

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

Cover title page is bound in as last page in book but filmed as first page on fiche.
Cover title page cut off.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x	12x	14x	16x	18x	20x	22x	24x	26x	28x	30x	32x
										✓	

No. 29:

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act to amend the Dominion Election Act by providing for use of Macdonald voting machines instead of ballots.

First reading, February 15, 1900.

MR. BRITTON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1900

An Act to amend the Dominion Elections Act by providing for use of Macdonald Voting Machines instead of ballots.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In any election for a member of the House of Commons of Canada, the Governor in Council, may direct that in lieu of the ballot, the system of voting by means of an invention called the Macdonald voting machine, be adopted.

Voting machines instead of ballot.

2. In such case the provisions of *The Dominion Elections Act*, relating to voting by ballot, and being Sections, 28, 29, 30, 31, 34, 38, 39, 40, 45, 46, 47, 48, 49, 51, 52, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 67, 68, 69, 70, 72 and 100, shall not apply, and the provisions following shall govern.

Certain ss. of R.S.C., c. 8, not to apply.

3. Whenever a poll has been granted, it shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the day fixed for holding it, and the votes at the several polling stations shall be given on that day, and by means of the Macdonald voting machine.

Hours for polling.

4. The voting machines referred to in the last preceding section, and elsewhere in this Act, shall be of the kind known as the Macdonald voting machine, patented in the Dominion of Canada under No. 57508.

Macdonald machine to be used.

5. It shall be the duty of the returning officer to procure or beprinted for each and every candidate, upon separate cards, the surname of the candidate, in reasonably large type, with the name in full, place of residence and occupation of such candidate underneath in smaller type, and insert such cards in the frames provided on the lids of the boxes in such manner that each machine shall show in such frames the names of each and all the candidates at such election, one card being in each frame.

Names of candidates to be affixed to boxes.

6. It shall be the duty of the returning officer to test or cause to be tested the accuracy of the different machines, after which and after having the cards of the candidates inserted in the frames as provided in the next preceding section, he shall appoint a time and place for the candidates to inspect the machines, and shall give to each and every candidate

Machines to be inspected; Notice to candidates.

forty-eight hours notice thereof, which notice may be in the form A in the schedule to this act, and may be given by posting the notice on the door of the place fixed for the nomination of candidates for each electoral division.

Inspection and testing of machines.

2. At the time and place appointed the returning officer shall produce all the machines to be used in such election and allow each of the candidates full opportunity to test the accuracy thereof, and if any inaccuracy or defect exists he shall forthwith remedy it, and he shall then in the presence of the candidates lock the boxes and place his seal thereon, with the seals of such candidates as so desire, in such manner that no box can be opened without breaking such seals, and thereafter such seals shall not be broken until the deputy returning officer breaks them as hereinafter provided.

Duties of returning officer when poll is granted.
Deputies.

7. On a poll being granted the returning officer shall—
(a.) Appoint, by a commission under his hand in the form B in the schedule to this Act, one deputy returning officer for each polling district in the electoral district, who shall, before acting as such, take the oath of office in the form C in the schedule to this act; 20

List of voters.

(b.) Furnish each deputy returning officer with a copy of the list of voters in polling district for which he is appointed, such copy being first certified by himself or by the revising officer for such electoral district, or portion of an electoral district, in which such polling district is situate; 25

Voting machines.

(c.) Deliver to each deputy returning officer, two days at least before the polling day, one voting machine locked and sealed, and the seal shall not be broken until immediately before the commencing of the poll;

Printed directions.

(d.) Furnish each deputy returning officer with at least ten copies of printed directions in the form D in the schedule to this Act, for the guidance of voters in voting, which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of the polling cause to be posted up in some conspicuous places outside of the polling station and also in each compartment of the polling station. 35

Where the poll shall be held.

8. The poll when granted shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted; and a compartment shall be made within the room, so arranged that each voter may be screened from observation and may without interference or interruption cast his vote. 40

Oath of secrecy.

9. One of the agents of each candidate, and in the absence of such agent one of the electors representing each candidate if there is such elector, on being admitted to the polling station, shall take the oath to keep secret the names of the candidates for whom any of the voters has cast his vote in his presence as hereinafter required, which oath shall be in the form E in the schedule to this Act. 50

Opening the poll; showing, locking and sealing of voting box.

10. The deputy returning officer shall immediately before the opening of the poll break the seals, unlock and open the box, and allow the representatives of each candidate to see that the machine is in accurate working order, after which

he shall set the dials at zero and show the box to such persons as are present, and he shall then cover the dials, lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal and he shall then place the machine in position for the casting of votes.

11. Immediately after the machine is locked and placed in position, the deputy returning officer shall call upon the electors to vote. Calling voters.

12. Not more than one elector shall at any one time enter the room where the poll is held, and each elector upon so entering shall declare his name, surname and addition, which shall be entered or recorded by the poll clerk in the poll book provided for the purpose, which shall be kept in form F in the schedule to this Act, and if the same are found on the list of voters for the polling district of such polling station he shall receive from the deputy returning officer a voting pellet. Regulations for voting.

2. Such elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or one of their agents, or by any elector present, shall, before receiving the voting pellet, take the oath of qualification in the form G in the schedule to this Act, which oath the deputy returning officer and poll clerk are each hereby authorized to administer. Oath to be taken by voter if required.

13. The elector, on receiving the voting pellet, shall forthwith proceed into the voting compartment and shall deposit the pellet in the circular opening through the lid of the box in the section containing the name of the candidate for whom he wishes to vote. Mode of voting.

14. Immediately after the elector has deposited his pellet he shall return into the presence of the deputy returning officer, and such officer shall forthwith turn the shaft or crank holding the voting pellet so that it may be released and enter the tube provided, thus causing a vote to be registered. Duty of deputy returning officer.

15. While the elector is in the voting compartment for the purpose of casting his vote no other person shall be allowed to enter the compartment or to be in any position from which he can observe the voter cast his vote. Secrecy in casting vote.

16. Every elector shall vote without undue delay and shall quit the polling station so soon as the voting pellet shall have been returned from the machine to the deputy returning officer. Despatch to be used.

17. The deputy returning officer, upon the application of any voter who is unable to read or who is incapacitated by blindness or other physical cause from voting in the manner prescribed in this Act, shall assist such voter by causing his vote to be cast in the manner directed by such voter in the presence of the sworn agents of the candidates or of the sworn electors representing them in the polling station and of no other person, and the deputy returning officer shall require the voter making such application before voting to make oath of Voter unable to read, etc.

his incapacity to vote without such assistance in the form following, that is to say :

Oath of voter
in such case.

“ I solemnly swear (*or, if he is one of the persons entitled by law to affirm in civil cases, solemnly affirm*) that I am unable to read (*or*) that I am incapacitated by physical cause from voting without the assistance of the deputy returning officer.” 5

Interpreter.

2 Whenever the deputy returning officer does not understand the language spoken by any such elector claiming to vote he shall swear an interpreter who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote. 10

Deputy to
enter reasons
for casting
vote by him.

3. The deputy returning officer shall enter in the poll book opposite the names of the voters whose votes have been so cast, in addition to what is required in the next following section of this Act, the reason why each such vote was cast by him. 15

Entry of
names of
electors
voting.

18. The poll clerk shall enter in the poll book to be kept by him as foresaid opposite the name of each elector the word “ Voted ” as soon as his pellet has passed through the machine, and he shall enter in the same book the word “ Sworn ” or “ Affirmed ” opposite the name of each elector to whom the oath of qualification has been administered, and the words “ Refused to be sworn ” or “ Refused to affirm ” opposite the name of each elector who has refused to take the oath or to affirm.

Voter refusing
to be sworn.

19. No voter who has refused to take the oath of qualification mentioned in section 12 of this Act, when requested so to do, shall receive a voting pellet or be admitted to vote. 25

Elector in
whose name
another has
previously
voted.

20. If a person representing himself to be a particular elector named in the list of voters applies for a voting pellet after another person has voted as such elector, the applicant, upon taking the oath in the form II in the schedule to this Act, and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to vote as any other elector. 30

Entry in poll
book.

2. The name of such voter shall be entered in the poll book and a note shall be made of his having voted under this section, and of the oath of qualification having been required and made, as well as of any other objections made on behalf of any and which of the candidates. 35

D. R. O. to
prepare a
statement of
votes cast, etc.

21. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk and the candidates or their agents, and if the candidates or their agents or any of them are absent then in the presence of such if any of them as are present and of at least three electors, open the box, first dropping the stop bar and locking it down, and read off and make a statement of the numbers shown on the dials, placing opposite the name of each candidate the number shown on the dial of the register attached to the tube placed under the opening in the section containing the name of such candidate ; such statement shall then be signed by the deputy returning officer, the poll clerk, and such of the candidates or their electors or agents as are present and desire to sign it, and he shall make and keep a copy of such statement 40 45 50

Statement,
etc., to be
included in
voting box.

and inclose in the box the original thereof, together with the list of voters used by him, the poll book and a certificate in such poll book, immediately following the name of the person last entered on such poll book as having voted or applied for
 5 a voting pellet, of the total number of persons who voted, and shall inclose in the box such other lists and documents as have been used at such election.

2. The box shall then be locked and sealed, and shall be
 10 forthwith delivered by the deputy returning officer to the re- turning officer or the election clerk, who shall receive it, or to one or more persons specially appointed for that purpose by the returning officer, and such person or persons shall, on delivering the boxes to the returning officer, take the oath in the form I in the schedule to this Act.

15 3. The deputy returning officer and the poll clerk shall respectively take the oaths in the forms J and K in the schedule to this Act, which oaths shall be annexed to the statement above mentioned.

22. The several deputy returning officers, on being requested
 20 so to do, shall deliver to each of the candidates or their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate of the number of votes given for each candidate; and they shall also
 25 forthwith after the close of the poll mail to each candidate by registered letter to his proper address a like certificate.

23. The returning officer, at the place, day and time ap-
 30 pointed by his proclamation, and after having received all the machines, shall proceed to open the boxes in the presence of the election clerk, the candidates or their representatives if present, or of at least two electors if the candidates or their
 35 representatives are not present, and to add together the number of votes given for each candidate from the statements contained in the several boxes returned by the deputy returning officers of the votes certified by them.

2 The candidate who, on the summing up of the votes, is
 found to have a majority of votes, shall be then declared elected.

24. If the voting machines are not all returned on the day
 40 fixed for adding up the number of votes given to the several candidates, the returning officer shall adjourn the proceedings to a subsequent day, such subsequent day, not being more than a week later than the day originally fixed for the purpose of
 adding up the votes.

2. In case any deputy returning officer has not duly inclosed
 45 in the box of the voting machine the said statement of the votes certified by him as required by this Act, or if for any other cause the said returning officer cannot at the day and hour appointed by him for that purpose, ascertain the exact
 50 number of votes given for each candidate, the returning officer may thereupon adjourn to a future day and hour the said summing up the number of votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Delivery of voting box to R. O. etc.

Oath of person delivering box.

Oaths to be annexed to statement.

Certificates to candidates.

Summing up of votes by R. O.

Declaration thereon.

Adjournment if voting boxes missing.

Or if D. R. O. has not inclosed statement in voting box.

Provision in case of loss of voting machine.

25. If the machines or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay fixed as in subsection of the next preceding section provided, the returning officer shall ascertain the cause of the disappearance of such machines and shall call on each of the deputy returning officers whose boxes are missing, or on any other person having them, for the list, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given to each candidate required by this Act,—the whole verified on oath, which oath the returning officer is hereby authorized to administer; and if such lists or statements or any of them, or copies thereof, cannot be obtained he shall ascertain by such evidence as he is able to obtain the total number given to each candidate at the several polling places, and to that end may summon any such deputy returning officer, his poll clerk, or any other person to appear before him at a day and hour to be named by him and to bring all necessary papers and documents with him, of which day and hour, and of the intended proceedings, the candidate shall have due notice, and the said returning officer may then and there examine on oath the said deputy returning officer, the said poll clerk, or any other person, respecting the matter in question.

In case D. R. O. has not furnished statement of votes registered.

2. In case of an adjournment by reason of any deputy returning officer not having placed in the box of the voting machine a certificate of the votes registered, the returning officer shall in the meantime use all reasonable efforts to ascertain the exact number of votes given for each candidate at the polling district of such deputy returning officer, and to that end shall have the powers set out in the next preceding subsection.

R. O. to return candidate appearing to have majority, and report special circumstances.

3. In any case arising under this section the returning officer shall return the candidate appearing to have the majority of votes, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of the voting machines, or the want of any certificate as aforesaid and the mode by which he ascertained the number of votes given to each candidate.

Punishment of refusal to testify.

4. Any person refusing or neglecting to attend on the summons of the returning officer issued under this section, shall be guilty of an indictable offence and punishable accordingly.

Return of candidate.

26. The returning officer shall, immediately after the sixth day after the final addition by him under section 23, or the ascertainment by him under section 24, of the number of votes given for each candidate, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the respective candidates a duplicate or copy thereof, and such return shall be in the form L in the schedule to this Act.

Form of return.

Report by R. O.

2. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he thinks proper as to the state of the voting machines or documents as received by him.

Certain documents to accompany return.

3. The returning officer shall also transmit to the Clerk of the Crown in Chancery with his return the certificates of the several deputy returning officers hereinbefore referred to,

together with the lists of the voters and the poll books used in the several polling districts, and all other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning officers.

5 4. Such return and report shall be sent through the Post Office, after being registered. How sent.

27. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place, and no such officer, clerk or agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of voters has or has not made application to vote, or voted, at that polling place. Secrecy of the voting.

2. No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when casting his vote, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted. Interfering with voter when casting his vote.

4. Every one who violates any of the provisions of this section shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, with or without hard labour, in default of payment of such penalty. Punishment for contravention.

28. Every one who—

(a) Fraudulently puts into any voting machine any pellet other than the pellet which he is authorized by law to put in, or fraudulently uses the pellets with which he is provided or other pellets, to vote for more candidates than can be lawfully elected; Offences and penalties. Using unauthorized pellets.

(b) Fraudulently takes out of the polling place any voting pellet in use at such polling place; Fraudulently removing pellets.

(c) Without due authority destroys, takes, opens or otherwise injures, obstructs or interferes with any voting machine then in use for the purpose of election; Interference with voting machines.

(d) Applies for a voting pellet in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or, having voted once, applies again for a voting pellet; but this provision is not to be construed as including a person who applies for such voting pellet believing that he is the person intended by the name entered on the list of electors in respect of which he so applies, or— Applying for voting pellet in the name of another, etc.

(e) Attempts to commit any offence specified in this section,— Attempts.

Is guilty of an indictable offence and shall, if he is a returning officer or other officer engaged at the election, be liable to a fine not exceeding one thousand dollars or to imprisonment for any term less than two years, with or without hard labour, in default of such fine, and if he is any other person, to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine. To be indictable. Punishment.

29. In the event of any machine becoming obstructed from any cause, or otherwise failing to work, the deputy returning officer, in the presence of an agent of each candidate, shall Provision in case voting machine fails to work.

break the seal, unlock and open the box, and remove the cause of the obstruction, but he shall not uncover the face of the dials; and he shall then relock and reseal the box and proceed with the polling.

SCHEDULE OF FORMS.

A.—(Section 6.)

Notice to inspect voting machines.

Take notice that the voting machines for use in the election for the electoral district of _____, will be open for inspection at _____, on _____, the _____ day of _____ A.D. 19 _____, at ten o'clock in the forenoon.

Returning officer.

B.—(Section 7.)

Commission of a deputy returning officer.

To G. R. (insert his legal addition and residence).

Know you that in my capacity of returning officer for the electoral district of _____, I do hereby appoint you for the polling district number _____ of the said electoral district of _____, there to take the votes of the electors by means of the Macdonald voting machine according to law, at the polling station to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll of such election for the said polling district on the _____ day of _____ at nine o'clock in the forenoon at (here describe particularly the place in which the poll is to be held) and there to keep the said poll open during the hours prescribed by law and to take at the said polling place by means of the Macdonald voting machine, in the manner by law provided, the votes of the electors voting at the said polling place, and after ascertaining the number of votes given and performing the other duties required of you by law, to return to me forthwith the voting machine, having the box sealed with your seal and inclosing the list of voters, poll book, your certificate of the result of the poll and other documents required by law with this commission.

Given under my hand at _____ this _____ day of _____ in the year 18 _____.

(Signature.)

Returning officer.

D.—(Section 7.)

Directions for the guidance of electors in voting.

The elector will receive from the deputy returning officer a voting pellet; with this he will go into the voting compartment and deposit the pellet in the circular hole through the lid in the box, in the section containing the name of the candidate for whom he wishes to vote.

The pellet remains as the elector places it until he returns from the voting compartment, when the deputy returning officer turns the crank provided, and the vote is duly registered.

If the voter fraudulently puts anything but the pellet provided into the machine he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

E.—(Section 9.)

Oath of agent of a candidate or of elector representing a candidate.

I the undersigned G. H. agent (or elector representing) one of the candidates for the electoral district of _____ solemnly swear (or, if he is one of the persons entitled by law to affirm in civil cases, solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district No. _____ casts his vote in my presence at this election
So help me God.

(Signature)

Sworn (or affirmed) before me at _____ this day of _____
A.D. 18 .

*Returning officer
or Justice of the Peace.*

I.—(Section 21.)

Oath of messenger sent to collect the voting machines.

I _____ of _____ messenger appointed by _____ returning officer for the electoral district of _____ in the Province of _____ do solemnly swear (or, if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that the several voting machines to the number of _____ now delivered by me to the said returning officer have been handed to me by the several deputy returning officers at the present election for the said electoral district (or by here insert the names of the deputy returning officers who have delivered the said boxes) that they have not been opened by me or any other person and that they are in the same state as they were when

they came into my possession (*if any change has taken place the deponent shall vary his deposition by fully stating the circumstances.*)

(Signature)

Sworn (or affirmed) and subscribed before me at
 this day of A.D. 18 .
Justice of the Peace,
or Returning officer,
or Deputy returning officer.

J.—(Section 21.)

Oath of the deputy returning officer after the closing of the poll.

I the undersigned deputy returning officer for the polling district No. of the electoral district of do solemnly swear (or, *if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that, to the best of my knowledge and belief, the poll book kept for the said polling district under my direction hath been so kept correctly, and that the total number of votes polled in the said poll book is and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat, that I have faithfully performed all duties required of me by law and that the report, poll book and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the box of the voting machine as this oath (or affirmation) will be, to the end that the said voting machine may be transmitted to the returning officer according to law.

(Signature)

Deputy returning officer.

Sworn before me at in the County of
 this day of 18 .

(Signature)

Justice of peace
or Returning officer
or poll clerk.