of section 95. I would not refuse requests from responsible sources.

As I say, I notice in nearly all provincial legislation there is a limit set. The number is specified in the Act or the Governor in Council names the places. If you were to give me authority to establish only five advance polls, after I accepted five requests if additional requests were made, I would just say that I was sorry, but the quota was filled.

Mr. MACDONALD: What about representations from an urban centre like Edmonton? Would you be inclined to agree that there should be two or three advance polls situated in various parts of that urban riding?

The WITNESS: I would not go along with that suggestion. One advance poll in an urban electoral district is sufficient. There were only 200 advance polls in the last election and there were 11,000 votes. In an urban area a street car ticket gets you to the poll.

If the committee agreed I would prepare an amendment authorizing me to establish only five advance polls in an electoral district for persons listed in the occupational groups of section 95 and providing that they can vote at such advance polls if they reside in the electoral district and if their name appears on the list for such district.

If it is the wish of the committee I will prepare such an amendment?

Mr. APPLEWHAITE: I wish to record my objection to any ceiling on the number of advance polls. I think I have two or three reasons. For instance, I may make representations for five advance polls where I know I am going to get a majority. The candidate who is interested in places adverse to me will make representations where there will be perhaps a larger number absent and whose votes will be cast at the advance poll, but the Chief Electoral Officer would take no action on his application.

Further than that it is conceivable that in my district perhaps five would be a fair number, but what about Yukon-Mackenzie River where there are nearly a half a million square miles. I would oppose a ceiling. I would sooner that it be left to the discretion of whoever happens to be the Chief Electoral Officer.

The WITNESS: I have no objection whatsoever if there is no ceiling but I am confident there will be a great increase in the number of advance polls. You are going to have about one-third as many advance polls as you have ordinary polling stations because I cannot refuse the requests for advance polls from responsible sources.

Mr. FULFORD: In drawing up the amendment you could say that the responsibility for recommending advance polls rests with the local returning officer who knows the local conditions.

The WITNESS: You are putting quite a load on him. He may be accused of very impartial conduct by getting in under the ceiling of the five certain places before anyone else could make representations.

I know that in some provincial elections Acts it is specified that there shall be one in each electoral district but they have generally much smaller electoral districts. I have no objection to a ceiling but if there is no ceiling, there may be more advance polls than we have ever had before. You may find that in one electoral district where there are now 150 regular polling stations and you may have 70 advance polls.

Mr. FULFORD: Would it not be better to have Mr. Castonguay draw up the amendment and then if Mr. Applewhaite wants to debate it at the next meeting he can do so.

Mr. APPLEWHAITE: I am only one member of the committee.

The CHAIRMAN: Gentlemen, we shall adjourn.

The committee adjourned to meet again Friday, June 1, 1951, at 4.00 p.m.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

TUESDAY, JUNE 5, 1951

WITNESSES:

Mr. Nelson Castonguay, Chief Electoral Officer;

Cdr. J. P. Dewis, Deputy Judge Advocate General, Dept. of National Defence.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

MINUTES OF PROCEEDINGS

FRIDAY, June 1, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, was called to meet at 4.00 p.m. this day.

At 4.15 p.m. the following members were present: Messrs. Applewhaite, Boisvert, Fulford, Wylie.

There being no quorum, and in accordance with a decision reached on May 31, the Committee will meet on Tuesday, June 5, at 4.00 p.m.

TUESDAY, June 5, 1951.

The Special Committee appointed to study the Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Vice-Chairman, Mr. George T. Fulford, presided.

Members present: Messrs. Applewhaite, Argue, Boucher, Cameron, Dewar, Fulford, Hellyer, MacDougall, Macdonald (*Edmonton East*), McWilliam, Murphy, Nowlan, Stick, Viau, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Assistant Chief Electoral Officer and Cdr. J. P. Dewis, Deputy Judge Advocate General, Department of National Defence.

The Committee continued consideration of the amendments proposed by the Chief Electoral Officer.

On motion of Mr. Macdonald,

Resolved, That the Committee meet in the evenings, when necessary, to expedite the study of the suggested amendments.

Section 94 (1). Repeal was suggested and substitution of the following:

(1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of taking the votes of such persons as are described in section ninety-five and whose names appear on the official list of electors for any polling division of the electoral district in which such places are situated.

On motion of Mr. MacDougall,

Resolved,—That Section 94 (1) be deleted and the foregoing substituted therefor.

Section 94 (2) (4).

On motion of Mr. MacDougall,

Resolved,—That Section 94 (2) (4) be deleted.

Section 94 (5) (*a*) (*b*). Repeal was suggested and substitution of the following:

(*a*) If a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or (*b*) if he is advised and believes that a total of fifteen votes

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will be cast in case an advance poll is established in any incorporated village, town or city having a population of 500 or more as determined by the last Census taken pursuant to sections sixteen and seventeen of The Statistics Act, he may add the name of such place.

On motion of Mr. MacDougall,

Resolved,—That 94 (5) (*a*) (*b*) be deleted and the foregoing be substituted therefor.

Section 94(10). Repeal was suggested and substitution of the following:

(10) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 61; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection eleven.

On motion of Mr. Murphy,

Resolved,—That Section 94(10) be deleted and the foregoing substituted therefor.

Section 94 (11).

On motion of Mr. Murphy,

Resolved,—That Section 94 be amended by adding thereto the following subsection (11).

(11) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 61, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance poll on the Saturday immediately preceding polling day, and failure to do so shall be ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.

Section 94(10), Form 61. Repeal was suggested and substitution of the following:

FORM No. 61

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94(10))

Electoral District of .....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of The Dominion Elections Act, 1938, as amended, an advance poll will be opened in the above mentioned electoral district at the

city
town of .....
village

(Specify in capital letters the name of the place at which an advance poll is authorized to be established) at (Specify in capital letters the exact location of the advance polling station established for such place; one will be sufficient, and continue by specifying any other places, if any, for which the establishment

of an advanced poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday, and Saturday, the ....., and ..... days of ....., 19...., being the three week days immediately preceding the date fixed as the ordinary polling day at the pending Dominion election in the above mentioned electoral district, and that an elector whose name appears on the list of electors for any polling division in the electoral district, and who is entitled to the privilege of voting at an advance poll, may vote in advance of the said ordinary polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

(*a*) such persons as are employed as commercial travellers as defined in subsection four of section two of The Dominion Elections Act, 1938, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

(*b*) such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

And further take notice that advance poll certificates can be obtained only from the returning officer and the election clerk for the above mentioned electoral district. (Whenever a specially deputized person has been appointed, the following sentence will be added to this paragraph): Advance poll certificates may also be obtained from Mr. (insert name and address), who has been specially deputized to issue such certificates.

And further take notice that the office of the undersigned, which has been established for the conduct of the pending election, is located at .....

city
in the town of .....
village

Dated at ....., this .....day of ....., 19..

(Print name of returning officer)
Returning officer.

On motion of Mr. Nowlan,

Resolved,—That Section 94(10), Form 61, be deleted and the foregoing substituted therefor.

Section 101. Repeal was suggested and substitution of the following:

Political Broadcasts

Political broadcasts forbidden.

101. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at a Dominion election; this prohibition only applies to the ordinary polling day and not to the three days on which advance polls are opened.

(2) In this section "broadcast" has the same meaning as "broadcasting" in The Radio Act, 1938.

On motion of Mr. Wylie,

Resolved,—That Section 101 be deleted and the foregoing substituted therefor.

Section 107. Repeal was suggested and substitution of the following:

Premature Publication of Election Results Prohibited

Premature publication of results forbidden.

107. (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, newssheet, poster, bill-board, handbill, or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.

(2) In this section "broadcast" has the same meaning as "broadcasting" in The Radio Act, 1938.

On motion of Mr. Wylie,

Resolved,—That Section 107 be deleted and the foregoing substituted therefor.

Section 110. Repeal was suggested and substitution of the following:

Amendments

No amendment to apply to election for which writ is issued, within three months, except after notice.

Consolidation of amendments.

110. No amendment to this Act shall apply in any election for which the writ is issued within six months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act printed for distribution to returning officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed.

On motion of Mr. Cameron,

Resolved,—That Section 110 be deleted and the foregoing substituted therefor.

Paragraph 1, Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Short Title

1. These Regulations may be cited as *The Canadian Forces Voting Regulations.*

On motion of Mr. MacDougall,

Resolved,—That Paragraph 1 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 5 (1) (*b*) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

(*b*) the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland shall constitute a voting territory, with headquarters of the special returning officer located at Halifax;

On motion of Mr. Stick,

Resolved,—That Paragraph 5 (1) (*b*) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 5 (1) of Schedule 3 to the Act,

On motion of Mr. Stick,

Resolved,—That Paragraph 5 (1) be further amended by adding the following subparagraph:

Outside of Canada.

(*d*) a voting territory established by the Chief Electoral Officer pursuant to subparagraph 3 with the headquarters of the special returning officer located at a place to be determined by the Chief Electoral Officer.

Paragraph 5 (3) of Schedule 3 to Act.

On motion of Mr. Stick,

Resolved,—That Paragraph 5 be further amended by adding subclause (3)

Establishment by Chief Electoral Officer of voting territory outside of Canada.

(3) If, at the time of a general election, there is a substantial number of Canadian Forces electors, as defined in paragraph 21, serving outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories mentioned in subparagraph one, the Chief Electoral Officer may, notwithstanding anything in these Regulations, establish a voting territory in the locality where such Canadian Forces electors are serving.

Paragraph 11 of Schedule 3 to the Act.

On motion of Mr. Dewar,

Resolved,—That Paragraph 11 of Schedule 3 to the Act be deleted.

Paragraph 19 of Schedule 3 to the Act. Repeal suggested and substitution of the following:

Special procedure in electoral district returning two members.

19. Each Canadian Forces elector and Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case the Canadian Forces elector and Veteran elector may vote for two candidates on the same ballot paper.

On motion of Mr. Stick,

Resolved,—That Paragraph 19 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 21 of Schedule 3 to the Act. Repeal suggested and substitution of the following:

Paragraph twenty-one of Schedule Three to the said Act is repealed and the following substituted therefor:

Qualifications of Canadian forces elector.

21. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a British subject by birth or naturalization, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Regulations, while he or she

(*a*) is a member of the regular forces of the Canadian Forces; or

(*b*) is a member of the reserve forces of the Canadian Forces and is on full time training, or service, or on active service; or

(*c*) is a member of the active service forces of the Canadian Forces.

Exceptions.

(2) Notwithstanding anything in these Regulations, any person, who, on or subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph one, shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Regulations.

On motion of Mr. Macdonald,

Resolved,—That Paragraph 21 of Schedule 3 of the Act be deleted and the foregoing substituted therefor.

Paragraph 23 of Schedule 3 to the Act. Repeal suggested and substitution of the following:

Ordinary residence of member of Canadian Forces.

23. (1) For the purpose of these Regulations, the place of ordinary residence of a member of the Canadian Forces shall be deemed to be the place of ordinary residence required to be shown by him or her in the statements provided for hereunder.

Ordinary residence of member of regular forces.

(2) After the date of the coming into force of this paragraph, every member of the regular forces of the Canadian Forces shall within three months complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form 15, in which he or she shall show as his or her place of ordinary residence either

(a) the city, town, village, or other place in Canada, with street address, if any, in which was situated, at the time of the coming into force

of this paragraph, the residence of a person who is the wife, dependent, relative or next of kin of such member,

(b) the city, town, village, or other place in Canada, with street address, if any, where such member was residing as a result of the services performed by him or her in such forces, at the time of the coming into force of this paragraph, or

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her place of ordinary residence prior to enrolment; but where neither clause *(a)*, *(b)* nor *(c)* is applicable to a member of the regular forces, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, where such member resided as a result of the services performed by him or her in such Forces immediately prior to being appointed, posted, or drafted for service outside of Canada, including service in a ship.

Ordinary residence on enrolment in regular forces.

(3) After the date of the coming into force of this paragraph,

(a) every person shall, forthwith upon his or her enrolment in the regular forces of the Canadian Forces, complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village, or other place in Canada, in which was situated his or her place of ordinary residence immediately prior to enrolment;

(b) a person, not having a place of ordinary residence in Canada immediately prior to enrolment in the regular forces of the Canadian Forces, shall complete, as soon as one or more of the provisions of subparagraph 2 become applicable to his or her circumstances, a statement of ordinary residence, in Form No. 15, before a commissioned officer.

Change of given residence of member of regular forces.

(4) Except when he or she is also a member of the active service forces of the Canadian Forces, a member of the regular forces may, during the month of December of any year and at no other time, change his or her place of ordinary residence to the city, town, village, or other place in Canada referred to either in clause (*a*) or (*b*) of subparagraph 2 by completing, in duplicate, before a commissioned officer, a statement of change of ordinary residence, in Form No. 17.

Ordinary residence of member of reserve forces on full time service.

(5) *(a)* Every member of the reserve forces of the Canadian Forces not on active service who, at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day, is on full time training or service, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 18, indicating the city, town, village, or other place in Canada wherein is situated his or her place of ordinary residence immediately prior to commencement of such period of full time training or service.

Ordinary residence of member of reserve forces on active service.

(b) Every member of the reserve forces of the Canadian Forces who is placed on active service, and who, during a current period of full time training or service, has not completed a statement of ordinary residence pursuant to clause *(a)*, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 18, in which will be stated

(i) in the case of a member on full time training or service, his or her place of ordinary residence immediately prior to commencement of such full time training or service; or

(ii) in the case of a member not on full time training or service, his or her place of ordinary residence immediately prior to being placed on active service.

Ordinary residence on enrolment in active service forces.

(6) On enrolment in the active service forces of the Canadian Forces, every person, who is not a member of the regular or reserve forces, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village, or other place in Canada in which is situated his or her place of ordinary residence immediately prior to enrolment in the active service forces.

Filing of statements.

(7) The original of each statement of ordinary residence or statement of change of ordinary residence completed pursuant to the subparagraphs of this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents.

On motion of Mr. Nowlan,

Resolved,—That Paragraph 23 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 26(1) of Schedule 3 to the Act. Repeal suggested and substitution of the following:

Publication of notice of general election.

26. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in the said notice that every Canadian Forces elector may cast his vote before any designated commissioned officer, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit to cast their votes in the manner prescribed in these Regulations.

On motion of Mr. Dewar,

Resolved,—That Paragraph 26(1) be deleted and the foregoing substituted therefor.

At 5.45 p.m. the Committee adjourned until 9.00 p.m. this day.

EVENING SITTING

The Committee resumed at 9.00 p.m. The Vice-Chairman, Mr. George T. Fulford, presided.

Members present: Messrs. Applewhaite, Argue, Cameron, Dewar, Fulford, Hellyer, Herridge, Kirk (*Antigonish-Guysborough*), MacDougall, Macdonald (*Edmonton East*), McWilliam, Murphy, Stick, Viau, Wylie.

In attendance: Same as in the afternoon.

On motion of Mr. McWilliam,

Resolved,—That the Committee recommend that its quorum be reduced from 10 to 8 members.

Paragraph 42 (*c*). Repeal was suggested and substitution of the following:

(*c*) was a member of His Majesty's Forces in World War I or World War II or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;

On motion of Mr. MacDougall,

Resolved,—That Paragraph 42 (*c*) be deleted and the foregoing substituted therefor.

Section 14(3). Repeal was suggested and substitution of the following.

Qualification of veteran under 21 *years of age.*

(3) Notwithstanding anything in this Act, any person, who, subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at a Dominion election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.

On motion of Mr. Applewhaite,

Resolved,—That Section 14(3) be deleted and the foregoing substituted therefor.

Section 14(5) (*a*). Repeal was suggested and substitution of the following:

(*a*) was a member of His Majesty's Forces in World War I or World War II or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;

On motion of Mr. Stick,

Resolved,—That Section 14(5) (*a*) be deleted and the foregoing substituted therefor.

Paragraph 34(1) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Declaration by Canadian Forces elector.

34. (1) Before delivering a ballot paper to a Canadian Forces elector, the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector's name, rank, and number, that he is a British subject by birth or naturalization, that he has attained the full age of twenty-one years (except in the case referred to in sub-paragraph two of paragraph twenty-one), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as prescribed in paragraph 23; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the commissioned officer shall cause the Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the commissioned officer.

On motion of Mr. MacDougall,

Resolved,—That Paragraph 34(1) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 62(1) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Declaration by Veteran elector.

62. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a British subject by birth or naturalization, that he was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration, except in the case of an incapacitated or blind Veteran elector referred to in paragraphs 59 and 60, and the certificate printed thereunder shall then be signed by both deputy special returning officers.

On motion of Mr. Applewhaite,

Resolved,—That Paragraph 62(1) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Forms 7 and 12 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

FORM No. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR BEFORE BEING ALLOWED TO VOTE (Par. 34)

I HEREBY DECLARE

1. That my name is .....
(Insert full name, surname last)
2. That my rank is .....
3. That my number is .....
4. That I am a British subject by birth or naturalization.

*5. That I have attained the full age of twenty-one years.

6. That I have not previously voted as a Canadian Forces elector at the pending general election.

7. That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is

.....
(Here insert the name of the city, town, or village, or other place in Canada,
.....
with street address, if any)
.....
(Here insert name of electoral district)
.....
(Here insert name of province)

I hereby declare that the above statements are true in substance and in fact.

Dated at ....., this ..... day of

....., 19 ....

.....
Signature of Canadian Forces elector.

CERTIFICATE OF DESIGNATED COMMISSIONED OFFICER

I hereby certify that the above named Canadian Forces elector did this day make before me the above set forth declaration.

.....
Signature of designated commissioned officer.

.....
(Here insert rank, number, and name of unit)

*Strike out if not applicable pursuant to paragraph 21 (2).

FORM No. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE

(Par. 62)

I HEREBY DECLARE

1. That my name is .....
(Insert full name, surname last)
2. That I am a British subject by birth or naturalization.
3. That I was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty.
4. That I have been discharged from such Forces.
5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.
6. That I have not previously voted as a Veteran elector at the pending general election.
7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is at

.....
(Here insert the name of the city, town, or village, with street address, if any,

.....
or the name of any other place of ordinary residence)

.....
(Here insert name of electoral district) (Here insert name of province)

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at ....., this ..... day of ....., 19 ....

.....
Signature of Veteran elector

CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....
Signature of deputy special returning officer

.....
Signature of deputy special returning officer

On motion of Mr. MacDougall,

Resolved,—That Forms Nos. 7 and 12 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Form No. 14 to Schedule 3 to the Act. Addition of a new Form 14 was suggested.

FORM No. 14

AFFIDAVIT OF QUALIFICATION. (Par. 34 (3))

I, the undersigned, do swear (or solemnly affirm)

1. That my name is .....
(Insert full name, surname last)
2. That my rank is .....
3. That my number is .....
4. That I am a British subject by birth or naturalization.

*5. That I have attained the full age of twenty-one years.

6. That I have not previously voted as a Canadian Forces elector at the pending general election.

7. That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations,* is

.....
(Here insert the name of the city, town, village or other place in Canada,
.....
with street address, if any)
.....
(Here insert name of electoral district)
.....
(Here insert name of province)

SWORN (or affirmed) before me at ..... this ..... day of ....., 19.... ..... Designated commissioned officer.

..... Signature of Canadian Forces elector.

* Strike out if not applicable pursuant to paragraph 21 (2).

On motion of Mr. Murphy,

Resolved,—That a new Form 14 be inserted in Schedule 3 to the Act.

Paragraph 30 of Schedule 3 to the Act. Repeal was suggested and the following substituted therefor.

(30) The vote of every Defence Service elector shall be cast before any Canadian Forces elector who has been designated by the commanding officer for that purpose, and has not been officially nominated as a candidate in any electoral district at the general election.

On motion of Mr. Herridge,

Resolved,—That Paragraph 30 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 34 of Schedule 3 to the Act. Addition of new sub-paragraphs (3) (4) (5) was suggested.

Affidavit of qualification by Canadian Forces electors.

(3) A Canadian Forces elector, if required by the designated commissioned officer, or by an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification, in Form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, nor again be admitted to the voting place. The said affidavit of qualification shall be subscribed to before the designated commissioned officer.

Procedure in case of refusal

(4) If a Canadian Forces elector has refused to subscribe to the affidavit of qualification mentioned in sub-paragraph three, the designated commissioned officer shall endorse, upon the outer envelope completed by such elector, the words "refused to subscribe to the affidavit of qualification" and lay the outer envelope aside.

Disposition of completed affidavits and outer envelopes.

(5) At the conclusion of the voting period, all such outer envelopes together with all completed affidavits of qualification mentioned in sub-paragraphs three and four, shall be forwarded by the designated commissioned officer to the appropriate special returning officer.

On motion of Mr. Viau,

Resolved,—That Paragraph 34 of Schedule 3 to the Act be amended by adding the foregoing thereto.

Paragraph 39 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Incapacitated Canadian Forces elector.

39. When a Canadian Forces elector is incapacitated from any physical cause, and is unable to vote according to the ordinary procedure prescribed in these Regulations, the designated commissioned officer before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Canadian Forces elector. Such other elector shall be selected by the incapacitated Canadian Forces elector. Such persons before whom the ballot paper of an incapacitated Canadian Forces elector is marked shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Canadian Forces elector has been written on the back of the outer envelope, as above directed, the designated commissioned officer and the other Canadian Forces elector shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.

On motion of Mr. McWilliam,

Resolved,—That Paragraph 39 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 40(2) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Voting by Canadian Forces elector on duty, leave or on furlough.

(2) A Canadian Forces elector who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any designated commissioned officer, when such officer is actually engaged in the taking of such votes.

On motion of Mr. Stick,

Resolved,—That Paragraph 40(2) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 54 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Period of voting by Veteran electors.

54. The period of voting by Veteran electors shall commence on Monday the seventh day before polling day and be concluded on the Saturday immediately preceding polling day, both inclusive.

On motion of Mr. Applewhaite,

Resolved,—That Paragraph 54 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 59 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Incapacitated Veteran elector.

59. When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated Veteran elector and he shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.

On motion of Mr. Stick,

Resolved,—That Paragraph 59 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 60 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Blind Veteran elector.

60. The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided

in paragraph 59, or through the medium of a friend who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may fill in the back of the outer envelope, including the writing of the name of the elector in the space provided for his signature, and mark the blind elector's ballot paper in the presence only of such blind elector; such friend shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of a blind Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto. No person shall at a general election be allowed to act as the friend of more than one blind Veteran elector.

On motion of Mr. Hellyer,

Resolved,—That Paragraph 60 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 62(2) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Warning to Veteran elector and deputy special returning officers.

(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71, except in the cases referred to in paragraphs 59 and 60, any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.

On motion of Mr. Macdonald,

Resolved,—That Paragraph 62 (2) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 68 (*b*) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

(*b*) examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Canadian Forces elector and the designated commissioned officer concerned (except in the cases referred to in paragraphs 37 and 39), or by the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60);

On motion of Mr. Dewar,

Resolved.—That Paragraph 68(*b*) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 71 (1) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Disposition of outer envelope when declaration incomplete.

71. (1) An outer envelope which does not bear the signature of both the Canadian Forces elector and the designated commissioned officer concerned (except in the cases referred to in paragraphs 37 and 39), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and

60), or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

On motion of Mr. Stick,

Resolved,—That Paragraph 71 (1) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 82 (*c*) of Schedule 3 to the Act. Repeal was suggested and the following substituted therefor:

(*c*) the outer envelope laid aside pursuant to subparagraph five of paragraph 34 and of paragraphs 71 and 72;

On motion of Mr. Murphy,

Resolved,—That Paragraph 82(*c*) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 82(*j*) (*k*). Addition of new clauses was suggested and on motion of Mr. Murphy,

Resolved,—That Paragraph 82 of Schedule 3 to the Act be amended by adding thereto the following new sub-clauses:

(*j*) the completed affidavit of qualification, if any, (Form 14), and

(*k*) the lists of Canadian Forces electors prepared and furnished to the special returning officer pursuant to paragraph 27.

Form No. 5 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

FORM No. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the date fixed as polling day is....., the.....day of..... ....., 19...

Notice is further given that pursuant to The Canadian Forces Voting Regulations, all Canadian Forces electors, as defined in paragraph twenty-one of the said Regulations, are entitled to vote at such general election upon application to any commissioned officer designated for the purpose of taking such votes.

And that voting by Canadian Forces electors will take place on each of the six days from Monday, the ..... day of ....., 19..., to Saturday, the..... day of....., 19..., both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

Given under my hand at....., this..... day of....., 19...

.....

Commanding officer.

On motion of Mr. Cameron,

Resolved,—That Form No. 5 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Form No. 9 of Schedule 3 to the Act. Insertion of a new paragraph 4 was suggested as follows:

> 4. A Canadian Forces elector, if required by the designated commissioned officer, or an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification in Form No. 14, and if such elector refuses so to subscribe to such affidavit he shall not be allowed to vote, or be again admitted to the voting place.

On motion of Mr. Macdonald,

Resolved,—That Form No. 9 of Schedule 3 to the Act be amended by insertion of the foregoing as a new paragraph (4).

On motion of Mr. Macdonald,

Resolved,—That Form No. 9 of Schedule 3 to the Act be further amended by deleting paragraph (5) and substituting the following:

> 5. Each Canadian Forces elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case he may vote for two candidates on the same ballot paper.

Form No. 13(5) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

> (5) Each Veteran elector shall vote for one candidate only unless he is entitled to vote in an electoral district returning two members, in which case he may vote for two candidates on the same ballot paper.

On motion of Mr. Stick,

Resolved,—That Form No. 13(5) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Form No. 15 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

FORM No. 15

STATEMENT OF ORDINARY RESIDENCE. (Par. 23(2)) (Only applicable to members of the regular forces enrolled on or prior to the effective date of this paragraph.

I HEREBY DECLARE

That my name is....., that my age is.....,
that my rank is....., and that my number is.....

That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is

.....

(Insert name of city, town, village or other place in Canada with street address, if any.)

I hereby declare that what is stated above is true in substance and in fact.

Dated at....., this..... day of.....
....., 19...

.....
Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I hereby certify that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Insert rank, number, and name of unit.)

On motion of Mr. McWilliam,

Resolved,—That Form No. 15 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Form 16 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

FORM No. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT. (Par. 23 (3) and (6)) (Applicable to regular force members on enrolment subsequent to effective date of this paragraph and to persons on enrolment in the active service forces.)

I HEREBY DECLARE

THAT my name is ....., that my age is ....., that my rank is ....., and that my number is .....

THAT my place of ordinary residence in Canada, immediately prior to the date of my enrolment as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, was .....
(Insert name of city, town, village or other place in Canada, with street address, if any.)
.....

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at ....., this ..... day of ....., 19.....

.....
Signature of member of the regular forces or active service forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces or the active service forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Insert rank, number, and name of unit.)

On motion of Mr. Applewhaite,

Resolved,—That Form No. 16 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Form No. 17 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

FORM No. 17

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 23 (4))

(Only applicable to regular force members who are not members of an active service force).

I HEREBY DECLARE

THAT my name is ....., that my age is ..... that my rank is ....., and that my number is .....

THAT since the completion of my last statement of ordinary residence, the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, has changed to .....

.....

(Insert name of city, town, village or other place in Canada with street address, if any.)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at ....., this ..... day of

....., 19.....

.....

Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....

Signature of commissioned officer.

.....

(Insert rank, number, and name of unit.)

On motion of Mr. Dewar,

Resolved,—That Form No. 17 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Form No. 18 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

FORM No. 18

STATEMENT OF ORDINARY RESIDENCE. (Par. 23(5) (*a*) and (*b*))

(Applicable to members of the reserve forces on full time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service).

I HEREBY DECLARE

THAT my name is ....., that my age is .....,

that my rank is ....., and that my number is .....

THAT my place of ordinary residence in Canada immediately prior to:
the commencement of my current continuous period of full time training or service/and active service,

OR

being placed on active service not immediately preceded by a period of full time training or service,

as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is .....

(Insert name of city, town, village or other place in Canada, with street address, if any.)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at ....., this ..... day of ....., 19.....

.....

Signature of member of reserve forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the reserve forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....

Signature of commissioned officer.

.....

(Insert rank, number and name of unit.)

On motion of Mr. Applewhaite,

Resolved,—That Form No. 18 of Schedule 3 to the Act be deleted and the foregoing be substituted therefor.

On motion of Mr. McWilliam,

Resolved,—That there be inserted in the said Act the following:

Words Canadian Forces substituted for Defence Service.

26A (1) Whenever the words Defence Service are mentioned or referred to in The Dominion Elections Act, 1938, or in any Schedule thereto, there shall in each and every case be substituted the words Canadian Forces.

Word Army substituted for word Military.

(2) Whenever the word Military is mentioned or referred to in the said Act, or in any Schedule thereto, there shall in each and every case be substituted the word Army.

Paragraph 31(2) of Schedule 3 of the Act. Addition of a new sub-paragraph was suggested:

Powers to administer affidavit of qualification.

(2) The designated commissioned officer shall, during the hours of voting by Canadian Forces electors, have the powers to administer the affidavit of qualification, in Form No. 14.

On motion of Mr. Dewar,

Resolved,—That Paragraph 31 of Schedule 3 to the Act be amended by adding thereto the foregoing as a new sub-paragraph.

At 10.15 p.m. the Committee adjourned until Thursday, June 7 at 4.00 p.m.

E. W. INNES,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

JUNE 5, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4.00 o'clock. The Vice-Chairman, Mr. George T. Fulford, presided.

The VICE-CHAIRMAN: Gentlemen, we will come to order. We have a quorum. I think that the first thing we should decide is the time we are going to sit next. As you all know Mr. Castonguay is very anxious to get our recommendations through before the end of this session. He has got a lot of work ahead of him as he has explained to you, and I think we should make every effort to get our work finished before the end of the session.

Some Hon. MEMBERS: Hear, hear.

The VICE-CHAIRMAN: Has anybody any objection to an evening sitting?

Mr. MURPHY: What is wrong with morning sittings, Mr. Chairman?

Mr. MACDONALD: I move that we have evening sittings in order to expedite the business of this committee.

Mr. MACDOUGALL: I second that motion.

Mr. VIAU: If we sit in the evenings we should start our meetings at 8.30 p.m.

The VICE-CHAIRMAN: From 8.30 on. Will you incorporate that in your motion, Mr. Macdonald?

Mr. MACDONALD: I move that we have evening sittings from 8.30 on in order to expedite the business of this committee.

Mr. MACDOUGALL: I second that.

The VICE-CHAIRMAN: Any objections? All in favour? All opposed? Agreed. Are there any objections to sitting tonight?

Mr. STICK: I move we sit tonight from 9.00 o'clock on.

Mr. MURPHY: Mr. Chairman, instead of rushing everything through this week, with so many other committee meetings, would it not be a good idea to see what could be worked out for mornings next week. The opposition members are few in number and they certainly have to be represented in the House.

The VICE-CHAIRMAN: Certainly, I understand, and I know perfectly well what your position is.

Mr. APPLEWHAITE: Would there not be some merit in this suggestion, that we try to really rush and get through the technical amendments submitted by the Chief Electoral Officer which involve the printing of forms and so on and then that we do not try to make the meetings on matters of policy inconvenient; in other words, matters which members of the committee may want to bring up and which would in no way affect the instructions to be gotten out by the Chief Electoral Officer. The other matters, which are of policy, may be controversial, but even so we should take everybody's convenience into consideration in planning our meetings.

The VICE-CHAIRMAN: I think there is much merit in what you say, Mr. Applewhaite.

Mr. WYLIE: Mr. Chairman, if I may say a word about Mr. Applewhaite's suggestion that there is a lot to be brought up as fallacy, I would not agree with him there at all. I think when we bring something up here it is important to every one of us and particularly so to the one who brings it up. I would not say it was fallacy at all.

Mr. APPLEWHAITE: I did not say anything about "fallacy". I said some things were controversial and some were not.

Mr. WYLIE: Well, anyway, I think we should sit whenever possible so that we can get through our business.

The VICE-CHAIRMAN: Well, tonight is convenient and perhaps we can have another meeting this week. It was unfortunate that on last Friday only four members turned up for the meeting. We could sit at four on Thursday, is that agreeable?

Mr. MURPHY: Are there many members here who are on Public Accounts Committee?

Mr. STICK: What time is External Affairs on this week?

The VICE-CHAIRMAN: Railways and Canals are sitting at eleven in the morning, and Veterans Affairs are sitting at eleven in the morning.

Mr. MACDONALD: Mr. Chairman, the amendments suggested here by the Chief Electoral Officer are just as important in this committee and for this committee as any of the other committees sitting in the House. I think they are more so because if we can get through this it gives the Chief Electoral Officer a chance to get a lot of that backlog off his mind, as well as the other staff carrying on with that.

The VICE-CHAIRMAN: Is it agreed to have a meeting tonight?

Agreed.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: I was asked by the committee to draft an amendment in connection with advance polls along the lines of the draft which has just been distributed to each member. The effect of the amendment is that it extends the privilege of voting at advance polls to all persons in an electoral district who may be entitled to vote pursuant to section 95 of the Act at an advance poll established in the electoral district. Under the present law, only the electors whose names appear on the list of electors for a place where an advance poll is authorized, and are defined in section 95 of the Act, were entitled to vote at an advance poll, so you had this situation where an advance poll would be authorized, say in Smiths Falls, and the electors of Smiths Falls only, who were defined in section 95 of the Act, were entitled to vote at the advance poll established at Smiths Falls for the electoral district of Lanark.

The VICE-CHAIRMAN: Nobody in Perth, for instance, could vote at Smiths Falls?

The WITNESS: No, nor from Carleton Place. I was asked to prepare an amendment which would extend the right of voting, and which would entitle the person now provided with a vote under section 95 to vote at an advance poll no matter where they resided in the electoral district, but their names must appear on the list of electors of the electoral district. I also asked for a ceiling on the number of advance polls to be established in an electoral district because I felt that there should not be four days of general election. The members of the committee at the last meeting appeared to fully agree with me on the question of such a ceiling, and I have tried to provide for some form of ceiling in these amendments. So, if I may, I will read the amendments I have prepared.

Subsection one of section ninety-four of the said Act is repealed and the following substituted therefor:

(1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of taking the votes of such persons as are described in section ninety-five and whose names appear on the official list of electors for any polling division of the electoral district in which such places are situated.

Agreed.

Mr. MURPHY: That is just what you explained, is it not?

The WITNESS: Yes.

Subsection two of the said section ninety-four is repealed.

Subsection four of the said section ninety-four is repealed.

Subsection (2) is no longer necessary with the broadening of this privilege. The same applies to subsection (4) of section ninety-four—it is no longer necessary in view of broadening the advance voting facilities.

By Mr. Applewhaite:

Q. I suppose this is a foolish question inasmuch as Mr. Castonguay prepared them, but are you quite satisfied you would not want subsection four left in?—A. I am very confident I would not want it, because subsection four now, I believe, is the one that has to do with amalgamating adjoining places to places where advance polls are now authorized. For instance, if an advance poll is authorized only for Toronto, then under subsection four, if a request is made to me up to Friday before the advance poll closes, I can give a direction to say that one of the Yorks will be attached to Toronto for advance poll purposes, if the area of the Yorks was comprised in an electoral district situated in the city of Toronto and was adjoining thereto. The people in that electoral district will be able to vote at the advance polls authorized to be established for that electoral district whereas previously there might not have been an advance poll authorized for that area of the Yorks. Giving a direction that adjoining areas could be amalgamated had the effect that electors in the adjoining areas to a place situated within an electoral district could vote in the advance poll established for such place.

Q. If no advance poll was set up your people would have the right to go to Toronto anyhow?—A. No; I am using the wrong example there. Take, instead, the electoral district of Ottawa West. The Nepean part of Ottawa West is not in the city limits of Ottawa for electoral purposes.

Q. Yes, I understand you now.—A. Nepean is in Ottawa now for civic purposes, but it is not in the city limits of Ottawa for electoral purposes and so therefore at an election I can have the Nepean area included in the city of Ottawa, for advance poll purposes, if request was made to me, to have it joined to Ottawa.

The VICE-CHAIRMAN: An adjoining township?

The WITNESS: It has to be adjoining the place where an advance poll is authorized to be established.

Mr. VIAU: Mr. Chairman, would the returning officer advise the deputy returning officer that so and so has already voted in an advance poll?

The WITNESS: When a returning officer issues an advance poll certificate he does so in duplicate, the duplicate copy must be delivered to the poll where the voter would normally vote. That procedure is already provided for in the Act.

By Mr. Stick:

Q. You have not got in here where you limit it to five?—A. I have changed that around to try to meet the wishes of everybody in the committee. I will explain it as soon as I get to it.

I will now read the next amendment.

Paragraphs (*a*) and (*b*) of subsection five of the said section ninety-four are repealed and the following substituted therefor:—

(*a*) If a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or

Now, the only change in substance here is this, before it used to be "he may" but now that every elector in the district can vote at an advance poll, and if at the time of a general election we still get only two votes at an advance poll it appears to me that it should be mandatory that that poll be cancelled. I will read the next amendment:

(*b*) If he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of 500 or more as determined by the last Census taken pursuant to sections sixteen and seventeen of The Statistics Act, he may add the name of such place.

Now, that is an indirect way of providing the ceiling. The 1941 census figures show that in 1941 there were 367 incorporated villages having a population of 500 or more, there were 425 towns having a population of 500 or more, and there were 512 cities having a population of 500 or more. Some members at the last meeting could not agree on the question of a ceiling so I endeavoured to meet all objections by providing a ceiling in this manner. I thought this form of a ceiling would have the same effect and may meet the wishes of members of the committee, and any objection to setting a specific ceiling of 5 advance polls per electoral district. In this form, the largest number of advance polls that could be established at a general election would be 900. We already have 207 so we could receive applications for 700 more advance polls.

Q. This section is really leaving it to your discretion on the application.—A. Well as long as representations are made to me from such places I can authorize the establishment of advance polls.

Q. You have the final say if you think there are going to be fifteen votes cast?—A. No, whoever makes the representation to me has to state that he believes fifteen votes will be cast. The same procedure is now provided in the Act.

Q. And you must open an advance poll there?—A. Yes.

Q. You must?—A. It must be in an incorporated village, town or city having a population of 500 or more.

The Vice-Chairman: That amendment just gives Mr. Castonguay, the Chief Electoral Officer, a measuring rod, as it were; there will be some limit to the number of advance polls that shall be granted.

Agreed.

The Witness: I am sorry, gentlemen, we have not dealt with page 2 of the draft amendments.

Subsection ten of the said section ninety-four is repealed and the following substituted therefor:—

(10) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall

be in Form No. 61; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection eleven.

This is standard procedure provided in the Act for similar notices, such as a notice of grant of a poll, a proclamation.

The VICE-CHAIRMAN: Sub-paragraph (11) is an addition?

The WITNESS: I will read the next amendment. This is copied from another section in the Act.

Section ninety-four of the said Act is amended by adding thereto the following subsection:—

(11) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 61, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance poll on the Saturday immediately preceding polling day, and failure to do so shall be ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.

Mr. APPLEWHAITE: Unless the Chief Electoral Officer can give some good reason other than just custom I would be inclined to move that the words "and failure to do so shall be ground for his dismissal from office," be struck out because I do not think it is good practice that we should impose liabilities of that sort on individuals who are appointed under a different Act to this, and whose duties under this Act are, I think, unremunerative to them, and who are located in some of the little outlying places far from highly educated business people, and I do not think it would weaken the effect of the Act. I do not like the idea of saying to a postmaster: because you have forgotten to do something, which is quite obscure in the Act, you are going to lose your job.

By Mr. Murphy:

Q. There is one other point, Mr. Chairman. I do not think this Act is fair to the postmaster. Someone may not like a postmaster in a certain district, for instance, and the public has access to the building. Now, it says here: "and maintain it so posted up". I do not know where he could maintain it so posted up so that people could not tear it down unless he pasted it to the ceiling. I think there should be some leeway. After all, what you want is the effect of the Act without anyone being penalized when he is not really responsible for what has taken place. Some may have a grudge against the postmaster and tear down the list.—A. I did not mean to be harsh to the postmaster but I was just cribbing a section at page 256 of this book, Section 23, subsection (5), which deals with the Notice of Grant of a Poll and which reads this way:

Every postmaster shall, forthwith after receipt of a copy of the Notice of Grant of a Poll in Form No. 27, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the poll has passed, and failure to do so shall be ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.

I was merely following the principle already set out in the Act.

Q. I think the principle is too exacting.—A. I was not trying to establish a new principle.

The VICE-CHAIRMAN: "it shall be ground"—it does not mean necessarily he is going to be dismissed if he fails.

Mr. HELLYER: It does not say "may be", Mr. Chairman.

Mr. VIAU: You have to prove guilt.

Mr. APPLEWHAITE: I am against it.

The VICE-CHAIRMAN: Mr. Castonguay, did you ever have an example of a postmaster who has been dismissed?

The WITNESS: No.

Mr. VIAU: Postmasters are all willing to co-operate.

The VICE-CHAIRMAN: Shall we agree on this?

Agreed.

The WITNESS: Now we come to Form No. 61. I will read the first part. The changes are all in the first part of this form.

FORM No. 61

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94(10))

Electoral District of .....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of The Dominion Elections Act, 1938, an advance poll

city

will be opened in the above mentioned electoral district at the town of

village

.....

(Specify in capital letters the name of the place at which an advance poll is authorized to be established) at (Specify in capital letters the exact location of the advance polling station established for such place; one will be sufficient, and continue by specifying any other places, if any, for which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday and Saturday, the ....., and ..... days of ..... 19 ...., being the three week days immediately preceding the date fixed as the ordinary polling day at the pending Dominion election in the above mentioned electoral district, and that an elector whose name appears on the list of electors for any polling division in the electoral district, and who is entitled to the privilege of voting at an advance poll, may vote in advance of the said ordinary polling day at any advance polling station established in the said electoral district.

There is no change from there on, the form is the same as the present form in the Act.

The VICE-CHAIRMAN: Shall we agree on this?

Agreed.

Mr. NOWLAN: Will you not have to put these words "as amended" after Dominion Election Act, 1938, too? It might offer you some considerable trouble from people following the old statute.

The WITNESS: We generally bring our office consolidation up to date.

Mr. NOWLAN: It should be in, because the Act of 1938 does not permit you to do this, and the note being here it will save people writing in to ask about it.

The VICE-CHAIRMAN: Will you move that, Mr. Nowlan?

Mr. NOWLAN: I move that the words "as amended" be inserted after the words "the Dominion Election Act, 1938" in Form 61.

The VICE-CHAIRMAN: All in favour? Opposed?

Agreed.

Mr. VIAU: Would it be proper to have in the form of a notice at the bottom that the postmaster must paste it up?

The WITNESS: He is sent a letter by the returning officer to that effect which we supply in printed form. Mr. Chairman, if you will turn to page 309 of the General Election Instructions book—section 101 of this Act deals with political broadcasts and it was passed in 1938, and at that time there was only available to the public, the broadcast of sound, not of pictures, such as television. For the sake of clarification and in order to avoid any confusion at future general elections when television comes more to the fore, I would like to receive from the committee fresh expression or direction on this matter. It appeared to me advisable to redraft this section and provide a definition for the word broadcasting. I am told that the word broadcast, in its definition includes the transmission of sound and pictures, but as this was passed in 1938 when there was no general broadcasting of pictures and figures, I suggest it may be necessary now to have a definition of broadcasting. On the right hand side of this page of draft amendments, at the bottom of the page, is the definition provided for in the Radio Act 1938. This amendment does not change the substance of section 101 at all, it is just adding a definition. The same applies to section 107, both are on the same page. All I am suggesting is adding a subsection to provide a definition of broadcasting.

> "Broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone and the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations;

Agreed.

The VICE-CHAIRMAN: Does the committee understand this? We do not want to go too fast.

Mr. MURPHY: By this he is just including the development of television in the definition of broadcasting.

The VICE-CHAIRMAN: That is the first time I ever heard they were called Hertzian waves.

Agreed.

The WITNESS: On page 313, of this book is section 110, which reads as follows:

> 110. No amendment to this Act shall apply in any election for which the writ is issued within three months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act printed for distribution to returning officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed.

This section has been in its present form since 1920. The work of our office has more than quadrupled since that time.

In 1948 there was a general revision of the Act and we were barely able to complete our work during the period now provided in the act for by-elections. During that period of three months our whole staff worked from ten to twelve hours a day seven days a week.

Under this section a greater period of time would be provided to the Chief Electoral Officer and his staff. We have to print a book for by-elections like this, both in French and in English. Then there are six small handbooks for other election officers. In addition, there are 164 forms in French and English and we have to prepare all our other regulations in a period of three months. So I would suggest a period of six months now necessary. If I can be ready in four months, I shall bring these amendments into force immediately at the end of the four months period. But without any question, a period of three months under present circumstances is inadequate.

In 1921 this book consisted of about 150 pages in size. It now consists of about 375 pages. Moreover, in 1921, we had fifty forms. Now there are 364.

I am informed by the King's Printer that there is a delay of three or four months with respect to printing. So these practical difficulties would make it exceedingly difficult for me to complete these provisions in the period now required by the act.

I can give my assurance to the committee that if I were ready in four months, I will immediately bring these amendments into force. But for a general revision of the act, a period of three months to complete the necessary preparations is, in my opinion, hardly adequate.

Mr. STICK: It means six months as the total time.

The VICE-CHAIRMAN: Agreed.

Mr. ARGUE: You would expect that most of the substantial amendments for the next election would be done this year, within this year?

The WITNESS: I am hoping so.

Mr. ARGUE: Six months would be all right, because it will be a lot longer than that before the next general election.

The WITNESS: Well, I have to be ready for by-elections. And should this bill receive Royal Assent by July the 1st, these amendments would come into force at the end of a period of three months, and I have to be ready with all my books and forms and instructions for by-elections. That is under present circumstances, a physical impossibility.

Mr. ARGUE: That would allow you more time to get ready for next fall.

The WITNESS: Yes.

The VICE-CHAIRMAN: Is there any further discussion?

Agreed.

Mr. MACDOUGALL: I am agreeable to the passage, but did we not speak the other day about this colossal book which possibly 90 per cent of the returning officers do not know very much about. I wonder if the Chief Electoral Officer could suggest any way whereby this statute could be cut down to about one-quarter of its present size so that everybody could understand it?

The WITNESS: I am doing that right now. That book contains all the small handbooks for each election officer; and that book is now being condensed so that it will only contain the instructions of the returning officer, the rights and obligations of the candidates, and a consolidation of the Act. That will knock off about 100 pages from the book in its present form.

The VICE-CHAIRMAN: Service regulations; page 27 of the bound forms.

The WITNESS: Paragraph 1 of schedule 3 to the said Act is repealed and the following substituted therefor:—

1. These regulations may be cited as The Canadian Forces Voting Regulations. This amendment is suggested in order that the provisions of the Regulations conform to the changes appearing in The National Defence Act, Chapter 43, Statutes of Canada 1950, as amended by The Canadian Forces Act 1950.

Mr. VIAU: We passed item 101, but have we dealt with item 107?

The WITNESS: It is on the bottom of such page.

Mr. VIAU: Yes, but we did not pass 107 yet.

The VICE-CHAIRMAN: We discussed it. Oh! Well, before we get into this next item, is there any discussion on 107, on this special sheet?

The WITNESS: The reason for the amendment is the same as given for 101; it is to provide a definition for "broadcasting". There is no change in substance to the present section 107.

Mr. STICK: It is simply done to confirm.

Agreed.

The VICE-CHAIRMAN: We are now on page 27. Does it pass?

Agreed.

The WITNESS: On page 28 the proposed amendments are to paragraph 4. Paragraph 4 is the interpretation paragraph, and I suggest that it stand until we consider all the other suggested amendments to the regulations.

The VICE-CHAIRMAN: Does page 28 stand?

It stands.

The WITNESS: Page 29; clause (*b*) of sub-paragraph 1 of paragraph 5 of schedule 3 to the said Act is repealed and the following substituted therefor:

(*b*) the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland shall constitute a voting territory, with the headquarters of the special returning officer located at Halifax.

The purpose of this amendment is to include the province of Newfoundland in the Maritime voting territory.

Mr. STICK: What is the reason for that?

The WITNESS: It was not in there before.

Mr. STICK: I know. But why put it in with Halifax?

The WITNESS: There are in Canada three voting territories for the voting of Canadian forces electors and they consist of the following provinces: first Ontario and Quebec; second, Manitoba, Saskatchewan, Alberta, British Columbia and the electoral district of Yukon-Mackenzie River; and third, a voting territory which comprises the provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland.

Mr. STICK: I suggest you change the word "Maritime" to Atlantic provinces.

The WITNESS: No (2) subparagraph one of the said paragraph is amended by adding thereto the following clause:

(*d*) a voting territory established by the Chief Electoral Officer pursuant to subparagraph 3 with the headquarters of the special returning officer located at a place to be determined by the Chief Electoral Officer.

(3) the said paragraph five is amended by adding thereto the following subparagraph:

(3) If, at the time of a general election, there is a substantial number of Canadian Forces electors, as defined in paragraph 21, serving outside

of Canada, and the taking, receiving, sorting, and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories mentioned in subparagraph one, the Chief Electoral Officer may, notwithstanding anything in these Regulations, establish a voting territory in the locality where such Canadian Forces electors are serving.

The VICE-CHAIRMAN: For instance, in Korea.

Agreed.

Are these amendments agreed to?

Agreed.

The WITNESS: Paragraph eleven of Schedule three of the said Act is repealed and the following substituted therefor:

11. Forthwith upon receipt of the lists of names, ranks, numbers and places of ordinary residence of Canadian Forces electors, furnished pursuant to paragraph 27, the special returning officer shall cause to be prepared a complete alphabetical list of all such names and places of ordinary residence included in such lists.

I suggest that this section stand until we deal with paragraphs 21 and 23, and when paragraphs 21 and 23 are dealt with, all these other amendments which are procedural in nature can then be studied.

The VICE-CHAIRMAN: Very well. Does it stand?

It stands.

The WITNESS: Page 31 stands.

The VICE-CHAIRMAN: Page 31 stands.

The WITNESS: Page 32. Paragraph twenty-one of Schedule Three to the said Act is repealed and the following substituted therefor:

21. Every person, man or woman, who has attained the full age of twenty-one years and who is a British subject by birth or naturalization, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Regulations, while he or she

(*a*) is a member of the regular forces of the Canadian Forces; or
(*b*) is a member of the reserve forces of the Canadian Forces and is on full time training, or service, or on active service; or
(*c*) is a member of the active service forces of the Canadian Forces.

Mr. MACDOUGALL: Is it necessary to use the word "British" instead of "Canadian" all the time? "Every person, man or woman, who has attained the full age of twenty-one years and who is a British subject ..." Could that not be "Canadian"?

Mr. STICK: Suppose you have a man from the United Kingdom. He is a British subject but he happens to be in Canada at the time the election takes place and is a member of the forces. He can vote under this section?

The WITNESS: Yes, he can vote; but not if the words Canadian citizen were substituted for the words British subject in this paragraph.

Mr. STICK: He really is not a Canadian citizen?

The WITNESS: If that substitution was made and he was only a British subject, he could not vote.

The VICE-CHAIRMAN: A Canadian citizen is a British subject. It is a broad term; it covers a multitude of contingencies.

Mr. STICK: If a man is not a resident of this country, he should not have the vote.

The WITNESS: He must have one year's residence; that is a basic qualification required by all electors in the Act.

Mr. STICK: I agree.

Mr. APPLEWHAITE: Is it correct that under those circumstances in the case of a Canadian under 21 or an individual who is not a British subject, if either of these people is serving in the Active Forces, the man's service will not be regarded as coming within the Act?

The WITNESS: They would not now; but I was asked at the first meeting to prepare an amendment to extend the vote to Canadian Forces electors who have not attained the age of 21 at an election. So I have this amendment here which, if approved, would be made to this paragraph 21 which the members of this committee have now before them for consideration.

The VICE-CHAIRMAN: They did so in the last World War, did they not?

The WITNESS: They did in the last World War.

Mr. MURRAY: I think that section should be studied in conjunction with this one before we finally pass this one.

The VICE-CHAIRMAN: Yes, I agree with you. We shall let this stand until we have dealt with the other.

Mr. MURPHY: Or else we should deal with the two of them together.

Mr. MACDOUGALL: This section bars any Canadian or Britisher who has not attained his twenty-first birthday from voting, despite the fact that he is old enough to fight. If this law was applicable then, why was it not enforced?

The WITNESS: In the last war there was a provision in the act whereby a person who was a member of the forces was entitled to vote, even if he had not attained the full age of 21.

But in 1948 an amendment was passed which extended the vote to every member of the Canadian Forces who had been in the service prior to August 9, 1945, and who was still under 21. But there are no longer any of these persons still under 21 who are veterans of World War II.

At the first meeting of this committee, the committee asked me to prepare something along these lines. I thought that the general feeling of the committee on this question was that it should be extended to persons serving or having served in a theater of operations, so I prepared my amendment on that basis. I gathered that the committee wanted to extend this privilege to those persons who were serving or had served in a theater of operations.

Mr. MACDOUGALL: Whether or not they were 21.

The WITNESS: Whether or not they were 21; those, for instance, who were serving or had served and were discharged from the services and were now civilians and still under 21. I think that was the general feeling of the committee at the time, but I may have misunderstood it.

Mr. ARGUE: Would this amendment have the same provisions as applied in the 1945 election?

The WITNESS: Very much the same. It was broader in 1945 because they took in everybody.

Mr. ARGUE: But this one would not do that?

The WITNESS: This one would not do that. It would only take in Canadian Force electors who had served or were serving in a theater of operation.

Mr. ARGUE: It seems to me that if a young fellow joined the special force and was detailed to Korea or some other place, he should have the right to vote because he is in the forces, irrespective of whether or not he has arrived at a

theater of operations. He may arrive there a week after the elections and lay down his life for his country. So I think it should be a little broader.

The WITNESS: Well, I am in the hands of the committee in this matter.

The VICE-CHAIRMAN: I think we should have a very thorough expression of opinion on this.

Mr. STICK: It seems to me it is going to be difficult to know where to draw the line when you are legislating for special members, otherwise we are going to get into an awful lot of difficulty.

The VICE-CHAIRMAN: My own opinion is that if a man is willing to put on the King's uniform, he should be entitled to have the same consideration whether or not he gets into a theater of war.

Mr. MURPHY: In the last war, those who were in the service regardless of whether or not they were active, were entitled to the franchise.

The WITNESS: It did not matter as long as they were in uniform. But if they wanted to vote as civilians, they had to be 21; if they happened to be on leave at home and wanted to vote at the ordinary poll, they had to be 21.

But through procedure which was set up then by regulations, they could vote in the service, through service channels, even if they were not 21. There was this anomalous situation.

Mr. MURPHY: I think this is a very important section in these present difficult times and I agree with the expression already indicated that anyone who puts on His Majesty's uniform should be entitled to the franchise and should also be entitled to the franchise if discharged although he may still be under 21, when the election comes.

Mr. NOWLAN: You might get someone who put on the King's uniform, who simply went out and enlisted just to get the vote, and then was discharged the next day.

Mr. HELLYER: Were any valid reasons presented why this privilege should not be extended universally to the armed forces? Were there any real reasons why this should not be extended to a member in the services, universally, who was under the age of 21? Did anyone express any real opposition?

The WITNESS: I read the minutes of the first meeting and I gathered that the members felt it should be extended in the manner suggested in this draft amendment. I may have inferred wrongly the feeling of the committee from the minutes; but I gathered that what was wanted was to extend it to persons who had served in a theater of operation; but there was not a clear direction given to me at that time as to the manner in which the amendment was to be drafted.

Mr. DEWAR: What reason brought to your mind the desire to change from what has been the practice to what you recommend now?

The WITNESS: I am not recommending this amendment. This is merely a draft prepared to be used as a basis for discussion. I prepared this amendment in this manner merely because I had no direction from the committee as to how it should be drafted. The committee asked me to prepare something along these lines.

Mr. DEWAR: Why would you deviate from the practice in force before the second World War?

The WITNESS: Because— and I may have been inferring wrongly—I thought the members at the first meeting, as I gathered from the minutes, wanted to limit it to service in a theater of operation.

Mr. DEWAR: I see.

The WITNESS: This is not my recommendation; it was just a draft amendment prepared for study and consideration by the committee.

Mr. DEWAR: It seems to me to be almost unanimous that the vote be extended to anyone who puts on the King's uniform and is prepared to lay down his life. Personally I believe if a man is good enough to go out and fight for his country, he should be entitled to have a say in the running of that country.

Mr. APPLEWHAITE: We may have a lot of people in uniform who may not be actually fighting. Suppose we should send a brigade to Europe to join General Eisenhower's army. They may just stand by, but they are to all intents and purposes serving under active conditions. I assume, however, that we would not want this thing to apply to people who were in the reserve forces. This could be done by extending the vote to those under 21 who are members of the regular army, or members of the active forces of Canada.

The VICE-CHAIRMAN: I think that is the consensus of opinion of this meeting.

Mr. NOWLAN: I agree that it is pretty hard to legislate on these things without running into difficulties of detail. What is your time limit on it? Suppose a man enlisted yesterday. How are we going to get him to vote today if today happens to be election day? He has got the uniform on; surely there must be a time element in connection with his service. There are a lot of men in uniform who will be called upon to lay down their lives; and there are a lot of men in uniform who would be terribly shocked if they thought their lives were going to be laid down. I would doubt very much if they expect to be treated, just because they are in uniform, on a basis different from that of any other civilian or person.

The VICE-CHAIRMAN: When they sign up now, they sign up for service anywhere in the world.

Mr. MACDONALD: I would like to move that the subparagraph read as follows:

> (2) Notwithstanding anything in these regulations, any person who, subsequent to the 5th day of July, 1950, was a member of the Canadian active forces and who, at a general election, has not attained the full age of 21 years, but is otherwise qualified under subparagraph (1), shall be deemed to be a Canadian Forces elector.

Mr. STICK: I would suggest changing the word "active" to "regular".

Mr. MURPHY: I would think you raised the point. Do those who enlist now enlist for a definite period of time?

The VICE-CHAIRMAN: I understand so. But it might be well if we could hear from a member of the Department of National Defence. We have one here now. Would you be prepared to anwer this question, Commander Dewis?

Commander DEWIS: Yes.

Commander J. P. Dewis, Deputy Judge Advocate General, called:

The VICE-CHAIRMAN: Gentlemen, this is Commander Dewis, Deputy Judge Advocate General, who will answer any questions on this matter.

Mr. MURPHY: The question I asked, Mr. Chairman, was with respect to those who enlist today; is it for some definite period?

The WITNESS: It is usually three years; although it does vary from service to service. For example, in the navy we just take them into the regular force on a regular commission; but we also have short service commissions for three years.

Mr. STICK: The shortest time they can enlist for is three years. Is that right?

The WITNESS: No. I would say that is more or less of a standard; but there could be a commission for a shorter period.

By Mr. Applewhaite:

Q. Could the witness put on the record a definition of "regular" and "active" forces?—A. The regular forces are first defined in the National Defence Act and we refer to them colloquially as permanent forces, career officers and men. That is the first part of the Canadian Forces.

The second part is the reserve force, which I think everybody understands. Then the third component of Canadian forces is the active service force. We have not got an active service force as such. The army refer to their forces as the Canadian army active force. The active service force is a force which can be established in an emergency or to meet United Nations requirements. But no such force has been established. It would be established by the Governor in Council and would be known as the active service. It woud be made up of members of the regular force, members of the reserve force, and people who just came straight in off the street.

Q. The men in the navy and in the army who are serving in the Korean theater now, according to your definition, are both members of the regular forces? —A. They are members of the regular forces.

Mr. MACDONALD: They would not be called active.

The WITNESS: No. You would not call them active force members.

Mr. HELLYER: And you would not call them inactive either.

By Mr. Stick:

Q. The active force is really a part of the regular army.—A. We actually have not got an active force. Possibly we are confusing active force with active service.

Q. Active force and active service are two different things.—A. Oh yes!

Q. The amendment which Mr. Macdonald moved used the word "active". I thought he should substitute the word "regular" for "active", because it would cover the situation better.—A. If you set up this second force in case of an emergency, an active service force, you would then have regular members who would be in the active service force, but you would also have people coming in from the street who would just enroll in the active service force.

Q. They must join up for a certain time?

Mr. MACDONALD: How would it be if you said: "regular and active forces"?

The WITNESS: In the case of an emergency that would not cover personnel, let us say, in the reserve forces here on active service, if you said "everybody on active service has the right to vote".

The VICE-CHAIRMAN: I do not think we are interested in the reserve army.

Mr. APPLEWHAITE: But you might be.

The WITNESS: If we had a reserve force serving in some of our ships—I do not know that we have—then by virtue of being attached to the regular force unit, they would be on active service. But if you refer to the regular force, you would not include them.

Mr. STICK: I am in the reserve force myself. If war should take place or something crop up and the reserve forces are called out, I should go overseas as a reserve man. I am active when I go overseas, but I am not a regular.

Mr. APPLEWHAITE: Is there any definition of the expression "on active service"?

The WITNESS: If you merely use the expression "active service" the regular force are on active service now.

Mr. MACDOUGALL: Whether they are here or in any other of the regular forces, they are on active service.

The WITNESS: The word "active" is a superfluous term as we use it at the present time. There is no such animal. That is quite true.

Mr. STICK: But a situation might arise where the reserve force might become active. So I think that Mr. Macdonald's suggestion of regular and active would probably cover it. The reserve people can become active.

The VICE-CHAIRMAN: Mr. Castonguay has an alternative paragraph.

Mr. STICK: Let us hear it.

Mr. CASTONGUAY:

> Notwithstanding anything in these regulations, any person, who, on or subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under sub-paragraph one, is entitled to vote under the procedure set forth in these regulations.

Mr. STICK: You still have not defined what active service means?

Mr. MACDOUGALL: We are not concerned with active service.

Mr. STICK: We may not be but you never know when war will break out and then you will be concerned. I am in the reserve army and I have gone overseas, still in the reserve army.

Mr. APPLEWHAITE: You are on active service but you are not in the active force.

Mr. STICK: I should be entitled to vote.

The VICE-CHAIRMAN: If you say "regular and active forces" I think probably you will cover it, as near as you can get.

Mr. APPLEWHAITE: I am sorry, but if you say regular and active forces you will cut out the reserve force, no matter how active they were.

Mr. STICK: When a reserve force becomes active he is entitled to vote.

The WITNESS: Under the National Defence Act there are only three forces, the regular force, the reserve force, and the active service force. There are three separate components. If you say active force, I do not know what you mean. It is just not covered in the National Defence Act. You would be on active service but you would not be in any recognized active force, you would not be in the regular force nor in the active force.

By the Vice-Chairman:

Q. Do you think this suggested amendment would cover it? I think you know definitely what we mean.—A. This would cover anybody in any of the forces, it would not matter what force he was in. If he were on active service then he could vote, but as I say all the regular forces are on active service now. I do not know whether it is the wish of the committee that everybody in the regular forces of Canada under 21 or not should vote. If you do not wish them to have the vote, then it is not an amendment because this will permit them to vote.

Q. Everyone who signs up in the regular forces signs up for active service anywhere in the world.—A. That is right.

Q. So technically they are on active service whether they are in Canada or in Korea.

Mr. APPLEWHAITE: And as Mr. Stick says, they may be in Canada but in two or three weeks they could be on active service.

Mr. MACDOUGALL: It is a question of people being in the regular army, which is considered to be the active army.

The VICE-CHAIRMAN: Take the case of the cruiser H.M.C.S. *Ontario*, which has just returned to port after a lengthy cruise. It carried a large complement

of reserve forces. Suppose they has been called to the theatre of war in Korea for some reason or other, every one of those reserves would have been active.

Mr. STICK: Yes, automatically.

By the Vice-Chairman:

Q. Automatically. I think that that suggested amendment covers it.—A. That would certainly cover everybody in the theatre of actual operations and would cover at the moment all the regular forces in Canada.

Q. But not the reserve forces in Canada who are not on active service?—A. No.

Mr. ARGUE: This suggested amendment seems to meet the wishes of this committee, and I wonder if Mr. Macdonald would withdraw his amendment and move this one and then we will have something to go on.

The VICE-CHAIRMAN: That is a very contentious matter and we want to be sure it is right.

Mr. MACDONALD: I withdraw my motion; that meets with my approval; I will move this motion.

Mr. STICK: I am doubtful about it but if the committee is agreeable, I am agreeable.

The VICE-CHAIRMAN: This is the time to decide.

Mr. STICK: I have not got it all figured out in my mind; if the commander thinks this covers all the eventualities that might crop up then it is all right with me.

By Mr. Hellyer:

Q. Is active service proclaimed by order in council or is that something that could be discontinued by order in council?—A. Yes, active service is declared by order in council.

Q. If by order in council the regular forces would be taken off active service would that not disfranchise them?—A. That is right.

The VICE-CHAIRMAN: Then we can change that. We want to get that right.

Mr. APPLEWHAITE: Let us follow Mr. Hellyer's question one step further. If the regular forces were taken off active service by order in council it would practically be a declaration that there was no danger of them losing their lives in the interests of their country, would it not?

Mr. STICK: According to that amendment he still has the right to vote.

The VICE-CHAIRMAN: Is it not the intention to give him the right to vote?

Mr. CASTONGUAY: That was worded that way because if he had served in a special brigade in Korea, and if you do not say "has served on active service" he may only be in Korea for six months and such service gives him the right to vote at all times while he is still under 21 years of age.

Mr. STICK: Exactly, whether they are of the age of 21 or not. That is the point I am raising because we want to be sure about it. A fellow who has served overseas and is under 21 surely has the right to vote.

Mr. MACDONALD: There is no one wanting to deprive these people of the right to vote.

Mr. STICK: This is all right as far as I am concerned.

The VICE-CHAIRMAN: Have we any amendment to this?

Mr. STICK: No, I agree with that now.

The VICE-CHAIRMAN: You agree with this?

Mr. STICK: Yes.

Mr. CAMERON: Where do you find schedule (3) in the Act?

Mr. CASTONGUAY: In office consolidation of schedule (3)—Canadian Defence Service Regulations—

Mr. CAMERON: Is that a part of the Election Act now?

Mr. CASTONGUAY: It always has been part of the Election Act but we print it separately. It is only an office consolidation.

The VICE-CHAIRMAN: Are you ready for the question, Mr. Cameron? Those in favour? Opposed?

Agreed. Carried.

Just a minute, we have to change the number here, the number on these items we have just carried have to be changed. At page 32, we will have to re-number section 21, subsection (1).

Mr. STICK: That is the one we just passed.

Mr. CASTONGUAY: No, the one that is on page 32 will become subparagraph (1) of paragraph 21 and the subparagraph just passed will become subparagraph (2). The same principle will have to be carried out in many other paragraphs.

Mr. STICK: Right through?

Mr. CASTONGUAY: So, if the committee will agree I will draft the other necessary amendments for the next meeting. I will draft it according to the provisions of the paragraph that has been passed. That is on page 2 of the draft amendment.

The VICE-CHAIRMAN: What are we on now?

Mr. CASTONGUAY: We are still on paragraph 21, page 32.

The VICE-CHAIRMAN: It is all carried

Mr. DEWAR: All on page 32 is carried.

Mr. CASTONGUAY: Mr. Chairman, the amendment on page 33 I have had mimeographed again. No change in substance was made to any of the provisions of paragraph 23 but Mr. Applewhaite drew a few suggestions to my attention to standardize the drafting. There has been no change in substance as compared with the original paragraph 23 appearing on page 33 of the draft bill; there has been an improvement made to the drafting but no change in substance.

The VICE-CHAIRMAN: Where are the changes made, may I ask?

Mr. CASTONGUAY: On page 33 of these new mimeographed sheets, in subparagraph (2), clause (*a*) of section 23, in the third line appear the words "these regulations". We have substituted the words "this paragraph" for such words, and in paragraph (*b*) in the fifth line appear the words "these regulations" and we have substituted the words "this paragraph" to make it conform to the wording of paragraph (2).

The VICE-CHAIRMAN: In other words wherever "these regulations" appear you have changed them to read "this paragraph".

Mr. CASTONGUAY: Yes. In subparagraph (3), clause (*a*) of paragraph 23, in the second line thereof, after the words "in the regular forces" we have added "of the Canadian forces"; in the third line of (*b*) after the words "regular forces" we have added the words "of the Canadian forces", and then in 5(*a*) after the words "reserve forces" in the first line thereof we have inserted the words "of the Canadian forces" and in the second line after the words "active service who" the words "at any time" have been added, and in (*b*) after the words "reserve forces" we have added the words "of the Canadian forces".

Now, those are the only changes to the original draft I submitted to the committee.

Agreed.

Mr. STICK: It is agreeable to me; that seems to be all right.

The VICE-CHAIRMAN: It is the first time I have seen this new draft.

Mr. CASTONGUAY: It is identical to the one I submitted originally except for those changes I have mentioned.

Mr. NOWLAN: Why is there a difference between those who are enlisting after the coming into force in the one case and those already enlisted? Do you set out his ordinary place of residence immediately prior to enrolment, and in the other case it is where his wife or next of kin is living?

Mr. CASTONGUAY: Paragraph (2) provides for the regular forces now, so when this paragraph comes into force they will all have to make a statement of ordinary residence now, I mean, when the paragraph comes into force. Some of those Canadian Forces electors have dependents of this type, they have a wife, a relative or next of kin. Now, others have not, so we have drafted this paragraph in a manner which would give them the option in (*b*) of declaring their place of residence where they are now serving, that is the distinction. Now, the other one is on enrolment, if a person enrols in the service today, the residence prescribed is the place of ordinary residence prior to enrolment.

Mr. NOWLAN: Why should not those who are presently serving be given the option of choosing the place where they formerly resided if they want to do it?

Mr. CASTONGUAY: In fact, they are doing that in (*a*).

Mr. NOWLAN: They can give the place where the wife is living?

Mr. CASTONGUAY: Yes, or next of kin.

Mr. NOWLAN: In (3) you use different language?

Mr. CASTONGUAY: In (3), it is to provide for persons enrolling in the forces. They have a current place of ordinary residence when they enrol, their place of ordinary residence is either where their families are domiciled or their wife, or where their father and mother reside.

Mr. NOWLAN: But in effect there, are you perhaps not keeping the boys in the Services, one who enlists after this coming into force and do that in one way now? Many of them have moved their wives to some place where they never lived at all. I think the third one should be in there to give them the option of their ordinary place of residence. It widens it out a bit. I can think of cases where boys may have enlisted and have brought their wife up to, say, Petawawa or their wife may be living with her father-in-law, and most of them will only look at the first words, so I think to give Petawawa or where my wife is living, and they may have never even been there. It just looks to me that the boys who are now in the service are not given the same opportunities as those who enlisted afterwards.

Mr. CASTONGUAY: If the committee is agreeable we can add a clause (*c*) to provide for such cases and then it will read: "the city, town or village or other place in Canada where said person was ordinarily resident prior to his enrolment".

By Mr. Nowlan:

Q. I have not strong views on it one way or the other, but I would like to know what Commander Dewis has to say about this word enrolment. We have had "enlistments" before.—A. Under the National Defence Act everybody can enrol. Enrolment is the correct term.

Q. When his term is up then he re-enrols?—A. Yes, he re-enrols.

Q. Then you would avoid the use of these forms by the word enrolment? —A. Yes.

Q. I would move that change, by adding paragraph (*c*), if it is agreeable to the committee?

Mr. APPLEWHAITE: That is subsection (2) of section 23?

Mr. CASTONGUAY: That will be section 23, subsection (2), paragraph (c). This amendment will be made by adding paragraph (3) to paragraph (2) of section 23, and will read as follows:

> the city, town or village or other place in Canada with street address, if any, in which was situated their place of ordinary residence prior to enrolment.

Mr. MURPHY: What is the last word?

Mr. CASTONGUAY: In which was situated their place of ordinary residence prior to enrolment.

Mr. MURPHY: Is their the correct pronoun?

Mr. CASTONGUAY: His or her place of ordinary residence prior to enrolment.

Mr. STICK: I second that.

The VICE-CHAIRMAN: Shall it carry?

Carried.

Mr. CASTONGUAY: And a "or" will have to be added to (*b*).

Mr. NOWLAN: And a "(*c*)" will have to be added down below.

Mr. CASTONGUAY: Yes, "nor (*c*)".

Mr. MACDONALD: Will something be promulgated in orders by the army in regard to informing the service personnel that only in the month of December they can change it?

The WITNESS: I think I can say it will be promulgated in orders as was done under the present voting regulations.

Mr. NOWLAN: One other question, Mr. Chairman. We have the word "forthwith" here. After the coming into force of this paragraph and so forth he shall forthwith. What does that mean? In the old regulations it had to be before a certain date in December. Now, forthwith from the artistic standpoint means the second day after the Governor General approves of them which, of course, is impossible, but should there not be a time limit there instead of the word forthwith? Somebody files a statement or declaration. Suppose they are approved the first day of July, you get it in your January orders.

Mr. CASTONGUAY: They will be approved the first of July but will not come into force until section 110 brings them into force, six months after.

Mr. NOWLAN: All right. Then Commander Dewis arranges with all branches of the service to issue a general order requiring them to file the form; some do it in a week, some in a month, or some even in six months. Now, who is forthwith and who is not, and when you come to vote on election day, where do you separate? I would suggest it is more in the detail, I think. I would suggest that in using the word forthwith you should say within six months of the coming into force of this or before a certain date, otherwise, the Chief Electoral Officer or someone is going to have an embarrassing task deciding whether a person has completed it forthwith and he should vote or he does not.

Mr. DEWAR: What page are you talking about?

Mr. NOWLAN: Section 23.

The WITNESS: That depends very much where the troops are. But I should think that in three months we could get the thing straightened around. We would have advance information from the Chief Electoral Officer as to when he would bring this into force. We could certainly do it in six months.

Mr. CASTONGUAY: The bill would get, let us say, royal assent on the first of July, the regulations would not come into force until the first of January, so these declarations cannot actually be taken until they come into force, so the period could be within three months.

Mr. NOWLAN: I think it will avoid a lot of embarrassment if you define forthwith.

Mr. APPLEWHAITE: What happens in this case: You set a deadline, and it must be done before a certain date. Due to some oversight some members have not filed their declaration within that time, then it is too late and they cannot vote.

Mr. CASTONGUAY: Then they can revise it in December of every year.

Mr. NOWLAN: Not if they miss that one; they could not file one until the following December.

Mr. DEWAR: I was reading on page 34, section 23 subsection (3) in clauses *(a)* and *(b)*—would they not overlap there a little bit by this amended clause *(c)* of section 23? We have not come to that yet, but I am just wondering.

The VICE-CHAIRMAN: We better get this passed.

Mr. Nowlan, along the lines of your suggestion, instead of "forthwith" would "shall within three months" meet with your satisfaction?

Mr. NOWLAN: I think the word forthwith is very general and a very unfortunate word.

Mr. APPLEWHAITE: I do not know. If you put a deadline on it it seems to me you may then take six or nine months before the expiration of that deadline in the following December, during which time you have disfranchised everybody if through their own oversight or through an oversight on the part of some officer they have not a declaration filed.

Mr. NOWLAN: I would suggest by keeping that word "forthwith" in there you would disfranchise them all within an hour after it is posted.

Mr. APPLEWHAITE: I am not wedded to the word "forthwith".

Mr. NOWLAN: Obviously there has to be some kind of a limit.

Mr. CASTONGUAY: The Department of National Defence will have six months to set up their organization to issue these forms of declarations, and everything else. There will be a clear six months for them to do that, and I should imagine in three months they could complete this work. They surely can enumerate sixty or seventy thousand people in three months, if we can enumerate eight million people in six days. It seeems to me it is not too much of an administrative problem.

Mr. MACDONALD: Why not just leave it this way? Why not just leave out the word forthwith?

The VICE-CHAIRMAN: I think you have to put a time limit on it. Forthwith might be three months or six months.

Mr. MURPHY: It might even be twenty-four hours.

Mr. APPLEWHAITE: I would like to get Mr. Nowlan's reaction to that suggestion that you just take out the word forthwith and say every one shall on his or her enrolment—

The VICE-CHAIRMAN: We are dealing with section 23, subsection (2), third line.

Mr. APPLEWHAITE: Even then, suppose you just said "shall"?

Mr. NOWLAN: There has to be some kind of a time limit during the time they are going to be completed.

The VICE-CHAIRMAN: Commander Dewis, how do you feel about that?

The WITNESS: It seems to me it is a matter for the committee as far as the services is concerned. I suppose we would just go ahead and do the job as quickly as we could. If the form is not completed within three months then he has no place of ordinary residence, but I think it is a matter for the committee and I certainly would not urge anything from the Department of National Defence. We would do the job as fast as we could, it is to our advantage to do so. There would be nobody lost then because of administrative errors on our part.

Mr. NOWLAN: Later on you have a section which requires a list to be made up. That has got to be a particular responsibility and it has to be completed.

The WITNESS: There is nothing in the present regulations to prevent him, when he comes around to be enrolled, from being put on the list and at the same time completing the form. That is when it would probably crop up. You might find that there was not a copy of the form on his record and you would suggest to him that he complete the form then.

Mr. NOWLAN: I think it would be better to have some time limit on it, otherwise you would have an elastic way of deciding where the residences are, if you wait until the last minute.

Mr. STICK: It would make it more business like.

Mr. MURPHY: Yes, it would make it more business like.

The VICE-CHAIRMAN: Has anybody any objection to changing "forthwith" to "within three months"?

Mr. APPLEWHAITE: I have no objection if the committee thinks it is of sufficient importance.

Mr. NOWLAN: I think it is better.

The VICE-CHAIRMAN: And you move accordingly?

Mr. NOLAN: Yes, I move it.

Mr. STICK: And I second the motion.

The VICE-CHAIRMAN: You have heard the amendment. All those in favour? Carried.

We now go back to page 30.

Mr. CASTONGUAY: Page 30. Paragraph 11 of Schedule (3) to the said Act is repealed and the following substituted therefor:—

> 11. Forthwith upon receipt of the lists of names, ranks, numbers and places of ordinary residence of Canadian Forces electors, furnished pursuant to paragraph 27, the special returning officer shall cause to be prepared a complete alphabetical list of all such names and places of ordinary residence included in such lists.

The experience of our three special returning officers in preparing an alphabetical list received from each commanding officer would indicate that such preparations are a waste of time. I am informed, first, that the alphabetical lists were not once consulted. They had to be prepared alphabetically and it took four clerks ten days to compile them. They have to take the names from each individual list and put them on a master list alphabetically. I am informed that neither the scrutineers nor the election officers had any cause to consult the alphabetical master list, and that this list was of no practical use to them. It appears to me that the preparation of a master list is no longer necessary and it would save the expense of hiring four clerks for a period of ten days to compile such list.

The special returning officer in Ontario-Quebec voting territory informed me that in no instance was use made of such list, and that it was of no use to any official in his office. You might like to get the views of Colonel Anglin on this matter. He was the special returning officer in question. And I understand that the other two special returning officers felt the same way about the matter.

Therefore, I suggest that this paragraph be repealed completely because, in view of our experience, it is only a waste of money as well as a waste of time. The special returning officers would still receive the lists from the commanding officers of each unit.

Mr. DEWAR: Was any purpose served by it?

Mr. CASTONGUAY: No.

Mr. DEWAR: Then I would say: Throw it out!

Mr. NOWLAN: Is there a provision for making a list?

Mr. CASTONGUAY: Yes. This is a provision which requires a commanding officer of a unit to have a list of electors compiled of the electors in his unit and that such list must be supplied to the special returning officer.

Mr. MURPHY: Does he assimilate them all?

Mr. CASTONGUAY: He has to forward them to the special returning officer. It is required by law. On receipt of such list he now has to compile one master alphabetical list from all such lists which he receives from the commanding officers. The scrutineers may examine it in the office of the special returning officer. I would suggest that it should not be any longer required to compile a master list.

Mr. DEWAR: I move the repeal of paragraph 11, Mr. Chairman.

Mr. CASTONGUAY: I spoke to Colonel Anglin, the special returning officer, and he told me it was useless for the purpose of the election. And as I said the other two special returning officers appear to share Colonel Anglin's views on the matter.

Mr. STICK: We will accept it as carried.

Mr. NOWLAN: There is another provision somewhere.

Mr. CASTONGUAY: Yes.

The VICE-CHAIRMAN: Shall this paragraph 11 be repealed?

Mr. NOWLAN: There is no simple list at all which anyone can check?

Mr. CASTONGUAY: Yes; there is a list in the office of the special returning officer. But we want to relieve the returning officer from having to take names from each individual list and having to place it alphabetically on a master list for his voting territory.

Mr. NOWLAN: The list is sent in by the commanding officer and it may cover men from every part of Canada.

Mr. CASTONGUAY: No. The commanding officer of the unit in the voting territory—for instance, let us say, the Halifax dock yards—the commander of the Halifax Naval dock yards would send in a list only of the personnel in the dock yard to the special returning officer at Halifax. And the same with respect to any other regiment which was located in Nova Scotia, the commanding officer of that unit would send in a list to the special returning officer at Halifax.

Mr. NOWLAN: The commanding officer at Cornwallis where you would have men from all over Canada, would send in a list from that base?

Mr. CASTONGUAY: He would send in a list to the headquarters of the special returning officer at Halifax.

Mr. NOWLAN: But there would be no way for any candidate to go and look at the list to see how many voters there were from his district?

Mr. CASTONGUAY: There are six scrutineers in the office of the special returning officer during the election period. These scrutineers are in the office for a period of two to three weeks and they can examine the lists there.

Mr. NOWLAN: What happened in many cases was that they simply handed in a nominal roll which was no good to anybody.

Mr. CASTONGUAY: Page 31.

The VICE-CHAIRMAN: Was that carried?

Agreed.

Mr. CASTONGUAY: Page 31. Paragraph nineteen of Schedule Three to the said Act is repealed and the following substituted therefor:—

> 19. Each Canadian Forces elector and Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case the Canadian Forces elector and Veteran elector may vote for two candidates on the same ballot paper.

The purpose of this amendment is to make the provisions in the Regulations relating to electoral districts returning two members conform to those in the Act which do not single out such electoral districts by name. This amendment also provides that, in such electoral districts, a Canadian Forces elector may vote for two candidates on the same ballot paper.

There is no specific provision dealing with voting for a candidate in a dual member constituency in the present regulations. So some commissioned officers gave the voter two ballots in the case of Halifax and Queens where there were two members to be elected.

Now they are required to mark two names on one ballot, if they want to vote for two candidates in dual member constituencies. They can vote for two candidates on the one ballot. It is easier for checking purposes.

The VICE-CHAIRMAN: Is there any discussion on this item?

Carried.

Mr. CASTONGUAY: Then we go on to page 36. Subparagraph one of paragraph twenty-six of Schedule Three to the said Act is repealed and the following substituted therefor:—

> 26. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in the said notice that every Canadian Forces elector may cast his vote before any designated commissioned officer, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening of the six days from Monday the seventh day before polling day at the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit to cast their votes in the manner prescribed in these Regulations.

We used to mention the nomination day, but now there are two nomination days. One of them is held twenty-eight days before polling day. I think there are about 21 electoral districts which have that period of time; and there is another nomination day which is held 14 days before polling day in all other electoral districts. So we use "polling day" instead of "nomination day", because there is only one polling day.

Mr. APPLEWHAITE: Why is there no voting on polling day in the defence services?

Mr. CASTONGUAY: The outer envelope in which the ballot is placed—there has to be time for that outer envelope to reach the office of the special returning officer because it must be received by nine o'clock on the Tuesday morning after polling day.

Mr. HELLYER: There doesn't seem to be any provision such as there was with respect to the postmaster. I think that is a discrimination.

The VICE-CHAIRMAN: Do not tell the postmaster that.

Mr. NOWLAN: Let us go back now to page 35 and deal with the reserve forces. Suppose a unit is going into camp at any time just before the election. Members of it can vote provided they complete a declaration any time before Saturday?

Mr. CASTONGUAY: Yes.

Mr. NOWLAN: You say in section (7) as follows:

> The original of each statement of ordinary residence or statement of change of ordinary residence completed pursuant to the subparagraphs of this paragraph shall be forwarded to and filed at the appropriate service headquarters and the duplicate shall be retained in the unit with the declarant's service documents.

There certainly is not going to be time to file this document.

Mr. CASTONGUAY: There will be time to place them with the serviceman's documents.

Mr. NOWLAN: They cannot be filed at headquarters.

Mr. CASTONGUAY: No.

Mr. NOWLAN: If the unit moves from camp on Saturday?

Mr. CASTONGUAY: Between the period from the date of issue of the writ and polling day, during that period.

Mr. NOWLAN: They will be able to vote?

Mr. CASTONGUAY: They will be able to vote provided they make a signed declaration first.

Mr. HELLYER: I move that we adjourn, Mr. Chairman.

The VICE-CHAIRMAN: There is only one more item.

Mr. MURPHY: Have we carried page 36?

The VICE-CHAIRMAN: Carry page 36.

Mr. CASTONGUAY: Paragraph 27 of the Canadian Defence Service voting regulations reads as follows:

> 27. As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the designated commissioned officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit.

The commanding officer shall also furnish to the designated commissioned officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit. The purpose of this amendment is to furnish the place of ordinary residence of Canadian Forces electors to the special returning officer and the designated commissioned officer.

Under the present regulations the list is compiled only on the basis of names and numbers of Canadian Forces electors. There was no provision requiring that

ordinary residence of the elector be placed in such list. So now in the voting place there will be a list supplied to the commissioned officer giving the names, ranks, numbers and places of ordinary residence of the electors in the unit; and when the Canadian Forces elector arrives to vote, his name, rank and number will be on the list as well as his place of ordinary residence, as it appears on his declaration.

So that the designated commissioned officer taking the vote will have some check on the declaration that is made on the outer envelope.

Mr. NOWLAN: The only comment is that it has not been done. It has been left in the hands of service officers who sometimes take a very dim view of these duties. They give it to the "Joe boy" in the unit to look after and it is not done at all. If it is to be effective, no one should vote if his name is not on that list, and the list should be closed at a certain time .

The VICE-CHAIRMAN: We have no quorum, so we shall adjourn discussion until 9.00 o'clock tonight.

The committee adjourned to meet again at 9.00 p.m. today.

EVENING SESSION

The committee resumed at 9.00 p.m.

The VICE-CHAIRMAN: Gentlemen, the meeting is called to order. Mr. Murphy has made a motion which was seconded by Mr. Stick to the effect that the quorum be further reduced in numbers from ten to eight. You have all heard the motion. Those in favour? Opposed?

Agreed. Carried.

Gentlemen, the rather active Chief Electoral Officer while we were eating has re-worded the clause that we were debating this afternoon. It was passed this afternoon and subsequently he re-worded the amendment. I wonder if you would be good enough to read the change you have made, Mr. Castonguay?

Mr. Nelson Castonguay, Chief Electoral Officer, recalled.

Subparagraph two of paragraph twenty-one of Schedule three to the said Act is repealed and the following substituted therefor:—

> (2) Notwithstanding anything in these Regulations, any person, who, on or subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under sub-paragraph one, shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Regulations.

The WITNESS: The only thing I have changed, on the advice of my legal adviser, is the wording underlined. Otherwise it is the same as was passed this afternoon.

Mr. MACDONALD: I would move that the additional words be agreed to.

Mr. MACDOUGALL: I second that.

The VICE-CHAIRMAN: Mr. Macdonald moves and Mr. MacDougall seconds that the changes made be agreed to.

All in favour? Opposed?

Agreed.

Carried.

The WITNESS: The other amendments deal with implementing this principle into all paragraphs of the regulations and sections of the Act concerned. I will read clause *(c)* of sub-paragraph (2): Clause *(c)* of paragraph forty-two of Schedule three to the said Act is repealed and the following substituted therefor:—

> (c) was a member of His Majesty's Forces in World War I or World War II or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;

If you will turn to paragraph 42 in this Canadian Defence Service Voting Regulations, on page 16, this amendment will take the place of paragraph 42, of schedule (3).

Mr. STICK: That is washed out. The 1914-18, that is over now anyway. It is redundant now.

The VICE-CHAIRMAN: You have heard the motion. Those in favour? Opposed?

Agreed.

Carried.

The WITNESS: Subsection (3) of section 14 of the said Act is repealed and the following is substituted therefor. We are dealing with the Act now. That is the section we dealt with in our second meeting and it is at page 226, and as I understand it, this section has been repealed and this will replace it. It is on page 226 of the General Instruction Book. The amendment is half way down on the first page and it reads:

Subsection three of section fourteen of the said Act is repealed and the following substituted therefor:—

> (3) Notwithstanding anything in this Act, any person, who, subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at a Dominion election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.

Now, this will be substituted for the provision that was there before, all on the same basis as what was approved in the original amendment this afternoon on paragraph 21.

The VICE-CHAIRMAN: Those in favour of this amendment? Opposed?

Agreed.

Carried.

Mr. HELLYER: Mr. Chairman, has there ever been any distinction made between those who have been honourably discharged and otherwise as far as voting privileges are concerned?

The WITNESS: No, there never has been. In 1948 some distinction was attempted to be made and the committee ruled it out. They wanted to leave it as it is.

Mr. STICK: I think so.

Mr. CAMERON: What page are we on?

The WITNESS: The first page of this mimeographed form.

The VICE-CHAIRMAN: Is that carried?

Agreed.

Carried.

The WITNESS: Clause (*a*) the same page 227 of the General Election Book of Instructions. Clause (*a*) of subsection (5) of section 14 of the said Act is repealed, and this is substituted. It reads as follows:

> (*a*) was a member of His Majesty's Forces in World War I or World War II or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;

Mr. APPLEWHAITE: We also amended that, did we not?

The WITNESS: Yes. The next amendment is to subparagraph (1) of paragraph 34.

The VICE-CHAIRMAN: Just a minute. I have not put the motion. You have heard the motion. All in favour? Opposed?

Agreed.

Carried.

The WITNESS: Subparagraph (1) of paragraph 34 of schedule (3), we are now back to the Canadian Defence Service Voting Regulations. The only change here is in the words underlined. This amendment was passed this afternoon.

By Mr. Herridge:

Q. Just while you are on that section I would like to ask Mr. Castonguay a question. Did you have any complaints about voting in the armed services at all? What was your experience, generally?—A. Well, there was the report from the judge in Annapolis-Kings, who heard the election petition brought under The Controverted Election Act. That is the report that was tabled in the House by the Speaker of the House of Commons. It is incorporated in the minutes of last year's committee.

Q. I know the case.—A. We have tried to meet all the suggestions made by the judge in the report.

Q. I was also referring to the election conducted within the confines of camps on active service.—A. I never had any complaints in respect to camps. The complaint from the electoral district of Annapolis-Kings is the only complaint we received.

The VICE-CHAIRMAN: But the judge recommended this.

The WITNESS: Yes. And there is a letter from Mr. Probe, who was a candidate in the electoral district of Regina. He did not press the allegations he made with respect to service voting. The inquiry was made on the other allegations made in his letter.

The VICE-CHAIRMAN: You have heard the motion? All in favour? Opposed?

Agreed.

Carried.

The WITNESS: Subparagraph (1) of section 52. The same thing applies to this amendment.

Mr. MURPHY: Just a minute, we cannot follow that fast.

The VICE-CHAIRMAN: Have you all had a chance to study it?

You have heard the motion. Those in favour? Opposed?

Agreed.

Carried.

The WITNESS: Form 7 of Schedule (3) of the said Act is repealed. The change here is in item No. 5. We have put an X there and refer to it at the bottom of the form as follows: "if not applicable pursuant to paragraph 21 (2), strike out". A Canadian Forces elector who has not attained the full age of 21 and who has served on active service, if that amendment were not there, he would have to declare that he was 21. If not applicable, he strikes out the words "that I have attained the full age of 21 years".

Mr. APPLEWHAITE: I might ask a question on that. In the modern army has an officer now a regimental number?

Mr. DEWIS: The army and air force all have numbers; the navy has sort of cross-eyed numbers, they are really file numbers but it fits in there all right.

The VICE-CHAIRMAN: Have you had a chance to read this over? Any discussion on it?

Mr. MURPHY: There is just the one change?

The VICE-CHAIRMAN: I will put the question. Those in favour? Opposed?

Agreed.

Carried.

The WITNESS: Form No. 12 of Schedule (3) to the said Act is repealed. The change made to item No. 3 of this form is the only change.

Mr. APPLEWHAITE: I do not like this change, and my reasons for not liking it are these. In paragraph 7 of the form he has to make a declaration that so-and-so is the place of his ordinary residence in Canada as declared by me on the date of my admission to hospital or institution. I think that it is quite within the bounds of possibility that a veteran who has been in a veterans' hospital for a considerable length of time could quite conceivably not be clear in his own mind just what he has given as his exact residence at the time of his admission.

Mr. HERRIDGE: He probably came from Skeena!

Mr. APPLEWHAITE: I just think there is an objection here. Would there be any objection to the form reading: "the place of my ordinary residence in Canada is at . . ."

Mr. MURPHY: What difference would it make?

Mr. APPLEWHAITE: I think it might make this difference. We have set a man's ordinary residence for military services rather arbitrarily. In certain cases it is the last locality at which he resided in army camp before he went overseas. Now, that might have become his official residence, Debert or Halifax. Then he comes back, he spends three or four years in hospital and he is faced with a declaration at the time of his admission and he might say that his home is in Nelson, British Columbia, which has recognized him before he enlisted. I just wonder about tying him down to a declaration made when he was admitted to hospital when he was not one hundred per cent fit, and I just wondered whether we could cut out the words "as declared by me on the date of my admission".

The WITNESS: The only abuses that we have ever had with these regulations were when the elector had some choice in choosing his place of ordinary residence when voting. There must be some restriction to the exercise of such choice and it should not be left completely to the discretion of electors in such hospitals to choose the district in which the hospital is situated. Those are the only abuses we know of that have occurred in the case of Service electors. The advantage of the present regulation is this, that when the deputy special returning officers—

and they are nominated as follows: two by the leader of the government, two by the leader of the opposition, and one by the leader of a group having ten members in parliament—when they arrive at the hospital the records of the electors are there in the office of the hospital, and they can if necessary check from such records the place of ordinary residence given by the elector before he is given a ballot. I have no fixed views on this matter but at the last general election more than five thousand D.V.A. patients voted under these regulations and we had no difficulty with this vote. This particular feature of the regulations worked very well. I have not heard any complaints from the D.V.A. patients and I know of no hardships caused by the present provisions of this paragraph because if there had been any they would have been brought to our attention.

If a change is desirable I would certainly recommend that the definition of ordinary residence be set out and that it be not left in such a manner so that 400 patients may decide on the spur of the moment to pour their vote into the district where the hospital is situated or any other electoral district.

Mr. STICK: It seems to me that we should let well enough alone in this case.

Mr. APPLEWHAITE: At the last election those words were there.

The WITNESS: They appear in paragraph 42, page 17, of the present regulations. We have received no complaints on the provisions of this paragraph—although that does not necessarily guarantee that it works well; but no complaints have been brought to our attention.

The VICE-CHAIRMAN: It works well but that does not mean to say that it is perfect.

Shall the amendment carry?

Carried.

The WITNESS: Before we go on to form 14 there is a new matter of procedure to be approved by the committee—at page 39 of the draft bill. At present if a Canadian Forces elector should present himself to vote he merely fills in the declaration at the back of this outer envelope, which is the same as on the form 7 before you. There is no way by which the designated officer or agent of a political party can challenge the elector as to the residence declared, if he fills in this declaration. If he fills in the declaration, then he must be allowed to vote. There is no provision in the Act to challenge him as to his residence declared on Form 7.

What I have tried to do is to provide the civilian procedure that is where a Canadian Forces elector endeavours to apply his vote to a place other than his ordinary residence, as previously declared and as shown on the list of electors, he may be challenged as to his declaration made on Form 7 by the commissioned officer or the agent of a political party who happens to be in the voting place.

This has been adapted from the civilian voting procedure. I have tried to provide in this amendment some provision whereby the designated commissioned officer or the agent may challenge the elector even though he signs the declaration in Form 7.

Paragraph 34 of Schedule Three to the said Act is amended by adding thereto, immediately after sub-paragraph two thereof, the following sub-paragraph:

> (3) A Canadian forces elector, if required by the designated commissioned officer, or by an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification, in form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, or again be admitted to the voting place. The said affidavit of qualification shall be subscribed to before the designated commissioned officer.

(4) If a Canadian forces elector has refused to subscribe to the affidavit of qualfication mentioned in subparagraph 3, the designated commissioned officer shall endorse, upon the outer envelope completed by such elector, the words "refused to subscribe to the affidavit of qualification" and lay the outer envelope aside.

(5) At the conclusion of the voting period, all such outer envelopes together with all completed affidavits of qualification mentioned in subparagraphs 3 and 4, shall be forwarded by the designated commissioned officer to the appropriate returning officer.

Mr. HERRIDGE: I notice the term "designated commissioned officer" is repeated several times. Are all returning officers or deputy returning officers in the armed forces "designated commissioned officers"?

The WITNESS: That is the expression which has been used in the regulations to identify the commissioned officer who has been designated by the commanding officer to take the vote of Canadian Forces electors.

The VICE-CHAIRMAN: He does not have to be a commissioned officer?

The WITNESS: Yes, he has to be a commissioned officer.

Mr. HERRIDGE: My point is that it is rather a reflection on warrant officers, non-commissioned officers and privates. In a democratic procedure like this why should it be necessary to have commanding officers designate only commissioned officers? What is the explanation?

The WITNESS: The only explanation is that the principle is already established in the regulations by former committees and I did not feel that I could change such a principle. This is merely an adaption of what is now in the regulations. This is not based on a new procedure, it is based on procedure passed by former committees of the House.

The VICE-CHAIRMAN: How long has it been in vogue?

The WITNESS: It was used in 1940, 1945, in the 1942 plebiscite, and in the 1949 general election.

The VICE-CHAIRMAN: Have you ever had any complaints?

The WITNESS: We have never had any complaints brought to our attention.

Mr. HERRIDGE: Well I may say I have heard from men who were in the forces during the war that they rather resented the fact that only commissioned officers were appointed by commanding officers to handle the duties of deputy returning officer and so on. I think in a country like Canada that we should try, as far as possible, to carry out the same procedures in the armed forces as we do in civilian life. There would be nothing wrong with warrant officers, non-commissioned officers and privates being appointed. They are just as capable, just as keen, and just as anxious to take part in elections. I would like to see the inclusion of all ranks—warrant officers, non-commissioned officers and other ranks. I would like to hear what some of the other members of the committee think about it.

Mr. MACDOUGALL: I cannot see any valid reason why they should not be included.

Mr. APPLEWHAITE: In effect the chances are that the commanding officer would appoint somebody from the orderly room staff.

Mr. HERRIDGE: The term is "designated commissioned officer." He must designate a commissioned officer.

Mr. APPLEWHAITE: If it were to happen that all ranks were covered, in effect the result would likely be—if it were not a commissioned officer—it would be some of the orderly room staff.

Mr. HERRIDGE: Likely some of the clerical staff.

The WITNESS: Paragraph 30 of the Canadian defence service voting regulations covers the point. You will find that no change has been made in substance to the said paragraph. There are occasions when a non-commissioned officer is appointed.

Mr. HERRIDGE: "The vote of every defence service elector shall be cast before any commissioned officer who has been designated by the commanding officer for that purpose, and who is himself a defence service elector, and has not been officially nominated as a candidate at the general election; provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate, for that purpose, a person of or above non-commissioned officer status, subject to the above noted limitations."

That is to say he can appoint a warrant officer or non-commissioned officer.

Mr. STICK: Of or above non-commissioned officer status.

Mr. HERRIDGE: A person of or above non-commissioned officer status.

Personally, Mr. Chairman, while it is only a matter of procedure, I do think that even in the army it would lead to greater interest in elections and greater taking part in elections.

I remember that I was in France in the first world war and, while I am not suggesting that our Act operated quite like this, I voted four times in the British Columbia election because the ballot boxes had supposedly been blown up—but I found out afterwards they had not been blown up.

The VICE-CHAIRMAN: Then you blew up.

Mr. HERRIDGE: The point was at that election and I remember quite well—

Mr. DEWAR: How did you vote?

Mr. HERRIDGE: I remember in my constituency the Liberal candidate won by one vote—and I cast that one vote.

Some Hon. MEMBERS: Hear, hear.

Mr. HERRIDGE: I remember well that there were a lot of complaints because —and I am not speaking of the provincial election I am speaking of the federal election in 1915—but a lot of men complained that there was a certain amount of intimidation in the hospitals and at the front. I happened to be in hospital when I voted, and the commissioned officer in charge of the ballot box was telling the fellows frankly that if they damned well did not vote for the union government they would not get a chance to vote. That struck me very forcibly.

Mr. MACDOUGALL: The same thing happened in that election in the horse lines where you got that kind of a chap.

Mr. CAMERON: That was a union government election.

The VICE-CHAIRMAN: Have you any comment you would like to make on this, Commander Dewis?

Commander DEWIS: No, I do not think I have. It has never occurred to us. It has always been in the regulations this way. It is the sort of a duty I think that we would expect officers to handle. It is quite an important thing.

Mr. MURPHY: I think, Mr. Chairman, the principle suggested by Mr. Herridge is very sound and while our witness has stated that in all probability it is a job which would be handled by a commissioned officer, I think we could adopt a principle which would permit the commanding officer to appoint either an officer, a warrant officer, or an n.c.o., and that would be fair as Mr. Herridge has pointed out. As I see this type of democracy that is the way it should function.

Mr. STICK: Is this point covered in the Defence Act?

Mr. DEWIS: No.

MR. STICK: The reason I ask is that I do not want this to conflict with the Defence Act, although I do not remember anything in that Act about it.

Mr. APPLEWHAITE: Have these designated officers much to do besides presiding over the poll at the time of the election?

The CHAIRMAN: Would you repeat that question?

Mr. APPLEWHAITE: Are there many duties that these designated officers have to perform, other than to preside at the polls during the hours of election?

Mr. MACDOUGALL: The designated commissioned officers?

Mr. DEWIS: The Chief Electoral Officer would probably know more about this than I do but they have to keep track of election documents, ballots, and so forth issued to them—aside from sitting at the desk.

Mr. APPLEWHAITE: There is not much before the elections?

Mr. DEWIS: There is a lot of liaison work to be done I would imagine. The designated commissioned officer is the one who works between the commanding officer and the service liaison officer for the area. There is quite a bit of work to be done before hand, but not as the designated commissioned officer. Anyone else might do it. In some units they undoubtedly would have someone else to handle the liaison work and on voting day the designated commissioned officer would take the vote.

Mr. HELLYER: In so far as this has to be administered by the designated commissioned officer, the system has worked admirably—at least during the last war and during the last ten years. I cannot really see that it is essential to invoke the principle.

Mr. HERRIDGE: I would like to ask Mr. Castonguay to explain just what is the system within say a battalion? Would there be several commissioned officers at several polls appointed by the colonel or commanding officer?

The WITNESS: At the last general election there were 224 voting places for service personnel in Canada—they are the equivalent of civilian polling stations.

Mr. HERRIDGE: There would be a large number of votes there?

Mr. MCWILLIAM: Over what period do they extend the voting? One day, or was it not a whole week? I think in the army they voted for a whole week.

Mr. MACDOUGALL: Could the difficulty not be overcome by using the words "designated by the commanding officer" instead of "designated commissioned officer"?

The VICE-CHAIRMAN: If you will move an amendment I will put the question.

Mr. MACDOUGALL: Mr. Herridge should move it.

Mr. HERRIDGE: In what form could one move an amendment? I was going to suggest that it be left over.

The WITNESS: It is an easy amendment.

Mr. HERRIDGE: The term occurs in many places?

The WITNESS: Yes, it occurs in many places, but if the committee approves the change I will go through all the amendments and paragraphs affected and report back to the committee with the necessary amendments to the paragraphs that will be affected. We can also probably rephrase paragraph 30.

Mr. HERRIDGE: Could you suggest a form in which I could move the amendment to give effect to what I suggested?

Mr. STICK: Cut out the word "commissioned".

The WITNESS: After "any commissioned officer" you could add "a person of or above non-commissioned officer status".

Mr. MURPHY: The same as you had in Section 30.

Mr. HERRIDGE: I would so move, Mr. Chairman.

The WITNESS: Commander Dewis has suggested a simpler amendment. "Before any Canadian Force elector"; however, I shall bring back a report to the committee at the next meeting of all the paragraphs which would be affected.

Mr. HELLYER: It seems to me to involve a great deal of work which in fact would not have any bearing whatsoever.

Mr. APPLEWHAITE: I have a lot of sympathy for the thought behind it; but the officer would have to have complete custody of the ballot boxes and of other supplies for a full week, would he not?

The WITNESS: Yes. The Canadian Forces Elector mails the outer envelopes after he has voted. The outer envelope with ballot enclosed is given to the elector for mailing and it is up to him to mail it. So the only documents or papers that the designated commissioned officer has custody of are the unused ballots, the unused outer and inner envelopes, and other election documents and supplies.

The VICE-CHAIRMAN: That is a very simple amendment.

Mr. STICK: Any commanding officer is going to designate a commissioned officer. But we are laying the ground work for bringing in a policy of democracy with respect to elections in the army.

Mr. HELLYER: There is no democracy in the army anyway, so what is the difference?

The VICE-CHAIRMAN: We can do our best to add democracy to the army.

Mr. DEWAR: Is the point of it to obviate any misdemeanours taking place during the taking of the ballots?

The VICE-CHAIRMAN: No, no.

Mr. MURPHY: No. It is to put all ranks on an equal basis.

The VICE-CHAIRMAN: To put all ranks on an equal basis for the taking of an election.

Mr. MCWILLIAM: Prior to this the only one who could proceed would be a commissioned officer. Now the designated person can be a commissioned officer or a non-commissioned officer.

The VICE-CHAIRMAN: Would you repeat the amendment, please?

The WITNESS: The amendment is to paragraph 30, the second line thereof; it is proposed to delete the words "any commissioned officer" and substitute the words "any Canadian forces elector"; and in the third line thereof, after "purpose" strike out "and who is himself a Defence Service elector"; and then in the fifth line after the words "general election" strike out "provided however in the case of a small detachment" and so on down to "limitations".

The VICE-CHAIRMAN: I believe that covers the purpose behind it.

The WITNESS: So the amendment would read:

> The vote of any Canadian Forces elector shall be cast before any Canadian Forces elector who has been designated by the commanding officer to take the votes of such elector.

The VICE-CHAIRMAN: All those in favour of the amendment? All those opposed?

Mr. HELLYER: How many changes in forms and other things would be required?

The WITNESS: I would say there would be quite a few.

Mr. STICK: I would think so.

Mr. HELLYER: Do you think it is a big move forward? Are we accomplishing anything worth while? I think it is pretty inconsequential and if it is not going to alter the practice, I cannot see why we should waste our time over it.

The WITNESS: Nearly every paragraph pertaining to the taking of the vote would be affected.

Mr. MURPHY: I think practically all the members are in agreement that we should establish a little bit of democracy which we did not have here before, so that it is available to equal ranks. I think that service men of all ranks would appreciate it.

Mr. ARGUE: Question?

The VICE-CHAIRMAN: Question?

Mr. MACDONALD: I believe that "the commanding officer might appoint" seems even better; because the orderly room sergeant in the case of the army, or the pay sergeant will do the work and make up the nominal roll and see that these men are paraded. So despite this democratic amendment I do not think that there is anything likely to occur in the way of democracy in the armed forces in the way that paragraph is set up now.

Mr. MACDOUGALL: If the Chief Electoral Officer admits that it will mean a considerable change in practically every paragraph, then as far as I am concerned I am prepared to withdraw. But if it is not going to mean a terrific change, I still think we should vote on it.

The VICE-CHAIRMAN: Mr. Castonguay, new forms have to be printed anyway, do they not?

The WITNESS: Yes.

The VICE-CHAIRMAN: So it is not such a vital matter in that regard.

The WITNESS: I am not afraid of the work it will involve.

Mr. DEWAR: Are we gaining anything by doing it?

The VICE-CHAIRMAN: It is a democratic principle.

Mr. DEWAR: If a man has the vote, what more do you want than that? I do not care who has charge of it.

Mr. HELLYER: There is a matter of responsibility. In the civilian part of elections, each official is required to take an oath covering certain aspects of his duties. It seems to me, in thinking about the matter casually, than an officer would be able to carry on with less ado and responsibility involved. So I think that should be the logical choice. I say that without bias because I never got high enough in the forces to have any such aspirations myself.

Mr. CAMERON: I believe some of the cabinet ministers were privates in the First World War.

The VICE-CHAIRMAN: I understand the Minister of National Defence started out that way.

Mr. ARGUE: He could probably have handled this job at the time.

The VICE-CHAIRMAN: I think the best way would be for me to put the question. All those in favour? All those contrary, if any? I declare the amendment carried.

Carried.

Mr. APPLEWHAITE: Would you entertain a motion to this effect, and if you did so, would it be binding? The motion is that the words "Canadian forces electors" be substituted in this regulation for the words "commissioned officer or designated commissioned officer", wherever the same may occur?

The VICE-CHAIRMAN: In fact, I believe that is what it amounts to.

The WITNESS: Some paragraphs deal with a "commissioned officer" who is not designated specifically to take the vote. But I will have all this information for the committee at its next meeting. And it may be that I shall have a complete list of changes. That is what I shall endeavour to do. Whether these changes can be made with one covering amendment or whether each pertinent

paragraph will have to be amended is a matter I can only decide after some study. I will give you a mimeographed copy of the neecssary changes at the next meeting.

Mr. APPLEWHAITE: Are you going to have to mimeograph all this thing?

The WITNESS: No, just the sections which must be changed, if that is agreeable to you.

The VICE-CHAIRMAN: Carried.

Now we come back to the clause which raised this point, on page 39. It has not been carried. It is the one which Mr. Castonguay read before this discussion. Is it agreed? Agreed.

Carried.

The WITNESS: The next amendment is at page 40 of the draft bill, and it reads as follows:

> Paragraph 39 of Schedule three of the said Act is repealed and the the following substituted therefore:—
>
> 39. When a Canadian Forces elector is incapacitated from any physical cause, and is unable to vote according to the ordinary procedure prescribed in these Regulations, the designated commissioned officer before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Canadian Forces elector. Such other elector shall be selected by the incapacitated Canadian Forces elector. Such persons before whom the ballot paper of an incapacitated Canadian Forces elector is marked shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Canadian Forces elector has been written on the back of the outer envelope, as above directed, the designated commissioned officer and the other Canadian Forces elector shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.

The reason for this amendment is that there were some incapacitated service electors who voted and were unable to sign the outer envelope. Therefore when it reached the office of the returning officer, he had no other alternative but to reject it, because it has to be signed not only by the elector but by the person taking the vote. So this amendment provides a procedure whereby the names of such incapacitated electors would be inserted on the outer envelope. That is the only change.

Mr. STICK: Is that the same procedure as is provided for a man who is not able to read or write?

The WITNESS: Basically it is the same procedure as now provided for the blind or incapacitated electors. The civilian procedures are the same.

The VICE-CHAIRMAN: Agreed?

Carried.

The WITNESS: The next amendment reads as follows: Subparagraph 2 of paragraph 40 of schedule to the said Act is repealed and the following substituted therefor:—

> (2) A Canadian Forces elector who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is

on duty, leave or on furlough, cast his vote elsewhere before any designated commissioned officer, when such officer is actually engaged in the taking of such votes.

Mr. McWILLIAM: Does this not leave you to believe that the soldier on furlough would have to go to some other army or reporting place?

The WITNESS: He may, yes. In this instance here—"the designated commissioned officer"—that will have to be changed.

Mr. McWILLIAM: Supposing he was home, but voted the ordinary—

The WITNESS: He may vote at the ordinary polling station at home.

Mr. McWILLIAM: Yes.

The WITNESS: And providing that such home is his ordinary place of residence as prescribed in paragraph 23.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: "(1) clause (4c) of paragraph forty-two of schedule 3 to the said Act is repealed and the following substituted therefor:

(c) was a member of His Majesty's forces in World War I or World War II, or of the Canadian forces". We have already dealt with this clause.

Paragraph 54 of the schedule 3 of the said Act is repealed and the following substituted therefor:

54. The period of voting by veteran electors shall commence on Monday the seventh day before polling day and be concluded on the Saturday immediately preceding polling day, both inclusive.

Mr. STICK: That sounds all right.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: "Paragraph 59 of schedule 3 to the said Act is repealed and the following substituted therefor:". This procedure is the same as for an incapacitated elector: The deputy special returning officer or the friend signs the outer envelope; and the words underlined are the only changes to this paragraph. There is no other change in substance.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: "Paragraph 60 of schedule 3 to the said Act is repealed and the following substituted therefor". This provides the same procedure for a blind veteran elector.

The VICE-CHAIRMAN: The same wording as the other?

The WITNESS: Yes, no change in substance except for providing this new procedure, because the deputy special returning officer can sign the outer envelope, or the friend.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: Subparagraph one of paragraph sixty-two; we have also considered this subparagraph.

"Subparagraph two of the said paragraph is repealed and the following substituted therefor". The change in this paragraph is consequential to the amendments to paragraphs 59 and 60.

Mr. STICK: To conform with what we have already done.

The WITNESS: Yes, to conform with what we have already done in paragraphs 59 and 60. There is no change in substance.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: "Clause (*b*) of paragraph 68 of schedule 3 to the said Act is repealed and the following substituted therefor". This amendment also corresponds to the changes made to paragraphs 39, 59 and 60, and in here also the changes consist in the words underlined. These amendments are consequential to the amendment already made to paragraphs 59 and 60.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: "Sub-paragraph 1 of paragraph 71 of schedule 3 to the said Act is repealed and the following substituted therefor: disposition of outer envelope when declaration incomplete." This change in procedure is made for the same reasons.

Mr. STICK: The same procedure we had a minute ago?

The WITNESS: Yes. These changes are consequential to the changes made to paragraphs 39, 59 and 60.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: "Clause (*c*) of paragraph 82 of schedule 3 to the said Act is repealed and the following substituted therefor: (*c*) the outer envelope laid aside pursuant to said paragraph 5 of paragraph 34 and of paragraphs 71 and 72". These changes are also consequential to the changes made to paragraphs 34, 71 and 72.

The VICE-CHAIRMAN: Is that carried?

Carried.

The WITNESS: "Sub-paragraph (2) of paragraph 82 of schedule 3 is further amended by adding thereto the following clauses". These changes are also consequential to the changes made to paragraph 34, and (*k*) has to stand because paragraph 27 of the regulations has been stood over by request.

Mr. APPLEWHAITE: I would ask the electoral officer if he would not check that and see if that should not read "form 14".

The WITNESS: Apparently it is form 14.

The VICE-CHAIRMAN: That is a typographical error.

The WITNESS: (*k*) can be proceeded with because I understand Mr. Nowlan has no objection to the preparation of a list and I believe he was suggesting that such list should be a closed list. The list of electors will have to be provided anyway, regardless of what type of list is approved.

The VICE-CHAIRMAN: Whether it is a closed list or not.

The WITNESS: Yes. So, if the committee is agreeable, (*k*) can be passed.

The VICE-CHAIRMAN: Is the committee agreeable to passing (*k*)? I have two or three to carry here: clause 1 subparagraph *(c)*: is that carried?

Carried.

Clause 2 *(j)*; is that carried?

Carried.

And *(k)*; is that carried?

Carried.

The WITNESS: The form No. 5, the changes are consequential to the changes made in paragraph 26. We deleted the word "nomination" out of this paragraph, and there is no other change except the words underlined.

Mr. APPLEWHAITE: You have changed "Defence Service" to "Canadian forces".

The WITNESS: Yes.

Mr. STICK: I agree with that one.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: Form No. 9 was previously approved. "Form number 9 of schedule 3 to the said Act is amended by the insertion of the following as paragraph four thereof: a Canadian forces elector, if required by the designated commissioned officer, or an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification in form number 14, and if such elector refuses so to subscribe to such affidavit he shall not be allowed to vote, or be again admitted to the voting place." These are the directions to the electors which are posted up in every voting place.

Mr. MURPHY: This is the same principle?

The WITNESS: Yes. "A Canadian forces elector, if required by the designated commissioned officer or the commanding officer to take the votes".

Mr. STICK: That will have to be changed.

The VICE-CHAIRMAN: It will all be changed right through.

The WITNESS: This change is made to item 5 of form 9. The committee passed an amendment earlier requiring an elector in a dual electoral district if he chooses to vote for two candidates to use one ballot only. We have dealt with form 12.

The VICE-CHAIRMAN: Is that carried?

Carried.

The WITNESS: Page 55 now.

Mr. STICK: What about 54.

The WITNESS: We have carried it when we were discussing the earlier amendments pertaining to active service. Page 55, this is the same principle: dual member electoral district: you must insert the names of the candidates on one ballot.

The VICE-CHAIRMAN: Is that agreed?

Carried.

The WITNESS: Form 14 is the affidavit of qualification that a Canadian forces elector may have to subscribe to if required by the designated Canadian commissioned officer.

Mr. APPLEWHAITE: That is the one on page 56?

The WITNESS: Yes; we have dealt with Form No. 14. Form 15: these forms represent the statements ordinary residences the various Canadian forces electors will have to file pursuant to paragraph 23. Form 15 deals with the statement of ordinary residence the members of the regular forces, are required to complete and are only applicable to members of the regular forces enrolled in or on service prior to the date, these regulations come into force.

Mr. APPLEWHAITE: At this stage, because this form is one in which he declares his residence, I want to ask the Commander a question, and get the procedure on the record of this committee: all of the way through we have dealt with the street address in the place of residence, and we have nowhere referred to the electoral district. That does not raise much difficulties where the street address would be in a town and the whole town is in one electoral district, but perhaps in big cities, particularly one of those minor electors whom we have just admitted, and voting for the first time, he knows the street number in, say, Montreal or Vancouver, but perhaps does not know the proper name. Whose responsibility is it to pick out the electoral district.

The WITNESS: I can answer that, Mr. Chairman: first, at the voting place there is supplied a postal guide, and we compiled it ourselves because the prseent postal guide based on the 1947 Act has not been printed. We had to provide this guide ourselves from information given to us by the post office, and in here are all the names of the post offices in Canada, and the names of the electoral districts in which such post offices are situated. That takes care of the rural elector, but in the large cities we supply what we call books of key maps. These books contain individual maps of every electoral district situated in large cities, and as long as the Canadian forces elector knows his address, he only has to refer to this key book of maps, and I think there are 65 maps in every book and it is supplied in every voting place. Therefore if the elector knows his street address, he can determine from that map without any difficulty exactly in what district is situated his place of ordinary residence.

The VICE-CHAIRMAN: Even if it was Vancouver it would be Vancouver-Quadra, or south Vancouver.

The WITNESS: Say it was 200 Sparks Street, then that street is shown on the map this way, and here is the boundary for Ottawa west, and the last street number on Sparks street in Ottawa west is 218, and over here begins 220 Sparks street in Ottawa East, so on this side is Ottawa east, and on this side is Ottawa west. All he has to know is the street number because where the dividing line comes between two districts we have the last number on the street in each electoral district.

Mr. APPLEWHAITE: Will that map show all the streets—even the little ones?

The WITNESS: Generally, yes. We have had no complaints at all on this matter. We used these key books for the 1940 general election, and in 1942, 1945 and 1949.

Mr. APPLEWHAITE: It is the duty of the designated officer or elector, or is it the duty of the man himself to find out and decide what is the correct electoral district.

The WITNESS: Well, there is no provision in the Act defining whose duty it is but I imagine if the elector requires some assistance, the commissioned officer would give it to him, but it is not specified in the Act that the commissioned officer will assist the Canadian forces elector to locate his electoral district. He has a postal guide, a book with key maps, and also a list of all the names of the candidates with their political affiliation, in each respective electoral district. We have not had one complaint of any Canadian elector having any difficulty with this matter.

Mr. APPLEWHAITE: The reason I brought it up is that in British Columbia they have the absentee votes, and we have people come in, say, from Vancouver and they knew their street address in Vancouver and they did not know which riding they were in, and that would apply much more so to young people who have never voted before.

Mr. DEWAR: I think that is taken care of in what was said here, because the British Columbia election law is probably a little bit backward.

The WITNESS: Mr. Chairman, there is one change in this form: the change that Mr. Applewhaite suggested earlier in paragraph 23, "the effective date of these regulations": it is "effective date of this paragraph". That is a mistake for which I am responsible.

The VICE-CHAIRMAN: It has been done in these other forms that have been given us this afternoon.

The WITNESS: When I have these forms printed I intend to print on the back of the form the pertinent sub-paragraph of paragraph 23 of regulations so that the serviceman will have before him the pertinent subparagraph that applies to him.

Mr. CAMERON: It should be in there, Mr. Chairman?

The WITNESS: From paragraph 23 of the Canadian Forces Voting Regulations mentioned here, I want to print on the back of the form the subparagraph that is pertinent to each form.

Mr. MURPHY: That is fair enough.

The VICE-CHAIRMAN: Does that satisfy you, Mr. Cameron?

Mr. CAMERON: Yes.

The VICE-CHAIRMAN: Shall the motion carry? Those in favour? Opposed? Agreed.

Carried.

The WITNESS: Paragraph No. 16 is applicable to members of the regular forces on enrolment. The others are for serving members of the regular forces. This is for enrolment purposes, and the same change is to be made here, "these regulations" in the third line from the top to be changed to "this paragraph".

Mr. HELLYER: If we are to be consistent about these things, can the oath be administered by any one?

The WITNESS: This is not an oath, this is just merely a declaration.

Mr. HELLYER: What about the previous one?

The WITNESS: The same thing applies to it, it is a declaration.

Mr. APPLEWHAITE: It is made at the time of election?

The VICE-CHAIRMAN: At the time of enrolment.

The WITNESS: This one here has to be completed before a commissioned officer, not a designated commissioned officer.

Mr. HELLYER: That is what I was asking, Mr. Chairman—it is a matter of being consistent.

Mr. APPLEWHAITE: I would suggest that it does not apply here because I think on enrolment certain forms have to be signed before some one holding His Majesty's commission. There will be no designated elector on the Election Act until the election is in the offing, and this is a form that will be signed as a matter of course when he signs his other documents on attestation.

Mr. HELLYER: Yes, but why could it not be administered by a private?

Mr. APPLEWHAITE: There would be no provision for setting him up, the Dominion Election Act is not in operation. There are no returning officers.

The VICE-CHAIRMAN: You would not sign up with a private?

Mr. CAMERON: In the army it is a captain or higher who takes the attestation oath of a man on enlistment.

The VICE-CHAIRMAN: A man is always enrolled before an officer.

Mr. HELLYER: Yes, I understand that, that is part of my argument; my opinion is, leave the section as it is.

The VICE-CHAIRMAN: I do not think the two are similar.

Mr. HELLYER: The same principle but the practice makes them dissimilar

The VICE-CHAIRMAN: Shall Form No. 16 carry? Those in favour? Opposed? Agreed.

Carried.

The WITNESS: Form No. 17 is only applicable to regular force members who are not members of the active service.

The VICE-CHAIRMAN: Shall Form No. 17 carry? Those in favour? Opposed? Agreed.

Carried.

The WITNESS: Form No. 18. Statement of ordinary residence. Statement applicable to members of the reserve on full time training or service, but not on active service during the period commencing on date of ordering of general election or on being placed on active service.

Mr. STICK: That is what we discussed this afternoon. We agreed to it this afternoon.

The VICE-CHAIRMAN: We carried that this afternoon.

The WITNESS: On page 61, I am suggesting that the words "defence service'" be removed and the words "Canadian forces" substituted therefor. The second amendment there is that the word "army" be substituted for the word "military".

Mr. STICK: No, no, I do not think that is right.

Mr. APPLEWHAITE: May I ask the Chief Electoral Officer if the word military has ever been used to include the navy and air force as well?

The WITNESS: Not for the purposes of these Regulations. The present Regulations provide for the words, navy, military, or air force. In the new National Defence Act it is termed naval, army, or air force, and that is what is intended by this amendment. Wherever the terms naval, military or air forces of Canada appear the term naval, army or air force will be substituted therefor.

Mr. HELLYER: Will you accept a motion for adjournment, Mr. Chairman?

The VICE-CHAIRMAN: Shall the amendment described from page 61 carry? Those in favour? Opposed?

Agreed.

Carried.

The WITNESS: The last page is just for information. It is a calendar of dates showing in chronological order the various operations which must be completed before polling day at a general election. It is not a draft amendment.

Mr. STICK: That completes this.

The WITNESS: We forgot to consider one amendment, on page 38, and it is consequential—

The VICE-CHAIRMAN: We meet next Thursday at 4 o'clock.

The WITNESS: —it is consequential to the changes made to paragraph 34; it has to do with the powers to administer the affidavit of qualification Form 34.

The VICE-CHAIRMAN: Shall page 62 carry? Those in favour? Opposed?

Agreed.

Carried.

We will meet Thursday at 4 o'clock.

The committee adjourned.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, JUNE 7, 1951

WITNESSES:

Mr. Nelson Castonguay, Chief Electoral Officer.

Cdr. J. P. Dewis, Deputy Judge Advocate General, Dept. of National Defence.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

ORDERS OF REFERENCE

WEDNESDAY, June 6, 1951.

Ordered,—That the quorum of the said Committee be reduced from 10 to 8 members.

Ordered,—That the name of Mr. Hees be substituted for that of Mr. Fleming on the said Committee.

Attest.

LEON J. RAYMOND,
Clerk of the House.

87824—1½

MINUTES OF PROCEEDINGS

THURSDAY, June 7, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4 p.m. this day. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Argue, Balcer, Boisvert, Cameron, Dewar, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Harris (*Grey-Bruce*), Hees, Herridge, MacDougall, Macdonald (*Edmonton East*), McWilliam, Murphy, Nowlan, Pearkes, Stick, Valois, Viau, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Assistant Chief Electoral Officer; Cdr. J. P. Dewis, Deputy Judge Advocate General, Department of National Defence.

The committee resumed consideration of the amendments to the Act proposed by Mr. Castonguay.

Paragraph 4(*e*) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Deputy Returning Officer

(*e*) "deputy returning officer" means a Canadian Forces elector who has been designated by a commanding officer to take the votes of Canadian Forces electors, pursuant to paragraph 30.

On motion of Mr. Dewar,—

Resolved,—That Paragraph 4(*e*) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Paragraph 30 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Before Whom Votes of Defence Service Electors are to be Cast

30. The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector who has been designated by a commanding officer to act as a deputy returning officer.

On motion of Mr. Dewar,—

Resolved,—That Paragraph 30 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

On motion of Mr. Dewar,—

Resolved,—That there be inserted in Schedule 3 to the Act the following subparagraphs:

Wherever the expressions "commissioned officer" or "commissioned officer designated" are mentioned or referred to in paragraphs ten, thirteen, twenty-six, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, sixty-eight, seventy-one, eighty-five, and eighty-eight, or in Forms No. five, nine, and ten of Schedule Three to The Dominion Elections Act, 1938, there shall in each and every case be substituted the words "deputy returning officer".

Wherever the expression "designated commissioned officer" is mentioned or referred to in the amendments to Schedule Three of The Dominion Elections Act, 1938, which have been approved by this committee, there shall in each and every case be substituted by the Chief Electoral Officer the expression "deputy returning officer".

Paragraph 4(*f*) of Schedule 3 to the Act. Repeal was suggested.

On motion of Mr. Macdonald,—

Resolved,—That Paragraph 4 (*f*) of Schedule 3 to the Act be deleted.

Paragraph 4(*p*) (*r*) of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Unit

(*p*) "Unit" means an individual body of the *Canadian Forces* that is organized as such pursuant to section eighteen of The National Defence Act.

Voting Territory

(*r*) "voting territory" means a specified area where a special returning officer shall be stationed and where the votes of *Canadian Forces* electors shall be taken, received, sorted, and counted, as prescribed in these Regulations.

On motion of Mr. Macdonald;—

Resolved,—That Paragraphs 4(*p*) (*r*) of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Section 14 (6) (7) of the Act. Repeal was suggested and substitution of the following:

Residence qualifications of members of the Canadian Forces at a by-election.

(6) A Canadian Forces elector, as defined in paragraph twenty-one of The Canadian Forces Voting Regulations, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of the said regulations.

Residence qualifications of Veteran electors at a by-election.

(7) A Veteran elector, as defined in paragraph forty-two of The Canadian Forces Voting Regulations, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence.

On motion of Mr. MacDougall,—

Resolved—That Section 14(6) (7) be deleted and the foregoing substituted therefor.

Section 16, Rule (4). Repeal was suggested and substitution of the following:

Member of the Canadian Forces.

(4) A Canadian Forces elector, as defined in paragraph twenty-one of The Canadian Forces Voting Regulations, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations.

On motion of Mr. MacDougall,—

Resolved,—That Section 16(4) be deleted and the foregoing substituted therefor.

Section 20 (3). Repeal was suggested and substitution of the following:

(3) The election of any person who is by this Act declared to the ineligible as a candidate shall be void.

On motion of Mr. Nowlan,—

Resolved,—That Section 20(3) be deleted and the foregoing substituted therefor.

Section 1 of the Act. Repeal was suggested and substitution of the following:

Short title.

1. This Act may be cited as the *Canada Elections Act.*

(2) Wherever the words "The Dominion Elections Act, 1938" are mentioned or referred to in any schedule thereto, there shall in each and every case be substituted therefor the words "the Canada Elections Act."

(3) Wherever the expressions "Dominion election" or "Dominion general election" are mentioned or referred to in the said Act or in any schedule thereunto, there shall in each and every case be substituted therefor, respectively, the expressions "election" and "general election".

On motion of Mr. Harris,—

Resolved,—That Section 1 be deleted and the foregoing substituted therefor.

Section 102 (2). Repeal was suggested and substitution of the following:

Posting up of notices, etc.

102(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.

On motion of Mr. MacDougall,—

Resolved,—That 102(2) be deleted and the foregoing substituted therefor.

Section 95(*b*). Addition of words suggested.

On motion of Mr. Harris,—

Resolved,—That Section 95 (*b*) be amended by inserting after the words "are members of", the following: "the reserve forces of the Canadian Forces".

Section 111 of the Act. Suggested new section.

On motion of Mr. Harris,—

Resolved,—That the Act be amended by adding the following as a new section:

111. (1) Elections of members to the Council of the Northwest Territories (in this section called "Northwest Territories elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Northwest Terri-

tories, directs as being necessary by reason of conditions existing in the Northwest Territories to conduct effectually Northwest Territories elections.

(2) The procedure prescribed by section one hundred and eight shall be followed in the preparation, revision and distribution of the list of electors for Northwest Territories elections.

(3) Sections fourteen, sixteen, nineteen and twenty do not apply to Northwest Territories elections.

(4) For the Northwest Territories election first held after the coming into force of section eight A of the Northwest Territories Act, the qualifications for electors shall be those established pursuant to that section and in force three months prior to the polling day for such election and, for subsequent Northwest Territories elections, the qualifications for electors shall be those established pursuant to that section and in force six months prior to the polling day for such elections.

(5) Notwithstanding the provision of section one hundred and ten of this Act, this section shall come into force on the date upon which it is assented to.

Section 14(2) (*f*). Repeal was suggested and the following substituted therefor:

(*f*) every Indian, as defined in the Indian Act, ordinarily resident on a reserve, unless

(i) he was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, or

On motion of Mr. Harris,—

Resolved,—That Section 14(2) (*f*) be deleted and the foregoing substituted therefor.

Section 14(4). Repeal was suggested and substitution of the following:

Qualification of wife of an Indian veteran.

(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the Indian Act, who was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.

On motion of Mr. Harris,—

Resolved,—That Section 14 (4) be deleted and the foregoing substituted therefor.

Section 105. Repeal was suggested and substitution of the following:

Section one hundred and five of the said Act is repealed and the following substituted therefor:

Peace and Good Order at Public Meetings

Penalty for disorderly conduct at public meetings.

105. (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election

or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.

Penalty for conspiracy to cause disorder.

(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an indictable offence against this Act, punishable as in this Act provided.

On motion of Mr. Harris,—

Resolved,—That Section 105 be deleted and the foregoing substituted therefor.

Section 6(1)(2). Repeal was suggested and substitution of the following:

Staff.

6. (1) The staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer, appointed by the Governor in Council, and such other officers, clerks, and employees as may be required, who shall be appointed in the manner authorized by law.

(2) The Assistant Chief Electoral Officer may be a contributor under and entitled to all the benefits of the Civil Service Superannuation Act.

On motion of Mr. Harris,—

Resolved,—That Section 6 be deleted and the foregoing substituted therefor.

Section 16, Rule (8). Repeal was suggested and substitution of the following:

Persons temporarily engaged in public works.

(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ.

Wives or dependents of persons temporarily engaged in public works.

(8A) The wife or dependent of a person mentioned in Rule eight who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependent has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ.

On motion of Mr. Harris,—

Resolved,—That Section 16, Rule (8) be deleted and the foregoing rules substituted therefor.

On motion of Mr. Harris,—

Resolved,—That the Act be amended by adding the following clause:

Wherever the expressions "British subject" or "British subject by birth or naturalization" are mentioned or referred to in the said Act or in any schedule thereto, there shall in each and every case be substituted the words "Canadian citizen or other British subject".

At 5.45 p.m. the Committee adjourned until 8.30 this day.

EVENING SITTING

The Committee resumed at 8.30 p.m. The Vice-Chairman, Mr. George T. Fulford, presided.

Members present: Messrs. Argue, Boisvert, Cameron, Cannon, Fair, Fulford, Harris (*Grey-Bruce*), Herridge, Macdonald (*Edmonton East*), McWilliam, Nowlan, Stick.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer, Cdr. J. P. Dewis, Deputy Judge Advocate General, Department of National Defence.

Paragraph 27 of Schedule 3 to the Act. Repeal was suggested and substitution of the following:

Lists of names, etc., of Canadian Forces electors.

27. As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the designated commissioned officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 23 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom.

On motion of Mr. Nowlan,—

Resolved,—That Paragraph 27 of Schedule 3 to the Act be deleted and the foregoing substituted therefor.

Section 20(1). Addition of a new clause (*g*) was suggested.

On motion of Mr. Cannon,—

Resolved,—That Section 20(1) be amended by addition of the following clause:

(*g*) every person who is a member of the Council of the Northwest Territories—during the time he is such member.

On motion of Mr. Stick,—

Resolved,—That the Act be amended by adding thereto the following clause:

Any forms, envelopes, ballot boxes, and other supplies on which appear the words "Dominion election", "Dominion general election", or "The Dominion Elections Act, 1938" shall be deemed to be valid until such time as the supplies on hand have become exhausted.

Section 2(12). Repeal was suggested.

On motion of Mr. McWilliam,—

Resolved,—That Section 2(12) be deleted.

Section 2(17). Repeal was suggested and substitution of the following:

List of Electors.

(17) "list of electors" means either the preliminary list or the official list as herein defined, and as the context requires;

On motion of Mr. Nowlan,—

Resolved,—That Section 2(17) be deleted and the foregoing substituted therefor.

Section 2(22) (*a*). Repeal was suggested and substitution of the following:

Official List of Electors.

(22) "official list of electors" means

(*a*) in an urban polling division, any copy of the printed preliminary list prepared by the enumerators pursuant to Rules (1) to (16), inclusive, of Schedule A to section seventeen of this Act taken together with a copy of the statement of changes and additions certified by the revising officer pursuant to Rule (41) of the said Schedule A, or the appropriate portion of the preliminary list which has been divided by the returning officer for the taking of the votes taken together with the special statement of changes and additions certified by the returning officer pursuant to subsection seven of section thirty-three of this Act, and

On motion of Mr. Cameron,—

Resolved,—That Section 2(22) (*a*) be deleted and the foregoing substituted therefor.

Schedule 5 to the Act. Addition of a new Schedule 5 to the Act.

On motion of Mr. McWilliam,—

Resolved,—That the Act be amended by adding thereto the following Schedule 5:

SCHEDULE 5

The Canadian Prisoners of War Voting Regulations, 1951

To enable persons eligible to vote under The Canadian Forces Voting Regulations, who become prisoners of war, to vote by proxy at a general election, notwithstanding anything to the contrary in The Dominion Elections Act, 1938, contained.

Short title.

1. These Regulations may be cited as The Canadian Prisoners of War Voting Regulations, 1951.

Application.

2. These Regulations shall apply only to a general election held in Canada and do not apply to a by-election.

General direction.

3. (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed by these Regulations.

Special powers to Chief Electoral Officer.

(2) For the purpose of carrying into effect the provisions of these Regulations, or supplying any deficiency therein, the Chief Electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of their intent.

Definitions.

4. In these Regulations, the expression

Ballot paper.

(*a*) "ballot paper" means the ballot paper printed with the names, addresses, and occupations of the candidates officially nominated in an electoral district, pursuant to section twenty-eight of The Dominion Elections Act, 1938;

Chief Electoral Officer.

(*b*) "Chief Electoral Officer" means the person who holds office as Chief Electoral Officer under sections three and four of The Dominion Elections Act, 1938;

Deputy returning officer.

(*c*) "deputy returning officer" means the person appointed as deputy returning officer for a polling station, under section twenty-six of The Dominion Elections Act, 1938;

Headquarters.

(*d*) "Headquarters" means the headquarters of the Naval, Army or Air Forces of Canada, located at Ottawa, Ontario;

Next of kin.

(*e*) "next of kin" means a person officially recorded at Headquarters as the next of kin of a prisoner of war, as hereinafter defined;

Prisoner of war.

(*f*) "prisoner of war" means a Canadian Forces elector who is a prisoner of war and is officially recorded as such at Headquarters at the time of a general election;

Qualified elector.

(*g*) "qualified elector" means a person duly entitled to vote in a polling division at a general election, pursuant to the provisions of The Dominion Elections Act, 1938;

Returning officer.

(*h*) "returning officer" means the person who holds office as returning officer for an electoral district, under section eight of The Dominion Elections Act, 1938;

Special proxy certificate.

(*i*) "special proxy certificate" means the certificate prescribed by the Chief Electoral Officer entitling the next of kin of a prisoner of war to vote by proxy on the latter's behalf.

Canadian Forces Elector.

(*j*) "Canadian Forces elector" means a person having the qualifications prescribed in paragraph 21 of The Canadian Forces Voting Regulations.

Who may vote by proxy.

5. Every prisoner of war, as herein defined, shall be entitled to vote by proxy at a general election, such proxy being his next of kin who is officially recorded as such at Headquarters, and such vote shall be cast in the polling division in which such next of kin is a qualified elector.

Voting to be on certificate.

6. The vote of a prisoner of war shall be cast by proxy on a special proxy certificate prescribed and issued by the Chief Electoral Officer. Every special proxy certificate shall bear the printed signature of the Chief Electoral Officer and shall be countersigned by a member of his staff specially designated for that purpose.

Proxy may vote in own right.

7. Any person to whom a special proxy certificate has been issued shall be entitled to vote in his own right in the polling division in which such person is a qualified elector, notwithstanding that he has voted, or is about to vote, as proxy for one or more prisoners of war.

Names and addresses of prisoners of war and their next of kin supplied by Headquarters.

8. Whenever deemed expedient, the Chief Electoral Officer shall be furnished by Headquarters with the names and surname, rank and regimental number of every member of the Naval, Army or Air Forces of Canada who is officially recorded at Headquarters as a prisoner of war, as herein defined. At the same time, the Chief Electoral Officer shall be furnished with the names and surname of the next of kin of such prisoner of war as officially recorded at Headquarters, together with the last known place of residence of such next of kin, with street address, if any.

Qualification as elector of next of kin ascertained by returning officer.

9. As soon as possible after a general election has been ordered, the Chief Electoral Officer shall communicate with the returning officer for the electoral district in which is situated the place of residence of the next of kin of a prisoner of war, as stated by Headquarters pursuant to the next preceding paragraph, and direct such returning officer to ascertain whether or not such next of kin is a qualified elector at such place of residence at the pending general election and to advise the Chief Electoral Officer accordingly.

Dispatch of certificates to next of kin.

10. Beginning on Monday of the second week before polling day at a general election, the Chief Electoral Officer shall issue the special proxy certificates to the next of kin of prisoners of war who are entitled to receive them. These certificates shall be dispatched to such next of kin by registered mail and shall be accompanied with such instructions as are deemed advisable by the Chief Electoral Officer as to the manner in which such certificates shall be used.

Notification to returning officer.

11. Whenever special proxy certificates are dispatched to next of kin of prisoners of war residing in a given electoral district, the Chief Electoral Officer shall advise the returning officer for such electoral district of the names and post office addresses of the persons to whom such certificates are issued.

Notification to deputy returning officer.

12. Upon the receipt of such notification, or as soon as possible thereafter, the returning officer shall, on the form prescribed by the Chief Electoral Officer, accordingly advise the deputy returning officer appointed for the polling station at which the holder of any special proxy certificate is a qualified elector.

Manner of voting by proxy.

13. Before being allowed to cast the vote of a prisoner of war the next of kin shall deliver his special proxy certificate to the deputy return-

ing officer and shall satisfy that officer that he is the person mentioned as next of kin on such certificate. The deputy returning officer shall cause the usual entries to be made in the poll book, and shall record in the remarks column of such poll book, opposite such entries, the name of the prisoner of war and the fact that the next of kin has voted as proxy on his behalf. When this has been done the deputy returning officer shall hand a ballot paper to the next of kin who will proceed to one of the voting compartments and secretly mark such ballot paper for the candidate of his choice whose name, address and occupation are printed on such ballot paper.

Ballot paper initialled and dealt with in ordinary manner.

14. With the exception of the deputy returning officer's initials which must be affixed in the space provided for that purpose on the back of the ballot paper, there shall not be any marks written or made by any election officer on either the front or the back of the ballot paper handed to a next of kin who is voting as proxy for a prisoner of war. When the ballot paper has been duly marked it shall be handed by the next of kin to the deputy returning officer who will remove the counterfoil and place the ballot paper in the ballot box or otherwise deal with such ballot paper as if it had been cast by a qualified elector in the polling division.

Offences and penalties.

15. Every person who votes or attempts to vote at a general election under the authority of a special proxy certificate issued pursuant to these Regulations, when he knows or has reasonable grounds for supposing that he is not entitled to receive any such certificate, shall be guilty of an illegal practice within the meaning of The Dominion Elections Act, 1938, and shall be liable to the penalties imposed by the said Act for such an offence.

On motion of Mr. McWilliam,—

Resolved.—That a report be made to the House embodying the amendments to the Act that have been approved by the Committee, and that these recommendations be in the form of a draft bill.

The Clerk of the Committee was instructed to write to members of the Committee inviting them to submit lists of matters that, in their opinion, should be studied by the Committee.

At 9.05 p.m. the Committee adjourned to the call of the Chair.

E. W. INNES,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

June 7, 1951.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 p.m. The Chairman, Mr. Sarto Fournier, presided.

The CHAIRMAN: Gentlemen, we have a quorum and we will proceed. The first thing we will take up today is the amendment presented the other day by Mr. Herridge. I understand that this is a good amendment and that everybody agrees with it, so if there is no objection we will proceed with that now.

Mr. MACDOUGALL: I agree with it anyway.

The CHAIRMAN: There is a change in it, though.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: At the last meeting an amendment was made to paragraph 30 to provide for the substitution of the words "commissioned officer" by the words "the Canadian Forces elector". I would like to suggest for the committee's consideration that instead of using the term commissioned officer, the term deputy returning officer be used. The regulations refer to a special returning officer and also to a deputy special returning officer who is an official appointed to take the vote in veterans hospitals. I would suggest that we call the person who takes the vote of the Canadian Forces elector a deputy returning officer. That will facilitate any other amendments that are required to implement Mr. Herridge's original suggestion. In paragraph (1) the amendment I suggest is as follows:

> Clause (*e*) of paragraph four of Schedule Three to the said Act is repealed and the following substituted therefor:—
>
> (*e*) deputy returning officer means a Canadian officer elector who has been designated by a commanding officer to take the votes of Canadian Forces electors, pursuant to paragraph 30;

Amendment No. (2) reads as follows:

> Paragraph 30 of the said Regulations is repealed and the following substituted therefor:—
>
> 30. The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector who has been designated by a commanding officer to act as a deputy returning officer.

Then amendment No. (3) reads as follows:

> Wherever the expressions commissioned officer or commissioned officer designated are mentioned or referred to in paragraphs ten, thirteen, twenty-six, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, sixty-eight, seventy-one, eighty-five and eighty-eight, or in Forms Nos. five,

nine and ten of Schedule Three to The Dominion Elections Act, 1938, there shall in each and every case be substituted the words deputy returning officer.

In amendment No. (4) I am requesting the committee for authority to make the changes to the amendment the committee has already approved in form. I will read No. (4):

Wherever the expression designated commissioned officer is mentioned or referred to in the amendments to Schedule Three of The Dominion Elections Act, 1938, which have been approved by this Committee, there shall in each and every case be substituted by the Chief Electoral Officer the expression deputy returning officer.

The CHAIRMAN: Are these proposed amendments acceptable?

Agreed.

Carried.

Now, we will start to consider some of sections that were left standing.

The WITNESS: Paragraph 27 on page 37 of the draft bill is standing.

The CHAIRMAN: Mr. Nowlan asked that that paragraph stand so we will proceed with that now. Page 37 of the proposed bill. Gentlemen, we have a new member of our committee, Mr. Hees. He is welcome and I am sure he will enjoy our deliberations.

Mr. MURPHY: You will see that he is furnished with all the material brought up to date.

The CHAIRMAN: Mr. Nowlan, have you any suggestions to make concerning the section that appears on page 37?

27. As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the designated commissioned officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit.

Mr. NOWLAN: That is the section which provides for a list, is it not? It has been amended from the old one. It requires the names now. It has the place of residence on it, too. The point that I would like to raise with the committee is as to the use of that list. I think only those whose names appear on it should be the ones which should be allowed to vote. The list is to be made up, it says, as soon as possible after the publication of the notice. The other list has been done away at the last meeting we had, the list having to do with the special returning officer. Now, this is really the only list from which the voting is to take place and it seems to me it would be much better if this was the same as other elections lists, that it be closed at a certain time, otherwise there is no control at all over those who are going to vote and those who would vote. I would like to have the opinion of the Chief Electoral Officer with respect to that.

The WITNESS: At the present time the Canadian Forces elector's name does not have to appear on a list of electors in order to be entitled to vote. The list is prepared merely as a guide to the special returning officer and the scrutineers at the headquarters of the voting territory. I believe Mr. Nowlan suggested the matter of a closed list, but I feel that it may cause some hardship. For instance, in a theatre of operations, in the case of Korea, for example, I can imagine the difficulty there would be there under those conditions trying to

prepare a list, and the elector being required to have his name appear on the list before he is allowed to vote. There may be some difficulty there. I am not in a position to express the views and opinions for National Defence on the matter especially as to the hardships that may be caused by the movement of personnel in Canada. There is a representative here from the Department of National Defence, and he may be able to give the committee more explicit information as to the disruption a closed list may cause.

Mr. NOWLAN: I quite agree with him when it refers to an active theatre or some other place where it would be difficult to make a closed list.

Mr. MCWILLIAM: Why not have the representative from the Department of National Defence at the head table? He is away back there by himself in the corner.

Mr. NOWLAN: What I am thinking about is permanent establishments in this country, such as at Camp Borden, Petawawa, H.M.C.S. Cornwallis. There I think the lists should be prepared in advance or else they are useless to anyone. I think the list should be a closed list. Under this section as it is drafted now it says:

> The commanding officer shall also furnish to the special returning officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit.

I think a copy of that list should be available for inspection within reasonable hours and that representatives of political parties should have the opportunity of checking the list. I think it would be better if copies were furnished but if not they should be allowed to inspect the lists and make extracts from them. The way it is now it means nothing; anyone can vote whether his name is on the list or not.

Mr. DEWAR: They have to swear an oath, the same as a civilian.

Mr. NOWLAN: No, they do not swear, they make a declaration.

Mr. DEWAR: It is the same thing.

Mr. NOWLAN: No, it is not; the courts have declared on that.

Mr. DEWAR: The other night they were talking of extending more democracy to the army. Why do we not do it here?

Mr. NOWLAN: It is not a question of extending democracy, it is a question of making democracy work so you will have some control.

Mr. HERRIDGE: I suggest we hear from the representative of the armed forces.

The CHAIRMAN: Yes, I would ask Commander Dewis his opinion about the amendment we are just discussing.

Commander DEWIS (Deputy Judge Advocate General): The suggestion, as I understand it, is that we have a closed list which will be available to be checked by representatives of the parties. That would mean it would have to be prepared maybe a month in advance or maybe three weeks in advance. Well, from my service experience and from my experience with the last two federal general elections I am convinced that any list which we prepared particularly say a month in advance or three weeks in advance in many establishments would be practically meaningless. In Korea I think it is out of the question. Even in Canada, it would be out of the question. Take H.M.C.S. Cornwallis. There might be a draft of 200 or 300 men coming in and the same number of men going out; you have right there 600 votes. The ones coming in would not be on the list of Cornwallis and the ones who are going out would not be on the list where they are going. So, from the point of view of the service we certainly would not like to see a closed list. The main use of the list is so that our officer taking the list will have a majority of the personnel before him. I am authorized

to admit that any lists which are prepared will not have the names of all the members on there. We just cannot do it. It seems to me that the votes that we are particularly interested in getting are those in a theatre of actual operations and that would be the very place we would be certain not to get them under a closed list.

Mr. MacDOUGALL: You could not get the list in Petawawa or Camp Souris? You would in all probability have a list that would be completely outdated maybe twenty-four hours after the closed list is made up.

Commander DEWIS: Even before forty-eight hours there could be a change of a hundred or two hundred. After one month there could be a change of 50 per cent. Even now we have the documents of people coming in and on voting day their statements of ordinary residence are taken, and from these we could check to see they were voting properly.

Mr. NOWLAN: That does not preclude us from having the list open to inspection as well as the documents? You say this is especially designed for Korea. What is it especially designed for? It covers them all.

Commander DEWIS: I am sure National Defence has no objection to any of the political parties scrutinizing these lists which we prepare, and I am sure we could make a copy available to them.

Mr. NOWLAN: Well, that should be written into the instructions, that a copy will be available, and also the documents will be made available for inspection for those who are not on the list.

Commander DEWIS: I do not see any objection from my point of view to that. We will co-operate to the full. The only thing I see is that if it is a closed list we just could not fill the bill. There would be a lot of people disfranchised.

Mr. NOWLAN: Well, Mr. Castonguay lists them and he does a very good job of it.

The WITNESS: Yes, but they have a movement of personnel that we have not in the same proportion among civilians.

Mr. HERRIDGE: Mr. Chairman, I think the information we have been given by the representative of the armed forces convinces us that it would be an administrative impossibility to have a closed list. I quite agreee with that suggestion. I think it is very reasonable.

Mr. MURPHY: What suggestion are you agreeing with?

Mr. HERRIDGE: With respect to all parties having the right to inspect the lists or the documents.

Mr. MURPHY: I just wanted it on the record.

Mr. APPLEWHAITE: What is the effectiveness of that in connection with section 32, the last words of which are:

> "and one printed list of the names and surnames of candidates readily available for consultation by defence service electors."

Would that be available for consultation by the representatives of political parties?

Hon. Mr. HARRIS: These lists when they are prepared go forward to the special returning officer and at his headquarters the political parties are represented. The purpose was that the political parties would be represented with respect to these lists.

By Mr. Nowlan:

Q. I think you are mistaken. That was struck out the day before yesterday, the requirements of a special list.—A. We only struck out the alphabetical

compilation of the lists, but the special returning officer will still receive a list from each commanding officer, from each unit in his voting territory. The list will be received as soon as it is prepared.

Q. That does not help Mr. Stick in Newfoundland, to have to come to Halifax.

Hon. Mr. HARRIS: Mr. Stick's political party will be represented at that district.

Mr. NOWLAN: It is much easier to have access to the lists in their own districts.

Mr. HERRIDGE: Is not that official now the deputy returning officer?

The WITNESS: There is the special returning officer who is in charge of the voting territory but the deputy returning officer is in charge of the voting places established for each unit.

Mr. STICK: There would be no objection to inspecting these lists made out by the commanding officers?

The WITNESS: That would be a matter for National Defence to answer.

Commander DEWIS: We certainly would have no objection to that. The deputy returning officer would have it before voting, I am sure, and the representatives of any political party would be given full opportunity to use the lists.

Mr. MURPHY: Should not that be incorporated in the Act?

Mr. NOWLAN: I move that the Chief Electoral Officer prepare an amendment that would provide for the inspection of the lists and the inspection of the documents.

Hon. Mr. HARRIS: There is no objection to the disclosure of all this information. I think we ought to examine, though, why in the first instance it was decided to do it otherwise, that is to have these lists go to the one central place for the inspection there. If, on the other hand, we find it would be preferable to decentralize it to the local commanding officer, then it should be done that way.

The WITNESS: This might help the discussion of the committeee. I refer you to Page 14, paragraph 33, Canadian Defence Service Voting Regulations which reads as follows:— "In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in subparagraph (1), a defence service elector may, with the approval of the commanding officer act as such representative."

So that the list now will be at the voting place during the voting. The political representative is enabled by this paragraph to be present during the voting, therefore the list may be examined during the voting period.

By Mr. Nowlan:

Q. That is true during the voting period. The section requires the list to be made up as soon as possible. What I am thinking of is when will there be an opportunity to inspect the list? If you get 100 or 200 men coming in to vote without warning you cannot do very much about it.—A. I feel if that were required then the commanding officer necessarily would be obliged to prepare his list by a stated period. As it is now, he prepares it as soon as possible. That means as soon as practicable in actual application. If the section is drafted in that manner there should be a time fixed for this list to be completed and when application is made to examine the list, the list would be available for inspection, but as it is now, if no period is fixed as to when this list should be compiled, I imagine the list is compiled very close to the voting period, some controversy may arise.

Q. There is no objection then to preparing a list ten days in advance? I would think it would be practical to amend the section to say the list shall

be prepared at least ten days before voting day and copies provided to officially nominated candidates, or in the alternative that it be open to inspection.

Hon. Mr. HARRIS: We could leave this for consideration by National Defence to see if it would be advisable to do that, to leave the lists available for inspection at the central place or to assess the advisability of the change.

Mr. NOWLAN: If the list is not to be prepared, as suggested, until the eve of an election it cannot be in the central place until the election is under way.

Mr. DEWAR: What value would the list have if it were prepared five days ahead of an election with so much movement in the armed forces?

The CHAIRMAN: That may happen, but you could get 90 per cent of them. In some camps you might have a big draft and in others you will have none but it comes to the basic idea of how many votes there are there.

Hon. Mr. HARRIS: My only thought was to avoid doing it in both places if we could.

Mr. MACDOUGALL: What useful purpose would be served by having these lists if on the day of the election possibly 50 per cent or any percentage of that list was obsolete, and the men were not there? What is the use in reviewing a dead list?

Hon. Mr. HARRIS: Is not the use of the list set out here, that it contains the names, ranks, numbers and ordinary places of residences of persons? There is bound to be a check on duplication of voting by the preparation of the lists.

Mr. MACDOUGALL: You have that now.

Hon. Mr. HARRIS: That is the provision. The preparation of the lists is desirable even though you do have people sworn in afterwards.

Mr. HERRIDGE: Mr. Chairman, could we have explained to us what happens if the men's names in a certain camp are placed on a list and then a draft goes from say, Petawawa to Calgary? Are those men given a slip to indicate they are registered at Petawawa when they go to Calgary? What is there to identify a man as being on another list?

Commander DEWIS: Under the present regulations the commanding officer prepares a list as soon as possible. Say he prepared a list of whoever was on the unit at that time. If any man on that list was drafted, as you suggest, from Petawawa to Calgary, he would just go to Calgary. In turn, Calgary would have sent their list in previous to that but that would be the finish of it. All he did, he went to the polling booth and voted. He was not required to produce any qualification other than he was in the service and of the full age of 21. There was nothing sent from Petawawa to Calgary to say that he was on the Petawawa list because you gentlemen have a list at the voting places. As we anticipate under these regulations, the returning officer taking the vote will have a list before him and unless it is a closed list what will happen is they will have sort of a running list. If someone comes in they will put his name on the list and it will state his place of ordinary residence and the returning officer will have that before him.

Mr. HERRIDGE: That includes his name so he can be identified?

Commander DEWIS: His name, rank and place of ordinary residence which he is provided on the statement.

The WITNESS: I have some information which might be of some use to the committee. I made a check on all the used outer envelopes to see if there were any double voting during the service voting period. There was not one case out of 17,000 votes cast. They were checked alphabetically, we reviewed them all and there was not one case revealed of double voting.

Mr. HERRIDGE: I would have thought it largely occurred through ignorance, possibly.

Mr. WYLIE: There is nothing to stop them from voting in another place. My nephew is stationed here now and his place of residence was Edmonton. That is where he voted, and at the same time he is living at 302 Carling avenue, here in Ottawa. Both he and his wife were on the voters list here. They could have voted in both places and there was nothing to stop them.

Hon. Mr. HARRIS: That is a different matter.

Mr. MACDOUGALL: I move the adoption of this recommendation.

Mr. NOWLAN: I moved the amendment to it first.

Mr. CAMERON: I thought it was going to stand. We want to have the purpose behind the present legislation explained.

Mr. MCWILLIAM: I understood Mr. Harris was going to get the views of National Defence on it, was he not?

Hon. Mr. HARRIS: I think, Mr. Chairman, we can devise some wording to submit to the committee later on.

The CHAIRMAN: Then this matter shall stand.

The WITNESS: The other sections standing are at page 28 of this draft bill, and they refer to the interpretations section of the regulations. All the changes are consequential on the changes we have made in the review of the regulations and the amendments which have been approved by the committee. I will read them:

> Paragraph four of Schedule Three to the said Act is amended by repealing line one thereof and the following substituted therefor:—
>
> 4. In these Regulations, unless the context otherwise requires, the expression

I was informed by the Department of Justice that the terms "unless the context otherwise requires", are no longer necessary and should be struck out.

Clause (*f*) of the said paragraph is repealed; clause (*f*) is a definition of defence service and it is no longer required in view of the new (*f*).

> Clause (*p*) of the said paragraph is repealed and the following substituted therefor:—
>
> (*p*) "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section eighteen of The National Defence Act.
>
> Clause (*r*) of the said paragraph is repealed and the following substituted therefor:—
>
> (*r*) "voting territory" means a specified area where a special returning officer shall be stationed and where the votes of Canadian Forces electors shall be taken, received, sorted, and counted, as prescribed in these Regulations.

The present paragraph had these words "within Canada" but the committee has approved that I should have the powers to establish a voting territory outside of Canada when necessary.

Agreed.

By Mr. Applewhaite:

Q. Am I right in saying you are dropping paragraph (1)?—A. Yes. Dropping paragraph (1).

Q. And adopting the other three?—A. Adopting the other three.

Agreed.

The WITNESS: The next one is at page 7 of the draft bill.

Subsections six and seven of section fourteen of the said Act are repealed and the following substituted therefor:—

(6) A Canadian Forces elector, as defined in paragraph twenty-one of The Canadian Forces Voting Regulations, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations.

The only change to this subsection are the words underlined.

A veteran elector, as defined in paragraph forty-two of The Canadian Forces Voting Regulations, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence.

In this subsection also the only changes are the words underlined.

Agreed.

The next is at page 8.

Subsection four of section sixteen of the said Act is repealed and the following substituted therefor:—

(4) A Canadian Forces elector, as defined in paragraph twenty-one of The Canadian Forces Voting Regulations, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as prescribed in pargraph twenty-three of the said Regulations.

In this subsection also the only changes are where the words are underlined.

Agreed.

The next one is to section 20 of the Act, page 14-A of the draft bill. At the last meeting these amendments were before the committee and these subsections were left to stand for further consideration. Mr. Chairman, as you recall, I was asked by the committee to draft amendments on this matter. They were considered but were left to stand. On the first page is the amendment as it was before we adjourned.

Mr. MCWILLIAM: We are on page 14-A are we not?

The WITNESS: Page 14-A is where this question arose. I had prepared these amendments in consultation with the Department of Justice and the amendments were not favoured by the committee and when the committee adjourned such amendments at page 1 were the ones that were left standing. I prepared them in this form, in order to facilitate the study of this matter by the committee. The first one is the one I originally submitted and the second one is the one that the members of the committee have drafted.

The CHAIRMAN: Would you mind reading your proposed amendment?

The WITNESS: I will read the one on page 2. Excuse me, it is on the first page.

Subsection one of section twenty of the said Act is amended by adding paragraph (*g*) thereto.

(*g*) every person who at any time after the date of the issue of the writ ordering an election and until polling day at such election is an officially nominated candidate for election as a member of a provincial legislature, and was so nominated with his consent—during the period of time between such days.

Mr. STICK: That covers the point we were discussing.

Mr. MACDOUGALL: Yes, the question of ineligibility of candidates.

Agreed.

Mr. HERRIDGE: Mr. Chairman, what happens in a constituency if it is discovered that one of the candidates is disqualified because of this section at any date previous to polling day?

The WITNESS: It all depends upon whether he has filed his official papers or not. If he has filed his official nomination papers his election may be contested after the election. If he has not filed his papers, then his official nomination papers may be refused by the returning officer if he is ineligible.

Mr. ARGUE: If the election takes place, what then?

The WITNESS: If the papers have been received then the candidate is officially nominated and the election takes place; after which it is a matter for the Controverted Elections Act. If the papers have not been received and a person becomes a candidate at a federal election who is a candidate at a provincial election he will not be able to file his papers officially.

Agreed.

Hon. Mr. HARRIS: Mr. Chairman, I must apologize for not having been aware of this and I would not want the committee to spend any time on it because I have not been here. Do I understand this amendment to say that a writ for a general election or a byelection, I take it, for federal purposes having been issued that anybody who at that time or subsequent to that time has been nominated as a candidate for election to a provincial legislature is disqualified to be a candidate or voting at the federal election?

Mr. STICK: No, not for voting.

Hon. Mr. HARRIS: Of being a candidate?

The CHAIRMAN: Being an official candidate.

Mr. STICK: He could not be a candidate for both federal and provincial houses at the same time.

Hon. Mr. HARRIS: That is the law now, is it not?

Mr. STICK: No.

Hon. Mr. HARRIS: You mean that this gentleman who wants to have two chances can only have one.

Mr. STICK: That is the idea.

Hon. Mr. HARRIS: What are the arguments in favour of it? Why should not a man offer himself for election in two places at the one time? It is surely up to the electors to make the decision.

Mr. APPLEWHAITE: Proceed from there and assume that they elect him.

Mr. NOWLAN: The House of Commons Act governs it if he gets elected and he is ineligible, but as far as nomination is concerned I think Mr. Harris is right.

Mr. STICK: It stops election to the two Houses; if he is a candidate for both and he is elected for both, he is in a position to choose which House he wants to represent.

Mr. BOISVERT: If he has not given his consent he is entitled to choose according to the House of Commons Act.

Mr. NOWLAN: The House of Commons Act says he is ineligible to sit as a member of the House of Commons.

Mr. BOISVERT: If he has given his consent but if he has not given his consent he has to choose between the legislature and the House of Commons. I think that we are mistaken in attempting to change the Act. I gave my reasons at the previous meeting of our committee. Why not let that stand as it is? It is a mistake, and I persist in my opinion, to make a change such as that. The situation is covered by the House of Commons Act and if anybody thinks that

he has a chance of being elected in both elections it is his privilege to stand and there is that much freedom in this country that if he is elected he can choose. The situation, as I say, is covered by the House of Commons Act. He cannot sit in the House of Commons and the legislature at the same time. The election to the federal House is null and void if he has been elected to the legislature and a new writ may be issued on instructions from the Speaker. The case is covered. Now, here we want to prevent any elector from running in both elections but if it is his desire to take a chance that is his privilege according to our Act.

Mr. VIAU: In 1945 in Ontario, the provincial election was held within a week of the federal election.

Hon. Mr. HARRIS: Nobody attempted to run in both elections.

Mr. APPLEWHAITE: Mr. Chairman, my argument in favour of this amendment is this: The House of Commons Act says that under certain conditions a man is not eligible to sit, and one of them is his being a member of the legislature. Then why should we extend to him an invitation to run under conditions where if he is successful he cannot sit in both places?

The CHAIRMAN: If you permit me, gentlemen, the way I see it is this. If he is elected and his election is contested when he comes to take his seat in the House of Commons the Speaker of the House who has the authority to prevent him from taking his seat will say instead: "Well, my hands are tied; the matter is before the court, so I will wait until the court has decided", and if the court takes four years to decide it, that gentleman will be entitled to sit in the House of Commons as well as in the provincial legislature for four years.

Mr. ARGUE: What is wrong with that? What is the reason he cannot sit in both places at the one time?

The CHAIRMAN: It contradicts an Act of Parliament, it nullifies an Act.

Mr. BOISVERT: The House of Commons Act.

Mr. HERRIDGE: Why should the public be put to unnecessary inconvenience, and the public treasury to unnecessary expense if it can be avoided, by something like this?

Mr. NOWLAN: I agree with what the chairman has said. I do not think we should have it at all, the way it is drafted. As I understand it, it applies to any person who is now in the provincial House between the day of issue of the writ and election day, which may extend as long as 50 days. For the provincial House you can get a man nominated and the election will take place within three weeks. He gets beaten in the province and under this section if he is beaten he still is ineligible to be nominated for the federal House even although he has been defeated as a provincial candidate, because it says at any time between the period within the date of issue of the writ and the election, a long period, and something we were trying to guard against.

Hon. Mr. HARRIS: I gather the purpose of the amendment is that a person who has been elected a member of a provincial legislature shall be ineligible to run for the federal. I am sure you agree with Mr. Nowlan that if a man has been defeated during this 50 days period or whatever it is in an election for a province, which may very well have been called prior to the issue of the writ, you are surely not going to prevent that man from running in the federal election, but you do that with this section as amended, the way your section is drafted. What I am trying to say is in my humble opinion the amendment you have here does not carry out the purpose you have in mind because if our candidate in the provincial legislature has been nominated before the writ was issued for a general

election he is then disqualified under this section from standing at the federal election, whether or not he is elected at the provincial election. Now, you do not mean to do that?

Some Hon. MEMBERS: No, no.

Hon. Mr. HARRIS: What you are then trying to do is to disqualify for the federal election a gentleman who so late in the day has a choice of either one of the two, but you are not effecting that by this at all. Certainly I can see the point that you do not want to have any more contested elections as a result of a man getting elected to two places, but that is a matter of argument. Frankly, I do not think he will be. I do not think the public would do that; but I do not want to see disqualified a gentleman who for three weeks or even for one week—for seven weeks at a federal election—has been contesting a provincial election and then was ineligible for federal election.

Mr. MACDOUGALL: We can get around that by throwing out this amendment and by leaving it up to the House of Commons Act as it is.

The CHAIRMAN: And the Speaker will deal with the case if it happens.

Mr. CAMERON: As I look at it under section 20(*d*), the Chief Electoral Officer's suggestion apparently covers the case of someone who might not be a member of the legislature but who might be nominated a member of the legislature, and that is the purpose of the amendment as I understand it. It strikes me that such a person might be defeated at the federal election and elected at the provincial election, and by virtue of the fact that he allowed his name to stand for the provincial and was elected as a federal he is disqualified.

Hon. Mr. HARRIS: That is the purpose of the amendment as I understand it, that on the day that he files his nomination papers for the federal election he shall not be on that date a candidate for a provincial legislature. Now, that is what the intention is, I think, but certainly this amendment does not cover it.

Mr. STICK: No, this amendment does not cover it.

Mr. APPLEWHAITE: My argument—I may be wrong—is that if it is not legal for a member of a provincial legislature to sit in this House we should not make it legal for somebody who is trying to be a member to try to get a seat in this House.

Hon. Mr. HARRIS: Stated that way, I do not agree with you. That is too simplified a statement of what you want to do. You want to bring to an end a man's indecision on the day he wants to file nomination papers, in the same way that a provincial member must resign before he files his nomination papers.

Mr. ARGUE: I wonder if the minister would admit that this is not a proper one, and it should be changed without throwing the idea out?

Hon. Mr. HARRIS: I will have to look at it between now and the next meeting.

The CHAIRMAN: Then we shall allow it to stand.

Mr. STICK: This proposed amendment you have here is no good; it does not answer the purpose. Let us throw it out.

The CHAIRMAN: I think it would be preferable to have a motion to this effect.

Mr. MACDOUGALL: I move that this amendment be disregarded.

Mr. BOISVERT: I second it.

The CHAIRMAN: There is a motion by Mr. MacDougall, seconded by Mr. Boisvert to the effect that this amendment be dropped. Those in favour? Opposed?

I declare the amendment dropped.

Mr. ARGUE: Do I understand we are going to get another amendment to partially cover the idea here?

The CHAIRMAN: It is struck out. What about the next one, Mr. Castonguay?

Mr. ARGUE: Mr. Chairman, before we have this idea on section 20 of the Act, subparagraph (3), which bars a member of the legislature from running in a federal election, I am just wondering if the committee could not recommend that we go a step further, without reflecting on, or attempting, or without wanting to reflect on any present member of parliament, it seems to me that this might be extended to include mayors of municipalities, and reeves of municipalities, because I do think that any member of parliament if he is going to do a conscientious job as a member of parliament should not have duties to other electors interfering with his being a member of parliament. In my opinion that is the reason we require members of the legislature to resign from that House if they are going to be a member of the House of Commons. Well, I think some consideration should be given by this committee to extending subclause (*d*) to cover mayors and reeves of municipalities.

Mr. MACDOUGALL: That is a provincial issue.

Hon. Mr. HARRIS: I am not sure what the principle is but my first impression is that the principle involved is that you cannot draw two salaries from the King and that is why we bar the member of the provincial legislature and do not bar a member who holds a municipal office, but it is only my own private impression.

The CHAIRMAN: What about senators and members of the legislative council? In Quebec we have three.

Hon. Mr. HARRIS: I always speak subject to the situation in Quebec!

Mr. ARGUE: It would seem to me, Mr. Chairman, that an individual might be a member of a provincial legislature of a very small province, shall we say Prince Edward Island, and I do not know how long they sit, but while being a member of that legislature he might be able to represent a federal constituency here for the same province that he represents provincially, and it seems to me he would be more able to do so than the mayor of a great city in Canada. I do think that the committee should give some consideration to broadening this for another election.

The CHAIRMAN: Order, please, gentlemen. We are dealing now with the proposed amendments of the Chief Electoral Officer. That is a matter of agenda. We might come back to this later, after we have dispensed of the matters we have before us.

Mr. ARGUE: I will bring it up again.

The CHAIRMAN: Any time after we have disposed of these amendments your suggestion will be a matter to be decided on the agenda.

Item No. 2 on page one of these two mimeographed sheets.

> 2. Subsection three of section twenty of the said Act is repealed and the following substituted therefor:—
>
> (3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void.

We will now ask the Chief Electoral Officer to give us some explanation on that.

The WITNESS: Well, the matter was raised when I pointed out that the returning officer has by this subsection the authority to declare an election of a member of a legislature void and the members of the committee agreed unanimously that the returning officer should not have such authority and that the principle of declaring the next candidate elected, after such election was declared void, was not desirable. This section was drafted by the members of the committee at the last meeting when the question was discussed, so I have nothing further to add other than what I have already said on the matter.

Mr. BOISVERT: May I be permitted to ask a question of Mr. Castonguay on this? Suppose that we are dealing with the case of a member of the legislative assembly. He is ineligible. But his papers were accepted, he ran, he is elected. His case is well covered by the House of Commons Act if he is elected. Now, I think it will be possible if this amendment is adopted that some electors will file a petition in virtue of the Controverted Elections Act, and will contest the election. The member of the legislature will defend himself and he will go before the courts. Now, do you not think that this amendment will prevent the Speaker of the House of Commons from applying the House of Commons Act?

The WITNESS: I do not claim parentage of the amendment. The only amendment that I suggested originally was that we should add "by a competent court" but not to delete everything after the word "void". The effect would be, I presume, that after an election there would be no other mechanism to deal with this other than through the Controverted Elections Act. This provides the procedure whereby the election can be declared void by the returning officer and the next candidate then is declared elected by the returning officers. At that meeting when this was discussed every member of the committee agreed with me that the returning officer had a great deal of authority in this case that he should not have.

Mr. APPLEWHAITE: This is what was in the Act before.

The WITNESS: Identical, except that everything after void is deleted.

Mr. BOISVERT: Yes, but that is important, because the case of a member of a legislature was treated differently than the case of other ineligible candidates.

Mr. NOWLAN: Replying to Mr. Boisvert's argument, as far as all the other cases are concerned, except members of the legislature, they were void in every other case except in this one, and you are not really going much further.

Mr. BOISVERT: I will read paragraph (3) of section 20.

> The election of any person who is by this Act declared to be ineligible as a candidate shall be void, and if such candidate is a member of the legislature of any province and receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible.

The CHAIRMAN: We have struck that off.

Mr. BOISVERT: Yes, we have struck that off but I am afraid we are opening the door for a petition in contestation of an election.

Mr. STICK: The position is this. Say you had three candidates and the man who is elected is found to be ineligible, then you are giving the election to the man who has the second largest number of votes.

Mr. BOISVERT: Do you not think that it is fair?

Mr. STICK: No, no, because the people that voted—

The CHAIRMAN: Mr. Stick has the floor. Order, gentlemen.

Mr. STICK: The point is this: There are three candidates; the fellow who wins the election is ineligible; his election is declared void. According to what Mr. Boisvert read the man next on the poll is declared elected. I do not agree with that because the people that voted for the fellow who was ineligible should have the right to vote for another candidate and I think there should be another election rather than to give it to the second man.

Mr. ARGUE: I agree with Mr. Stick's idea. It might be possible that the candidate who is declared to be elected had lost his deposit, he might have only got a very few votes. And because of this paragraph the will of the people will not be carried out.

Mr. STICK: You are declaring the vote to the people who elected that candidate void.

Mr. ARGUE: Yes, even though he may have had a very large vote.

Mr. STICK: Exactly. I would move that another election be called.

The CHAIRMAN: There was an irregularity at the start there so the election should be void and another election called. Because, as it was pointed out there, if there are only two candidates and the one who won the election had 75 per cent of the votes cast the other one loses his deposit yet he is elected.

Mr. APPLEWHAITE: All the people said they did not want him.

The CHAIRMAN: Another election should be called.

Mr. APPLEWHAITE: The election is void.

The CHAIRMAN: The election of that person or the election purely and simply.

Mr. STICK: The election should be declared void.

The CHAIRMAN: In the amendment it is written:

the election of any person.

The WITNESS: It is still the question that it shall be declared void by whom? I maintain it should be declared void by a competent court.

Mr. BOISVERT: But what is a competent court?

The WITNESS: The court referred to in the Controverted Elections Act.

Mr. STICK: If this is adopted by Canada it becomes the law of the land.

Mr. BOISVERT: As defined by the Controverted Elections Act. A competent court as defined by the Controverted Elections Act.

The CHAIRMAN: That might take four years to decide.

The WITNESS: It is in the present form on page 1. I see no objection to it.

The CHAIRMAN: Shall the election be declared void or just the election of such persons?

The WITNESS: The election of the successful candidate.

The CHAIRMAN: That voids the whole thing.

The WITNESS: Yes.

Mr. STICK: Yes, the election should be declared void.

The CHAIRMAN: Is the committee satisfied with that draft? Would anybody propose the amendment?

Mr. NOWLAN: I move.

The CHAIRMAN: Moved by Mr. Nowlan seconded by Mr. Hees, that this amendment be adopted.

Agreed.

Carried.

Gentlemen, I understand that Mr. Harris, the minister, has something to say to the committee, so if you do not mind we will hear him.

Hon. Mr. HARRIS: I have three or four amendments, Mr. Chairman, about matters which, while there may be an opinion on them, I fancy there will not be much controversy. I would like to draw them to your attention. The first one has to do with voting at advanced polls of personnel of the Canadian forces. This provision was in the Act up until the last edition and because in those days we did not think it mattered very much the provision was taken out, but now its is a matter of some moment that provision should be made for voting at advance polls where the person finds out in the course of the last few days that

he is unable to vote through the service forces, and I think perhaps the Chief Electoral Officer might read the amendment:

> Clause (*b*) of section ninety-five of the said Act is repealed and the following substituted therefor:—
>
> (*b*) to such persons as are members of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

The WITNESS: At the last general election there was a lot of difficulty experienced to provide voting facilities to reserve units. They were called up on Sunday for training and arrived at a camp on Monday. They arrived too late to vote at the camp and they could not vote in the ordinary poll at home. In 1948, with the Canadian Defence Voting Regulations, it was thought that the facilities provided in the Regulations would be sufficient to handle the reserve problem but it was found through our experience to be most inadequate. Commander Dewis could give you some further details on this matter; it was brought to our attention that whole regiments left for camp on Sunday and they could not vote at an advance poll on Saturday and could not vote on Monday in their own polling divisions which were situated at too great a distance from the camps.

Mr. STICK: What is the amendment?

The WITNESS: The amendment is just to add "such persons as are members of the Canadian forces" and there is no change after that to the subsection. It is page 305, section 95, clause (*b*). It is just adding to clause (*b*) at the beginning the following words—"to such persons as are members of the Canadian forces". The rest of the clause is not changed in substance.

Mr. MURPHY: We had that in before, in 1945.

The WITNESS: It was there up to 1948 and the committee in 1948 thought the regulations would be sufficient and reference to Canadian Forces electors was therefore deleted from this section.

Mr. HERRIDGE: That elector is then voting as a defence forces elector?

The WITNESS: He will be voting as a civilian elector at the advance poll established in the electoral district.

Mr. NOWLAN: How can you tell then that he does not vote in both capacities?

The WITNESS: There is no way at my disposal.

Mr. NOWLAN: I think the committee should give some consideration to having the names listed. I am speaking of the reserve forces. If the description shows that he is a soldier, sailor, or air force man, we have provided machinery whereby he can vote everywhere, except in some dire accident, and that is why the names are put on the regular civilian list as well. There is certainly going to be duplication as between the service vote and the ordinary vote if he can also vote on the list in his own community. No one else is allowed to have his name on two lists.

Hon. Mr. HARRIS: This is a different situation.

Mr. STICK: This is only for the reserve?

The CHAIRMAN: A member of the Canadian forces?

Mr. NOWLAN: Of the Canadian forces.

The CHAIRMAN: We might hear Commander Dewis on this.

Commander DEWIS: If it is the feeling of the committee this should apply only to the reserve forces, the way the amendment is drafted it does refer to the regular forces—that is the permanent force and full-time people. If you want it to refer to the reserve forces only you would have to say "reserve forces".

We certainly have a requirement for the reserve forces. The army alone has upwards of from 3,000 to 4,000 that can be called out on a Sunday. That happened in the last election. They were called out on Sunday but they were not on full-time training on Saturday and could not vote.

Mr. STICK: If it is intended to cover the reserve forces, say so.

Commander DEWIS: You would have to say so because "Canadian forces" includes the reserve, the permanent, and the active service forces.

The CHAIRMAN: We might hear the Chief Electoral Officer—he might desire to have an opinion on this.

The WITNESS: With respect to the point Mr. Nowlan raises there is certainly temptation put in the way of a Canadian Forces elector to vote twice if he is that way inclined. He can vote as a Canadian forces elector during the service voting period which is betewen the Monday to Saturday previous to the polling day at a general election. He can also vote on civilian polling day and there is no way this can be prevented except by the agents in the poll who may challenge him.

In practice, our enumerators include the name of every Canadian Forces elector in their list during the enumeration because they cannot be expected to find out from some adult at the door whether Group Captain so and so's place of ordinary residence is so and so as prescribed in paragraph 23. In practice you could have a situation for instance in an electoral district like Ottawa West where most or all of the Canadian Forces electors who are over 21 are enumerated. Then, they can vote at the place of their ordinary residence as declared pursuant to paragraph 23 through service voting channels, and they could vote in Ottawa West. That temptation is there and has always been there but I do not know of any case officially where such double voting has occurred. It cannot be proved through any information I have, but the temptation is there. We enumerate all of the Canadian Forces electors on the civilian lists at a cost of about 25 or 30 cents per name. There are 60,000 to 70,000 Canadian Forces electors and that is $18,000 which is expended to enter their names on the civilian list.

At the last general election during the normal service voting period, as I have previously informed the committee, there were potentially 40,000 Canadian Forces electors and only 17,000 of them availed themselves of the facilities to vote through the procedure set forth in the regulations. Out of the 8,000 D.V.A. voters 5,000 voted through the procedure set out in the regulations.

I have no views on the matter but it is possible for a Canadian Forces elector to be on a list in two places, and it is the only procedure in the Act by which he could vote twice without any effective check, that I know of—except the check that can be made by the agents of the candidates at the polls.

By Mr. Stick:

Q. As I understand it this applies to reserve forces called out?—A. No, to Canadian Forces electors—

Q. The intention is that it cover reserve force electors?—A. That is not the intention.

Q. We are talking about the reserve forces?—A. When the amendment was drafted that was not the intention; this provision applies to all members of the Canadian forces.

Q. If it is to apply to the reserve forces only their names are on the civilian electors list?—A. They are.

Q. To cover that point, so that they would not be voting twice, you could give them the privilege of voting at the advance poll like fishermen and so on. That would cover it.

Hon. Mr. HARRIS: That is what we have done.

The WITNESS: When a person wishes to vote at an advance poll he gets a certificate and a copy of it would go to the poll in which he would ordinarily vote. There is protection, therefore, which would be adequate to stop double voting in the case of civilian polls by Canadian Forces electors.

By Mr. Stick:

Q. Has a man in the reserve army the right to vote in a civilian advance poll—when he is in the reserve army?—A. No. He has, if he is in addition to being a member of the reserves, a commercial traveller, a transportation employee, or a fisherman—but not by virtue of the fact that he is in the reserve forces.

Q. You are treating the reserve forces, when called up, as regular forces? —A. Well, this particular problem arose at the last general election. The reserve forces were being called up on Sunday to go to camp on Monday and therefore under the present section they were unable to vote at the advance polls.

Q. If you gave the reserve forces the privilege of voting at an advance poll the same as a railroad man, that would cover it?

Hon. Mr. HARRIS: The amendment is drafted to do that.

Mr. STICK: But you do not specify "reserve forces"?

Hon. Mr. HARRIS: No, but there are other factors.

Mr. STICK: You are not confining it to the reserve forces, but the purpose of the amendment is to cover the reserve force is it not?

Mr. HEES: Would it not do to just change this to read "reserve forces"?

The CHAIRMAN: Somebody might move that.

Mr. HEES: I will move it.

The CHAIRMAN: Would Commander Dewis like to say anything here?

Commander DEWIS: I have nothing to say, but "Canadian forces" is defined in the National Defence Act as active or reserve. It all depends on what the committee wants. The expression includes both.

The CHAIRMAN: Could we have it stand and the Chief Electoral Officer will make a proper amendment and bring it to the next meeting?

The WITNESS: Could it not be done by saying "such persons as are members of the reserve force of the Canadian forces"?

Mr. PEARKES: Is not the term "reserve component"? That is the term used now for the reserve force. You have the active component and the reserve component.

Hon. Mr. HARRIS: There is just "Canadian forces" which covers them all.

Commander DEWIS: "Reserve force" is the correct expression as used in the National Defence Act.

Mr. APPLEWHAITE: I would like to have a word from the Chief Electoral Officer in this connection. A fisherman, railwayman, and so forth, is shown on the list by occupation—on the list of voters or the electoral list. If this goes through, and I am in favour of it, what form of special instruction would go out to indicate to the deputy returning officer how he shall issue a certificate to people in this class? What will they have to produce? The only thing I can see so far is: "to such persons as are members of the Canadian forces... he has reason to believe that he will be necessarily absent." He used to satisfy himself very largely by checking the occupation as given on the list. What will he

require now to satisfy himself that somebody is a member of the reserve forces and is expecting to be called out?

The WITNESS: That can be done by instruction. I can instruct my returning officers that they have to have documentary proof that he is a member of the reserve forces and that he will be on training on polling day at a general election.

Mr. APPLEWHAITE: I think it very likely that some of the returning officers who try to hew to the line may say: You are not listed as a member of the Canadian forces and therefore I cannot issue that certificate.

The WITNESS: The word "satisfy" is very broad and I can issue almost any instruction under it.

The CHAIRMAN: Shall the amendment carry?

Carried.

Hon. Mr. HARRIS: We have another amendment, Mr. Chairman. You have already given the vote to certain veteran personnel on enlistment and I claim the same privilege for my friends the Indians. I ask that the disqualification provisions may be amended so that upon enlistment an Indian may vote—and his wife.

(1) Clause (i) of paragraph (*f*) of subsection two of section fourteen of the said Act is repealed and the following substituted therefor:—

(*f*) every Indian, as defined in the Indian Act, ordinarily resident on a reserve, unless

(i) he was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, or

(2) Subsection four of the said section fourteen is repealed and the following substituted therefor:—

Qualification of wife of an Indian veteran.

(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the Indian Act, who was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.

Agreed.

The CHAIRMAN: Is there anything else?

Hon. Mr. HARRIS: Yes, I have a further amendment which is a matter that is rather urgent.

As you know we passed a bill in the House dealing with the elections in the Northwest Territories and there is a proposal here which we shall circulate. I think perhaps you had better read it. It provides that the Chief Electoral Officer shall conduct the election in the Northwest Territories.

The said Act is amended by adding thereto the following section:—

111. (1) Elections of members to the Council of the Northwest Territories (in this section called "Northwest Territories elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Northwest Ter-

ritories, directs as being necessary by reason of conditions existing in the Northwest Territories to conduct effectually Northwest Territories elections.

(2) The procedure prescribed by section one hundred and eight shall be followed in the preparation, revision and distribution of the list of electors for Northwest Territories elections.

(3) Sections fourteen, sixteen, nineteen and twenty do not apply to Northwest Territories elections.

(4) For the Northwest Territories election first held after the coming into force of section eight A of the Northwest Territories Act, the qualifications for electors shall be those established pursuant to that section and in force three months prior to the polling day for such election and, for subsequent Northwest Territories elections, the qualifications for electors shall be those established pursuant to that section and in force six months prior to the polling day for such elections.

(5) Notwithstanding the provision of section 110 of this Act, this section shall come into force on the date upon which it is assented to. Ottawa, June 7, 1951.

Mr. APPLEWHAITE: When is it anticipated that the next Northwest Territories election will be held?

Hon. Mr. HARRIS: This fall—and for that reason we hope this amendment will be through the House before we adjourn.

The CHAIRMAN: Shall the amendment carry?

Carried.

Hon. Mr. HARRIS: There is a further amendment having to do with the name of the Act. This is known as the Dominion Elections Act, 1938. There is a rather extensive amendment being passed around which would change that to read the Canada Elections Act, and in effect, substitute the word Canada or its equivalent throughout the Act wherever the word "Dominion" appears. There is one clause which the Chief Electoral Officer felt could not be amended so easily, but perhaps before I discuss that you might read the amendment and see if there are any questions on it.

(1) The Dominion Elections Act, 1938, is amended by repealing section one thereto and substituting therefor the following section:—

Short title.

1. This Act may be cited as the Canada Elections Act.

(2) Wherever the words "The Dominion Elections Act, 1938" are mentioned or referred to in any schedule thereto, there shall in each and every case be substituted therefor the words "the Canada Elections Act".

(3) Wherever the expressions "Dominion election" or "Dominion general election" are mentioned or referred to in the said Act or in any schedule thereto, there shall in each and every case be substituted therefor, respectively, the expressions "election" and "general election".

(4) Subsection two of section one hundred and two of the said Act is repealed and the following substituted therefor:—

Posting up of notices, etc.

102. (2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means or tacks or pins to any wooden fence situated on or adjoining any

highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.

Mr. STICK: What is the purpose of this, Mr. Minister?

Hon. Mr. HARRIS: The purpose of this is to substitute the word "Canada" for "Dominion" in order to indicate that this is in fact an Act having to do with elections in Canada—rather than having there the word "Dominion". I will not go into the argument which the Nova Scotians make about the use of the word dominion but I think, generally speaking, that on revision of the statute this change ought to be made. The purpose is, to state that this is the Canada Act rather than the Dominion Act—because "Dominion" does not necessarily refer to "Canada".

Mr. STICK: Are you trying to bring this around through the back door? Is that the purpose of it?

Mr. HERRIDGE: Mr. Chairman, I do not agree with this change but I can see the game—it is back door baseball. Why could we not call it the Dominion of Canada Elections Act?

The CHAIRMAN: It is no longer a dominion.

Hon. Mr. HARRIS: Before we discuss the merits I want to point out some of the limitations. If you will refer to section 105 at page 311, in trying to amend this section it was found difficult to do so under the general changes indicated in the amendment you have before you, so, I suggest if these amendments are adopted at all that the section read as follows:

"Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of that election is guilty of . . ." and so on. It is difficult to translate "discussing dominion issues—"

Mr. HERRIDGE: It is very hard to get rid of that word "Dominion".

Hon. Mr. HARRIS: It is not very hard; it is very simple.

Now, on page 314, you will find in form 1 at the top of the page that the word dominion appears in the title of the Governor General, so that this amendment is not intended to affect the use of the word dominion where it appears in the Governor General's title.

Mr. HERRIDGE: That is what I meant when I said it is hard to get rid of the word "dominion".

Hon. Mr. HARRIS: It is very easy.

Mr. STICK: Mr. Minister, as I see it, it is there for simplification and clarification?

Hon. Mr. HARRIS: Yes.

The CHAIRMAN: Shall the amendment carry?

Some Hon. MEMBERS: Carried.

Some Hon. MEMBERS: On division.

Mr. APPLEWHAITE: Mr. Chairman, assuming that the amendment had just gone through, changing the Dominion Elections Act to the Canada Elections Act, may I make this suggestion very seriously. The Chief Electoral Officer has spoken to us about his supplies in terms of time. It is quite possible that he has on hand thousands and thousands of forms which may not need to be reprinted due to changes. In other words we are not making any changes that would apply to envelopes and a lot of other things. I would very strongly suggest that before we conclude, an amendment be brought in to the effect that any supplies

bearing the words "Dominion Elections Act 1938" shall be deemed to apply and be legal—so that he does not have to throw away these supplies.

The WITNESS: Some material I would have to throw out.

Mr. HERRIDGE: It is hard to get rid of the word "Dominion".

The WITNESS: With respect to supplies I have not very much on hand. I did not order any as I expected the committee would review the Act. There would be some saving, but when I spoke of tons I meant after the bill is passed. There would be a small number of forms and some saving might be effected.

Mr. PEARKES: With respect to the election of members of the council of the Northwest Territories, does that not raise the point of whether members now elected to the council will be eligible to run as members of parliament? That might mean you would have to add those persons to the list of ineligible persons. I do not know whether it is covered—I have not looked it up. That would be, I take it, on page 251. I do not think they are mentioned there because they did not exist before.

The WITNESS: No, they are not covered now.

Mr. PEARKES: You would want them covered.

The WITNESS: Well, that is a matter for the committee—whether a candidate is rendered ineligible. I would not like to recommend that as Chief Electoral Officer.

Mr. PEARKES: May I suggest it is worth thinking about. If you make members of a provincial legislature ineligible, it is worth considering whether members of the legislative council of the Northwest Territories should be eligible.

Hon. Mr. HARRIS: I think we can give consideration to that.

Mr. MCWILLIAM: Are they drawing a salary from the King?

Mr. FULFORD: They are more like a municipal council.

Mr. PEARKES: No, they are more like provincial legislatures.

Hon. Mr. HARRIS: We will look into it.

Mr. PEARKES: I would like you to think about it.

The CHAIRMAN: There is one more amendment.

Hon. Mr. HARRIS: There are two more.

The first is as follows:

> Section six of the said Act is repealed and the following substituted therefor:—
>
> *Staff.*
>
> 6. (1) The staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer, appointed by the Governor in Council, and such other officers, clerks, and employees as may be required, who shall be appointed in the manner authorized by law.
>
> (2) The Assistant Chief Electoral Officer may be a contributor under and entitled to all the benefits of the Civil Service Superannuation Act.

The CHAIRMAN: Shall the amendment carry?

Carried.

Mr. ARGUE: What is "the manner authorized by law"?

The WITNESS: Through the Civil Service Commission.

Hon. Mr. HARRIS: In conformity with the trend to Canadian citizenship, I wish to propose an amendment: That wherever the expression British subject by birth or natuarlization, or British subject is mentioned or referred to in this

Act or in the schedule thereto, there shall in each and every case be substituted the expression "Canadian citizen or other British subject."

We have by the Citizenship Act stated that a Canadian citizen is a British subject and this does not alter any class of persons who are entitled to anything under the Act.

The CHAIRMAN: Shall the amendment carry?

Carried.

Hon. Mr. HARRIS: I have one further amendment.

Persons temporarily engaged in public works.

Rule eight of section sixteen of The Dominion Elections Act, 1938, is repealed and the following substituted therefor:—

(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public works, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least . . . days immediately preceding the date of the issue of the writ

Section sixteen is amended by adding thereto the following rule:—

Wives or dependents of persons temporarily engaged in public works.

(8A) The wife or dependent of a person mentioned in Rule eight who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependent has been in continuous residence therein for at least . . . days immediately preceding the date of the issue of the writ.

This has to do with a subject which caused a good deal of debate in the last revision and a good deal of difficulty in the general election of 1949. It concerns persons who are working at dominion and provincial public works during an election campaign.

You will recall that in bygone times there was disqualification of any person who was working on a dominion or provincial public works during an election period, who came to that place for that purpose.

At the last election we concluded that it was a sound policy, but, as it turned out, there was some question about the ability or opportunity to vote of a large number of persons who were engaged in public works but who had been so engaged for a long time. It was not the sort of thing the framers of the Act in the old days contemplated. There was one case where a person had been engaged on public works for two years at the date of the election. In theory they might be disqualified. I suggest that while we should retain the principle, that we should guard against the use of these words for any purpose contrary to what we would accept as proper, yet we might fix a time limit sometime prior to the issue of the writ for the election which would fix the residence of those engaged in some public works so they would be entitled to vote.

If you are contemplating a road gang moving forward on a road, within the time limit they might move from one constituency to another. They would only be inconvenienced to the extent that they would probably have to go back to the constituency where they were a short time before.

The amendment before you provides for fixing the residence for purposes of qualification to vote in a constituency at a time prior to the issue of the writ for persons who are engaged in public works of a dominion or provincial nature. I leave it to the committee just what period of time they would like to fix. We

think it should be reasonably short. We do not think this sort of thing goes on any more but there should be some time prior to the issue of the writ anyway and then the man could vote.

The WITNESS: I feel very strongly about the provisions of the present subsection. During the last general election a very embarrassing situation arose in connection with hydro projects in Ontario. Some of the hydro projects in Ontario were public works within the meaning of the Act. There were others of a similar nature and similar size which were public utilities and therefore did not come within the meaning of a public works under this Act. We had a very anomalous situation arise. There were two big projects in Ontario which were public utilities so the persons working on that project who had come to that district for such employment were entitled to vote—yet there were two others, just as big in size, where the employees were not able to vote. Their wives, and dependents, were able to vote because they were not disenfranchised.

Mr. FULFORD: What was that?

The WITNESS: At the two projects which were public works within the meaning of the Act persons who had come to be employed on such projects were disenfranchised but their wives and dependents were allowed to vote because they came within the ordinary interpretation of the rules of residence. My predecessor was most embarrassed by the rulings he had to give under this section and I would like to see it changed for the next election.

Mr. MURPHY: Mr. Harris, have you given any consideration to the number of days?

Hon. Mr. HARRIS: I had thought thirty days would be suitable.

Mr. FULFORD: That is the figure I had in my mind. That would give them ninety days before the election. I would move that the time be thirty days.

The CHAIRMAN: Is that agreeable?

Agreed.

Shall the amendment carry?

Carried.

We shall adjourn and meet again tonight at half past eight.

The committee adjourned.

EVENING SESSION

The committee resumed at 8:30 p.m.

The VICE-CHAIRMAN: I call the meeting to order. We now have a quorum. Gentlemen, this afternoon I understand Mr. Nowlan had some suggestions to make with respect to clause 27 on page 37 of the draft bill. The Chief Electoral Officer has subsequently drawn up a clause which we hope will meet Mr. Nowlan's suggestion. So I think the first order of business would be to ask the Chief Electoral Officer to read his draft clause.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, there is no change in substance to the amendment appearing on page 37 except for the words which are underlined. I have endeavoured to meet Mr. Nowlan's wishes on this matter, and I shall now read my draft amendment as follows:

27. As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the

liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the designated commissioned officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 23 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom.

Mr. HERRIDGE: Have you got the words "designated commissioner officer" here?

The WITNESS: We changed it.

The VICE-CHAIRMAN: Yes, it is changed. Shall this carry?

Carried.

The next order of business would be, I think, to have the Chief Electoral Officer explain the next item.

The WITNESS: This afternoon General Pearkes asked for a provision—

Mr. CANNON: What item are we on, Mr. Chairman?

The WITNESS: This afternoon General Pearkes suggested that some provision be made to render members of the council of the Northwest Territories ineligible as candidates to be elected at an election. So I accordingly prepared the following amendment, which reads as follows:

Subsection one of section twenty of the said Act is amended by adding thereto the following clause:—

(*g*) every person who is a member of the Council of the Northwest Territories—during the time he is such member.

This is identical to the one dealing with members of the legislatures.

Mr. STICK: Has the minister got the information about any salaries paid to these people?

Mr. MCWILLIAM: Are the members of the council paid by the dominion government?

The WITNESS: I understand there is some remuneration provided for them in the Act.

Mr. MCWILLIAM: If they are paid, I think they should be barred.

The WITNESS: They are paid so much a day for each day they are sitting.

Mr. STICK: Well, they are barred.

Agreed.

The VICE-CHAIRMAN: Shall the item carry?

Carried.

The WITNESS: Mr. Applewhaite suggested for the sake of economy that an amendment should be provided to allow the statutory forms and supplies on which the words "Dominion Election" appear to be used until such time as my supply becomes exhausted.

I was not able to get in touch with officials of the Department of Justice in the meantime to draft this in a proper form; but if the committee is agreeable to passing it in this manner, subject to any corrections which Justice might care to make, it would be helpful. The amendment suggested reads as follows:

Any forms, envelopes, ballot boxes, and other supplies on which appear the words 'Dominion election', 'Dominion general election', or 'The Dominion Elections Act, 1938' shall be deemed to be valid until such time as the supplies on hand have become exhausted.

Mr. CANNON: Where would it be inserted in the Act?

The WITNESS: That is subject to Justice.

Mr. CANNON: Yes, but where would it go?

The WITNESS: It would be a clause in the bill; and we have other amendments which are similar to it. I think it would appear in the last clause of the bill.

The VICE-CHAIRMAN: Shall we carry this item?

Mr. STICK: Carried. There is nothing wrong about that.

Carried.

The VICE-CHAIRMAN: It might be of interest to the committee to know that there will be a saving of at least $50,000 by means of this amendment.

Mr. FAIR: That is worth making an amendment for.

The VICE-CHAIRMAN: Very definitely!

Mr. STICK: Where do we go from here?

The WITNESS: The interpretation part on page 1.

The VICE-CHAIRMAN: Page 1.

The WITNESS: Page 1 deals with subsection 2 of the Act. It is the interpretation section, and every amendment considered there is consequential to the changes we have made to various sections of the Act. For instance, subsection 12 of section 2 of the said Act is repealed. That deals with the matter of finally revised lists. But there is no longer a finally revised list printed, because we shall use the revising officer's statement of changes and additions.

Subsection 17 of section 2 is repealed and the following substituted therefor:

(17) "list of electors" means either the preliminary list or the official list as herein defined, and as the context requires;

The only change consists in the deletion of the expression "finally revised list of electors".

The VICE-CHAIRMAN: That is the only change.

The WITNESS: And paragraph (*a*) of subsection 22 of section 2 is repealed and the following substituted therefor:

(22) "Official list of electors" means

(*a*) in an urban polling division, any copy of the printed preliminary list prepared by the enumerators pursuant to Rules (1) to (16), inclusive, of Schedule A to section seventeen of this Act taken together with a copy of the statement of changes and additions certified by the revising officer pursuant to Rule (41) of the said Schedule A, or appropriate portion of the preliminary list which has been divided by the returning officer for the taking of the votes taken together with the special statement of changes and additions certified by the returning officer pursuant to subsection seven of section thirty-three of this Act, and . . . . . ."

The former provision read:

(*a*) in an urban polling division, the list of electors revised and corrected by the revising officer pursuant to Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and reprinted by the returning officer pursuant to subsection ten of the said section seventeen, or the appropriate portion of the finally revised list which has been divided by the returning officer for the taking of the votes; and . . . ."

Mr. STICK: This only carries out what has already been passed, so why bother about it? Do you want a motion about it?

The VICE-CHAIRMAN: Yes. Shall this carry?

Mr. STICK: Carried.

Carried.

The WITNESS: Mr. Chairman, at the first meeting I discussed the advisability of having Canadian prisoners of war regulations. For example, with the brigade in Korea there may be circumstances arising where there will be prisoners of war. A general election might come along at any time in the future and there would be no provision in the Act to give a vote to such prisoners of war.

The regulations dealing with Canadian prisoners of war were repealed in 1948. I have taken the liberty of adapting those former Canadian prisoners of war regulations to present day circumstances. So may I submit them to the consideration of the committee at this time?

The VICE-CHAIRMAN: Oh, yes, but with the consent of the committee.

Mr. STICK: Dish them out.

Mr. MCWILLIAM: May we have copies of them to study?

The WITNESS: The only changes in these Canadian prisoners of war regulations are the words underlined on the left hand side of the page. Those are the regulations adapted to present day circumstances.

On the right hand side of the page are the former regulations which were passed in 1944.

Schedule Five

The Canadian Prisoners of War Voting Regulations, 1951

To enable persons eligible to vote under The Canadian Forces Voting Regulations, who become prisoners of war, to vote by proxy at a general election, notwithstanding anything to the contrary in The Dominion Elections Act, 1938, contained.

Hon. Mr. HARRIS: Is not this the same as it was in the Great War with some adaptation?

The WITNESS: It is identical except for the words which are underlined.

Hon. Mr. HARRIS: Those of us who abolished the provisions in 1948 were too sanguine with respect to wars. I think these provisions should come back again.

Mr. STICK: There is no change.

The WITNESS: The system provides for—

The VICE-CHAIRMAN: Could you explain what the changes are?

The WITNESS: They are underlined here. I shall explain briefly what the regulations provide.

In the event of a Canadian Forces elector being made a prisoner of war, he would be officially reported as such to headquarters of National Defence. And should a general election be ordered, we would obtain from the Department of National Defence the name of every person who was officially reported as a prisoner of war.

The next step is that the Chief Electoral Officer would obtain the name of the next of kin of the prisoner of war. Then we contact the next of kin through the returning officer in the electoral district in which the next of kin resides. Then we find out whether he is or is not a qualified elector; and if he is, then the Chief Electoral Officer will send him a certificate which is in effect, a proxy.

The next of kin will then be allowed to vote on behalf of the prisoner of war by means of that proxy. And he is also allowed to cast his own vote. Basically and briefly that is the procedure.

Mr. HERRIDGE: How did this work out in practice?

The WITNESS: In practice at the 1945 election it worked out splendidly. The only prisoners of war who voted under this system at the 1945 election were prisoners of war in Japanese prisoners of war camps. We know that it worked out very well and that no complaints were received in any way from any source or from any person, about the manner in which the proxies were given out. I have discussed this matter with my predecessor and he informed me that the procedure worked most satisfactorily.

Mr. HERRIDGE: Why did only those vote who were in Japanese prisoners of war camps?

The WITNESS: The election was on June 11, 1945. The campaign had progressed so well in Europe that all of the prisoners in prisoners of war camps had been released before the polling day, so that the prisoners of war voted through the ordinary service voting procedure. They had a direct vote. Members of the Canadian forces were brought before the committee in 1944 and they expressed the desire to have a direct vote at all times.

Mr. HERRIDGE: Yes.

The WITNESS: So we tried to meet that desire by cancelling all the proxies we had here in Ottawa for these Canadian Forces electors in Europe, and they were allowed to vote through the service procedure.

I spoke to my predecessor in office about this matter and he informed me that these prisoners of war regulations worked very successfully and satisfactorily.

Mr. HERRIDGE: It is quite a new feature in an election. I do not know of any other country which does it.

The WITNESS: Yes, others do it.

Mr. NOWLAN: Is it done at the request of the personnel, or is it done automatically?

The WITNESS: We get a list from National Defence of all the Canadian prisoners of war and of their next of kin. Then we contact them through the returning officer in the electoral district where the next of kin reside. We contact those next of kin, and the Chief Electoral Officer sends them a certificate by registered mail. The certificate is sent to the next of kin by registered mail. The next of kin can then vote at his ordinary polling place by means of the proxy. He does it automatically.

Mr. NOWLAN: And not at the request of the prisoner?

The WITNESS: No, automatically.

Mr. ARGUE: Did quite a proportion of the prisoners of war vote through that method? Were there more votes cast on behalf of the prisoners of war by using that method?

The WITNESS: Roughly I think that 1,000 certificates were sent out. I cannot tell you whether or not they were all used. But I think that 1,000 were sent.

The VICE-CHAIRMAN: You did not receive any complaints about it when the prisoners of war came home?

The WITNESS: Not to my knowledge.

The VICE-CHAIRMAN: Such as "My wife voted Conservative but I wanted to vote C.C.F."

The WITNESS: The committee in 1944 made exhaustive studies of every system used in the world, and their final conclusion was that it was the only practical system to be adopted. It operated very successfully. I do not know of any system other than this. It must be done through a proxy. I do not know of any other way of doing it.

Mr. STICK: Carried. It is only carrying out what was done before.

Mr. MCWILLIAM: Do you want a motion?

Mr. STICK: Let us carry the whole of them at one time.

The VICE-CHAIRMAN: I do not see any reason for going through this item by item. Do you want the witness to read them clause by clause?

Mr. MCWILLIAM: I move that schedule 5 carry.

Mr. STICK: And I second the motion.

The VICE-CHAIRMAN: Is there any discussion at all?

Mr. HERRIDGE: I think the explanation made by the Chief Electoral Officer has been very satisfactory.

The VICE-CHAIRMAN: All those in favour?

Carried.

In 1947 the committee dealt with the report of the committee in the following way. Perhaps I had better read how the committee presented the draft bill to the House.

Mr. HERRIDGE: Are we finished?

The VICE-CHAIRMAN: We are finished with Mr. Castonguay's recommendations; but there will be further sittings of this committee to bring up whatever subject any member of the committee or of the general public wants to present.

But this clears up the recommendations of the Chief Electoral Officer; and in order to present this draft bill to the House, I shall read to you how it was done by the chairman in 1947.

I shall now read to you from No. 104 of the Journals of the House of Commons of Canada, dated Ottawa, Thursday, 3rd July, 1947.

Prayers

Mr. Cote (Verdun), from the Special Committee on The Dominion Elections Act, 1938, presented the Second and Final Report of the said Committee, which is as follows:—

Under date of March 24, 1947, your Committee was appointed to study the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments as the Committee may deem advisable and report from time to time, with power to send for persons, papers and records and to print the proceedings.

The Committee held its first sitting on the 4th day after its appointment and since that date it had held nineteen sittings and heard five witnesses.

Pursuant to its Order of Reference your Committee has examined the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer and has made a thorough study of the said Act which gave rise to several other proposed amendments.

Your Committee has prepared a draft bill embodying its recommendations which were agreed to. The draft bill is attached to the present report.

A printed copy of the minutes of proceedings and evidence is tabled herewith.

That is the usual presentation.

Mr. HERRIDGE: That will not be a final report? That will be only an interim report?

The VICE-CHAIRMAN: Yes.

Mr. CAMERON: Do you want a motion on that?

The WITNESS: I think the bill will be mimeographed and attached to the report. It will be identical to this copy here. I have all the changes made in the order in which they were approved by the committee. Does the committee wish me to read the sections? I have the bill here.

Mr. McWILLIAM: No, I do not think there is any necessity for doing that.

Mr. STICK: Do you want a motion?

The VICE-CHAIRMAN: I would like to have a motion.

Mr. McWILLIAM: I move that the interim report be drafted and submitted to the House.

The WITNESS: Would the committee agree that the bill be attached to the report as drafted by the Chief Electoral Officer?

Mr. McWILLIAM: I would include that in my motion.

Mr. STICK: And I second the motion.

Mr. FAIR: Would that leave the way open for further amendments?

The VICE-CHAIRMAN: Oh yes; there would be further amendments in the House as well as in this committee.

Mr. CANNON: What will the committee do about the proposed amendment to paragraph 3 of section 20, which has to do with a candidate who was a member of a legislature in a province?

The VICE-CHAIRMAN: You might just read that.

The WITNESS: In the way it was passed?

Mr. STICK: It was discussed this afternoon but no decision was taken on it.

The WITNESS: This section was passed this afternoon.

> Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:
>
> (3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void.

Mr. HERRIDGE: Why is it necessary to make this interim report when possibly one more meeting would be sufficient to hear representations from the members, whereupon, if the committee should decide to accept such recommendations that might be made, our report could be made final?

Hon. Mr. HARRIS: The reason is this: It will take some time, from the standpoint of stenographic work, checking and so on with Justice, and having a final look at it from the standpoint of government, and time in running out. That time can be used. I think it would take the best part of four or five days to do it. That time can be used on the preparation of the bill for the House.

If in the meantime the committee comes to any other conclusions, of course, they can be added to the bill in some manner during the process through the House.

Mr. HERRIDGE: There is not likely to be many.

Hon. Mr. HARRIS: From what I have heard, I think there will be a good deal of debate on individual things. It is not intended to close any discussion, but I would hesitate to think what would happen to a bill that did not reach the House before a week today or tomorrow.

Mr. HERRIDGE: That is very reasonable.

The VICE-CHAIRMAN: Have you had many submissions made to you?

Hon. Mr. HARRIS: No, but I have been hearing of proposals.

The VICE-CHAIRMAN: I have heard of quite a few, as a matter of fact.

Mr. FAIR: The reason why I asked my question is that before we finished our work at the last session on this Dominion Elections Act, I gave notice then that I would bring up a question concerning the single transferable vote in dominion elections. That matter has not yet been discussed. I think it should be taken up and I hope it will be taken up by the committee. If it should be adopted, it would mean a lot of changes in what we have already dealt with and I would not want to put Mr. Castonguay and his staff to any unnecessary work in dealing with it.

Hon. Mr. HARRIS: May I make a suggestion? I understood there was to be a steering committee appointed. I do not know whether or not that has been done yet.

The VICE-CHAIRMAN: Yes, it has.

Hon. Mr. HARRIS: Would it not be desirable, since this is Thursday night, that the steering committee meet on Monday? In the meantime members such as Mr. Fair who have a proposition to make could commit them to writing and the steering committee could look them over on Monday and see how big a job we have, or what the consequences of it would be. Then there could be another meeting called by the Chair immediately after that along the line of what the steering committee might decide. Would that be a reasonable suggestion?

Mr. STICK: Yes, I think so. We have got to have some order as to what we shall discuss, and we cannot be discussing these things all over again.

Mr. CANNON: Have any representations been received?

The VICE-CHAIRMAN: Only representations made to me verbally.

Mr. CANNON: I mean: Have any representations been made concerning the conveyance of electors to the polls?

The VICE-CHAIRMAN: There was a representation made by Mr. Boisvert.

Mr. CANNON: Is it in writing?

The VICE-CHAIRMAN: I believe so.

Mr. STICK: Have we decided what we are going to do about the interim report?

Mr. BOISVERT: I think an interim report should be made.

The VICE-CHAIRMAN: A motion has been made by Mr. McWilliam and seconded by Mr. Stick. All those in favour?

Carried.

Mr. ARGUE: Mr. Chairman, could not all these suggestions and representations be stood over until our next meeting? I would like to get back in the House.

The VICE-CHAIRMAN: Yes. The only thing I was going to say was that the steering committee will meet on Monday and we shall, by that time, have received, I hope, all the recommendations and suggestions.

Hon. Mr. HARRIS: To make it certain, perhaps the clerk of the committee could notify each member to send in his written suggestions to the chairman by Monday morning so that they would be in the hands of the steering committee at that time.

Mr. ARGUE: Mr. Chairman, I have just one question, it is on the subject of reducing the eligible voting age to eighteen. I just wanted to enquire if for the purpose of the steering committee you do not want the amendments in legal form, you just want the subject matter set out?

The VICE-CHAIRMAN: Yes, the subject matters to be brought up.

Mr. STICK: So we can deal with them in order on a proper agenda.

Mr. ARGUE: I do not want to have to consult Mr. Knowles.

The WITNESS: Mr. Chairman, may I with your permission thank the members of the committee for helping me so much and giving me such wonderful assistance and support.

Mr. McWILLIAMS: I think the Chief Electoral Officer deserves a lot of praise.

Some Hon. MEMBERS: Hear, hear.

Mr. STICK: Is there anything else we can do tonight?

The VICE-CHAIRMAN: No, you can call for an adjournment.

Mr. STICK: I move we adjourn.

Mr. CAMERON: Could I enquire if Mr. Castonguay could furnish us with a mimeographed copy of the draft bill so that we can read it over before it gets in the House and if we have made any errors we can catch them.

The WITNESS: It will take me a couple of days to mimeograph this bill but I gladly will send one copy to each member of the committee.

The committee adjourned.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

FRIDAY, JUNE 15, 1951

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

MINUTES OF PROCEEDINGS

FRIDAY, June 15, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Vice-Chairman, Mr. George T. Fulford, presided.

Members present: Messrs. Applewhaite, Boisvert, Dewar, Fulford, Herridge, McWilliam, Murphy, Nowlan, Stick, Viau, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer.

The Vice-Chairman, presented the first report of the subcommittee on Agenda and Procedure, which is as follows:

The subcommittee on Agenda and Procedure met at 12.00 noon, Thursday, June 14, 1951.

Your subcommittee agreed to recommend:

1. That the Committee hear Mr. Crestohl, M.P., for Cartier, as the first order of business.

2. That suggestions received from various members be dealt with in the order in which they were received as follows:

Mr. MacDougall, 8 suggestions
Mr. Herridge, 1 suggestion
Mr. Fair, 1 suggestion
Mr. Cameron, 1 suggestion
Mr. Boisvert, 1 suggestion
Mr. Argue, 1 suggestion.

On motion of Mr. Stick, the above mentioned report was concurred in.

On motion of Mr. Murphy,

Resolved,—That a copy of the suggestions to amend the Act, mentioned in the report of the subcommittee be supplied to each member of this committee.

As Mr. Crestohl was not on hand, it was decided to hear him at the next meeting.

In the absence of Mr. MacDougall, his suggestions were allowed to stand.

On motion of Mr. Herridge,

Resolved,—That this Committee recommend that the Government consider, in consultation with the Provincial Governments, extending the franchise to certain persons of Doukhobor origin.

After considerable discussion, and a point of order having been raised by Mr. Wylie, that the debate was becoming too broad, and should be confined to the motion before the Committee, Mr. Murphy moved that the debate on this matter be adjourned to the next meeting. Carried.

In the absence of Mr. Cameron and Mr. Fair, their suggestions were allowed to stand.

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Mr. Boisvert outlined his proposed amendment to the Act.

On motion of Mr. Herridge,—

Resolved,—That the proposal of Mr. Boisvert be allowed to stand for further consideration at the next meeting.

At 5.10 p.m. the Committee adjourned until Tuesday, June 19, at 4.00 p.m

E. W. INNES,
Clerk of the Committee.

EVIDENCE

June 15, 1951,

4.00 p.m.

The VICE-CHAIRMAN: Gentlemen, I see a quorum. I think we had better start this meeting by reading the report from the steering committee on a meeting that we held yesterday noon. This is the report:

The subcommittee on agenda and procedure met at 12.00 noon this day.

Your subcommittee agreed to recommend:

1. That the committee hear Mr. Crestohl, M.P. for Cartier, as the first order of business;

2. That suggestions received from various members be dealt with in the order in which they were received as follows:

Mr. MacDougall, 8 suggestions
Mr. Herridge, 1 suggestion
Mr. Fair, 1 suggestion
Mr. Cameron, 1 suggestion
Mr. Boisvert, 1 suggestion
Mr. Argue, 1 suggestion.

All of which is respectfully submitted.

Mr. STICK: I move that the report of the steering committee on agenda and procedure presented this day be now concurred in.

Mr. MCWILLIAM: I second that.

Mr. APPLEWHAITE: Before that motion is put, Mr. Chairman, may I ask one question? What is the position about reporting the amendments we have already agreed upon?

The VICE-CHAIRMAN: I understand they are being submitted to the House as soon as they are ready, and they will not be ready until translations into French have been completed.

Mr. APPLEWHAITE: The report on that matter has not anything to do with what we are about to do on this order of business.

The VICE-CHAIRMAN: No.

You have all heard Mr. Stick's motion. All in favour? Opposed?

Agreed.

Carried.

Mr. STICK: Have you got a copy of the suggestions made by the various members?

The VICE-CHAIRMAN: I only have the original letters.

Mr. STICK: I think the members ought to be furnished with a copy before they are discussed; it would save time.

The VICE-CHAIRMAN: As a matter of fact, Mr. Stick, I think we cannot proceed with the order of business as laid down by the striking committee yesterday for the reason that Mr. Crestohl, who was to appear first has been called to Montreal and Mr. MacDougall, who was to appear second has gone

to Toronto; so the next order of business will be hearing Mr. Herridge, whom, I am glad to say, is here. I think we can deal with that suggestion of his very profitably.

Mr. MURPHY: Do these amendments involve serious changes in the Act?

The VICE-CHAIRMAN: Yes, they all are pretty definite changes.

Mr. MURPHY: If they are, I would make a suggestion that the members be given an opportunity to study them, Mr. Chairman.

Mr. MCWILLIAM: Could you give us each a copy of them?

The VICE-CHAIRMAN: Would you like a copy made of all these letters which have been received to date?

Mr. MURPHY: I think it would be a good idea if all the members had copies of them.

Mr. NOWLAN: I was told yesterday we would have copies of them this morning.

Mr. MURPHY: I think we should all have a copy.

The VICE-CHAIRMAN: We can hear Mr. Herridge's suggestion, and Mr. Boisvert will be here later on.

Mr. NOWLAN: Mr. Herridge has only one suggestion, I understand.

The VICE-CHAIRMAN: I would like a direction on supplying copies of this list of letters to all the members.

Mr. MURPHY: I will make the motion.

Mr. APPLEWHAITE: I will second that.

The VICE-CHAIRMAN: Your pleasure, gentlemen.

Agreed.

Mr. HERRIDGE: Mr. Chairman, at the last session I made certain representations to this committee with respect to the extension of the franchise to certain parties of Doukhobor origin, who by their conduct and general way of life indicate they are good Canadians.

Mr. WYLIE: Before Mr. Herridge continues, I believe there are some members of the committee who do not have a copy of the order we have here proposed, and I think it would be just as well if you would read that so that every member would know what Mr. Herridge is discussing.

The VICE-CHAIRMAN: Very well. I will be very glad to do that, Mr. Wylie. Do you want the whole thing read?

Mr. WYLIE: No, just Mr. Herridge's suggestion.

The VICE-CHAIRMAN: Here is a letter written to Mr. Ennis, Clerk of the Special Committe on Dominion Elections Act, 1938, dated, Ottawa, June 9, 1951.

> Dear Mr. Ennis,
>
> In reply to your letter dated June 8th, I wish to inform you that it is my intention to ask the committee to give consideration to the amendment of the Dominion Elections Act so as to give the franchise to certain good Canadians now known as Doukohbors. Large numbers of responsible people in British Columbia and in my constituency are of the opinion that the present legislation is a great injustice to persons of Doukhobor origin who wish to exercise the franchise and accept full responsibility of Canadian citizenship. As an indication of my attitude to this question I wish to bring to your attention pages 136, 137, 138, 139, and 140 of the minutes of proceedings of the Special Committee on Dominion Elections Act, 1938, and amendment thereto for the year 1950.
>
> Yours sincerely,
>
> (sgd.) HERBERT W. HERRIDGE,
> Member for Kootenay West.

Mr. HERRIDGE: Mr. Chairman, as I was saying, last session I made certain recommendations to this committee urging an amendment to the Dominion Elections Act that would extend the franchise to certain persons of Doukhobor origin who by their way of life and conduct throughout the years have indicated they are good Canadians. I might say on speaking on this question that there is a group of Doukhobors, by far the larger number in British Columbia, within my constituency, and I have been very well acquainted with large numbers of them since they first came into the constituency, and I am sure I can speak with the confidence of personal knowledge; and I am very pleased to see Mr. Applewhaite here, who will, I think, be quite pleased to substantiate the information and the facts that I may give in this connection.

I am certain if the committee only understands the situation clearly they will support the motion I intend to move when I have made my few brief remarks. Without doubt there are few groups that have come to Canada, who have caused such spectacular difficulties to the provincial and federal governments as some of the Doukhobors. I understand there are some 6,000 or 7,000 settled in Saskatchewan and Alberta who are largely assimilated and are a part of the community in which they live. In British Columbia the greater number live in the riding of Kootenay West and they are divided into three groups. I make these few remarks so that members will get a clear picture. The first and largest group is the orthodox group. Most of these people belong to what is known as the Union of the Spiritual Community of Christ with their headquarters at Brilliant, and they live on the surrounding lands which were formerly owned by the Doukhobor community and now since foreclosure by the government of British Columbia, they have been living on various tracts of land inside this main property by paying rent. These people are peaceful. They are largely adjusted to the surrounding communities. They wish to adjust themselves generally to the Canadian way of life but in addition they wish to retain their traditional religious belief and customs and practices. They create no major problem to the district in which I live. Then we have another large group of 3,000 to 4,000 who are known as Independents, and that is the group I am speaking on behalf of largely this afternoon. These are mostly Doukhobors who have broken away from the community and own their own property either farms in the country or houses in the city, and they live on the whole a normal Canadian life. While some of them still pay service to the Doukhobor religious beliefs and while on occasion they attend the religious celebrations held by the major groups, they are becoming rapidly assimilated into the Canadian way of life. Now, in addition to them we have another group of from 2,000 to 3,000—It is very difficult to get accurate figures—known as the Sons of Freedom. It is unfortunate that the people of Canada, largely because of newspaper items have confused this other group of Doukhobors with the Sons of Freedom. I want to make that distinction clear. It is the Sons of Freedom who are the fanatical sect of orthodox fundamentalists who have caused difficulties and have committed the burnings of schools and blastings of railways throughout the years. These people are of a fanatical type of religious belief who feel that because the other groups—the main group and the indipendents—are accepting the Canadian way of life, that their traditional Doukhobor beliefs are being violated. These people left the main group some years ago and they now reside largely at a place called Crestova, which is a mountain plateau near Pass Creek, where they are squatting largely on provincial land. There are small groups at Gilpin, near Grand Forks, and there is another group in the Slocan Valley. In connection with this question the government of British Columbia established the Doukhobor Consultative Committee in 1950 when the burnings and blastings were going on last year. This committee is headed by the present University of British Columbia principal, Dr. MacKenzie, and includes several professors of the university and representatives from the Trail, Nelson and Grand Forks Board of Trade. I want, today, to pay tribute to the good work

they have done by going into this whole question. This committee managed to get in touch with the Quakers and they obtained the services of Mr. Gulley at their own expense entirely—the Quakers will not accept a cent from any government—to work with these people, the Sons of Freedom. I might say, regardless of the fact there have been a few bombings of the railroad in the past winter, the great majority are, I am informed, reacting very well indeed to Mr. Gulley's advice and leadership because he is not associated with any government. The point with the Sons of Freedom is they do not believe in recognizing any government and do not believe in accepting citizenship in any country. They now wish to be moved into a very isolated district in Mr. Fulton's constituency . . . .

Mr. McWILLIAM: Do you acquiese in that?

Mr. HERRIDGE: My point is this, that there are considerable numbers of independent Doukhobors, good Canadians, who are denied the franchise because of provincial and federal legislation, and I want to refer to that briefly. The Provincial Election Act in its definitions of persons defines Doukhobors as follows:

> Doukhobor means a person, male or female, exempted or entitled to claim exemption or who on production of any certificate might have become or would now be entitled to claim exemption from military service by reason of the Order of the Governor in Council of December sixth, 1898; and every descendant of any such person, whether born in the province or elsewhere . . .

Now, that is the phrase I am objecting to, "every descendant of any such person,". I will clearly indicate in a few minutes how that affects certain people. Section 4 of the Provincial Election Act reads as follows:

> Clause e:
>
> Every Doukhobor: Provided that the provisions of this clause shall not disqualify or render incompetent to vote any person who:
>
> (i) Has served in the naval, military, or air force of any member of the British Commonwealth of Nations in any war, and who produces a discharge from such naval, military, or air force to the registrar upon applying for registration under this Act and to the deputy returning officer at the time of polling; or who . . .

Now, you have the definition of Doukhobor, and the act disqualifies every Doukhobor.

Then our Federal Act disqualifies them, according to section 14, in this manner, and I will read:

> (2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say—
>
> (*i*) in any province, every person exempted or entitled to claim exemption or who on production of any certificate might have become or would now be entitled to claim exemption from military service by reason of the Order in Council of December 6, 1898, because the doctrines of his religion make him averse to bearing arms, and who is by the law of that province disqualified from voting at an election of a member of the Legislative Assembly of that province;

Now, what is clearly indicated, Mr. Chairman, is that the descendant of the Doukhobor, regardless of him breaking away from the sect, in British Columbia at the present time is denied the franchise. Personally I think this is an unconstitutional measure. These people are, practically all of them, natural born Canadians, and I think if an appeal were made to the Privy Council that

this law would be upset. However, regardless of that, Canada has endorsed with certain reservations as to provincial rights the Universal Declaration of Human Rights, and article 21 of that declaration reads:

> 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Now, I am quite sure, Mr. Chairman, that members of the committee will agree with me that I have illustrated the situation and proved we are not living up to the terms of that declaration.

Now, who does this deny the franchise to?

It is frustrating to have this injustice working on the minds of hundreds of good people who want to be good Canadians. I know working men, dozens of them, who have left the Doukhobor community and are now living in Rossland and in Nelson, and Trail working for the various companies there, serving on community organizations, they and their grown children living in those districts are denied the franchise. I know farmers who have broken away from the community, who purchased their own farms and they too are denied the franchise. I know several graduates of the University of British Columbia who are now occupying good positions in various companies in that district, who by virtue of this law are denied the franchise. Then, in addition, the most unusual circumstances came to my attention recently because of the present legislation. Here was a Doukhobor, a descendant of a Doukhobor—his grandfather was a Doukhobor and his grandmother came from United Empire Loyalist stock—because his grandfather was a Doukhobor, regardless of high academic qualifications and occupying a very prominent position in professional life, this person is denied the franchise at the present time.

Then, we have business men, dozens and dozens of them, who are operating stores, or running small factories, for instance one company in my constituency is managed largely by the descendants of the Doukhobor community who are completely divorced and apart from the community. One of the lumber companies there is managed by a descendant of a Doukhobor and because of that the franchise is denied him. I know numbers of teachers who have graduated from the normal school in Victoria who are denied the franchise. Worst of all, is the position of younger people graduating from schools and high schools and business colleges. Numbers of the younger women are now going to business college and are employed as stenographers in the Consolidated Mining Company's plant and in lumber companies in the surrounding areas. These young women working with other girls of their own age, as Canadians and if they are over 21 years of age, are denied the franchise because of present federal and provincial legislation.

Now, Mr. Chairman, I think that makes clear the fact that there is a great measure of injustice in the present legislation. You may say: How are we going to make certain if we extend the franchise that it will only be obtained by those who are willing to accept the rights and responsibilities of Canadian citizenship? I would suggest this: First of all, do not forget that no member of the Sons of Freedom will ever sign the certificate which is required of a citizen. It is against their belief to acknowledge any king but God. They do not want citizenship in this country and they do not recognize any government in the ordinary sense of the word.

We come to the other group, the Union of the Spiritual Community of Christ in which group you will find the older people who came to Canada in the first place, the older men and women, some of the first generation in Canada, who do not wish to have the franchise. That is a part of their belief, but they live peaceably, the men working in the surrounding community and the girls working as waitresses in many of the restaurants. As I understand, there is a considerate group within this group which does not want the franchise.

But then there is another section, the younger element who do want an opportunity to use the franchise. Now, I am not a lawyer and I do not know just how these things can be properly done with respect to amending legislation, but I suggest if we ask every person who is of Doukhobor ancestry to make an application and to sign an affidavit, when making application for Canadian citizenship, we will thereby, in that act, go a long way towards proving whether or not they accept the responsibilities of Canadian citizenship, and whether or not they accept the Government of Canada as being the lawful government of Canada and whether or not they wish to be assimilated into our Canadian life.

Mr. MURPHY: What about their military service?

Mr. HERRIDGE: Those who have served in the armed forces or are serving in the armed forces are given the franchise according to British Columbia and federal legislation.

Mr. MURPHY: I mean those who want the franchise. Will they serve in the armed forces?

Mr. HERRIDGE: Some of these people would object to that. You will find the older ones in the United Union of Spiritual Community of Christ of that mind. But I know a young man here in Ottawa, a young Doukhobor, in the forces.

We had, I think, in the neighbourhood of 160 Doukhobors who joined the armed forces. One or two of them became flying officers and flight lieutenants in the air force. But we have in Ottawa today a young Doukhobor. I knew him when he was just a lad. He is very keen on becoming a Canadian, and his parents want him to become a Canadian citizen.

He is now a member of the air force and will be attached to that force because he speaks Russian. I might say that he has changed his name because he felt that wherever he went, since there was an "off" on the end of his name, it would be an embarrassment. His parents have taken a great pride in their boy entering the air force and becoming a good Canadian; yet those same parents are themselves denied the franchise. Nevertheless, some other people are actually working among their own people to bring about understanding and the assimilation of Canadian ideas.

I trust I have explained my subject, although briefly, and I trust I have done what I can to dispel the belief that all Doukhobors are Sons of Freedom. The Sons of Freedom are completely illogical and they are mentally ill. Nevertheless, I have great hopes that with proper treatment and the application of a satisfactory administration, the great majority of the younger people of that group will become Canadian citizens within the next few years.

I realize that this is a question which concerns federal and provincial legislation, and that some consider it only right and proper that the government of British Columbia should be consulted. Therefore I move as follows:

> This committee recommends that the government consider, in consultation with the Provincial Governments, extending the franchise to certain persons of Doukhobor origin.

Mr. VIAU: What about the position of Alberta and Saskatchewan?

Mr. HERRIDGE: The Doukhobors have the vote in every province except British Columbia. There is no question there at all. A Doukhobor in British Columbia will change his name. That is something some of them have done during the war. Some of them went to the Okanagan to pick fruit and remained there. And also large numbers of them went to Vancouver to work in the shipyards and in manufacturing industries. A number of them changed their name because they found their name to be an embarrassment. You can understand it in the case of a young man or young woman, dressed like any other Canadian, being termed a Doukhobor. So they would change their name. Thereupon

they could vote without any questions. Nobody would question them and I might say that some of them changed their names to "Mac" something, or other.

Mr. McWILLIAM: Oh, no. I have a personal prejudice.

Mr. HERRIDGE: And I always took a great interest in this matter. When it comes to wartime here is the big thing: Previous to the war they lived in the community and worked on the land. Then a few went to work in the woods and in factories. Now the younger men are working in industries in Kootenay west. You do not find them in the unskilled labour group. Many of them work as machinists and many of them are building contractors in Trail and Nelson. Others are lumbermen in the woods. Others own and operate sawmills. They are particularly good at operating and repairing vehicles. The great majority of the younger male workers in the Doukhobor population in my constituency are found in the skilled labour group.

I have moved this amendment and I trust that some member of the committee will see fit to second it so that the committee may do something toward removing what I consider has long been an injustice to certain excellent Canadians of Doukhobor ancestry.

Mr. WYLIE: I second the motion but simply for the matter of discussion only. And being the seconder, I want to say just a few words on the subject. I know a little bit about the Doukhobors. However, I do feel that in view of the fact that the Doukhobors are disfranchised in British Columbia, the Attorney General of that province should be consulted before any change is made to our Dominion Elections Act.

I am sure that none of us here wants to embarrass any provincial government. But as far as the Doukhobors are concerned, I do not like the name "Doukhobor", and I never will.

It is quite true, as Mr. Herridge has said, that some of the descendants may be good men; but when I say that they are good men—perhaps I am not such a good man myself—I think of myself. I was brought up a liberal and a presbyterian. Now I am a social creditor and I belong to the United Church.

Mr. STICK: You have fallen from grace.

Mr. McWILLIAM: Politically, he means.

Mr. WYLIE: But I feel I am just as good now as I was in my youth.

Mr. NOWLAN: A distinct improvement!

Mr. WYLIE: You may be right. But that is the way it goes. However, so far as the Sons of Freedom are concerned, I do not think they should have the vote. How are we going to distinguish them from the others? That is the problem. How are we going to distinguish the Sons of Freedom from the other Doukhobors?

Mr. HERRIDGE: I explained that.

Mr. WYLIE: You did, partly; but you cannot really do it. They may say that they do not belong to the Sons of Freedom just in order to get the vote. It is quite true that anyone who is a Canadian citizen and is quite willing to defend our country should have the vote.

Now we have other religious sects in this country who are perhaps just as bad as the Doukhobors, but they have the vote. I refer to the Hutterites, as you may know, were granted immunity when they came to this country in 1867 or 1876, I am not just sure which date it was. So they are not required to go into the armed service of this country. They do receive their call-ups in a time of emergency, but they are treated the same as conscientious objectors.

Mr. VIAU: Are they now?

Mr. WYLIE: Yes, they are now. So anyone who is a Hutterite and who does not want to join the armed services of this country is treated as a conscientious

objector, and is put to work in the woods, or put to work shovelling grain in elevators, or at other such jobs with all those conscientious objectors.

The Sons of Freedom are the same. Perhaps they get their call-up. I do not know. Maybe Mr. Herridge can answer that point. But I think that anyone who else, is granted Canadian citizenship should have the right to vote, as Mr. Herridge has said. The Sons of Freedom do not have Canadian citizenship. So, if they do not have their Canadian citizenship, instead of moving them off to Kamloops from Kootenay west, I would prefer to do something else with them. We might just as well get rid of them because they are going to cause the same trouble in Kamloops that they caused in Kootenay west. There is no doubt about that. However, I think that before we take any decision on this matter, or hold any long discussion of it, it should first be taken up with the Attorney-General of the Province of British Columbia and, when we receive his reply, we can take action on it! That is what I suggested the other day should be done. That is why I have seconded the motion, simply that we might have a discussion on it. But I do feel that the matter should first be taken up with the provincial government of British Columbia before we take any action on it here. So I would suggest, Mr. Chairman, that the matter be first taken up. Perhaps Mr. Castonguay, the Chief Electoral Officer may have some other suggestions to offer. But in my opinion that is what should be done before we take any action in amending our Dominion Elections Act at this session.

The VICE-CHAIRMAN: I shall now read the motion moved by Mr. Herridge and seconded by Mr. Wylie; it reads as follows:

> This committee recommends that the government consider, in consultation with the provincial governments, extending the franchise to certain persons of Doukhobor origin.

That really falls in line with your argument, Mr. Wylie. And further, I think Mr. Herridge made it quite clear that it would eliminate the Sons of Freedom automatically because they would not sign any papers or any application for citizenship.

Mr. STICK: Can anybody answer this question?

The VICE-CHAIRMAN: Just a minute, please.

Mr. APPLEWHAITE: I would like to say a few words on this proposal of Mr. Herridge, if I may. I wonder if I may preface what I wish to say with a slight personal dilation. I know a lot of Doukhobors. I worked for four years in the office of the solicitor of the whole Doukhobor organization; and for several years I ran the office for a little logging concern where a large number of our employees were Doukhobors; and I have worked with and become friendly as well as unfriendly with Doukhobors of both the Sons of Freedom as well as the orthodox group. I think Mr. Herridge should be complimented for bringing this matter into the open, more particularly because I think that if he gets what he wants—and I hope he does—it will be an unpopular move, not perhaps so much in his own district as in the country as a whole. Nevertheless I wish to support the motion without reservation. As I say, it will be an unpopular move and I would emphasize the point Mr. Herridge has made: That when Canada and perhaps even when West Kootenay—but certainly Canada—says "Doukhobor" it means the Sons of Freedom and nothing else.

In my day there was no Union of the Spiritual Community of Christ. It was The Christian Community of Universal Brotherhood, and the Sons of Freedom were more commonly known then because they called themselves the Sons of Jesus. I think they were not more than 600 strong at that time but they have now reached a number estimated to be 3,000. We might, when considering this whole subject, also consider how it is that they have increased to that extent.

I think it is a principle of good government that every conceivable effort should be made to make it difficult for people of all religions or races or of any

other broad classification to live by themselves and to live unto themselves, rather ignoring the rest of the country.

They have not become assimilated. In other words, we might consider not only the actual fact that he is a human being but also the affect on the community as a whole of recognizing the Doukhobor as a human being, which, due to the activities of the Sons of Freedom, a lot of us hardly do.

We regard them as some form of animal who we hope will pull off one of its parades just when we happen to be at the train window. And as Mr. Herridge has said, if they do pull off one of their parades or burn down a school or do something like that, the whole word "Doukhobor" gets the blame for it.

The orthodox Doukhobors have been the greatest victims of the activities of the Sons of Freedom. They have lost their jam factory and their buildings; the tomb of their leader has been blown up time without number due to the activities of the Sons of Freedom. So there can be no possible claim that the Sons of Freedom are part of the rest of the organization.

Now we run into another question and this too is not popular; but I think we might as well drag it into the open. It is the question of the belief of the Doukhobors in connection with submission to military service.

My history is a little vague; but some time before the turn of the century the original Doukhobors were brought to Canada under a certain agreement, the major concession of which was that they should not have to submit to any form of military service.

The reason for that agreement was one of the basic factors in the Doukhobor belief, namely that God said: "Thou shalt not kill." Now we have a perfect right to put our own interpretation on the ten commandments. But they carry it even to this extent: I have seen orchards destroyed by tent caterpillars, and they would not go out and raise a finger because they lived up to the tenet "Thou shalt not kill."

We have recognized that this is laudable in this country because we have made certain provisions for conscientious objectors. And a great many people who held to the view "Thou shalt not kill" have not been made to serve in the armed forces. So I do not think we should hold that against them too much.

I think this is an unpopular time in world history to advocate that point of view. But I do believe we should not lose sight of the fact that they are entitled to their own interpretation of what they believe is the word of God as directed to them.

Section 14 subsection (i) in this Act is cleverly worded with the intention of disfranchising the Doukhobors. I think it is the only such instance in the Dominion Act. I think if we continue our attitude of superiority and dislike towards the Doukhobor people as a whole, and to the Doukhobors as individuals, the only practical result is likely to be a large increase in the numbers of Sons of Freedom. In other words we would be getting then only the same amount of dislike which they now receive from us. If you want to make a people radical then oppress them.

You have the practical problem of how you are going to distinguish the minority.

Mr. WYLIE: On a point of order, Mr. Chairman, Mr. Applewhaite has a lot of notes there.

Mr. APPLEWHAITE: I made these notes as Mr. Herridge talked.

Mr. WYLIE: But this is going to develop into a long debate and take a lot of time. I think what we have to do before we discuss this item is to submit it to the Attorney General of British Columbia; and when a letter comes back from him we will know the position and know what we should do here. What we are now doing is having a long debate and we will be here the whole afternoon discussing Doukhobors.

Mr. MURPHY: I wonder if I might make a suggestion.

Mr. APPLEWHAITE: Although I am not on my feet I think I have the floor.

Mr. MURPHY: I was going to speak on the point of order and my suggestion is that the matter be referred to the Department of Justice and let them consult with the Attorney General—without any recommendation from the committee.

The VICE-CHAIRMAN: I think Mr. Applewhaite has practically finished.

Mr. APPLEWHAITE: I am endeavouring to meet the wishes of Mr. Murphy and Mr. Wylie, but I do not think this committee should necessarily refer any matter to Justice without an expression of opinion. I have been leading up to the point which Mr. Wylie has made, and which is the root of the matter. His point is that the matter be referred to the province of British Columbia and I just said that the clause in our own Act was there for the sole purpose of disenfranchising the Doukhobors. The question has arisen of how are we going to differentiate the Sons of Freedom from the others, and this Act dodges that question by shelving the whole application of the Act on an existing British Columbia statute.

I said in the first place that I am in sympathy with what Mr. Herridge is trying to do, but I am not in sympathy with the idea that the Dominion Elections Act should be based on provincial qualifications. I thought we were gradually getting away from that. I would draw to your attention that the province of British Columbia has extended the franchise, without reservation, to the Indians of that province—without, as far as I know, any consultation with the dominion authorities as to who are or who are not covered under the Dominion Act. The dominion would not follow suit if some province took a backward step and made a property qualification. I think that we in this committee, and in this House, should accept matters on their own merits.

Now, I am going to suggest something new,—that now that we have discussed this we arrange at our next meeting to come to a conclusion. I suggest that in order that those of us who really take the matter seriously may think over what Mr. Herridge, Mr. Wylie, I, and others have said,—instead of passing a snap judgment on something of which we had no notice.

The VICE-CHAIRMAN: Let the motion stand?

Mr. APPLEWHAITE: I am not trying to dictate to the committee, but I suggest that course.

The VICE-CHAIRMAN: I think it is a good suggestion. This is a matter about which we in the east know very little. It is not one of our problems but we know it is an acute problem in western Canada, particularly British Columbia. It is not something we should jump at.

Mr. WYLIE: We do have a steering committee as has every committee in the House, and that committee decided Mr. Herridge should bring this matter forward. He has moved a motion—that it be submitted to the provincial government, and I think that should be done before we waste any more time discussing the problem here. When we have word from the province of British Columbia we can have a further discussion. At the present time I think we should let it go on that motion.

The VICE-CHAIRMAN: We are speaking to the motion now.

Mr. HERRIDGE: I moved the motion, but members of this committee cannot vote intelligently on this unless they have some information. It just so happens that Mr. Applewhaite, who has resided in Kootenay West, knows the problem as I do . . . We are perhaps the only two members of the committee that have had long and close association with the problem, and as a result of that association we have placed the information before the committee so that the committee would be in a better position to judge.

Mr. MURPHY: I think the matter should be left over until the next meeting.

The VICE-CHAIRMAN: I cannot help but interject a remark at this point—speaking for myself. I have learned a lot about Doukhobors today which I did

not know before. As Mr. Applewhaite said, the very name Doukhobor used to 'stink in my nostrils'. Also, as Mr. Herridge said, we classed all Doukhobors as Sons of Freedom. The discussion has been very interesting, and there has been a very interesting explanation given by both Mr. Herridge and Mr. Applewhaite. If it is the wish of the committee we can leave the motion stand until the next meeting.

Mr. BOISVERT: I think we should study it carefully.

Mr. APPLEWHAITE: Would it be possible to have Mr. Herridge's remarks typed and submitted to members of the committee ? I am not generally a supporter of Mr. Herridge but he knows the situation and I think it would be a good thing if his remarks were distributed.

The VICE-CHAIRMAN: I think Mr. Applewhaite's remarks should be included.

Mr. MURPHY: Both.

Mr. WYLIE: I would disagree entirely. The other members of the committee knew that we were having a meeting at 4 o'clock and if they are not here that is their responsibility. If I were not at one of the committee meetings, I certainly would not later ask what had happened at the last meeting, or expect anything which was then said to be typed out for my information. I think they should be here. I think the motion should be put now and passed. When we get our information form the Attorney General for British Columbia we can deal with the matter and have a discussion at that time. If anyone on the committee who is not here today is interested, I am sure Mr. Herridge and Mr. Applewhaite will be very happy to let them know when the matter will be discussed again.

Mr. NOWLAN: I think it should be deferred, although I agree with Mr. Wylie that we should not wait because people are not here. The fact remains that on formal motions, involving in most other cases recommendations by the Chief Electoral Officer, if anyone asked time to consider them they were held over for another meeting. This is a much more important matter going to a principle which involves not only us but a province. I think we should be given a little more time before we are asked to vote on the principle involved in the motion. I would like to see it stand over to another meeting.

The VICE-CHAIRMAN: If it is agreeable we will just let the motion stand.

Mr. HERRIDGE: I agree. It is a very important matter and I would like to see as full an attendance as possible at the next meeting when we will decide and vote on the motion.

The VICE-CHAIRMAN: It is a matter so few of us know anything about. It is also a matter involving provincial and dominion jurisdiction.

Mr. STICK: You have a formal motion proposed and seconded, and I think if you are going to stand it over somebody should formally move that it stand over.

Mr. HERRIDGE: I think you are quit correct, Mr. Stick. Someone should move that it stand so that members may have an opportunity of considering it.

Mr. MURPHY: I will make that motion.

Mr. STICK: I will second it.

The VICE-CHAIRMAN: Do you wish to add "because of the importance of the motion"?

Mr. MCWILLIAM: Yes, and to give members time to study it.

Mr. WYLIE: Stand it to the next session?

Mr. HERRIDGE: To the next committee meeting.

The VICE-CHAIRMAN: Would you include in that motion, Mr. Murphy, that copies of the remarks by Mr. Herridge and Mr. Applewhaite be distributed to the members?

Mr. MURPHY: I think that would be quite all right.

Mr. WYLIE: Mr. Chairman, I do not think that is necessary at all. We have many other matters of importance to deal with, matters just as important as Doukhobors. We all get a copy of the committee proceedings when they came out. Let every member read the report—I would not send out a special one.

Mr. HERRIDGE: I can solve the difficulty quite easily. The estimates of the Minister of Citizenship and Immigration are coming up this evening and I will make the same speech in the House, and you will receive Hansard toworrow morning.

The VICE-CHAIRMAN: That will solve it.

Mr. WYLIE: I knew you had it memorized.

The VICE-CHAIRMAN: There is a motion before the committee. Is it agreed that this matter stand over until the next meeting?

On the recommendation of the steering committee the next order of business concerns Mr. Fair's suggestion. He is not here and, Mr. Cameron's suggestion is next. He is not here so we will go on to Mr. Boisvert's suggestion.

Mr. BOISVERT: I intend to discuss paragraph (*c*) of subsection 2 and section 20—page 251.

Paragraph (*c*) says a shareholder in any incorporated company having a contract or agreement with the government of Canada is not ineligible, but the paragraph says: "except any company which undertakes a contract for the building of any public work". In such a case the shareholder is ineligible.

I have given the same explanation to the minister and to the chairman of this committee in a letter which I sent on the 9th of June. If I am permitted I will read the letter because I think it covers the argument that I want to make today in regard to support for an amendment that I am desirous of introducing.

> I am recommending to amend paragraph (*c*) of subsection 2 of section 20 of the Canada Electoral Act which reads as follows:
>
> > A shareholder in any incorporated company having a contract or agreement with the government of Canada, except any company which undertakes a contract for the building of any public work;
>
> The section 20 deals with the ineligibility of person in the House of Commons. Subsection 2 of section 20 deals with classes of person who are not ineligible. The paragraph (*c*) makes eligible a shareholder in any incorporated company having a contract or agreement with the government of Canada, but with the exception that if a person is shareholder of any company which undertakes a contract for the building of any public works, such person becomes ineligible.
>
> Every member of this committee is aware that today many companies are undertaking contracts for the building of public works. Some of those companies have their stock listed on stock markets. It is evident from this paragraph (*c*) that the law is making a difference between a contract or agreement with the government of Canada and the construction of public works.
>
> To illustrate my point of view, I will give the following example: a shareholder of the Canadian Pacific Railways is eligible and the Canadian Pacific Railways is under contract with the government of Canada for the transport of mail; a shareholder of the Foundation Company of Canada would be ineligible if during the electoral period, the Foundation Company of Canada has undertaken a contract for the building of some public works.

May I say, it is rather strange that the secretary of such a company, who is quite often not a shareholder, may be eligible.

I am of the opinion that the ineligibility should be restricted to directors and officers of incorporated companies undertaking by contracts some public works and should also be restricted to a shareholder of a private company as defined by the Companies Act of Canada.

The Electoral Act gives no definition of what public work means, so we have to refer to section 9 of chapter 166 of the Revised Statutes of Canada 1927 and amendments. In this section, an impressive description of public works is given. It covers public buildings, piers, wharfs, roads, bridges, etc.

From another angle, a definition of the words public work was given by the Supreme Court of Canada in King vs Dubois, 1935, S.C.R. page 378.

In conclusion, I am making the suggestion to redraft paragraph (c) as follows:

> A shareholder in any incorporated company having contract or agreement with the government of Canada except the directors and officers of any company which undertakes a contract for the building of any public works and a shareholder of a private company as defined by the Companies Act of Canada which undertakes similar contracts.

We must bear in our mind that the trading in companies' stocks is part of our way of living. It may easily happen that a person is holder of some shares of a company which undertakes a contract for the building of public works. If it is so, this person is ineligible. If such person is elected, his election may be petitioned and the election annulled. If the election is not petitioned, he may be called to forfeit the sum of $2,000 for every day he sits or votes (section 5 of the Act respecting the House of Commons, chapter 145 of the Revised Statutes of Canada 1927).

I think, Mr. Chairman, that the way subsection (c) is drafted there is quite a danger of many people being ejected from the House of Commons because of the fact they may become shareholders in one of these many corporations doing public works. Everything is public works today. We are spending billions of dollars on public works today and those works are undertaken by companies. Many of them have their stock listed on the Montreal or Toronto stock exchanges. I know several members who could have been disqualified by a petition after the last election if some electors had discovered they were shareholders of these corporations undertaking public works.

So, Mr. Chairman, I think that my recommendation should be studied very carefully by the members of this committee.

Mr. STICK: Mr. Chairman, as Mr. Boisvert says, we are letting out a large amount of government contracts on defence and everything else in the way of public projects and if this section means that an ordinary shareholder in any of those companies is debarred from election or standing as a candidate I think it has gone rather far. If the ordinary shareholder in the Canadian Pacific Railway, or some other of those big corporations which really have to take government contracts for defence work, is going to be debarred from the House of Commons, it seems to me it is time that the Act was amended. I am inclined to think, without giving any consideration to this matter because I think it is a matter for a lawyer rather than a layman like myself, that Mr. Boisvert's suggestion that we limit the ineligibility to the officers and officials of the company, is as far as we can go.

The VICE-CHAIRMAN: Perhaps Mr. Castonguay can throw some light on this.

Mr. NELSON CASTONGUAY (Chief Electoral Officer): I know of no case that ever reached court in that regard, but I do know my predecessor told me of a case some years ago—I would not like to mention names—where Colonel Biggar and this prominent member of the House were discussing this very clause before an election. This person had some stock in Dominion Bridge. At that time Dominion Bridge was engaged in public works contracts, and Colonel Biggar and this member decided he would have to sell his shares in order to be eligible as a candidate. Now, that is the only case I have ever heard of. I discussed this clause with my predecessor and that is the only case that comes to his recollection in 30 years. This section was in existence since 1920. This is the only case that could throw any light on the matter.

Mr. MURPHY: Do you include private companies, too, Mr. Boisvert?

Mr. APPLEWHAITE: Was there anything similar in the Act before 1920?

The VICE-CHAIRMAN: Did your predecessor ever discuss with you the reason for putting this clause in the Act?

Mr. BOISVERT: We had another case in which we were obliged, in our province, to withdraw a candidate because he was one of the big shareholders in a company at that time undertaking public works for the Dominion of Canada.

Mr. MURPHY: I think the suggestion of a proposed amendment has a lot of merit. I cannot see anything wrong with it. Would you like to leave it over, Mr. Chairman, and give us time to study it?

The VICE-CHAIRMAN: This is a highly technical and complicated letter, and it is really a lawyer's letter that Mr. Boisvert has written. I have read it two or three times and I am not certain of all the points yet, by any means.

Mr. STICK: I do not think Mr. Boisvert wants this decided on this afternoon.

Mr. BOISVERT: Certainly not.

Mr. MURPHY: We have had the presentation and when we get the letters we could study the matter at greater length.

Mr. STICK: Could we have the minister with us when we look into this next time?

Mr. HERRIDGE: I think Mr. Boisvert brought up an excellent point because technically there would be quite a number of people running as candidates who could be disqualified without any intention of contravening the Act, and I move that this resolution of Mr. Boisvert's be left over until the next meeting of the committee for further study.

The VICE-CHAIRMAN: Your wishes, gentlemen?

Carried.

Now, the other order of business is Mr. Argue's suggestion, and he is not here.

Mr. MURPHY: I move we adjourn.

The VICE-CHAIRMAN: If it is satisfactory to the members we will meet on Tuesday, June 19, at 4.00 o'clock.

The committee adjourned.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

TUESDAY, JUNE 19, 1951

REPORT TO THE HOUSE AND DRAFT BILL

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

REPORT TO THE HOUSE

WEDNESDAY, June 20, 1951

The Special Committee appointed to study the Dominion Elections Act, 1938, and amendments thereto, begs leave to present the following as a

THIRD REPORT

Your Committee has considered certain amendments to the said Act, suggested by the Chief Electoral Officer, and has prepared a draft bill embodying its recommendations.

A copy of the draft of the proposed bill is appended hereto.

All of which is respectfully submitted.

SARTO FOURNIER,
Chairman.

88296—1½

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL .

An Act to amend The Dominion Elections Act, 1938, and to change its title to The Canada Elections Act.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Section one of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, is repealed and the following substituted therefor:—

Short title.

"**1.** This Act may be cited as the *Canada Elections Act.*"

(2) The said Act is further amended by striking out the expressions "Dominion election" or "Dominion general election" wherever they appear therein and substituting therefor in each case the expressions "election" and "general election", respectively.

(3) The said Act is further amended by striking out the expression "*The Dominion Elections Act, 1938*" wherever it appears in the Schedules thereto, and substituting therefor in each case the expression "the *Canada Elections Act*".

(4) Notwithstanding subsections two and three, any forms, envelopes, ballot boxes, and other supplies on which appear the expressions "Dominion election", "Dominion general election", or "*The Dominion Elections Act, 1938*" shall be deemed to be valid.

2. (1) Subsection five of section two of the said Act is repealed and the following substituted therefor:—

"election".

"(5) "election" means an election of a member or members to serve in the House of Commons of Canada;"

(2) Subsection twelve of the said section two is repealed.

(3) Subsection seventeen of the said section two is repealed and the following substituted therefor:—

"list of electors."

"(17) "list of electors" means either the preliminary list of electors or the official list of electors as herein defined, and as the context requires;"

(4) Paragraph *(a)* of subsection twenty-two of the said section two is repealed and the following substituted therefor:—

"official list of electors."

"*(a)* in an urban polling division, any copy of the printed preliminary list prepared by the enumerators pursuant to Rules *(1)* to *(16)*, inclusive, of Schedule A to section seventeen of this Act taken together with a copy of the statement of changes and additions certified by the revising officer pursuant to Rule *(41)* of the said Schedule A, or the appropriate portion of the preliminary list which has been divided by the returning officer for the taking of the votes taken together with the special statement of changes and additions certified by the returning officer pursuant to subsection seven of section thirty-three of this Act, and"

(5) Subsection thirty-five of the said section two is repealed and the following substituted therefor:—

"rural polling division."

"(35) "rural polling division" means a polling division whereof no part is contained either within an incorporated city or town having a population of five thousand or more, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;"

(6) Subsection thirty-eight of the said section two is repealed and the following substituted therefor:—

"urban polling division."

"(38) "urban polling division" means a polling division which is wholly contained within an incorporated city or town having a population of five thousand or more, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;"

3. (1) Section six of the said Act is repealed and the following substituted therefor:—

Staff.

"**6.** (1) The staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer, appointed by the Governor in Council, and such other officers, clerks, and employees as may be required, who shall be appointed in the manner authorized by law.

"(2) The Assistant Chief Electoral Officer is a contributor under and entitled to all the benefits of the *Civil Service Superannuation Act.*"

4. (1) Section seven of the said Act is amended by adding thereto the following subsection:—

Withdrawal of writ.

"(4) Where the Chief Electoral Officer certifies that by reason of a flood, fire, or other disaster, it is impracticable to carry out the provisions of this Act in any electoral

district where a writ has been issued ordering an election, the Governor in Council may order the withdrawal of such writ, and a notice to that effect shall be published in a special edition of the *Canada Gazette* by the Chief Electoral Officer; in the event of such withdrawal, a new writ ordering an election shall be issued within six months after such publication in the *Canada Gazette*, and the procedure to be followed at such election shall be as prescribed in section one hundred and eight of this Act."

5. (1) Subsection one of section twelve of the said Act is repealed and the following substituted therefor:—

Chief Electoral Officer to decide what polling divisions are rural or urban.

"**12.** (1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of five thousand or more. All the polling divisions comprised in every such place shall be treated as urban polling divisions."

6. (1) Subparagraph (i) of paragraph *(f)* of subsection two of section fourteen of the said Act is repealed and the following substituted therefor:—

(i) he was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, or"

(2) Subsection three of the said section fourteen is repealed and the following substituted therefor:—

Qualification of veteran under 21 years of age.

"(3) Notwithstanding anything in this Act, any person who, subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector."

(3) Subsection four of the said section fourteen is repealed and the following substituted therefor:—

Qualification of wife of an Indian veteran.

"(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the ninth day of September, nineteen hundred and fifty, is entitled to have her name included in the list of electors prepared for the

polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

(4) Paragraph (*a*) of subsection five of the said section fourteen is repealed and the following substituted therefor:—

Residence.

"(*a*) was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;"

(5) Subsections six and seven of the said section fourteen are repealed and the following substituted therefor:—

Residence qualifications of members of the Canadian Forces at a by-election.

"(6) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations.

Residence qualifications of Veteran electors at a by-election.

"(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Forces Voting Regulations*, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence."

7. (1) Rule four of section sixteen of the said Act is repealed and the following substituted therefor:—

Members of the Canadian Forces.

"(4) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations."

(2) Rule eight of the said section sixteen is repealed and the following substituted therefor:—

Persons temporarily engaged in public works.

"(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ."

(3) The said section sixteen is further amended by adding thereto, immediately after rule eight thereof, the following rule:—

Wives or dependents of persons temporarily engaged in public works.

"(8A) The wife or dependent of a person mentioned in Rule eight who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependent has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ."

(4) The said section sixteen is further amended by adding thereto the following rule:—

Persons residing in a sanatorium, etc.

"(10) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, on the date of the issue of the writ of election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ."

8. (1) Paragraphs *(a)* and *(b)* of subsection five of section seventeen of the said Act are repealed and the following substituted therefor:—

Arrangement of names on urban lists, etc.

"*(a)* In the case of urban polling divisions, the names of the electors shall be arranged on the printed preliminary lists in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically Notices shall be printed at the top of the preliminary list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station established in the urban polling division for the taking of the votes on polling day.

Arrangement of names on rural lists, etc.

"*(b)* In the case of rural polling divisions, the names of the electors shall be arranged on the printed preliminary lists in alphabetical order, as in the preliminary lists prepared by the enumerators in Form No. 21."

(2) Subsections seven, eight, and nine of the said section seventeen are repealed and the following substituted therefor:—

Copy of printed preliminary list to electors in urban polling divisions.

"(7) The returning officer shall send a printed copy of the preliminary list of electors for the appropriate urban polling division, not later than Saturday, the twenty-third day before polling day, to the electors residing in such polling division whose names appear on such list, in accordance with the following provisions:

(a) where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of such group;

(b) where two or more groups of electors, each group having a different surname, reside in one dwelling place, one copy of such list shall be sent to one of the electors of each of such groups and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of each such group;

(c) in the case of any other dwelling place and in the case of any hotel, hospital, university, college or other institutions, one copy of such list shall be sent to each elector residing therein;

and such lists shall be enclosed in sealed envelopes and shall be entitled to pass through the mails free of postage.

Copies of preliminary lists to Chief Electoral Officer.

"(8) The returning officer shall, forthwith after the preliminary lists for the urban and rural polling divisions comprised in his electoral district have been printed, transmit to the Chief Electoral Officer thirty copies of such preliminary lists.

Receipt and disposal of copies of statement of changes and additions.

"(9) The returning officer shall, upon receipt of the two certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to Rule *(42)* of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each rural polling division, pursuant to Rule *(20)* of Schedule B to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall immediately transmit or deliver to each candidate officially nominated at the pending election in the electoral district one copy of the statement of changes and additions received from the enumerator of each rural polling division; the returning officer shall also deliver, in the ballot box, one copy of the statement of changes and additions received from the revising officer or from the rural enumerator, together with the preliminary list, to the appropriate deputy returning officer, for use at the taking of the votes on polling day."

(3) Subsections ten, eleven and twelve of the said section seventeen are repealed.

(4) Subsections thirteen, fourteen and fourteen A of the said section seventeen are repealed and the following substituted therefor:—

Official lists.

"(13) In urban and rural polling divisions, the preliminary lists and the statements of changes and additions shall together constitute the official lists of electors, to be used for the taking of the votes on polling day.

Issue of certificate in case of omission in list.

"(14) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copy contained in the enumerators' record books in his possession that such an omission has really been made, issue to such elector a certificate in Form No. 18 entitling him to vote at the polling station for which his name should have appeared on the official list. The returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate. No such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer during his sittings for revision.

Issue of certificate in case of name omitted by revising officer.

"(14A) If, after the sittings of the revising officer, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent, pursuant to Rule *(33)* of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the official list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate."

(5) Subsection sixteen of the said section seventeen is repealed and the following substituted therefor:—

Urban lists alphabetically arranged in some cases.

"(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of five thousand or more, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act."

(6) Schedule A to the said section seventeen is amended by repealing paragraph *(b)* of Rule three thereof, and substituting the following therefor:—

"*(b)* in an electoral district returning two members and in an electoral district, the urban areas of which have been altered since the last preceding election, and in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause *(a)* of this Rule is not available to nominate enumerators or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate urban enumerators, and then proceed with the appointment of such enumerators as above directed."

(7) Rule forty of Schedule A to the said section seventeen is repealed.

(8) Rules forty-one and forty-two of Schedule A to the said section seventeen are repealed and the following substituted therefor:—

"*Rule (41).* The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and two copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the

three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

"*Rule (42).* Upon the completion of the foregoing requirements, and not later than Thursday, the eleventh day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the two copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule *(41)* of Schedule A to this section; in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

(9) Rule forty-three of Schedule A to the said section seventeen is repealed.

9. (1) Subsection one of section twenty of the said Act is amended by adding thereto the following paragraph:—

"*(g)* every person who is a member of the Council of the Northwest Territories—during the time he is such member."

(2) Paragraph *(a)* of subsection two of the said section twenty is repealed and the following substituted therefor:—

Ministers of the Crown, etc.

"*(a)* a member of the King's Privy Council for Canada holding the recognized position of First Minister, any person holding the office of President of the King's Privy Council for Canada or of Solicitor-General, or any member of the King's Privy Council for Canada holding the office of a minister of the Crown;"

(3) Paragraph *(b)* of subsection two of the said section twenty is repealed and the following substituted therefor:—

Member of His Majesty's Forces.

"*(b)* a member of His Majesty's Forces while he is on active service as a consequence of war;"

(4) Paragraph *(f)* of subsection two of the said section twenty is repealed and the following substituted therefor:—

Member of reserve forces of Canadian Forces.

"*(f)* a member of the reserve forces of the Canadian Forces who is not on full time service other than active service as a consequence of war."

(5) Subsection three of the said section twenty is repealed and the following substituted therefor:—

Effect of election of ineligible person.

"(3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void."

10. (1) Subsection two of section twenty-three of the said Act is repealed and the following substituted therefor:—

Notice and proclamation of new nomination and polling days.

"(2) Notice of the new day fixed for the nomination of candidates, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling which shall, in the electoral districts specified in Schedule Four to this Act, be Monday the twenty-eighth day after the new day fixed for the nomination of candidates, and, in all other electoral districts, be Monday, the fourteenth day after the new day fixed for the nomination of candidates."

11. (1) Subsection four of section thirty-three of the said Act is repealed and the following substituted therefor:—

Dividing lists for urban polling stations.

"(4) If the polling division is urban, the returning officer shall divide the preliminary list into as many separate lists as are required for the taking of the votes at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector registered on the preliminary list so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on."

(2) Subsection seven of the said section thirty-three is repealed and the following substituted therefor:—

Special statements of changes and additions prepared by returning officer.

"(7) For any polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions as certified by the rural enumerator or by the revising officer, special statements of changes and additions, in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such special statement of changes and additions to the polling station to which it belongs. If no changes have been made in the preliminary list for any such polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word "Nil" in the three spaces provided for the various entries on the said form, and completing the

form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the votes on polling day at such deputy returning officer's polling station."

(3) Subsection nine of the said section thirty-three is repealed and the following substituted therefor:—

Where urban electors vote.

"(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four, five and seven of this section, shall vote, if at all, at the polling station to which such part of the list applies, and not otherwise."

12. (1) Subsection four of section thirty-four of the said Act is repealed and the following substituted therefor:—

Agents may absent themselves from poll.

"(4) Agents of candidates or electors representing candidates may absent themselves from and return to the polling station at any time before one hour previous to the close of the poll."

13. (1) Subsection one of section forty-three of the said Act is repealed and the following substituted therefor:—

Issue of transfer certificates to agents of candidates.

"**43.** (1) At any time between the close of nominations and not later than ten o'clock in the evening of the Saturday immediately preceding polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 40 entitling him to vote at the latter polling station."

(2) Subsection four of the said section forty-three is repealed and the following substituted therefor:—

Transfer certificates for deputy returning officer, poll clerk, and election clerk.

"(4) The returning officer or the election clerk may also at any time issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than that at which such person is entitled to

vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated."

14. (1) Subsection one of section forty-five of the said Act is repealed and the following substituted therefor:—

Delivery of ballot paper to elector.

"**45.** (1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has, as prescribed in subsection (1A) of section thirty-six of this Act, affixed his initials, so placed, as indicated on the back of Form No. 32, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper."

(2) Subsection three of the said section forty-five is repealed and the following substituted therefor:—

Mode of voting.

"(3) The elector on receiving the ballot paper, shall forthwith proceed into a voting compartment and there mark his ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate (or of each of the candidates) for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it, and hand the ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the above mentioned initials and printed serial number that it is the same ballot paper as that delivered to the elector and if the same he shall forthwith in full view of the elector and all others present, remove and destroy the counterfoil and the deputy returning officer shall himself deposit the ballot paper in the ballot box."

(3) Section forty-five of the said Act is further amended by adding thereto the following subsection:—

Voting by qualified elector who is a bed ridden patient in a sanatorium, etc.

"(14) Whenever a polling station has been established in a sanatorium, a chronic hospital, or similar institution for the care and treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors;

the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections seven and eight of this section."

15. (1) Subsections two and three of section fifty-one of the said Act are repealed and the following substituted therefor:—

Opening of ballot boxes and official addition of votes.

"(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4, for the official addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the official statements of the poll therein contained, add the number of votes cast for each candidate.

Attendance of electors in certain cases.

"(3) If, at the official addition of the votes, none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such official addition of the votes has been completed."

(2) Subsections five and six of the said section fifty-one are repealed and the following substituted therefor:—

Declaration of name of candidate obtaining largest number of votes.

"(5) The name of the candidate who, on the official addition of the votes, is found to have obtained the largest number of votes, shall then be certified in writing and there shall be delivered to such candidate or his representative a certificate giving the number of votes cast for each candidate, in the form prescribed by the Chief Electoral Officer, and a copy of such certificate shall also be forthwith delivered to any other candidate or his representative, if present at the official addition of the votes, or, if any candidate is neither present nor represented thereat, the certificate shall be forthwith transmitted to such candidate by registered mail.

Casting vote of returning officer.

"(6) Whenever, on the official addition of the votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared as having obtained the largest number of votes, the returning officer shall cast such additional vote."

16. (1) Subsections one and two of section fifty-two of the said Act are repealed and the following substituted therefor:—

Adjournment if ballot boxes are missing.

"**52.** (1) If the ballot boxes are not all returned on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such official addition of the votes.

Adjournment for other causes.

"(2) In case the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate, he may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks."

(2) Subsection six of the said section fifty-two is repealed and the following substituted therefor:—

Declaration of name of candidate appearing to have majority.

"(6) In any case arising under the last three preceding subsections, the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to be sent to the Chief Electoral Officer with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes cast for each candidate."

17. (1) Subsections one and two of section fifty-four of the said Act are repealed and the following substituted therefor:—

Application for recount by judge.

"**54.** (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada,

as security for the costs of the candidate who has obtained the largest number of votes, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes.

Meaning of "the judge."

"(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection fifteen of section two of this Act within whose judicial district is situated the place whereat the official addition of the votes was held, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district."

(2) Subsection thirteen of the said section fifty-four is repealed and the following substituted therefor:—

Procedure at conclusion of recount.

"(13) At the conclusion of the recount, the judge shall seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount, and forthwith certify in writing, in the form prescribed by the Chief Electoral Officer, the result of the recount to the returning officer, who shall, as prescribed in subsection one of section fifty-six of this Act, declare to be elected the candidate who has obtained the largest number of votes; the judge shall deliver a copy of such certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection five of section fifty-one of this Act; the judge's certificate shall be deemed to be substituted for the certificate previously issued by the returning officer."

18. (1) That portion of subsection one of section fifty-six of the said Act that precedes paragraph *(a)* thereof is repealed and the following substituted therefor:—

Return of elected candidate.

"**56.** (1) The returning officer, immediately after the sixth day next following the date upon which he has completed the official addition of the votes, unless before that time he shall have received notice that he is required to attend before a judge for the purpose of a recount, and, where there has been a recount, then immediately thereafter, the returning officer shall forthwith declare elected the candidate who has obtained the largest number of votes by completing the return to the writ on the form provided for that purpose on the back of the writ; the returning officer shall then transmit by registered mail the following documents to the Chief Electoral Officer:"

19. (1) Subsection one of section ninety-four of the said Act is repealed and the following substituted therefor:—

Establishment of advance polls.

"**94.** (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two to this Act for the purpose of taking the votes of such persons as are described in section ninety-five and whose names appear on the list of electors for any polling division of the electoral district in which such places are situated."

(2) Subsection two of the said section ninety-four is repealed.

(3) Subsection four of the said section ninety-four is repealed.

(4) Paragraphs *(a)* and *(b)* of subsection five of the said section ninety-four are repealed and the following substituted therefor:—

"*(a)* If a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or

"*(b)* If he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of 500 or more as determined by the last Census taken pursuant to sections sixteen and seventeen of *The Statistics Act*, he may add the name of such place."

(5) Subsection ten of the said section ninety-four is repealed and the following substituted therefor:—

Notice in Form No. 61.

"(10) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 61; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection eleven."

(6) Section ninety-four of the said Act is further amended by adding thereto the following subsection:—

To be posted up.

"(11) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 61, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance poll on the Saturday immediately preceding the

ordinary polling day, and failure to do so shall be ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such."

Postmaster election officer.

20. (1) Paragraph *(b)* of section ninety-five of the said Act is repealed and the following substituted therefor:—

"*(b)* to such persons as are members of the reserve forces of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears."

21. (1) Section one hundred and one of the said Act is repealed and the following substituted therefor:—

Political broadcasts forbidden.

"**101.** (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election; this prohibition only applies to the ordinary polling day and not to the three days on which advance polls are opened.

"(2) In this section "broadcast" has the same meaning as "broadcasting" in *The Radio Act, 1938*."

22. (1) Subsection two of section one hundred and two of the said Act is repealed and the following substituted therefor:—

Posting up of notices, etc.

"(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise."

23. (1) Section one hundred and five of the said Act is repealed and the following substituted therefor:—

Penalty for disorderly conduct a public meetings.

"**105.** (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.

Penalty for conspiracy to cause disorder.

"(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an indictable offence against this Act, punishable as in this Act provided."

24. (1) Section one hundred and seven of the said Act is repealed and the following substituted therefor:—

Premature publication of results forbidden.

"**107.** (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, hand-bill, or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.

"(2) In this section "broadcast" has the same meaning as "broadcasting" in *The Radio Act, 1938.*"

25. (1) Section one hundred and ten of the said Act is repealed and the following substituted therefor:—

No amendment to apply to election for which writ is issued within six months, except after notice.

"**110.** No amendment to this Act shall apply in any election for which the writ is issued within six months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act printed for distribution to returning officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed."

Consolidation of amendments.

26. (1) The said Act is further amended by adding thereto the following section:—

Northwest Territories elections to be conducted in accordance with this Act.

"**111.** (1) Elections of members to the Council of the Northwest Territories (in this section called "Northwest Territories elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Northwest Territories, directs as being necessary by reason of conditions existing in the Northwest Territories to conduct effectually Northwest Territories elections.

Procedure.

"(2) The procedure prescribed by section one hundred and eight shall be followed in the preparation, revision and distribution of the list of electors for Northwest Territories elections.

Sections not applicable.

"(3) Sections fourteen, sixteen, nineteen and twenty do not apply to Northwest Territories elections.

First elections.

"(4) For the Northwest Territories election first held after the coming into force of section eight A of the *Northwest Territories Act*, the qualifications for electors shall be those established pursuant to that section and in force three months prior to the polling day for such election and, for subsequent Northwest Territories elections, the qualifications for electors shall be those established pursuant to that section and in force six months prior to the polling day for such elections.

"(5) Notwithstanding the provision of section one hundred and ten of this Act, this section shall come into force on the date upon which it is assented to."

27. (1) The said Act is further amended by striking out the expression "final addition" wherever it appears therein and substituting therefor in each case the expression "official addition".

(2) The said Act is further amended by striking out the expressions "British subject" or "British subject by birth or naturalization" wherever they appear therein and substituting therefor in each case the expression "Canadian citizen or other British subject".

28. (1) Forms Nos. 4, 32—Back, and 61 of Schedule One to the said Act are repealed and the following forms substituted therefor, respectively:—

FORM No. 4.

PROCLAMATION. (Sec. 18).

Electoral district of.....
Province of..... } To wit:

Pursuant to His Majesty's writ bearing date the..... day of....., 19....., I am commanded to cause an election to be held according to law of a member (or two members) to serve in the House of Commons of Canada for the above mentioned electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations of candidates at such election and shall attend specially to receive such nominations at (describe the place at which the returning officer will attend to receive nominations), in the town (or city or village) of..... ....., on the (insert the date fixed as nomination day) day of....., 19....., from noon until two o'clock in the afternoon, after which said last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and granted in the manner by law prescribed, such poll will be held on the (insert the date fixed as polling day) day of....., 19....., between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at places of which I shall subsequently give notice.

And that in case a poll is held, I shall at.....o'clock in the..... noon, on the (insert the date fixed for the official addition of the votes) day of....., 19....., at (describe the place at which the votes will be officially added up), in the town (or city or village) of....., open the ballot boxes, add up the votes reported in the statements of the poll as having been cast for the several candidates, and declare the name of the candidate who has obtained the largest number of such votes.

And that (the wording of this paragraph will be altered to suit the circumstances) the territory comprised in the city (or town, or as the case may be) of..... will be urban polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule A to section seventeen of the *Canada Elections Act*, and that the territory comprised in the remainder of the electoral district will be rural polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule B to the said section seventeen.

And that I have established my office for the conduct of the above mentioned election at (describe location of the returning officer's office).

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at....., this.....day of....., 19....

(Print name of returning officer)
Returning officer.

FORM No. 32 (*Concluded*)

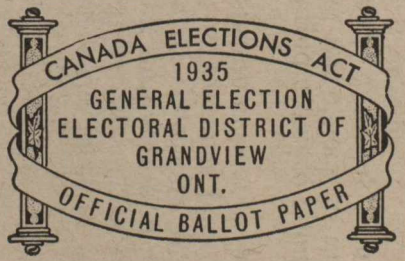
FORM OF BALLOT PAPER

BACK

No. 325 (*Line of perforations here*)

No. 325 (*Line of perforations here*)

Space for initials of D.R.O.



POLLING DAY:

September 14th, 1935.

Printed by JAMES BROWN
260 Slater Street, Ottawa, Ont.

FORM No. 61.

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10)).

Electoral District of.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of the *Canada Elections Act*, an advance poll will be opened in the above mentioned electoral district *at* the town / city / village of.....
(Specify in capital letters the name of the place at which an advance poll is authorized to be established) at (Specify in capital letters the exact location of the advance polling station established *at* such place; one will be sufficient, and continue by specifying any other places, if any, *at* which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday, and Saturday, the....., ..., and..... days of....., 19....., being the three week days immediately preceding the date fixed as the ordinary polling day at the pending election in the above mentioned electoral district, and that an elector whose name appears on the list of electors for any polling division in the said electoral district and who is entitled to the privilege of voting at an advance poll, may vote in advance of the said ordinary polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

(a) such persons as are employed as commercial travellers as defined in subsection four of section two of the *Canada Elections Act*, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

(b) such persons as are members of the reserves forces of the Canadian Forces or such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

And further take notice that advance poll certificates can be obtained only from the returning officer and the election clerk for the above mentioned electoral district. (Whenever a specially deputized person has been appointed, the following sentence will be added to this paragraph): Advance poll certificates may also be obtained from (insert name and address), who has been specially deputized to issue such certificates.

And further take notice that the office of the undersigned which has been established for the conduct of the pending election, is located at.....in the { town / city / village } of.....

Dated at....., this....., day of....., 19.....

(Print name of returning officer)
Returning officer.

29. (1) The said Act is further amended

(a) by striking out the expression "The Canadian Defence Service Voting Regulations" wherever it appears therein and substituting therefor in each case the expression "The Canadian Forces Voting Regulations",

(b) by striking out the expression "Defence Service electors" wherever it appears therein and substituting therefor in each case the expression "Canadian Forces electors", and

(c) by striking out the word "Military" wherever it appears therein and substituting therefor in each case the word "Army".

30. (1) The expression "The Canadian Defence Service Voting Regulations" immediately following the heading "Schedule Three" in the said Act is repealed and the expression "The Canadian Forces Voting Regulations" substituted therefor.

(2) Paragraph one of the said Regulations is repealed and the following substituted therefor:—

Short title.

"**1.** These Regulations may be cited as *The Canadian Forces Voting Regulations.*"

31. (1) Clause *(e)* of paragraph four of the said Regulations is repealed and the following substituted therefor:—

"Deputy returning officer."

"*(e)* "deputy returning officer" means a Canadian Forces elector who has been designated by a commanding officer to take the votes of Canadian Forces electors, pursuant to paragraph 30;"

(2) Clause *(f)* of the said paragraph four is repealed.

(3) Clause *(p)* of the said paragraph four is repealed and the following substituted therefor:—

"Unit".

"*(p)* "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section eighteen of *The National Defence Act;*"

(4) Clause *(r)* of the said paragraph four is repealed and the following substituted therefor:—

"Voting territory."

"*(r)* "voting territory" means a specified area where a special returning officer shall be stationed and where the votes of Canadian Forces electors and Veteran electors shall be taken, received, sorted, and counted, as prescribed in these Regulations."

32. (1) Clause *(b)* of subparagraph one of paragraph five of the said Regulations is repealed and the following substituted therefor:—

Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

"*(b)* the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland shall constitute a voting territory, with the headquarters of the special returning officer located at Halifax;"

(2) Subparagraph one of the said paragraph five is amended by adding thereto the following clause:—

Outside of Canada

"*(d)* a voting territory established by the Chief Electoral Officer pursuant to subparagraph three with the headquarters of the special returning officer located at a place to be determined by the Chief Electoral Officer."

(3) The said paragraph five is further amended by adding thereto the following subparagraph:—

Establishment by Chief Electoral Officer of voting territory outside of Canada.

"(3) If, at the time of a general election, there is a substantial number of Canadian Forces electors, as defined in paragraph 21, serving outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories mentioned in subparagraph one, the Chief Electoral Officer may, notwithstanding anything in these Regulations, establish a voting territory in the area where such Canadian Forces electors are serving."

33. (1) Paragraph eleven and subparagraph *(f)* of paragraph thirteen of the said Regulations are repealed.

34. (1) Paragraph nineteen of the said Regulations is repealed and the following substituted therefor:—

Special procedure in electoral district returning two members.

"**19.** Each Canadian Forces elector and Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case the Canadian Forces elector and Veteran elector may vote for two candidates on the same ballot paper."

35. (1) Paragraph twenty-one of the said Regulations is repealed and the following substituted therefor:—

Qualifications of Canadian Forces elector.

"**21.** (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Regulations, while he or she

(a) is a member of the regular forces of the Canadian Forces; or

(b) is a member of the reserve forces of the Canadian Forces and is on full time training, or service, or on active service; or

(c) is a member of the active service forces of the Canadian Forces.

Exceptions.

"(2) Notwithstanding anything in these Regulations, any person who, on or subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph one, shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Regulations."

36. (1) Paragraph twenty-three of the said Regulations is repealed and the following substituted therefor:—

Ordinary residence of member of Canadian Forces.

"**23.** (1) For the purpose of these Regulations, the place of ordinary residence of a member of the Canadian Forces shall be deemed to be the place of ordinary residence required to be shown by him or her in the statements provided for hereunder.

Ordinary residence of member of regular forces.

"(2) After the date of the coming into force of this paragraph, every member of the regular forces of the Canadian Forces shall within three months complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 15, in which he or she shall show as his or her place of ordinary residence

(a) the city, town, village, or other place in Canada, with street address, if any, in which was situated, at the time of the coming into force of this paragraph, the residence of a person who is the wife, dependent, relative or next of kin of such member; or

(b) the city, town, village, or other place in Canada, with street address, if any, where such member was residing as a result of the services performed by him or her in such forces, at the time of the coming into force of this paragraph; or

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her place of ordinary residence prior to enrolment;

but where none of the foregoing clauses *(a)*, *(b)* or *(c)* is applicable to a member of the regular forces, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, where such member resided as a result of the services performed by him or her in such forces immediately prior to being appointed, posted, or drafted for service outside of Canada, including service in a ship.

Ordinary residence on enrolment in regular forces.

"(3) After the date of the coming into force of this paragraph,

(a) every person shall, forthwith upon his or her enrolment in the regular forces of the Canadian Forces, complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village, or other place in Canada, in which was situated his or her place of ordinary residence immediately prior to enrolment;

(b) a person, not having a place of ordinary residence in Canada immediately prior to enrolment in the regular forces of the Canadian Forces, shall complete, as soon as one or more of the provisions of subparagraph 2 become applicable to his or her circumstances, a statement of ordinary residence, in Form No. 15, before a commissioned officer.

Change of given residence of member of regular forces.

"(4) Except when he or she is also a member of the active service forces of the Canadian Forces, a member of the regular forces may, during the month of December of any year and at no other time, change his or her place of ordinary residence to the city, town, village, or other place in Canada referred to in clause (a), (b) or (c) of subparagraph 2 by completing, in duplicate, before a commissioned officer, a statement of change of ordinary residence, in Form No 17.

Ordinary residence of member of reserve forces on full time service.

"(5) (a) Every member of the reserve forces of the Canadian Forces not on active service who, at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day, is on full time training or service, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 18, indicating the city, town, village, or other place in Canada wherein is situated his or her place of ordinary residence immediately prior to commencement of such period of full time training or service.

Ordinary residence of member of reserve forces on active service.

(b) Every member of the reserve forces of the Canadian Forces who is placed on active service, and who, during a current period of full time training or service, has not completed a statement of ordinary residence pursuant to clause (a), shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 18, in which will be stated

(i) in the case of a member on full time training or service, his or her place of ordinary residence immediately prior to the commencement of such full time training or service; or

(ii) in the case of a member not on full time training or service, his or her place of ordinary residence immediately prior to being placed on active service.

Ordinary residence on enrolment in active service forces.

"(6) On enrolment in the active service forces of the Canadian Forces, every person, who is not a member of the regular or reserve forces, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village, or other place in Canada in which is situated his or her place of ordinary residence immediately prior to enrolment in the active service forces.

Filing of statements.

"(7) The original of each statement of ordinary residence or statement of change of ordinary residence completed pursuant to the subparagraphs of this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents."

37. (1) Subparagraph one of paragraph twenty-six of the said Regulations is repealed and the following substituted therefor:—

Publication of notice of general election.

"**26.** (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in the said notice that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit to cast their votes in the manner prescribed in these Regulations."

38. (1) Paragraph twenty-seven of the said Regulations is repealed and the following substituted therefor:—

List of names, etc., of Canadian Forces electors.

"**27.** As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian

Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 23 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom."

39. (1) Paragraph thirty of the said Regulations is repealed and the following substituted therefor:—

Before whom votes of Canadian Forces electors are to be cast.

"**30.** The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector who has been designated by a commanding officer to act as a deputy returning officer."

40. (1) Paragraph thirty-one of the said Regulations is amended by adding thereto the following subparagraph:—

Powers to administer affidavit of qualification.

"(2) The deputy returning officer shall, during the hours of voting by Canadian Forces electors, have the powers to administer the affidavit of qualification, in Form No. 14."

41. (1) Subparagraph one of paragraph thirty-four of the said Regulations is repealed and the following substituted therefor:—

Declaration by Canadian Forces elector.

"**34.** (1) Before delivering a ballot paper to a Canadian Forces elector, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector's name, rank, and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph two of paragraph twenty-one), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as prescribed in paragraph 23; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy returning officer shall cause the Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

(2) The said paragraph thirty-four is further amended by adding thereto, immediately after subparagraph two thereof, the following subparagraphs:—

Affidavit of qualification by Canadian Forces elector.

"(3) A Canadian Forces elector, if required by the deputy returning officer, or by an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification, in Form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, nor again be admitted to the voting place. The said affidavit of qualification shall be subscribed to before the deputy returning officer.

Procedure in case of refusal.

"(4) If a Canadian Forces elector has refused to subscribe to the affidavit of qualification mentioned in subparagraph three, the deputy returning officer shall endorse, upon the outer envelope completed by such elector, the words "refused to subscribe to the affidavit of qualification" and lay the outer envelope aside.

Disposition of completed affidavits and outer envelopes.

"(5) At the conclusion of the voting period, all such outer envelopes together with all completed affidavits of qualification mentioned in subparagraphs three and four, shall be forwarded by the deputy returning officer to the appropriate special returning officer."

42. (1) Paragraph thirty-nine of the said Regulations is repealed and the following substituted therefor:—

Incapacitated Canadian Forces elector.

"**39.** When a Canadian Forces elector is incapacitated from any physical cause, and is unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy returning officer before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Canadian Forces elector. Such other elector shall be selected by the incapacitated Canadian Forces elector. Such persons before whom the ballot paper of an incapacitated Canadian Forces elector is marked shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Canadian Forces elector has been written on the back of the outer envelope, as above directed, the deputy returning officer and the other Canadian Forces elector shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto."

43. (1) Subparagraph two of paragraph forty of the said Regulations is repealed and the following substituted therefor:—

Voting by Canadian Forces elector on duty, leave or on furlough.

"(2) A Canadian Forces elector who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in the taking of such votes."

44. (1) Clause *(c)* of paragraph forty-two of the said Regulations is repealed and the following substituted therefor:—

"*(c)* was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;"

45. (1) Paragraph fifty-four of the said Regulations is repealed and the following substituted therefor:—

Period of voting by Veteran electors.

"**54.** The period of voting by Veteran electors shall commence on Monday the seventh day before polling day, and be concluded on the Saturday immediately preceding polling day, both inclusive."

46. (1) Paragraph fifty-nine of the said Regulations is repealed and the following substituted therefor:—

Incapacitated Veteran elector.

"**59.** When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated Veteran elector and he shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto."

47. (1) Paragraph sixty of the said Regulations is repealed and the following substituted therefor:—

Blind Veteran elector.

"**60.** The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in paragraph 59, or through the medium of a friend who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may fill in the back of the outer envelope, including the writing of the name of the elector in the space provided for his signature, and mark the blind elector's ballot paper in the presence only of such blind elector; such friend shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of a blind Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto. No person shall at a general election be allowed to act as the friend of more than one blind Veteran elector."

48. (1) Subparagraph one of paragraph sixty-two of the said Regulations is repealed and the following substituted therefor:—

Declaration by Veteran elector.

"**62.** (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a Canadian citizen or other British subject, that he was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration, except in the

case of an incapacitated or blind Veteran elector referred to in paragraphs 59 and 60, and the certificate printed thereunder shall then be signed by both deputy special returning officers."

(2) Subparagraph two of the said paragraph sixty-two is repealed and the following substituted therefor:—

Warning to Veteran elector and deputy special returning officers.

"(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71, except in the cases referred to in paragraphs 59 and 60, any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted."

49. (1) Clause *(b)* of paragraph sixty-eight of the said Regulations is repealed and the following substituted therefor:—

"*(b)* examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or by the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60);"

50. (1) Subparagraph one of paragraph seventy-one of the said Regulations is repealed and the following substituted therefor:—

Disposition of outer envelope when declaration incomplete.

"**71.** (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60), or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper."

51. (1) Clause *(c)* of paragraph eighty-two of the said Regulations is repealed and the following substituted therefor:—

"*(c)* the outer envelopes laid aside pursuant to sub-paragraph five of paragraph 34 and of paragraphs 71 and 72;"

(2) Clause *(h)* of the said paragraph eighty-two is repealed.

(3) Paragraph eighty-two of the said Regulations is further amended by adding thereto the following clauses:—

"*(j)* the completed affidavits of qualification (Form 14), if any; and

"*(k)* the lists of Canadian Forces electors prepared and furnished to the special returning officer pursuant to paragraph 27."

52. (1) Wherever the expressions "commissioned officer" or "commissioned officer designated" are mentioned or referred to in paragraphs ten, thirteen, twenty-six, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, sixty-eight, seventy-one, eighty-five, and eighty-eight of the said Regulations, or in Forms Nos. five, nine, and ten thereto, there shall in each and every case be substituted the expression "deputy returning officer".

53. Forms Nos. 5, 7, 9 and 12 to the said Regulations are repealed and the following substituted therefor, respectively:—

FORM No. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the date fixed as polling

day is....., the.....

day of....., 19.....

Notice is further given that pursuant to The Canadian Forces Voting Regulations, all Canadian Forces electors, as defined in paragraph twenty-one of the said Regulations, are entitled to vote at such general election upon application to any *deputy returning officer* designated for the purpose of taking such votes.

And that voting by Canadian Forces electors will take place on each of the six days from Monday, the.....day of..... 19...., to Saturday, the.....day of..... 19....., both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

Given under my hand at....., this..... day of....., 19.....

.....

Commanding officer.

FORM No. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 34)

I hereby declare

1.That my name is.....
(Insert full name, surname last)

2.That my rank is.....

3.That my number is.....

4.That I am a Canadian citizen or other British subject.

*5.That I have attained the full age of twenty-one years.

6.That I have not previously voted as a Canadian Forces elector at the pending general election.

7.That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is

.....
(Here insert the name of the city, town, or village, or other place in Canada,

.....
with street address, if any)

.....
(Here insert name of electoral district)

.....
(Here insert name of province)

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this.....
day of....., 19.....

.....
Signature of Canadian Forces elector.

CERTIFICATE OF DFPUTY RETURNING OFFICER

I hereby certify that the above named Canadian Forces elector did this day make before me the above set forth declaration.

.....
Signature of deputy returning officer

.....
(Here insert rank, number, and name of unit)

**Strike out if not applicable pursuant to paragraph 21 (2).*

FORM No. 9.

CARD OF INSTRUCTIONS. (Par. 32).

A CANADIAN FORCES ELECTOR HAS THE RIGHT TO VOTE ONLY ONCE AT A GENERAL ELECTION.

1. A Canadian Forces elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of The Canadian Forces Voting Regulations.

2. During the hours fixed by the commanding officer for voting, a Canadian Forces elector may cast his vote before the deputy returning officer designated for that purpose.

3. The deputy returning officer shall require each Canadian Forces elector to complete the declaration printed on the back of the outer envelope.

4. A Canadian Forces elector, if required by the deputy returning officer, or an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification in Form No. 14, and if such elector refuses so to subscribe to such affidavit he shall not be allowed to vote, or be again admitted to the voting place.

5. Each Canadian Forces elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members in which case he may vote for two candidates on the same ballot paper.

6. After the Canadian Forces elector and the certificate printed thereunder is completed and signed by the deputy returning officer, the CanadianForces elector shall be allowed to cast his vote in the following manner:

7. Upon receiving a ballot paper from the deputy returning officer, the Canadian Forces elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.

8. The Canadian Forces elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the deputy returning officer, seal such inner envelope, and hand it to the deputy returning officer.

9. The deputy returning officer shall then, in full view of the Canadian Forces elector, place the inner envelope in the completed outer envelope and seal such outer envelope.

10. The deputy returning officer shall then hand the completed outer envelope to the Canadian Forces elector.

11. The Canadian Forces elector shall then mail the completed outer envelope in the nearest post office, mail box, or by such other postal facilities as may be available and expeditious.

In the following specimen of ballot paper, given for illustration, the Canadian Forces elector has marked his ballot paper for William R. Brown.

THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR *William R. Brown*

(Write as above directed—Surname last.)

FORM No. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 62)

I hereby declare

1. That my name is.....
(Insert full name, surname last)

2. That I am a Canadian citizen or other British subject.

3. That I was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty.

4. That I have been discharged from such Forces.

5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.

6. That I have not previously voted as a Veteran elector at the pending general election.

7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution,

is at.....
(Here insert the name of the city, town, or village, or other

.....
place in Canada, with street address, if any)

.....

.....
(Here insert name of electoral district) (Here insert name of province)

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this..... day of....., 19...

.....
Signature of Veteran elector.

CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS.

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....
Signature of deputy special returning officer.

.....
Signature of deputy special returning officer.

54. (1) Paragraph five of Form No. 13 to the said Regulations is repealed and the following substituted therefor:—

"**5.** Each Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case he may vote for two candidates on the same ballot paper."

55. (1) The said Regulations are further amended by adding thereto the following Forms Nos. 14, 15, 16, 17 and 18:—

FORM No. 14.

AFFIDAVIT OF QUALIFICATION. (Par. 34 (3))

I, the undersigned, do swear (or solemnly affirm)

1. That my name is.....
(Insert full name, surname last)
2. That my rank is.....
3. That my number is.....
4. That I am a Canadian citizen or other British subject.

*5. That I have attained the full age of twenty-one years.

6. That I have not previously voted as a Canadian Forces elector at the pending general election.
7. That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is

.....
(Here insert the name of the city, town, village, or other place in

.....
Canada, with street address, if any)

.....
(Here insert name of electoral district)

.....
(Here insert name of province)

SWORN (or affirmed) before me
at.....
this.....day of.....
19.....

.....
Deputy returning officer.

.....
Signature of Canadian Forces elector.

* *Strike out if not applicable pursuant to paragraph 21 (2).*

FORM No. 15

STATEMENT OF ORDINARY RESIDENCE. (Par. 23 (2), (3*b*))

(Only applicable to members of the regular forces enrolled on or prior to the effective date of this paragraph)

I HEREBY DECLARE

THAT my name is.....,

that my age is....., that my rank is.....,

and that my number is.....

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is

.....

(Insert name of city, town, village, or other place in Canada,

.....

with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day

of....., 19.....

.....

Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....

Signature of commissioned officer.

.....

(Insert rank, number, and name of unit)

FORM No. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.
(Par. 23 (3*a*) and (6))

(Applicable to regular force members on enrolment subsequent to effective date of this paragraph and to persons on enrolment in the active service forces)

I HEREBY DECLARE

THAT my name is.....,

that my age is....., that my rank is.....,

and that my number is.....

THAT my place of ordinary residence in Canada, immediately prior to the date of my enrolment, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, was

.....
(Insert name of city, town, village, or other place in Canada,

.....
with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day

of....., 19.....

.....
Signature of member of the regular forces or active service forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces or the active service forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Insert rank, number, and name of unit)

FORM No. 17.

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 23 (4))

(Only applicable to regular force members who are not members of an active service force)

I HEREBY DECLARE

THAT my name is....., that my age is.....,

that my rank is....., and that my number is.....

THAT since the completion of my last statement of ordinary residence, the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, has

changed to.....

(Insert name of city, town, village, or other place

.....

in Canada, with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of

....., 19.....

.....

Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....

Signature of commissioned officer.

.....

(Insert rank, number, and name of unit)

FORM No. 18.

STATEMENT OF ORDINARY RESIDENCE. (Par. 23 (5) *(a)* and *(b)*)

(Applicable to members of the reserve forces on full time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service.)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT my place of ordinary residence in Canada immediately prior to:

the commencement of my current continuous period of full time training or service/and active service,

OR

being placed on active service not immediately preceded by a period of full time training or service,

as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is.....

(Insert name of city, town, village or other place in Canada,

.....

with street address, if any.)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this..... .....day of

....., 19.....

.....

Signature of member of reserve forces.

CERTIFICATE OF COMMISSIONED OFFICER.

I HEREBY CERTIFY that the above mentioned member of the reserve forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....

Signature of commissioned officer.

.....

(Insert rank, number, and name of unit.)

56. The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE FIVE.

THE CANADIAN PRISONERS OF WAR VOTING REGULATIONS, 1951

To enable persons eligible to vote under The Canadian Forces Voting Regulations, who become prisoners of war, to vote by proxy at a general election, notwithstanding anything to the contrary in the *Canada Elections Act*, contained.

Short title.

1. These Regulations may be cited as The Canadian Prisoners of War Voting Regulations, 1951.

Application.

2. These Regulations shall apply only to a general election held in Canada and do not apply to a by-election.

General direction.

3. (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed by these Regulations.

Special powers to Chief Electoral Officer.

(2) For the purpose of carrying into effect the provisions of these Regulations, or supplying any deficiency therein, the Chief Electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of their intent.

Definitions.

4. In these Regulations, the expression

"Ballot paper."

(a) "ballot paper" means the ballot paper printed with the names, addresses, and occupations of the candidates officially nominated in an electoral district, pursuant to section twenty-eight of the *Canada Elections Act;*

"Chief Electoral Officer."

(b) "Chief Electoral Officer" means the person who holds office as Chief Electoral Officer under sections three and four of the *Canada Elections Act;*

"Deputy returning officer."

(c) "deputy returning officer" means the person appointed as deputy returning officer for a polling station, under section twenty-six of the *Canada Elections Act;*

"Headquarters."

(d) "Headquarters" means the headquarters of the Naval, Army or Air Forces of Canada, located at Ottawa, Ontario;

"Next of kin."

(e) "next of kin" means a person officially recorded at Headquarters as the next of kin of a prisoner of war, as hereinafter defined;

"Prisoner of War."

(f) "prisoner of war" means a Canadian Forces elector who is a prisoner of war and is officially recorded as such at Headquarters at the time of a general election;

"Qualified elector."

(g) "qualified elector" means a person duly entitled to vote in a polling division at a general election, pursuant to the provisions of the *Canada Elections Act;*

"Returning officer."

(h) "returning officer" means the person who holds office as returning officer for an electoral district, under section eight of the *Canada Elections Act;*

"Special proxy certificate."

(i) "special proxy certificate" means the certificate prescribed by the Chief Electoral Officer entitling the next of kin of a prisoner of war to vote by proxy on the latter's behalf;

"Canadian Forces elector."

(j) "Canadian Forces elector" means a person having the qualifications prescribed in paragraph 21 of The Canadian Forces Voting Regulations.

Who may vote by proxy.

5. Every prisoner of war, as herein defined, shall be entitled to vote by proxy at a general election, such proxy being his next of kin who is officially recorded as such at Headquarters, and such vote shall be cast in the polling division in which such next of kin is a qualified elector.

Voting to be on certificate

6. The vote of a prisoner of war shall be cast by proxy on a special proxy certificate prescribed and issued by the Chief Electoral Officer. Every special proxy certificate shall bear the printed signature of the Chief Electoral Officer and shall be countersigned by a member of his staff specially designated for that purpose,

Proxy may vote in own right.

7. Any person to whom a special proxy certificate has been issued shall be entitled to vote in his own right in the polling division in which such person is a qualified elector, notwithstanding that he has voted, or is about to vote, as proxy for one or more prisoners of war.

Names and addresses of prisoners of war and their next of kin supplied by Headquarters.

8. Whenever deemed expedient, the Chief Electoral Officer shall be furnished by Headquarters with the names and surname, rank and regimental number of every member of the Naval, Army or Air Forces of Canada who is officially recorded at Headquarters as a prisoner of war, as herein defined. At the same time, the Chief Electoral Officer shall be furnished with the names and surname of the next of kin of such prisoner of war as officially recorded at Headquarters, together with the last known place of residence of such next of kin, with street address, if any.

Qualification as elector of next of kin ascertained by returning officer.

9. As soon as possible after a general election has been ordered, the Chief Electoral Officer shall communicate with the returning officer for the electoral district in which

is situated the place of residence of the next of kin of a prisoner of war, as stated by Headquarters pursuant to the next preceding paragraph, and direct such returning officer to ascertain whether or not such next of kin is a qualified elector at such place of residence at the pending general election and to advise the Chief Electoral Officer accordingly.

Dispatch of certificates to next of kin.

10. Beginning on Monday of the second week before polling day at a general election, the Chief Electoral Officer shall issue the special proxy certificates to the next of kin of prisoners of war who are entitled to receive them. These certificates shall be dispatched to such next of kin by registered mail and shall be accompanied with such instructions as are deemed advisable by the Chief Electoral Officer as to the manner in which such certificates shall be used.

Notification to returning officer.

11. Whenever special proxy certificates are dispatched to next of kin of prisoners of war residing in a given electoral district, the Chief Electoral Officer shall advise the returning officer for such electoral district of the names and post office addresses of the persons to whom such certificates are issued.

Notification to deputy returning officer.

12. Upon the receipt of such notification, or as soon as possible thereafter, the returning officer shall, on the form prescribed by the Chief Electoral Officer, accordingly advise the deputy returning officer appointed for the polling station at which the holder of any special proxy certificate is a qualified elector.

Manner of voting by proxy.

13. Before being allowed to cast the vote of a prisoner of war the next of kin shall deliver his special proxy certificate to the deputy returning officer and shall satisfy that officer that he is the person mentioned as next of kin on such certificate. The deputy returning officer shall cause the usual entries to be made in the poll book, and shall record in the remarks column of such poll book, opposite such entries, the name of the prisoner of war and the fact that the next of kin has voted as proxy on his behalf. When this has been done the deputy returning officer shall hand a ballot paper to the next of kin who will proceed to one of the voting compartments and secretly mark such ballot paper for the candidate of his choice whose name, address and occupation are printed on such ballot paper.

Ballot paper initialled and dealt with in ordinary manner.

14. With the exception of the deputy returning officer's initials which must be affixed in the space provided for that purpose on the back of the ballot paper, there shall not be any marks written or made by any election officer on either

the front or the back of the ballot paper handed to a next of kin who is voting as proxy for a prisoner of war. When the ballot paper has been duly marked it shall be handed by the next of kin to the deputy returning officer who will remove the counterfoil and place the ballot paper in the ballot box or otherwise deal with such ballot paper as if it had been cast by a qualified elector in the polling division.

Offences and penalties.

15. Every person who votes or attempts to vote at a general election under the authority of a special proxy certificate issued pursuant to these Regulations, when he knows or has reasonable grounds for supposing that he is not entitled to receive any such certificate, shall be guilty of an illegal practice within the meaning of the *Canada Elections Act*, and shall be liable to the penalties imposed by the said Act for such an offence."

MINUTES OF PROCEEDINGS

TUESDAY, June 19, 1951.

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Cameron, Dewar, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Herridge, MacDougall, Macdonald (*Edmonton East*), McWilliam, Murphy, Stick, Valois, Viau, Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer.

The Committee continued study of the amendments to the Act suggested by members of the Committee.

Section 17, Schedule A, Rule (33).

On motion of Mr. MacDougall,—

Resolved,—That rule (33) of Schedule A to section 17 of the Act be amended by striking out the words "in the revising officer's revisal district" in the seventh and eighth lines, and substituting therefor the following:

> in the electoral district in which the revising officer's revisal district is situated.

Form 15 (Section 17, Schedule A (Rule 33)).

On motion of Mr. MacDougall,—

Resolved,—That the word "revisal" be changed to "electoral" in every place where it is used in paragraph 1 of Form 15.

On motion of Mr. McWilliam,—

Resolved,—That the fees for rural and urban polls be identical in future.

Mr. Cameron moved,—That the Chief Electoral Officer give consideration to a general increase in the tariff of fees for electoral officers and other persons engaged in the conduct of a General Election.

Mr. Castonguay outlined his present proposal for a general increase in these rates to be submitted to the Governor in Council.

After discussion, with the consent of the Committee, Mr. Cameron withdrew the above motion.

On motion of Mr. Cameron,—

Resolved,—That the tariff of fees suggested by the Chief Electoral Officer be approved.

At 5.45 p.m. the Committee adjourned until Tuesday, June 26, at 4.00 p.m.

E. W. INNES,
Clerk of the Committee.

EVIDENCE

JUNE 19, 1951,

4.00 p.m.

The CHAIRMAN: Order! Now that we have a quorum, we shall proceed. I understand that at the last meeting which was presided over by Mr. Fulford, we heard Mr. Herridge and Mr. Boisvert. Today we were supposed to hear Mr. Crestohl but Mr. Crestohl has changed his mind. He will appear before the committee at the next session only.

Now, today we can start by hearing Mr. MacDougall who has some suggestions to make. His name appears first on the list.

Mr. MACDOUGALL: What item do you want to hear, Mr. Chairman? What items are we prepared to discuss?

The CHAIRMAN: We shall take them all.

Mr. MACDOUGALL: I think every member of the committee has a copy of the submission.

The CHAIRMAN: Perhaps we can proceed in the same way as we did in the case of the Chief Electoral Officer. First you will read slowly, and after that you will explain your views under the particular item.

Mr. MACDOUGALL: Very well. My submission dealt with several factors. Several of the returning officers have been around the city of Vancouver and its contiguous areas, where the constituencies of the contiguous areas are located, both rural and urban. Since I drafted this submission we have gone forward with some of our recommendations and have passed them in committee. They are not considered. I would not want to have you feel that this recommendation is against those because we have already dealt with them. But if we may start with No. 1 on page 1 of the submission, I should like to read it.

Mr. STICK: Before you begin, the submission you are now about to make will not interfere with those items which have already been passed by the committee, or which have already been before the committee?

Mr. MACDOUGALL: I drafted this submission, as a matter of fact, very nearly two years ago and I think there are some items in it which we have dealt with. But we will recognize them when we come to them.

Mr. STICK: And we shall strike them out.

Mr. MACDOUGALL: Yes; they will be automatically struck out. The first one is under the heading of "Enumeration", and it reads as follows:

> Whereas sufficient time is allowed for the actual process of enumeration, more time should be allowed in preparation for it, and also more time allowed for correction of enumerators' lists before going into the hands of the printer. This, in my opinion, would greatly ensure greater accuracy of the revised listing.

That is all it is. I do not think it requires any further explanation on my part.

The CHAIRMAN: If you will permit me, I will now call on the Chief Electoral Officer for his point of view concerning item 1.

Mr. CASTONGUAY: With respect to the whole schedule of elections, the first statutory date which marks the commencement of the enumeration falls on the forty-ninth day before polling day. The actual preparation of the polling facilities as well as for enumeration and printing and revision requires more time. The enumerators want more time. The printers want more time and the revising officers want more time, and the returning officers want more time to get the polling facilities in shape. We already have a period of 49 days, and if you shorten one period to give more time to the others, you will get complaints from the others. The only solution would be to extend that period of 49 days and have the enumeration begin on the fifty-sixth day. But then you would be extending the period of the campaign and I do not think anyone wants that period extended. I am of opinion that the periods for the various operations required by the Act during this 49 day period cannot be shortened. I don't know where time can be found during the present period to give more time for other operations of the Act. The only solution I can see is to extend the present period of 49 days. It would mean adding another week to the present period. And if the enumeration begins on the 56th day you can allow more time for the operations required by the Act in the present schedules. But that would increase the period of the general election because the 56th day would then be the beginning of enumeration. In addition, we need another ten days. We would like to have three weeks to get the preliminary work going. We always want more time. But no Parliament has ever been willing to give us more time. We would be very happy about it if we got more time.

In the last 30 years the general practice has been to issue the writs 60 days before polling day. I presume the various governments did not want the campaign to last too long. There is no place in the period of 49 days that I know of where you can cut down the present period for printing in order to give two more days for enumeration. The printers would be on our backs, and they would say that their present schedule is as tight so far as time goes as you can make it. And if you cut one operation, it is like a chain reaction, you will be affecting all the other operations. The only solution would be to extend the present period of 49 days and give us another week, making it 56 days.

Mr. MACDOUGALL: I agree.

Mr. STICK: You are satisfied that under the Act you have got all the time you can possibly have?

Mr. CASTONGUAY: Yes. I am satisfied that the present time given now, generally speaking, has worked very well in the last three general elections. I mean the present period of time. I know if we had, let us say, 10 days for enumeration, we might have a better enumeration, but I doubt it.

Mr. STICK: Under the Act as it is now you have a period of 60 days, and you cannot squeeze in any more time.

Mr. CASTONGUAY: I would not recommend squeezing in any more time. If you did so, it would tend to cripple the rest of the system.

The CHAIRMAN: Do you agree to the suggestion?

Mr. MACDOUGALL: I quite agree.

The CHAIRMAN: We are only wasting time if we continue to discuss matters on which we are already agreed. Very well, let us have item 2.

Mr. MACDOUGALL: Item 2 comes under the heading of "Revision", and it reads as follows:

> Clause 225 of General Elections Instructions provides for completion of Form 16 when a name has been left off the voters' list. It is necessary that the agent who fills out and subscribes to Form 15, on behalf of such voter, shall live in the same revisal district. The work in the returning office would be much simplified if it were necessary only that the agent live within the confines of the constituency.

Now, with respect to that, there are certain areas I believe within the dominion—we were only considering those aspects from one locality—where I believe there would be some hesitancy on the part of a returning officer and also on the part of the committee in adopting this recommendation because it might work detrimentally as far as a real honest to goodness canvass of electors is concerned. The reason I brought this suggestion forward is the the revising officer was sometimes inhibited by virtue of that clause which states that he must live in the revisal area.

In my own area or constituency we have six revisal officers, and we felt it would be more advantageous if the revisal officer did not necessarily have to live in the revisal district but was a resident of the constituency. But that again, I say, could be harmful in some other constituencies, as a matter of fact.

The CHAIRMAN: Does any other member of the committee wish to comment?

Mr. CAMERON: I would like to support the suggestion made by Mr. MacDougall. My experience in campaigning has been that we found certain difficulty in connection with the revision in not having the appropriate person in the appropriate revisal district before whom you have to appear; whereas a person who knows the situation and is a resident of the riding can appear before any revising officer. It would lessen the ability of the candidate and the services we are trying to render to the people in the constituency by making our offices available, and by asking them to come in to ascertain whether or not their names are on the list. We usually undertake that if they will sign a form that they are properly entitled to vote, we will see to it that that form is presented to the proper revising officer. So I would support the suggestion that the qualified agent only has to live in the riding and not be restricted to the revisal district.

The CHAIRMAN: Does any other member of the committee wish to speak on this suggestion No. 2 made by Mr. MacDougall? Maybe we might hear from the Chief Electoral Officer now.

Mr. CASTONGUAY: As you know, Mr. Chairman, the revision does not come under our jurisdiction. It comes under the ex officio revising officer, who is a judge and who is solely responsible for the revision. I see no objection to extending this so that the agent can be appointed from the electoral district and not from the revising district. However, I can point out some problems which might arise through it. I know certain districts—not many, but a few—where an agent has arrived about an hour before the revising office closes, and handed in a list of 2,000 applications to put names on the list. That is not a common practice but it has happened in a few cases.

The revising officers consulted our office and my predecessor advised them to take the applications under abeyance and not to refuse them; but just to take them under abeyance. Invariably the names could not possibly be accepted by the revising officer because he could not satisfy himself that those 2,000 applicants were all bona fide. My predecessor advised the revising officers not to let those applications get out of their hands because after the revision the revising officers might be accused of leaving bona fide names off the list. By keeping the applications, they would still have the evidence necessary to establish whether such applications were bona fide or not. There was never any charge or complaint about the procedure followed by such revising officers.

There was one letter tabled here last year from a returning officer in Toronto and if I may, I would like to read it to the committee. The letter is dated August 30, 1949 and it reads as follows:

> Now that the feverish rush of the election is past, I desire to submit for your consideration the following recommendations:
>
> That a change be made to stop the indiscriminate use of Form 15, 16. It is my opinion, the opinion of all the returning officers in Toronto, with

whom I talked and also the revising officers in the electoral district of Parkdale, that the present system lends itself to many abuses and that the "agents", can very easily make this into a racket.

Under Rule (32) Schedule A to Section 17 of the Dominion Elections Act, 1938, a person appearing before a revising officer has to satisfy him as to his qualifications before his name is added to the appropriate official list of electors. I am quite sure the partisan agent is only interested in getting the names of persons favourable to the candidate he represents, on the list and little if any attention is paid to qualifications. I feel sure that unless some restrictions are placed on the use of the forms mentioned above a great deal of trouble will be experienced in the future and delays occur in getting the revision completed.

This is an excerpt from a letter which pertains to the revision and it is from John E. Madden, a Returning Officer from Toronto. The letter is not specific about any particular point. He informed me that what he thought should be done was that the application should be signed before an agent.

My experience in this matter of revision is not very extensive. I think it is a question with which the members of the committee are more familiar because they are the ones who have to deal with this problem. I am not responsible for the urban revision. So I think the members of the committee have more experience with the actual working of the section than I have. I do not feel competent to recommend something which may present a hardship to the agents and to the candidates. Form 15-16 is the form whereby if an elector is absent, the agent who resides in the revisal district may appear before the revising officer in his stead. Beyond that I have no opinion on the matter or any recommendation to make to the committee except what I have just read, the returning officer's recommendation.

Mr. CAMERON: I can see certain difficulties which occur in the committee room at least on the conduct of an election. If the person who saw the applicant was perhaps the person named, he might have to appear before the revising officer. My experience has been that people come to the committee rooms at all hours from the time they open until the time they close and they check up very carefully to find out if their names are on the list. Perhaps they will find out in other ways that they are or are not on the list and they will come to you for you to have their names put on the list. You present to them Form 15 and they complete it. And then the agent who is there takes it at the proper time to the revising officer. But this would mean that whoever witnessed it would have to appear himself before the revising officer. That has not been my practice, at least, in the conduct of elections. The person in the revisal district who takes the applications appears before the revising officer. Whether there is any looseness in that practice or not may be open to question. I never considered it as an abuse at all to have someone come in and say: "I am not on the list". Whereupon I would hand him Form 16, and then send that form to the properly qualified agent and say: "This man is not on the list. Would you take it down and present it to the revising officer for his consideration?" I would hesitate myself to say that the witness and the agent must be one and the same person.

Mr. CASTONGUAY: That letter I received—or rather which my predecessor received—is the only complaint of any abuse that has ever been drawn to our attention with the exception of those other few cases I mentioned. They are very very few in number. You can count them on one hand, that is cases where agents will come in at the last hour with 1,500 to 2,000 applications for registration. We have dealt successfully and satisfactorily with those situations under the present provisions of the Act. I do not see any objection to having the revising agent live anywhere in the district and not necessarily be confined to living in the revisal district. From my point of view I do not see any objection.

Mr. CAMERON: I was wondering if paragraph 4 could not be amended to cover the situation by inserting the words "to the best of my knowledge and belief was signed", or if that would be going too far.

The CHAIRMAN: Does anybody else wish to comment on the matter?

Mr. MACDOUGALL: This situation possibly occurs with more consistent regularity in city ridings. I think that Mr. Macdonald, Mr. Cameron, Mr. Fulford and others who reside in city ridings should also give their expression of opinion in respect to this suggestion.

Mr. CAMERON: That is my experience in three elections at any rate.

The CHAIRMAN: We can allow it to stand, if the discussion has finished on that item, and we can proceed to item No. 3.

Mr. MACDOUGALL: What are we doing with item No. 2?

The CHAIRMAN: It will stand. Item No. 1 will be dropped; and we shall proceed to the end of your brief. After that we will decide on the whole.

Mr. MACDOUGALL: We are letting No. 2 stand?

The CHAIRMAN: Yes. Discussion has finished so far as this number is concerned.

Mr. WYLIE: Why not dispose of each one as we go along, one way or another?

Mr. STICK: I agree with you. If we come back to them, we will be discussing them all over again.

Mr. WYLIE: That is right. You will be starting to discuss them all over again.

Mr. MACDOUGALL: If the Chief Electoral Officer does not see any disadvantage with respect to this, I suggest we dispose of it, as Mr. Wylie has said, as we go along.

Mr. CASTONGUAY: At page 242, rule 33, and the seventh line after "comprised". In order to implement Mr. MacDougall's suggestion, after "comprised" you should delete the following words, "in the revising officer's revisal district", and substitute for those words the following words "in the electoral district in which the revising officer's revisal district is situated". That would give effect to it.

Mr. WYLIE: What page are we on?

Mr. CASTONGUAY: Page 242, Rule 33, the seventh line after the word "comprised" in the seventh line, add "in the electoral district in which the revising officer's revisal district is situated".

Mr. STICK: That seems to cover it.

Mr. CASTONGUAY: Then, it would take an amendment to Form 15 which is printed at page 321. In paragraph 1 of that form the words "revisal district" appear twice and the words "electoral district" would have to be substituted therefor; and that would give complete effect to Mr. MacDougall's suggestion.

The CHAIRMAN: Perhaps someone wishes to make a motion and we will decide on that motion. If the motion goes through it will become part of our recommendations when the committee reports on this work.

Mr. MACDOUGALL: I would move, therefore, with respect to revision, that the suggested amendment be added in conformity with the wishes of the Chief Electoral Officer—as he has just enumerated it.

The CHAIRMAN: I think you should be more specific.

Mr. HERRIDGE: I think the mover should say: I move the following amendment, and the clerk can write it in as it is announced.

Mr. CASTONGUAY: The motion would be: "That rule (33) be amended by striking out the words 'in the revising officer's revisal district' in the seventh line

and substituting therefor the following: 'In the electoral district in which the revising officer's revisal district is situated', and in Form 15 that the word 'revisal' be changed to 'electoral' in each place where it appears in paragraph 1 thereof".

The CHAIRMAN: Shall that amendment carry?

Carried.

We will go on to number 3, advance poll.

Mr. MACDOUGALL: This is a tough one.

> At present the advance poll is held Thursday, Friday, and Saturday immediately preceding polling day. I believe that it should be held for a longer period, say for one week, on the Thursday night before the date of polling. Under the present regulations many fishermen and seasonal workers lose their vote by having to leave for a point of potential employment previous to the date of the advance poll opening. It also inhibits, if not completely prevents, those engaged in long train or boat journeys from having an opportunity of using their franchise. At present it is rather difficult to get the lists of those who vote at advance polls in the hands of the Deputy Returning Officer before the general poll opens on Monday. If the advance poll were kept open for a week, closing on the Thursday night previous to polling day, more people would be given an opportunity to cast their ballots, and there would be ample time for the Returning Officers to get the lists into the hands of the Deputy Returning Officers. In this I feel that those eligible to vote at advance polls should further include loggers and general timber workmen who are in many instances on seasonal employment.

I know in consideration of this advance poll matter that we have to keep in mind the possibility of extending polling day from one day to the number that is included here, inasmuch as a lot of people would possibly take advantage of going to the polls in one of these days rather than on polling day. However, it does seem to me, and to the returning officers with whom I have discussed this problem, that a wider range of choice should be given to those who are eligible to vote at advance polls.

Mr. STICK: To carry on the discussion, the advance poll now closes on Saturday?

Mr. CASTONGUAY: Thursday, Friday, and Saturday—it closes on Saturday night.

Mr. STICK: According to this it would close on Thursday?

Mr. CASTONGUAY: That is right.

Mr. STICK: And Friday and Saturday would be eliminated?

Mr. WYLIE: And Sunday too.

Mr. STICK: People travelling back on Sunday would be eliminated because the advance poll would be closed. I cannot quite see Mr. MacDougall's point. If you have an advance poll for a week instead of three days, I do not see any advantage of closing it on Thursday before polling day. It might just as well stay open until Saturday. Did you take that into consideration?

Mr. MACDOUGALL: I did not, but I would be quite prepared to take it into consideration.

Mr. STICK: I do not think we should close it on the Thursday before polling day; leave it as it stands over until Saturday. I am in agreement with Mr. MacDougall on loggers because loggers in Newfoundland, as I pointed out, are on seasonal employment. They leave home and go out into the lumber woods for the season. If you have the privilege extended to fishermen I think you should extend it to loggers because the same condition applies in Newfound-

land to lumbermen. There are just as many loggers in Newfoundland who go out to the lumber camps as there are fishermen going fishing. I am in agreement that loggers should be extended the privilege of an advance poll. I would like to see the advance poll not close on Thursday but on Saturday as it does now.

Mr. WYLIE: May I ask if fishermen are included in the advance poll now?

Mr. STICK: Yes, but loggers are not. Fishermen are included in the advance poll, Mr. Castonguay?

Mr. CASTONGUAY: Yes, they are. As far as the extension of the advance poll is concerned I think I dealt with that question extensively before and I think it is a matter that resolves itself to this. If we are going to have a period of a week's advance poll or ten days, you have to extend the period between nomination day and polling day. The period is fourteen days—twenty-eight in some—but fourteen in the majority of electoral districts.

Mr. STICK: I understand that this resolution is not going to apply to cities. This is going to apply to rural areas mostly because that is where you get loggers and fishermen.

Mr. CASTONGUAY: No, this would apply in all electoral districts.

Mr. STICK: Then nomination day down where we are is twenty-eight days instead of fourteen.

Mr. APPLEWHAITE: I do not think yours is a correct statement. At least 50 per cent of the fishermen on the west coast would be living in an urban riding.

Mr. CASTONGUAY: The amendment would affect every electoral district. Advance polls apply in the same fashion in every electoral district in Canada. The one objection I see from the point of view of the candidate and from the point of view of the administration of the election is that you are going to have ten days of advance polls, during which everybody may vote, and you are therefore going to have ten days of general election.

Mr. STICK: It doesn't say ten days here.

Mr. CASTONGUAY: Well, the suggestion means it would be a week and you say you should close it on Saturday—that is then nine days. Whatever the period is you will have from four to ten days of general election and, as Chief Electoral Officer, I would not like to see ballot boxes hanging around for ten days.

Mr. WYLIE: Hear, hear.

Mr. CASTONGUAY: Secondly, from the point of view of the candidates, if the privilege of voting at advance polls is to be extended to every person or to more groups of persons, then every candidate is forced to have an agent in each poll during the voting period. You are going to have more advance polls, and ten days or six days or four days of general election. I understand there are complaints from candidates regarding the cost of elections and if the privilege is extended you will be increasing the cost by having four days or ten days of general election.

From the point of view of administration I do not like to see ballot boxes hanging around the deputy returning officers' houses for ten days—it just puts temptation in their way.

Mr. STICK: Yes, but do not misunderstand me. I am not against leaving the advance poll as it is, but if we have this privilege extended to fishermen I would like to see it extended to loggers.

Mr. CASTONGUAY: I have no recommendation to make to the committee on that question, but as far as extending the period of the advance poll is concerned I think there is a great danger in that, and it would be perhaps regretted in the future.

Mr. MacDougall: I agreed with that when I read the statement. Could we overcome the difficulty by leaving the Act as it is but extending the privilege for those that can vote at advance polls to include loggers?

Mr. Castonguay: I have a definition for lumbermen which was prepared for the absentee vote in 1935. If I were to read the definition it might fit in with the persons you intend to cover, and it may be a matter of including this expression in section 95. It used to be section 99 of the Act.

> (*c*) "lumbermen means and includes cruisers, loggers, bushmen, sawmill employees and all persons who are engaged or employed in or about any of the processes of lumbering as an industry, including surveying, felling, hauling, driving and milling lumber or timber;

Mr. MacDougall: That is all-inclusive.

Mr. Castonguay: If it is desirous of extending it to include lumbermen in section 95, it just means using this description and amending section 95 to include lumbermen.

Mr. Herridge: That would be a very wide definition. I understand that fishermen are included because they leave a certain port and go to sea. If you include lumbermen in the absentee vote you would get large numbers of people living in small towns or villages who work, say, in a sawmill or in the woods in the daytime but come home at night. Large numbers of these people are not away from home in the accepted sense of the word. I think you would have just what the Chief Electoral Officer said—in many communities you would have a total election taking place at the advance poll. In the circumstances mentioned by Mr. Stick they may be a long way from home.

Mr. Stick: Two or three hundred miles away anyway.

Well, I am only using the argument for the fishermen as it applies against lumbermen for the sake of discussion. The same thing applies to fishermen down our way. They may only be away a couple of days or a week, while some of them go for the whole season—and the same thing applies to lumbermen. They may go away for a month or four or five months as the case may be. I do not see how you can deny them the privilege at all. If you leave it blank, and if a man is going to be away the returning officer would know how long he would be away in our area—he would know whether it was a week or so and he would give the privilege of voting at the advance poll. The time away from home applies equally to fishermen as it does to lumbermen.

Mr. Castonguay: The definition of "fishermen" is pretty broad: "Fishermen" means all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling.

That is very broad and we have had no difficulty with that particular definition. I do not think we would have any difficulty with lumbermen because we will have restriction as to the number of advance polls that can be established, according to the section passed at previous meetings, that there can only be advance polls established in incorporated villages, towns, or cities having a population of 500 or more. It will not mean an increase in polls to the extent I am afraid there would be if it were a general amendment entitling everybody to vote at advance polls.

Mr. Fulford: Do I take it that in 1935 lumbermen were allowed to vote at advance polls?

Mr. Castonguay: It was at the 1935 general election that there was absentee voting for the first time and persons who were allowed under absentee voting procedure to vote were fishermen, lumbermen, miners, and sailors. That was not advance polls, but absentee voting.

Mr. FULFORD: That has been wiped out?

Mr. CASTONGUAY: The experience of 1935 showed that it was not very successful in its application. I think it was estimated that each vote cost around $60 to take and that out of 5,000 ballots about 1,500 were rejected. I am speaking from memory but I think 1,500 were rejected out of 5,000. So, its first experience at a federal election was not successful.

Mr. STICK: The advance poll is taking the place of absentee voting?

Mr. CASTONGUAY: No. All I was trying to do was to assist the committee by providing a definition of lumbermen if they wished to extend the privilege to such persons.

Mr. STICK: Lumbermen had it in the first place in the absentee voting?

Mr. CASTONGUAY: Yes.

Mr. STICK: But they were left out when you decided to have advance polls?

Mr. CASTONGUAY: The committee decided to leave them out.

Mr. APPLEWHAITE: Well, the difference is this. Fishermen and commercial travellers have a permanent home and in the course of their duties they make trips away from home and back. If those trips do not coincide with election day they have to wait over for four or five days before they can go out again and so they have some dead time. I do not think the logger is quite comparable because he goes to camp for the period that the camp is there. I know in my district there was some small but noisy request for it but in the last three dominion elections there have been practically no moves between nomination day and election day anyway, and very few loggers could have taken advantage of it. Those who found themselves disenfranchised would have been disenfranchised if they had been permitted to vote at advance polls because their moves took place so quickly.

Mr. CASTONGUAY: If they are moved within an electoral district we can take care of them but under the present legislation we do not have that authority if they are moved out of the district.

Mr. STICK: I do not understand lumbering in any other parts of the country, but in lumbering in Newfoundland they go two or three hundred miles away from their home—although some stay in their own riding.

Mr. CASTONGUAY: That could not be provided for under the Act.

Mr. STICK: Yes, but I am only speaking of my own knowledge. I cannot speak for British Columbia but advance polls in Newfoundland could apply exactly the same for lumbermen.

Mr. WYLIE: I suggest that we leave the Act as it is. If we are going to include all lumbermen and everyone else we are going to do the same with other groups. I have farmers who are living on the farms in some other constituency who have requested the same thing of me. We have civil servants who go on holidays and they do not like being disenfranchised any more than anyone else. I think if we are going to broaden it let us make it broad or else leave it the way it is. As far as I am concerned I think the only ones who are entitled to vote, as far as my constituency is concerned, are the railroad men and the commercial travellers. I have no lumbermen and I have no fishermen. Those two classes are all we need in the mapority of constituencies until you get out to the coast, where you perhaps come to a constituency like Mr. Herridge has. I would not suggest we change the Act. I think it should be left the way it is and left for three days before the election—Thursday, Friday and Saturday. I think that is broad enough so that it gives everyone a chance to get back. If they are not back on Saturday they are back on Sunday and they can vote on Monday. Let us leave it as it is.

Mr. MACDOUGALL: I am prepared to withdraw this.

Mr. STICK: I am not; I have a point there.

Mr. MCWILLIAM: Have you received any representations to widen the groups who vote at advance polls?

Mr. CASTONGUAY: Yes, we have.

Mr. MCWILLIAM: For what classes?

Mr. CASTONGUAY: The letters were presented to the committee last year.

Mr. MCWILLIAM: Just from memory.

Mr. CASTONGUAY: There are so many letters I would like to refer to the correspondence.

Mr. MCWILLIAM: I am getting at the lumbermen. I think consideration should be given to them.

Mr. CASTONGUAY: These representations were received from construction men, Canadian General Council of the Boy Scouts Association; the Ontario, Quebec-Maritime District of the Kiwanis International also sent a resolution to the committee.

Mr. APPLEWHAITE: What class of people are they interested in?

Mr. CASTONGUAY: I will read the letter. It is addressed to the office of the Prime Minister, Parliament Buidings, Ottawa, Ontario, and dated the 11th of November, 1949.

Dear Sir:—

At the 32nd Annual District Convention of the Ontario-Quebec-Maritime District, Kiwanis International, the following resolution was passed:

Whereas under the Dominion Election Act no provision is made for the casting of his vote by a qualified elector who, by reason of illness or absence from his Polling Division on the day of election, or for any other reason beyond his control is unable to exercise his franchise, although special provision is made for voting by certain category of electors, such as travelling salesmen, railway employees, etc.,

Whereas qualified voters are thus, for reasons beyond their control, deprived of their franchise,

Be it therefore resolved that the Prime Minister and members of his Cabinet be and are hereby respectfully requested to consider amendments to the Election Act of Canada providing adequate opportunity and procedure for the exercise of their franchise by duly qualified electors who, through circumstances of illness or occupational requirements, are unable to attend and vote at the time and place prescribed for an election held under the provisions of the Election Act of Canada, and that the said Election Act be amended accordingly.

This resolution was passed unanimously by the delegates present who represented the 6,500 Kiwanians in Ontario, Quebec and the Maritime Provinces.

Yours faithfully,

(Sgd.) A. G. Savage,
District Secretary.

Mr. APPLEWHAITE: I do not think that applies to advance polls.

Mr. CASTONGUAY: I have another one from the Boy Scouts Association. Would you like me to read that one?

Some Hon. Members: No.

Mr. STICK: I want to go on record. I made representations to this committee last year on this same point. There was a difference between the provincial voting and the federal voting of some 7,000. Seven thousand less votes were cast in the federal election than there were in the provincial election, in my riding, and the reason for that was that the fishermen and loggers had gone away.

Mr. WYLIE: They would not have voted for you anyhow!

Mr. STICK: I would have had more. Of course, I know this works both ways. But I want to go again on record that I am against advance polls and for this reason, that when you make a law and then you start making exceptions the question is where to stop making exceptions. Now, you have this situation that railroad men and certain other people have been given privileges and you want to give fishermen the privilege but you are debarring other people who are just as much qualified to have those privileges as the others. Now, I am on record that I am against advance polls but you have a precedent here in Canada, and as Mr. Castonguay said here this afternoon, we started the absentee voting and you now give the advance poll to the fishermen, but you do not give it to the lumbermen. Why is that? I am against advance polls. If you are going to extend it to one class, the fishermen, at the same time debarring others, I am against it. The idea in our Election Act is to get as many people out to vote as is possible. Although 7,000 people did not vote, and I know there were 2,000 or 3,000 who were away from home, I am not saying that they would have voted in the advance poll, but there was the situation. When I brought the question up with Mr. Castonguay before I said it was all right as far as I am concerned but there is a principle involved; you extend it to one and take it away from the other when the conditions are exactly similar. If the committee wishes to vote I am against it, but I will abide by the decision of the majority, but I am against favouring one class of persons and debarring another class.

The CHAIRMAN: Will you make the motion?

Mr. STICK: Mr. MacDougall has made one.

The CHAIRMAN: No, he has withdrawn his motion.

Mr. HERRIDGE: This is a very complicated question, Mr. Chairman, and I do not think the committee can make any decision here from the information we have. Could we not pass a resolution recommending some study of this particular situation so that all phases of it could be gone into and a report made to the committee at its next sitting or next time the committee is called?

Mr. CASTONGUAY: I made a study of the matter and explained it to the committee at a former meeting. I feel that under our present system you cannot extend it generally to all classes because our system is elastic enough as it is. Where they have this absentee voting and where they have voting by a postal ballot they have permanent lists. I maintain, and I am very opinionated about this question, that if we are going to extend or provide voting privileges and facilities for people who are absent from their electoral district on voting day then we have to change our present method of compiling the lists, and adopt the permanent list. A permanent list is no answer because a permanent list means a closed list in rural areas and everywhere else. There are the various processes of revision, enumeration and so on, of a permanent list. Then it is closed for a specific time. If there is a biannual revision then it is opened twice a year. There is no way to get on the list in between times if a permanent list is adopted, and all in all you may find that as many electors have lost their franchise by virtue of the fact that there is a closed list as you have now because they have not the facilities. It is a question that is insoluble. I made a very exhaustive study of that and certainly we need our system changed if we wish to provide facilities to everybody to vote who are absent from their electoral districts, and still keep safeguards. In the advance polls you have to have

a duplicate certificate sent where the person would normally vote to stop that person voting twice or to stop somebody from voting in his place.

Mr. MacDOUGALL: I have agreed to drop No. 3.

The CHAIRMAN: Maybe we can have further information, Mr. Castonguay, as to the number of electors who are entitled to vote in advance polls and the number of those who take advantage of this opportunity.

Mr. CASTONGUAY: That would be a tremendous job, Mr. Chairman. All I know is that 11,000 advance votes were cast at the last general election. To find out how many people would be entitled to vote would be a tremendous task.

The CHAIRMAN: I thought you had that figure.

Mr. CASTONGAY: No.

The CHAIRMAN: Well, that is all right then.

Mr. FAIR: I think if you look over the records of committee proceedings for the past 15 years, you will find that every committee discussed the question of advance polls and while the recommendations of every committee were for giving everybody the privilege of voting, and certain changes were made on different occasions, it was not found possible to cover the case of everybody concerned and while this committee wants, as all of the others wanted to do, to cover everybody, I do not think you can cover everybody. If you will look up the records you will find that 30 per cent of those to whom the vote is available did not make use of that privilege.

The CHAIRMAN: More than that in my division.

Mr. CASTONGUAY: The average percentage of electors who voted at the last general election was 75 per cent.

Mr. STICK: I am going to move that advance polls be abolished.

The CHAIRMAN: At the last election we only had 11,000 votes cast at all the advance polls. Have you got any figure as to what it costs the nation to operate these advance polls?

Mr. CASTONGUAY: Since 1921?

Mr. MACDONALD: In line with this motion that advance polls be done away with: We have many people who for the welfare of the nation find it necessary to be absent on election day for whom some machinery must be set up, particularly for people in the transportation industry, to be able to decide whom they wish to vote for.

The CHAIRMAN: We have it for the railway men.

Mr. MACDONALD: Of course, and it must be continued; and we have other people in commercial enterprises too.

Mr. WYLIE: There is a motion before the committee that advance polls be done away with. That has been moved by Mr. Stick.

The CHAIRMAN: Maybe we can hear a little more on the subject from the Chief Electoral Officer before we vote on it.

Mr. CASTONGUAY: I certainly would not like to have the responsibility of recommending that advance polls should be abolished. I would like to give the committee some information as to the number of advance votes that were cast since 1921. In 1921, there were 7,691; 1925, 6,947; 1926, 11,200; 1930, 10,780; 1935, 10,985; 1940, 10,379; 1945, 10,086; 1949, 11,189. There has been on an average about 200 advance polls established at each general election in all the country.

Mr. APPLEWHAITE: Speaking to Mr. Stick's motion. Surely the purpose for which we are here is to adopt any improvements that we see fit to the Dominion Elections Act, now the Canada Elections Act, and I do not think we can agree that anything in the nature of a backward step is an improvement.

We have seen the amount of discussion caused by the fact that some people are still not permitted to vote at the advance polls. You can imagine what would happen if you started removing that privilege from those who over a period of years have got used to it. I do not think we can entertain the motion. I think we have to defeat it.

The CHAIRMAN: Shall we vote on the motion?

Mr. STICK: It has not been seconded, Mr. Chairman.

The CHAIRMAN: Those in favour?

Mr. STICK: I withdraw the motion.

Mr. MACDOUGALL: I will read item No. 4, tariffs:

> The allowance for rental of office and office equipment and upkeep needs to be, I believe, increased above the $100 now provided. Furthermore tariff item No. 4 is not sufficient to provide a salary for efficient stenographic and clerical assistance at a rate comparable to what is being paid for the same work in other fields of endeavour. Additionally, it is difficult to get proper stuffing of envelopes and addressing for the remuneration of $1.00 per hundred. The payment to be allowed election clerks should be fixed in order to avoid controversy and make available efficient assistants for full time duty.

That is self-explanatory.

The CHAIRMAN: Would anybody like to make a motion?

Mr. CAMERON: On that point I was going to make a blanket motion covering many items on the tariff including the ones mentioned by Mr. MacDougall specifically in regard to the amount allowed for the rental of a place for the returning officer to carry on his business. The suggestion that I would have made would have been $100 for such an office in the urban ridings plus the rent necessarily paid for furniture, typewriters, and adding machines, supported by proper vouchers, and the $100 would be subject to the overall discretion of the Chief Electoral Officer to recommend a higher allowance if he thought it was necessary and expedient to do so.

Mr. APPLEWHAITE: On that item, the item where the allowance for the period of the election is $100 or $75, depending on the electoral district, I draw to your attention the fact that the same regulations, under item 24, allowed $20 for the use of an office by the revising officer for three days, but the item of $75 in the rural areas and in the urban areas $100 for the rental of space for the whole period of the election is absurd.

Mr. CASTONGUAY: I think I can explain the rental provisos of the tariffs. Those allowances are set on this basis: That where a returning officer uses his own premises in the rural area he receives the fixed allowance but in a city like Vancouver or Toronto or Montreal you could not find office space for a month for that price, therefore, the returning officers are instructed to find suitable quarters after the writs issue. Of course, they cannot make commitments before the writs issue because they do not know when the writs are going to be issued. The practice has been, and we have the authority under the Act, when a returning officer from a large city telephones and gives us an estimate as to what he has to pay for rent, if it is reasonable we authorize payment, and I think the highest rent we had to pay at the last election was $500 for a period of ten weeks. I am speaking of the large cities now. We authorize increased allowances if they are reasonable. The returning officer has ten days before the enumeration begins so certainly when a returning officer contacts us by telegram or telephone informing us that he has in view a place renting at $400 we do not ask him to go around and get some place $50 cheaper because time does not permit him to shop around. We have no difficulty with this item of the tariff. I want to inform the

members of the committee that the tariff is now under general revision. In 1948 that tariff was comparable to any allowances paid by any provincial government for the same purposes. I made a survey of all the fees and allowances paid by the provincial governments at the latest general elections they have had and it may help members of the committee to get a clearer perspective of the rates we pay in comparison to provincial rates. I feel very strongly about the remuneration of the deputy returning officer; I think he is underpaid. The deputy returning officer arrives at the poll at eight o'clock and he is there until six o'clock, that makes ten hours; after the poll closes he is there for an additional three hours, and he arrives at the poll generally an hour earlier so that in all it makes for a fifteen hour day and, if he is conscientious, before polling day he will make a study of the instructions and forms and that will take a couple of hours. We raised the rate from $7 to $9 in 1948. $9 is, in my opinion, still too low. I think he should be paid at least $12 for his services. However, that is under review now. In setting a tariff my predecessor has always been governed not to be the highest in the country and yet not to be the lowest. You have to take the provincial setup into consideration because certain provinces pay much less than we do. We get criticism that we do not pay as much as certain provinces. Well, we have to sort of play ball with those provinces that have lower rates. If you have good enumerators you will have a good enumeration which will help the candidate, it will help everybody if you have a better list and on polling day if you can make the fee attractive to secure the services of a competent person to act as deputy returning officer certainly the conduct of the poll will be that much better and there will be less irregularities of omission. As you see I have the tariff under review. I prepared this survey, but I wanted to wait, before recommending a tariff, until the work of the committee was finished.

Mr. STICK: Mr. Castonguay, you are not basing the recompense of the enumerators only on the work performed by them?

Mr. CASTONGUAY: No, it is based on the responsibility also, but I am just speaking now to point out this one aspect of their duties and point out the actual time a person has to spend on the work, but the responsibility is always there.

Mr. STICK: That is what I wanted to point out; the responsibility was always there.

Amendments that have been approved by the committee will result in certain economies. The new mailing procedure for sending copies of urban lists of electors to certain electors is one. I might point out to the committee that the new procedure will have 50 per cent of the clerical assistance that a returning officer formerly required in urban areas. We used to allow them one cent per name for mailing the list to each urban elector. Under the new mailing procedure they will now only mail 50 per cent of the lists; so that means that in an urban area containing 40,000 names they will now send out only 20,000 lists.

Mr. APPLEWHAITE: When you have allowed an upward revision such as you mentioned, was that done under section 60 of the Act?

Mr. CASTONGUAY: Yes, under section 60 of the Act. However the higher rental allowances authorized in large cities were granted under item 40 of the tariff which reads as follows:

> Item 40. In any case in which the allowances provided in the preceding items of this Tariff of Fees do not, by reason of the size or character of the electoral district or other special circumstance, constitute adequate remuneration to an election officer, the Chief Electoral Officer may authorize the payment of such increased allowance as is deemed necessary to provide a sufficient remuneration.

This is the item of the tariff which my predecessor used to authorize rents higher than those provided for in the tariff. I have been in several rural electoral districts during by-elections when the returning officers found it more convenient to use their own houses for offices. They would not have to pay for extra clerks. There would be some one of their own family to answer the phone. There is no mailing list required in rural areas and generally speaking they would require far less clerical assistance than urban returning officers. So they could operate very well in their own homes. The clerical work would be done in their own family circle. So generally speaking all rural returning officers use their own premises. The result is that the money paid for rental of office accommodation is paid to them.

But in an urban electoral district the rate provided in the tariff could not possibly meet what they would have to pay, for example, in Vancouver or Winnipeg or Toronto. You could not possibly find premises in those cities for a period of ten weeks for a rent of $100.

Mr. APPLEWHAITE: I also think that in some rural ridings, as far as I am familiar with them, the premises normally occupied by the returning officers would not be adequate. We have had three different returning officers in the last twenty-five years and they have all had to have additional space. They simply had to, because the ballot boxes alone could not be got into their premises.

Mr. CASTONGUAY: The returning officer would advise us and would say that his premises were not suitable. And if my predecessor approved the rent which they asked, he would allow it. I agree with Mr. Cameron's suggestion that office furniture, typewriters, and the installation of telephones be recorded as separate items of account which would be submitted to us along with vouchers. But when the house was included in the rent, you certainly cannot provide for these things under that basis.

Mr. APPLEWHAITE: Do I understand correctly that the Chief Electoral Officer is in the process of working out a revised schedule of fees?

Mr. CASTONGUAY: Yes, I am.

Mr. MACDOUGALL: That being the case, then this is superfluous.

Mr. CASTONGUAY: Well, it is not superfluous in this way that if I increase the allowance to a deputy returning officer to $12, the effect of it would be to increase the cost of the next general election by $120,000. That is only one item of about 40 items.

Mr. STICK: How much is that?

Mr. CASTONGUAY: There are 40,000 polling stations; and if you increase the deputy returning officer by $3, that is an extra cost of $120,000; and if you increase the poll clerks by $2, that means $80,000; and if you increase the urban enumerators by one cent per name, that means really 2 cents because there are two urban enumerators per polling division; and if you increase the urban enumerators by 2 cents, that means another $80,000. Whatever the item is, you multiply it by 40,000 or by 4 million. So that this question is not superfluous.

The CHAIRMAN: We can make a recommendation just the same, because we all have complaints from our people.

Mr. STICK: They pay $10 in the province, and $9 for the federal.

The CHAIRMAN: I suggest that the items stand; and that it be up to the government to decide what they will do about it.

Mr. DEWAR: A general election only comes once in every four or five years, and I think from the presence of the members here today there is some indication of the importance of it; and I think we should give this matter some attention. I do not believe we should measure it in terms of thousands of dollars or hundreds of dollars. In order to get the best kind of enumerators

or officials you cannot go out today and get them at rates which are prevailing. I believe that the members present here today will agree that our rates are not too outstanding. That is the way I put it from the standpoint of altruism or patriotism. And it goes further than that. My recommendation would be that we consider increasing these rates.

Mr. APPLEWHAITE: We have done it for the Civil Service; and organized labour has done it right across the board.

Mr. CAMERON: Before this gets into too general a discussion, and in view of the fact that Mr. MacDougall suggested these items 4, 7 and 8, I would like to say something on the subject if I am permitted. I would like to say now that the Association of Returning Officers has been formed in the Toronto area and in the outlying ridings; and I have here their views on the subject matter of tariffs. There are some 24 ridings represented by these views.

How to bring the matter concisely before the comittee is probably a problem, but I shall move a motion along these lines:

> That the Chief Electoral Officer give consideration to amending the tariff items to be set forth and fees suggested for the services, and that he then report back to this committee.

The members can express their opinion on it now. I read as follows:

> Item 1: For personal services in the revision of polling divisions, in the selection of urban and rural enumerators, and in other duties which must be performed before the date of the issuing of writs ordering the general election, in accordance with instructions of the Chief Electoral Officer, including any clerical assistance required in connection with such preliminary duties, and the storage of enumeration supplies received in advance; and allowance of $2.50 for each polling division comprised in the electoral district.
>
> NOTE: Except in the case of urban polling divisions, the returning officer in connection with the above mentioned preliminary duties is entitled to travelling allowance specified in item 38 hereof.

During General Election

> Item 2: For all personal services:
>
> (*a*) An allowance for the name of each elector on the finally revised list of 4 cents per name.
>
> (*b*) In areas in which the polling divisions are rural: an allowance of $8 for each polling station necessarily established.
>
> Item 3: For services attending at a recount held under section 54 of the Dominion Elections Act 1938, for each day after the application for a recount has been received until the decision of the judge, an allowance of $15 per day.
>
> Item 4: For services of stenographers and general clerical assistance, not exceeding:
>
> (*a*) In areas where the polling division are urban an allowance of 3 cents for the name of each elector included in the finally revised lists.
>
> NOTE: In urban areas, when the election is not contested, an allowance not exceeding $1\frac{3}{4}$ cents per name of each elector in the finally revised lists.
>
> The request for 3 cents per name for clerical assistance is based upon the experience of returning officers in having to pay a minimum of 1 cent per name for addressing, inserting and sealing lists of electors, whether this be done by a mail service company or by individuals.

Item 5: For stationery, postage, telegrams, local and long distance telephone accounts and other incidental outlays, including any amount paid for posting up notices of revision, advance poll, the amount shown by vouchers, submitted to have been necessarily and reasonably paid.

Item 6: For the rental of an office in connection with the conduct of the election, $100 or such amount as may be necessitated by expediency and approved by the Chief Electoral Officer, and such amounts as may be necessarily paid for rent of furniture, typewriters and adding machines, supported by vouchers.

SECTION 2—ELECTION CLERKS

Item 7: For services attending at the nomination of candidates, an allowance of $15.

Item 8: For services at the office of the returning officer on the three days during which advance polls are open (if an advance poll is authorized in the office where the returning officer is situated) an allowance of $15 per day.

Item 9: For services attending at the office of the returning officer on the ordinary polling day, an allowance of $25.

Item 10: For services attending at the final addition of votes, an allowance of $15.

Item 11: For services attending at a recount held under section 54 of the Dominion Elections Act, 1938, for each day attendance, computed from the date of an application for a recount until the decision of the judge, an allowance of $12 per day.

SECTION 4—ENUMERATORS

Item 20: For all services in connection with the preparation of the preliminary lists of electors and the necessary number of copies thereof, an allowance of 9 cents will be made to each enumerator for the name of each elector properly included in the preliminary list for the urban polling division for which such enumerator has been appointed.

SECTION 7—REVISAL OFFICE

Item 24: For a building, or part of a building, used as a revisal office, (including necessary fuel, light and furniture) for three days of the sitting of the revising officer, an allowance of $45.

SECTION 9—DEPUTY RETURNING OFFICERS, AND POLL CLERKS AT ORDINARY POLLS

Deputy Returning Officer

Item 28: For all services, including travel and attendance at ordinary polling station on polling day, an allowance of $12.

Poll Clerk

Item 29: For all services including travel and attendance at ordinary polling stations on polling day, an allowance of $8.

SECTION 10—DEPUTY RETURNING OFFICER AND POLL CLERK AT ADVANCE POLL

Deputy Returning Officer

Item 30: For all services including (*a*) necessary travel; (*b*) attendance at advance polling station on Thursday, Friday and Saturday preceding ordinary polling day; and (*c*) attendance at advance polling station on Monday (ordinary polling day) for the counting of the votes; an allowance of $30.

Poll Clerk

Item 31: For all services including (*a*) necessary travel; (*b*) attendance at advance polling station on Thursday, Friday and Saturday immediately preceding ordinary polling day; and (*c*) attending at ordinary polling station on Monday (ordinary polling day) for the counting of the votes; an allowance of $22.

SECTION 11—POLLING STATION

Item 32: For each polling division comprised in cities and towns of over 10,000 population and in other areas directed by the Chief Electoral Officer to be treated as such: an allowance of $15 for a building, or part of a building, used as an ordinary polling station (including fuel, light, furniture and screen) and another allowance of $7 for each additional polling station established in the same building for such polling division.

Item 34: For a building or part of a building used as an advance polling station (including light, fuel, furniture and screen) for the three days that an advance poll is open, and for the counting of the votes on ordinary polling day, an allowance of $40.

Interpreters

Item 36: For services of an interpreter at a polling station, when duly appointed and sworn by a deputy returning officer, when necessarily employed while the poll is open, an allowance of $5.

Constables

Item 37: For the services of a constable at a polling station when duly appointed and sworn by the deputy returning officer, and necessarily employed while the poll is open on polling day, an allowance of $5.

SECTION 13—TRAVELLING EXPENSES

Item 38: For necessary travel in connection with an election, including all expenses and services, except in the case of messenger and election clerk:

In areas designated as urban polling subdivisions, if the election is contested, an allowance of $1 for each 300 names of electors on the finally revised urban lists, or if the election is not contested, an allowance of 50 cents for each 300 names of electors on the finally revised list of electors.

The CHAIRMAN: Is there a total amount under the expenditures proposed?

Mr. CAMERON: No. But I would imagine that the figure would be quite impressive if it is all added up. But this is the recommendation of 24 experienced returning officers most of whom have had experience in anywhere from one to probably three or four elections. And I am suggesting that their recommendations be passed on to the Chief Electoral Officer for his consideration and

recommendation one way or another, and then brought back to this committee. I think they are entitled to serious consideration because they are considered opinions and they are arrived at after many meetings and discussions which were held in connection with them.

Mr. MacDougall: That is approximately 10 per cent of the deputy returning officers of the dominion.

Mr. Cameron: Yes, 10 per cent or 11 per cent.

Mr. Dewar: But if a man is charged with the responsibility of taking care of the vote, he should not be paid as if he were a common labourer. There are very few common labourers today who cannot go out and earn $10, $12, or $15 a day. And if we do not think enough of our democracy to pay these fellows well, then we ought to fold up. That is my opinion.

The Chairman: The Chief Electoral Officer told us a moment ago that he had given some consideration to this problem. I understand that he has come to certain conclusions. I shall ask him to give us the substance of his findings.

Mr. Castonguay: I received a report of the recommendations from the returning officers at Toronto and I have given them, as well as many other representations received on the matter, a great deal of consideration. I have here what I feel may be fair and reasonable recommendations for increases to the tariff which I propose to make to the Governor in Council. It is not my final recommendation. I have been working on this question for some time, studying this for some time, and if the committee would like, I will read what my proposal may be.

For item 1, $2.50—an increase of 50 cents is suggested for the preliminary work.

Mr. Applewhaite: This is on page 90?

Mr. Castonguay: Yes. That would be an increase of 50 cents per polling division.

Mr. Stick: What do you mean by a polling division?

Mr. Castonguay: Before the election is ordered, I propose to instruct my returning officers to arrange their electoral district into polling divisions—that is, they estimate and try wherever possible not to establish polling divisions which will exceed 350 electors. I know of certain sparsely settled districts where they go as low as 7 electors, but they are not to exceed 350, if possible.

Mr. Stick: What is the $2 for?

Mr. Castonguay: The $2 is for the revision of their polling division arrangement. Their fees for the revision of the polling division arrangements. It also covers storing of election supplies for perhaps six months or a year; it includes clerical help necessary for the preparation of copies of the lists which are given to each recognized political party. It is mainly for the revision of their polling division arrangement in their electoral district.

Mr. Stick: You are paying $2?

Mr. Castonguay: Yes. We now propose to pay $2.50. That fee was set in 1948 for the first time and it was set at $2. I am proposing to raise it 50 cents. The effect of that is that there were in Canada 31,000 polling divisions at the last general election and this increase would represent an additional cost of $15,000. Of course, he gets his travelling allowances and living expenses while he is travelling.

Mr. Macdonald: That is in rural areas?

Mr. Castonguay: In every area.

Next, item 2 for all personal services, in a general election, in urban areas 3½ cents per name. In urban areas the average electoral district has 40,000

names on the list. That makes $1,200 or rather $1,400 fees for ten weeks' work. The returning officer is paid for the preliminary work by item 1, and then, when the writ issues he is in business for a period of ten weeks, that is two weeks after the election—that is in an urban district. The old rate was 3 cents, or $1,200 for the ten weeks. That money represents personal fees—he does not have to pay out any of that money and so I thought a half cent increase may be sufficient.

In rural areas I suggest $7 per polling station. In electoral districts with 150 polling stations the returning officer would receive about $1,000. The returning officer in rural districts is generally longer in business.

Mr. APPLEWHAITE: May I ask a question?

Mr. CASTONGUAY: That is an increase of $1.

Mr. APPLEWHAITE: Where you have an urban area in a rural polling division, does he then get so much per name for the urban section and so much per station for the rest?

Mr. CASTONGUAY: That is correct. When the election is not contested in urban areas the rate suggested is 2½ cents for the name of each elector. In rural areas the rate will be $4.75 per polling division.

Mr. MACDOUGALL: That is in an acclamation?

Mr. CASTONGUAY: Yes, in the event of an acclamation.

Item 3, for services attending at a recount held under section 54 of the Dominion Elections Act, 1938, for each day's attendance, as certified by the judge, an allowance of $15—that is a suggested increase of $5.

Item 4, for services of stenographers and general clerical assistants, the allowance now is 2 cents per name and the suggested increase is ½ cent per name. In considering this I had also to take into consideration the fact that we are saving 50 per cent of the clerical assistants by the new mailing procedure. Where they formerly had to send out 40,000 envelopes now they only will send out 20,000 envelopes. So the new procedure must be taken into consideration when setting the rate.

In rural areas my proposal is $2.50 for each polling station.

Where the election is not contested, the rate in urban areas is suggested at 2 cents for the name of each elector included in the finally revised lists, and, in rural areas, the rate suggested is $1.75 for each polling division necessarily established.

Item 5 has been redrafted and reads: for stationery, postage, telegrams, and long distance telephone tolls, or other incidental outlays: the amount shown by vouchers submitted to have been necessarily and reasonably paid.

That covers all the objections made by returning officers in the past.

Item 6, for the rental of an office in connection with the conduct of the election; the following is suggested.

(*a*) In the case of an electoral district containing 20,000 or more urban electors, actual and reasonable costs; and my instructions to these returning officers will be that they first have to receive authority from me as to the amount to be expended—as they do now.

And then in clause (*b*) in the case of any other electoral district, an allowance of $125 is suggested.

Item 7, for services attending at the nomination of candidates, an allowance of $6.50 is suggested.

Item 8, for services attending at the office of the returning officer on the three days during which advance polls are open (if an advance poll is authorized in the locality where the office of the returning officer is situated), an allowance of $30 is suggested.

Item 9, for services attending at the office of the returning officer on the ordinary polling day, an allowance of $12.50 is suggested.

Item 10, for services while attending at the final addition of the vote, an allowance of $12.50 is suggested.

Item 11, for services attending at a recount held under section 54 of the Dominion Elections Act, 1938, for each day's attendance, as certified by the judge, an allowance of $10 is suggested.

The election clerk generally receives most of the clerical assistance allowances other than those provided for mailing in the urban districts. The fees appear small but invariably the returning officer hires the election clerk and pays him out of item 4.

Item 12, in rural areas only, for services when necessarily employed in travelling in connection with the conduct of the election: per day of not less than six hours of necessary absence from place of residence, an allowance of $6.50 is suggested.

Mr. FAIR: $6.50 in rural areas as compared with $10 in urban areas?

Mr. CASTONGUAY: No, this is the election clerk in rural areas only. In urban areas there is no travelling by the election clerk.

Mr. APPLEWHAITE: May I make a suggestion there in case I forget it later. I would ask the Chief Electoral Officer to bear in mind that in extensive rural areas the election clerk is very often necessarily employed with travelling and therefore does not get so much clerical assistance and this item may be raised perhaps higher than it has been on that account.

Mr. CASTONGUAY: Yes, I will take your suggestion under consideration.

The printing allowances are still under consideration. I could not get any satisfaction from four different printing firms on the question of printing allowances provided for in the tariff and which were established in 1948. I have received four submissions but not one of them came within 50 per cent of the other on the allowances for printing required by the Act. I am just up against a stone wall trying to decide what increases should be made. Not one firm out of the four came within 50 per cent of one another.

Mr. MCWILLIAM: Have those firms been in the habit of printing lists?

Mr. CASTONGUAY: Yes.

Mr. STICK: Have you estimated what the total cost is going to be on those items which you have just given us?

Mr. CASTONGUAY: Yes, on the whole tariff it will be roughly $900,000.

Mr. MACDOUGALL: Additional?

Mr. CASTONGUAY: Yes, based on the cost of the last general election. I cannot tell about the next general election because I do not know how many polling divisions there will be, how many electors there will be, or how many polling stations there will be.

Mr. MCWILLIAM: This increase of $900,000 does not take into account any increase in printing?

Mr. CASTONGUAY: No.

Mr. MCWILLIAM: There was an increase at the last general election?

Mr. CASTONGUAY: In 1949 the printers absolutely refused to take the printing of the lists of electors at the rate we had established. We had to increase the rate by 2 cents in urban and rural.

Mr. STICK: The cost of a general election is bound to go up in four years?

Mr. CASTONGUAY: The normal increase is 500,000 electors. At the last general election the increase was 700,000.

Mr. STICK: The costs do go up?

Mr. CASTONGUAY: The last general election cost 53 cents per name.

Mr. STICK: What was it before?

Mr. CASTONGUAY: 41 cents in 1945.

Mr. STICK: 7 or 8 cents every four years?

Mr. CASTONGUAY: Yes. Item 20, for urban enumerators there is a suggested increase of 1 cent.

Mr. STICK: What page are you at?

Mr. CASTONGUAY: Item 20. The effect is that there will be an increase of 2 cents because there are two urban enumerators in each urban polling division. I suggested that the fees be 9 cents for each enumerator where it now is 8 cents.

On item 21—substitute revising officers—there is proposed an increase of $1 to $6.

Under clerical assistant to revising officer I should explain they have now to provide more copies of the statement of changes and additions to the candidates. They have to make an average of 30 copies of each polling division in their revisal district. Under the old procedure they required very little clerical assistance but now they have to prepare five copies of such statements for each candidate, and two for the returning officer. I estimate in the over-all picture they will have to prepare thirty copies per polling division which will mean 600 to be prepared in three days or they will need more clerical assistance.

The suggested rental allowance for the revising officer's office is $30—an increase from $20 to $30—an increase of $10.

For rural enumerators the proposed fee is increased to 11 cents with a minimum allowance of $12. The former minimum was $10.

Under item 26 the allowances for attendance on the day of revision from 2 o'clock in the afternoon until 10 o'clock at night used to be $6 and I am suggesting an increase to $9. The minimum fees a rural enumerator can receive would then be $21 whereas before it used to be $16.

For deputy returning officers I strongly recommend a fee of $12. That will be a general increase of $120,000 on that item alone to be paid to deputy returning officers.

For poll clerk, I suggest an increase of $2—which will be an increase of $80,000 so for all polling officials there is an increase of $200,000.

Mr. STICK: What do you pay the poll clerks now?

Mr. CASTONGUAY: $6.

Mr. STICK: And what do you recommend?

Mr. CASTONGUAY: $8.

For advance polls I suggest a fee of $30 for the deputy returning officer for three days. For the poll clerk $20, that would be an increase of $5. He used to get $15.

There have been several suggestions made to standardize the allowances for rentals of polling stations. There are suggestions that for rural polling stations and urban polling stations the same rent should be paid. There has been a long precedent established in the tariff providing for two different rental allowances and there are two different items in the tariff for rural and urban polling stations.

Mr. FAIR: We had quite a few arguments on that in 1937 or 1938 and it leads to a great deal of dissatisfaction.

Mr. CASTONGUAY: In electoral districts that are partly urban and partly rural I know that it causes a great deal of bad feeling. I personally feel the rents should be equalized and I think I might get some guidance and direction from the committee on this question. There has been a long precedent established providing for different rentals and I do not want to change it unless I

receive a direction from the committee. It has been in the Act for thirty years but there is a great deal of ill will and bad blood caused by these rental provisions. In a district which is partly urban and partly rural, you may find that in adjoining polling stations—one urban and one rural—the urban polling station is paid $10 for rental but the other receives only $8. It is very difficult to explain the difference to the two people concerned—that one is paid more because it is urban and the other less because it is rural; however, the precedent is there and I hesitate to change it without a direction from the committee. That is one point that I am trying to settle and I would like some guidance if the committee chooses to give it to me.

Mr. FAIR: Winston Churchill once said it is just as easy to change your mind as it is to change your shirt. In this case, I think it is patent that the tariff has been wearing a soiled shirt long enough and I would like to see it changed.

Mr. STICK: They will have to change both the mind and the shirt.

The CHAIRMAN: Shall we have a motion?

Mr. FAIR: I will second it.

Mr. CASTONGUAY: The proposed rental allowances for polling stations is $12 and $6.

Mr. MACDOUGALL: If that motion carries then that eliminates my item with respect to that.

Mr. CASTONGUAY: Item 32 and item 33 will be combined into one and the rent will be set at $12 and $6. For advance polls, $30, item 34.

Mr. STICK: For the record, Mr. Chairman, there is a motion before us but you did not put it.

The CHAIRMAN: What is the motion?

Mr. CAMERON: to refer the matter to Mr. Castonguay, and I think Mr. Castonguay then intimated that he had similar representations from the returning officers and he went into the matter and he is now giving a tariff we might consider.

The CHAIRMAN: We might recommend to parliament.

Mr. APPLEWHAITE: I think the motion is that items 32 and 33 be the same.

Mr. MCWILLIAM: I move that rental for polling places urban and rural be the same.

Mr. CASTONGUAY: I make the recommendation to the Governor in Council. There may be a motion made to the Governor in Council. The Governor in Council can accept my recommendation or raise it. I make my recommendation to the Governor in Council and it is up to council to decide whether it is acceptable or not.

Mr. APPLEWHAITE: The tariff of fees are set up by order in council and are not part of the statute.

Mr. CASTONGUAY: No, not by statute. It is in section 60, subsection (1).

> 60. (1) Upon the recommendation of the Chief Electoral Officer, the Governor in Council may make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections held under this Act, and may, from time to time, revise and amend such tariff.

Mr. DEWAR: Mr. Castonguay was trying to get a clearer picture of the position and that is why Mr. Fair made the recommendation that we equalize these things.

Mr. STICK: You asked for direction?

Mr. CASTONGUAY: Yes.

Mr. CAMERON: I simply moved that it be referred to the Chief Electoral Officer for consideration, and then he intimated that he had certain recommendations that he wanted to submit to us. The motion was never put but it accomplishes my purpose because he has already studied the recommendations I put forward and this is his reaction to them, or to some of them, and unless he feels he wants to go into them more thoroughly I am perfectly satisfied to withdraw my motion.

The CHAIRMAN: You can keep your suggestion and we will agree.

Mr. CASTONGUAY: This is a considered tariff; it is what I propose to recommend to the Governor in Council.

Mr. MACDOUGALL: I agree that we accept it.

Mr. CAMERON: Just a minute. We do not want too many motions here. If Mr. Castonguay has considered the suggestions I put forward and this is his answer, if we do carry out my motion all he would do would be to come back to the next meeting and say: I have considered the suggestions put forward by Mr. Cameron. Apart from that I am quite prepared to withdraw the motion because I know he has studied it and he is now making his recommendations. Let us go on from there.

Mr. DEWAR: What is the position of this equalization? Is it accepted or rejected? The Chief Electoral Officer wants a direction on that, is that not so? Mr. McWilliam's motion should stand.

Mr. STICK: Motions are made and not put. To keep the record straight, Mr. Chairman, Mr. McWilliam made a motion, and I think it was seconded by Mr. Fair, that rural polling stations and the urban polling stations be treated equally, be paid the same amount.

Mr. DEWAR: That is the direction the Chief Electoral Officer wanted.

Mr. STICK: I think the Chief Electoral Officer asked for direction on that.

The CHAIRMAN: All in favour?

Carried.

Mr. CASTONGUAY: Item 35, the proposed allowance is $6.50; Item 36, $5; Item 37, $5; travelling expenses are still under study. For specially deputized persons, the proposed rate is 30 cents, 25 cents and 20 cents. That is all.

Mr. HERRIDGE: At our last meeting, Mr. Chairman, it was decided that my motion would be discussed and voted upon. Mr. Harris will be here at the next meeting; will it be considered then?

The CHAIRMAN: Yes.

Mr. CAMERON: I am moving that the recommendations of the Chief Electoral Officer as to the changes in the tariffs be approved by this committee.

Mr. MCWILLIAM: I second that.

The CHAIRMAN: What is your pleasure, gentlemen?

Carried unanimously.

The CHAIRMAN: We will meet again next Tuesday afternoon, June 26, at 4.00 o'clock.

The committee adjourned.

SESSION 1951

HOUSE OF COMMONS

SPECIAL COMMITTEE

APPOINTED TO STUDY

THE DOMINION ELECTIONS ACT 1938

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

TUESDAY, JUNE 26, 1951

INCLUDING REPORT TO THE HOUSE

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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REPORT TO THE HOUSE

WEDNESDAY, June 27, 1951

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, begs leave to present the following as a

FOURTH REPORT

Your Committee has held twelve meetings in the course of which it has considered amendments submitted by the Chief Electoral Officer and by members of the Committee.

Your Committee has recommended in its Third Report that the amendments proposed by the Chief Electoral Officer be adopted. These recommendations were reported to the House in the form of a draft bill.

Your Committee further recommends:

1. That Rule thirty-three of Schedule A to section seventeen of the Act be amended by deleting in the seventh and eighth lines thereof, the following words "in the revising officer's revisal district" and substituting therefor "in the electoral district in which the revising officer's revisal district is situated".
2. That Form No. 15 of Schedule One to the Act be amended by changing the word "revisal" to "electoral" wherever it appears in paragraph 1 of the said Form.
3. That section seventeen be amended by adding thereto the following subsection:

   (19) Every person who impedes or obstructs an enumerator in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine, of not less than ten dollars and not more than fifty dollars.
4. That the Government give consideration to extending the franchise to certain persons of Doukhobor origin and the advisability of consultation with the Government of the Province of British Columbia in this matter.

A copy of the Committee's Minutes of Proceedings and Evidence is appended.

All of which is respectfully submitted.

SARTO FOURNIER,
Chairman.

MINUTES OF PROCEEDINGS

TUESDAY, June 26, 1951

The Special Committee appointed to study The Dominion Elections Act, 1938, and amendments thereto, met at 4.00 p.m. this day. The Chairman, Mr. Sarto Fournier, presided.

Members present: Messrs. Applewhaite, Boisvert, Cameron, Cannon, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Harris (*Grey-Bruce*), Hellyer, Herridge, MacDougall, Pearkes, Stick, Valois, Viau.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer.

The Committee continued consideration of the suggested amendments to The Dominion Elections Act, 1938.

On motion of Mr. MacDougall,—

Resolved,—That section seventeen be amended by adding thereto the following subsection:

> (19) Every person who impedes or obstructs an enumerator in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine, of not less than ten dollars and not more than fifty dollars.

Mr. Herridge, by leave, withdrew his resolution of June 15, 1951, and moved in its place the following:

> *Resolved*,—That this Committee recommend that the Government give consideration to extending the franchise to certain persons of Doukhobor origin and the advisability of consultation with the Government of the Province of British Columbia in this matter.

The Chairman thanked the members of the committee for their co-operation and assistance and was in turn congratulated on the manner in which he had conducted the meetings.

Mr. Herridge thanked the Committee for the favourable consideration given to his proposal and further voiced the Committee's appreciation of the work done by the Chief Electoral Officer.

At 4.35 p.m. the Committee adjourned to the call of the Chair.

E. W. INNES,
Clerk of the Committee.

EVIDENCE

JUNE 26, 1951, 4.00 p.m.

The CHAIRMAN: Order please, gentlemen. Now that we have a quorum we will proceed with our work. I would like to say just a word before we start. As this may be the last meeting I desire to thank each and every one of the members of the committee for their activity, their collaboration and their co-operation. When we adjourned the other day we were discussing—

Mr. PEARKES: Mr. Chairman, perhaps it would be in order for somebody of the opposition to express the appreciation of the members of the committee for the guidance and consideration that has been shown by the chairman.

Hon. MEMBERS: Hear, hear.

The CHAIRMAN: Thank you.

Mr. MACDOUGALL: I think when we adjourned the other day we were on the last of my suggestions made to the committee, No. 5 in the enumeration. Am I right, Mr. Chairman?

The CHAIRMAN: That is it exactly.

Mr. MACDOUGALL: I will read my submission:

5. *Enumerators*

In discussing this question with six or seven D.R.O.'s in Vancouver and its environs, there was considerable complaint about getting proper information from rooming houses and boarding houses. This has resulted in many names being left off the list. I might herewith draw your attention to the amendment to the B.C. Provincial Elections Act passed in 1949, and I quote: "Every District Registrar of voters may, if authorized by Registrar General of voters, make a house to house visitation for the purpose of obtaining applications for registration as a voter, and any person impeding or obstructing any District Registrar of voters in carrying out his duty under this section shall be guilty of an offence against this Act and shall be, on summary conviction, subject to a penalty of not less than $10 and not more than $50 for each such offence."

Now, I believe that there is some merit in the amendments that have been drafted in British Columbia, and though they may be a bit rigid I think some similar type of amendment could quite easily be inserted as far as the Dominion Elections Act is concerned so that the deputy returning officers will not be wilfully obstructed and thus in many ways prevent a great number of people who are legitimately potential voters from being so registered.

The CHAIRMAN: I would like to have the views of the Chief Electoral Officer on what we have heard.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: I think Mr. MacDougall's suggestion would be acceptable in large cities although we have not had many abuses. There have been occasions at the last general election and at the previous general election where janitors refused to let enumerators into an apartment building. I believe if there was some provision similar to the British Columbia provision it would be of some help to the enumerator to make sure that they can complete their work satisfactorily.

Mr. APPLEWHAITE: Would it be agreeable to Mr. MacDougall if we accepted the proposition in principle and asked Mr. Castonguay to prepare an amendment?

The WITNESS: I have prepared an amendment.

The CHAIRMAN: Will you read it?

The WITNESS: Section seventeen is further amended by adding thereto the following subsection:

> (19) Every person who impedes or obstructs an enumerator in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars.

This is identical to the British Columbia fine.

Mr. HERRIDGE: Mr. Chairman, have there been some difficulties, some obstructions?

The WITNESS: There has been obstruction in large cities in this sense that a janitor of an apartment building will refuse to let the enumerators into the apartment building. There has not been a great deal of it but it does come up at elections in large cities; it does not apply to rural sections, but in large cities it does.

Mr. PEARKES: Has an enumerator any warrant or any proof that he is an enumerator?

The WITNESS: He is supplied with a metal badge by us which is consecutively numbered.

Mr. HERRIDGE: Of course, in the country everybody knows who is who.

Mr. FULFORD: And even with the badge would this occur?

The WITNESS: On some occasions. We have not had a great deal of difficulty but I know of seven or eight cases in large cities.

Mr. FULFORD: I think it is high time that this amendment was adopted then.

Mr. APPLEWHAITE: Is it sufficient to provide a fine without any alternative if the fine is not paid?

The WITNESS: I was merely copying the British Columbia legislation when I drafted this section.

Mr. MACDOUGALL: In Vancouver Centre, in the west end of the riding—those in British Columbia will all recognize it—there are a terrific number of rooming houses in the northern portion of my riding; there are also a great number of rooming houses, semi-hotels you might call them, and not only in the last election but in previous elections this difficulty has arisen. It has arisen in provincial elections as well. It was because of the difficulties the enumerators ran into that the amendments were made to the British Columbia Election Act, and I am firmly of the conviction that it is a very necessary and desirable amendment with respect to the Dominion Elections Act. I am not setting up the British Columbia Provincial Election Act as a model or anything of that kind, but I do think we ought to have something there that is just going to give some entry,

and lacking entry, some penalty for the refusal of that entry to the enumerators to interview people who are resident within this particular type of domicile. I quite concur in the amendment that has been drafted by the Chief Electoral Officer and I would move its adoption.

Mr. FAIR: I will second that, Mr. Chairman.

Mr. PEARKES: I can understand the janitor's point of view. He might have peddlers and so forth going into the flats in his building; but if the enumerator has a badge which he can display, well, then it is all right. I do not think we should be too hard on the janitor for not allowing some stranger to come into the building claiming he is an enumerator. As long as there are adequate safeguards that would be satisfactory.

The WITNESS: The enumerator is supplied with a bronze badge on which appears the words "Dominion Elections Act," in addition to other pertinent information, and it is serially numbered.

By Mr. Murphy:

Q. There is no suggestion, Mr. Castonguay, that there be a further penalty by way of a sentence?—A. No.

Q. Would you mind telling me if, in your experience, the enumerators were finally able to get in?—A. Yes, after some pressure was put on by the returning officer.

Q. Is British Columbia the only province that has a provision of this kind? —A. To my knowledge it is. We have another problem which I did not feel we should face. In large cities there are rooming houses, and the persons operating them do not want the civic authorities to know they are keeping rooming houses as they may be taxed as such, and when the enumerator goes to the door the owner or operator refuses to give information as to anybody in residence in the house except that pertaining to the landlord or to the person running the rooming house. The basic principle in our Act is that the information is to be given at the discretion of the elector. Any person can refuse to be registered on the list of electors. He also does not have to vote. This amendment certainly has not the intention to force information from anybody regarding their qualifications as electors nor of any other person. It is desired to secure entry for enumerators into the building to obtain the necessary information regarding the various electors.

Q. There is not anything in the Act, shall I say, telling a person to give information respecting those in occupancy?—A. Nothing watsoever.

Q. I wonder, Mr. Chairman, if that is not a point we should kick around for a moment. Mind you, the idea just came up in view of this discussion. Suppose the enumerator goes into, we will say, a rooming house and is unable to get information because, we will say, the owner or the janitor, as the case may be, refused to give that information. I wonder if someone might have an idea with respect to what could or should be done in that event. You are entitled to the information yet you are not able to get it. What would your view be on that? —A. This amendment is not designed for that case.

Q. I do not mean this amendment at all; I am suggesting you have opened up another idea for discussion. You say that the proprietor or janitor is not compelled to give the information yet you are entitled to the information?— A. We are not entitled to the information according to the basic principle of the Elections Act.

Q. It is voluntary information?—A. It is voluntary information completely, according to the basic principle of the Act.

Q. Well then, even in the event of people who are entitled to vote being disqualified, are they not so disqualified because of the action of the owner or, we will say, the janitor, as the case may be?—A. I have never heard of a person

being disqualified for such reasons, because with the mailing procedure in the urban districts, with the candidates' agents checking and everything else, I have never heard of an elector being disqualified because of the actions of the owner of a rooming house in denying such information. I was merely pointing out to the committee that this was not designed to extract information, this was only to gain entrance in apartment buildings. The basic principle of the Act is that it is at the discretion of the elector to give information. The person may vote if he so chooses.

By Mr. Fair:

Q. I believe putting the requirement into the Act as suggested by Mr. Murphy might create difficulties for people, because there are any number of rooming house proprietors who do not know the first thing about the age or any other information about their roomers that would be required, possibly.—A. There are "rooming houses" and there are "rooming houses", that is the difference.

Q. That is the point.—A. We have not experienced any serious difficulty in this way, that anybody has been disfranchised through actions of any rooming house operator or owner.

By Mr. Fulford:

Q. Are there any penalties for giving false information to an enumerator? I believe my question is along the lines of this amendment. It is Mr. Crestohl's complaint that the Labour Progressive party would have the same names registered in four or five or six different polling subdivisions, and people would be rushing from one polling subdivision to another to vote. There are penalties against double voting, but is there any way of checking that false information before it gets on the various voting lists? Is there any penalty for giving that false information?—A. None that I know of.

Q. Mr. Crestohl claims that was deliberately done in the by-election.—A. The only penalties are in connection with voting; but you must appreciate that under our system we enumerate eight million names in six days so we cannot very well go around and ask for citizenship papers or birth certificates in that short period of time. Our instructions to enumerators are prepared in such a way to try and get everybody on the lists, and the weeding process, if necessary, takes place after the enumeration: first, the mailing of the lists, second, the revision of the lists and, third, on the voting day. We do admit there are people who would be registered on the lists under our system who are not qualified as electors, but the weeding process certainly would eliminate a great many of those persons.

Q. Of course an efficient survey of the names of the agents of the various political parties running could eliminate that but Mr. Crestohl claims they would go to a particular housekeeper in his riding and she would give eight or ten more names than there are in the boarding house, and the same thing would be done in another polling subdivision.

The CHAIRMAN: We might add the words "every person who misinforms, impedes or obstructs an enumerator in the performance of his duty . . ."

The WITNESS: I do not think it would be advisable.

Mr. APPLEWHAITE: That is a little strong. You can misinform an enumerator innocently.

The CHAIRMAN: We might say "deliberately misinforms".

Mr. MURPHY: You would have to prove intent.

The CHAIRMAN: Oh, yes.

Mr. MACDOUGALL: I think you have to keep this within the realm of practicability and you cannot define it in too legalistic terms. I am of the opinion the draft as prepared by the Chief Electoral Officer is broad enough, yet holds a

certain amount of authority behind it to secure the necessary information by the enumerator. As far as I am personally concerned I feel that the draft by the Chief Electoral Officer meets the need in its entirety.

Mr. MURPHY: In any event, Mr. Chairman, I understand the committee will be reconstituted in the fall and we could review it at that time.

The CHAIRMAN: Would any other member like to speak on the motion of Mr. MacDougall?

The motion is:

> Section seventeen is further amended by adding thereto the following subsection:—
>
> (19) Every person who impedes or obstructs an enumerator in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars.

Those opposed? Those in favour?

Carried.

Now, we come to No. 6 of the proposition submitted by Mr. MacDougall, geographical arrangement of names.

Mr. MACDOUGALL: The rest of mine are dropped. Number five is the last of my recommendations. The other ones are dropped.

Mr. APPLEWHAITE: What about the last one? I was going to support that.

Mr. MACDOUGALL: As a matter of fact we have got the situation covered with respect to the statement given by the Chief Electoral Officer on the revision of scales and what have you, and I figured that was pretty well covered in that.

Mr. APPLEWHAITE: The part that I am interested in particularly is your statement "it would seem that living expenses should be added to travelling expenses when the returning officer is absent for several days from his own domicile".

The WITNESS: That is being done now under the present tariff of fees. The present tariff of fees is printed on page 94, section 13, item 38.

Mr. MACDOUGALL: I understood the other day we covered that pretty well.

The WITNESS: In practice, there is no travelling by rail. At the last general election we did not receive one account for travelling by rail, but we did receive accounts for travel by road. There is a travel allowance of 15 cents per mile. The highest rate paid for government travel is 9 cents per mile, so 6 cents per mile is for living expenses, but this is being reviewed again.

By Mr. Applewhaite:

Q. I would strongly suggest that be reviewed because in certain areas a returning officer not only has to travel but he is faced with his own loss of time and his living expenses.—A. He is paid for his own time. He is paid a personal fee for his services during an election.

Q. But it does involve a large number of days.

Mr. FULFORD: In a riding like yours a man would have to be away a week at a time.

The CHAIRMAN: Now, gentlemen, I think we will refer to Mr. Boisvert's proposition which was left over for reconsideration of certain items. I would like Mr. Boisvert to say what he has to say about his submission.

Mr. BOISVERT: It is section 20, on page 225.

Mr. FULFORD: Mr. Chairman, we did discuss this fairly thoroughly several meetings ago and left it over so that members could have Mr. Boisvert's letter to study at their leisure so they would be fully aware of all the facts in the letter when another meeting came around.

The CHAIRMAN: Would you have any objection, Mr. Boisvert, to leaving that stand for the time being, and take it up when we come back in the fall?

Mr. BOISVERT: None at all. I have no objection. I will have to take this matter up with the Department of Justice and it may be necessary to have an amendment to the House of Commons and Senate Act.

The CHAIRMAN: When we come back at the next session you will be free to bring this up again and so far as possible we will give you a priority.

Now, I think we will deal with Mr. Herridge's proposition concerning the Doukhobors.

Mr. HERRIDGE: Mr. Chairman, when I discussed this matter last before the committee I moved a motion, but after discussing the matter with several members of the committee I realize that it is not quite as well put as it might be and I would ask the permission of the committee to withdraw my previous motion and re-move it in new terms. Have I the consent of the committee, Mr. Chairman?

Agreed.

Mr. HERRIDGE: I wish to move for the very reasons that I gave in speaking on this question at the last meeting when we discussed it, the following motion: "That this committee recommends that the government give consideration to extending the franchise to certain persons of Doukhobor origin and the advisability of consultation with the government of the province of British Columbia in the matter."

You will notice in my reworded motion, Mr. Chairman, I have suggested that the government consider the advisability of consultation with the government of the province of British Columbia in this matter. I so move, Mr. Chairman.

Mr. MACDOUGALL: Might I ask, Mr. Chairman, of Mr. Herridge—he is, I believe, by this motion excluding the Sons of Freedom, or am I right?

Mr. HERRIDGE: I went to great lengths and pains to explain that this motion is moved in view of the large numbers of persons of Doukhobor origin who are independent and it will only refer to those who are willing to accept the responsibilities and duties of citizenship. The Sons of Freedom will not do that because they will not sign a document or take an affidavit as a citizen; they do not recognize themselves as citizens of any government.

Mr. APPLEWHAITE: I would just like to say I support Mr. Herridge's motion. I did oppose it in its original form in that it instructed the government of Canada to consult the government of a province as to drawing up our Canadian election laws which I consider bad practice. Mr. Herridge, has now, I think, left it to the government to consider the question, to consider and to decide whether or not they do feel bound to discuss the matter with the province, and as I understand his motion, instead of this committee proposing an amendment to the Act this committee is requesting, and I take it that that is an instruction to the government, to consider the question of extending the franchise to take care of those people of Doukhobor origin.

Mr. MACDOUGALL: I will second the motion.

The CHAIRMAN: You have heard the motion, gentlemen, what is your pleasure?

Carried.

Mr. HERRIDGE: Just before proceeding on that point, I want to say a word of appreciation for the sympathetic consideration given by the committee to this question because persons who are not directly informed on the situation—Mr. Applewhaite knows the situation as well as I do—do not realize the great importance of the step in this direction.

Mr. FULFORD: I might say, Mr. Chairman, until we got the explanation from Mr. Herridge and Mr. Applewhaite I was prepared to vote against the motion but seeing their explanations are so complete I have an entirely different view on this situation now.

The CHAIRMAN: Now, we shall proceed with Mr. Fair's suggestion, to have the question of the single transferable vote for single member constituencies discussed before the committee has completed its work.

Mr. FAIR: Mr. Chairman, as we have, I presume, reached the last day of meetings and because the discussion of the single transferable vote is one which would require possibly some little time, it is not my intention to discuss it at this session.

We have been assured by the Minister of Citizenship and Immigration that the committee will be set up again next session, commencing in October, when I hope to have something to say. In the meantime I hope that the members of the committee will think over the system we are working under now and of the benefits which would be available under the single transferable vote. So until the fall session I am prepared to sit back and listen.

Hon. Mr. HARRIS: It is our intention to set up this committee to discuss the Election Act as early as we can in the next session. You will have noticed the protracted negotiations within the last few hours to get some of the matters in the bill which the committee has recommended through the House at this session; and we have come to an understanding that a bill will be presented late tonight or tomorrow which will contain the sections dealing with the election in the Northwest Territories, and the sections dealing with the ballots as recommended and as a result of the Regina Inquiry; and that will be all for this session. That will leave then, as a task for the committee at the next session, the question of the service men, which we have already covered, and we can deal with it again perhaps more expeditiously, although there may be some details to be argued at that time, and any other matter which has been dealt with in the meantime.

I think we have done a good two or three months work and that very early in the session we can dispose of the things we have already agreed upon here and then proceed with the other matters, such as Mr. Fair's subject of the single transferable vote. I trust we shall have ample time for that during the months of October and November.

Mr. FAIR: I hope the minister will see to it that he gets the committee set up in good time, and not wait until all the rooms and all the reporters are engaged in other work.

Mr. STICK: Mr. Chairman, as there is no more business before the committee, I move that we adjourn.

The CHAIRMAN: Shall we report to the House as soon as possible? Today?

Mr. HERRIDGE: Before we adjourn, I would like to move a vote of thanks.

The CHAIRMAN: That has already been done, and most eloquently.

Mr. HERRIDGE: No, it hasn't; I want to move a vote of thanks to the Chief Electoral Officer.

Some Hon. MEMBERS: Hear, hear!

Mr. HERRIDGE: Mr. Chairman, I hereby move a vote of thanks to the Chief Electoral Officer for his excellent work, courtesy, and close attention to details. He is held in high respect throughout this country and he is living up to the traditions established by his predecessor.

Mr. FAIR: The Chief Electoral Officer is a worthy son of his dad, with whom I have been associated over a number of years, ever since 1936, and he has given complete satisfaction not only in the committee but during any other time that we had business with him.

The committee adjourned to the call of the chair.