

July 15, 1944

CANADIAN WAR SERVICE VOTING REGULATIONS

On June 13, 1944, Bill 135 was passed by the House of Commons. It is "an act to provide regulations enabling Canadian war service electors to exercise their franchise and Canadian prisoners of war to vote by proxy at any general election held during the present war; also to provide amendments to the Dominion Elections Act, 1938, consequently to such regulations or made necessary by the advent of the said war."

The bill was sponsored by the secretary of state on recommendations of the special House of Commons committee on service voting. Its provisions are effective for the duration of the war and six months thereafter. The act is in two parts, one to provide for voting by war service electors, and the other for prisoners of war.

War service electors vote directly for candidates in their home constituencies, while war prisoners vote by proxy through their next-of-kin in Canada.

The age limit of 21 years under which a civilian cannot vote has been abolished for the following war service electors: All Canadians serving in the active or home service forces; merchant seamen in manning pools or serving in ships; members of the Corps of Canadian Fire Fighters; members of the Canadian Red Cross Society or the St. John Ambulance Association serving outside Canada; and persons attached to overseas forces, such as war correspondents.

In addition certain other persons may vote under these regulations, but they must be 21 or over. These include members of the overseas headquarters staffs of the Canadian Legion War Services Inc., the National Council of the Y.M.C.A., the Knights of Columbus Army Huts or the Salvation Army Canadian War Services.

Members of the reserve army, the University Air Training Corps or the Air Cadet Corps who are absent from home during training periods are also eligible to vote under the act.

All war service electors must specify the city, town or village where they ordinarily reside. They may vote only for candidates in their own electoral districts.

War service electors may vote for only one candidate unless they are qualified to vote in the electoral districts of Halifax, N.S., or Queens, P.E.I., when they may vote for two candidates each.

Seven voting territories have been designated, and there is a provision by which additional ones may be established to receive the votes of service personnel beyond the convenient reach of any of the seven already set up.

The voting territories are:

1. The province of Ontario with headquarters at Ottawa.
2. The province of Quebec, with headquarters at Montreal.
3. The provinces of Nova Scotia, New Brunswick, and Prince Edward Island, with headquarters at Halifax.
4. The province of Manitoba, Saskatchewan, Alberta and the Yukon Territory, with headquarters at Edmonton.

WAR
SERVICE
ELECTORS

VOTING
TERRITORIES

5. The province of British Columbia, with headquarters at Vancouver.
6. Newfoundland, with headquarters at St. John's.
7. The United Kingdom, with headquarters at London.

No provision is made for residents of the North West Territories to vote, as they have never had a franchise and have no representative in the House of Commons.

Attempts will be made to reach even the smallest group of Canadian war service electors, no matter where they may be located at the time. If additional voting territories need to be established to cover active theatres of war which cannot be reached by those already designated, such action will be taken.

In all these voting territories the chief electoral officer will exercise general direction and supervision. Under him special returning officers appointed by the governor-in-council will superintend the taking, receiving, sorting and counting of the votes of war service electors. They will be assisted by deputy special returning officers and chief assistants, all appointed by the Crown on the recommendation of the chief electoral officer.

The chief electoral officer will appoint six scrutineers for duty in the office of each special returning officer. Two of these will be nominated by the government in power, two by the opposition, and the remaining two on the joint recommendation of the leaders of political groups in the House having eight or more members. If none is nominated, the chief electoral officer will himself select and appoint them.

Every special returning officer is sworn to the faithful performance of his duties before the chief electoral officer or before a judge of the court of record. Other officials are sworn before the special returning officer.

As soon as a special returning officer has been appointed and sworn, he sets about the business of organizing his district. First he opens an office and staffs it. He finds out from the commanding officers in his district the number of war service electors and makes up a list of the names, ranks and regimental numbers of officers and non-commissioned officers designated by their commanding officer to take the votes of the war service electors. He then supplies the commanding officers with a sufficient number of copies of the regulations, ballot papers, envelopes, books of key maps, books of excerpts from the Canadian Postal Guide, and printed lists of names and surnames of candidates nominated in each electoral district.

When the votes have been taken, they are returned to the special returning officer, who sorts the envelopes of ballots according to their electoral districts, counts them, wires the results to the chief electoral officer and sends him the official statements of the count, the used outer envelopes, ballot papers and other documents. His tenure of office ceases on completion of his duties.

Immediately a general election has been ordered in Canada, the three ministers of national defence for army, air force and navy will have the regulations governing the service vote published in routine orders and reproduced at least once in all Canadian naval, military and air force daily orders.

The chief electoral officer advises the three ministers as to the names and addresses of the special returning officers, and they in turn inform the returning officers of the names, ranks and addresses of commanding officers of the units within their jurisdiction.

RETURNING
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VOTING
PROCEDURE

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As soon as a special returning officer has been appointed and sworn, he sets about the business of organizing his district. First he opens an office and starts it. He finds out from the commanding officers in the district the number of war service electors and makes up a list of the names, ranks and regimental numbers of officers and non-commissioned officers designated by their commanding officer to take the votes of the war service electors. He then supplies the commanding officers with a sufficient number of copies of the regulations, ballot papers, envelopes, books of key lists, books of excerpts from the Canadian Postal Guide, and printed lists of names and surnames of candidates nominated in each electoral district.

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HOW THE
BALLOTS
ARE SORTED

Every operation in receiving, sorting and distributing to their proper electoral districts the marked and sealed ballot papers is conducted by scrutineers working in pairs, each one representing a different and opposed political party, and under the general supervision of the special returning officer.

As the ballots come in by mail to the offices of the various headquarters of voting territories, the returning officer stamps each envelope with the date of receipt, checks the form on the back of the envelope to see that it has been signed by both elector and commissioned officer, and sees that it is sorted to its correct electoral district and has been duly marked and initialled by the scrutineers. Each day as they are received, these envelopes containing ballots are placed in a special large envelope, sealed and initialled by the returning officer and two scrutineers.

Envelopes which are not properly filled out are laid aside, and the special returning officer notes on each envelope the reason for its rejection. The envelopes are not opened, but forwarded to the chief electoral officer.

HOW THE
VOTES ARE
COUNTED

At 6 p.m. on polling day the special returning officer orders the counting of the votes. The count must be completed before 3 p.m. on the Monday after polling day.

The votes are counted by scrutineers, working in pairs representing different political interests, with the help of at least one clerical assistant. They count the ballot for one electoral district at a time.

The scrutineers check the outer envelopes to make certain they belong to the right electoral district, then open them and place the inner envelopes containing the ballots in ballot boxes. When they are all opened, the scrutineers then count the inner envelopes to make certain there are the same number as the outer ones; they then open the inner envelopes, count the votes, and issue triplicate statement of the count on a form provided for the purpose. One copy is given to the special returning officer, and the two scrutineers keep one each. The counted ballot papers are then placed in a special envelope, and the inner envelopes in which they have come are destroyed.

The outer envelopes from which the ballot papers have been taken, the envelopes containing the ballot papers counted for each candidate, and the envelope containing ballot papers rejected during the count are parcelled together, labelled with the name of the electoral district, and returned to the special returning officer. Since no poll book is kept for such an election, the used envelopes themselves constitute the official record of votes cast by war service electors.

As soon as the count is complete, each special returning officer delivers or transmits to the chief electoral officer the following: The parcels containing the outer envelopes from which ballot papers have been taken, the envelopes containing the ballot papers counted for each candidate and the envelopes containing rejected ballots; the official statements of the count, the unopened outer envelopes which have been discarded; the oaths of officers of deputy special returning officers, scrutineers, chief assistants and clerical assistants, the complete files of correspondence, reports and records; spoiled ballots; and the record of ballot papers distributed to commanding officers and the record of unused ballot papers.

Immediately after the counting of the votes, and not later than 5 p.m. on the Monday after polling day, each special returning officer telegraphs or cables the count to the chief electoral officer, as well as the total number of votes counted. He in turn computes the total number of votes for each candidate in each electoral district and advises the appropriate returning officer.

The commanding officers then publish in their daily orders notice of the election, together with dates of nomination and polling days. They also advise war service electors that they may cast their votes before any designated commissioned officer during the period between the second Monday after nomination day and the Saturday preceding polling day. The Dominion Elections Act, 1938, has been amended to provide that nominations close 28 days before polling day in order that there will be sufficient time for the distribution of voting supplies to every commissioned officer designated to take the votes of war service electors.

At least two days before the period fixed for service voting, and every day thereafter until the Saturday preceding polling day, the commanding officer will publish in daily orders the days and dates on which voting may take place, the locations of the voting places and the hours during which war service electors may vote. This applies not only in camps or units, but in hospitals and convalescent homes where there are service electors.

The commanding officer is furnished with a list of the candidates for all constituencies, and the initials which denote the candidates' political affiliations appear after their names. This list, together with a card of instructions, must be posted on the bulletin boards and in other conspicuous places. The commanding officer then appoints a commissioned officer to take the votes. In a small detachment in which no commissioned officer is available, a non-commissioned officer may be appointed. The officer designated to take votes must be a war service elector himself, but not a candidate.

Each war service elector fills out a form certifying his electoral district, which is signed by him and by the commissioned officer designated to take votes. This form is printed on the back of the envelope which will carry his vote to his electoral district for counting.

After his declaration has been completed, the elector is handed a ballot. Because the men in a single unit may be voting for candidates in every electoral district in Canada, a standardized ballot is used. On it is printed, "I vote for ...," and the elector fills in the name of the candidate of his choice. He then folds his ballot, and places it in an inner envelope. He hands the inner envelope, sealed, to the commissioned officer who, in full view of the war service elector, places it in an outer envelope addressed to the special returning officer, seals it, and hands it back to the elector, who then mails it himself to the special returning officer whose name and address have been printed on the face of the outer envelope.

Votes mailed in Canada will be carried free of charge, and those mailed outside Canada will be stamped by the returning officer before being given out.

Any elector, civilian or war service, may act as representative of a political party at the taking of service votes on completion of a declaration, signed by himself, to the effect that he has undertaken to represent the interest of a certain party during the taking of the votes of war service electors in that voting place.

A war service elector who cannot read or write or is physically incapacitated from voting in the normal way may have the commissioned officer cast his vote for him in the presence of another elector chosen by himself who can read and write.

A war service elector on leave or furlough may cast his vote before any commissioned officer designated to take votes. War service electors who are at home during the election may vote as civilians, but this provision is limited to those 21 years or over.

Merchant seamen, Red Cross and St. John Ambulance workers, persons attached to overseas forces and members of the auxiliary services who are qualified to vote as war service electors, may vote before any commissioned officer designated to take votes. Canadians in the British forces may also vote under these regulations.

Every operation in receiving, sorting and distributing to their proper electoral districts the marked and sealed ballot papers is conducted by scrutineers working in pairs, each one representing a different and opposed political party, and under the general supervision of the special returning officer.

As the ballots come in by rail to the offices of the various headquarters of voting territories, the returning officer stamps each envelope with the date of receipt, checks the form on the back of the envelope to see that it has been signed by both elector and commissioned officer, and sees that it is sorted to the correct electoral district and has been duly marked and initialed by the scrutineers. Each day as they are received, these envelopes containing ballots are placed in a special large envelope, sealed and initialed by the returning officer and the scrutineers.

Envelopes which are not properly filled out are laid aside, and the special returning officer notes on each envelope the reason for its rejection. The envelopes are not opened, but forwarded to the chief electoral officer.

At 6 p.m. on polling day the special returning officer orders the counting of the votes. The count must be completed before 3 p.m. on the Monday after polling day.

The votes are counted by scrutineers, working in pairs representing different political interests, with the help of at least one electoral assistant. They count the ballot for one electoral district at a time.

The scrutineers check the outer envelopes to make certain they belong to the right electoral district, then open them and place the inner envelopes containing the ballots in ballot boxes. When they are all opened, the scrutineers then count the inner envelopes to make certain there are the same number as the outer ones; they then open the inner envelopes, count the votes and issue a statement of the count on a form provided for the purpose. One copy is given to the special returning officer, and the two scrutineers keep one each. The counted ballot papers are then placed in a special envelope, and the inner envelopes in which they have come are destroyed.

The outer envelopes from which the ballot papers have been taken, the envelopes containing the ballot papers counted for each candidate, and the envelopes containing ballot papers rejected during the count are gathered together, labelled with the name of the electoral district, and returned to the special returning officer. Since no bill book is kept for each election, the used envelopes themselves constitute the official record of votes cast by war service electors.

As soon as the count is complete, each special returning officer delivers or transmits to the chief electoral officer the following: The parcels containing the outer envelopes from which ballot papers have been taken, the envelopes containing the ballot papers counted for each candidate and the envelopes containing rejected ballots; the official statements of the count, the proposed outer envelopes which have been discarded; the ballot papers of deputy special returning officers, scrutineers, electoral assistants and electoral assistants, the complete list of correspondences, reports and records; spoiled ballots; and the record of ballot papers distributed to commanding officers and the record of unused ballot papers.

Immediately after the counting of the votes, and not later than 3 p.m. on the Monday after polling day, each special returning officer telegraphs or cables the count to the chief electoral officer, as well as the total number of votes counted. He in turn compares the total number of votes for each candidate in each electoral district and declares the appropriate returning officer.

PENALTIES

Various penalties are provided for those who try to defeat the purpose of these regulations. Offences against the regulations may be prosecuted either by indictment or by way of summary conviction, and penalties for such offences are fines up to \$2,000 and costs and/or imprisonment up to two years, with or without hard labor.

Penalties for war service electors who make untrue statements in their declarations, apply for ballot papers to which they are not entitled, try to interfere with any elector's vote or to find out for whom any elector is voting, are up to a \$200 fine and costs and/or six months' imprisonment.

SPECIAL PROVISIONS

The withdrawal of a candidate will be communicated to the electors through the usual channels: Chief electoral officer to special returning officer, to commanding officer, to commissioned officer designated to take votes, who informs the electors. Votes cast for a candidate who has withdrawn are rejected. Similarly, if a candidate dies between nomination day and polling day, and the election is postponed in that electoral district, the outer envelopes will not be opened, and the ballots contained in them will be considered as rejected ballots.

The validity of the election of a member to serve in the House of Commons will not be questioned on the ground of any omission or irregularity in connection with the administration of these regulations if it appears that such omission or irregularity did not affect the result of the election, nor on the ground that, for any reason, it was impossible to obtain the vote of any war service elector.

The provisions of the Dominion Elections Act, 1938, relating to the recount of votes by a judge apply to all war service ballots, which have been counted and rejected.

All accounts for services and expenses incurred in connection with these regulations are paid by the auditor-general.

PRISONER OF WAR VOTE

Prisoners of war may vote by proxy in a Canadian general election under Schedule B of the act, called the Canadian Prisoners of War Voting Regulations, 1944. These regulations apply for the duration of the war and six months afterwards.

Beginning on Monday of the second week before polling day, the chief electoral officer will issue special proxy certificates to the next-of-kin of prisoners of war, having already ascertained through the returning officer of the district that the next-of-kin is a qualified elector. The chief electoral officer then advises the returning officer of each district of the names and addresses of those holding proxies. Next-of-kin may also vote in their own right and may vote by proxy for more than one prisoner of war.

Before actually casting his proxy vote, the next-of-kin delivers his special certificate to the deputy returning officer in charge and produces satisfactory evidence that he is the person mentioned as next-of-kin. The deputy returning officer then has the usual entries made in the polling book and records opposite such an entry the name of the prisoner of war and the fact that the next-of-kin voted on his behalf. He then hands the ballot to the next-of-kin who votes in the ordinary way.

Penalties are provided for any person who votes or attempts to vote under proxy knowing that he is not entitled so to vote.

Various penalties are provided for those who try to defeat the purpose of these regulations. Offences against the regulations may be prosecuted either by indictment or by way of summary conviction, and penalties for such offences are fixed up to \$2,000 and costs and/or imprisonment up to two years, with or without hard labor.

Penalties for war service electors who make untrue statements in their declarations, apply for ballot papers to which they are not entitled, try to interfere with any elector's vote or to find out for whom any elector is voting, are up to a \$500 fine and costs and/or six months' imprisonment.

The withdrawal of a candidate will be considered by the electors through the usual channels. Chief electoral officer or special returning officer, to commanding officer, to commanding officer designated to take votes, who informs the electors. Votes cast for a candidate who has withdrawn are rejected. Similarly, if a candidate dies between declaration day and polling day, and the election is postponed in that electoral district, the outer envelopes will not be opened, and the ballots contained in them will be considered as rejected ballots.

The validity of the election of a member to serve in the House of Commons will not be questioned on the ground of any omission or irregularity in connection with the administration of these regulations if it appears that such omission or irregularity did not affect the result of the election, nor on the ground that, for any reason, it was impossible to obtain the vote of any war service elector.

The provisions of the Dominion Elections Act, 1938, relating to the recount of votes by a judge apply to all war service ballots, which have been counted and rejected.

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Beginning on Monday of the second week before polling day, the chief electoral officer will issue special proxy certificates to the names of prisoners of war, having already ascertained through the returning officer of the district that the next-of-kin is a qualified elector. The chief electoral officer then advises the returning officer of each district of the names and addresses of these holding proxies. Next-of-kin may also vote in their own right and may vote by proxy for some other and prisoner of war.

Before actually casting the proxy vote, the next-of-kin delivers the special certificate to the deputy returning officer on the charge and produces satisfactory evidence that he is the person mentioned as next-of-kin. The deputy returning officer then has the name entered into the polling book and records opposite such an entry the name of the prisoner of war and the fact that the next-of-kin voted on his behalf. He then hands the ballot to the next-of-kin who votes in the ordinary way.

Penalties are provided for any person who votes by attempt to vote under proxy knowing that he is not entitled so to vote.