





Room 10-A.  
~~41-B.~~

Canada. Parl. H of C. Special  
Comm.on Dominion Elections Act,  
1944/45.

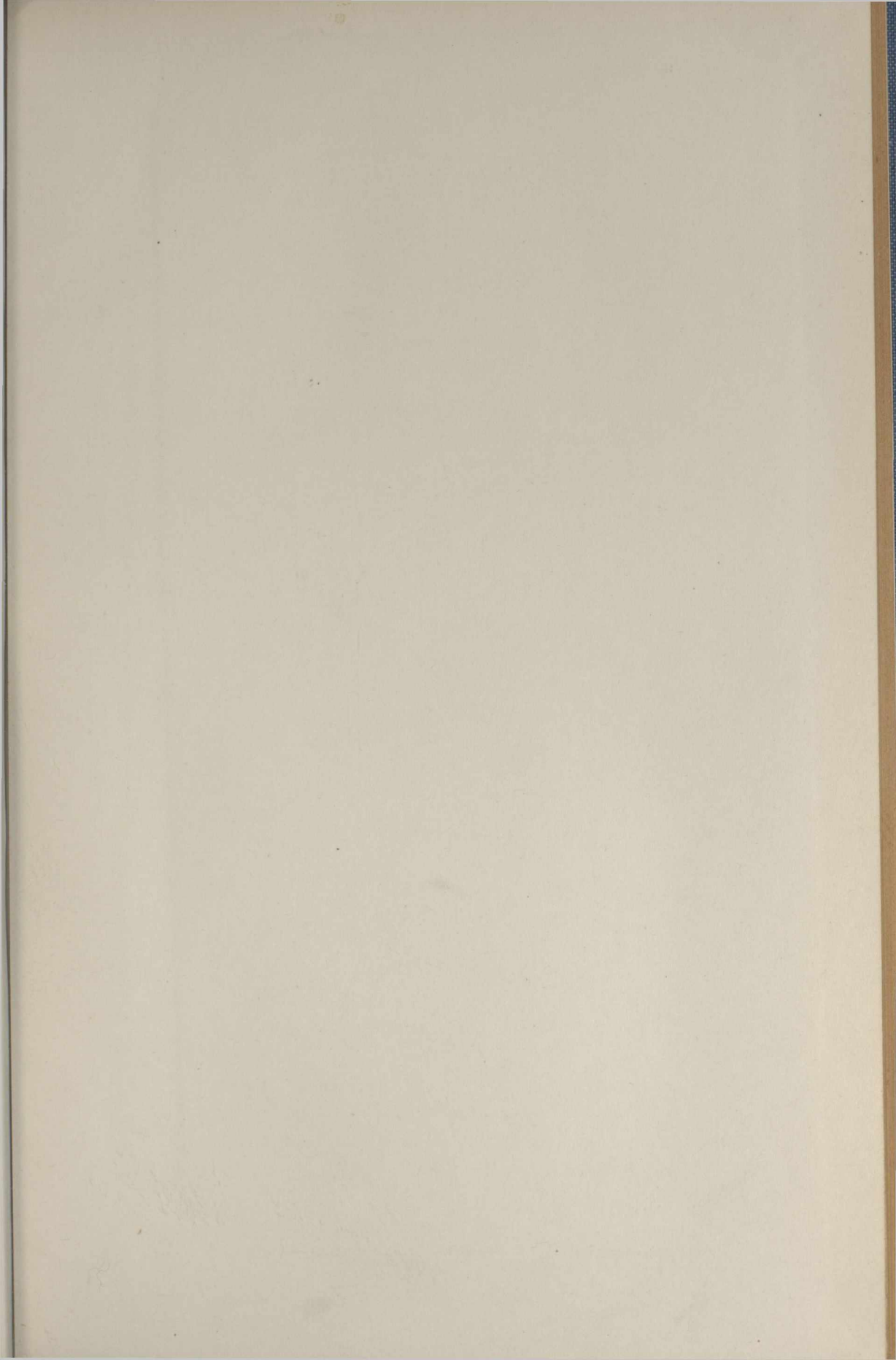


J  
103  
H7  
1944/45  
E4  
A1

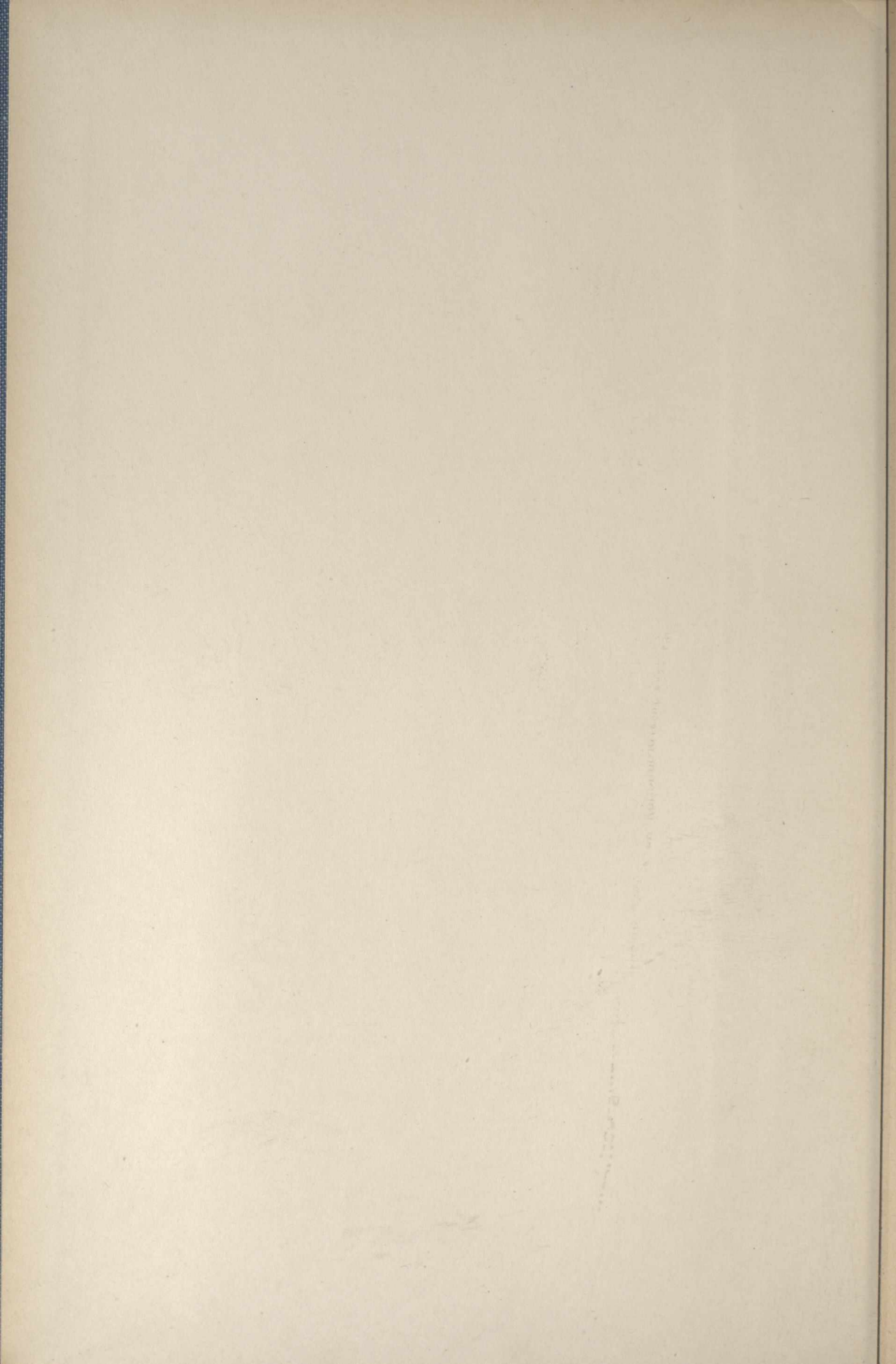


B











SESSION 1944  
HOUSE OF COMMONS

---

SPECIAL COMMITTEE

ON

**THE DOMINION ELECTIONS ACT, 1938**  
**(ARMED SERVICES)**

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

---

TUESDAY, FEBRUARY 8, 1944  
THURSDAY, FEBRUARY 17, 1944

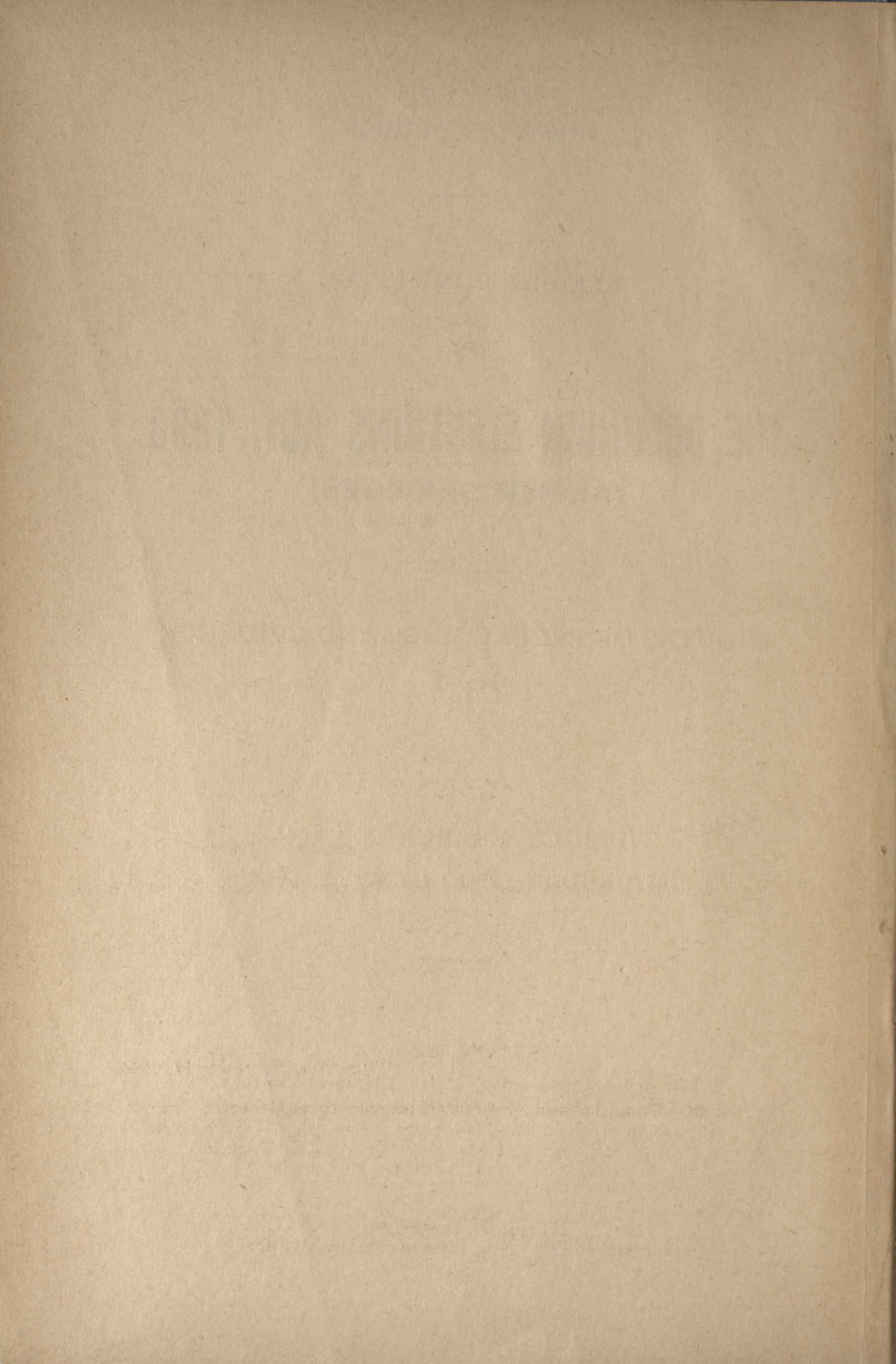
---

WITNESSES:

Mr. Jules Castonguay, Chief Electoral Officer;  
Mr. Donald Stewart, Asst. Chief Electoral Officer.

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1944





ORDERS OF REFERENCE

HOUSE OF COMMONS,

TUESDAY, February 1, 1944.

*Resolved*,—That a Special Committee consisting of Messrs. Blanchette, Factor, Fair, Gillis, Green, Hazen, Isnor, Lapointe (*Matapedia-Matane*), MacKenzie (*Neepawa*), MacNicol, McCuaig, McLarty, McNiven (*Regina City*), Reid and Power, be appointed to consider the Dominion Elections Act, 1938, together with any existing regulations relating to the taking of the vote of the members of the active service forces of Canada, with a view to preserving, continuing and safeguarding the full right of franchise of the personnel of the armed services serving at home and abroad and establishing the required procedure for exercising same; to survey all aspects of the problem; to suggest such amendments, modification or regulations as may be deemed necessary to accomplish the above named purposes, with power to send for persons, papers and records, to sit while the House is sitting, and to report from time to time.

*Attest.*

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

---

FRIDAY, February 4, 1944.

*Ordered*,—That the name of Mr. Sinclair be substituted for that of Mr. Reid on the said Committee.

*Attest.*

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

---

TUESDAY, February 8, 1944.

*Ordered*,—That the said Committee be empowered to retain the services of counsel.

*Attest.*

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

---

THURSDAY, February 17, 1944.

*Ordered*,—That the said Committee be empowered to print, from day to day, 500 copies in English and 200 copies in French of its minutes of proceedings and evidence, and that Standing Order 64 be suspended in relation thereto.

*Attest.*

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

## REPORTS TO THE HOUSE

TUESDAY, February 8, 1944.

The Special Committee on The Dominion Elections Act, 1938, begs leave to present the following as its

## FIRST REPORT

Your Committee recommends that it be empowered to retain the services of counsel.

All of which is respectfully submitted.

S. FACTOR,  
*Chairman.*

---

THURSDAY, February 17, 1944.

The Special Committee on The Dominion Elections Act, 1938, begs leave to present the following as its

## SECOND REPORT

Your Committee recommends that it be empowered to print, from day to day, 500 copies in English and 200 copies in French of its minutes of proceedings and evidence, and that Standing Order 64 be suspended in relation thereto.

All of which is respectfully submitted.

S. FACTOR,  
*Chairman.*



## MINUTES OF PROCEEDINGS

TUESDAY, February 8, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11.00 o'clock, a.m.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Isnor, MacNicol, McCuaig, McLarty, Sinclair.

*In attendance:* Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

On motion of Mr. McCuaig:

*Resolved.*—That Mr. Factor be Chairman of the Committee.

Mr. Factor took the Chair and thanked the Committee for the honour conferred upon him.

Mr. McLarty informed the Committee that Mr. Castonguay, in consultation with Mr. Harry Butcher, K.C., had drafted regulations for submission to the Committee. These were, in the main, modifications and amplifications of the 1940 regulations.

On motion of Mr. McLarty:

*Resolved.*—That, commencing with the next meeting, the Committee's deliberations be taken down in shorthand and that the Committee be furnished with five copies of the transcription thereof.

On motion of Mr. Isnor:

*Resolved.*—That the Committee ask leave to employ counsel.

Mr. Castonguay distributed copies of "Active Service Voting Regulations".

Mr. Isnor raised the question of asking the House to enlarge the scope of the Order of Reference. After discussion, it was decided to leave this matter in abeyance until counsel had been appointed and agenda had been discussed with him.

The Chairman promised that copies of the draft regulations prepared by Messrs. Castonguay and Butcher would be distributed to members before the next meeting.

At 11.35 o'clock, a.m. the Committee adjourned to meet at the call of the Chair.

THURSDAY, February 17, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock, a.m., the Chairman, Mr. Factor presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Green, Isnor, MacKenzie (*Neepawa*), MacNicol, McCuaig, McNiven, Sinclair.

*In attendance:* Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer; Mr. Harry Butcher, K.C.



On motion of Mr. Blanchette:

*Resolved*,—That Mr. Harry Butcher, K.C., be employed as counsel.

The Chairman informed the Committee that he had asked Mr. Butcher to make a study of the laws relating to war service electors in the United Kingdom, the United States, Australia, New Zealand and the Province of Ontario. After discussion, Mr. Butcher read a memorandum which he had prepared on the subject, and was questioned thereon.

Mr. Butcher was instructed to obtain as much information as possible regarding the experiences of the various Canadian provinces which have held war time elections and to consult Australian and New Zealand Officers, now stationed in Canada, who had assisted in recording the services vote during the recent general elections held by these Dominions.

On motion of Mr. Green:

*Resolved*,—That the Committee ask leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of its proceedings and evidence, and that Standing Order 64 be suspended in relation thereto.

Mr. Gillis raised the question of the Committee's discussing a suggestion that the Armed Forces be given direct representation, i.e., that the Representation Act be amended to increase the membership of the House by the addition of Members representing the Armed Forces. After discussion, the Chairman stated that he would have counsel prepare a memorandum on the constitutional problem involved, and promised that an opportunity would be given for full discussion.

At 1.00 o'clock, p.m. the Committee adjourned to meet at the call of the Chair.

A. L. BURGESS,  
*Clerk of the Committee.*



## MINUTES OF EVIDENCE

HOUSE OF COMMONS,

FEBRUARY 17, 1944.

The Special Committee on The Dominion Elections Act, 1938, met this day at 11.00 o'clock a.m. The Chairman, Mr. Factor, presided.

### APPEARANCES:

Mr. Harry BUTCHER, K.C., Special Counsel;  
Mr. Jules CASTONGUAY, Chief Electoral Officer;  
Mr. Donald STEWART, Assistant Chief Electoral Officer.

The CHAIRMAN: Gentlemen, on February 8th the house adopted a resolution empowering this committee to retain the services of counsel. It will be necessary to adopt a formal resolution to meet with the wishes of the committee that Mr. Harry Butcher, K.C., be appointed counsel to assist the committee. Will somebody move that?

Mr. BLANCHETTE: I will be pleased to make such a motion.

Mr. MACNICOL: I will be pleased to second the motion if that is required.

Mr. GILLIS: May I ask a question, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. GILLIS: Is Mr. Butcher now employed by the Chief Electoral Officer?

The CHAIRMAN: No, he is not.

It has been moved by Mr. Blanchette, seconded by Mr. MacNicol, that Mr. Harry Butcher, K.C., be employed as counsel to assist the committee.

Motion agreed to.

Gentlemen, anticipating your approval of Mr. Butcher as counsel, when he reported to Ottawa I asked him to make a study of the methods employed in the recording of votes of war service electors in the United Kingdom, in Australia, in New Zealand and in the United States. I authorized him to analyze the provisions of the provincial statute in Ontario in respect to their system of voting; and also to give an analysis of the 1940 regulations that were passed to the members of the committee at the last meeting.

And now, gentlemen, Mr. Butcher has made that study and if it meets with your approval, if he is ready to give the information, I think it would be informative and of benefit to the committee to know what these other countries have done with respect to this problem. Is that agreeable?

Mr. MACNICOL: I was going to suggest taking them up one at a time. Of course, there has been no wartime election in the United Kingdom; nor has there been one in the United States which now has such an Act under consideration; but in New Zealand and Australia I understand they have had elections, and we had one in 1940. I presume our remarks only cover the 1940 election. I think we should have all of that at this stage.

The CHAIRMAN: Mr. MacNicol, as a matter of fact, in the United Kingdom there have been several by-elections.



Mr. MACNICOL: But they do not hold local by-elections during the war.

The CHAIRMAN: I beg your pardon?

Mr. MACNICOL: They do not hold these war service by-elections —

The CHAIRMAN: You mean they do not affect the active service vote?

Mr. MACNICOL: No; they just take a vote in the constituency. That is my opinion.

The CHAIRMAN: I think probably it would be well to give the benefit of the information obtained by Mr. Butcher to the committee.

Mr. MACNICOL: He has found nothing to the contrary.

Mr. SINCLAIR: My information is that in South Africa they did have a vote. I was wondering if Mr. Butcher could give the committee any information as to what was done there?

The CHAIRMAN: I am sorry to say that we have been able to ascertain very little about the South African situation and that apparently there is very little, if any, information available in Canada. Mr. Butcher is going to try to get for us the necessary information.

Well then, may I suggest that we have the United Kingdom, Australia, New Zealand, the United States and Ontario, and the 1940 regulations of Canada? And, if it meets with the approval of the committee, I suggest that Mr. Butcher give the information with respect to each country and then questioning be done at the end of his remarks. Is that all right, gentlemen?

Mr. MACNICOL: I said a moment ago that there has not been any election in the United States, although they have the matter under study at the present time and are working on it.

Mr. SINCLAIR: I do not see much use in discussing the situation in the United Kingdom, because from what I was able to see over there their Act does not apply to a wartime election. I think we might as well cut that out and devote our attention to those countries which have actually held wartime elections.

The CHAIRMAN: Mr. Butcher informs me that the soldiers vote in these by-elections; now, if that is not so —

Mr. SINCLAIR: That definitely is not so. Unless he was registered in 1935 he cannot vote, and even then he cannot vote unless he happens to be resident in the poll or subdivision in which he happens to be registered. There is no provision for the taking of the vote of the soldiers if they are on active duty; and even where they are still in the country they cannot vote unless they reside at the moment in the riding.

The CHAIRMAN: Well, it is very short.

Mr. SINCLAIR: I do not see what he would have there which would touch on the reference before us.

The CHAIRMAN: I put on our agenda the United Kingdom, Australia, New Zealand and the United States—which is very interesting—Ontario, and I think our 1940 regulations as well.

Mr. SINCLAIR: How long is the first submission?

The CHAIRMAN: It is just a very short one.

Mr. SINCLAIR: Well then, let's have it.

The CHAIRMAN: Let's have it. All right, Mr. Butcher.



MR. HARRY BUTCHER, K.C., Special Counsel, called.

The WITNESS: Mr. Chairman and gentlemen: in the United Kingdom, so far as my knowledge of the situation is concerned, voting is controlled by the Representation of the People Act. This Act has been in force for a great many years. The last revision was in 1918. And in that Act it is provided that electors who will be absent from the United Kingdom during the period of an election shall be regarded as absentee voters, and the absentee voter is granted a vote by proxy. I will quote from the Act itself:

“Any person whose name is entered on the absent voters' list, and who makes a statement in the prescribed form that there is a probability that he will, at the time of a parliamentary election, be at sea, or out of the United Kingdom, shall be entitled to appoint a proxy, and having appointed such proxy, to vote by proxy.”

It should be remembered that registration is not compulsory in Great Britain, but only a registered elector may vote, but the list of electors is kept up to date.

Mr. MACNICOL: You are referring there to their Act of—

The WITNESS: The 1918 Act.

Mr. MACNICOL: That has no relation to the war whatever, that is just the ordinary every day privilege which was extended to voters?

The WITNESS: Yes.

Mr. SINCLAIR: That 1918 Act does make provision for soldiers and sailors who are away on duty if they know there is going to be an election; but in these by-elections they never get a chance to get their proxies in, unless they happen to have a chance to send their proxies in.

The CHAIRMAN: That is right.

Mr. MACNICOL: In every way that is like what we have to-day.

Mr. SINCLAIR: Quite so; it has to cover this very situation.

The CHAIRMAN: Mr. MacNicol, if by any chance there had been a general election within the last two or three years in Great Britain and there had been no other legislation passed by parliament, it is the law that would apply to soldiers' votes, the active service vote; there is no doubt about that.

Mr. MACNICOL: They would have to pass a new Act to take care of it.

The WITNESS: So far as I can ascertain there is no specific provision for service electors other than in the Election Act. That is my reading of the matter. But, bearing in mind that only registered electors can vote; bearing in mind that the lists are kept up to date; and further bearing in mind that any elector who is absent from his place of residence when the list is being renewed or brought up to date is regarded as an absentee voter; and further, that as an absentee voter if overseas, or out of the United Kingdom, he is entitled to vote by proxy, it is my contention—I may be wrong, but I cannot at present see where I can be wrong—that the soldier or sailor who knows he will be absent from the United Kingdom at the time of election has the right to vote by proxy. And now, in a moment or two I will read certain amendments to the Representation of the People Act which seems to me to make it certain that once an elector is appointed as a proxy to vote for an absent elector that proxy remains until it is revoked or until the qualifications of the original elector no longer exist.

*By Mr. Green:*

Q. Can you tell us to what extent proxies have been used in the elections there?—A. No, I have not that information.



Mr. MacNICOL: They have only been used in Ontario.

The WITNESS: All I have for you to-day, gentlemen, is the law as nearly as I have been able to discover it with regard to the countries that have been mentioned. I now come to the amendment of 1920, the amendment to the 1918 Act, which reads as follows:—

A proxy paper, unless cancelled, shall remain in force so long as the elector continues to be registered in respect of the same qualifications, and to be on the absent voters' list. And then again during the same year this further amendment: Any proxy paper in force at the date of the commencement of this Act shall continue in force as though it had been issued under the principal Act as amended by this Act.

So that there is no necessity for the renewal of the proxy. If an elector in some way or other changes his condition that he has not the same qualifications, then of course the proxy ceases to operate.

*By Mr. MacNicol:*

Q. Does that not entitle the voter if not registered—can anyone register for him?—A. The voter is registered by the officials. It is up to the registration officials to discover who should be on the list, so far as I read the law. The registration is not the Act of the elector necessarily, it is the duty of certain officials to discover who is entitled to be on the list and to see that the names of such persons are on the list.

*By Mr. Sinclair:*

Q. Does that provision preclude the necessity of a man seeing that his name is on the list; is it not the duty of the individual to see that his name is on the list?—A. A wise man would see that his name is on the list; I assume that.

Q. Many voters are wise men, but they don't care whether they are on the list or not.—A. It is the duty of the officials to see that the names are on the list; it is their duty to investigate and make sure that they are there.

The WITNESS: An elector who wishes to avail himself of his right to appoint a proxy must make application in the prescribed form. The registration official on receipt of the application is required to give particulars contained therein to the person whom the elector has named as his proxy. The named proxy may refuse the appointment, in which case the registration official must so inform the elector. If, however, no objection is raised by the proxy, and, during the seven days following notice given to him, it has been found that he is eligible to act as such, the official shall issue the proxy and enter the proxy's name on the list of proxies.

And now, gentlemen, I should point out to you that at no time since this Act was passed is it probable that there were fewer active service electors outside of the country than there were in the country; therefore, apparently, that system must have pleased the imperial authorities for they have not seen the necessity for changing it.

*By Mr. MacNicol:*

Q. Is there any limit to the number of proxies a person may hold?—A. That is not stated in the Act at all.

Q. In other words, a person can be a proxy for a number of people?—A. I would not like to say that without getting further information on the subject. The Act itself—that is all I have studied up to the moment—does not limit the number of proxies.

Q. An elector who is outside of the electoral district himself would have to make an application for the papers completely by himself to enable someone else to vote for him?—A. Yes.



Q. That would be a wholly impossible situation in a war like this. It would be utterly impossible for four out of five of our Canadians scattered throughout the world to write back—from England, from Newfoundland, from Iceland and from other places—in connection with these applications.—A. But the voter would make application before he left, would he not?

Mr. SINCLAIR: Of course, that does not apply at the present time.

The CHAIRMAN: Gentlemen, we are not arguing the usefulness or otherwise of that particular legislation. I thought the committee would be interested in just getting a grip of the present law as it stands in the United Kingdom.

Mr. GREEN: It helps us to understand the matter by having these questions and answers as we go along.

Mr. MACNICOL: You are quite right. These questions will come up and I think it is beneficial that we should have this discussion.

Mr. GILLIS: This is just argument; you cannot get much information out of that.

Mr. MACNICOL: Let us get what Mr. Butcher has to say.

The WITNESS: An appointment of a proxy by an elector may be cancelled by him at any time.

Mr. Chairman, it is possible there has been some amendment to the Representation of the People Act that I have not been able to discover. My time has been very limited and I did not know when I arrived in Ottawa what I was to be here for; and since then I have been constantly trying to acquire information, and there may be a number of things which I have not as yet been able to find. It will be a great pleasure to me to make a more careful examination of the whole field involved.

*By Mr. MacNicol:*

Q. Are not the reports of the Representation Act of the British House of Commons easily ascertainable in reference to elections; would they not give you the information you want?—A. I think it is probable, Mr. MacNicol. Up to the present I have found it all I could do to ascertain, as far as I could ascertain it, existing law on the subject under review. I have been dealing with general things. I will endeavour to discover the reports later.

Mr. GILLIS: If I may make an observation, I think with due respect any dealing with the British arrangement is a waste of time. The act was designed in 1918 and is not applicable to the present situation. They have not had an election. What we are trying to do is to devise ways and means of getting in all our boys who are on war service. We are going to have an election some day, and I think we should try to have the election mechanics worked out by then, so we will know how they are going to work and whether we can handle the situation.

The CHAIRMAN: As a matter of fact, we are through with review of the United Kingdom law.

Mr. SINCLAIR: Before we leave the subject, I do not want to pose as an authority, but I had the good fortune of being on a station in England when there was a by-election in Manchester. At that time I was stationed at a very large R.A.F. station and there was very serious complaint at that time because the service men did not have a chance to vote.

The CHAIRMAN: You mean, in the by-election?

Mr. SINCLAIR: Yes. That was a command post, and that was in connection with a by-election—they have not had anything else. The situation would be different in connection with a general election, notice of which would come up



six months ahead, and then the men would have an opportunity to make arrangements for proxies. As it was, the only ones who could vote were the ones who happened to be living in the polling subdivision of the riding at the time. They had to go back and be registered just before the by-election was held, and that was the thing which only those resident in the area were able to do.

The CHAIRMAN: So, Mr. Sinclair, apparently the system of voting did not work. We are glad to have that because it is a matter of your own personal knowledge.

Mr. SINCLAIR: Service men were generally disfranchised, even those in this case who were actually in the Manchester riding, unless they had an opportunity of going back to the polling subdivision and being registered for that particular by-election.

The CHAIRMAN: You mean to their own constituencies?

Mr. SINCLAIR: The situation was one which caused very very great bitterness because of the fact that the service man was for all practical purposes disfranchised. I thought the committee might be interested in that.

Mr. McCUAIG: I think we are wasting time, Mr. Chairman.

The CHAIRMAN: I think it is just as well to have that on the record, it will be a source of information. You can never tell what will arise but you can always refer to the record.

*By Mr. Green:*

Q. Mr. Butcher, does the proxy stand indefinitely? In other words, unless the proxy is cancelled it stands? Is there any provision for having them struck off? Is there any provision for getting affidavits or any other process to show that the voter is still alive? For example, in war, many of these chaps may have been killed and the proxy still stands. There surely should be some provision for cancellation or removing the names from the list?—A. There is no provision in the statute that I have studied.

Q. Does the proxy not have to make oath?—A. Yes. When the proxy appears to vote, he is to be asked certain questions prescribed by law, and must subscribe to an oath of qualification. I have not seen the form of oath that has to be sworn but it would seem reasonable that at least the proxy would have to state definitely to the authorities that the person for whom he was acting was still alive.

The CHAIRMAN: Well, gentlemen, the next phase of Mr. Butcher's submission will perhaps be more directly in the purview of this committee, Australia. Australia I believe had an election quite recently. I cannot inform the committee as to the exact date on which Australia had its election; would any of the members have that date?

Mr. SINCLAIR: I think the vote was taken in 1940—or it may have been 1941.

The CHAIRMAN: Mr. Butcher will you proceed to set out the provisions of the law in Australia?

Mr. GREEN: It has not been a year yet.

Mr. SINCLAIR: No, it has not.

Mr. MACNICOL: It must have been last year, because one of the delegates to the parliamentary association was quite worried about the house having been dissolved while he was here.

Mr. GREEN: It was last year.

The CHAIRMAN: I think you are right, Mr. MacNicol.



Mr. SINCLAIR: My recollection is that it was only about a year ago.

Mr. MACNICOL: It was during the time of the meeting of the Empire Parliamentary Association here.

The CHAIRMAN: All right gentlemen; let us consider Australia then.

The WITNESS: The Commonwealth Electoral (Wartime) Act, 1940: This is definitely an Act that was created with a view to dealing with a situation that existed during the present war—the Commonwealth Electoral (Wartime) Act, 1940.

The Act provides that it shall be in operation for the duration of the war and six months thereafter. Here again it must be remembered that in Australia no elector can vote unless he has registered, and no person can be registered unless he is of the full age of twenty-one years. The vote of the war service elector is recorded in the electoral division in which he was ordinarily resident prior to his enlistment.

*By the Chairman:*

Q. Mr. Butcher, might I ask if a soldier cannot vote unless he is twenty-one?—A. There is no provision for a soldier under the age of twenty-one casting a vote.

The Chief Electoral Officer may appoint such "Commonwealth Returning Officers" as he thinks necessary. He is also required, immediately after the close of nominations, to notify the Commonwealth Returning Officer as to the names, addresses, and occupations of all candidates in every division.

(5) The Commonwealth Returning Officer also supplies the Commanding Officer of each unit with full particulars of every candidate, ballot papers, envelopes bearing the prescribed declarations, etc.

(6) The Commanding Officer is required to designate one or more commissioned officers before whom the members of the forces serving in his unit may record their votes. He is also required to hand to such members the necessary ballot papers, lists of candidates, and instructions.

(7) The voter must attend before a designated commissioned officer, fill in the prescribed form of declaration. The officer will then complete and attest it.

(8) If the voter cannot state which electoral division he ordinarily resided in, the commissioned officer is expected to ascertain the appropriate division by referring to lists of polling divisions supplied to him, and insert the name thereof in the declaration.

(9) The voter is to mark his ballot in private and return it to the officer so folded as to conceal his vote. The officer is then to place the ballot paper in the envelope bearing the declaration of the voter, fasten and seal the envelope, and deliver or cause it to be delivered to the Commanding Officer of the unit.

(10) The Commanding Officer is to transmit, as expeditiously as possible to the Commonwealth Returning Officer, all envelopes, etc., thus delivered to him.

(11) Upon receiving the envelopes containing the ballots marked by War Service electors, the Commonwealth Returning Officer is required to place them in a ballot box, which he shall lock securely until the close of the poll. If, however, in the course of his examination of such envelopes, he is satisfied that any one of them is not in order, he shall endorse the envelope "rejected" and shall not place it in the ballot box.

(12) At the close of the poll the Commonwealth Returning Officer takes the envelopes from the ballot box, sorts them to the various divisions, and proceeds with the scrutiny (counting) of the ballots. Having done this, he must advise the Chief Electoral Officer as to the number of "first preference votes."



It should be observed here that, the alternative vote being in vogue in Australia, subsequent proceedings are as in the case of ordinary voters.

"(13) The Chief Electoral Officer then notifies each Divisional Returning Officer as to the number of votes recorded for each candidate in his division.

(14) Section 24 of the Act provides that in the case of War Service electors there shall be no penalty for failure to vote.

(15) Each candidate may, by notice in writing, or by telegram, appoint one scrutineer to be present at the counting of the votes.

(16) The Governor General may make regulations not inconsistent with the provisions of the Act."

There in brief is the existing law in Australia. I know that there has been one election. Unfortunately, I have not been able to look up the results of that election and see what effect this system of voting had upon the general return, and whether it afforded satisfaction to the men in the armed services. I hope to be able to have that information for the committee at the next sitting.

*By Mr. Green:*

Q. Do you know whether there was any special provision for registering these men?—A. There is nothing stated in the Act. The only provision is that registration is compulsory in any case; that is, the obligation is upon the elector. While every means possible is taken to see that the elector's name is on the register, it is his duty to register; and failing to register is an offence, subject to a penalty.

Q. That is completely different from our system?—A. Yes. That is quite true. There a penalty attaches to failure to vote.

*By Mr. McQuaig:*

Q. And failure to register?—A. Yes.

*By Mr. Isnor:*

Q. And also for failure to vote?—A. Yes. It applies to voting too. A host of public officials are called upon to assist in making sure that the electoral lists are complete. If my memory serves me right, individuals such as postment, policemen and others are expected at certain seasons to make inquiry wherever they can, in order to make quite sure that all of the electors entitled to be registered, are registered.

*By Mr. MacNicol:*

Q. Before you leave that point, Mr. Butcher, I have a question. You have stated that the alternative vote was in operation in Australia. I suppose the alternative, contingent vote is the right name?—A. Yes.

Q. For the election of members of the House of Representatives?—A. Yes.

Q. Is it exactly the same system for the election of senators in each state, with three senators in each?—A. No. It is not quite the same system. I did not go into that very closely. I dealt rather with the side that would be nearest to the minds of this committee.

Q. But the senators are elected?—A. The election of members of representatives in the House of Commons in this country corresponds to the House of Representatives in Australia.

Q. There are three senators to be elected from each state?—A. Yes. The system is rather different, as you know, Mr. MacNicol; but it does not seem to have much application to our system in Canada.

Q. It is a cross between proportional representation and the alternative, contingent vote. A. Yes, it is. It is not clearly one or the other.



Q. They have been trying to get rid of that but they have not been able to get rid of it.—A. I might mention that the commonwealth officer having reported to the chief electoral officer the number of first preference votes that have been passed, it becomes the duty of the chief electoral officer to advise the divisional officer in each division. Then by the usual means the lowest man is eliminated, and this information is passed back to the commonwealth officer; and he eliminates, as he has to do, the lowest man, and redistributes the votes that have been given to that man. I believe that is the system that is followed.

Q. Yes; the lowest man drops out.—A. Yes.

Q. They count his ballots over again. The reason the system has been a failure in nearly every place it has been tried is that the votes of the two leading candidates are not counted over again, and it gives to the voters for the lowest candidate the right to elect the winning candidate, which is wholly irregular. The lowest candidate's are the votes that are distributed.

Q. Yes, that is right.

The CHAIRMAN: Gentlemen, I do not know whether there is anything in the Australian legislation that can be of benefit, because of the system of voting which is the alternative system. The fundamental procedures are there, and we can study them.

Mr. MACNICOL: They have not the alternative vote in New Zealand.

The CHAIRMAN: New Zealand is the next. Are there any other questions on Australia?

*By Mr. Gillis:*

Q. I should like to ask Mr. Butcher a question. He has dealt merely with the mechanics of the taking of the vote. What means were employed by the Australian government with regard to informing the voters as to the issues that they were voting on?—A. Simply instructions as to how to vote, as to the mechanics. They were the only instructions that were given.

Q. Was there any election literature distributed, on the issues in the election?—A. I do not know. That would not appear as part of the election machinery. I imagine what would happen there would be the same as would ordinarily happen here; that is, candidates would want to see that election literature was distributed. There is nothing in the Act to show that there is any distribution of it, anyway; that is, any official distribution of it.

Q. You run into difficulties there. I noticed that New Zealand did deal with that question. I think it is hopeless to be divising the mechanics of getting the ballot into the hands of people who do not know what they are voting on. Under our setup, and under the British setup, it is not permissible, under K.R. & O., to debate the issues and enlighten the people as to what they are voting on. I was wondering if Australia did take any steps to advise the rank and file in the army as to the issues they were voting on.—A. Not officially, certainly.

Q. They do not do so officially?—A. Not officially. It may be done unofficially, but it is not done officially.

The CHAIRMAN: Gentlemen, if it is of any interest to the committee, the date of the Australian election was August 21, 1943. Are there any other questions on the Australian legislation?

*By Mr. MacNicol:*

Q. I read an account of the voting during the election. This was not as to the mechanics of it or anything like that, but it was an account of how such a vote was taken on board Australian naval ships on election day, and of the



ballot box being taken around the ships for the sailors to deposit ballots in the box.—A. The provision in the Act that provided or rather instructed the Chief Electoral Officer to appoint a sufficient number of commonwealth officers would mean that he would be able, if he saw fit to do so, to appoint an electoral officer for each ship.

*By Mr. MacKenzie:*

Q. That is definite about the age limit being twenty-one years of age?  
—A. There is nothing to the contrary that I have been able to read, unless by regulation.

*By Mr. Green:*

Q. So that a large proportion of the Australian forces would be disfranchised.—A. Those under twenty-one; it looks as though they would be.

The CHAIRMAN: That is because of the system of compulsory registration.

Mr. MACKENZIE: That would not be able to work.

The CHAIRMAN: Order, gentlemen. May I ask you to co-operate with our shorthand reporter and give him an opportunity of at least looking at you before you speak.

*By Mr. Gillis:*

Q. I should like to ask Mr. Butcher one more question. Did the official ballots which Australia used for the forces just carry the names of the candidates or was the party label on the ballot?—A. The statute does not give any examples of the machinery that was used in connection with the taking of the vote. There is no indication of what form the ballot would take that I have seen. Mr. Castonguay, who is very well informed on these matters, says the names were written by the deputy, written by hand.

*By Mr. MacNicol:*

Q. I have one further question. Have you consulted with the Australian High Commissioner here?—A. No, I have not.

Q. He would likely be able to furnish considerable information.—A. He would probably be able to give some information.

Q. Perhaps you could have that for our next meeting.—A. I will make a point of consulting him and making a report to the committee later. I shall appreciate it very much if any member of the committee would give me light as to where I can from time to time obtain information. It is like looking for a needle in a bundle of hay to go and look through all the books in the library, for instance, even relating to Australia in the hope of finding something helpful. It may be that individual members have read something or seen something that would be of very great help, and I should certainly appreciate their assistance. I want to make a good job of it, if I can, in doing this work.

Q. If you have not got them, I may say that I have some books on the Australian election and the Australian system.

Mr. SINCLAIR: I suggest that you ask the Australian High Commissioner if he will put you in touch with the Australian officer who was in charge of the mechanical end of it in the last election, and who is here in Ottawa, in so far as the air force is concerned.

The WITNESS: I shall certainly take advantage of that suggestion.

Mr. SINCLAIR: They will know the difficulties right there in the field.

Mr. GREEN: The Australians voted here, did they not?

Mr. SINCLAIR: Yes.



The WITNESS: I did not know that.

The CHAIRMAN: Yes. There was a routine order issued which provided machinery for the Australians to vote, I know, in the air force. I was in No. 1 training command, as senior organization officer, and we appointed an officer as liaison officer with the Australians for taking the ballots.

The WITNESS: I shall certainly take advantage of these suggestions.

The CHAIRMAN: There is just one general observation I should like to make, gentlemen, and that is to ask for your active assistance and co-operation in this. Mr. Butcher is here to assist us; but I take it that his assistance does not divest each one of us of the responsibility of trying to bring in some good and effective legislation. If there is any assistance that you can give this committee, from your own personal research, it will be very gratefully appreciated by the committee.

We shall now go on to New Zealand, unless there are some other further questions with regard to Australia.

Mr. MACNICOL: I think your last remark, Mr. Chairman, is very opportune. Between now and the next meeting of this committee those who wish to dig into the matter themselves will perhaps find something worthwhile presenting.

The CHAIRMAN: Yes, that is right. This is a sort of preliminary canter. We had to start some place, and I thought this would form the basis for discussion and study. All right, Mr. Butcher, will you continue.

The WITNESS: I am sorry, gentlemen, that with regard to New Zealand I have simply, as I have in the case of Australia, a little story about the mechanics taken from the regulations themselves. It is material that I have gathered from the regulations of 1941.

#### "NEW ZEALAND

##### *New Zealand Statutory Regulations, 1941*

"(1) As in the case of Australia, the Chief Electoral Officer is required to appoint the necessary number of Special Returning Officers for the taking of the votes of War Service electors.

"(2) The Chief Electoral Officer is instructed to cause prepared rolls of members of the forces to be printed and supplied to each Special Returning Officer.

"(3) Provisions are made with regard to members of the forces who happen to be in hospitals, sanatoria, etc., during the period of the election. They are similar to those in force in Canada."

Mr. Chairman, I should like to draw to your attention and that of the committee that this next section is quite a new one. It is:—

"(4) Every person applying for a ballot paper under these regulations is required to produce his pay-book to the polling officer. After casting his vote, the fact of the polling is to be entered in the pay-book by the polling officer, and initialled by him."

That would, at least apparently, have the effect of reducing plural voting. Continuing:—

"(5) If no pay-book has been issued to the War Service elector, then a certificate from the Officer Commanding his unit shall be sufficient evidence of his right to vote.

"(6) The polling officer hands a ballot paper to the voter and the ballot paper being marked, after the polling officer has entered a consecutive number



thereon and initialled it, the voter shall then insert it into the ballot box, or, if no ballot box has been provided, then he shall hand it to the polling officer, who will enclose it in an envelope, and address it to the Special Returning Officer, and seal it in the presence of the voter.

“(7) Provision is also made for what is known as a ‘declaration vote’. This provision is made in the interest of War Service electors who have not been registered as electors prior to polling day, but who have been found notwithstanding this to possess the necessary qualifications.

“(8) Each polling officer is to make a parcel of all used ballot papers, all envelopes containing declaration votes, etc., and forward such parcel to the Special Returning Officer.

“(9) The Special Returning Officer is to cause the votes to be counted, and then notify the result to the Chief Electoral Officer.

“(10) The Chief Electoral Officer is to forward complete returns to the Returning Officer of each electoral district.

“(11) The Special Returning Officer is to appoint two persons to act as witnesses to the scrutiny of the rolls and the counting of the votes.”

It has occurred to me, Mr. Chairman, that you and the members of this committee will be mentally comparing the provisions of acts to which I have referred, with those that obtained in Canada during the 1940 election, under our active service vote regulations. That is all I have with regard to New Zealand.

*By Mr. Isnor:*

Q. Do I take it that they have no age limit in New Zealand?—A. In New Zealand registration is compulsory as it is in Australia, so I suppose that is so. No reference is made to age.

Q. Except that it is inferred or implied that if they have their pay-book they may vote.—A. Yes. That is a possibility that had not occurred to me.

*By Mr. Green:*

Q. Does that mean that each Returning Officer is given a list of the whole New Zealand forces?—A. Apparently. That is the way it reads to me: “The Chief Electoral Officer is instructed to cause prepared Rolls of members of the forces to be printed and supplied to each Special Returning Officer.”

Q. That means that each Returning Officer would get a list of thousands and thousands.—A. Very many thousands. That is how these things work. It is impossible for me to suggest anything, but I am just quoting the statute as it is.

Q. In Canada, that would mean that each Returning Officer would get a list of three-quarters of a million men and women.—A. Yes.

The CHAIRMAN: Is there any member here who could give us help in getting further information on the New Zealand vote?

Mr. GREEN: There is the New Zealand High Commissioner here.

Mr. SINCLAIR: And there is the New Zealand officer in the air force who has taken the vote.

*By Mr. MacNicol:*

Q. You did not elaborate on the counting of the New Zealand ballots, as I understood it.—A. I will read it again:

“(6) The polling officer hands a ballot paper to the voter and the ballot paper being marked, after the polling officer has entered a consecutive number thereon and initialled it, the voter shall then insert it into the ballot box, or, if no ballot box has been provided, then he shall hand it to the polling officer, who will enclose it in an envelope, and address it to the Special Returning Officer, and seal it in the presence of the voter.”



"(8) Each polling officer is to make a parcel of all used ballot papers, all envelopes containing declaration votes, etc., and forward such parcel to the Special Returning Officer."

I suppose when that information gets to the Special Returning Officer, the ordinary procedure is followed, the procedure that follows under the parent election act. That is what would happen undoubtedly.

Q. The parent election act calls for the relative system of voting?—A. Yes.

Q. The majority system of voting?—A. Yes.

Q. That is the same as we have?—A. Yes.

Q. Could you not contact the New Zealand High Commissioner?—A. I propose to do that, in view of the suggestions that have been made.

Q. Apparently their system is identical with ours. The man with the largest vote is declared elected.—A. Yes. I think that is right.

Q. That ought to help us here.—A. Yes.

*By Mr. MacKenzie:*

Q. You said that registration was compulsory.—A. Registration is compulsory, yes.

Q. Is voting compulsory too in New Zealand?

Mr. MACNICOL: The same as in Australia.

Mr. SINCLAIR: There are one or two suggestions that might be made here, in connection with the use of the pay-book when a man comes up to vote, in order to avoid plural voting. That may work very well overseas where they have pay-books. But Canadians in the active service in Canada have not pay-books; they are paid by roll; at least that is so in the air force. On the other hand, whoever the officer is who takes the vote in the stations concerned, he could quite easily avoid plural voting by striking the man's name off the roll. Plural voting can be very easily avoided. What election have we had when there was voting?

The WITNESS: 1940.

Mr. GREEN: British Columbia.

The CHAIRMAN: The results of the plebiscite.

Mr. SINCLAIR: That is what it was.

The CHAIRMAN: Is there anything else about New Zealand?

Mr. MACNICOL: No. What took place in the last Ontario election?

The WITNESS: I had just completed New Zealand.

Mr. MACNICOL: You are not able to tell us the procedure in the last Ontario election?

The WITNESS: Yes, I have that.

The CHAIRMAN: The next item that Mr. Butcher has may not be of immediate benefit to our problems, but I thought that the committee would be interested to know the present law in the United States and the proposed bill.

Mr. MACNICOL: "Proposed" is right.

The CHAIRMAN: This proposed bill was defeated in Congress just about two weeks ago, but it seems to me it has some very useful information. If the committee will approve I think we ought to have the whole thing just for our own study and information.

Mr. MACNICOL: I think it would be well for Mr. Butcher when he is giving us that to point out very clearly as far as the presidential election is concerned it has no relevancy whatever to a Canadian general election. Over there they



just merely write down the name of their candidate for president and that applies all across the whole union. Their procedure in congressional elections is not going to help us.

The CHAIRMAN: I think that is pointed out in the information available, and if the committee has no objection we will only spend a few minutes on it. I think it will serve as useful information.

The WITNESS: Mr. Chairman and gentlemen, probably you know that in 1942 a certain act was passed and that state elections were held under that act and it was intended that the soldier vote should be taken. I was reading yesterday in the congressional reports a rather interesting statement made by one, Senator Truman. He said, speaking of the elections of that year:

29,000 voters went to the polls in 1942. About 5,000,000 men were in the services. Only 28,000 valid service votes were cast in 40 states.

That was a statement made by Senator Truman. I quote it as a statement made by him.

*By Mr. MacNicol:*

Q. Cast when?—A. Only 28,000 valid active service votes were cast in 40 states.

Q. In how many?—A. Forty states. That was a statement made by Senator Truman. I pass it on to you as I read it.

*By Mr. Isnor:*

Q. In other words, out of 130,000,000 people they had 28,000 service votes?—A. Yes.

Q. With 11,500,000 people we had in the last election 131,000 service votes.—A. It does not quite follow.

Q. Put it the other way; the number of men in the service.—A. Senator Truman refers only to 40 states, and it may be that he selected the 40 states that have the least number of active service electors in them. The other eight may have had predominant numbers of service men.

Mr. MacNICOL: I would suggest that Mr. Butcher as counsel to the committee, or yourself as chairman, write to Senator Truman—he is a very prominent senator, one of the ablest—and ask for as complete an explanation as possible.

*By Mr. MacNicol:*

Q. Apparently you are referring to state elections?—A. Yes.

Q. What we want is congressional elections.—A. I understand that.

Q. All the states have congressional elections every two years. I believe the state of Maine has one every year, is it not, by special privilege?—A. That is where the difficulty has apparently arisen in the States. Owing to the complexity of their laws, Senator Truman makes this remark: "Forty-eight states and forty-eight different election laws." That is where the confusion arises. He points out that the qualifications in the various states vary very much. He points out in the same speech that in one state fourteen days' absence from the ordinary residence entitles the voter to be regarded as an absentee voter and to have whatever privileges may attach to being an absentee voter. I think I am right in saying that.

THE CHAIRMAN: Let us proceed with the analysis of the existing laws and the proposed law.



The WITNESS:

The existing law in the United States with regard to taking the votes of the members of the armed forces is, roughly speaking, as follows:

(1) The secretaries of war and navy are required to cause to be printed and distributed to members of the armed forces post card applications for ballots.

(2) The application, when completed, is to be mailed by the voter to the secretary of state for the state in which he resided immediately before his enlistment.

(3) The application being received, the secretary of state transmits the ballot to the voter by mail.

(4) The voter having marked his ballot, returns it to the appropriate secretary of state (that is, the secretary of state for the state in which he lives). The secretary of state who receives this ballot paper then forwards it to the local election officials in the state of the voter's residence.

(The Committee on Privileges and Elections described the foregoing procedure as "a time-consuming and cumbersome system".)

You see, there were five different mailings, first the mailing of an application form to the war service elector. He completes his form and sends it in to the secretary of state for the state in which he resides. That secretary of state forwards him the ballot.

*By Mr. MacNicol:*

Q. What is that?—A. Mails the ballot paper to him. He completes the ballot paper and returns it to the secretary of state for the state in which he lives, and the secretary of state forwards it to the proper election officials.

*By Mr. Green:*

Q. What is on the ballot?—A. All the state officials. It is a very long ballot.

Q. It has all the names on it.—A. Not only the members of Congress and members of the Senate—you know probably better than I do—judges and attorneys and a host of other officials.

*By Mr. MacNicol:*

Q. For his particular district—A. For his particular district; that is the point. It made an enormous amount of work. An immense amount of time was lost in transmission by mail.

The CHAIRMAN: That is the present law. You might give us the proposed bill.

The WITNESS: (5) A new bill was, therefore, introduced into Congress on June 29, 1943. The provisions of the new bill were much more simple than those of the statute above referred to.

As you probably know the bill did not pass although I notice in looking over the congressional records it is the subject of debate still and it looks as though it is going to continue to be a subject of debate. Therefore it seems possible, I think, that later on they may get back to something not unlike the provisions of that particular bill.

(6) It was proposed that a commission to be known as the United States War Ballot Commission, composed of four commissioners, should be appointed by the President, with the advice and consent of the



Senate. Two of such commissioners were to be members of each of the two political parties casting the largest vote in the most recent presidential election.

(7) It was proposed in the new bill that not only should members of the armed forces be entitled to vote under this bill but so also should members of the merchant marine, and civilians overseas who were attached to the armed forces, or were employees of the United States.

(8) The bill provided for a uniform system of balloting by service men, whether stationed within or without the United States.

That is where it was distinct from the former bill.

(9) The War Ballot Commission was required to prepare blank official federal war ballots providing for voting for candidates for election of President and Vice-President, United States senators and representatives in Congress.

It was to be, as you will observe, what has been known in the United States for some time as "the short ballot".

(10) The elector might vote by specifying on the ballot paper either the name of the candidate or the political party that he wishes to support.

(11) A ballot was to be sent to every member of the armed forces, whether at home or abroad, and to members of the merchant marine, and civilians who were overseas and were employees of the United States of America, in good time for their return before the date of polling."

*By the Chairman:*

Q. Right here, apparently this does away with the application for ballots?  
—A. Yes, it does. There are two mailings avoided.

Q. In other words, ballots are forwarded to every one in the services?—  
A. That was the third step under state provisions.

*By Mr. MacNicol:*

Q. Ballots are not transferable to any other voter?—A. I imagine that would certainly be so.

Accompanying the ballot paper were two envelopes, one known as the inner envelope and the other the outer. The elector marks his ballot and places it in the inner envelope. Upon one side of this inner envelope there was to be printed the name and other particular of the voter, on the other side an affidavit of qualifications, which must be subscribed and sworn to before a commissioned or non-commissioned officer not below the rank of sergeant. The elector having marked his ballot and having placed it in the inner envelope, which he immediately seals, encloses them in the outer envelope, upon one side of which is the address of the secretary of the appropriate state, and on the other side a brief statement as to the former residence of the voter.

You will notice that the ballot is marked in secret and folded so that the vote cannot be seen and placed in the inner envelope and yet the inner envelope has on one side particulars as to the name of the voter and his address, and so on, and on the other side an affidavit of qualifications, and that on one side of the outer envelope is the address of the secretary of the appropriate state to which the envelope is to be returned.

*By Mr. MacNicol:*

Q. Is this for a state election or a congressional election?—A. For a congressional election.



The CHAIRMAN: Gentlemen, I was going to make a suggestion here. Cases may arise where Mr. Castonguay would like to supplement an answer. I think it would be well if we permit him to do that without any formality. Is that agreeable to you? You may go ahead and speak up whenever you like.

The WITNESS: I will read it again in case I made a mistake.

Upon one side of this inner envelope there was to be printed the name and other particulars of the voter, on the other side an affidavit of qualifications which must be subscribed and sworn to before a commissioned or non-commissioned officer not below the rank of sergeant. The elector having marked his ballot and having placed it in the inner envelope, which he immediately seals, encloses them in the outer envelope, upon one side of which is the address of the secretary of the appropriate state, and on the other side a brief statement as to the former residence of the voter."

*By the Chairman:*

Q. That is on the outside envelope?—A. Yes.

(12) Ballots cast outside the United States were to be transported to the country by airplane and such ballots were to be given all possible priority. The secretary of state who received the ballot paper enclosed in the inner and outer envelopes was to forward the whole to the appropriate election officers who were to count them in the same manner as they do votes that are cast within the state.

(13) The proposed bill provided that the ballots shall be removed by the election officers from the inner envelope and placed in the ballot box, unless the facts stated on the envelope are successfully challenged."

This bill was rejected but it had very substantial support as no doubt gentlemen know. It was defeated. I think a reading of the debate on the subject shows that it was defeated upon this principle. The United States has never had any federal election machinery. It has been the practice for the United States President to announce to each state how many members they were entitled to elect for Congress and then it was the business of the state with their own election machinery to see that their requisite number of members was elected, a very complicated form of election machinery in comparison with our own procedure.

Mr. MACNICOL: I was just going to add that generally a congressional district consists of so many state districts.

The WITNESS: I noticed that.

Mr. MACNICOL: A congressional district is supposed to contain as near as possible to 281,000 citizens. I can see a tremendous amount of trouble in their case because they hold state and congressional elections on the same day, but there will be no provincial elections held on our election day.

The WITNESS: The suggestion of the new bill was that the federal authority would distribute the ballots. The federal authority would be responsible for seeing that every soldier got a ballot but the ballot, when marked, would ultimately find its way into the hands of the secretary of state for the state in which the elector lived. The qualifications would be the same. That was one of the chief features of it. The qualifications for voters would be the same all over the United States although under state law qualifications varied very materially. For instance, in some states the payment of a poll tax is one of the qualifications for voting. That would be done away with under the proposed federal law, which did not meet with the approval of the House. That is all I have to say with regard to the United States.



Mr. MacNICOL: Does Mr. Castonguay want to make a supplementary statement with reference to these proposed acts?

Mr. CASTONGUAY: Proposed acts?

The CHAIRMAN: Proposed United States legislation.

Mr. CASTONGUAY: It seems to be an improvement over the previous one but it is hardly adaptable to the conditions here.

The CHAIRMAN: No, but it is well to have the information.

Mr. MACNICOL: It is a good start, anyway. The next would be Ontario.

The CHAIRMAN: The next is an analysis of the Ontario legislation where I am sure Mr. MacNicol will be interested in having all the details.

Mr. MACNICOL: I want to hear Mr. Butcher's report.

The WITNESS: Here again, Mr. Chairman, I have nothing to report to the committee except the mechanics provided by chapter 4 of the 1942 statutes.

The CHAIRMAN: I think the Ontario members can report on the results very well.

Mr. MACNICOL: Mr. Castonguay would have likely made a careful analysis of the Ontario legislation. Maybe he would like to tell us something about it.

The CHAIRMAN: Let us have the law first.

The WITNESS: This particular act is in two parts.

#### Part I. Active Service Voting in the Province.

(1) A returning officer, who shall also be chief enumerator, shall be appointed for each camp in Ontario in which, by direction of the Chief Election Officer, a poll is to be held.

(2) Lists of electors shall be prepared in every camp in Ontario of all active service voters in such camp.

(3) Every active service voter other than an extra-provincial active service voter shall be entitled to be entered on the list prepared under this part. The voter must make application in the prescribed form.

(4) The enumerator is to satisfy himself by consulting the camp or unit records that the applicant did, prior to becoming a member of the forces, reside in the electoral district in which he claims the right to vote.

(5) All voting proceedings are practically the same as in the case of the civilian elector casting his vote.

I should have read first of all an opening section. "Subject to the provisions of this Act"—and the provisions of the act are that the elector must have been a resident within the province for at least three months, that he must have ordinarily resided in the electoral district for at least thirty days, and must be a British subject, of course. Apart from that, whether or not he was of the voting age of 21 years, he was entitled to vote.

*By the Chairman:*

Q. That is the procedure for voting in Ontario in the camps?—A. Yes. Part two refers to extra-provincial active service voting.

#### Part II. Extra-provincial Active Service Voting.

(1) Every extra-provincial active service voter shall be entitled to vote by proxy. He may appoint in writing in the prescribed form a proxy,

(a) of the full age of 21 years;

(b) entitled to vote in the electoral district in which the active service voter is entitled to vote.



Mr. MACNICOL: I thought you said just a moment ago that the first qualification was being in the army?

The WITNESS: His proxy must be of the full age of 21 years.

Mr. MACNICOL: Oh yes.

The WITNESS: "He may appoint in writing in the prescribed form a proxy, (a) of the full age of 21 years; (b) entitled to vote in the electoral district in which the active service voter is entitled to vote."

(2) Any person may hold any number of appointments for extra-provincial active service voters who are within the degree of relationship to him or her of husband or wife, sister, brother, parent, or child, but no person may hold an appointment for more than one extra-provincial active service voter who is not within such degree of relationship.

(3) The active service voter may obtain from the Chief Election Officer an appointment form in the prescribed form, which, when completed, he shall forward to the person appointed to act as his proxy.

(4) The person appointed a proxy may apply to the revising officer at sittings held for revision to be entered upon the list of voters of the electoral district in which the extra-provincial active service voter is entitled to vote.

(5) The revising officer is to take evidence on or from the proxy, and if satisfied as to his qualifications, shall endorse a certificate across the face of the appointment to that effect, and shall enter the name of the proxy on the voters' list after the name of the active service voter.

(6) A ballot paper may not be delivered to a person who claims to vote as a proxy unless he produces his appointment, duly certified as above.

(7) The deputy returning officer to whom the appointment and certificate are produced shall record in the poll book the fact that the service voter has voted by proxy.

(8) The person who has been appointed a proxy shall also be entitled to vote in his own right.

"After a person has been appointed to be a proxy he shall still be entitled to vote in his own riding."

(9) The appointment of a proxy terminates upon the casting of the vote by the proxy, but the service voter may either re-appoint him, or appoint another person as his proxy for any subsequent election.

(10) When a person who appointed a proxy ceases to be a member of the forces, the appointment of such proxy is cancelled, and shall be null and void, and shall not be used.

That, in brief, is the Election Act in Ontario.

I hope that you will observe, gentlemen, that my submission to you to-day is very concise, it is of necessity brief. Had I endeavoured to deal with it in extenso, I would have prepared a very long memorandum indeed.

*By Mr. MacNicol:*

Q. Have you any indication of the number of Ontario voters involved?—A. I had it in mind to try to discover that.

Q. At the same time, did you inquire as to whether the soldier votes changed the results in any particular riding in Ontario?

Mr. CASTONGUAY: I do not think that could be ascertained because the voting by proxy is local.

Mr. MACNICOL: No doubt the records would provide the number of soldier votes recorded by proxy.

Mr. GILLIS: But the soldier did not cast his vote.

Mr. MACNICOL: But the proxy did.



Mr. GILLIS: That would not indicate the soldier's wishes.

Mr. MACNICOL: But it would indicate whether the soldier vote had any effect on the Ontario election.

Mr. McCUAIG: It would not show the way the man voted but it would show the way in which his agent may have.

Mr. MACNICOL: A man would vote through his wife or his brother and it would be expected that they would vote according to their views.

Mr. CASTONGUAY: How could that be found out?

Mr. CHAIRMAN: I think what Mr. MacNicol means is this: suppose in a riding with a number of candidates the Labour Progressive received 7,000 votes and the next one 5,000—the information is there as to how many soldier votes were cast.

Mr. MACNICOL: Exactly.

The CHAIRMAN: Could we have that figure, the total figure; would that in any way affect the results?

Mr. MACNICOL: Have you got that information, Mr. Castonguay?

Mr. CASTONGUAY: I will be able to get the report.

Mr. MACNICOL: I think they should send that to you.

Mr. CASTONGUAY: They would send it to me as soon as available. I have written a couple of times but it has not come forward yet.

The CHAIRMAN: Mr. Castonguay will get that.

Mr. MACNICOL: I should have that in my room but I guess I did not bring it up from Toronto with me. I could have, because I received it.

Mr. GREEN: Have you any idea of what the number of people involved was?

Mr. CASTONGUAY: I have no information. I have been trying to discover that.

Mr. McCUAIG: You could easily get that information?

Mr. CASTONGUAY: Oh yes.

Mr. MACNICOL: I think it is important.

The CHAIRMAN: We will try to get that.

Mr. SINCLAIR: What provision was made for letting the chaps overseas know about these proxies, I mean about getting their proxies. I know that the members in our squadron would know it.

Mr. BUTCHER: Did you have that information?

Mr. SINCLAIR: Yes, we were informed that we could vote by proxy.

Mr. CASTONGUAY: They were not informed officially; I suppose a general letter was issued to all concerned.

Mr. ISNOR: They would be informed in the same manner as a civilian voter would be notified.

Mr. McCUAIG: I think we should be very frank about these election matters. We have the experience of the Ontario election, and I would prefer that Mr. Butcher be very frank, and that we have no politics in it at all. Let us know what the difficulties were—what was the main difficulty; was it the shortage of time?

The WITNESS: I will endeavour to discover that.

Mr. McCUAIG: I think we should have that before us.



The CHAIRMAN: That is exactly what I have in mind. I am not anxious to provoke a political discussion at these meetings, but it would be interesting to ascertain whether or not there was anything wrong with the appearance of the legislation itself; or whether it was the administration of the Act or what particular part of the Act was wrong, whether it was part 2 that was wrong—not affording the necessary time and so on. I think it would be well to study that phase of it, because one can never tell what this committee will do so far as our own problem is concerned. We may as well have all the information available on the proxy system of voting.

Mr. McCUAIG: Yes, I would like Mr. Butcher to do that; we will overlook the question of whether it is political or not.

The CHAIRMAN: Well, that is very refreshing, Mr. McCuaig.

Mr. GILLIS: I wonder if while Mr. Castonguay is getting that information with respect to Ontario, he might get the same information with respect to Nova Scotia. We have had a provincial election too in time of war; I think it would be interesting to know what methods were applied there with respect to making the ballot available to the forces.

Mr. MACNICOL: And Prince Edward Island too.

Mr. SINCLAIR: And we had an election in Manitoba.

Mr. CASTONGUAY: In Manitoba there was no war service vote outside of the province.

Mr. SINCLAIR: The army voted at some point, I do not know the particulars.

Mr. CASTONGUAY: Special provisions were only available within the province.

Mr. GREEN: There was an election in British Columbia in 1941.

Mr. CASTONGUAY: And that applied in the other provinces as well as overseas.

The CHAIRMAN: Do you gentlemen think it would be of benefit to this committee to have all the information available on the provincial elections that have taken place in wartime?

Mr. MACNICOL: Yes.

The CHAIRMAN: We might as well have them all and analyse the information. Now, gentlemen, is there anything else on this Ontario situation, or with respect to the Ontario legislation?

Mr. McNIVEN: Was there election machinery set up in the different military camps in each area with ballot boxes?

The CHAIRMAN: I can answer that question. There was a ballot box in each camp in Ontario as well as in Headquarters. For instance, we allocated a room and a special returning officer was appointed in charge of the active service vote; and he came and took the ballots in the ballot box.

Mr. McNIVEN: Were the ballots counted there?

The CHAIRMAN: No, the ballots were not counted there.

Mr. McNIVEN: They were just sent to the Returning Officer?

The CHAIRMAN: Yes.

Mr. McNIVEN: Where were they divided into constituencies?

The CHAIRMAN: I have no idea where the actual counting took place.



Mr. McNIVEN: That is, each man at each camp—there was provision made for voting in the ninety constituencies into which the province of Ontario is divided; supposing, for instance, there were ninety soldiers, say at Camp Borden, one from each seat; there would be facilities there for each to cast his vote?

Mr. SINCLAIR: In his own riding.

The CHAIRMAN: Yes, in his own riding.

Mr. GREEN: Would he mark the names on the ballot?

The CHAIRMAN: He would mark the names on; the returning officer gave him the information as to who the candidates were—he had a list of all the candidates. We will get all the available information on all the provincial elections that took place since the war started.

In addition to that there was a plebiscite overseas.

Mr. SINCLAIR: Yes, I was thinking of that. Mr. Butcher should have the actual mechanics of the taking of the vote over there with respect to that.

The CHAIRMAN: Mr. Castonguay, was the plebiscite taken under the 1940 regulations or did you have separate regulations?

Mr. CASTONGUAY: We had separate regulations, on the same principles as those for 1940. The vote was taken overseas; it was also taken in the Dominion and in Newfoundland—wherever the troops were. There were many more votes for the plebiscite than there were before. It was on a different principle altogether, there was no canvassing; ballots could be sent to each camp and the voter had no difficulty in finding out as to who the candidates were.

Mr. GILLIS: He did not have to be concerned about particular ridings.

Mr. CASTONGUAY: It did not matter what district he came from, the votes were all pooled together. The voter had to make a declaration as to where he came from and give his address.

The CHAIRMAN: So far as answering the question was concerned it did not make any difference who allotted it to any constituency.

Mr. CASTONGUAY: Nor to any province.

The CHAIRMAN: Is there any other information you would like about Ontario?

Mr. MACNICOL: I think perhaps we have enough on that for now.

The CHAIRMAN: Then let us go ahead with the analysis of the 1940 regulations; our own regulations.

The WITNESS: The procedure in the system employed for the taking of the active service electors vote at the general election of 1940 is summarized as follows:—

(1) Four voting territories were established, the first of these comprising the United Kingdom with headquarters at London, England; the second comprising the provinces of Nova Scotia, New Brunswick and Prince Edward Island, with headquarters at Halifax; the third comprising the provinces of Ontario, Quebec and Manitoba, with headquarters at Ottawa; and the fourth comprising the provinces of Saskatchewan, Alberta, British Columbia and the Yukon Territory, with headquarters at Edmonton.

(2) A special returning officer was appointed for each of these four voting territories, together with a staff composed of one chief assistant, six scrutineers nominated by the leaders of the various political parties and the necessary number of clerical assistants.



(3) After the general election had been ordered, the chief electoral officer notified each special returning officer, who, in turn, advised the commanding officer of each unit stationed in the special returning officer's voting territory.

(4) Each commanding officer published in orders a notice of the holding of the general election and supplied the appropriate special returning officer with a list of the names, ranks and regimental numbers of all members of his unit.

(5) The chief electoral officer furnished each special returning officer with the required quantity of ballot papers, ballot boxes, inner envelopes, outer envelopes and other necessary supplies. The distribution of ballot papers and other supplies to the commanding officer was made by the special returning officer.

(6) A period of two weeks was fixed between nomination and polling days in every electoral district in Canada, nominations being held on Monday, the 11th March and polling day on Tuesday, March 26, 1940.

(7) After the close of nominations, the chief electoral officer published a list of the names, addresses and occupations of the candidates officially nominated in every electoral district, and furnished a sufficient number of copies of this list to every special returning officer stationed in Canada, who, in turn, distributed them to the various commanding officers. At the same time the chief electoral officer cabled this list to the special returning officer stationed at London, England, who caused such list to be printed and distributed as required.

(8) The votes of active service electors were cast before a commissioned officer designated by the commanding officer of his unit.

(9) An active service elector was entitled to vote only in the electoral district in which he ordinarily resided prior to his enlistment.

(10) Before receiving a ballot paper, each active service elector was required to make a declaration on the back of the outer envelope, giving his name, rank and number, together with the name of the place, with street address if any, wherein he was residing prior to his enlistment. The active service elector was then handed a ballot paper and a plain inner envelope in which he was required to place the ballot paper after his vote had been cast, by writing thereon the name of the candidate of his choice. "The inner envelope after it had been sealed by the elector was handed to the commissioned officer who, in full view of the elector, placed it in the completed outer envelope and handed the same to the elector for mailing to the Special Returning Officer whose name and address were printed on such outer envelope. This envelope was carried post free in Canada. In the United Kingdom the necessary postage stamps were affixed by the Special Returning Officer before the outer envelopes were distributed to commanding officers.

"(11) The outer envelopes containing ballot papers marked by active service electors were received, checked, recorded and sorted to their proper electoral district by the Special Returning Officer and his staff. The envelope was then placed in a sealed specially made ballot box, one of which had been provided for each electoral district.

"(12) Voting by active service electors stationed in the United Kingdom commenced on Thursday, the 14th of March and ended on Saturday, March 23, 1940. In Canada, voting commenced on Saturday, the 16th of March and ended on Saturday, March 23, 1940. Outer envelopes containing ballot papers cast by active service electors which reached the office of the Special Returning Officer after six o'clock on polling day were directed by the regulations to be laid aside and left unopened.

"(13) The Dominion Elections Act prescribes that Canadians on active service do not cease to reside ordinarily at their place of enlistment in Canada.



Therefore, any such elector who happened to be at such place of ordinary residence on polling day was entitled to vote as a civilian elector if he had not already voted as an active service elector.

"(14) The counting of the votes cast by active service electors began at six o'clock p.m. on polling day, Tuesday, March 26, and was completed on Monday, April 1, 1940. The counting was done by scrutineers of different and opposed political interests, working in pairs under the supervision of the Special Returning Officer.

"(15) Reports of the voting were duly received from each Special Returning Officer on the latter date. These reports were compiled by the Chief Electoral Officer who, on the same day, advised every returning officer, by telegraph, of the total number of votes cast by active service electors, under the regulations, in every voting territory, for each candidate in the field. This enabled the returning officers to proceed with their final addition of the votes, which they had been directed not to hold before Tuesday, the 2nd April, 1940. Therefore, the taking of the votes of active service electors, within and without Canada, caused practically no delay in the declaration of the election of the members."

That is the memorandum dealing with the regulations in force in 1940.

The CHAIRMAN: That has summarized the provisions of the regulations. Are there any questions, gentlemen?

Mr. McCUAIG: I should like to ask if soldier votes did not change any constituency in 1940. You might find that out for us.

Mr. CASTONGUAY: I think there was one. One election was changed. That was Cumberland, Nova Scotia.

The CHAIRMAN: In Cumberland the soldiers' vote changed the result.

Mr. CASTONGUAY: In Cumberland one candidate had a majority before the soldiers' vote was given effect. But after the soldiers' vote had been applied, he was in a minority.

Mr. McCUAIG: You might get us particulars not only of that constituency but of any other constituencies which were fairly close.

Mr. CASTONGUAY: It did not affect the result very much in any other constituency.

Mr. MACNICOL: Is that not all in your election report?

Mr. CASTONGUAY: Yes. The figures of the vote are given in the report in detail, both the polling in Canada and in the United Kingdom.

The CHAIRMAN: It might perhaps be useful, Mr. Castonguay, if we had your report on the 1940 election embodied in our proceedings.

Mr. CASTONGUAY: It is quite voluminous. It is 800 pages.

The CHAIRMAN: I meant the report in so far as the figures are concerned for each constituency. That would not be very long.

Mr. ISNOR: It takes up the whole report.

The CHAIRMAN: No. There are 245 constituencies; and in Mr. Castonguay's report, if I remember reading it correctly, there is indicated the civilian voters and in brackets the active service voters.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: If we just include that, it would give us all the information as to that.

Mr. GREEN: That information is already published in the elections report.

The CHAIRMAN: Yes.



Mr. GREEN: After all, I do not see that the fact whether it made a change in the result or not has anything to do with it; the principle at stake here is as to whether or not soldiers, sailors and airmen are going to get a vote or whether they are not. I do not see that it makes any difference whether it changes an election.

Mr. McCUAIG: I think probably Mr. Green is correct.

The CHAIRMAN: All right, gentlemen. Are there any other questions?

Mr. MACNICOL: I would suggest that, at the next meeting of this committee, Mr. Castonguay, having had the last dominion election under his charge, suggest whether in the light of his experience, he would recommend any changes in 1940 regulations; and if so, what they are.

Mr. ISNOR: I think we have those here before us at the present time, have we not, in that proposed draft of new regulations?

The CHAIRMAN: I forwarded the proposed rough draft of the new regulations, which is the handiwork of Mr. Castonguay and Mr. Butcher, for the confidential information of the members. I am sure that the members have all read those regulations. They are, of course, predicated on what I term voting in the field, the soldier actually marking his ballot. It does not contain anything with respect to another possible system of voting, such as proxy voting. I should very much appreciate it if members of the committee will give some thought, between now and the next meeting, to the matter, so that we can have a more or less free for all discussion on these two systems of voting.

Mr. FAIR: At the last meeting I believe provision was made for printing or typing a set number of the reports of the committee's proceedings. Inasmuch as the system of voting in the different countries has been given today, I wonder if it would not be advisable to have a sufficient number printed so that each member of the committee could have a copy?

The CHAIRMAN: That is a very good point. At the last meeting I think we decided that we would have five copies made. Is that right?

Mr. FAIR: Yes.

The CHAIRMAN: Personally, I believe that the information given today is very useful and should be the subject of study and thought by the members, and that each member should have a copy.

Mr. GREEN: I so move.

Mr. MACNICOL: That is just a mimeographed copy?

Mr. GREEN: That means for each member of the committee?

The CHAIRMAN: Each member of the committee.

Mr. GREEN: Why should not the proceedings be printed?

The CHAIRMAN: This is the second meeting of the committee. We had an organization meeting at the first meeting, and the consensus of opinion of the members was not to print the proceedings in the meantime, but to wait until we got along and found if it was possible to do that. I am entirely in the hands of the committee. If you gentlemen feel that the proceedings should be printed and distributed to all members, we can have a resolution and recommendation to the house to that effect.

(Discussion followed on the advisability of printing proceedings.)

Motion to print 500 copies in English and 200 copies in French was agreed to.

Mr. GILLIS: Before we adjourn there is something I should like you to make a decision on. At our first meeting you asked me if I intended to pursue



the question of direct representation for those in the forces. The object of the committee is to provide the best means possible for the exercise of the franchise by the service personnel. I am convinced that proposal is the best way.

Mr. ISNOR: What proposal is that?

Mr. GILLIS: Direct representation. I notice that on February 8th the province of Saskatchewan in their speech from the throne definitely state they are providing legislation for that particular purpose.

Mr. MACKENZIE: Not for the transferable vote?

Mr. GILLIS: No, direct representation. You suggested, Mr. Chairman, that it was beyond the terms of reference of this committee and might more properly come under the Representation Act. If that discussion is to be ruled out I should like to know that. I do not intend to waste the committee's time in pursuing it if it cannot be done under the terms of reference of this committee.

The CHAIRMAN: My own opinion is that so far as this committee making a recommendation to the House it is beyond the terms of the reference but under one clause here—I am just trying to find it—"To survey all aspects of the problem", I think perhaps we would be entitled to have a discussion in the committee. Personally I do not think it would do any harm.

Mr. MACNICOL: On what?

The CHAIRMAN: On direct representation, that the active service voter should elect his own members in addition to the 245 members in the House. Mr. Gillis brought this up.

Mr. MACNICOL: In other words, let the soldiers elect members of Parliament.

The CHAIRMAN: Yes. For instance, as I take it there will be a certain unit established of voters, and there will be so many direct representatives from the forces.

Mr. McCUAIG: We would not have the power to do that even if we decided to do so.

The CHAIRMAN: I do not think so. I do not think we have power to make any recommendation because I think it is beyond the terms of this reference.

Mr. McCUAIG: Not necessarily beyond the terms of the reference but it is a constitutional question that I do not think we can decide here.

The CHAIRMAN: Yes. As a matter of fact, I have here a legal opinion that it would require an amendment to the British North America Act. The only thing is that we can decide today whether we should have a discussion on this matter or not. Personally, as chairman, I am quite willing to rule that the term, "to survey all aspects of the problem", would entitle us to discuss the matter.

Mr. McCUAIG: It is all very well for the provinces to deal with it because they are not tied down by the British North America Act. The British North America Act defines what members each province shall have, and we are pretty well limited.

Mr. GREEN: Surely there is no harm in discussing it.

The CHAIRMAN: As chairman, I am quite prepared to rule now that it is in order to have a discussion at the next meeting or a meeting after that, whenever the committee wants to have a full and frank discussion on the problem.

Mr. MACNICOL: I am not going to oppose that but I would say that we should finish the terms of reference first, discuss everything as to how the soldiers should vote, and then we might consider it in discussion afterwards.



The CHAIRMAN: The only thing is this, that when I said there are two systems of voting it is quite true there is voting in the field or marking of the ballot by the soldier and then there is the proxy vote, but one could almost fairly state that perhaps there is a third system, and that is direct representation as suggested by Mr. Gillis. It is all involved in the same problem.

Mr. MACNICOL: Is there any state in the world that gives direct representation to the soldiers in the field?

The CHAIRMAN: In the last war as I understand it—you will correct me if I am wrong—the province of Saskatchewan had three representatives in the legislature, one from Canada—

Mr. McNIVEN: One from England and two from France. They were elected by the armed forces from Saskatchewan in those respective areas.

Mr. MACNICOL: Did they represent any particular seat?

Mr. McNIVEN: They created three new seats.

Mr. MACNICOL: In addition to the constitutional number?

Mr. McNIVEN: They were known as soldier representatives and sat by themselves in a particular area of the House.

The CHAIRMAN: You see, Mr. MacNicol, as pointed out by Mr. McCuaig, the provinces can do that without amendment. The only thing that worries me is that difficulty and the time element in obtaining the necessary authority. However, I will rule, Mr. Gillis, that it will be in order to have a discussion. I do so by reason of my interpretation of those few words in their broadest sense. I think we can have a discussion on it, but I have no hesitation in ruling that so far as recommending anything it is beyond the terms of the reference.

Mr. GILLIS: I do not want to waste any time in discussion if we cannot do anything about it. If it more properly comes under the Representation Act then this committee cannot change that Act and to carry on a discussion in this committee on the mechanics of that particular method of representation would be merely a waste of time if we cannot do something about it.

The CHAIRMAN: Well, suppose we do this, Mr. Gillis; suppose at the next meeting I will have Mr. Butcher prepare a memorandum on what it involves from the legal aspect and the difficulties and the problems surrounding that particular situation, then we can discuss that and make our decision in the light of that information.

Mr. MACNICOL: Will we discuss it before we go on with the business further?

The CHAIRMAN: Suppose we leave it to the next meeting to discuss that.

The Committee adjourned at 1.00 o'clock, p.m. sine die.















SESSION 1944  
HOUSE OF COMMONS

---

SPECIAL COMMITTEE

ON

**THE DOMINION ELECTIONS ACT, 1938**  
**(ARMED SERVICES)**

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

---

WEDNESDAY, MARCH 1, 1944

---

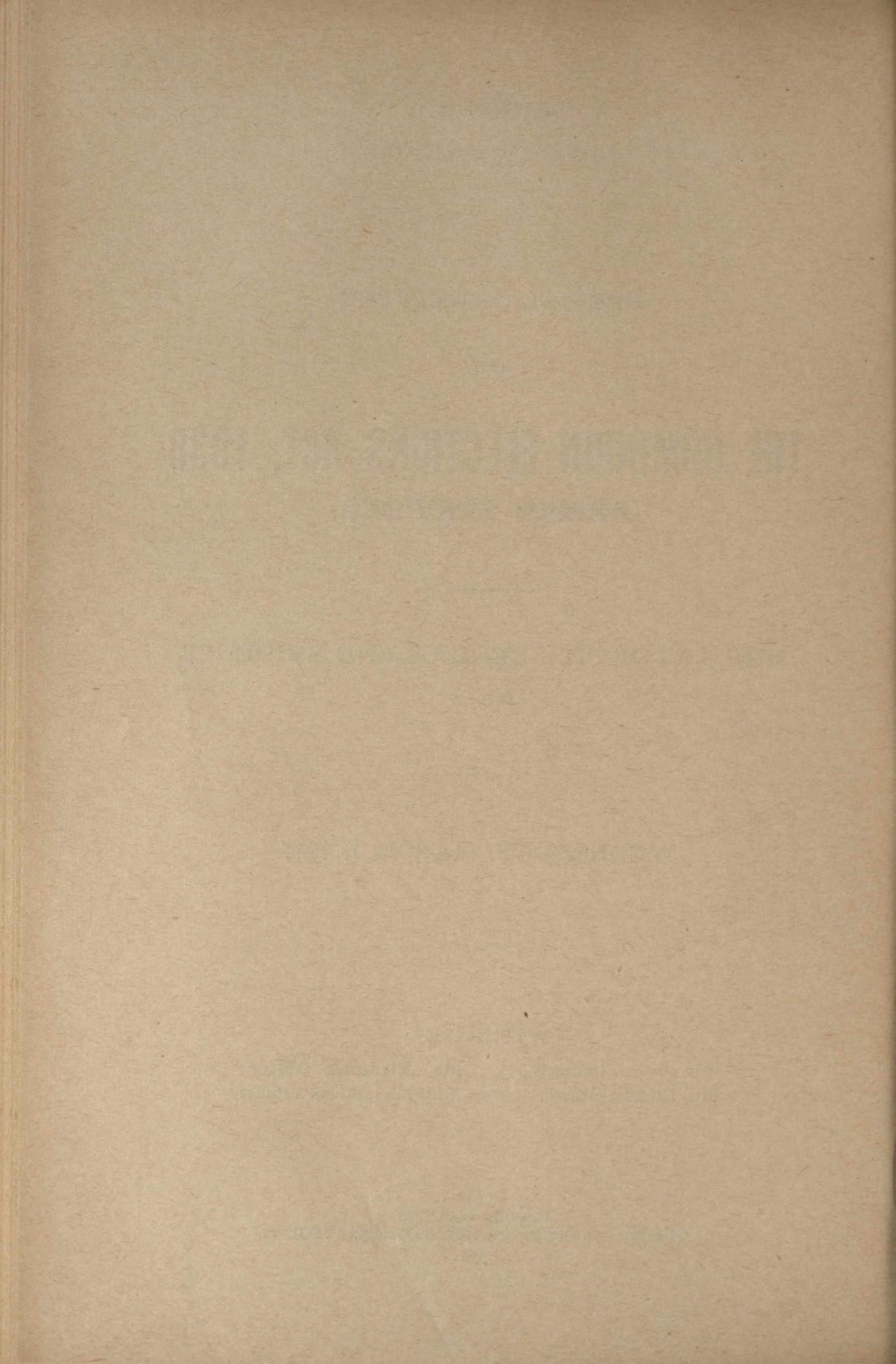
WITNESSES:

Mr. Jules Castonguay, Chief Electoral Officer;  
Mr. Donald Stewart, Asst. Chief Electoral Officer.

OTTAWA.  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1944







## MINUTES OF PROCEEDINGS

WEDNESDAY, March 1, 1944.

The Special Committee on the Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Green, Isnor, MacKenzie (*Neepawa*), MacNicol, McCuaig, McLarty, McNiven, Power, Sinclair.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

Mr. Butcher reported that he had written to, but had received no reply from, Senator Truman, Chairman of the United States Senate Committee investigating the national defence program; that he had communicated with the Provincial Secretaries of the Provinces of Nova Scotia, Prince Edward Island, British Columbia and Manitoba; that he had interviewed representatives of the New Zealand, Australian and South African governments; that he had prepared a memorandum on the subject of direct representation for the Canadian Armed Services; and that Mr. Castonguay had prepared a memorandum on the 1942 plebiscite.

Mr. Butcher also reported that an Act dealing with wartime elections, the *Parliament (Elections and Meeting) Act, 1943*, had been passed in the United Kingdom on November 11, 1943. He read a memorandum dealing with the provisions of the Act relating to Service voters, and was questioned thereon.

Mr. Butcher read memoranda regarding existing regulations in other British Dominions and in various Canadian provinces, and was questioned thereon.

Mr. Butcher read a memorandum in which he expressed the opinion that, in order to give direct representation to the Armed Services, it would be necessary to secure an amendment to the British North America Act. Mr. Gillies withdrew his suggestion that this subject be considered by the Committee.

At Mr. Power's suggestion, it was decided to call Officers of the Navy and the Air Force to give evidence at the next meeting as to the difficulties involved in communicating with members of these Services.

At 1 o'clock p.m., the Committee adjourned until 11 o'clock a.m., on Wednesday, March 8, 1944.

A. L. BURGESS,  
*Clerk of the Committee.*







## MINUTES OF EVIDENCE

HOUSE OF COMMONS

March 1, 1944.

The Special Committee on The Dominion Elections Act, 1938, met this day at 11 o'clock a.m. The Chairman, Mr. Factor, presided.

### *Appearances:*

Mr. Harry BUTCHER, K.C., Special Counsel;  
Mr. Jules CASTONGUAY, Chief Electoral Officer;  
Mr. Donald STEWARD, Assistant Chief Electoral Officer.

The CHAIRMAN: Well, gentlemen, we have a quorum now and we will proceed.

Mr. Butcher has obtained additional, or supplementary information, or most of it that he could obtain, as requested by the members of the committee. I will ask him now to submit to the committee this additional information.

Mr. HARRY BUTCHER, K.C., called.

The WITNESS: Mr. Chairman and gentlemen: I have been requested by the committee to write to Senator Truman. I did write, but I received no reply; I imagine he is a very busy gentleman and he has not got around to dealing with the matters that I referred to him. I also applied to the Chief Electoral Officer for Ontario for information and I have not received a reply from him. In my letter I asked him to give me also information as to whether he had arrived at any conclusions as to the value of the proxy vote and the result of it in the province of Ontario.

The CHAIRMAN: If I might interrupt: I might tell you that when I was in the city on Monday I tried to contact Mayor Lewis and also Mr. Dunbar to see if I could hurry along an answer, but I was not successful in reaching either of them.

The WITNESS: I also wrote to the provincial secretaries of the provinces of Nova Scotia, Prince Edward Island, British Columbia and Manitoba, and received some information from each of them which I shall be prepared to submit to the committee a little later. I also got in touch with the High Commissioner for New Zealand, the High Commissioner for Australia and the High Commissioner's Office—I am not quite sure that is his title—for the Union of South Africa, and got considerable information from each of these gentlemen for the committee. Mr. Castonguay prepared a memorandum on the plebiscite as requested by the committee; and, finally, I have prepared a memorandum on the British North America Act and the changes or amendments that would be necessary if direct representation on the part of the military forces should meet the approval of the committee.

The CHAIRMAN: And in addition to that, Mr. Butcher, I understand you also ascertained that there was a new Act passed by the United Kingdom government.

The WITNESS: Yes, that is a matter to which I shall refer first of all. I ascertained from the office of the High Commissioner of the United Kingdom that a new election Act was passed on November 11, 1943, so that it has been



in existence just three months. There have not been as many changes as one would anticipate in the actual procedure, in the taking of the votes of the service voters, but there are some changes. In the first place, bearing in mind of course that the basis of representation in the United Kingdom is the register of electors, no person can vote who is not on the register. It is provided that the register should be divided into three parts.

The CHAIRMAN: Pardon me, Mr. Butcher. Mr. Gillis, we have just started discussing the new Act passed by the United Kingdom in November of 1943 with respect to the new election Act and it provides for certain changes in the active service voting, and Mr. Butcher is just explaining it.

Mr. GILLIS: Thank you, Mr. Chairman.

The WITNESS: As I mentioned, this particular Act is called the Parliament (Elections and Meeting) Act, 1943. It is really only a part of that series of Acts that are known as the Representation of the People Act of Great Britain. I was about to mention that the register of electors was divided into three parts consisting of first, those voters who have residence qualifications—civilian residence qualifications—and second, civilian electors who have business qualifications and finally, the service register upon which the names of all men engaged in the various armed services should be entered. It is described in the Act itself as:—

An Act to make temporary provisions as respects parliamentary elections and the registration of parliamentary electors, and, in connection therewith, as respects the dissolution of parliament as from the future date and other matters, etc.

Section 1 (1): The parliamentary register of electors to be in force for the purposes of a war election in any constituency shall be a register specially prepared under this Act.

At our previous meeting I mentioned that a permanent register is maintained in the United Kingdom and it is brought up to date twice a year; that register would no longer be in force under this new Act; a new register specially prepared will be in force.

(2) For the purpose of this part of this Act, the expression "war election" means a parliamentary election initiated on or after the appointed day and before the expiration of the National Registration Act, 1939, not being a university election.

You may remember that our regulations in 1940 provided that they should be in force I think during the war and, if I remember correctly, the ensuing period until the termination of demobilization.

I am, as far as possible, quoting from the Act itself. I believe that would meet with your approval, Mr. Chairman and gentlemen, because that is really safer than it is to paraphrase in order to explain what the Act means.

Later in the Act it is provided that the date at which an election shall be taken to be initiated shall be:—

- (a) In the case of a general election, the date of His Majesty's Proclamation summoning a new parliament;
- (b) In the case of a by-election, the date on which the writ is received.

Section 4 of the new Act provides that—

If the Secretary of State is satisfied, in respects to remote constituencies, that 36 days is not sufficient for the compilation of the register, he may with respect to such constituencies order that the register need not be completed until the 42nd day.



I should mention that I am referring only to such sections of the Act as seem to have application to the business that you have in hand at the present time.

(Sections 5 to 7 provide for the registration of civilian voters only.)

8. (1) Subject to the provisions of this part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the service register for an election in any constituency, if on that date that person—

(a) is a member of the forces or a seaman;

“Seaman” is taken to mean a member of the merchant marine.

Mr. ISNOR: Is full age defined?

The WITNESS: Yes, we come to that later on.

(b) is residing at a place in the constituency, or would be so residing but for his service as a member of the forces or a seaman.

(2) No person (this is a new feature of the Act) shall be entitled to be registered in the service register for an election in any constituency unless there has been transmitted to the registration officer for that constituency in any manner authorized by national registration regulations and received by that officer on or before the qualifying date, a declaration in the prescribed form (hereafter in this part of this Act referred to as a “service declaration”) which purports to be signed by that person and to be attested by such other person as may be prescribed and states—

(a) The date of the declaration, and that on that date the declarant was a British subject; and

(b) whether the declarant had, on the date of the declaration, attained the age of twenty-one years, and, if he had not, the date of his birth; and

(c) that on the date of the declaration the declarant was, or but for his service as a member of the forces or a seaman would have been, residing at a place in the constituency of which the postal address is specified in the declaration; and

(d) the declarant's service number (if any) and such other particulars of identity (if any) as may be prescribed.

(3) A person who has made a service declaration may at any time cancel it in the prescribed form and (if he so desires) make a further service declaration to some other place of residence.

(4) A service declaration which declares to more than one place of residence shall be void, and not more than one service declaration made by the same person shall have effect at the same time; and accordingly, where a person makes two or more service declarations without expressly cancelling the earlier declaration or declarations, the following provisions shall apply:—

(a) two or more declarations bearing the same date shall be void;

(b) subject to paragraph (a) of this subsection, a declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date.

(5) Where, on the qualifying date for an election in any constituency,—



- (a) a service declaration declaring to a place of residence in the constituency has been transmitted to the registration officer in manner authorized by national registration regulations and received by him; and
- (b) the registration officer has not been notified in manner so authorized that the declaration has been cancelled or that the declarant has caused to be a member of the forces, or a seaman;

then for the purpose of determining the declarant's right to be registered in the service register for the election—

- (i) that place shall be deemed to be the place at which he is, or but for his service as a member of the forces or a seaman would be, residing on the qualifying date; and

The CHAIRMAN: Pardon me, Mr. Butcher. Mr. Green, Mr. Butcher is now explaining the new Act that the United Kingdom passed in November of 1943; more particularly certain provisions with respect to the active service votes.

Mr. GREEN: Thank you.

The WITNESS:

- (ii) he shall be treated until the contrary is proved as being on that date a member of the forces or a seaman, according to the form of the declaration, and a British subject of the age appearing from the declaration and not subject to any legal incapacity.

(6) National registration regulations may provide for the following matters, that is to say:—

- (a) the manner in which any service declaration and any cancellation of any such declaration is to be transmitted or notified to the registration officer concerned;
- (b) the manner in which the registration officer concerned is to be notified that a person who has made a service declaration has died or otherwise ceased to be a member of the forces or a seaman;
- (c) the compilation and maintenance of a central index (whether as an adjunct to the National Register or otherwise) of all persons who have made service declarations, containing such particulars as to those persons and the service declarations made by them as appear to be necessary for the purposes of this part of this Act;

and the notification to a registration officer in accordance with the said regulations that a service declaration has been cancelled or that a person has died or otherwise ceased to be a member of the forces or a seaman shall, for the purposes of this section, be conclusive evidence of the fact so notified.

(7) A person who is registered in the service register for any election shall be deemed for the purposes of this part of this Act and the principal Act to be registered in respect of a residence qualification.

That, Mr. Chairman, is the general outline of the provisions of the Act that apply to registration which, as I said just now, is the basis of the right to vote on the part of the service elector.



Mr. ISNOR: Just before you leave that part of it; is there any provision whereby a man votes at home?

The WITNESS: Yes, we come to that a little later.

*By Mr. Isnor:*

Q. You recall that that was one of the questions which was raised in 1940?—

A. There is a regulation making provision for that and it is dealt with a little further on.

Mr. CHAIRMAN: At the moment I am not just clear in my mind as to the residence qualifications of the active service voter.

The WITNESS: The place in which he ordinarily resided immediately previous to his enlistment; which is the same provision in every electoral Act that I have been reading. There is no provision for the service elector to vote other than in the constituency in which he ordinarily resides, or the constituency in which he ordinarily resided before his enlistment into active service.

Mr. ISNOR: Would you re-read that last clause, please?

The WITNESS: Yes.

(7) A person who is registered in the service register for any election shall be deemed for the purposes of this part of this Act and the principal Act to be registered in respect of a residence qualification.

I think perhaps you might have noticed earlier that there is another qualification there, a business qualification; a person may be qualified to vote in the United Kingdom on his business qualifications, his business premises qualifications; but he has to be deemed under this Act to be registered by reason of his residence qualifications. Have I made that clear? That is at least the provision of the Act.

The CHAIRMAN: In other words, the active service voter cannot exercise the right of voting with respect to any business.

The WITNESS: He cannot be designated as that. He may have it, but he cannot be designated as such in the register.

The CHAIRMAN: The committee will realize there that the residence qualifications is still the basic principle, where he resided at the time of enlistment.

The WITNESS: There is no doubt about that at all.

*By Mr. McNiven:*

Q. Is this register the same as the constituency voters' list?—A. It was until this Act was passed. One of the first provisions of this Act is:

The parliamentary register of electors to be in force for the purposes of a war election in any constituency shall be a register specially prepared under this act.

From that you will see that a new register must be established.

*By Hon. Mr. McLarty:*

Q. Do I understand correctly from what you have read there is in addition a national register containing the names of all those in the forces and seamen; that there is a national register in addition to the local register?—A. There is a national register, but the national register is comprised of three parts; one part with those who qualify on account of civilian residence; one part with those who qualify on business qualifications; and then the service register; but there is one register of the three branches.



Hon. Mr. McLARTY: I think you are right but there is no exclusive national register for only just those in the armed services; just a register containing the names of all electors.

The WITNESS: It is supposed to include the name of every qualified elector.

Hon. Mr. McLARTY: It includes the name of every elector?

The WITNESS: Yes. It is the duty of the registration official to see that the name of every elector is on the list; but on the other hand that does not mean that it is not the duty of every elector to see that his name is on the list.

Mr. ISNOR: There is one question I would like to ask there and it is this: Most of these men would come under what is known as the Representations of the People Act which was passed I think in 1914; does the Act to which you are now referring override that Representations of the People Act?

The WITNESS: No, it does not. In Great Britain the Act relating to electoral matters comes under what is known as the Representations of the People Act and becomes part of the Act passed in 1918; subject of course to the amendments which have been made since. This Act which we have now before us is one of the Representations of the People Acts.

Hon. Mr. McLARTY: Is this other Act abolished?

The WITNESS: Oh no, not at all; but the special provisions contained in this Act of course take precedence during the war. It says, you will remember:—

For the purpose of this part of this Act, the expression "war election" means a parliamentary election initiated on or after the appointed day and before the expiration of the National Registration Act, 1939, not being a university election.

So that when the war is over and the National Registration Act of 1939 is repealed I gather that this Act will itself be repealed; or, at least, wherever there is any conflict between this particular Act or any portion of the Representations of the People Act, this Act takes precedence. In fact, if you wish to have it, there is a schedule which shows the amendments that have been made to the parent Act.

Mr. McNIVEN: The active service men to be entitled to vote have got to have their names on that list?

The WITNESS: A service voter cannot vote without it. I think I stated very explicitly on a previous occasion that no man can vote unless his name is registered, and even if he is registered he can only vote in the constituency in which his name is recorded as a voter.

Mr. McNIVEN: It is a responsibility of the election officers, the enumerators, to see that his name is on?

The WITNESS: Primarily it is their responsibility, but it is not exclusively so because it is as I pointed out just now, and as I think I stated explicitly at the last meeting, the wise man tries to see that his name is on the list.

The CHAIRMAN: The active service voter has to make a declaration in order to get on the register?

The WITNESS: Yes.

The CHAIRMAN: And it is his responsibility. What is the system prevailing in submitting these declarations? Does he have to do it on his own volition, or how does it work?

The WITNESS: We will come to that a little later on; but, as a matter of fact, it is the duty of the registration officials to see that his name is on the list, but not necessarily on as an active service voter; it is for the man himself



to make the declaration, to make sure that he is referred to as a service voter—that is the expression used. We come to that very definitely a little later on.

Mr. McCUAIG: The responsibility of putting the name on the list does not go any further than our own Act of 1933.

The WITNESS: No, it apparently does not go any further. There are the officials who are charged with the responsibility of seeing that the name is on the list.

Hon. Mr. McLARTY: It is not compulsory for him to register, the same as it is in Australia or in New Zealand?

The WITNESS: No. And then, we come to the method of voting of service voters; and this angle is a feature which will be of particular interest to you and to the members of this committee.

The CHAIRMAN: You might try to read it as slowly as you can.

The WITNESS: Am I reading too fast? There is such a lot of material.

Mr. MACNICOL: I was just wondering what benefit it is to us anyway.

The WITNESS: Perhaps this material up to the present has not been of much benefit except that it shows the basis upon which a man is entitled to vote; that he must be registered.

Mr. MACNICOL: Our own regulations have that all established.

The WITNESS: Oh yes; I am in agreement with what Mr. MacNicol says about a lot of this material being perhaps of very little service.

The CHAIRMAN: I am not so sure about that. It indicates one of the basic principles that should be a guide to us, and that is the active service voter must be on the register or on the list or on the nominal roll, you can call it what you like—but he cannot vote without this fundamental qualification.

Mr. MACNICOL: That is all in now.

The CHAIRMAN: In where?

Mr. MACNICOL: In the 1940 Election Act.

The CHAIRMAN: Of course, that is in; but the point of interest to us is to discover whether or not some other system might possibly be devised.

Mr. MACNICOL: Would it not be better to take up our own 1940 Act and see whether or not it is possible for us to improve it; I think that would be more satisfactory.

Hon. Mr. McLARTY: I quite agree with you that we are particularly interested in our own regulations; but in view of the fact that this is such a recent Act and has such a definite bearing on the service voters there may be some ideas in the material which Mr. Butcher has to present to us that would be of assistance to us in considering our own Act. There is probably some of it on which we would possibly be wasting time, but you cannot tell what is a waste of time until you see what is in it. That is what I had in mind.

Mr. ISNOR: Is the general Act covering all these subdivided into three divisions?

The WITNESS: In so far as the summary of this Act is concerned it is of primary importance; that is in the sense of amending the parent Act, in so far as special war provisions are made in this Act; but there are not so many changes in the system of voting as one would suppose since the 1918 Act was changed. It is more in relation to procedure than in relation to the system of voting.

The CHAIRMAN: I think what Mr. Isnor wanted to know is whether this legislation is a separate Act with respect to active service voters or is it just a part of the general election Act. Isn't that what you wanted to know, Mr. Isnor?

Mr. ISNOR: Yes.



The WITNESS: It deals with many matters other than the system under which the active service voters may vote. There are many provisions and matters I have not dealt with because it would take two or three mornings to deal with the whole Act. I have called out those particular sections that relate to service voting.

The CHAIRMAN: Is that clear Mr. Isnor? Mr. Butcher merely culled out those portions from this revised Act of 1943 which apply to service voters only and this part that he is giving us is the part the committee is interested in.

Mr. ISNOR: Yes, quite so. The only point I am making is that it would appear to me from what Mr. Butcher has presented to us that there has been a complete revision of the Act of 1918.

Hon. Mr. McLARTY: No, I think that is where you are wrong; there has not been a complete revision; it is simply, as I get it from Mr. Butcher, an appendage to the 1918 Act; and I gather further that this will be repealed when the service vote situation ceases to exist; that it would be repealed when the war is over and then the 1918 Act with its amendments up to last year would become operative again.

The WITNESS: That is it.

Hon. Mr. McLARTY: That is the way I understand it.

Mr. ISNOR: That may be so; except that I thought that something was said about the votes being subdivided into (a), (b) and (c) and distributed by categories. I was going to point out that that is a little different from our procedure; we have our old Act and we have the additional Act relating to the active service votes.

The CHAIRMAN: It is not an Act; those are regulations.

Mr. ISNOR: Yes, but it is part of the Act.

The CHAIRMAN: Mr. Sinclair, Mr. Butcher is analyzing the provisions of the United Kingdom Act passed in 1943 in respect to the active service votes.

Go ahead, Mr. Butcher.

*By Mr. MacNicol:*

Q. The proxy voter is back home?—A. Certainly, he still votes in the home constituency. Besides, the service voter who is in Great Britain or one who is abroad may vote by proxy if he wishes to do so.

(2) A service voter, whether he has appointed a proxy under this section or not, may vote in person at an election for which he is registered in the service registrar, but, where he is entitled to vote by proxy at the election, only if he applies for a ballot paper before a ballot paper has been issued to the proxy, and in that event the appointment of the proxy shall be void as respects that election.

Nothing in the second paragraph of section twenty-four of the Ballot Act, 1872, shall be taken to penalize a service voter who, after a proxy appointed by him has voted at an election, applies for a ballot paper for the purpose of voting in person.

That is, the mere application under such circumstances is not an offence although it was under the Ballot Act.

(3) A member of the forces, whether he has appointed a proxy under this section or not, may elect, by notice in the prescribed form given to the registration officer within the prescribed time after the initiation of an election for which he is qualified to be registered in the service register, to vote by post at that election; and thereupon, as respects that election, any appointment of a proxy made by him shall be void and he shall be entitled, if registered in the service register for the



election as a member of the forces, to vote by post in the same way as an absent voter and shall not be entitled to vote otherwise than by post;

Provided that any such notice shall be void unless it gives an address in the United Kingdom as the address to which a ballot paper is to be sent in pursuance of the notice.

I think questions were asked at the last meeting about the means taken to inform the service voter as to his rights and obligations. Section 10 provides:—

*Arrangements for exercise of rights by service voters.—*

10. Arrangements shall be made—

- (a) as respects members of the forces, by the Admiralty, Army Council or Air Council, as the case may be;
- (b) as respects seamen, by the Minister of War Transport;  
for securing that (so far as circumstances permit) every person appearing to be qualified to make a service declaration shall—
  - (i) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Part of this Act in relation to the making and cancellation of service declarations, and of appointments of a proxy, and in relation to voting by post; and
  - (ii) receive such instructions as to the effect of this Part of this Act and any regulations made under or by virtue of this Part of this Act, and such other assistance, as may be reasonably sufficient in connection with the exercise of those rights.

Mr. Chairman, I have here several sections that relate to the facilities afforded to war workers who are abroad as distinct from men in the active services. Would it be interesting to the committee if these were read or would it be sufficient if they were merely placed on the record?

The CHAIRMAN: Gentlemen, that is a matter I had intended to take up with the committee later on. I have here a resolution that was forwarded to the Hon. Mr. McLarty, and which he in turn forwarded to me as Chairman of this Committee, a resolution with respect to war workers passed by the council of the city of Moose Jaw at a meeting held on February 14th. That is a separate matter altogether, and I thought I would leave that for later on.

Mr. ISNOR: That is civilian war workers. The type that Mr. Butcher has in mind are such as would be employed by the Canadian Legion services.

The WITNESS: I think that is the idea.

Hon. Mr. McLARTY: I do not think that is what the council had in mind. I do not know whether you want to go into it but I think what they had in mind, Mr. Isnor, was this: Whereas under the National Resources Mobilization Act workers may be transferred from one section of the country to another, I think the point they had in mind was, will the right to vote in the constituency from which they have been transferred be guaranteed them in some way?

Mr. ISNOR: Quite so.

Hon. Mr. McLARTY: Not necessarily workers in army canteens, and that sort of thing.

Mr. ISNOR: Mr. Chairman, I would point out those to whom Mr. Butcher referred were those who are serving overseas in a civilian capacity such as employees of the Canadian Legion services.

The WITNESS: And probably the Red Cross and so on.

Mr. SINCLAIR: The Air Ministry.

Mr. MACKENZIE: These war boards in Washington and Ottawa would be the civilians.



Mr. GREEN: I think it would be helpful to have it read.

The CHAIRMAN: I think we are somewhat at cross-purposes here. I think Mr. Isnor has touched the vital spot. Apparently as I understand you, Mr. Isnor, that portion which Mr. Butcher wants to read relates to war workers overseas in the category of Y.M.C.A. workers or Knights of Columbus and the like whereas this resolution of the council relates to industrial war workers. Perhaps we ought to let Mr. Butcher go ahead and give that information.

Mr. MACKENZIE: What Mr. Butcher is reading is the United Kingdom regulations. They have not got any war workers over here but they have got civilian people in the various boards at Ottawa and Washington.

The CHAIRMAN: Let us have it. I think it will be informative anyhow because we may have that problem with our people who are overseas.

The WITNESS: Section 11 provides:—

*War Workers Abroad.—*

11. (1) Electoral registration regulations shall provide for conferring, on persons . . . .

*By the Chairman:*

Q. Before you proceed with that, as I take it the system of voting in the United Kingdom Act consists of two ways, either by proxy or by post?—A. Or personal vote if the opportunity arises.

Hon. Mr. McLARTY: Three ways.

*By Mr. MacNicol:*

Q. Or by post?—A. Yes.

*By the Chairman:*

Q. I wanted to ask you, Mr. Butcher, if you have any information as to the method or procedure in voting by post?—A. Yes, I have that a little later on.

*War Workers Abroad.—*

11. (1) Electoral registration regulations shall provide for conferring, on persons for the time being registered in the National Register as persons engaged in war work abroad, right similar (as nearly as may be) to those conferred by this part of this Act on seamen, and for making such modifications of this part of this Act in its application to persons so registered as may appear to the Secretary of State to be necessary or expedient for that purpose.

(2) National registration regulations shall provide for the registration in the National Register as a person engaged in war work abroad of any person who—

(a) is certified on behalf of a government department to be engaged in work of national importance outside the United Kingdom (whether ashore or afloat) in connection with any war in which His Majesty may be engaged; and

(b) makes such a declaration as may be prescribed by the regulations;

and for the circumstances in which a person registered as so engaged is to cease to be so registered.



Then, the next section is more or less an answer to a question Mr. Isnor has referred to me.

*Registration officers.—*

13. (1) Sections twelve, sixteen and forty-five of the principal Act (which defines registration officers and their areas) shall apply for the purposes of the registration of electors under this Part of this Act as they apply for the purpose of such registration under that Act.

(2) It shall be the duty of the registration officer for any constituency—

(a) in accordance with this Part of this Act and electoral registration regulations, to compile and publish the register required for any election in the constituency, and to place, or cause to be placed, on the register the names of those entitled to be registered.

### MISCELLANEOUS

*Right of person registered to vote.—*

16. (1) Subject to the provisions of this section, every person registered under this Part of this Act for an election in any constituency shall be entitled to vote at that election:

Provided that nothing in this Part of this Act shall entitle any person to vote if he is not a British subject, or is not of full age, or is subject to any legal incapacity.

(2) A person shall not vote at a general election for more than one constituency (including a university constituency) other than that in which he is registered under this Part of this Act in respect of a residence qualification.

*By Mr. MacNicol:*

Q. What did you say about a university constituency?—A.

(2) A person shall not vote at a general election for more than one constituency (including a university constituency) other than that in which he is registered under this Part of this Act in respect of a residence qualification.

Q. There are twelve university seats?—A. Yes, but they are on proportional representation.

Q. We will not have anything like that here.—A.

(3) Section twenty-two of the principal Act (which imposes a penalty for voting at a general election in more constituencies than is allowed by that Act) shall have effect as if the reference to that Act included a reference to this section.

The next section is "Appointment of Proxies".

The CHAIRMAN: I think this is interesting if we want to get all the information on proxy voting, this part as to appointment of proxies.

The WITNESS:

#### *Appointment of proxies*

1. A proxy shall be appointed by means of a proxy paper issued by the registration officer to the person appointed as proxy, on an application made by the voter in accordance with electoral registration regulations.



*By Mr. MacNicol:*

That means that the voter himself has to make the application for the right to transfer his voting power to a proxy?—A. Absolutely; there is no question about that, and it is repeated later on.

2. Where an application is made by a voter for the issue of a proxy paper, it shall be the duty of the registration officer, on being satisfied that the voter is entitled to appoint a proxy, to issue a proxy paper to the person appointed as proxy, unless the registration officer is satisfied that that person is not willing to be appointed or cannot lawfully be appointed by virtue of the following provisions of this Schedule.

3. A proxy paper —

- (a) shall cease to be in force if a new proxy paper is issued by the registration officer on a further application by the voter; and
- (b) subject to the following provisions of this Schedule, may be cancelled by the voter by giving notice in that behalf to the registration officer in the prescribed form and containing the prescribed particulars:

Provided that this paragraph shall not apply to a proxy paper issued on an application made by virtue of subparagraph (a) of paragraph 1 of the first schedule to this Act.

I should explain what that particular paragraph refers to. The paragraph refers to where a proxy is voted for a particular election only, and it will be quite obvious to you, Mr. Chairman and gentlemen, that could not be cancelled after the proxy had been appointed and with only three or four weeks or perhaps four or five weeks in which to make the change there might easily be two proxies appointed for the same individual.

*By The Chairman:*

Q. Is there any provision that the proxy must be the next of kin of the voter?—A. No, there is a provision with regard to it, that he may be but not that he must be. I will come to that very shortly.

4. Subject to the last foregoing paragraph, a proxy paper shall remain in force —

- (c) in the case of a paper issued on the application of a service voter, so long as that voter remains entitled to appoint a proxy by virtue of the same service declaration.

6. Any application made by a service voter for the issue of a proxy paper, or notice given by a service voter cancelling a proxy paper, shall be transmitted to the registration officer concerned in such manner as may be prescribed by national registration regulations, and those regulations may provide for the inclusion in the central index of service voters of such particulars as may be prescribed by those regulations with respect to the appointment of proxies and the cancellation of any such appointment.

7. A person shall not be appointed a proxy unless he is a British subject of full age and not subject to any legal incapacity.

8. A voter shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.

*By Mr. MacNicol:*

Q. What do you mean by two persons?—A. You still remember, do you not, that in the United Kingdom a man may vote on his residence qualifications and, in another constituency, also on his business qualifications.



8. A voter shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.

I do not quite understand the meaning of that last part.

Q. Does the British Act not simply state that a man shall have one vote?—  
A. In one constituency he has one vote and one vote only. I do not quite see the point of that myself.

*By Mr. McNiven:*

Q. Would that mean that a soldier overseas who appointed, for example, a judge as a proxy would lose his vote?—A. Because the judge could not vote; that is exactly the point. Therefore, he could name two people. In fact, that was distinctly stated in the older regulations. He could name two; if the first one suffered from disqualification or would not act then a second one might be named.

Hon. Mr. McLARTY: It is an alternative.

*By Mr. Green:*

Q. Is there any restriction on the number of proxies a person can hold?—  
A. The next paragraph deals with that.

12. A person shall not vote as proxy unless he is a British subject of full age and not subject to any legal incapacity.

13. A person shall not vote as proxy at an election in any constituency on behalf of more than two voters of whom that person is neither the husband, wife, parent, grandparent, brother or sister.

That is, a person may hold several proxies for members of his immediate family, but not for others than members of his immediate family.

*By Mr. McNiven:*

Q. A father with five boys overseas could hold five proxies?—A. Yes.

Q. And two others?—A. Yes, one for each member of his family that has named him as proxy, so that it is quite possible for him to have several proxy votes.

*By Mr. MacNicol:*

Q. A family up in the Peace River district has eight sons and one daughter in the armed services, the father there could hold nine votes?—A. Yes.

15. If—

(a) any person votes or attempts to vote as proxy at an election in any constituency on behalf of more than two voters of whom that person is neither the husband, wife, parent, grandparent, brother or sister;

(b) any person votes or attempts to vote as proxy at an election on behalf of another person when he knows, or has reasonable grounds for supposing that the proxy paper appointing him has been cancelled, or that that other person is dead, or that that other person is no longer entitled to vote at that election or to vote by proxy at that election; or

(c) any person, not being a British subject, or not being of full age, or being subject to any legal incapacity, votes or attempts to vote as proxy on behalf of another person;

he shall be guilty of an illegal practice.



18. (1) A person may vote by post at an election as proxy for a service voter in the same way as an absent voter voting in his own right, if that person is entitled to vote by post as an absent voter in his own right at that election, and is also entered on the record of proxies as having been appointed proxy by the service voter.

*By the Chairman:*

Q. In other words, that means the proxy may vote by post?—A. Yes, undoubtedly.

Provided that a person shall not be entitled to vote by post under this paragraph unless he has made an application to the registration officer in that behalf in accordance with electoral registration regulation, and the registration officer is satisfied from the application of his identity with the person so appointed.

(2) Where under this paragraph a person is entitled to vote by post at an election as proxy for a service voter, he shall not be entitled to vote otherwise than by post at the election as proxy for that voter.

Mr. Chairman, that completes my presentation.

*By Hon. Mr. McLarty:*

Q. Mr. Butcher, can an active service voter vote by post direct?—A. Yes.

Q. He can vote by post or his proxy can vote by post?—A. That is, if the proxy is entitled to vote by post in that same constituency.

Q. You said there was some definition of full age?—A. Twenty-one years; I read that at one point, the full age of twenty-one years.

*By Mr. Isnor:*

Q. Is there any provision such as we have for persons in the armed services?—A. No, they have no such provision.

Mr. MACNICOL: I have one or two questions that I want to ask Mr. Castonguay. Were the regulations that were in operation in the 1940 election for the taking of soldiers' votes prepared by you?

Mr. CASTONGUAY: I had a look at them several times before they were passed.

Mr. MACNICOL: In the operation of those regulations did you make a compilation of any difficulties you found or any suggestions that you would like to make where you said to yourself, "If there is another election during my term as chief electoral officer I would recommend this?" Have you made any mental deductions as to what should be done?

Mr. CASTONGUAY: I have some changes in mind that I am prepared to suggest if the occasion arises.

Mr. MACNICOL: I think the whole committee are imbued with one desire only, and that is to see that every soldier has a vote and that he votes as he wishes.

The CHAIRMAN: Apparently, Mr. MacNicol, I take it from your remarks—I do not want to start a discussion now but I did hope we would discuss it later on after we get information—you are, shall I put it, sold on the idea of the direct vote as provided in the 1940 regulations rather than any other system?

Mr. MACNICOL: I was inviting information as to whether the operation of that last direct vote in the 1940 general election was satisfactory or not, and



I qualified that by saying that the chief returning officer, who is an enthusiast in all these matters pertaining to elections, may have said to himself at the time, "Well now, if there is another election I would recommend such and such." I am not sure whether it was not perfectly satisfactory. I have not heard many complaints against it.

Mr. ISNOR: We will be calling Mr. Castonguay?

The CHAIRMAN: Yes, he is available here and can be called any time and examined. He can give you all the information that is necessary, but what I had planned for the agenda for this particular meeting was to finish up with all the available information, in other words, exhaust the information. Then I was going to have a general discussion by the committee on the systems of voting. As I see it from the information available so far there are only three systems of voting. There is the proxy system, the voting by post system, and what I call voting in the field or the marking of the ballot by the active service voter. However, I should like, if it meets with the approval of the committee, to exhaust all the information that Mr. Butcher has gathered. I appreciate it may be a bit boring at times to listen to it, and that some of it may not be entirely relevant, but I feel that we should include all possible information so that when our discussion starts on the relative merits of the systems we will have this information available to refer to.

Mr. MACNICOL: Mr. Butcher stated he had finished.

The CHAIRMAN: With this part of it; he has got some more.

Mr. FAIR: Might I ask Mr. Castonguay whether he found the 1940 regulations fairly satisfactory?

The CHAIRMAN: Mr. Fair, would you permit that question to stand until we get into the meat of our problem? Let us exhaust the information so that the record will be complete. He has other information, Mr. MacNicol.

Mr. MACNICOL: All right.

Mr. MCNIVEN: Before you go on, I wonder if Mr. Butcher could explain to us in a little more detail the system for voting by post, and what regulations are provided for the purpose of giving the individual voter in the field the information as to who the candidates are, and the particular constituency in which he ought to vote?

Mr. SINCLAIR: Before that is answered, along Mr. MacNicol's line I should like to make a suggestion. It is going to take a long time to go through all the systems. I think a quicker approach is to have Mr. Castonguay point out what were the difficulties, if any, with our old regulations. Then we can go on to the specific part of the other Acts and see how they solved the problems rather than go through all this business which I think is pretty well a waste of time for some of us here, anyhow. If we could take our existing Act and have Mr. Castonguay point out for us the difficulties, and say, "Here we did not get the vote, this group were not reached" then we could refer to the specific sections of the other Acts. I think it would speed up the work of the committee a great deal.

Hon. Mr. McLARTY: As against that, Mr. Sinclair, we may go over a long list of regulations, but is it not perhaps some advantage to the committee in coming to a general conclusion as to the most desirable system we can use? We could then perhaps read our regulations with the background of the information as to these other systems rather than to go over all our regulations and then say, "Oh, well, we have gone over our regulations but we do not approve of the system." In other words, my thought would be—and I am merely throwing this out as a suggestion—that if we have the information,



come to a general conclusion perhaps as to what would be under the circumstances the best system to adopt, and then read our regulations with that background in view, that it would perhaps be better. I am merely suggesting that. Will this take long, Mr. Butcher?

The WITNESS: I have quite a lot of material yet.

Mr. GREEN: Mr. Chairman, some of us do not know very much about this question; certainly the members of the House who are not on the committee will not know about it and their only opportunity to study the question will be by reading these reports. Therefore I think there is great value in letting Mr. Butcher complete his summary. As you said before we will have available a complete picture.

Mr. McCUAIG: I think we should continue and have this information.

The CHAIRMAN: What is the consensus of opinion of this committee?

Mr. MACNICOL: I agree, but I understood Mr. Butcher to say he had completed the matter he was dealing with.

The CHAIRMAN: You will recollect that at our request Mr. Butcher interviewed the commissioners, the High Commissioners for Australia and New Zealand, and the representative for South Africa. I am only one member of this committee, but I am inclined to favour our proceeding to have that information complete. Some of it may be irrelevant, but all of it will be very useful to members of the House who are not members of this committee. And, if Mr. MacNicol will allow his question to stand over until Mr. Butcher has completed his submission, perhaps that would be better. By the way, Mr. Butcher, have you anything with regard to postal voting?

The WITNESS: Yes; whenever a person wishes to vote by post he makes an application in the prescribed form to the registrar.

Mr. McNIVEN: Is that in England?

Mr. MACNICOL: Just the same as it is in Canada or anywhere else.

The WITNESS: I may say that in the United Kingdom he applies to the registrar for permission to vote by post and a ballot is sent to him. I do not know whether any other information is sent to him with regard to the candidates, there is nothing in the regulations.

Hon. Mr. McLARTY: Which is the same system as the one they have in Australia.

The WITNESS: It is just about the same. And then the service voter has to mark his ballot and see that it is in the hands of the registrar to be counted on voting day; it must be there before the close of polling.

Mr. McNIVEN: And nomination only takes place a week before the voting day.

The WITNESS: But it is only in the United Kingdom; the postal vote applies only in the United Kingdom. Only electors residing in the United Kingdom can vote by post. Of course, you know that distances are not great and it is quite possible within a week or seven or eight days—eight days I think it is now.

Mr. McNIVEN: The system is something like the present day voting regulations in certain of the provinces, British Columbia for instance.

The WITNESS: Something like we had at one time.

The CHAIRMAN: Is it the wish of the committee that we go on with this information?

Mr. McCUAIG: I think we should.



The WITNESS: In addition to the information that I gave to the committee with respect to New Zealand I have ascertained from the office of the High Commissioner the following:—

The Electoral (Members of the Forces) Regulations, 1941. Election of 1943 was held on September 25th. (Nomination Day was August 21st).

From that you will see that there are about thirty-five days between nomination and polling. As you probably remember that was one of the features which really concerned the election officials in 1940; the period of time that elapsed between nomination day and polling. It really was not long enough.

Mr. McNIVEN: You are referring to Canada where two weeks apply?

The WITNESS: Yes.

Mr. McNIVEN: Here it is thirty-five days?

The WITNESS: Yes.

Mr. McNIVEN: I think that is very important.

The WITNESS:

Printed Rolls of all members of armed services were provided for the use of election officials of all units containing a sufficient number of such members.

I saw these rolls in the office of the High Commissioner and they were quite interesting; and I asked the gentleman whom I interviewed whether it would be possible to get a copy of these rolls to every unit, and he said no, it was not; where there were just a few men attached to some unit, perhaps the Imperial forces or the Canadian forces or the Air force, the roll was not sent in at all, but when the votes were cast they were checked from the roll. That was in the hands of the chief electoral officer for the district.

Every member of the armed forces was required to produce his pay-book, if one had been issued to him, when voting, and the official receiving the vote was instructed to endorse the fact of the member having voted, on such pay-book. If no pay-book had been issued to the member he might, on proving his qualifications, vote on "declaration".

I asked if every member of the armed forces was required to produce his pay-book, and whether all of the men in Canada had pay-books, and I was informed that they had not.

Mr. MACNICOL: I don't get what you are referring to.

The WITNESS: To the pay-books. So that practically all voted by declaration; that is, they made a declaration as to their qualifications to vote and that was held to be sufficient.

Any member of the armed forces was entitled to vote whether or not of the full age of 21 years.

The chief electoral officer appointed the necessary number of special returning officers, and the special returning officers appointed other officials whose services were required in taking the vote. No provision was made for the appointment of scrutineers by political parties. Immediately after nominations were complete the chief electoral officer telegraphed or cabled a list of all candidates in every electoral district to each special returning officer who, in turn, supplied a copy of such list to every election official taking part in the election within his area.

The CHAIRMAN: Mr. Power, Mr. Butcher is explaining the system of voting in New Zealand.



The WITNESS: With respect to the votes outside of the dominion. I dealt with the votes within the dominion at the last meeting. Here is the feature that I would draw to the attention of the committee:—

The list of candidates also stated the political affiliation of each candidate.

The machinery employed in the actual taking of the vote of members of the armed forces, whether within or without New Zealand, was practically the same as that employed in Canada in 1940, except that civilians entitled to vote in New Zealand were employed in the actual taking of the vote whenever possible. In cases in which the number of members of the New Zealand armed forces in any unit was very small, the services of members of such forces were often used. And where there were a few members of the New Zealand armed forces attached to units of the Imperial or other forces, the cooperation of the commanding officers of such units was sought and always obtained.

The gentleman whom I interview said that whenever they asked the assistance of officers, officers of other forces, they met with an immediate and ready response and full cooperation.

When sending voting material to election officers, the special returning officers were permitted to enclose printed manifestos setting forth the platforms of the various parties. The manifestos were prepared and printed by the parties themselves, and at their own expense. In Canada these manifestos took the form of a single publication of several sheets, entitled "New Zealand Election News Sheet".

I managed to procure a copy of what they permitted to be issued through the election officials of the various units.

I was informed that in several cases the result of the poll was changed when the votes of armed services electors were added to the totals obtained under civilian voting.

I mention that because it was one of the questions raised in this committee in respect to the Ontario elections.

Hon. Mr. POWER: What is that again?

The WITNESS: I was informed that in several cases the result on the poll was changed when the votes of armed service electors were added to the totals obtained under civilian voting.

Hon. Mr. POWER: Yes, it changed ten seats.

The WITNESS: I did not put it that way. That is what I was told.

(Discussion off the record.)

The WITNESS: I secured a copy of this election news sheet and will be very pleased to show it to the members.

The CHAIRMAN: I will pass around this manifesto of the labour party, for the benefit of those who may want to see it.

The WITNESS: I also obtained a copy of the list of candidates, with a key.

The CHAIRMAN: I will also pass around this list of candidates. You say, Mr. Butcher, that that was handed over to each election officer?

The WITNESS: To each election officer where there were service voters; the voter was furnished with a copy of this.

Hon. Mr. McLARTY: And all the parties were permitted to put out a sheet?

The WITNESS: If they chose to do so, they were permitted to do so.



Hon. Mr. McLARTY: There were four of them.

Hon. Mr. POWER: To what extent are parties recognized in their election lists normally, do you know?

The WITNESS: No, I do not know.

Hon. Mr. McLARTY: According to this sheet there are 19 different parties.

Hon. Mr. POWER: Did you say parties?

Hon. Mr. McLARTY: Powers, or groups.

(Discussion off the record.)

The CHAIRMAN: Well, gentlemen, are there any more questions with respect to the system of voting in New Zealand?

Mr. ISNOR: There is just one question about the age. In one report he made to us Mr. Butcher referred to the matter of age; in this case it is twenty-one, as I understand it.

Hon. Mr. McLARTY: In New Zealand.

Mr. ISNOR: And you follow that up by saying it would almost appear from the wording they were apparently ready to use the pay-book.

The WITNESS: That might possibly be.

Mr. ISNOR: I was going to say that in looking up the journals of the parliaments of the Empire, the main number, men were not sent overseas until they were twenty-one years of age. That might hit it.

The WITNESS: Yes. The thing I had in mind was that the registration was compulsory and that no person could be registered until he was twenty-one years of age. That is what I based my opinion on, that the voter must be of the full age of twenty-one years.

Mr. MacKENZIE: You stated this morning, Mr. Butcher, that there is no age on it.

The WITNESS: Yes, that is what the official informed me, notwithstanding my own opinion, which was only an opinion, based upon special features of the Elections Act, that they would have to be twenty-one years of age.

Mr. MacNICOL: But whether he is a soldier or a civilian he is told to register.

The WITNESS: Yes, he is compelled to register, and there is a severe penalty if he does not register.

Mr. MacNICOL: Even a soldier?

The WITNESS: It applies to every person. Every person on reaching the age of twenty-one must register within a limited period of time.

Hon. Mr. POWER: And how about the men from New Zealand who are in Canada, they didn't have a chance to register?

The WITNESS: They made a declaration. There is provision in the Act for them to vote by declaration. Naturally, they had to swear to their qualifications, usually before one of their own officers, or some commissioned officer who would attest that he believed the information in the statement to be correct.

The CHAIRMAN: Mr. Power, New Zealand sent out its own officers, special officers who went to several training camps, and we co-operated very closely with them.



Hon. Mr. POWER: When they were isolated I presume they voted before an officer?

The WITNESS: Yes.

The CHAIRMAN: Yes, we usually appointed the adjutant of the unit, say at Bali-Bali, to co-operate with the New Zealand officer there.

Mr. McNIVEN: What steps did they take to confirm the allocation of the voters as to constituencies? For instance, you take the case of Auckland, there you have the ridings of Auckland Central, Auckland East, Auckland Burroughs and Auckland West; how was the voter going to know which one of these divisions he votes in.

Mr. MacNICOL: Just the same as they do in Toronto; the boys know the riding they belong to.

The WITNESS: Where there is any trouble the voters' roll would show the proper constituency. I was informed by the gentleman whom I interviewed that every effort was made to make quite sure that the voter knew where he should vote, and then they simply sorted his vote to that particular electoral district.

Mr. McNIVEN: Suppose the voter says: I vote at 275 Smith Street—

The WITNESS: They had a key map which would be of assistance. These maps are official. They are provided to each election officer, and from them it was possible to discover almost surely the electoral district in which the voter was entitled to vote.

The CHAIRMAN: The next is Australia.

The WITNESS: Election August 21, 1943. Nominations—July 30. The High Commissioner for the Commonwealth of Australia in reply to my request for information, made on behalf of the committee, with respect to the manner of taking the votes of active service electors in the election of 1943, kindly deputed Mr. Ralph Harry of his staff, to provide me with full information with respect thereto. Most of the information thus given is confirmation of the memorandum presented by me to the committee on the 17th instant. There is, however, one particular feature that my study of the Commonwealth (War-Time) Election Act had failed to reveal. The copy of that Act sent to me by Mr. Harry contains a typewritten amendment which reads as follows:—

10A. At each place where the votes of members of the forces are to be taken, the officer in charge of the voting shall post in a conspicuous position a copy of the printed list showing the names of the candidates and their party designations (if any), and each officer before whom votes are being recorded shall, when handing the requisite ballot-paper to a voter, direct the attention of the voter to that list and to the fact that the parties represented by the respective candidates may be ascertained therefrom.

Section 6 of the Act is also amended.

Now, here you get the matter to which Mr. Isnor was referring—age.

Section 6 of the Act is also amended by the deletion of the words "who is not under the age of twenty-one years", as one of the qualifications for voting of members of the forces.

I do not know whether this amendment which follows was made by Order in Council, but it struck me as rather strange that it should be put on in typewritten form on the copy sent to me.

Mr. MacNICOL: A person has to be twenty-one years of age?



The WITNESS: Yes, but any member of the forces if under twenty-one may vote.

Mr. MACNICOL: They may vote?

The WITNESS: Yes, whether or not they are minors. Further amendments to the Act are as follows:—

Subject to this section a member of the forces who is on authorized absence from his unit may, during the hours fixed for the polling at any place where arrangements have been made for members of the forces to record their votes under the provisions of this Act, attend and vote at that place.

Each candidate may, by notice in writing or by telegram addressed to the returning officer or presiding officer, appoint one scrutineer to represent him at the polling at any place at which the votes of members of the forces are being taken under the provisions of this Act, and any scrutineer so appointed shall, subject to the provisions of section one hundred and nine of the Commonwealth Electoral Act 1918-1940, be entitled to be present at that polling.

Mr. Chairman, I have as far as possible made note of those features that differ from the features adopted in Canada in 1940, and that is one of them.

When voting is actually in progress, the following is the procedure:—  
the officer shall initial on the back and issue to the voter—

A Senate ballot-paper for the state of which the voter's division forms part on which have been printed the names of all the candidates in the order and grouped as required by the provisions of the Commonwealth Electoral Act; and A House of Representatives ballot-paper for the voter's division (if the House of Representatives election in that division is contested) on which the officer has written, in alphabetical order, the names (but not the party designations) of all the candidates for that division as appearing on the list supplied to that officer;

You will notice that the party affiliations of the candidate are stated on the list but not on the ballot-paper.

shall direct the attention of the voter to the posted list of candidates and to the fact that the parties represented by the respective candidates may be ascertained therefrom.

That is the supplementary information that I have with regard to Australia. I could not obtain any more.

Hon. Mr. POWER: And may I ask there, does the elector get a ballot-paper with the names of all the candidates in all the constituencies, or only the constituency in which he has a right to vote?

The WITNESS: All the candidates for that division in the part of the list supplied to them.

Hon. Mr. McLARTY: What is a division?

The WITNESS: One constituency.

Hon. Mr. POWER: So there may be a number of men in one constituency.

Hon. Mr. McLARTY: Yes.

Mr. MACNICOL: With regard to the Senate, the whole state is one constituency.

The WITNESS: I did not bother much about the Senate because I did not feel that that would be of interest to the committee.



Mr. MacNICOL: Well then, do the regulations refer to how the elector or the soldier is supposed to poll his vote in a House of Representatives' constituency? I understand that in connection with the House of Representatives they have a system of transferable votes.

The WITNESS: Yes, in the Senate they have but—

The CHAIRMAN: Perhaps I should call Mr. MacNicol to order on that word.

Mr. MacNICOL: But it is a proper name, Mr. Chairman.

The WITNESS: In the memorandum submitted last week, I mentioned that there had to be an interchange of information as between the chief returning officer and the chief electoral officer before the actual position was arrived at as to who was elected; only first the preference votes were counted in the first instance.

Mr. MacNICOL: And whoever gets the first preference vote gets quite an advantage.

The CHAIRMAN: Do you recollect what time elapses between nomination day and polling day in Australia?

The WITNESS: In 1943 the nominations were held on July 30th and the election on August 21st.

Mr. MacNICOL: Maybe you are right, Mr. Chairman; perhaps I should have been called to order when I referred to the Australian Senate.

The CHAIRMAN: That is about twenty days?

The WITNESS: That is twenty-two days; and there is a period of thirty-five days in New Zealand between nomination day and polling day.

The CHAIRMAN: Are there any other questions?

Hon. Mr. POWER: I wonder, did you inquire as to the mechanics, the machinery they put into effect to get this list of candidates to their voters?

The WITNESS: You mean in New Zealand?

Hon. Mr. POWER: Yes. Is there a longer period between the issue of the writs and election day?

The WITNESS: It is thirty-five days between nominations and polling day.

Hon. Mr. POWER: Did you inquire as to how they manage to get out letters like these?

The WITNESS: No, I did not. I understand that the information was cabled from New Zealand here. I understand your question to mean how are they to know what the affiliations of these candidates are.

Hon. Mr. POWER: This list must have been cabled.

The WITNESS: It was cabled here, that is it exactly.

Hon. Mr. POWER: Then it was printed in Canada.

The WITNESS: Just the same as the manifesto was printed in Canada.

Hon. Mr. McLARTY: This manifesto was printed in Canada?

The WITNESS: It was printed in Canada. Each party handled its own material.

Hon. Mr. POWER: Did they not communicate it to isolated sections of the world such as India or Burma?

The WITNESS: They would not know there.



Well now that completes the supplementary information with regard to Australia.

The CHAIRMAN: What else have you?

The WITNESS: South Africa. I did not get much information from South Africa. I had quite an agreeable letter from the gentleman with whom I communicated but he said unfortunately that he had practically no information with regard to the election which was held, or regarding election material, as it had all been shipped back to the Union of South Africa. He admitted that he could not give me any definite information but he said that he would send for the information; which, of course, may be several months in coming. I thanked him for that.

Mr. McNIVEN: Before you leave Australia, did you get any information from the High Commissioner as to the number who voted as compared to the number who were entitled to vote?

The WITNESS: No, I did not. He had not a lot of information but he gave me a mass of material that he had and I very carefully looked it over and it certainly contained nothing that related to that particular feature because I would have made a note of it if there had been any, I am quite sure.

The CHAIRMAN: What else have you?

The WITNESS: With regard to South Africa I was not able to obtain very much, as I said. Possibly gentlemen would like me to read what I have here.

The CHAIRMAN: Possibly you could summarize it and give us an approximation of what it contains.

The WITNESS: It is not easy to approximate. However, there is one feature it contains which I think would be of special interest to the committee:—

Section 2 (2): Any person exercising the right given to him by the above subsection shall not give his vote directly in favour of any individual candidate, but in . . . favour of a political party or group, and shall so mark the ballot paper issued to him as to indicate his preference for one of the political parties or groups mentioned in the ballot paper, or the order of his preferences as between two or more, or all the parties or groups so mentioned, and his votes shall be counted accordingly, provided a representative of a political party or group for which he has so indicated a preference, is a candidate for election in the division upon the voters' list in which the voter is enrolled.

The service voter outside of the Union of South Africa during an election only votes for a party. I think you will be interested in the provision which relates to that and I will read it to you:—

Section 9: The governor general may make regulations in regard to any of the following matters:—

- (a) Appointment of the necessary number of election officers;
- (b) By what method and by whom it is to be determined what political party or group is represented by any candidate nominated for election at such an election as is referred to in Section 2 above;

So in that case the political affiliation of the candidate is decided by regulations; by what method and by whom it is difficult to determine. There are two or three paragraphs that I have not read; would it be in order to have them included in the report?



The CHAIRMAN: I think, in order to have this information, it should be included in the record, with the permission of the committee. Is that agreeable?

Some Hon. MEMBERS: Agreed.

The WITNESS:—

Act No. 30 of the year 1940.

Every white person in the union must within three months of attaining twenty-one years apply for registration as a voter. The penalty for non-registering is one pound for the first offence, and not exceeding five pounds for the second.

Act 23 of 1941:

A member of the defence forces is to be regarded as having continued to reside in the electoral division in which he resided immediately before the date of his enlistment.

In 1941 a special census was taken and it was provided that names of members of the defence forces, and names of civilians should be shown in separate sections of the voters' lists.

Whenever a registering officer or a revising officer is required to give any notice to a person who is a member of the defence forces, he shall send a copy of such notice to the Secretary for Defence. The Secretary for Defence is required to send a statement to such officer, giving all the information available to him which has a bearing upon the claim or objection to which the notice relates, and the officer is to take such statement into account when deciding to allow any claims or objections.

*The Active Service Voters' Act. No. 37 of 1941:*

Section 2 (1): A member of the defence forces who is enrolled upon the voters' list of any division in any province, who is serving with the defence forces outside the union during any portion of the period between nomination day and polling day at a general election, shall be entitled to cast his vote outside the union in that election, provided arrangements can be made to enable him to do so.

Section 4: The chief electoral officer shall, in so far as it is practicable to do so, cause arrangements to be made in accordance with the regulations made under Section 9, to enable the persons to whom the right is given by Section 2, to exercise that right. Provided that no person shall be allowed to give his vote outside the union during or after the period of four days ending on, and excluding polling day.

Mr. McQUAIG: What do they do in the case of an independent candidate?

The WITNESS: I don't know what they would do.

Mr. GREEN: He would be out of luck.

The WITNESS: I am sure he would be.

The CHAIRMAN: Mr. Butcher, have you any information as to the actual regulations passed?

The WITNESS: I am sorry, I have no information other than what I gathered from the act itself, because the Commissioner—I think perhaps that is the title—was unable to give me information. He did not have it because it was all sent back to South Africa.

The CHAIRMAN: Are there any other questions, gentlemen?

The WITNESS: I have some information as to voting in the different provinces: Manitoba, British Columbia, Nova Scotia and Prince Edward Island. If it will be of interest to you we will have it included in the record unless you would like to hear it read.



With respect to Manitoba it is interesting to note: there is no provision for taking the vote of extra provincial members of the forces.

In British Columbia an arrangement was made:—

(1) an active service elector who has resided for six months in the province of British Columbia, and for one month in the electoral district in which he is entitled to vote, may be registered and vote, whether or not of the full age of twenty-one years.

(2) an active service elector within the province during the period of an election may vote at a polling place established at each unit, under practically the same conditions as in the case of civilian voters.

(3) an extra-provincial active service elector, subject to the provisions of the act, is entitled to vote at a general election within the province, whether or not his name is then on a list of voters.

I think a special returning officer was appointed to take the votes in any other province within the dominion. I cannot find that reference just at the moment.

The CHAIRMAN: Is this the voting by proxy, or by direct ballots?

The WITNESS: By direct ballot.

The CHAIRMAN: Is it agreeable to the committee that that should be put in the record?

Some HON. MEMBERS: Agreed.

The WITNESS:

(4) Subsection 7 of Section 18A reads as follows:

The regulations made pursuant to subsection (6) shall, having regard to circumstances and conditions existing at the time, follow, with such variations as may be deemed advisable, the principles adopted in the active service voting regulations issued by the chief electoral officer of Canada and made for the purpose of the Dominion General Election of 1940.

(5) Scrutineers to be present at the counting of the votes are to be appointed by the provincial secretary, upon the recommendation of leaders of political parties having a representation of not less than six members in the legislature. If such recommendations are not made, the deputy provincial secretary may make the necessary number of appointments.

(6) In every electoral district the ballot paper indicates the political party or interest represented by each candidate by the name of the political party or interest represented being printed on the ballot paper.

(7) The Lieutenant Governor in Council defines and constitutes administrative areas in the Dominion of Canada (excluding British Columbia), Newfoundland, and the United Kingdom, and from time to time establishes polls and other facilities for the taking of the vote in the various units within each area.

(8) The Lieutenant Governor in Council may appoint a special election officer who shall have the general supervision of the registration of active service electors, and the taking of the vote of active service electors, pursuant to these regulations. Other officials appointed are: supervising special deputy returning officers, one of whom is appointed to supervise the registration and the taking of the vote in each administrative area; special deputy returning officers for each unit where a poll is established, and special poll clerks for such units and for the office of the supervising special returning officer.

(9) It is provided that no poll shall be established and no facilities for voting be provided in any unit unless in the opinion of the Lieutenant Governor in Council there are in that unit a sufficient number of electors to justify a poll.



(10) The procedure in connection with taking and recording the votes was practically the same (except in certain minor details) as in the Dominion Election of 1940, but it should be noted that the printed list of names, addresses and occupations of candidates also stated the party affiliation of each candidate.

(11) 10,509 active service votes were cast.

*By the Chairman:*

Q. What about Nova Scotia?—A. There was no provision for extra-provincial voting.

Mr. MACNICOL: We do not need that then.

Mr. MCNIVEN: These facts should be noted in the record.

The CHAIRMAN: You might note that there is no provision for extra-provincial voting in Manitoba or Nova Scotia.

The WITNESS: Mr. Chairman, perhaps I might just give a very brief summary here of some of the outstanding features. It will not take a moment.

*By the Chairman:*

Q. Of what?—A. Of the various election Acts in the various jurisdictions.

Q. A sort of summary?—A. Yes.

Q. Let us have it.—A. 1. Electoral laws which provide that either the list of electors or the ballot paper shall indicate the political affiliation of the candidate: (a) British Columbia—on lists and on ballot paper.

*By Mr. MacNicol:*

Q. On the ballot paper, too?—A. Yes.

Q. Stating what the party is?—A. Yes, I have a sample ballot here.

(b) Australia—on lists of electors, not on ballot paper;

(c) New Zealand—on lists of electors, not on ballot papers;

2. Active Service *minors* may vote at elections in:—

Australia,

New Zealand,

Dominion of Canada,

Ontario,

British Columbia.

3. Votes cast by defence voters in the Union of South Africa, who are outside the Union during an election, must be for parties only.

4. In every case a service voter may only vote in the electoral district in which he ordinarily resided immediately before his enlistment.

That is a summary of the answers to four questions that are repeatedly asked.

The CHAIRMAN: To complete the summary the proxy system of voting prevails in the United Kingdom and in Ontario?

*By Mr. MacNicol:*

Q. You have the Ontario Act there?—A. Yes, but I was instructed to get a lot of information as to the effect of it.

Mr. MACNICOL: I would suggest, Mr. Chairman, to Mr. Butcher that if he wishes to do so he should visit Toronto and see the chief electoral officer. He is very busy being the clerk of the house.

The CHAIRMAN: I am just wondering whether Ontario is not anxious to give us the information for this reason, that in the speech from the throne there



was an indication there will be an amendment to the Active Service Voters Act. I think they have no desire to give us the information until the actual bill is introduced in the provincial house.

Mr. MACNICOL: Perhaps that is right.

The CHAIRMAN: Just to complete that summary, the proxy system prevails in the United Kingdom and Ontario, and in all other countries there is a system of direct vote by the active service voter marking the ballot.

The WITNESS: That is right.

Mr. MACNICOL: The same as was used in our last general election.

The CHAIRMAN: The principle is the same. It is surrounded by different forms of procedure.

*By the Chairman:*

Q. Does that complete your remarks?—A. There was one other matter referred to Mr. Castonguay, I think, not to me, a memorandum respecting the procedure followed in taking the 1942 plebiscite.

The CHAIRMAN: Somebody asked for that at the last meeting. We might put it in the record instead of reading it. Is that agreeable? Are there any highlights that you would like to stress?

Hon. Mr. McLARTY: There is not much to it that would be applicable here. There were no votes according to constituencies. All overseas votes were votes at large. Unless there is something in the actual machinery of marking the ballot and putting it in the second envelope and mailing it there is not much in the plebiscite that would be of assistance to us.

Mr. McCUAIG: There might be something in the machinery with reference to how the ballot was sent to the soldiers.

The CHAIRMAN: We will put it in the record.

The WITNESS: The memorandum reads:—

MEMORANDUM respecting the procedure followed in taking the vote of the Canadian service voters at the Dominion plebiscite held on 27th April, 1942.

1. The procedure followed at the plebiscite may be summarized as follows:—
2. The chief plebiscite officer was directed to exercise the administrative conduct of the plebiscite: the chief plebiscite officer being designated as the person who was holding office as chief electoral officer under sections 3 and 4 of The Dominion Elections Act, 1938.
3. Seven voting territories were established, the first of these comprising the United Kingdom, with headquarters at London, England; the second comprising the British West Indies, with headquarters at Kingston, Jamaica; the third comprising Newfoundland, with headquarters at St. John, Newfoundland; the fourth comprising the maritime provinces, with headquarters at Halifax; the fifth comprising the provinces of Ontario and Quebec, with headquarters at Ottawa; the sixth comprising the provinces of Manitoba, Saskatchewan and Alberta and the Yukon Territory, with headquarters at Edmonton, and the seventh comprising the province of British Columbia, with headquarters at Vancouver.
4. A special returning officer was appointed for each of these seven voting territories, together with a staff composed of one chief assistant, six scrutineers nominated by the leaders of the various political parties, and the necessary number of clerical assistants.
5. Immediately after the issue of the proclamation ordering the plebiscite, the chief plebiscite officer informed the Minister of National Defence of the



name and address of every special returning officer, and the voting territory assigned to each. The Minister of National Defence then advised each special returning officer of the name, rank and address of every commanding officer with whom the special returning officer should communicate for the purpose of making arrangements for the taking of the votes of Canadian service voters.

6. The special returning officer then notified each commanding officer of the issue of the proclamation ordering the plebiscite. Such commanding officer published in orders a notice of the plebiscite and informed the special returning officer of the approximate number of Canadian service voters in his unit.

7. The chief plebiscite officer furnished each special returning officer with the required quantity of ballot paper, inner envelopes, outer envelopes and other necessary supplies. The distribution of ballot paper and other supplies to the commanding officers was made by the special returning officer.

8. The votes of Canadian service voters were cast before a commissioned officer designated by the commanding officer of his unit.

9. The qualifications of Canadian service voters at the plebiscite were as follows:—

Every person, man or woman, and irrespective of age, who, being a British subject, is a member of the naval, military or air forces of Canada and who, having been placed on active service or called out for training, service or duty, is serving in any of the said forces, or who, being a member of the Canadian Women's Army Corps or the Royal Canadian Air Force (Women's Division), is serving therein with full pay and allowances, shall (whether stationed within or without Canada) be entitled to vote at a plebiscite; provided such person at the time he or she became a member of any such forces or corps was ordinarily resident in Canada.

10. Before receiving a ballot paper each Canadian service voter was required to make a declaration on the back of the outer envelope giving his name, rank and regimental number, together with the name of the place in Canada with street address, if any, where he was residing prior to his enlistment. The Canadian service voter was then handed a ballot paper and a plain inner envelope in which he was required to place the ballot paper after his vote had been cast, by making a cross in one of the spaces provided for that purpose. The inner envelope, after it had been sealed by the voter, was handed to the commissioned officer who, in full view of the voter, placed it in a completed outer envelope and handed the same to the voter for mailing to the special returning officer whose name and address were printed on such outer envelope. This envelope was carried free of postage in Canada. In the voting territories established outside of Canada the necessary postage stamps were affixed by the special returning officers before the blank outer envelopes were distributed to commanding officers.

11. The completed outer envelopes were received by the special returning officer and when found to be in order they were parcelled in 500's and safely stored away until the hour fixed for the counting of the votes. Outer envelopes containing ballot papers cast at the plebiscite were not sorted by electoral districts. Voting at the plebiscite by Canadian service voters stationed within and without Canada was held during the period between April 13 and 25, 1942, both days included but excepting the intervening Sunday.

12. Outer envelopes containing ballot papers cast by Canadian service voters which reached the special returning officer after the 27th April, 1942 (polling day), were directed to be laid aside unopened.

13. The ordinary voter plebiscite regulations prescribed that Canadians on active service do not cease to ordinarily reside at their place of enlistment in Canada. Therefore, any such voter who happened to be at his place of ordinary



residence on polling day at the plebiscite was entitled to vote as a civilian voter if he had not already voted as a Canadian service voter.

14. The counting of the votes cast by Canadian service voters began at 8 o'clock p.m. on polling day at the plebiscite, and was completed on Monday, May 4, 1942. The counting was done by scrutineers working in pairs under the supervision of the special returning officer.

15. Reports of the voting were duly received from each special returning officer. These reports were compiled by the chief plebiscite officer who, at a later date, published a statement of the number of votes cast at the plebiscite by Canadian service voters stationed within and without Canada.

*By the Chairman:*

Q. Is there anything else, Mr. Butcher?—A. That brings me to the end of my submission for today.

*By Mr. McNiven:*

Q. I wonder if I might clear up a doubt in my own mind. The British service man, say in Africa, has the right to vote either by proxy or by direct vote?—A. No, only by proxy; no arrangements are made for taking the vote of the service voter outside of the Kingdom.

*By Mr. MacNicol:*

Q. That is the same as in Ontario, is it not?—A. Just the same; his proxy is sent back.

*By the Chairman:*

Q. Voting by posting is restricted?—A. To the United Kingdom only.

The CHAIRMAN: Gentlemen, we have half an hour, and I thought I would take the occasion to discuss and dispose, if possible, of the matter of Mr. Gillis' submission with respect to direct representation. I asked Mr. Butcher to prepare a memorandum which is rather short on the legal or constitutional question which it involves. I am sure it will be of interest to the committee if we proceed with that now and discuss it.

The WITNESS: The basis of representation of the provinces in the House of Commons is to be found in the British North America Act, 1867.

Section 37 of the Act of 1867 reads as follows:—

The House of Commons shall, subject to the provisions of this Act, consist of one hundred and eighty-one members, of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

Section 51 provides as follows:—

On the completion of the census in the year One Thousand Eight Hundred and Seventy-one, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner, and from such time, as the parliament of Canada from time to time provides, subject and according to the following rules:—

- (1) Quebec shall have the fixed number of sixty-five members;
- (2) There shall be assigned to each of the other provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained).

Section 146 of the Act of 1867 reads as follows:—

It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the houses



of the parliament of Canada, and from the houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those colonies or provinces, or any of them, into the Union, and on Address from the houses of the parliament of Canada to admit Rupert's Land and the North-western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any order in council in that behalf shall have effect as if they had been enacted by the parliament of the United Kingdom of Great Britain and Ireland.

By the British North America Act, 1870, the province of Manitoba was established and admitted into the Dominion of Canada.

In the year 1870 British Columbia was admitted into the dominion, and in the year 1873 Prince Edward Island was admitted.

In 1905 the provinces of Alberta and Saskatchewan were established and admitted into the dominion.

In each of the above cases it was provided that "the representation of the province shall . . . be readjusted from time to time according to the provisions of section 51 of the British North America Act, 1867."

By an amendment to the British North America Act, dated 19th of May, 1915, the number of senators in Canada was increased from 72 to 96, ten of whom would represent Nova Scotia, ten of whom would represent New Brunswick, and four would represent Prince Edward Island.

A further amendment of the same date reads as follows:—

51A. Notwithstanding anything in this Act, a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province.

Following the census of 1931, representation by provinces was as follows:—

	MEMBERS
Ontario . . . . .	82
Quebec . . . . .	65
Nova Scotia . . . . .	12
New Brunswick . . . . .	10
Prince Edward Island . . . . .	4
British Columbia . . . . .	16
Manitoba . . . . .	17
Saskatchewan . . . . .	21
Alberta . . . . .	17
Yukon . . . . .	1

Section 52 of the Act reads as follows:—

The number of members of the House of Commons may be from time to time increased by the parliament of Canada, provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.

It is, therefore, obvious that representation in the House of Commons may only be increased in accordance with the provisions of section 51 of the British North America Act, 1867.

To provide for the election of any number of members at large, to represent a particular interest, would require an amendment to the British North America Act, 1867.

The CHAIRMAN: Mr. Gillis, that is the law.

Mr. GILLIS: Mr. Chairman, when I asked you at our last meeting to rule on this matter I told you that if it was not within the terms of reference of



this committee, and if this committee could not do it without infringing on the British North America Act and the Representation Act, I had no desire to waste the time of the committee in a discussion on it. That is clear and definite and there is no use of pursuing it any further through this committee.

The CHAIRMAN: Very good; are there any other members who have anything to say on this matter? I think this would be an appropriate time to adjourn. I would suggest to the members that we hold our meetings weekly now on Wednesday at 11 o'clock if it meets with the approval of the members.

Hon. Mr. McLARTY: There was one suggestion made that as a result of the actual operation of the 1940 regulations the chief electoral officer might have some changes which he contemplated. I wonder if for the next meeting the chief electoral officer could prepare a memorandum for us or give it verbally as to just what these changes might be. If we have the suggested amendments it might be of assistance.

The CHAIRMAN: Mr. Castonguay will prepare himself for the next meeting, but as you are aware, Mr. McLarty, I distributed to every member of the committee a proposed draft regulation and indicated to the members that was prepared without the authority of anyone except on the initiative of Mr. Castonguay and Mr. Butcher.

Hon. Mr. McLARTY: I had forgotten about that.

The CHAIRMAN: That draft contains all the explanations and modifications of the 1940 regulations. I want to point out to the members it is a very rough draft. It contains certain matters upon which this committee may not agree but nevertheless it can form the basis of a discussion. Supplementing this Mr. Castonguay will be prepared to give evidence at the next meeting, or answer any questions that the members of the committee desire to ask.

Hon. Mr. POWER: When you get to that draft you will be more or less definitely committing yourself to a system of direct voting, will you not? Have you disposed of the question of proxy voting yet? Had we not better just say, "Well now, we will agree we should try the direct vote and see how we can make the direct voting system conform to what we want," or should we have a general discussion on proxy voting first?

The CHAIRMAN: Mr. Power, you are quite right. I intended to have all the information on the records of the committee and at the next meeting I meant to allow a general discussion on the different systems of voting. As I take it, there are only two outstanding systems. There is the proxy system, and then there is the direct marking of the ballot, voting in the field, so to speak. We have not discussed the merits of either system, and we are going to do it at the next meeting before we proceed to a discussion of this draft because this draft is predicated entirely on the direct ballot and this committee has not yet initiated any discussion of the relative merits of the systems. At the next meeting you will be prepared to discuss in general terms the systems of voting.

Hon. Mr. POWER: Why I say that is because I asked some of the people in the air force what they would think of a direct system under the present conditions, that is to say, with our people so widespread, and how they could try to work the mechanics of it. I think if the committee wanted them they would be prepared to come before this committee. I do not know that a service person should come, but I think they could come here and just explain some of the difficulties in working out a direct system of voting. I think it applies to us far more than to the army with our men stretched all over the world, but it may not be necessary for you to do that. I think it is obvious to everybody that it is difficult. I do not know that you want service people



to come and tell you. I would prefer that they would not come here, but if it is necessary they do so they could come and point out certain difficulties. They are there to do that.

Mr. GILLIS: I think that would be helpful.

Hon. Mr. POWER: It is pretty obvious it is going to be a tough job to get the ballots and names of candidates to Burma, to the Gold Coast of Africa, but I think that is all they could tell you. They could tell you the difficulties of transportation. It is pretty hard to cable things.

Hon. Mr. McLARTY: Could they indicate whether one system would simplify it for them?

Hon. Mr. POWER: I think I can tell you now that in their opinion—and, of course, they are like everybody else in that they like what is most convenient—they do not want to go to all the trouble of carting ballots around and appointing officers and instructing officers in elections. I can tell you right now that from their own standpoint they would very much prefer to have some system that would not give them all that trouble. I think that is natural.

Mr. MacNICOL: In the Australian election the ballot boxes were taken right on board ship and right to wherever the camps were.

Hon. Mr. POWER: I want to say quite frankly that I prefer the direct system myself if it is at all possible, but I have not the slightest doubt that large numbers of our men will be disfranchised. They will not have a chance to vote.

The CHAIRMAN: If the time is extended between nomination and polling would that help any?

Hon. Mr. POWER: It would take months.

Mr. GREEN: Do you not think that a large proportion would lose the franchise under the proxy system?

Hon. Mr. POWER: They might, too. I do not like the proxy system. Perhaps I am talking out of turn now but I am thinking of a proxy system that would be predicated on every man being put on the list through some proxy here without his taking any steps about it at all. That is to say, the Department of National Defence might hand over to the chief electoral officer a list of all the men in the armed services. It would take some time to get it out. Then it might be distributed in some way to the registrar who makes up the list in every constituency in Canada. Then we would be sure that every soldier overseas had his name on the list through his next-of-kin. Then I should say that we would have to provide the lad with some kind of ticket or cable form or something giving him the right to cable back that he did not want his mother or wife to exercise the vote, but that he wanted somebody else. The advantage of it would be that through the proxy or some way they would have his name on the list. He could vote and if he did not do anything about it the proxy would vote for him.

Mr. GREEN: That gives the right to the proxy to vote without knowing what the soldier wanted.

Hon. Mr. POWER: Exactly, exactly, and the only benefit I can see to it is that you then assure, indirectly it is true, that the man has in some way exercised his franchise.

Hon. Mr. McLARTY: That would not be the complete answer. I noticed in the casualties coming through in the Western Ontario Regiment there were a number of men whose next-of-kin were residing in England. I was surprised at that.



HON. MR. POWER: That would be some fellow who got married over there. There are 18,000 who have got married overseas.

HON. MR. McLARTY: There were some cases where the mothers were there.

MR. GREEN: There are 18,000 disfranchised right at the start.

THE CHAIRMAN: There is one thing giving me some concern. Do you think we should discuss the relative systems before requesting information from the services as to the difficulties of each system, or should we ask someone from the services, the air force, to come here and give us some advice on it from their point of view? It will not necessarily govern our judgment.

HON. MR. POWER: I would not take their opinion at all, but I would just simply say, "Tell us what the difficulties are in carrying out the direct vote?" I think that ought to be enough. Whether it is inconvenient or not, if parliament says they have got to do the job, they have got to do it.

THE CHAIRMAN: Can we take it for granted that the direct system of voting in the field does involve a great amount of difficulty there, and that even outside of the difficulties that the services will encounter it involves a lot of difficulties in the election machinery itself?

HON. MR. POWER: Was it not Mr. Chambers who said in the house yesterday that he got a letter three weeks ahead of a cable sent the same day? I want to say that with active operations going on in Italy it is hardly any use sending cables to persons. The cables are blocked. You might cause some inconvenience to the operations by loading the cables up with long lists of candidates, and things of that kind.

THE CHAIRMAN: Suppose next Wednesday we have a general discussion and also extract certain information from Mr. Castonguay on the election machinery; then, if necessary, we can call the representatives of the services for the following meeting if we decide to do so.

MR. MACNICOL: May I suggest something to Mr. Butcher? During the American Civil War they had a congressional election in 1864. Prior to the holding of the election there was a great discussion in congress as to whether an election should be held. The president took the stand that the election should be held. If my memory serves me correctly the voting took place right in the camps in the field. Would Mr. Butcher in the meantime find out just how it was carried on in the congressional election of 1864?

THE CHAIRMAN: What is the opinion of the members of this committee on the procedure for the next meeting?

MR. ISNOR: I think the procedure as outlined by you should be followed.

MR. GILLIS: Mr. Chairman, I like Mr. Power's idea of bringing in some of the service personnel. If he has a man that he can bring here who has been making a study of this or has some idea of exactly what they want I think it will lay a basis for a proper discussion by ourselves. If we had a representative from them first we would know what the difficulties were, what mechanics they would recommend and it would give us a proper basis to work from.

THE CHAIRMAN: That is quite satisfactory to me.

HON. MR. POWER: I will have somebody come here.

THE CHAIRMAN: What about the army and navy? Could you arrange for that?

HON. MR. POWER: The navy might have some difficulty. You had better ask the Hon. Mr. Macdonald about that. They would be in about the same position as we are although they are in units, anyway. They are in a boat.



Mr. McCUAIG: I think we should dispose of the general principle before we advance too far. In other words, we should decide whether we are going to consider voting by proxy or direct voting before we proceed too far.

The CHAIRMAN: Do you not think though that getting information from the services, we will say for the sake of argument, as to the extreme difficulties that may be encountered in direct balloting may influence our position as to proxy voting or direct voting?

Mr. McCUAIG: It may do that but once we get that we should begin with a fresh start on one method or the other.

The CHAIRMAN: Of course, the committee can take the position that is the system that we recommend and there are difficulties that will have to be overcome and there are certain difficulties that cannot be overcome. We can only devise as perfect a system as the human mind can devise but I am sure it will not be 100 per cent perfect whether it is a proxy system or direct balloting. It is our responsibility to do the best we can with it. I think perhaps we can afford to spend one more meeting in a general discussion, or would you rather call the services at the next meeting?

Mr. FAIR: I think you will make better time and progress by having the servicemen here.

The CHAIRMAN: All right. Mr. Power, will you arrange for someone to represent the air force, and tell him to prepare himself to discuss the matter?

Hon. Mr. POWER: Yes.

Mr. McNIVEN: Could your man who would come here tell us where your service personnel are located and the numbers?

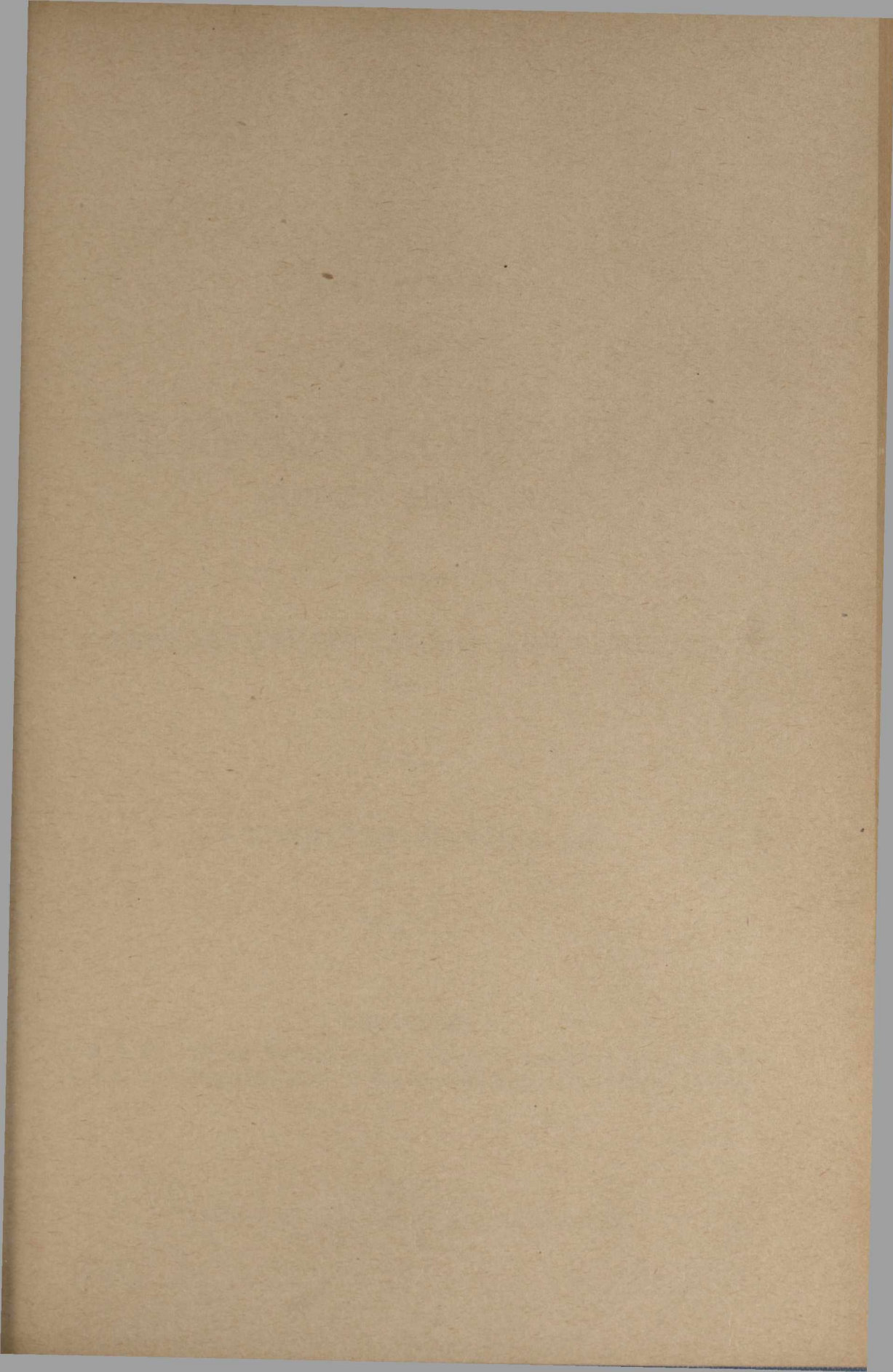
Hon. Mr. POWER: Not very well.

The CHAIRMAN: Gentlemen, it is agreed we will call representatives of the services at our next meeting. Mr. Power, you will arrange for the air force?

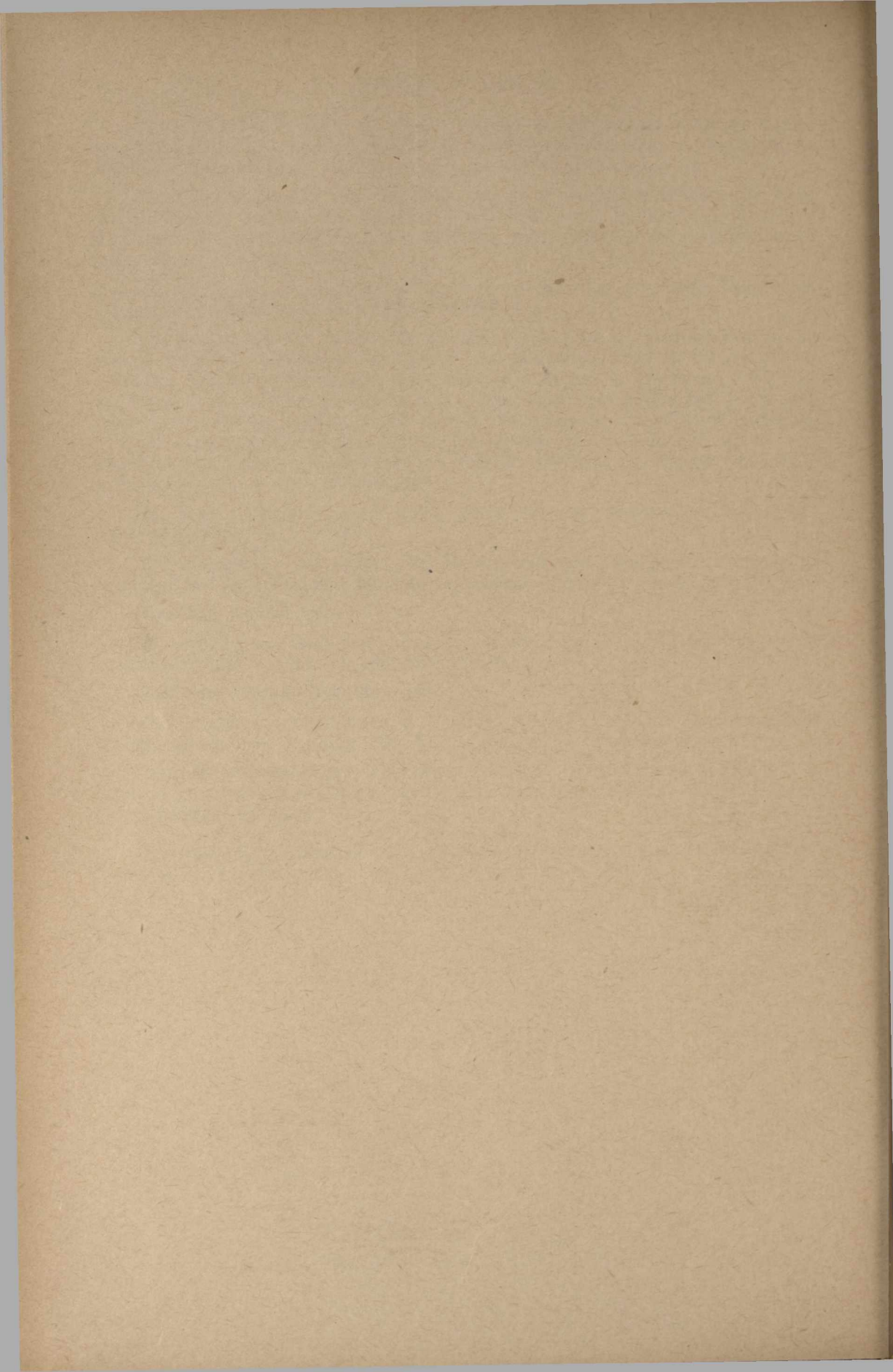
Hon. Mr. POWER: Yes. The army does not have as much difficulty. I think if you get the air force you will perhaps not need the other services, except possibly the navy.

The committee adjourned at 1 o'clock p.m. to meet again on Wednesday, March 8, at 11 o'clock, a.m.











SESSION 1944  
HOUSE OF COMMONS

---

SPECIAL COMMITTEE

ON

**THE DOMINION ELECTIONS ACT, 1938**  
**(ARMED SERVICES)**

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

---

WEDNESDAY, MARCH 8, 1944

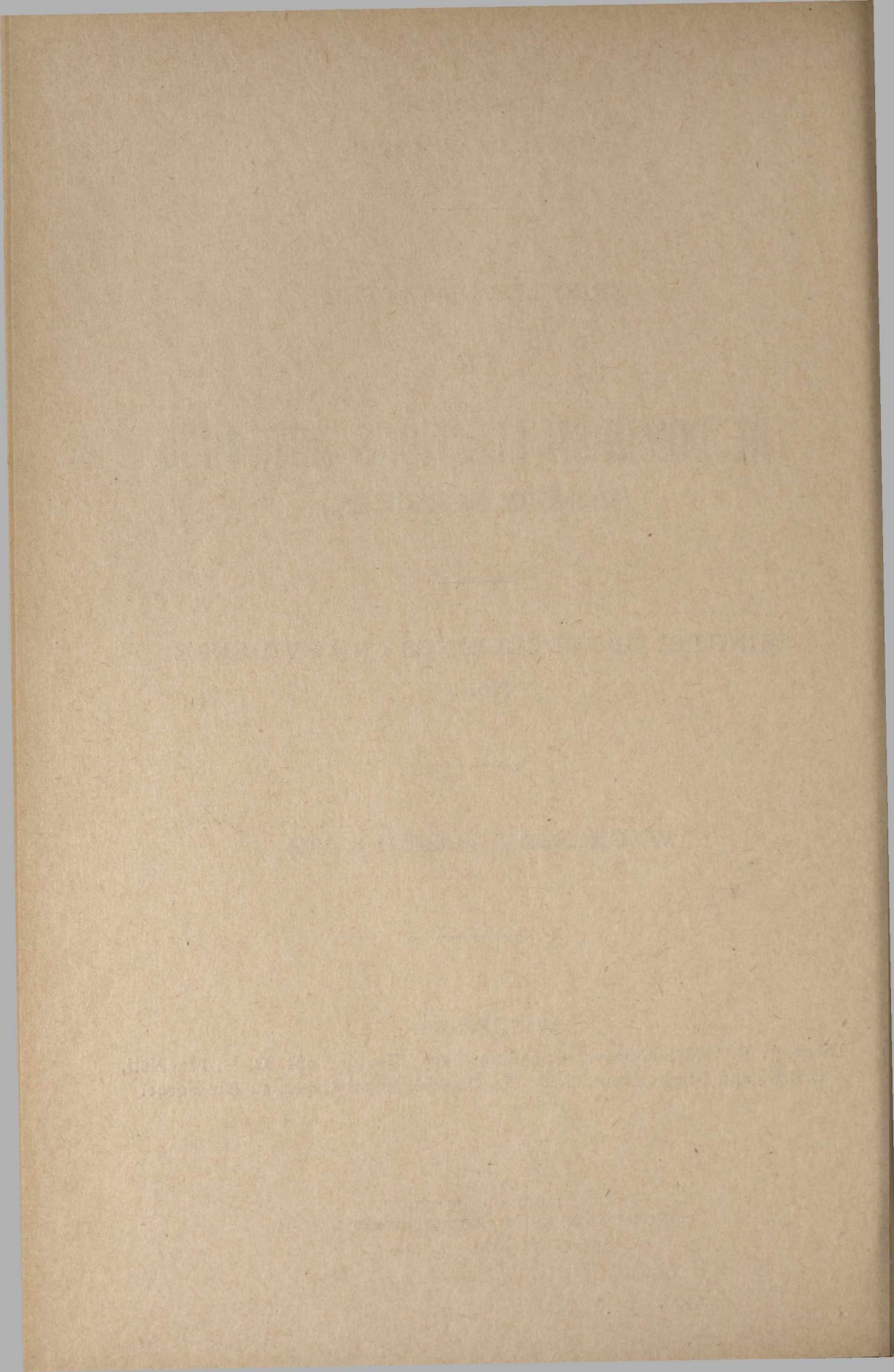
---

WITNESSES:

Lieut. J. B. O'Brien, Royal Canadian Navy; Group Capt. D. E. MacKell,  
C.B.E., and Flight Lieut. T. D. MacDonald, Royal Canadian Air Force.

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1944







## MINUTES OF PROCEEDINGS

WEDNESDAY, March 8, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock, a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Factor, Fair, Gillis, Green, Hazen, Isnor, MacKenzie (*Neepawa*), McCuaig, McLarty, McNiven, Sinclair.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Donald Stewart, Assistant Chief Electoral Officer; Lieut. J. B. O'Brien, Royal Canadian Navy; Colonel G. A. Ferguson, Lt.-Colonel J. E. McDermid and Captain R. W. Kennedy, Canadian Army; Group Captain D. E. MacKell, C.B.E., and Flight Lieut. T. D. MacDonald, Royal Canadian Air Force.

Group Captain MacKell and Flight Lieut. MacDonald were called, heard and questioned.

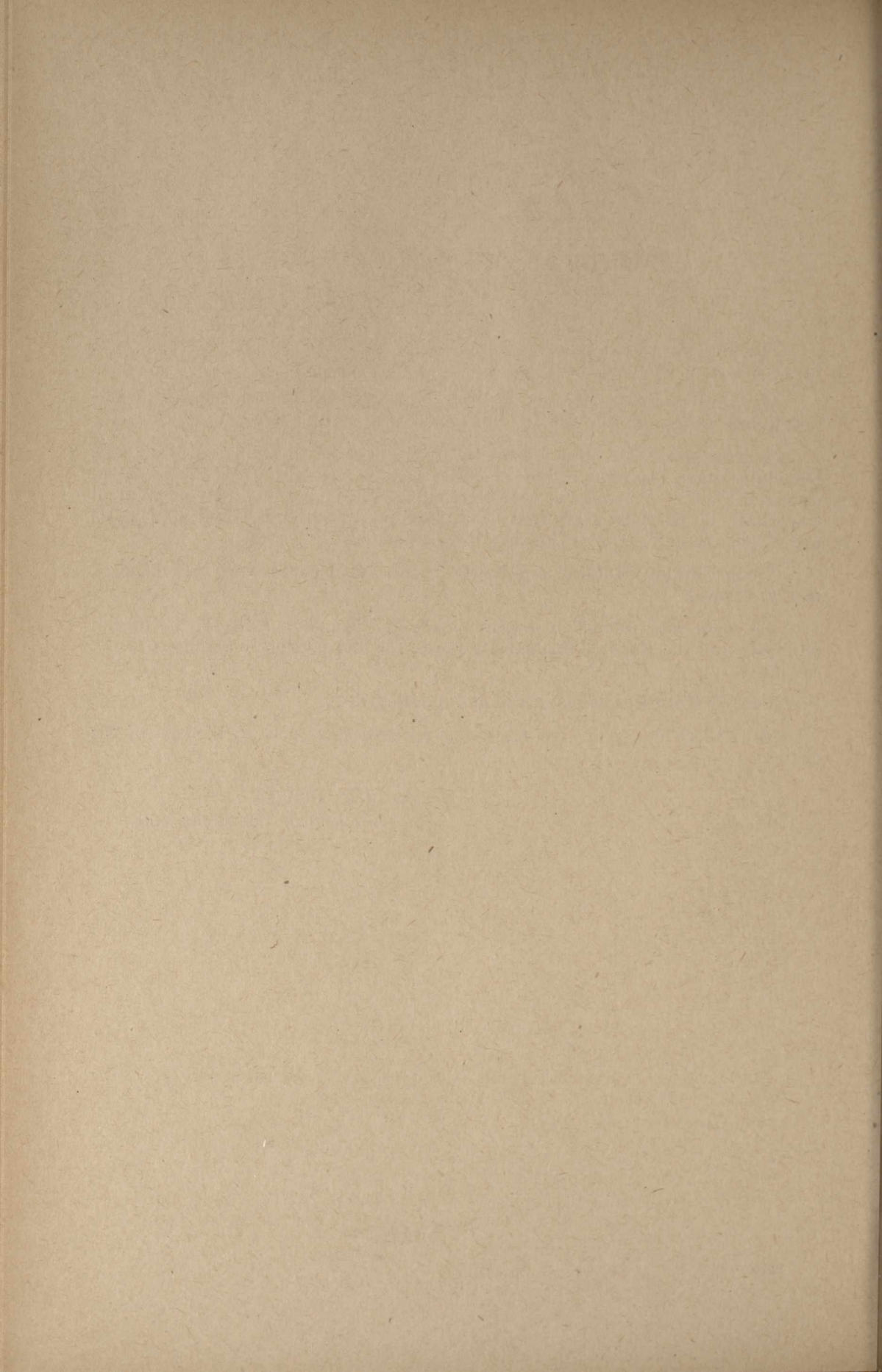
The clerk was ordered to procure copies of "Canadian Affairs", the official publication of the Royal Canadian Air Force, for distribution to members of the committee.

Lieut. O'Brien was called, heard and questioned.

At 12.45 o'clock, p.m., the committee adjourned to meet at the call of the chair.

A. L. BURGESS,  
*Clerk of the Committee.*







## MINUTES OF EVIDENCE

HOUSE OF COMMONS,

March 8, 1944.

The Special Committee on The Dominion Elections Act, 1938, met this day at 11 o'clock a.m. The Chairman, Mr. Factor, presided.

Mr. MACNICOL: Before you commence, Mr. Chairman, I wish to say a word. I believe I requested at the last meeting that you and Mr. Turgeon consult, so that your committee and his would not meet at the same hour. I am a member of both committees, and I want to attend both committees. I protest against these two committees holding meetings at 11 o'clock in the morning. We have all day. Either one of these committees could have met this afternoon or to-night. We waste a day so far as the House of Commons is concerned, but we should not waste it so far as the committees are concerned. I therefore enter my protest now and say that, before the next meeting, you should consult with Mr. Turgeon and arrange matters differently; otherwise I shall have to bring it up in the House of Commons, with a view to having orders given that these committees arrange matters so that they shall not meet at the same hour. I should like to have been in the other committee this morning, but I am here.

The CHAIRMAN: Mr. MacNicol, the chairmen of the various committees are meeting shortly in order to do the very thing which you suggest.

Mr. MACNICOL: Thank you, Mr. Chairman.

Mr. McNIVEN: I am very much in the same position as Mr. MacNicol, Mr. Chairman. I appreciate the difficulties that the chairmen have. For example, with respect to the reconstruction committee, we had to make that date convenient to the witness and the meeting was arranged not a few hours but ten days ahead. I think it was arranged by this committee at one of its meetings that we should meet here in the morning at 11 o'clock. I have no doubt that in the future we shall be able to arrange the meetings so that they will meet with the convenience of the members.

The CHAIRMAN: Of course, the difficulty lies in the fact that Wednesday is supposed to be the day for committee meetings, and there are a number of members who are on several committees. It is going to be extremely difficult to allocate an hour that will not conflict with one or more of the committees.

Mr. MACNICOL: You could start at 10 o'clock, could you not?

The CHAIRMAN: Yes. I think perhaps we could.

Mr. MACNICOL: Or have one committee meet at 2 o'clock and another at 4 o'clock.

The CHAIRMAN: We shall see about that. The chairmen are to meet shortly, and we will try to arrange staggered hours, so to speak.

Mr. McNIVEN: I should be glad if you would excuse me shortly, Mr. Chairman, as I have to go up to the other committee.

The CHAIRMAN: Very well.

Mr. MacKENZIE: I am in the same position. They took me out of there.

The CHAIRMAN: Do not leave us in the lurch.

Mr. GILLIS: Most of us are in that position. I do not think there is any excuse for the mixup we find at the present time with respect to these committees, when you consider that the House of Commons should be meeting.



We decided in there, after considerable friction, to set aside this day for the purpose of committee meetings. You have from 10 o'clock in the morning until 11 o'clock at night. That is our working day anyway. There is no reason in the world why the chairmen of the special committees, particularly, cannot get together and arrange their hours from ten in the morning until eleven at night. If we are going to set aside a day for the purpose of committee meetings, then it should be utilized for those committee meetings. If Mr. McNiven thinks it is important that he should go to the reconstruction committee, I may say that I am in the same position. We are all in the same position. I am not blaming this committee for it; I am blaming the reconstruction committee for it. When we discussed the matter here at our last meeting, this committee was in the position where we could have met in the afternoon had we known that the reconstruction committee was going to meet this morning, but we did not know that. Now there is no alternative. We have invited these gentlemen here this morning for a specific purpose. This committee has a job to do, and one which has to be done within a given time. The reconstruction committee is going to function for the next three or four years perhaps, but this one is not. I think every member here is needed this morning, and it is important that he should be here.

Mr. MACNICOL: That is why I came to this meeting this morning.

Mr. GILLIS: I think we shall have to definitely arrange for this or the other committee to meet at 3 o'clock.

The CHAIRMAN: Matters will be arranged, Mr. Gillis.

The committee at the last meeting instructed that we obtain some information from the Services with respect to any difficulties they think may lie in the way of direct voting, or obtain their opinion generally on the system of voting which they will have to administer with the assistance of the election machinery. I understand that Group Captain MacKell and Flight Lieutenant MacDonald are here on behalf of the Royal Canadian Air Force. If it is agreeable to the committee, I shall call on Group Captain MacKell to give us his opinion at this time.

There is one problem that arises upon which I should like your assistance. Group Captain MacKell is going to give us certain information which should be given in secret and off the record. I think the members of the committee should receive it. For instance there is the disposition of certain parts of the air force. I am going to ask the press not to report that, and I am going to ask the reporter not to include it in the record, if that is agreeable to the members. Is that all right?

Some HON. MEMBERS: Agreed.

The CHAIRMAN: Then will you go ahead, Group Captain MacKell.

Group Captain D. E. MACKELL, CBE., called: Royal Canadian Air Force.

The WITNESS: I understand that we are expected to give our opinion on the various methods of voting?

The CHAIRMAN: That is right.

The WITNESS: The proxy vote proposal whereby the next-of-kin is automatically constituted as a proxy for the active service voter reduces the administrative details considerably, and is therefore preferable from a service viewpoint. It also has, I think, the advantage of a wider coverage. However—

*By Mr. MacNicol:*

Q. Would you mind repeating that, Group Captain MacKell? You were talking in a low voice, and I did not just catch what you said at the beginning.—  
A. The proxy vote proposal whereby the next-of-kin is automatically constituted as a proxy for the active service voter reduces the administrative details considerably and is therefore preferable from a service viewpoint. It also, I think, has



the advantage of providing wider coverage than any direct voting method we can employ, bearing in mind the wide dispersal of the personnel. However, it is only a substitute for direct voting, and consequently may not be satisfactory for other than service considerations. The administrative work involved in the application of the direct or actual voting system will be heavy and difficult, and under the present time restrictions will be a practicable impossibility. Even if these time limits were extended—and when I speak of time limits there, I am speaking about the time between nomination day and the actual polling day—say to six weeks, it must be realized that with the wide dispersal of R.C.A.F. personnel and the flimsy communications in the remote areas, there could be no guarantee that there will be 100 per cent coverage. I should like to stress this point, that if a personal voting system is approved, we should face it now that there will be active service voters who, because of operational expediency and other factors, will not be given an opportunity to vote. If such a system is employed, that contingency should, I feel, now be realized. To give some appreciation of the difficulty and the heavy administration work involved, the following figures are quoted. Our total strength—

*By the Chairman:*

Q. Do you want this on the record?—A. I should like to have this off the record. Incidentally, I think the enemy know this, but we have always gone on the principle of making him find it out the hard way. These have been published before.

Mr. MacNICOL: Mr. Chairman, before anything is written in the record, I suggest that you as chairman of the committee look over carefully all that is taken down to-day, and if you feel there is anything which should not be reported, you draw a mark through it.

The WITNESS: That would be satisfactory.

The CHAIRMAN: Very well.

The WITNESS: If everything I say is taken down and it is cut out afterwards, it will be satisfactory.

The CHAIRMAN: Very well. That will be all right, Mr. MacNicol.

Mr. MacNICOL: It should be gone over anyway.

The WITNESS: The R.C.A.F. has a total strength of approximately 200,000. On the North American continent we have approximately 150,000. In the United Kingdom and elsewhere overseas, we have some 50,000. Of that 50,000, approximately 5,000 are serving outside of the United Kingdom. I have a return here; it is a secret return and it is not up to date, but I think it will give us a representative picture of the complex task which direct personal voting will entail. In the area commonly known as the Middle East, R.C.A.F. personnel were serving in over 180 units with an average R.C.A.F. population of twenty per unit; in the Far East, R.C.A.F. personnel were serving in scores of units with an average R.C.A.F. population of about sixteen per unit. A good many of these personnel are serving in very mobile squadrons and their actual stay in any one place is dependent on operations. Others, such as radio mechanics, are located in very remote areas of Africa, for example,—and any communication, even by mail, is not too reliable. This return here—and I might read from it with your permission—shows some of the squadrons and the number of people in them. We have No. A squadron with nine people; No. B with two; No. C with sixteen.

*By Hon. Mr. McLarty:*

Q. Where are those?—A. Those were in the Middle East. Those are R.A.F. squadrons to which our people are attached as individuals. No. D with five people in it; No. E with eleven; No. F with one. They range right along from one to thirteen. Where we have squadrons we would have possibly 300.



*By Mr. MacNicol:*

Q. Those you are now speaking of are associated with the R.A.F.?—A. They are chaps who are R.C.A.F. personnel in every respect, but they have been attached as individuals to R.A.F. formations. In India or rather in the Far East we have places here mentioned; for instance in Bengal we have seven; in Bombay, seven; in B— we have five; Calcutta, twelve; C— twelve; New Delhi, two; D— four; J— two; and so on. In New Zealand, we have three, Australia one. That will give you some appreciation of the difficulties of direct voting, getting the ballot to the man, and getting the vote back from the man. We have given some thought, in case it is determined that actual voting will take place, as to how it will be done, and I think the first thing we would have to establish is an active service voters' list. That could be done any time. It could be done now. It could be done in conjunction with our records office and the chief electoral officer and could be kept up to date for all people serving outside of Canada, by periodic amendments.

*By the Chairman:*

Q. You are talking now of proxy voting?—A. No; direct voting, if we had to do that. I am describing how we could do direct voting if we had to do it. Perhaps I should say that this voters' list would include only those people who were serving outside of the North American continent.

*By Mr. MacNicol:*

Q. You would not experience that difficulty with those who were serving on this continent?—A. No. We do not visualize any, and I do not visualize much difficulty in having direct voting in the United Kingdom at the present time. But it may be that conditions will change and we would have some difficulty.

*By Mr. Green:*

Q. The difficulty is with the 5,000 who are out of the United Kingdom?—A. The whole difficulty is with the 5,000 who are out of the United Kingdom.

Q. How about them? With what number of that group would there be any difficulty?—A. I do not think we should differentiate within it. I think we should have a sharp line of demarcation. There might be some, for example, the people in Iceland, in respect of whom you might be able to have direct voting. But purely from the administrative viewpoint, I think we should have a straight line of demarcation between personnel serving on the North American continent and in the United Kingdom, on the one hand, and those serving elsewhere on the other hand.

*By Hon. Mr. McLarty:*

Q. Would there be some squadrons where there would be a large number affected?—A. Yes.

Q. They would not all be like the illustration given, where they ran from one to eight or nine?—A. There would. In Malta, for example, there are 100.

Q. Where?—A. In Malta. There is a squadron there.

*By Mr. Green:*

Q. You would have no trouble there?—A. No.

*By Hon. Mr. McLarty:*

Q. Where are the largest squadrons?—A. The largest squadrons? We have a couple of squadrons that number over 400—

Q. Where are they?—A. Quite frankly, at the moment I do not know. They are in the Middle East or the Far East.



*By Mr. Green:*

Q. How many would there be in each of these squadrons, or in one of the squadrons in the Far East?—A. There are 245 in one squadron in the Far East.

Q. There would be no difficulty with that?—A. Another squadron is 346, another 393. Those squadrons may not be in the Middle East when the actual voting takes place. They may be in the United Kingdom, on the continent of Europe or anywhere.

Q. And where there is a Canadian squadron, there would be no difficulty in getting the vote?—A. I would not think so.

*By The Chairman:*

Q. It all depends on their location. Even if it is a squadron, if it is located in some out-of-the-way place, then the element of time comes into the picture, and the question is of getting the ballot to the squadron and the ballot back from that squadron.—A. Unless it was desired that there should be a returning officer constituted in the squadron and he would count the votes and mail them in. Whether that is preferable or not, I do not like to say at the moment, because that places the onus of responsibility on the Services, which is hardly their responsibility. We could supply the nominal roll for the voters' list; and I think a voters' list should be attempted, an active service voters' list and the chief electoral officer would put in the riding where the man was entitled to vote, the place being where he resided prior to enlistment. That could be sent overseas. The other thoughts we had were these. On the matter of the respective party platforms, they could be brought to the attention of our troops through the medium of Canadian Affairs. As you know, Canadian Affairs is a publication that is produced by the Wartime Information Bureau here. It is printed here and sent over to the troops to keep them up to date on Canadian affairs.

*By Mr. Green:*

Q. How widely is it distributed among the airmen in the Middle East or the Far East?—A. We take 12,000 copies. They do not all go to the Middle East, but a certain percentage does. It was not intended for individual reading, but more for discussion groups, where an officer would pick an article out of it as a basis for discussion, and there would be intelligent discussion on it.

Q. But it reaches practically all your airmen in the Middle East and the Far East?—A. No. I am afraid some of those boys of ours on radio detachments would be by-passed.

Q. That would be a comparatively small number?—A. Yes, a comparatively small number. I would say that it would reach or should reach 80 per cent of the personnel.

Q. In the Middle East and the Far East?—A. Yes. We would quite easily arrange wider coverage, but that should be done as soon as it is known there is going to be an election.

*By Mr. MacNicol:*

Q. The object of the committee is to see to it that every soldier, sailor and airman who wishes to vote—and they all should—shall be given the privilege of voting and that they shall be advised as to what they are voting on, so as to enable them to make their decision in their own way.—A. As I said earlier—

Q. The problem now is how to get them all a vote.—A. I do not think it can be done.

Q. Did you serve in the last war?—A. Yes, I did.

Q. Do you remember just exactly what happened on election day in the last war?—A. Quite frankly, we were not very interested in it, and I voted right on my unit.



Q. You got a direct vote?—A. A direct vote; I voted direct on the unit.

Q. How did the unit vote? Did you march up by companies or battalions?—  
A. No. You went up into the orderly room, as I recall it. My memory is rather hazy, but as I recall it there was some sort of voting office set up in the orderly room and you went in there to vote.

Mr. HAZEN: I happened to be a voting officer in that election.

Mr. MACNICOL: What did you do? Would you tell us about that?

Mr. HAZEN: My recollection is not very clear. I was in France at the time. I got word to report to Boulonge. I was very glad to report to Boulogne. I went down there and found a number of the boys there who were kicking their heels together, and administrative officers. They told us we were to get instructions from a certain officer as to what our duties were to be. We looked up this officer and unfortunately he didn't know very much about it. He handed us a copy of the Election Act and he said, here are your instructions, go and read them over, they will tell you what to do. They were not much help to us in a sense; but that is what we got there. Then we went up to Paris and they provided each of us with a car. We didn't object to that. We got into the car and went up to Paris and stopped at one of the big hotels in Paris and then we were allocated to different points. I was sent to a Forestry Company in Compeigne,, or in that district. There were five of us to take the vote. I stayed there. The men came in and deposited their ballots. I have just forgotten all the details—and the votes were sent in.

Mr. MACNICOL: Did they have to make an application to vote?

Mr. HAZEN: That was up to the officers of the company. They spoke to their men and those who wanted to went in and voted.

Mr. MCNIVEN: There was no obligation, we just went in.

Mr. MACNICOL: It was a kind of hit-and-miss way of voting.

Mr. HAZEN: No, just the same as any other kind.

Mr. GILLIS: Except that you didn't have the slightest idea of what you were voting about.

Mr. HAZEN: They all knew they were voting for or against conscription, that was the issue.

Mr. GILLIS: Oh no. I was in the front line and you could vote as often as you liked but you didn't have the slightest idea of what you were voting for.

The CHAIRMAN: Was there not an official there checking up?

Mr. MCNIVEN: Were they not handed a list with the names of the candidates?

Mr. GILLIS: All I know is that nobody checked me up.

Hon. Mr. McLARTY: How could you vote as often as you wanted to?

Mr. GILLIS: Because there was no one checking you up. That was my experience. We were in the front lines.

Mr. MACNICOL: Mr. Green, how did you vote—I don't mean who did you vote for, I am interested in the method of voting.

Mr. GREEN: I do not remember; I think we were all in the line at the time; everybody was called in and voted at the unit; I don't remember.

Mr. MCNIVEN: The adjutant of our company took the vote.

Mr. MACNICOL: During the recent Ontario election the vote in the armed forces was by proxy.

The WITNESS: That is right.



Mr. MACNICOL: I heard the colonel of one of the camps discussing the matter of the Ontario election the other day and he said the election officer had sent down to the camps some 1,500 proxies and that the men wrote on these proxies the names of those whom they wanted to vote for them back home. He said that a number of the men told him, "if I cannot vote here, I won't vote at all". That is probably one explanation why so few voted in the Ontario election. I have not seen the latest details on the returns but I would think that angle of it would affect the election any way.

Mr. HAZEN: I wonder if it would be possible for us to get the details of that Ontario election?

Mr. GREEN: On that point, I think it would be very well to have Mr. Butcher tell us what happened in that camp; I understand there was considerable difficulty.

Hon. Mr. McLARTY: What about the form of ballot; you would vote for a particular candidate, would you not? Did they have ballots for every riding in Canada?

The CHAIRMAN: Mr. McLarty, I have here the Ontario Act with the regulations, the form of ballot and everything.

Hon. Mr. McLARTY: I was speaking of the last dominion election which you were discussing before.

Mr. GREEN: I do not really remember. Mr. Butcher can probably tell us whether they wrote the name of the candidate.

The WITNESS: That is right, you did.

Hon. Mr. McLARTY: Then they must have been supplied with a list of the candidates and selected the name from that; was that the procedure?

The CHAIRMAN: Gentlemen, let us get along with Group Captain MacKell.

*By Mr. Green:*

Q. There is one question I would like to ask; he said that books (Canadian Affairs) could be distributed to 80 per cent of the personnel of the air force outside of the United Kingdom; is that right?—A. I estimate it could be.

Q. So it is your opinion that at least 80 per cent of the air force men outside of the United Kingdom could be obtained?—A. No. It would depend on the system employed; they may or may not. I do not think there is any association between the two.

Q. What percentage of the vote outside of the United Kingdom did you say it would be possible to obtain under present conditions?—A. That is a very difficult thing to say.

The CHAIRMAN: Do you mean by direct vote?

Mr. GREEN: Yes.

The CHAIRMAN: I do not know whether the group captain could answer that.

The WITNESS: I am afraid I cannot answer that. That is determined—we have knowledge of these areas—we have very complete information at district headquarters, and the commanding officer, given the responsibility and adequate assistance, could get the vote in. The form of procedure being determined, he tells the commanding officers to organize their territory and undoubtedly they would get in over 60 per cent of the votes, possibly more if we had the time.

*By Mr. Green:*

Q. You feel that at least 60 per cent of the men could be given an opportunity of casting their ballot?—A. That is right.

Q. That would be 60 per cent of 5,000?—A. I would say around that.



Q. So that the total number of disfranchised would not exceed 2,000.—  
A. Right. Of course, that is dependent or contingent on whether these men, whether the commanding officer of that particular district would be sitting as deputy returning officer; that, of course, would have to be determined by the election authorities; and they could be given the responsibility, and assistance, to get the vote in and to organize their own territory.

Q. What length of time would you require as a minimum?—A. The minimum would exceed six weeks.

Q. Between nomination and voting?—A. Yes. To get a ballot from Canada to Italy and return by air we estimate would take twenty-two days; to Ceylon and return, thirty-four days; by surface transport to Italy and return three months; by surface transport to Ceylon and return four months.

Q. But if you had six weeks you could at least get out sixty per cent of the votes?—A. That is right, by that I mean outside of the United Kingdom.

Mr. McCUAIG: You meant outside of the United Kingdom?

Mr. GREEN: Yes.

*By Mr. MacNicol:*

Q. And outside of the United Kingdom you have about 5,000.—A. Approximately that.

Q. Yes, that is where the men themselves vote; suppose they sent papers home, how much time in advance do you think would be required, where the next-of-kin are used?—A. Well, we have the official next-of-kin on our documents.

Q. And that would mean that the next-of-kin would have two votes; one vote for himself or herself, and one vote for her or his kin for whom he or she were acting?—A. That is right.

Q. Would there be any or much objection to that?—A. No; as I was saying earlier, I think that would be the quickest way from the administrative point of view.

*By Mr. Green:*

Q. How many men in the air force have married English or Scotch girls?—  
A. We have that alternative covered too; we give a second next-of-kin with Canadian residence.

Q. You have a second next-of-kin?—A. Yes.

Q. How many next-of-kin are outside of Canada?—A. The last figure I heard was somewhere between 4,000 and 5,000.

Q. Which suggests that there would be more people disfranchised that way than in any other way?—A. No; their father, for example, would vote if he had Canadian residence.

The CHAIRMAN: What the Group Captain suggests, Mr. Green, is in case a man had a next-of-kin outside of Canada then the one next immediate who resides in Canada would be stated on the automatic proxy as the representative.

The WITNESS: That is right.

Hon. Mr. McLARTY: Each one would have either a first or second next-of-kin in Canada?

The WITNESS: First of all, in order to get that done—by virtue of an order if necessary—we could make provision that the next-of-kin would automatically be constituted as their proxy; that they would have always the right to object and nominate somebody else; for example, if a chap married a Liberal and happened to want to vote C.C.F., he could—

Hon. Mr. McLARTY: Do you mean to say that you have a list of next-of-kin in Canada who might not be the immediate next-of-kin, the nearest in Canada?



The WITNESS: We have both, we have the immediate next-of-kin, and then where the next-of-kin is residing outside of Canada, we have the alternative.

*By Mr. Green:*

Q. Have we got the second, third and fourth next-of-kin listed now or would you have to get that for this special purpose?—A. No, we have only one outside of the next-of-kin.

Q. On the list now?—A. Yes.

Q. Would you apply the same system in the army in Great Britain?—A. No. My idea is a combination of the direct vote and proxy voting.

Q. The next-of-kin would apply only to those outside of the United Kingdom?—A. Where people are not easily accessible.

*By Mr. MacNicol:*

Q. You do not think there would be any objection to that?—A. Quite frankly from my own viewpoint and from what people tell me there would be decided objections, but in the light of my own experience, I feel that I would be quite content to let my wife vote for me if I happened to be serving in some isolated spot such as Africa, Italy or wherever it is.

Q. Or, in the case of the young man who is unmarried, he would not object to his father or mother voting for him?—A. Don't you think it is reasonable to assume that 90 per cent of the youngsters vote the same as the parents?

Mr. MACNICOL: I would say that about 95 per cent of them do.

Mr. GILLIS: Very definitely not.

The WITNESS: That is only an opinion, I am afraid. I hope I did not overstep the mark.

Mr. McCUAIG: Is it not a dangerous assumption nowadays that families vote because the father or mother votes a certain way; that because of that they should vote the same way? I think that such an assumption or such a move would indicate a very backward step. Whatever provision we make should be entirely open so that every man or woman can vote, Liberal, Conservative, or in any other way, as they may desire to.

Mr. MACNICOL: We are not suggesting anything else.

Mr. GREEN: The problem is one which is only of concern to about 2,000 men; would you suggest that 3,000 men outside of the United Kingdom should be allowed to vote by direct vote, that in the case of those who cannot practically by direct vote, some 2,000 of them, that they be permitted to use proxies?

Mr. MACNICOL: That would not apply to the army, of course.

Hon. Mr. McLARTY: You have no way of finding out about that 2,000; quite frankly, I don't know how we would be able to determine that.

The CHAIRMAN: How are you going to determine this balloting? Do we have to consider each group of men and then there would be the problem of deciding who should vote by proxy and who should have the direct vote.

The WITNESS: That would be indicated by very definite territories; in the United Kingdom and North America you would have the direct vote, and outside of that there would have to be a very sharp line of division.

The CHAIRMAN: You would have to make a sharp line; and anything outside of the United Kingdom would be proxy. You could not go any further than that.

The WITNESS: No.

Hon. Mr. McLARTY: You could not zone it outside of the United Kingdom?

The WITNESS: I am afraid not.



Mr. MACNICOL: But in the United Kingdom and Canada you say they should vote direct?

The WITNESS: I would say that it could be done.

*By Mr. McCuaig:*

Q. Supposing we were coming up close to election time and some of the voting was being done by proxy, and some men happened to be moved from the United Kingdom right during election week; what would you do then?—A. Well, we would have to have a cut-off date, but until such date we would keep our lists up to date from week to week.

Q. Would each voting place be advised as to who was entitled to vote?—A. Well, in the United Kingdom they would be advised and would know within a week who was to be entitled to vote, although the people would keep moving out and you would undoubtedly lose some.

Mr. McNIVEN: You might move a squadron out of the United Kingdom during the voting.

The WITNESS: We might. I think we would have difficulties there.

Mr. SINCLAIR: It would not be so difficult in getting the information up to the Canadian squadrons, they could be supplied with all the essential information, but when it comes to the Canadian army in Italy you will see that they are going to want the direct vote.

The CHAIRMAN: That is not what we are discussing, we are not discussing the army now.

The WITNESS: How would you get the views of the parties? We have to get the names of the candidates. There might be a thousand candidates; we would have to get that information out to Italy and places of that kind and we would have to get all the ballots back.

Mr. SINCLAIR: Are you talking now about the army?

The WITNESS: I cannot speak for the army.

The CHAIRMAN: The army are going to speak for themselves, we are just discussing the air force now.

*By Mr. MacNicol:*

Q. To get something concrete down; I understand what Group Captain MacKell said was this, that as far as North America is concerned the air force could vote and would prefer to vote by direct vote themselves; that is, take their ballot and put it in the ballot box. As far as England is concerned, and the air force there, they could do it likewise.—A. That is it.

Q. And the numbers in these two groups, those in the United Kingdom and Canada groups, would run to about 195,000; and there would be about 5,000 men—and they would vote by proxy.

Q. Outside of those areas they would vote the other way.—A. That is right.

Q. And it is your opinion that those 5,000, they would probably number that, would vote by proxy; and in your view that would not be objectionable.

The CHAIRMAN: That is the Group Captain's opinion, from the administrative standpoint; I mean, it is up to the committee here to decide the matter of policy.

Mr. MACNICOL: Oh yes, of course.

Mr. GILLIS: Is not the procedure we are taking all wrong? My conception of this meeting this morning was that we were going to call these gentlemen in and going to get their opinions on this matter.

The CHAIRMAN: That is right.



Mr. GILLIS: That we were going to get their viewpoint and at a later meeting this committee would discuss the whole thing and transfer it into regulations.

The CHAIRMAN: Yes.

Mr. GILLIS: We are wasting a lot of time arguing with the witness.

The CHAIRMAN: Naturally the Group Captain in his position, had advanced certain information and naturally members of the committee want to question him, and it is probable that as a result of the questioning there has been a little argument.

Mr. GILLIS: I do not think any argument is necessary in order for us to get the facts. When we have them we can boil them down for ourselves.

The CHAIRMAN: We want to discuss them.

Mr. MACNICOL: Well, it is all to the good; it is all satisfactory.

The CHAIRMAN: I think perhaps a little latitude in this respect would lead to a little more information you see.

Mr. GILLIS: And, to more confusion.

The CHAIRMAN: Yes, and to more confusion. Is there anything else you can add?

The WITNESS: Only this, that I have a document here which I would like to pass around for the members to see. It is, of course, confidential; it shows the disposition of our forces. It must be considered confidential of course.

Mr. MACNICOL: There is one question I would like to ask Group Captain MacKell: on election day here in Canada the polls are open I presume around eight o'clock in the morning—I have just forgotten—

Hon. Mr. McLARTY: They are open from eight o'clock to six o'clock.

Mr. MACNICOL: From eight to six—or whatever the time may be; and the same hours pertain in your camps—say at Calgary; so that air force men would know that on such and such a day—say it was July 12 that was election day; they would know that ahead of time—

The WITNESS: Or, let us say March 17.

Mr. MACNICOL: Well, July 12; or March 17 if you prefer; would they be paraded to the polling place in companies or how would you choose to do that?

The WITNESS: I think they would have the same opportunity as a civilian of going to the polling place and casting their ballot. I do not think you could regiment them into it.

Hon. Mr. McLARTY: It would not be compulsory.

The WITNESS: No, you would not make it compulsory; when a man joins the service he still retains his civil liberties.

Mr. MACNICOL: I think I heard someone say the other day that it was his experience that on election day in respect to the Ontario election the companies, or the regiments, were paraded and marched up to the polling place and those who wanted to vote were allowed to go in and cast their ballot and those who didn't want to vote went on through. The mere fact of parading would induce the men to vote.

The CHAIRMAN: That is a matter of detail. Perhaps we could consider that later on. Is there anything else?

*By Mr. Green:*

Q. I would like to get it clear in my mind the suggestion in regard to voting by next-of-kin: is it intended that there should be a proxy form signed by the airman in which he names the person whom he wants to act for him; or is the intention that the next-of-kin would automatically be entitled to vote without getting a proxy form?—A. That is our idea.



Q. Pardon?—A. He does not have to fill in any form, unless there is objection.

*By Mr. Hazen:*

Q. In other words, the man who holds the proxy has two votes?—A. That is right; and we inform our service people that their official next-of-kin are automatically constituted their proxy.

Hon. Mr. McLARTY: And unless he protests against that.

The WITNESS: Yes; and within certain relationships we would heed that protest.

Mr. GREEN: Would it be possible for you to get a proxy form signed by the man himself?

The WITNESS: That would be as bad—

Hon. Mr. McLARTY: Except that it would give you a much longer time for him to ballot. The ballot would have to be sent between nomination day and the polling day; and the proxy would afford a much greater length of time.

The WITNESS: Of course, the man would have the right to object but in any case we inform him as to whom we have given him as proxy.

Mr. MacNICOL: That simplifies it a lot. Then the next-of-kin would have to be notified from your headquarters?

The WITNESS: We went into a lot of detail here on that.

The CHAIRMAN: After Group Captain MacKell is through we have Flight Lieut. MacDonald here who has made a very thorough and careful study. I thought I would call him next to elaborate on this proxy system.

*By Mr. MacNicol:*

Q. Just to finish with the Group Captain, from your headquarters where you have lists of the next-of-kin, the next-of-kin of John Jones will be notified that he or she is to vote on election day?—A. Through the chief electoral officer.

Q. And they in turn, if they followed the plans in the great war, would go and register?—A. Roughly what we thought he would do is that there would be a supplementary voters' list in each riding, and that list would show that the man would have two votes.

*By Mr. Green:*

Q. The minute a man in the air force left England he would lose his right to vote directly?—A. That is right.

Q. And would come under the provision whereby his next-of-kin would vote?—A. Yes.

Q. How are you going to regulate it so that when he comes back to England he gets the right to vote again?—A. As I said before we would have periodic amendments of the list, and within a certain time limit. We would have to have a cut-off date beyond which he would have to be a proxy voter.

The CHAIRMAN: Are there any other questions? As I take it, Group Captain what you intend to say is that so far as the automatic proxy is concerned you would put out a routine order?

The WITNESS: Right.

The CHAIRMAN: And notify all R.C.A.F. personnel that the next-of-kin shown on their document will be their automatic next-of-kin?

The WITNESS: That is right.

The CHAIRMAN: And then give a certain time, say a week or a few days, to alter that automatic next-of-kin by cabling a different proxy?



The WITNESS: Right.

Mr. SINCLAIR: Routine orders would not touch them.

The WITNESS: We could arrange the distribution of a routine order.

The CHAIRMAN: A special order.

*By Mr. Sinclair:*

Q. To all of these isolated ones?—A. I think so, through our district orders. Could not district headquarters arrange that?

Q. I would doubt that very much indeed in the far east.

The CHAIRMAN: Are there any other questions, gentlemen?

*By Mr. MacNicol:*

Q. Just one further question; in the event of the decease of the airman after an election had been called would you be in favour of still permitting his next-of-kin to vote?—A. If we could not get notification back to the chief electoral officer and he in turn to the deputy returning officer I think he should. You were not speaking to me?

Q. After an election had been called, after all the official papers had been got out, and so forth, would you be in favour of permitting that deceased airman's next-of-kin to continue to vote the same as if he had been living?—A. No, not entirely; if we could get the information back, as I say, to the chief electoral officer that the man had died then the proxy would be cancelled, but if we could not then he would be entitled to the second vote.

The CHAIRMAN: If there are no further questions I am going to call on Flight Lieut. MacDonald to more or less supplement the information given by Group Captain MacKell.

Mr. MACNICOL: We might thank Group Captain MacKell for the courteous way he has answered questions and for his presentation.

*By Mr. Hazen:*

Q. The witness referred to *Canadian Affairs*, and he suggested that the platforms or some publicity about the parties might appear in that publication?—A. That is right.

Mr. HAZEN: I do not think that any of the committee have ever seen that publication. Some may have, but I know that I never have. I was wondering if we could have copies of that publication sent to the members of the committee. Could you arrange that?

The CHAIRMAN: We can arrange to have the last issue sent to us. That will be the March issue.

The WITNESS: Squadron Leader Vlastos is the head of it. He was seconded from us to the Wartime Information Board.

Flight Lieut. MACDONALD, called.

The CHAIRMAN: This is Flight Lieut. MacDonald who has made a study of proxy voting as applied to active service voting. It might be useful if he would supplement the information given us by Group Captain MacKell.

The WITNESS: I believe, Mr. Chairman, that Group Captain MacKell has covered the matter pretty thoroughly and has put in outline all the material we had prepared. It is true we did make a study of the possibility of a system of proxy voting. I know you understand that it was in the nature of a study and not in the nature of a proposal. If you wish I will outline the plan.



The CHAIRMAN: Yes. I think it will serve a useful purpose if Flight Lieut. MacDonald will outline in greater detail the study of the proxy system. We might as well have all that information.

The WITNESS: It was considered that in the event of a proxy system being decided upon, the R.C.A.F., as a measure of co-operation with the civil authorities, might proceed in general outline in this manner: that the records officer of the R.C.A.F. in co-operation with the dependents' allowance and assigned pay cheque writing division—(the latter division would have a little more up-to-date check on last addresses and names of next-of-kin than the records officer alone)—could compile nominal rolls showing the names of all R.C.A.F. personnel serving overseas and their next-of-kin. While I say "overseas", it could be applied to any area that it was decided to apply such a system to. The records officer could confer with the chief electoral officer in an endeavor to have such nominal rolls compiled by electoral districts, such electoral districts being determined by the addresses of the next-of-kin. To the extent that this was not possible, nominal rolls would be compiled according to the most convenient other units possible. The names of personnel whose records disclosed no next-of-kin presently residing in Canada would have to be shown on a separate nominal roll. These nominal rolls could then be passed to the chief electoral officer who would break them down into electoral districts to the extent that this had not already been done. Relevant changes as to addresses, postings, casualties, etc., would be notified to the chief electoral officer up to a fixed cut-off date which would be the latest possible date. The chief electoral officer would pass the appropriate nominal rolls to the various returning officers who, in co-operation with the local postal authorities and otherwise, would verify the addresses of the proxies shown on them. If any such proxy had moved from the electoral district indicated by his address on the roll, his name and new address, and the name of the member of the R.C.A.F. whom he represented, would be notified by that returning officer to the returning officer of the other electoral district into which the proxy had moved for inclusion on the nominal roll for such electoral district. If the new address of the proxy could not be ascertained by any returning officer, or if such proxy had died, then the returning officer would advise the chief electoral officer so that he might, if possible, obtain an alternative next-of-kin from air force headquarters.

Then every returning officer would have to notify the next-of-kin on his nominal roll that they had been constituted proxies and notify them as to what conditions, if any, had to be fulfilled by them in order to perfect their right to cast their proxy votes. By means of an order—when I say here "by means of an order" it is meant by means of such communication as would be necessary to reach all units—the personnel in the districts to which this system was applied would be advised that their next-of-kin as shown on their records would automatically be constituted their proxies. It would further advise them that personnel who wished to do so could nominate a different proxy by signal (cable, telegram, etc.) in the prescribed form at public expense, subject to such restrictions, if any, upon persons who might be so nominated, as were considered expedient. It would also notify them that personnel whose records disclosed no living next-of-kin residing in Canada could nominate proxies in the like manner. Such nominations would be addressed by the persons making the same direct to the chief electoral officer who would take action to have the names of such proxies and personnel they represented included on the nominal roll for the electoral district in which such proxies resided.

In speaking of next-of-kin throughout I have been referring to husband or wife, father or mother, or other relative in that order of preference.

That, in outline, is the system of automatic proxies which was studied. It was simply a study of such method along with other methods. I want to make that clear, Mr. Chairman, that it is a study, not a proposal.



Mr. MACNICOL: There would be just one change there. Under the ordinary election machinery if the next-of-kin moves out of the riding after the official registration in this country has taken place the Act only permits them to go back to the riding in which they were to vote. It does not recognize moving unless the moving takes place before registration.

The WITNESS: Yes, but it is contemplated that the proxy would exercise his right of proxy vote wherever he himself would be voting at the time of the election.

*By Mr. MacNicol:*

Q. Which would be at his— A. Place of residence at the critical date.

Q. Where he had been?—A. Where the proxy himself was entitled to vote. It is open to this objection, that man may end up by having his vote cast in a district where he would not have voted if he had been home.

Q. That is the soldier himself?—A. Yes.

Q. But what I explained was that suppose the official registration day is April 21; these lists are made up as of April 21 and later revised, but if this soldier's proxy on April 21 is in the chairman's riding but in May moves to my riding, a couple of miles away, ordinarily that voter, who had now become a proxy, would go back to the chairman's riding to vote. That is, they vote where they are registered. That would be quite satisfactory?—A. Yes.

The CHAIRMAN: I am not quite clear on that yet.

*By the Chairman:*

Q. Is it your proposal—or your study— A. I want that word "study" definitely used.

Q. In your study you suggest that it is the place of residence of the proxy that is the governing factor of putting him on the particular list?—A. The place where the proxy would cast his own vote.

Q. So that it disregards the basic principle that is in every active service election Act, namely, that the active service voter votes at the place where he resided at the time of enlistment?—A. Certainly there is that objection, but there is this to be said in extenuation, that during the present war the upheaval in that regard is very widespread. It is not just restricted to the forces. For instance, I myself, if a dominion election should come, will be casting my vote in a district where I never thought a short time ago I would be casting it, and where I will not ordinarily in other years be casting it.

Q. But in the committee's study of all the active service acts and regulations of other countries the basic principle—I think Mr. Butcher will confirm this—of determination of the place where the active service voter votes is the place where he ordinarily resided at the time of enlistment. Your study gets away from that principle?—A. Yes, it may be.

Q. Except in this case where the proxy might be residing in the same riding that the active service voter was in?—A. Yes.

Group Captain MACKELL: May I answer that? As a matter of fact, if we have an election in Canada a lot of service people in Canada will not be voting in the riding they resided in prior to enlistment. They will be voting in another riding. We will be departing from that principle right in our direct voting in Canada.

The CHAIRMAN: You are wrong. In the active service regulations, 1940, the active service voter had to make a declaration where he resided at the time of enlistment, and his ballot went into that constituency, not into the constituency where his camp was located.

Group Captain MACKELL: What about all the chaps who are living out in cities like Ottawa and Montreal?



The CHAIRMAN: Is that not right, Mr. Butcher?

Mr. BUTCHER: The vote of the active service voter was invariably counted in the electoral district in which he was residing prior to his enlistment.

Mr. SINCLAIR: Group Captain MacKell has made a point. An air force man from Vancouver may be stationed at Ottawa, and may have brought his wife to Ottawa. He himself would vote in the station for an Ottawa riding but his wife living out will be forced to vote for Mr. Green or myself, not forced to, but would want to.

Group Captain MacKELL: I vote for an Ottawa riding.

The CHAIRMAN: No, no let us clear this up. I think you are wrong, Mr. Sinclair.

Mr. GREEN: The wife votes where she is living.

Mr. McCUAIG: I will give you a concrete case. Barrie is close to Camp Borden. Someone living in Winnipeg enlists. He is moved to Camp Borden. After he is moved down there his wife comes down and gets a room in Barrie. Where would the soldier cast his vote, and where would the wife cast her vote?

The CHAIRMAN: Under the 1940 regulations.

Mr. BUTCHER: The soldier's vote, which we presume is cast in the camp as it was in 1940, would be counted in the electoral district in which he resided prior to his enlistment, but if the wife has established a home in the electoral district in which the camp is situated she would have her vote there because she has established a home.

Mr. MACNICOL: If she acted as proxy for the husband the proxy would be counted in Moose Jaw, or wherever he came from.

The CHAIRMAN: Under the study of Flight Lieut. MacDonald as to the air force, if the wife is the proxy, as in Mr. McCuaig's case, the vote of the husband, who is on active service, would be exercised in Barrie, because it is the residence of the proxy that is the governing factor. Is that right?

The WITNESS: Yes.

The CHAIRMAN: And I maintain that gets away from the basic principle of every election act we have studied here.

The WITNESS: Subject to the right of the service voter to change the proxy, which he can do.

Mr. MACNICOL: The service voter himself could change the proxy to Camp Borden area instead of Moose Jaw area.

The WITNESS: Yes.

The CHAIRMAN: Are there any other questions?

*By Mr. Green:*

Q. Have you studied the Australian and New Zealand provisions for taking the votes of airmen?—A. No, we have not, Mr. Green. That is, we have not made what you could call a study of them. We have made inquiries about them. Most of our information, or a large measure of our information about them, was derived through reading the very informative proceedings of this committee.

Mr. MACNICOL: They are not comparable to Canada. In Australia everything is compulsory. All registrations are kept up to date every day in the year. If you move out of one area it is all recorded in the registration. An Australian soldier voting at Cairo, Egypt, during the last Australian election had his vote compiled back home where his name was registered in the riding from which he came.

*By Mr. Green:*

Q. Australian and New Zealand airmen had the direct vote?—A. Yes, that is my understanding. As far as the Australian vote and the New Zealand vote



in Canada were concerned it gave us little assistance because our problem was not comparable to having R.C.A.F. personnel in Australian or New Zealand. Our problem was in connection with this round figure of 5,000 men about whom the group captain has told you; and the experience in Canada of Australia or New Zealand, I do not think is of very much assistance in connection with such problem.

Q. No. But Australia and New Zealand have men also in the Middle East.

—A. Yes. But the persons with whom we were able to discuss their experiences here were Australian personnel who assisted in the taking of the Australian vote in Canada. They knew nothing about what happened out there.

*By Mr. Isnor:*

Q. When you refer to the returning officer who must notify the next-of-kin, do you mean by that the returning officer of the various districts?—A. Yes.

Q. That would mean after the units had gone over them and selected amongst the names of the next-of-kin, they would notify the returning officers of the various districts that so and so were entitled to vote as next-of-kin, and then it would be the duty of each and every returning officer throughout Canada to notify the next-of-kin?—A. Yes. The chief electoral officer would notify the names of proxies to the returning officers and the latter would notify the proxies.

*By Mr. Green:*

Q. To what percentage of the men outside of Great Britain would you say it would be possible to give the direct vote?—A. That is a very difficult question to answer, and I do not think I should undertake even to make a guess, because only somebody who had been through that region, I think, would appreciate the difficulties on the spot of communications. I have put myself in possession of all the information I could by discussing it with our personnel at headquarters who had been through there, but even on the basis of that, I would not feel like venturing an opinion. However, I can say this, that it comes down entirely, or at least almost entirely, to a matter of time. It is a question in this respect of what time you wish to allow between nomination day on the one extreme and the time beyond which no vote will be allowed to count at the other extreme. If you make that time long enough, I suppose it is common knowledge that every vote could be brought in.

Q. What time would you require to give every man a chance to vote?

*By Mr. MacNicol:*

Q. Before you answer that question, I might say that the Australian Act called for thirty-five days.—A. Yes; and the New Zealand, I think, is almost as long.

The CHAIRMAN: Six weeks.

The WITNESS: But I believe the group captain said in reply to that, not less than six weeks; and I would say not less than six weeks.

*By Mr. Green:*

Q. No, that is not what I meant. What time would you require to give every man a chance to vote? You said you could give every man a chance if you had time enough. What time would you say would be necessary?—A. I do not think that question can be answered on this side of the water at the present time, Mr. Green, having in mind the way that these units are moving about and the isolated positions in which they are and having regard to their functions. You might find that in the case of particular units you could not get in touch with them, you could not get the papers back and forth between them, for weeks and weeks.



Q. Of course, the idea was that that information would be cabled over and then printed or set up there, not printed from here and sent over.—A. There are a number of small matters which would affect the time element. One consideration would be, how soon before the actual issue of the election writ we could start getting information out and whether you would be satisfied not to have an official ballot but would be satisfied with a prescribed form of ballot in certain cases; because if we knew far enough in advance, we could get out something in the nature of a routine order, call it by whatever name is appropriate, setting out what would be the procedure to be followed in the event of an election being called, and setting out the form of ballot to be used. Such ballot could perhaps be locally struck off on the typewriter or, if necessary, I suppose even written out by hand. When the information with respect to the candidates permeated through to these units by signal, then they could start to vote immediately without waiting for official ballots and it would then be a question of how long it took that ballot to get in to the point where it was to be counted. There again would come into play the question of whether you had a prepared list or not. Under the regulations of 1940, as I remember it, there was no prepared list, no active service list, so that you had to determine from the declaration that the voter made when he cast his vote, where you were going to place him, to what constituency you would allot his vote. Obviously, that can only be done by some one who has all the information before him. He has to have a breakdown and maps, I suppose, of all the cities and even the larger towns, in order to find definitely into which riding that particular address throws the man. If that is to be the case, if there is to be no active service voters' list, then I suppose the United Kingdom is the nearest place to the spot of operations in the Middle East and the Far East where those votes could be counted. On the other hand, if you have an active service voters' list, the man who is at headquarters at Cairo, at New Delhi or Algiers, as the case may be, could look at his list and see what constituency that man's name was in. He could count the votes there and cable home the results. There are a number of factors like matters of detail, which nevertheless would probably have a real effect on your time element.

*By Mr. Isnor:*

Q. You could not set up such a list until you were definitely assured as to the names of the candidates?—A. You could set up the voters' list at any time.

*By Mr. Sinclair:*

Q. As far as the constituencies are concerned?—A. Yes. What would happen, or I suppose what would happen, would be that we would take and submit a complete nominal roll of the R.C.A.F. personnel to the chief electoral officer and then he would have to break that down to show constituencies. Here again you would have to depart somewhat from the normal rules for determining constituencies; that is, instead of on the residence basis of three months or six months or as the case may be, the electoral officer in dealing with this nominal roll, I suppose, would have to be guided entirely by the address that the man gave before enlistment. Using that address, he could make up a complete active service voters' list, showing, against every name, its correct constituency. That list could be kept up to date against the possibility of an election coming on.

Q. I do not see how that is going to help. We will take a man who is, say, at a radio location station somewhere along the African coast. The fact that he has been put down, we will say, in the constituency of Cape Breton South does not alter the fact that he still does not know who the candidate is until he gets the list.—A. That is quite true. You have to get a list of the candidates



to him. It helps only in this respect, that it would enable ballots to be counted sooner. In that case—where did you say that man was? In any event, suppose the man was in India. It would enable the ballot, if you wanted it so, to be counted at New Delhi or some other convenient place in India; whereas if you have not got that list, it seems to me the closest place they could possibly be counted would be in the United Kingdom. If you could count them at New Delhi, all you have to do is cable home the results. But if you have to send them to the United Kingdom to be counted, it is going to take much longer.

Q. If a man is going to vote for my honourable friend sitting beside me (Mr. Gillis), and in marking his ballot puts his name down and his riding, that is all they need. Am I giving you free publicity, Mr. Gillis?

Mr. GILLIS: Yes. Thank you very much.

The CHAIRMAN: As a matter of fact what could be done is this. The commanding officer merely furnishes a statement of the number of active service electors in the unit, and then uses the same system of outer envelopes, with the election officer in possession of the key where he could assign that vote to the particular constituency. Suppose, we will say, the active service voter in the Middle East is, at the time of his enlistment, in Mr. MacNicol's riding and he gave the address of 1171 St. Clair avenue. The key in the possession of the election officer would show that 1171 St. Clair avenue is in Davenport riding, and the election officer would put that ballot in Davenport riding.

Mr. SINCLAIR: Then you are presuming that you are going to vote by party and not by name?

The CHAIRMAN: No, vote by name; direct voting.

Mr. SINCLAIR: If you are voting by name, the circumstances are different.

The CHAIRMAN: Yes. The outer envelope contains the declaration indicating where the man lives and that is where it goes. It is a very simple proposition.

The WITNESS: Is that going to be sufficient? I am thinking of an airman who lives somewhere in the city of Montreal or Toronto.

Mr. ISNOR: Take a good city like Halifax.

The WITNESS: I wanted to take as large a one as possible, Mr. Isnor. I wonder if he is going to be in a position, in his declaration, to say in what riding he actually votes.

The CHAIRMAN: He does not have to say that. He merely has to say where he lived at the time of enlistment; if he lived, as I said, at 1171 St. Clair avenue in Toronto, the election officer in charge of that ballot will, from that key, ascertain where 1171 St. Clair avenue is.

Mr. SINCLAIR: And tell the voter that, you mean?

The CHAIRMAN: No, not tell the voter. It is put on the outer envelope. Oh, tell the voter, of course, before he exercises the ballot.

Mr. SINCLAIR: Then he is going to have plenty of bother. I could not tell, from the key, whether a man was in my riding or whether a man was in New Westminster.

The CHAIRMAN: You could tell if you had the key showing the boundary lines.

Mr. SINCLAIR: I have the key; but with all those cross streets going forward and backwards, it is very difficult to tell.

Mr. MACNICOL: It tells you that much, the same as the city of Toronto.

Group Captain MACKELL: You could provide that to all the commanding officers; and we are dealing with the R.C.A.F. The R.A.F. are not interested in this.

Mr. GREEN: That is where you have to have a service list.



Mr. SINCLAIR: You would have about 245 keys.

The CHAIRMAN: No. You would only have to have about sixty keys, because there are only sixty urban constituencies. The other constituencies can be guided by the postal guide. In other words, the man gives his post office address, and he can tell from the postal guide what constituency he is in.

Mr. SINCLAIR: The R.A.F. is going to have a number of Canadians with them. Are they going to do that?

The CHAIRMAN: Yes. It is very easily done.

Mr. SINCLAIR: Not by the R.A.F. commanding officer out in the Middle East. He is going to say, "Don't bother me with that."

The CHAIRMAN: I want to make this statement. No matter what system is devised or recommended by this committee, it will not be successful, or will not be 100 per cent successful, unless we have the co-operation of the service personnel, voting in Canadian units and other units.

Mr. SINCLAIR: I would suggest that the proxy method required the co-operation of the R.C.A.F., but it is not so dependent on the co-operation of the R.A.F.

The CHAIRMAN: I think we are getting into argument now, and would suggest that we go ahead with the evidence.

Mr. MCNIVEN: I know of some rural ridings that will present as many difficulties as your cities like Toronto. Take Lloyminster, for instance. Half of the main street is in Alberta and the other half is in Saskatchewan.

The CHAIRMAN: Oh, yes. We shall discuss that when we come to it. Is there anything else?

The WITNESS: I think there are just two brief points that I should like to mention. As far as the proxy system is concerned, whereby the list is automatically constituted in this way, I think I should point out before leaving it that that does not minimize the work so far as the Service is concerned; in fact that is attended by much more work on the part of the services than the proxy system such as was employed during the last Ontario election where the work, as far as the R.C.A.F. is concerned, would be much lighter, because in this case we would have to be actively engaged, together with the chief electoral officer, in setting up the list; whereas under the Ontario system, all we would have to do would be to get an order of instructions before the different personnel with the form of proxy, which it would be up to them, from there on, to get home; and those proxies would have to take whatever steps were necessary to get their names on the list. So that this system does not have the effect of minimizing the work, as between the two proxy systems. The other point is one which has no doubt occurred to you all anyway, but I will just mention it. The potential number of voters that has been concerning us during the last hour comes to roughly one-thirteenth of one per cent of the entire voters' list for 1940. Just in case there is any misapprehension about it, may I point out that I am not saying that by way of minimizing the importance of getting them a vote. I am only saying it in this connection, that if the committee saw no objection to some of the votes of those 5,000 personnel being cast after election day—

Mr. MACNICOL: You could not do that.

The WITNESS:—but as soon as they could be cast, all those votes could eventually be called home; and it is very doubtful that any votes that came have the effect of upsetting any riding, because the proportion of them would have the effect of upsetting any riding, because the proportion of them would be too small.



*By The Chairman:*

Q. You say the number is one-thirteenth of one per cent. Are you referring to the 5,000 voters?—A. Yes. I think that is right, unless my mathematics are out. I think there were about six and a half million names on the list in the 1940 election, and 5,000 are about one-thirteenth of one per cent. There are a certain number of those 5,000 in respect of whom the difficulties are much less than those that have been painted in extreme cases.

Mr. GREEN: The Group Captain said that not more than 2,000 would be difficult to get in within that time.

The CHAIRMAN: He merely gave it as a guess, I took it.

Group Captain MACKELL: That is right.

The CHAIRMAN: No difficulty with 40 per cent. Are there any other questions?

*By Mr. Isnor:*

Q. I do not know how serious it would be, but you remember that in the House there was brought up the question of calls going out to individuals who had since joined the army and had been attached to it. In making up the list that you spoke of, the nominal roll, and then the returning officer notifying the next-of-kin, there is sure to be a fairly large proportion who might be casualties in the meantime. It would be rather embarrassing to the father or mother to be notified that he or she was voting in the place of a son who had already passed to the great beyond—A. Well, yes. Of course, our casualty service, I think I can say, is very very fast.

Q. Yes, I think so.—A. And very very considerate. I think perhaps that could be taken care of. Do you not think so, sir?

Group Captain MACKELL: Yes.—A. I think any embarrassment could be avoided in most cases.

Mr. ISNOR: You have to follow that right through.—A. Yes. It would have to be followed through very quickly. But I think that could be done, as far as that is concerned.

Group Captain MACKELL: It could not be released until the next-of-kin knew it. That is the principle now.

Mr. ISNOR: What I am concerned about is this. In the meantime the returning officer would have notified the next-of-kin, the father or mother who is named as the responsible party, to vote in place of this individual.

Group Captain MACKELL: That is right; and if we had time, we would cancel the proxies. If we had not time, the proxy would vote for the deceased. One thing that Flight Lieutenant MacDonald mentioned, I think we might have advance polling of a week.

The CHAIRMAN: An advance poll at home?

Group Captain MACKELL: Where we have the direct service vote, to vote over a week's period, even here in Canada and in the United Kingdom.

Mr. McNIVEN: What were the provisions in the last election in that regard?

Mr. BUTCHER: Four days in Canada, or six—I am not quite sure which it is—and eight overseas. I will look that up.

The CHAIRMAN: Are there any other questions?

Mr. GREEN: I have one about the advance poll.

The CHAIRMAN: Just a minute, Mr. Green. Mr. Butcher has something.

Mr. BUTCHER: Voting by active service electors stationed in the United Kingdom commenced on Thursday, 14th March and ended on Saturday, 23rd March, 1940.



The CHAIRMAN: Eight days.

Mr. BUTCHER: Yes. In Canada voting commenced on Saturday, 16th March and ended on Saturday, 23rd March; seven days, of course excluding Sundays.

The CHAIRMAN: You had a question, Mr. Chairman?

Mr. GREEN: It has been answered by Mr. Butcher.

The CHAIRMAN: Thank you, Mr. MacDonald. I know I express the opinion of the committee when I tell both Group Captain MacKell and Mr. MacDonald that we appreciate their coming down and giving us the benefit of their views and the information they have in their possession. That does not necessarily mean that we are going to act on it, but it is going to be very helpful.

The WITNESS: Thank you very much. I should like to emphasize once again that these different representations we have made have only been in the nature of studies and are not proposals.

Mr. MACNICOL: Mr. Chairman, I have been wondering about what you said at the commencement of the meeting in reference to the press. I have been wondering if it would not be quite in order for you to give out the information that the committee had the honour this morning of having representatives of the air force come before us to give their views, so that the air force would know that their interests are being looked after as well as possible.

The CHAIRMAN: As a matter of fact, the press did contain an item that we were going to call representatives of the services. They might elaborate on it. We have the navy and army to hear from yet. I do not know whether it would be a good idea to adjourn now rather than to start on a new service. It is 12.30. We could start on the navy at the next meeting.

Lieutenant O'BRIEN: It will not take very long.

Hon. Mr. McLARTY: Could we not carry on until 1 o'clock?

Lieut. J. B. O'BRIEN, R.C.N.V.R., called.

The WITNESS: I did not know until about an hour before I came over here that I was to come this morning; and this is all very new to me. I think perhaps Group Captain MacKell and I are much of the same opinion as far as personnel voting is concerned. We feel very strongly, that each man should have a chance to cast his own ballot rather than to have to use a proxy. Any figures I might be able to give you would be only those which I happen to have in my head. We will not be in the same position as the air force as regards personnel. We have about, I would think, approximately 500 officers and 2,000 ratings on loan to the R.N. serving in anywhere from battleships to cruisers and M.T.B's or Fairmiles; but the greater part of the personnel are with the Royal Canadian Navy. These figures are of course only approximate. But I think we would like to know, to have to decide where it was to be by proxy or personal vote.

Hon. Mr. McLARTY: You say it would be about 2500?

The WITNESS: 500 officers and 2,000 men, approximately; I am not giving the exact personnel.

The CHAIRMAN: We quite understand.

The WITNESS: I will attempt to deal with the question. The majority of our sea-going personnel are based either in Halifax, Newfoundland, Esquimalt or Londonderry. On our own ships the matter could very easily be arranged; we figure that the commanding officer on each ship would be able to look after the vote of his particular ship; the votes could be deposited in the ballot boxes, the box is sealed and delivered as directed. But, as to the counting of the vote, I do not think the Navy would want to have the responsibility of counting these votes.

The CHAIRMAN: I do not think you would need to worry about counting them, I think that would be the responsibility of the Chief Electoral Officer.



Mr. MACNICOL: In the Ontario election the voting took place right on the ship.

The WITNESS: That is what we thought we could do; the commanding officer could move out of his office until the ballot was taken. Speaking for the Canadian navy, we would not have any trouble on that score at all.

The CHAIRMAN: What about ships at sea?

The WITNESS: They would be coming in.

Mr. MACNICOL: As to ships at sea; say a certain ship left the port prior to an election; the ballot box would be taken along and on election day the voting would take place on board the ship. The ship might be in Canadian waters, or it might be in Indian waters—

The WITNESS: We would not have any trouble in taking the vote in the Canadian navy. Most of our ships are in the North Atlantic and they are all based on this side and would be coming into ports such as Londonderry, Plymouth, possibly some at Scapa Flow—this is all confidential.

The CHAIRMAN: Yes.

The WITNESS: We would not have any trouble with them, the only trouble we would have would be with the men outside of the United Kingdom.

Mr. MACNICOL: What is your opinion with reference to what I have said with respect to the Australian method, which I have only read; a man may be in Halifax say on the 12th of July and he may—

The CHAIRMAN: The 12th of July?

The WITNESS: I think the 17th of March is more appropriate myself; O'Brien—a man with a name like that, you know.

Mr. MACNICOL: You are quite right. Say a ship would leave Halifax on the 10th of March and would not get back for another two or three weeks; would it be possible for the ship to take a ballot box with her?

The WITNESS: Naturally, I do not think it should take a great deal of time to conduct the election procedure on board ship. We have some aircraft carriers now, but each destroyer would have the complement around 150 ratings.

Mr. MACNICOL: It could be done before you sailed?

The WITNESS: Easily, they are always coming into port.

Hon. Mr. McLARTY: Mr. MacNicol, do you know how it works in Australia; the form of ballot issued and things of that kind?

Mr. MACNICOL: No, but the Australian sailors are compelled to vote.

Hon. Mr. McLARTY: Is it a compulsory vote?

Mr. MACNICOL: Yes.

Mr. GREEN: So your whole problem is simplified?

The WITNESS: Yes. I do not know how many votes could not be taken. There are some away on combined operations, such as in the Mediterranean or possibly down on the south coast—that, of course, is confidential and perhaps should not be published. Then, too, we have some ratings who are serving with the merchant service who may be away anywhere in the world; men in that part of the service get scattered around pretty well. Then, there are some who may be on one or two battleships or cruisers. Do the air force orders take in men in the R.A.F. stations?

Group Captain MACKELL: Yes.

The WITNESS: I do not know whether our orders would go to R.N. ships.

Mr. SINCLAIR: If you can provide a nominal roll to the electoral officer with the name of the next-of-kin and the second next-of-kin, you would be on a basis comparable with the air force.



The CHAIRMAN: And all who could would vote by direct ballot.

Mr. SINCLAIR: That would make it the same as we have in the air force.

THE WITNESS: I do not know if that would be possible for us in all cases. Some of these men would be close enough to vote; and of these 2,500 men to whom I referred, some of them might be close enough to vote. The actual Canadian Navy ships themselves whether on this side or overseas at a point like Londonderry would give us no trouble. I do not know whether we can divide our men as well as you divided yours in the air force or not; you see, a man might possibly be away on a long assignment when the vote was taken.

Mr. GREEN: What proportion of the 2,500 would it be impossible to reach?

The WITNESS: I cannot answer that now.

*By Mr. Isnor:*

Q. Most of the men on duty with the merchant marine would be gunners, would they not?—A. They would be gunners and signalmen, yes.

Q. There would not be very many of them?—A. No, not very many; possibly a couple of hundred.

Q. Three or four hundred?—A. Yes; I am not speaking of men on loan to the R.N.

*By Mr. McNiven:*

Q. Is it not quite common for these men to be afloat for a couple of months?—A. Oh yes, absolutely.

Q. They are in the merchant service?—A. Yes, those men would be very hard to contact; they might be going around the Horn, or somewhere; they might be anywhere in the world actually. I do not know but what they should be written off altogether.

*By the Chairman:*

Q. Well then, I take it, that so far as the personnel of the Royal Canadian Navy are concerned voting by direct ballot would present no particular difficulty?—A. No difficulty at all.

Q. So far as the 2,500 in the R.N. are concerned, that is another problem?—A. I would say that from 75 to 80 per cent of them could be taken.

Q. Do you think that 80 per cent of them could be contacted and given the direct ballot?—A. Yes.

Q. So that only leaves about 20 per cent, about 500 men, whom you might have difficulty with. Is there any further information?

The WITNESS: What I am interested in is, what kind of a list will they be given to vote on; will they be given the names of the constituencies in Canada, giving the names of the candidates and everything else; I was just wondering how we were going to distribute such a list.

The CHAIRMAN: That is a matter really for this committee to more or less determine. We just wanted to know from you the difficulties which present themselves.

The WITNESS: Sorry; I did not appreciate what this meeting was to study; I understood it was to decide whether the voting would be by proxy or direct ballot.

The CHAIRMAN: We wanted you to give us the benefit of your opinion and such information as you have.

The WITNESS: I am just back from sea and, as I said, all these figures are only those which I have in my head.

Mr. McCUAIG: You do not need to state figures as long as we have some expression of opinion.



*By Mr. McNiven:*

Q. You would prefer the direct vote?—A. Oh, absolutely, sir.

Q. And you think the men individually would prefer it?—A. Absolutely.

Mr. MACNICOL: The majority of your men would vote in the period before the election, what we call an advance poll?

The WITNESS: How long would that be before?

The CHAIRMAN: In 1940 it was eight days.

Mr. BUTCHER: Not including Sundays and Good Friday.

The WITNESS: I think they could all vote during that time; I do not know, some have to vote on the other side but I think they could all vote in that time.

Mr. MCCUAIG: This committee might increase the time, it might recommend that the time be increased.

The WITNESS: The time allowed for voting is important; for instance, a ship might be in Newfoundland and it might take fourteen days to get from there to Londonderry and the eight days would be in between those two ports; there would be no difficulty in arranging to have the ballots cast on board ship.

The CHAIRMAN: That would follow Mr. MacNicol's information on the Australian system to take the ballot boxes with them whenever there is an election pending and they could vote right at sea.

Mr. SINCLAIR: The eight days might not give them time enough.

The WITNESS: The officers would not want to have the added responsibility for the ballot boxes. They have enough to worry about without worrying about ballot boxes; then, too, the commanding officer would have to give up the use of his cabin—that is an important factor in it, arranging to have the vote taken at sea.

Mr. MACNICOL: Mr. Butcher, did you find out exactly from the Australian High Commissioner if the newspaper report is placed on board the ship while moving. It strikes me—I am only reporting what I read—

The CHAIRMAN: We will try to get that information.

Mr. BUTCHER: I did not ask him about that.

The CHAIRMAN: Thank you very much, Lieut. O'Brien; I do not think we need any further information from the Navy. Thank you very much. We appreciate your kindness in giving us what you have.

The WITNESS: I am very glad to be of help, sir.

*By Mr. McNiven:*

Q. How many men say in the Navy would be outside of Canada?—A. I could not tell you offhand. Newfoundland is a big base, and Londonderry of a very fair size. Apart from that—I would say about 60 per cent operate out of Newfoundland—there are about sixty ships operating out of Newfoundland and it takes a lot of ratings to man these ships.

Q. Do you know the number who are employed in active operations? As I recall it we were given information yesterday that the number varied from 22 to 41 per cent, that is the personnel afloat.

Mr. ISNOR: But afloat does not mean that they are outside of Canada.

The WITNESS: It would not be any more difficult for the men who are afloat, because they come into bases such as Newfoundland, Halifax or Londonderry.

Mr. McNIVEN: But some of them are away on convoy duty.

The WITNESS: But they keep coming in.

Mr. McNIVEN: I hope so.



The WITNESS: That is the point. I do not think there will be any difficulty taking the vote right on the ship.

The CHAIRMAN: Thank you very much.

And now, gentlemen, we have here Colonel Ferguson and Lieutenant Colonel MacDermid on behalf of the Army. Perhaps we had better adjourn now.

Mr. GILLIS: Perhaps it is putting these men to a good deal of inconvenience as they are here today and ready. I suggest the committee meet this afternoon.

The CHAIRMAN: The only difficulty is this: as a matter of fact, they are not quite ready. Both Colonel Ferguson and Lieutenant Colonel MacDermid wanted to have the benefit of listening to the air force and the navy before they would give their information; and Colonel Ferguson mentioned to me yesterday that he would prefer to give his statement at the next meeting, if it meets with the approval of the committee.

Mr. MACNICOL: And perhaps we should invite Colonel Crooks to give us the benefit of the views of his experience at the camp he was at in New Brunswick, he was there when the vote was taken.

The CHAIRMAN: That is right. When shall we meet again?

HON. Mr. McLARTY: It will have to be subject to call but if possible, Wednesday.

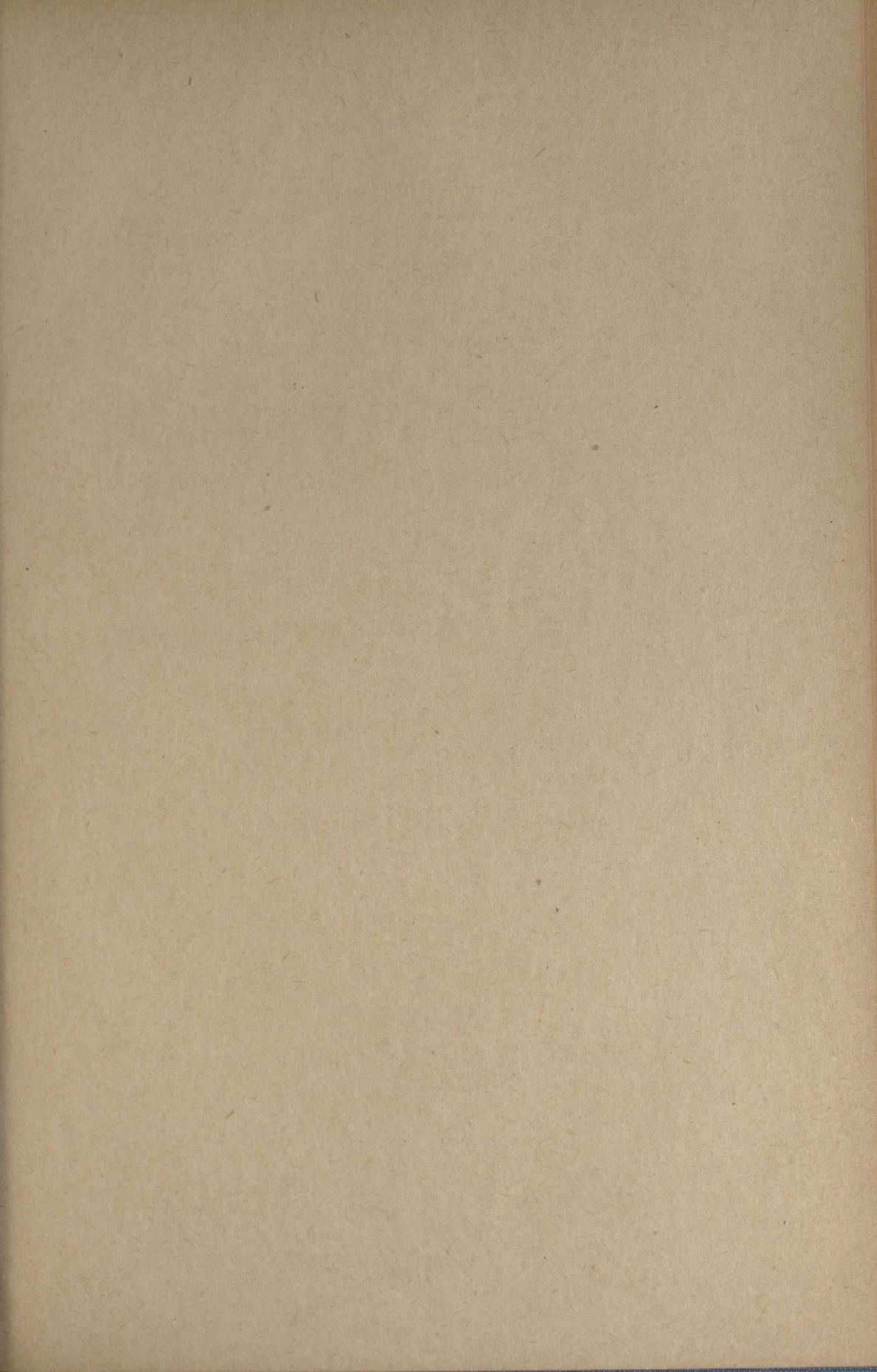
The CHAIRMAN: We will try to make it next Wednesday morning, if it is possible at all. We will have a meeting of the chairmen of committees in the meantime.

Mr. McNIVEN: I think the next meeting of the Reconstruction Committee has been called for Thursday, one week from tomorrow.

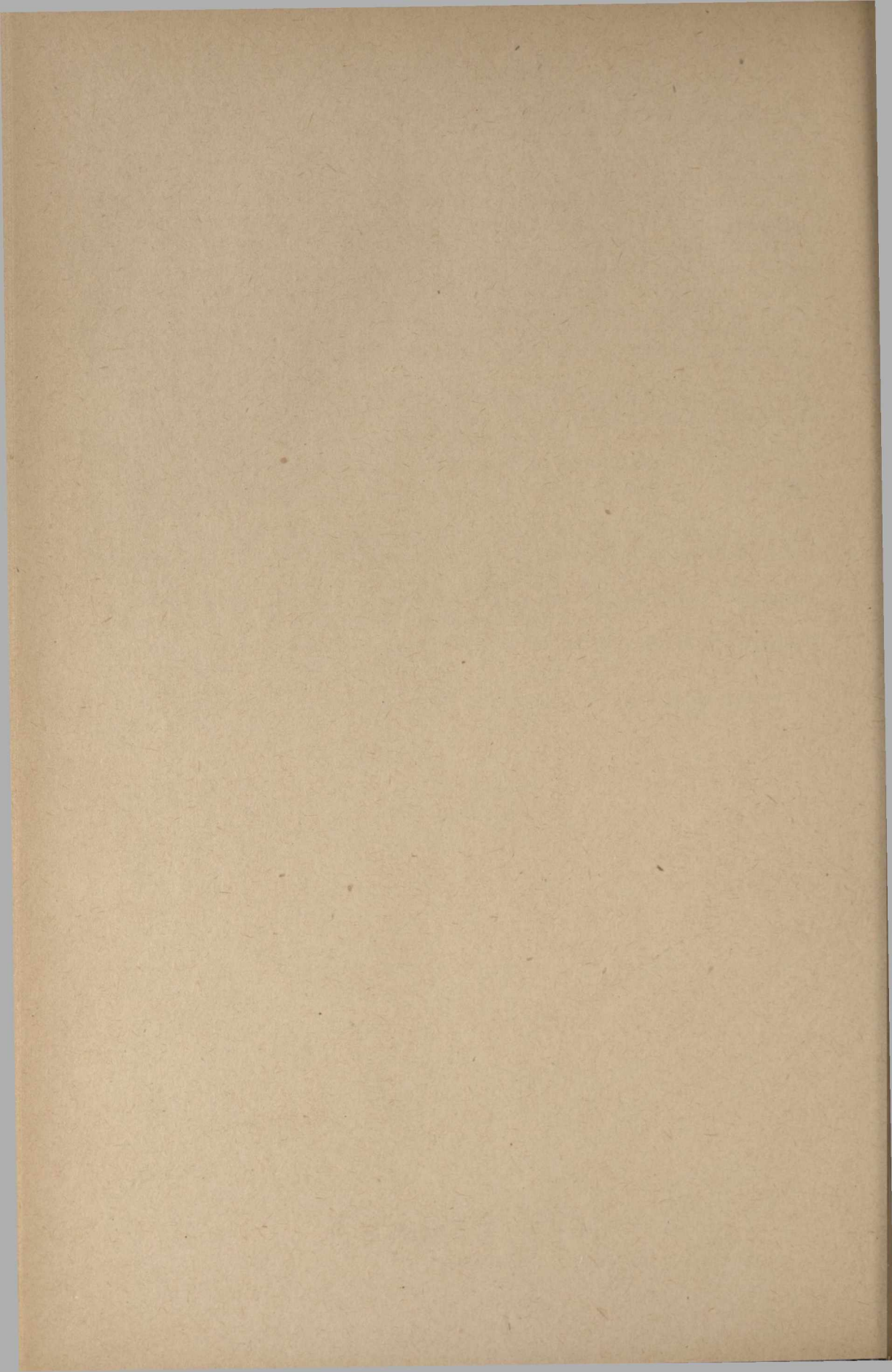
The CHAIRMAN: Then it will be all right for us to meet on Wednesday. We better make it subject to call.

The Committee adjourned at 12.45 o'clock p.m. to meet again subject to the call of the Chair.











SESSION 1944  
HOUSE OF COMMONS

---

SPECIAL COMMITTEE

ON

**THE DOMINION ELECTIONS ACT, 1938**  
**(ARMED SERVICES)**

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

---

THURSDAY, MARCH 16, 1944

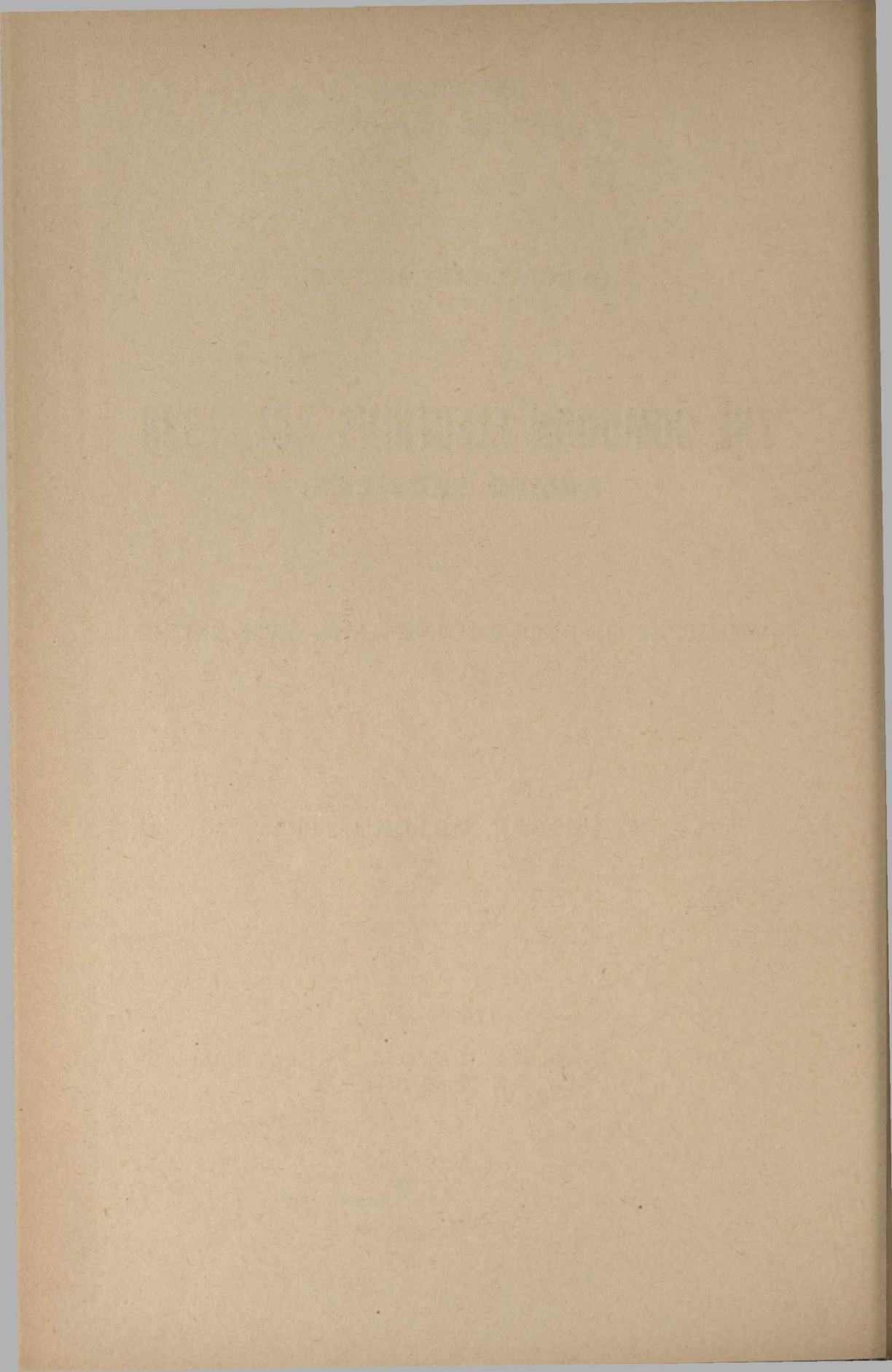
---

WITNESSES:

Col. A. J. Brooks, M.P.; Col. G. A. Ferguson, E.D.;  
Lt.-Col. J. E. MacDermid, E.D.

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1944







## MINUTES OF PROCEEDINGS

THURSDAY, March 16, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Factor, Fair, Gillis, Green, Isnor, Lapointe, (Matapedia-Matane), MacKenzie (Neepawa), MacNicol, McCuaig, McLarty, McNiven, Sinclair.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer; Colonel A. J. Brooks, M.P.; Colonel G. A. Ferguson, E.D.; Lieut.-Colonel J. E. MacDermid, E.D.; Captain R. W. Kennedy; Lieut. J. B. O'Brien, R.C.N.V.R.

Colonel Ferguson and Lieut.-Colonel MacDermid were called, heard and questioned.

Colonel Brooks was called, heard and questioned.

On motion of Mr. Green:

*Resolved,*—That, subject to such exceptions as may be decided upon later by the Committee, a recommendation be made that a system of direct voting be adopted.

On motion of Mr. McCuaig:

*Resolved,*—That the Committee recommend that voting be for the candidate by name in each constituency rather than for the party.

Mr. Butcher read a memorandum dealing with proposed amendments to the 1940 regulations, and was questioned thereon.

Consequent upon Mr. Butcher's submission, and by unanimous consent, the question of voting for the candidate by name or for the party was considered. On motion of Mr. McCuaig, the previous decision was sustained.

Colonel Ferguson gave, for the Army, and Lieut. O'Brien, for the Navy, the number of prisoners of war in German and Japanese hands on February 28, 1944. The clerk was instructed to obtain similar information regarding the Royal Canadian Air Force.

At 1 o'clock p.m. the Committee adjourned to meet at the call of the Chair.

A. L. BURGESS,

*Clerk of the Committee*







## MINUTES OF EVIDENCE

HOUSE OF COMMONS,

MARCH 16, 1944.

The Special Committee on the Dominion Elections Act, 1938, met this day at 11 o'clock a.m. The Chairman, Mr. Factor, presided.

The CHAIRMAN: The first witness this morning is Colonel Ferguson who will give us the benefit of the point of view of the army.

Mr. MACNICOL: Before you start may I just say that in last week's records where I mentioned the calling of Colonel Brooks through my neglecting to correct the minutes his name appeared as Colonel Crooks.

The CHAIRMAN: All right, Colonel Ferguson.

Colonel GEORGE A. FERGUSON, E.D., Director of Administration, Army, called.

The CHAIRMAN: Will you proceed, please, Colonel Ferguson?

The WITNESS: I have not prepared any formal statement. I have come here to give such information as I am able to give you and to answer to the best of my ability any questions you may put to me. There are a few matters on which I thought I might give you information, having in mind what the committee is trying to arrive at.

The first is some information as to the numbers and locations of the personnel of the army.

The CHAIRMAN: I suppose that is confidential information. I will have to edit it with the assistance of Colonel Ferguson. The press will refrain from publishing these figures.

The WITNESS: These figures are briefly as follows. There is also the possibility that there may be a more diversified distribution of this personnel at a future date. As you can realize as the war goes on decisions are taken as to where the troops will be put.

The second point has a bearing on what I consider of importance to us, the question of time. Irrespective of what type of vote you decide on and the method of taking the soldiers' vote we ought to mention that to carry out your directions, the distances from Canada and the time it takes to send mail by air or by boat should be considered. I have obtained from the Canadian Postal Corps the following information. These times are based on letter mails from Canada—I believe definitely from Ottawa—to the following destinations: to the Mediterranean area thirty days by air mail, sixty days by surface mail which, as I understand it, means by boat on the surface of the ocean; the United Kingdom, ten days by air mail, thirty days surface mail; Newfoundland three days by air, fifteen days by surface mail.

*By Mr. Sinclair:*

Q. Is this return or single?—A. No, single. Labrador, seven days air mail, surface mail ten days; Jamaica, air mail seven days, surface mail twenty to forty-five days; Bahamas seven days air mail, twenty to forty-five days surface mail; Bermuda seven days air mail, twenty to forty-five surface mail.



*By Mr. MacNicol:*

Q. Just what is the figure for Bermuda?—A. The figure given to me by the postal service is Jamaica, seven days for air mail, surface mail twenty to forty-five days, and the same for the Bahamas and for Bermuda, but for British Guiana seven days by air mail, thirty to sixty days surface mail.

*By Hon. Mr. McLarty:*

Q. No air mail to British Guiana?—A. Seven days.

Q. The air mail is all the same?—A. Except British Guiana where the surface mail is thirty to sixty days. The postal corps have also pointed out that these times are based on the supposition that nothing happens to the mail in transit.

The opinions or suggestions that I make here, of course, are my own only and do not necessarily represent the opinion of any branch or part of the army. There was a matter mentioned the last day the committee sat, the question of handling election literature. If the army personnel is to be called upon to handle election literature issued by political parties it is my suggestion that the regulations shall provide very definitely what the army is to do. It is not considered desirable to put army personnel in a position where anyone is open to criticism for carrying out these duties. I think all members of the committee will understand what I mean. Army personnel want to be in a very impersonal relation with reference to distribution of literature.

As to the method of voting we have very little to say other than this, that whatever method the committee decides to adopt that the army will carry out your orders. We feel that the method is entirely a matter for the committee and is not for us to say. We should like to see every soldier have the opportunity, in case a vote is called, to express his opinion quite freely, and we feel that we can carry out whatever orders are issued provided always that you bear in mind that the necessary machinery is set up. That is number one, and number two is that you give us sufficient time to carry it out. It is possible—in fact it is more than possible, it is almost a certainty that whatever system for taking the vote is set up that it will not be 100 per cent satisfactory to everyone, and the suggestions I have made have taken all these points into consideration. That is all.

*By Mr. McCuaig:*

Q. If a reasonable time is given between nomination and the election would it be fair to say that a large majority of the soldiers would be able to exercise their franchise?—A. Do you mean by actually marking the ballot?

Q. Yes. What was the suggestion the other day, four weeks or six weeks?

The CHAIRMAN: Group Captain MacKell suggested six weeks.

*By Mr. McCuaig:*

Q. Assuming six weeks were given between nomination and election day what percentage of the soldiers would you say would be enabled to vote by casting the ballot? That is as things stand now. Of course, you cannot tell what changes there may be between now and election time.—A. That is a very difficult question to answer, but only as an opinion I would say that as things stand to-day, where we have some fighting going on in Italy and in other places things are quiet, that a very large percentage of the vote would be possible, if you have the proper machinery set up and a sufficient length of time between nomination day and election day.



*By Mr. McNiven:*

Q. What would you regard as sufficient time, say in the United Kingdom?—  
A. I have given that some consideration, and again as an opinion I am inclined to agree with the air force that six weeks between nomination day and election day might be sufficient under existing circumstances.

*By Mr. Green:*

Q. That is not only for troops in England but for troops anywhere?—A. I am speaking of our personnel all over.

Mr. GREEN: The question was limited to England.

Mr. McCUAIG: The last question was limited to England.

Mr. McNIVEN: To England where you have 150,000 to 200,000 troops.

The WITNESS: I would suggest six weeks there for this reason that it would be appropriate under the existing circumstances, and it might be sufficient time to cover a more stirring time either in preparation for invasion or other such situation.

*By Mr. Sinclair:*

Q. You were here when we heard from the air force and navy last week and it was mentioned that their greatest problems are men in the navy and air force who are serving in other than Canadian units?—A. Yes, sir.

Q. To what extent does that apply with the army? How many would you have under British C.O.'s, for example?—A. At the present time with the exception of those who are at British schools and in the United States at various places we have not a great many. However, we are almost immediately sending a number of Canadian officers to various units of the British army. The proposal is to limit their distribution in the British army to the European and Middle East theatres. It would be very difficult to get at them for a direct vote. Our situation in that respect is somewhat similar to the air force as regards the difficulty in picking up the votes of these officers.

Q. Their number would not be as great as the navy's 2,500?

Mr. GREEN: 500.

Mr. SINCLAIR: 2,500.

The CHAIRMAN: 2,500 in the Royal Navy.

The WITNESS: It is not as great as that.

The CHAIRMAN: Any other questions?

*By Mr. McNiven:*

Q. Do the figures that you gave include C.W.A.C.s?—A. Yes, sir.

*By Mr. MacNicol:*

Q. In reference to the thousand officers whom you mentioned who are to be transferred, or are being transferred, to the British army and would therefore be scattered throughout Europe, would it be possible for those officers within six weeks to vote by say a postal vote?—A. I would think it would be possible but I cannot just visualize all the difficulties of getting it. Might I state that they are being loaned, not transferred. They remain Canadian officers on loan to the British.

*By Mr. McNiven:*

Q. They are recallable in three months?—A. Some such arrangement.



*By Mr. MacNicol:*

Q. Considering that the official nominations take place six weeks before the election date there would be some central office in England to which the chief electoral officer here could cable the official nominations. From that central office the said thousand officers, whom everybody would want to have the opportunity to vote, by some method could be communicated with and sent a ballot which it might be possible for them to return by mail to the said central office in England. Would six weeks be long enough in which to do that?—A. I am afraid I would not like to venture an opinion on that. I should like to say this though, that the British war office and our own headquarters in London, England, will at all times know where these officers are who are on loan to the British army, but I could not say what length of time it would take or what machinery would be set up to get in touch with them to carry out what you suggest.

*By Hon. Mr. McLarty:*

Q. That would be a matter for the post office primarily, would it not?—A. Yes, I would think so.

*By Mr. MacNicol:*

Q. Would it be possible for the central office in England to communicate with them by air at the points where they were scattered about Europe and then these same officers communicate in return to the central office in England sending their ballots?—A. I hesitate to give an opinion on these things; we could possibly say there is nothing that is impossible, but again it would be a matter of setting up the machinery and giving us time.

Q. You would not know, Colonel Ferguson, if in the recent Australian election last year any Australian officers were scattered around the British forces in Europe?—A. No, I do not know that.

THE CHAIRMAN: Now, gentlemen, if there are no further questions:

*By Mr. Green:*

Q. I would like to ask just one question. Have you given consideration to the suggestion made by the air force that it might be possible to have the votes cast by the next-of-kin in the armed forces. That seems like a foolish idea to me, but I would like to get your reaction to the suggestion?—A. I have given some consideration to it, and if such a system is ordered we would try to carry it out. I feel that our personnel would be, shall I say, happier, to mark their own ballots if it were possible.

Mr. GREEN: Yes, it looks like a very unfair scheme when a man cannot vote.

Mr. SINCLAIR: In connection with the air force it is proposed that the man will use the proxy vote only where he is inaccessible on the date of the election.

Mr. MACNICOL: Does not that suggestion apply only to those who are scattered along the African coast?

Mr. SINCLAIR: That is the group I had in mind, those serving in the Middle East and the Far East.

Mr. MACNICOL: Does Africa include that?

Mr. SINCLAIR: Yes, it is part of the Middle East.

THE CHAIRMAN: Gentlemen, let us leave that for our own discussion.

Mr. GREEN: Does the Colonel wish to say anything more as to how that would work out as far as the army is concerned?



*By the Chairman:*

Q. Mr. Green wants to know whether you care to express an opinion on the matter of the automatic proxy for those troops outside of the United Kingdom. You were present and heard Group Captain MacKell's discussion of that proposal so you understand it.—A. My opinion, sir, is that no soldier should be put in the position where the next-of-kin should be automatically entitled to vote for him. He may not have confidence in the next-of-kin to cast the vote as he wishes it cast; and, again expressing my own opinion, I consider that if a proxy system is set up there should be certain restrictive safeguards with respect to the proxy residing within the constituency. Possibly the proxy himself should be a voter; but I would like to see the right maintained so that the soldier could at least name his own proxy.

Mr. GREEN: How would you go about getting the proxies from the soldiers; would there be any difficulty in connection with that?

THE CHAIRMAN: You will recall that in Group Captain MacKell's suggestion it involved the granting of the privilege to the soldier or the airman to change his proxy by cable, to change the automatic proxy by cable, so that every airman who does not desire his next-of-kin appearing on the record to be his proxy would have the privilege of changing that proxy by cable.

HON. MR. McLARTY: Bearing in mind the importance of time, which must be the governing factor in the whole scheme. And now, may I ask you this: bearing in mind your suggestion as to how the proxy was to be appointed would there be any time saved through the use of the proxy system compared to what there would be in respect to the proposal made by Group Captain MacKell; in other words, time is an element—the right to name a proxy is important; would there be any time saved?

THE WITNESS: I could not say.

*By Mr. Green:*

Q. It would be very difficult to get a proxy from all the troops, would it not; just as difficult as getting the vote?—A. It would be very difficult.

*By Mr. McCuaig:*

Q. This may be only an opinion; but, from your opinion, do you feel the soldier would be better satisfied to have a direct vote even though fewer of them were able to exercise that function; or, to put it in other words, would they be better satisfied to have a direct vote, having as many as possible exercise the franchise even though there were a larger number who were not able to exercise it rather than have a larger number exercise the franchise through the medium of a proxy?—A. I base my opinion of what the soldiers' wishes would be, on my own opinion of my own vote; and I would prefer to be in a position where I could mark my own ballot.

Q. Even though a smaller number of people would be able to exercise their franchise?—A. Even though I happened to be one who was in an isolated spot at the time of the election date and could not be reached. That is my opinion.

Q. That is your opinion.—A. Yes.

Mr. ISNOR: You would like to be satisfied that you had that privilege, casting your own vote.

The WITNESS: Yes, that is a fair statement.

Mr. GREEN: Certainly if any men have that right it is the men in the armed forces.

Mr. ISNOR: The Colonel is very evidently expressing merely his own views. I was under the impression that the chairman was inviting a representative from



the armed services who would be in a position to express to us the views of the particular branch he represents. Did you have a committee or a group of officers to discuss the question of direct voting as compared with proxy voting?

The WITNESS: No, sir.

Mr. ISNOR: You are just speaking on the question yourself, giving your own views on it?

The WITNESS: Yes, sir.

*By Mr. MacNicol:*

Q. You mentioned something about literature and its distribution. It would strike me as something not to be desired; the matter of distribution of literature to soldiers throughout the camps. Would you mind giving us your views on that?—A. I think the most you can expect a commanding officer to do would be to place literature received on say a table in a room that would be available to the troops and notify the troops in the unit orders that the literature is there and is available for them if they wish to obtain it; in other words, to try to keep it on an absolutely impartial and impersonal basis so far as officers and other ranks in the army are concerned. That is what I tried to say, sir.

Mr. GREEN: In New Zealand the literature was all combined in one publication; all the parties had their literature in one document, I think that can be done here as well. Would it be possible to have the literature or list of candidates say cabled over and printed in Italy or at other centres rather than sending it all from here?

The WITNESS: I could not answer that, sir.

Mr. McCUAIG: Following up the question Mr. Isnor addressed to you; I would observe from the extreme caution of the witness that I think he must be Scotch; when he asked you whether any group or committee were appointed to consider the question of proxies or directive vote he raised an interesting point. May I go a little further; although no committee was appointed, it would be correct to say that you probably did discuss it with other people so that the information you are giving us is really a little more than your own personal views; your statements are based on a background of general discussion, are they not?

The WITNESS: No, those are my own views which I have expressed.

Mr. McCUAIG: But are they not arrived at as a result of what you heard from other sources and from other officers?

The WITNESS: I formed them from my own observations of the army generally and my own personal wishes as a soldier.

Mr. McCUAIG: I see.

The CHAIRMAN: Col. MacDermid, would you like to supplement the information furnished by this witness?

Mr. GREEN: Would it be possible to have a list of the candidates and literature printed in Great Britain, and other centers where the bulk of the army may be in the future?

The CHAIRMAN: Apparently this witness cannot give us that information. Perhaps we might be able to get it from Lt.-Col. MacDermid or Captain Kennedy; if not we will probably get it for you through some other source.

Thank you very much, Colonel.



Lt.-Col. J. E. MACDERMID, E.D., called.

*By the Chairman:*

Q. I think, sir, that you had some experience in connection with the 1940 election?—A. Yes sir.

Q. You might give the committee the benefit of that; as well as any other opinions you have on this subject.—A. Yes, sir. That I think is probably the principal reason for the suggestion by Col. Ferguson that I might be called to give evidence to supplement the information he placed before you. I was actually in charge of the vote in the unit to which I belonged at that time.

*By Mr. MacNicol:*

Q. What election was that?—A. It was the 1940 election.

Q. And you were where?—A. In Canada. My service has only been in Canada so far. I was concerned with the taking of the vote in my unit in Canada on that occasion and I may say that in my opinion it worked very well in Canada. There is only one problem that arose out of this that I know of, and perhaps this committee might wish to consider it. We were required to prepare lists (what we in the armed forces call nominal rolls) of the men in our camps, and we were required to submit these lists through headquarters to the electoral officer. There was no provision made in the regulations for the revision of these lists. You understand, gentlemen, that particularly in wartime training centres and, with the men fluctuating all the time, a list of the men in any unit to-day may differ very greatly from the list that would be prepared for the same camp two weeks later. In the unit in which I was at the time I did as a matter of fact take the vote of every man who was there on election day; despite the fact that his name was not on the list that I had submitted to the electoral officer. I took the precaution of sending to the electoral officer revised lists from time to time as additional men came in. But the regulations as I recall them made no provision for that. I simply did it because I thought it was proper that they should vote. And I would suggest that in drafting the regulations if possible provision be made for the revision of lists right up to election day. I realize of course that that may be subject to some objection perhaps. A man might vote in one training center on the first day the vote was taken and be removed to another training center the next day or before the election period expired and in that way he might cast a vote at the other training center the next day. I do not know how far you would care to go in the matter of the revision of the lists; but it is a factor that you might take into consideration in the preparation of whatever regulations are provided.

Mr. ISNOR: In that respect the voting would be somewhat similar to what it is in rural ridings. You would have about the same thing to work out there.

The WITNESS: I just wanted to draw the attention of the committee to the necessity of bearing in mind that the army is a very fluid organization and that men who are here to-day may be some place else tomorrow.

Mr. ISNOR: You would have to arrange for changes to be made in the list right up to the day.

The WITNESS: That is what I did in my camp at the time. I do not know whether the votes of those men who were not on the first official list were counted by the chief electoral officer or not. I thought it would be better to err on the safe side and so I did it in that way. I do however feel that I should bring to your attention the necessity for making provision for these lists to be revised right up to voting day. I thought you would be interested in having information as to the way I did it in the camp in which I was stationed. I do not know whether they did the same thing at other places or not.



Mr. MACNICOL: In other words, a man who was registered in your camp on let us say an arbitrary date, the 10th day of X month; and in the meantime between that date and election day he moved away to some other camp would vote at that other camp had he been accorded the same privilege that you were giving to the ones in your camp. There would really be little danger of their moving from your camp to another camp and casting another vote.

The WITNESS: And perhaps I should point out right in that connection also that there was fairly active enlistment going on at that time.

Mr. McNIVEN: How did you indicate that a particular ballot of a soldier voting was not on your nominal roll?

The WITNESS: I simply sent additional nominal rolls to the electoral officer. I wrote in my letter to him that in addition to the original nominal roll sent to him I was sending him supplementary lists of additional men who have come into our camp since I sent the first nominal roll; but I did not indicate whether they had voted or not. I sent them a complete nominal roll right up to the last day of voting showing every man who had come into the camp after the date the first nominal roll had been sent in.

Hon. Mr. McLARTY: That would not affect their ballot?

The WITNESS: No sir.

Mr. McNIVEN: You did not segregate them.

The WITNESS: No sir. The system we followed was, briefly, this: a soldier came in and he indicated where he lived and he was provided with a postal guide which would help him to find out what constituency he should vote in if he did not already know. Then a declaration was taken from him on the back of a large-sized envelope and was sworn. He was handed a ballot and a list of the candidates for his particular constituency and then he went over in the corner and wrote his ballot out; he put it into a small envelope and came back and handed the envelope to me and it was placed in the large envelope on the back of which the declaration he had taken was printed; and then it was sealed and handed to him and he was asked to go and mail it.

Hon. Mr. McLARTY: You say he was handed a ballot paper and he wrote the name of the candidate of his choice on it?

The WITNESS: He was supplied with a ballot form, and I indicated to him, I would say this is the list of candidates for your constituency.

Hon. Mr. McLARTY: And he would write in the name?

The WITNESS: He wrote the name on the ballot without any superintendence from me at all, except that I was in the same room with him.

*By Mr. McNiven:*

Q. The names of the candidates were not on the ballot paper?—A. No, he had to write the name of the candidate on his ballot.

Mr. MACNICOL: Could the returning officer who counted the ballots tell how a particular voter voted; could they tell how he voted, knowing his name; were they able to identify the vote?

The CHAIRMAN: Perhaps Mr. Castonguay would be able to explain that.

The WITNESS: Perhaps some of these gentlemen could explain it better than I could.

The CHAIRMAN: Would you proceed with anything else you would like to give us?

The WITNESS: All right, sir.

Mr. FAIR: Before leaving that point; if that program had been carried through the camps would it not be possible that a soldier moving from one camp to another during the week of voting might cast more than one vote?



The WITNESS: I think it is quite possible. At that time I think the voting spread over something like five or six days. I do not recall that in the particular place to which I was stationed there was any risk of a man voting more than once, principally because of the fact that most of the men coming into our unit late had just enlisted.

Mr. ISNOR: You would not anticipate any considerable abuse?

The WITNESS: I do not think there was any abuse but of course if you extend the privilege of voting over a long period of time there is the possibility of abuse.

Mr. McNIVEN: Does not the declaration include a clause to the effect that he has not voted before?

The WITNESS: Yes.

Mr. LAPOINTE (*Matapedia-Matane*): In the case where men are being moved from one point to another, if the voting period is let us say ten days, could not the officer commanding a unit give a paper to the man who is transferring from one unit to another stating that he has voted, or he has not voted; a certificate or statement that the man could hand in to the officer commanding at the place to which he was transferred. I should imagine that that could be easily arranged.

The WITNESS: Yes, sir; I suppose though that the paper would have to be sent; it would not be handed to the man, it would have to be sent in some other way.

Mr. BROOKS: It could be put in with the man's document, the documents always go with the man.

The WITNESS: It could, sir.

Mr. BROOKS: And his documents always travel right with him; a statement could be included indicating whether he had voted or not.

Mr. LAPOINTE: That could very easily be arranged by the voting authorities.

The WITNESS: Those are administrative details which could be arranged without any great difficulty, I should think.

The CHAIRMAN: And might I point out also that the soldier is required to make a declaration that he has not voted before. I doubt very much if many men in the service would have any inclination to vote a second time, particularly in view of the fact that they have to give a formal declaration. They are all very well aware of the penalties that are attached to any incorrect procedure on their part in that respect.

*By Mr. McNiven:*

Q. Do the men experience any difficulty in locating the constituencies that they should be in?—A. Well, as you know sir, I was in Saskatchewan at the time and there were no large urban constituencies like for instance Montreal or Toronto where there are a number of seats in the same place, and most of the men knew what constituency they belonged to although there was a postal guide which they could look at if they were not just sure what constituency they were in.

Q. You let them vote as at their postal address?—A. Yes.

Q. In the constituency in which their postal address was located?—A. Yes, if he stated positively that his home was in a certain constituency, I did not question the thing any further; I took his word for it. He had to make a declaration. I helped out where the man did not know what constituency he should vote in.



Hon. Mr. McLARTY: The postal guide gives you that information?

The WITNESS: Yes, except with respect to large centres.

Hon. Mr. McLARTY: It would not apply to urban centres such as Montreal or Toronto?

The WITNESS: No.

Mr. McNIVEN: And you might have difficulty with a place like Lloydminster.

The WITNESS: Yes.

Mr. FAIR: And you might have the possibility of more constituencies all cornering into the one post office.

The WITNESS: That is true; but, as I say, we worked it out as best we could.

*By Mr. McNiven:*

Q. Were you furnished with the names of the candidates in all the constituencies; did you have a list of them all?—A. As I recall it, sir, yes.

Q. Of all the 245 constituencies?—A. As I recall it, yes sir. Mr. Castonguay could tell you that much better than I could. I think that is correct.

Mr. CASTONGUAY: Yes, you are right.

The WITNESS: There is another difficulty that arises in connection with the taking of the vote in Canada and that is the fact that men are frequently in transit, they are being moved from one place to another within Canada. If the period of voting is sufficiently long that will not present much difficulty so far as those movements are within Canada; but I think possibly you might find it desirable to make some provision for the taking of the votes of the men who might be ordered overseas at the time the vote is taken; because from the time a man leaves his camp in Canada until he actually arrives in the unit overseas would take a considerable length of time.

Mr. GREEN: What time would you suggest?

The WITNESS: I think it might be a period of three weeks. Perhaps, you Colonel Brooks, might know it better than I do.

Mr. BROOKS: We consider that it takes three weeks or a month for men coming from the west before they arrive overseas.

Mr. SINCLAIR: Do you not have an arrangement similar to what we have in the air force; in the air force we send men to a pool before they go on board ship; does the army do that?

The WITNESS: I am not just positive about that, sir; there may be some provision of that kind, but I think many of them go direct although I do know that some of them go to training brigades situated near the sea coast where they can complete their training and go on from there.

Mr. SINCLAIR: What I was thinking about was if there is a pool such as we have in the R.C.A.F. where the men are stationed four or five days before they go on board ship. Possibly, as you say, it is different with the army; they have much greater distances to go and a good many of them move directly from their base.

The WITNESS: In many instances they go direct from their home camp directly to the port of embarkation.

Mr. BROOKS: A good proportion of them go through transit camps.

Mr. SINCLAIR: If that is so, one could arrange to have the vote taken while they were in the transit camp.

The WITNESS: I do not think the taking of the vote in the transit camp would present any great difficulty. I just brought this to the attention of the



committee as one of the administrative difficulties which might possibly need special consideration.

Mr. MACNICOL: Something was said earlier about the time which should be allowed for the taking of the vote, and as I recall the answer, it was to the effect that perhaps six weeks would be required; and in the recent election in Australia their act called for a period of 35 days between the date of nominations and election day.

Q. What would you think of thirty-five days being the period between the nomination day and the election day?—A. A time has been mentioned here, six weeks, which is forty-two days. I suppose the longer time you give the more possibility there is of having time enough to get that many more votes. That is not a very satisfactory answer but it is really as accurate an answer as one can give on that.

Q. I would be afraid the longer period the greater list of protests after the election was over.

Mr. GREEN: In Toronto.

Mr. MACNICOL: Not Toronto; Toronto very seldom has protests.

The CHAIRMAN: Let us go ahead, please.

The WITNESS: As regards taking the vote of soldiers who are ordered overseas I would suggest that it might be possible there to provide for the taking of an advance poll.

Hon. Mr. McLARTY: I did not get that.

The WITNESS: It might be possible to provide for the taking of an advance poll. I do not know whether that would be possible or not, but the difficulty in this instance is not the period between nomination day and election day. The difficulty is the period over which the actual voting may take place. The problem is different.

*By Mr. Green:*

Q. You suggested three weeks to cover that field?—A. If that time is given it would be helpful but, of course, there are other factors than pure army considerations.

Mr. McCUAIG: I gathered from what Colonel Brooks said it should be more than three weeks.

Mr. BROOKS: Take a man leaving Vancouver; it takes him a week to come down to the east. Then he waits anywhere from a week to three weeks or a month, but if he went over right after he arrived in the east it would take two weeks for him to get to England in convoy, and then it takes three or four days to get to his unit there so that you have got three weeks or a month pretty well used up from the time he has left his home until he has arrived in some definite unit overseas where his vote can be taken.

Mr. GREEN: But if he voted in a transit camp . . . .

Mr. BROOKS: If he is in the transit camp long enough, but they may be there only a few days and they may be there only a week, ten days or a month. It all depends on the sailing of boats, of course, but the vote could be arranged in the transit camp if there was time. That is the whole thing.

The WITNESS: Leaving that, gentlemen, there is just one other point I should like to make. It is a difficulty that arose in connection with the Ontario elections and it is with regard to reserve army personnel who may be at camp far away from home on voting day. Camp accommodation is limited and training is planned far in advance and the man is told he is going to camp at a certain time. He makes his plans for his holidays, with the employer accordingly and consequently it is not very easy for the army to change the dates of



camps for reserve army personnel. If some provision could be put in the Act or in some regulations which would permit the taking of the vote of reserve army personnel at advance polls I think it would help. As you will understand these men are not active army at all. That is, they vote for their own home constituency and their names will be on the voters' list in their own place just the same as any other civilian. If some such arrangement could be made it would help in the taking of the vote. I do not think there is anything else I have to mention. Those are some difficulties we found in working the thing out. That is all.

The CHAIRMAN: Thank you very much. Captain Kennedy, have you any additional information that would be of assistance to the committee?

Captain KENNEDY: No, sir. I think the situation has been very well covered.

The CHAIRMAN: At the last meeting Mr. MacNicol suggested that Colonel Brooks would be good enough to come to the meeting and give us the benefit of his experience. I am sure we are all pleased to have him here this morning. I will ask him to come up here and give his story.

*Colonel A. J. Brooks, Called:*

The WITNESS: Mr. Chairman, at the outset I want to say that I do not pose as an authority on this voting at all. Frankly I was rather surprised I was called in here, but if there is any information I can give I will be very glad to supply it. Do you wish me to go ahead?

The CHAIRMAN: Go ahead and give us your views.

The WITNESS: The only experience I had with army voting during this war was during the recent Ontario election when the men voted by proxy. I had about 1,000 to 1,200 Ontario men in my camp.

*By Mr. McNiven:*

Q. Where?—A. At Windsor, Nova Scotia. Proxies were sent to our office and we saw that the men all received the proxies and the voting was explained to them, but I must say we were very much disappointed in the results. The men were not interested in voting by proxy. We concluded that not more than 10 to 15 per cent of the men bothered sending their proxies back at all.

*By Hon. Mr. McLarty:*

Q. Was there some resentment about it, or indifference?—A. They thought it was a heck of a way to vote. They did not consider it voting at all and the result was the proxies were scattered all over the camp, and the net results of the vote were very limited. I agree with Colonel Ferguson that the man did not like to vote by proxy. They would sooner vote directly, at least be given the opportunity to do so. That is all the experience I had in connection with voting in my camp.

The CHAIRMAN: If I may interject here I have received information from Major Lewis, chief election officer of the province of Ontario, that about 15 per cent of the possible voters returned their completed proxies in the last Ontario election in time, and about 6 per cent of the possible votes were polled.

Mr. MACNICOL: How much?

The CHAIRMAN: Six per cent of the possible votes.

Mr. MACNICOL: That is the possible soldier vote?

The CHAIRMAN: Yes. He adds:

“It is only fair to say in this connection that the date of our election, as we learned afterwards, conflicted with the movement of Canadian troops from England to Italy.”



Mr. MACNICOL: What was that again?

The CHAIRMAN: The date of the provincial election, as they learned afterwards, conflicted with the movement of Canadian troops from England to Italy:—

My agent in London advised me that the men were far too much interested in the prospect of active service to take any interest in the election.

That is his explanation of the small percentage.

The WITNESS: I may say, Mr. Chairman, I compared it with what I knew of the election that was held during the last war when I happened to be with my unit in England at that time. As I recall the men were paraded, that is, they made a parade of it, and if a man wanted to vote he voted, and if he did not he just passed right on. Ninety per cent of my unit voted in the last election, and I understood the percentage was high all through the Canadian army.

*By Hon. Mr. McLarty:*

Q. When you refer to the last election what do you mean?—A. I mean the last war election, 1917, I think it was.

*By Mr. MacNicol:*

Q. Would you explain what you mean by parading, the men were paraded?—A. In the army everything is a parade. That is, if you have a nominal roll of the men that are to vote you will arrange the time when one company will parade and they will vote. Another company will parade at another time and they will vote. The men expect to be paraded for everything. I do not think there would be any resentment in any unit for being paraded to vote. I am satisfied that the commanding officer would do it that way and I am also satisfied you would get a very much larger proportion of the men voting than if you left it as a matter of voluntary choice to drift in by themselves.

*By the Chairman:*

Q. Would you care to express your personal opinion as between proxy and direct voting? You have already done so in an indirect way in referring to the last provincial election.—A. From what I have seen I would be very much opposed to proxy voting. I would say there should be direct voting, even though you are going to miss, no doubt, a good many men in isolated places. I would say direct voting is the only way to carry on the election. That is my personal opinion.

Q. In other words, the giving of the direct ballot to the soldier, even if it involves the disfranchising of a small number, would far outweigh any advantage of a proxy system giving them all votes?—A. I am sure it would.

Mr. GREEN: And the proxy system does not necessarily give them all votes because all three services have said there would be great difficulty getting the proxies to them.

The CHAIRMAN: Not the automatic proxy.

Hon. Mr. McLARTY: It has been suggested that the time saved by proxy voting would be much greater than with a direct vote. I think that is pretty generally agreed among all the services.

The WITNESS: I think there would be a lot of resentment among the men over the proxy. They would not vote at all. They would not mail their proxy. They would simply throw it away.



*By Mr. MacNicol:*

Q. In other words, you would suggest that every soldier be given exactly the same privilege?—A. Surely, and if he cannot take advantage of it he understands it is due to the war and he is not going to have any resentment regarding it.

Hon. Mr. McLARTY: It is a physical impossibility.

Mr. MACNICOL: As a matter of fact, in a general election the percentage of voters who exercise their privilege in the ridings does not exceed 50 per cent, anyway.

The WITNESS: I think you would find as large an army vote as you did a civilian vote.

Mr. SINCLAIR: Larger if you paraded them.

*By Mr. McNiven:*

Q. Did you have any experience in taking the vote in the New Zealand election or Australian election?—A. No. We had a few New Zealand officers going through our camps.

Q. You had nothing to do with them?—A. No, nothing to do with it at all.

The CHAIRMAN: Are there any other questions? Thank you, very much, Colonel Brooks.

The witness retired

The CHAIRMAN: Gentlemen, I think that about exhausts the informational background. I do not know of any other information that we can obtain to enable this committee to arrive at a conclusion. If there is any other member of this committee thinks we ought to get more evidence I will be pleased to hear from him at this point.

Mr. MACNICOL: At the last meeting, or just before the last meeting, our counsel, Mr. Butcher, handed me a report which he would be willing to submit in reference to the 1864 war election in the United States. I have read it over. I do not see any reason why it should not be put in our report. It may or may not be of value, but it at least gives each member of the committee an idea of what another country did with this difficulty.

Hon. Mr. McLARTY: Shall we dispense with the reading and put it in the record?

Mr. MACNICOL: If the committee so desires.

The CHAIRMAN: Is there any objection? This is information which Mr. Butcher obtained with reference to the 1864 election in the United States. It contains a brief summary of the law prevailing at that time.

Hon. Mr. McLARTY: I wonder if it has much direct bearing on the situation. It is a great many years ago. Mr. Butcher undoubtedly prepared it because the committee asked questions of him in connection with it. You have read it, Mr. MacNicol?

Mr. MACNICOL: Yes.

Hon. Mr. McLARTY: I have not had the opportunity of seeing it but it does seem to me it might be a little out of date bearing two considerations in mind, first the time at which it was held and secondly the different electoral system that exists in the United States. While we want to get all the information we possibly can on the record to be of assistance to members of the house when the matter is under discussion it does seem to me that is going a little far afield, and for those two reasons only.

The CHAIRMAN: It is only a short summary. It would take about a page of our printed evidence.



Hon. Mr. McLARTY: I have no objection apart from the fact that I doubt its value. People want to read the report and if you make it too voluminous they do not read it.

Mr. MACNICOL: The only thing it shows is that from that date, 1864, during wartime the taking of the ballot is not just as easy a matter as many people think. Perhaps anyone reading it over would say, "Well, this committee has examined every corner possible and they have had their troubles like everybody else".

Hon. Mr. McLARTY: It would make them appreciate our difficulties.

Mr. MACNICOL: Yes.

The CHAIRMAN: What is the desire of the committee?

Mr. GILLIS: There is no harm in putting it on the record.

Mr. FAIR: I suggest that it be placed on the record.

#### THE 1864 ELECTION, UNITED STATES

The question: "Should the soldier in the field have the right to vote in elections?" precipitated much discussion and great fights in the state legislatures, particularly in the states of New York, New Hampshire, New Jersey, Michigan, California, Iowa, Minnesota, and Missouri. Owing to the fact that the election laws of the various states differed from each other to a great extent, it was necessary for each state to make its own provisions with regard to the taking of the soldier vote. The federal authorities made an effort to induce the states to agree to a uniform system to be employed in the taking of the votes of soldiers in the field, but it soon became obvious that this was quite impossible.

#### NEW YORK STATE, CHAPTER 253 OF THE LAWS OF NEW YORK (1864)

This particular act is described in its preamble as an act to enable qualified electors of the state, absent therefrom in the military forces of the United States, in the army or navy, to cast their votes at a general election. Section 2 of the act provides for proxy voting. Absent members were required to execute the necessary instrument not more than sixty days previous to any general or special election held in the state. The absent voter was to be sworn as to his qualifications before any field officer of the army, or Captain of the navy. The residence qualifications were one year's residence in the state and thirty days in the electoral division.

It is interesting to note that in the case of proxy voting an inner and an outer envelope were provided. Upon the latter there was endorsed particulars as to the elector—his age, etc., and residence qualifications, and the name and address of his proxy. It was further provided that a soldier who was so placed on the day of the election that he could actually vote in person was permitted to do so. The vote of the soldiers was not actually taken in the field.

#### THE LAWS OF PENNSYLVANIA. ACT No. 871, 1864

In the preamble this act was stated to be an act to regulate elections by soldiers in actual military service, and it was provided that all qualified electors in such service might exercise the right of franchise. It was further provided that a poll should be opened in each company composed in whole or in part of Pennsylvania soldiers, such poll to be held at the quarters of the captain or other officer thereof, and all electors belonging to such company who were within one mile of such quarters on the day of the election, and not prevented by the orders of their



commanders, or by proximity of the enemy, from returning to their company quarters should vote at such poll and at no other place. It was further provided that voters who were detached from their companies, or in hospitals, or on vessels, etc., might vote at such poll as would be convenient to them.

Further provision was to the effect that where there were ten or more voters at any one place who were unable to attend any company poll, or at their proper place of election as aforesaid, such electors might open a poll at such place and might select and certify the poll book (which was to contain a full record of the proceedings of said election) substantially in manner and in form as directed by the act. Polls were to be opened as early as practicable on election day and were to remain open for at least three hours, or if necessary in the opinion of the judges of the election, in order to receive the votes of all the electors, they might keep the poll open until seven o'clock in the afternoon. The electors present were required to appoint three judges of election, all of whom must have the qualifications of electors. The judges themselves were to appoint clerks of election and to prepare ballot boxes or other suitable receptacles for ballots. The judges were required to examine under oath applicants to vote, as to residence qualifications. The voter could only vote in the district in which he ordinarily resided previous to enlistment. Separate poll books were to be kept, and separate returns made for the voters of each electoral division.

#### GENERAL

It is stated in the *Life of Abraham Lincoln*, by Carl Sandburg, that the governor of New York appointed some fifty civilians to oversee the soldiers vote, commissioning each one "to be present as an inspector on the part of the Democratic Party of the State of New York," leaving the Republican State Committee to choose and pay its own inspectors. Two of these Democratic inspectors were found to have in their possession bundles of voting papers to which the names of soldiers and officers have been signed, according to the testimony of one Inspector Terry before a Military Commission in Baltimore, that he and his associate inspector had written the names on the papers (each received a life sentence).

In the book "*The Life of Abraham Lincoln*", by Tarbell, the following paragraph occurs:

"The most elaborate preparations were made for getting the vote of every man, most of the states allowing soldiers to vote in the field. Where this was not arranged for, the war department did its utmost to secure furloughs for the men. Even convalescents from the hospitals were sent home to vote".

Massachusetts, Rhode Island, New Jersey, Delaware, Indiana, Illinois, and California did not allow their soldier electors to vote in the field.

In the *Cyclopedia of American Government*, Volume III, it is stated that the soldier vote did not change the result in any State. 150,635 soldiers are said to have voted.

The CHAIRMAN: As I said, that exhausts the information.

Mr. SINCLAIR: There is just one other matter to which I should like to refer. It applies to the air force prisoners of war, and I should think to other prisoners of war. The automatic proxy vote does give them a vote, and to be in a prison camp and be able to vote makes a man think that he still has some part in the life of Canada. It is a great privilege. I think they are just as deserving of consideration as anyone else. We certainly have their next-of-kin.



The CHAIRMAN: Have we an accurate list of all prisoners of war?

Mr. SINCLAIR: Yes. It lags a month or two months, and with the Japanese eighteen months, but we have it.

Hon. Mr. McLARTY: Would it be necessary, Mr. Sinclair, in that case to give them proxies? Could they not vote directly as the active forces can? I gather there is some particular situation you are envisaging.

Mr. SINCLAIR: I cannot imagine the Germans giving much co-operation in getting proxies back and forth, but we certainly cannot get the direct vote.

Hon. Mr. McLARTY: Why not?

Mr. SINCLAIR: There are limits to the amount of mail they can get of any sort. They are also limited in the number of letters they can send out. It would be a pretty lonely prisoner of war who would waste his mail sending out a proxy when he could send out a letter. On the other hand, the automatic system suggested by Group Captain MacKell would be a very fine thing because their next-of-kin could be notified there were going to be proxies for them and the next-of-kin in their letters to them could tell them that we are going to give them the vote.

Hon. Mr. McLARTY: You do not feel it would be possible to get the direct ballot to them?

Mr. SINCLAIR: I am quite sure it is not possible.

The CHAIRMAN: I want to thank you, Mr. Sinclair, for the suggestion. Suppose we leave this as a separate proposition or problem.

Mr. SINCLAIR: As long as it is not left; I feel very keenly about it. Colonel Brooks knows the difficulty there was in getting the soldiers to vote in that plebiscite of 1941. We had the same difficulty with our squadron overseas. After three days we had three votes in. We simply had the squadron paraded and made them vote. So many soldiers do not even bother writing home. They get in that frame of mind. However, this one special group who have so few interests will place a much higher value on the vote even indirectly.

The CHAIRMAN: I certainly will not forget about it but I suggest we have a discussion now on this proposition of direct voting as against proxy voting.

Mr. McNIVEN: I wonder if the army officers would have any viewpoint on that particular problem.

The CHAIRMAN: Colonel Ferguson, could you help us out with the benefit of your advice or information on prisoners of war?

Colonel FERGUSON: I have not thought very much about it, but I think one thing is certain. I agree with the air force officer, Mr. Sinclair, that it would not be possible to take the direct vote. That would be out of the question. I also agree with his remarks regarding obtaining proxies. I think it would, therefore, resolve itself into a straight matter of policy as to whether the government would, without obtaining any proxies, provide in the Act that the next-of-kin would automatically vote if they so desired.

The CHAIRMAN: That is the idea that Mr. Sinclair had, that their next-of-kin appearing on the record would constitute under the regulations an automatic proxy to vote for them.

Hon. Mr. McLARTY: That would involve sending no proxy form to them and they not returning any.

Mr. SINCLAIR: It would involve the chief electoral officer sending them to the next-of-kin.

Hon. Mr. McLARTY: Quite true, but not directly to the prisoner of war.

Mr. SINCLAIR: Nothing at all.

The CHAIRMAN: You could not even give them the privilege of changing the proxy.



Mr. SINCLAIR: I do not think any prisoners of war would want to change.

Colonel FERGUSON: I would say that I agree with what Mr. Sinclair says, that the committee should give them consideration.

The CHAIRMAN: I wonder if Mr. Sinclair can tell us the approximate number. Have you any idea at all?

Mr. SINCLAIR: It skips my mind.

The CHAIRMAN: Have you any idea as to the army?

Colonel FERGUSON: I have not.

The CHAIRMAN: The clerk will try and get that from the records office.

Colonel FERGUSON: If the committee requires that I can obtain that information almost immediately as to the numbers of our people in the hands of the enemy.

The CHAIRMAN: Would you do that, please?

Colonel FERGUSON: You wish to have it divided between the Germans and the Japanese?

The CHAIRMAN: Yes.

Lieut. O'BRIEN: Do you want the navy figures? They are very small.

The CHAIRMAN: Yes, will you get it for us?

Lieut. O'BRIEN: Yes.

Hon. Mr. McLARTY: I think the suggestion that Mr. Sinclair has made is an excellent one. We may run into some difficulty but I think we might perhaps see if there is some way of getting around it. I know in the Dieppe show there were tremendous numbers of Windsor people that were taken prisoners of war. The next-of-kin were given and in a great many cases the next-of-kin resided in the old country. The suggestion was made by one of the services—I am not sure which—that there be a second next-of-kin. That more or less fills the gap because after all the value of a vote to next-of-kin in the old country would be nil. We might give some consideration to the possibility of filling in that gap.

Mr. SINCLAIR: There would almost have to be provision that the next-of-kin is a resident of Canada.

The CHAIRMAN: I think you would have to more or less extend that privilege to these prisoners of war who have next-of-kin on the record either in the first degree or second degree in Canada. Gentlemen, I should like discussion or a motion or something to finalize this first problem we have to contend with, the problem of direct voting or proxy voting.

Mr. GREEN: I would move that we recommend the direct vote.

Mr. GILLIS: I second that.

Hon. Mr. McLARTY: Subject to the qualification Mr. Sinclair has mentioned about a proxy vote in the case of prisoners of war.

Mr. GREEN: There may be different qualifications as we go along but by and large we recommend the direct vote.

Mr. MACNICOL: Will the motion read that the committee is in favour of the direct vote as against the proxy vote?

The CHAIRMAN: Except in such cases as the committee may subsequently decide on another system of voting. That would cover prisoners of war.

Hon. Mr. McLARTY: I think we are all agreed in this committee on the general principle. It seems to be the general opinion, subject to the qualification that Mr. Sinclair has mentioned, that there be direct voting. Then, the question of time produces some difficulty. Suggestions have been made of six weeks and thirty-five days. Time seems to be the element. We are all aiming at a common object, that is, to afford in the fairest possible manner the right to vote to the



active service voters. It occurs to me—and I merely make this as a suggestion—that possibly we have heard all the evidence that apparently we can advantageously hear and that we should allow Mr. Butcher, the counsel, and Mr. Castonguay and Mr. Stewart to rewrite their regulations in view of the evidence that has been presented to this committee and perhaps have a meeting shortly to consider it in view of the evidence submitted. I have not noticed any divergence of opinion amongst the committee themselves. It is more or less a question of analysing the evidence and interpreting it in the form of active service voters regulations. I would suggest that as there is not any divergence among the committee they might well work on it and perhaps at the next meeting present regulations based on the evidence given and on the general opinion that I think has been formed by all members of the committee.

The CHAIRMAN: That is a very excellent suggestion and we will adopt it. The only thing is that before they rewrite or write draft regulations they want to know first of all the feeling of this committee on this problem, direct voting or proxy voting.

Mr. MACNICOL: The committee is unanimous.

The CHAIRMAN: All those in favour of the committee recommending a system of direct voting except in such cases as the committee may subsequently decide?

Motion unanimously agreed to.

Mr. GREEN: You can word that a little better later on.

The CHAIRMAN: Would you permit me to re-word it? The idea is direct voting.

Hon. Mr. McLARTY: There may be exceptional cases.

Mr. McNIVEN: Before I forget it, could the letter you received from the electoral officer of Ontario be put on the record?

The CHAIRMAN: Yes.

Mr. GREEN: That is very important evidence.

The CHAIRMAN: It will be put on the record.

Toronto, March 7th, 1944.

Mr. H. BUTCHER, K.C.,  
c/o The Chief Electoral Officer,  
Ottawa, Ontario.

DEAR SIR:—Your letter of February 17th addressed to the Provincial Secretary, in which you ask for information regarding the taking of the votes of the active service electors in the recent Ontario Election, has been referred to me for attention.

I am forwarding herewith a pamphlet which contains a copy of the Active Service Election Act, the regulations adopted under the act and all forms which were used.

The members of the forces situated within the province voted directly in the camps in which they were located, their vote being applied to a candidate in the electoral district in which they resided previous to enlistment. Approximately 70 per cent of the possible voters registered and 45 per cent voted in these camps.

Members of the forces located outside the province were allowed to appoint an agent to vote as their proxy. About 15 per cent of the possible voters returned their completed proxies in time and about 6 per cent of the possible votes were polled. It is only fair to say in this connection, that the date of our election, as we learned afterwards, conflicted with the movement of Canadian troops from England to Italy, and my agent in London advised me that the men were far too much interested in the



prospect of active service to take any interest in the election. In addition, the time between the issuing of the writs and the holding of the election was too short to give the plan a proper trial.

If there is any further information I can give you please command me.

Yours very truly,

(Sgd.) ALEX. C. LEWIS,  
*Chief Election Officer.*

The CHAIRMAN: There is one other problem we have to decide before the electoral officer and Mr. Butcher can draft regulations or redraft the regulations. We have already decided it is the direct vote. Then, the problem is to decide whether the vote is going to be a vote for the party or a vote for the candidate as in the 1940 regulations?

Mr. McCUAIG: I would move that it be a vote for the candidate.

Mr. SINCLAIR: I second that.

The CHAIRMAN: It is moved by Mr. McCuaig and seconded by Mr. Sinclair that it be a vote for the candidate to be named in each constituency. All in favour?

Motion unanimously agreed to.

Now that we have gotten over these two hurdles, I am going to request Mr. Butcher to read to you a statement which has been prepared by Mr. Castonguay, at your request Mr. MacNicol, relating to some of the difficulties experienced in connection with the 1940 regulations and giving some suggestions for improvement of procedure. I think we have just about time for Mr. Butcher to read this to you now.

Mr. BUTCHER: Mr. Castonguay's memorandum reads:—

(1) The procedure laid down in the Active Service Voting Regulations appears to have worked satisfactorily at the 1940 general election. These regulations were passed on January 27, 1940, and notwithstanding that a period of only two months elapsed before polling day, each operation was completed on time, and opportunity was afforded to Canadians then on active service, both in Canada and abroad, to cast their votes at that general election.

(2) As far as I am aware, only one or two minor complaints were made with regard to the operation of these regulations. One of these complaints was to the effect that difficulties were encountered by some active service electors in locating the exact electoral district in which they ordinarily resided immediately prior to their enlistment. These complaints came from electors from large cities, such as Montreal, Toronto, Vancouver, Winnipeg, etc., comprising more than one Dominion electoral district.

(3) To overcome these difficulties at the next general election, the following suggestions might usefully be adopted:—

(a) War service electors might be entitled to vote for the political party of their choice. If this suggestion is approved, the procedure will be much simplified, since all that will be required is the correct post office address of the elector at the place in Canada where he ordinarily resided prior to his enlistment, and his vote will be sorted to its proper electoral district and applied by the special returning officer and his staff to the candidate representing such political party.



Mr. GILLIS: Were we not in a little bit of a hurry in taking the action we did by the first of those votes that we passed.

The CHAIRMAN: I do not think so.

Mr. GILLIS: If we had had this material before us we would not have voted the way we did; I would not have.

The CHAIRMAN: Why not wait until you hear Section (b) read; that will give you a lot of information on it.

- (b) As at the general election of 1940, a war service elector might still exercise his franchise by writing the name of the candidate of his choice on the ballot paper. In order to enable an elector to locate the electoral district in which he ordinarily resided prior to his enlistment, a book of key maps of every electoral district lying in large cities, such as Montreal, Toronto, etc., might be printed for distribution to every commissioned officer designated to take the votes of war service electors; this distribution to be made at the same time as the ballot papers and other voting supplies. These key maps should indicate, at the boundary line, the first and last street numbers of the dwelling places included in the electoral district for which the map was prepared. Whenever a street forms the boundary line between two electoral districts, the key map should indicate the odd and even numbers of such street, comprised in the electoral district. The preparation of these books of key maps should not be a lengthy nor a costly operation since only 60 electoral districts are affected, and recent enquiries have revealed that about two-thirds of the existing maps for such electoral districts can be reproduced with only slight alterations. The procedure in the other 183 electoral districts is quite simple since no key maps will be needed and all that will be required is to furnish each commissioned officer designated to take the votes of war service electors with that part of the Canadian postal guide which indicates the electoral district in which each post office is situated.

I think, Mr. Gillis, that gets over that difficulty in a very practical way. You thought that we were somewhat in a hurry; you said that if you had seen this you might have reconsidered your vote; but it was only for the purpose of avoiding that very difficulty you referred to that the changes are suggested; this recommendation offers a practical and sound way of avoiding the constituency difficulty, while at the same time retaining the basic principle of the manner of voting.

Mr. GILLIS: The point I had in mind is not covered by that explanation at all; every man who has gone overseas and has been out of the country for three or four years has been out of touch with conditions here in Canada, he does not know anything about Canada and the developments that have taken place with respect to political parties, and he will be guided in his voting in that respect.

The CHAIRMAN: I am in the hands of the committee; do you wish to reconsider it?

Hon. Mr. McLARTY: I do not think it should be necessary, Mr. Chairman.

Mr. GILLIS: I do not think we have decided it. We decided on it without the benefit and the advice of these men whom this committee appointed to make the draft; and the first part of that draft is just as important to this committee as what he is reading now, as far as I am concerned. I think if the chairman knew, or if members of this committee knew, that Mr. Butcher was going to present a statement of this kind from Mr. Castonguay, that we were going to have definite representations on this matter, no decision should have been reached.



Hon. Mr. McLARTY: These are alternative recommendations.

Mr. GILLIS: You appear to think now that you have definitely decided that point.

Hon. Mr. McLARTY: I heard a motion put to that effect.

Mr. GILLIS: Rather hurriedly, I think.

Mr. GREEN: I do not think we should be rushed on it, Mr. Chairman; why not have it voted on again?

Mr. MACNICOL: By the time the election comes along there may be a half a dozen parties.

The CHAIRMAN: I will accept Mr. Green's suggestion and have it voted on again. Mr. Castonguay has pointed out that the preliminary draft regulations have been distributed to the committee now for nearly a month; the committee has in its possession this whole suggestion on party voting, it is right there; so I hope Mr. Gillis is not accusing me of taking unfair advantage of trying to pull over a snap vote on this matter.

Mr. GILLIS: I am not accusing anyone.

The CHAIRMAN: No.

Mr. GILLIS: I am merely suggesting that if we are going to deal with the memorandum and base our decision on it that action on the matter should have been left until such time as the statement had been read.

Mr. GREEN: Why not have the memorandum read and vote afterwards?

The CHAIRMAN: Go ahead and finish it.

Mr. BUTCHER:

(4) If either of these alternatives is approved, the votes of war service electors could not be successfully taken unless a sufficient period of time is allowed before the issue of the writs ordering a general election. What appears to be required is an early appointment of competent special returning officers for difficult voting territories such as those required to be established in the United Kingdom, the Middle East and the Far East. All voting supplies, such as ballot papers, outer envelopes, inner envelopes, etc., should be despatched to them before the issue of the writs. The special returning officers should be instructed to make a thorough survey of the situation in order to locate every corps or detachment composed of Canadian war service electors and to keep themselves continuously posted on the transfers which are made from time to time. In other words, these special returning officers should stand ready at all time to make a complete distribution of voting supplies to every unit or detachment composed of or containing Canadian war service electors, stationed in their respective voting territories.

(5) If either of these alternatives is approved, a period of 28 days should be fixed between nomination and polling days, and 12 week days, immediately preceding polling day, should be provided for the casting of the votes of war service electors stationed both within and without Canada. At the 1940 election 8 week days were allowed for voting in the United Kingdom and 6 in Canada.

(6) The only other complaint received was in connection with the list of the names, addresses and occupations of the candidates officially nominated in every electoral district, which was directed to be printed by paragraph 24 of the 1940 regulations. This appears to have caused some confusion in the minds of many war service electors stationed overseas. I was requested to authorize the special returning officer stationed in London, England, to insert a political designation after the name of each candidate, but, in view of the provisions of the regulations,



I felt that it was not within my jurisdiction to grant such request. I might add that at no dominion election held since Confederation, has the political affiliation of candidates been given in any official written or printed election documents. The above mentioned difficulty was not encountered in Canada, probably due to repeated press announcements made after nomination day, which gave full particulars as to the political affiliation of each candidate. It seems to me that war service electors stationed abroad could more satisfactorily cast their votes if the official printed list of candidates contained the political designation of each candidate.

(7) The qualifications of war service electors should be broadened so as to include every Canadian, man or woman, on active service or undergoing military training, stationed within or without Canada, no matter to what force or detachment he or she happens to belong, as well as war workers overseas, such as those employed at the time of the general election on war work of any kind, and those engaged in Red Cross, Y.M.C.A., Canadian Legion, Salvation Army or Knights of Columbus activities, also the Merchant Marine and Canadian Fire Fighters in the United Kingdom.

(8) The 1940 regulations prescribed the supplying, before the voting period, by commanding officers to the special returning officers, of nominal rolls of all service electors in each unit. These nominal rolls were duly supplied but were not of any practical use. The supplying of such rolls should be discontinued. However, the commanding officer of each unit should be required to furnish the appropriate special returning officer with a statement giving the approximate number of Canadian service electors in his unit. Commanding Officers should also be required to advise the appropriate special returning officers of the name, rank and regimental number of each commissioned officer (and non-commissioned officer) designated by them to take the votes of war service electors, as soon as any such designation is made.

(9) The 1940 regulations prescribed the use by each special returning officer of a set of at least 260 large specially constructed ballot boxes in which the sorted outer envelopes were to be kept until the counting of the votes. In view of the impossibility of securing such special ballot boxes in several voting territories, I am inclined to recommend that no such ballot boxes be used and that provision be made for the placing of the sorted outer envelopes in large specially sealed envelopes.

(10) The casting of votes of war service electors before a commissioned officer designated by the commanding officer, as prescribed by the 1940 regulations, has worked out satisfactorily. With a view to providing voting facilities to remote detachments where no commissioned officer is available, I would suggest that the commanding officer be empowered to designate a senior non-commissioned officer to perform that duty.

(11) Provision should be made for the simplification of the sorting and counting of the votes cast by war service electors. For instance, the list of names and particulars of each elector that the special returning officer was required by the 1940 regulations to prepare, as the outer envelopes were being sorted, should be discontinued. The poll book which was required to be prepared as the votes for each electoral district were being counted should also be discontinued. It is felt that the used outer envelopes would serve as a sufficient record in both cases.

The CHAIRMAN: That is a good memorandum. Now, gentlemen, I have no desire, and I do not want any member of this committee to feel that we have



taken any hasty action. I was, may I say, very happy to see both motions carried unanimously. However, if you feel that we should reconsider the second motion, I am ready to reconsider it. I do not want Mr. Gillis to think that there is anything underhanded going on.

Mr. McCUAIG: I think we should have the whole memorandum appear in the record.

The CHAIRMAN: Yes, that will be included in our record.

Mr. GREEN: That is fair.

The CHAIRMAN: Is that fair, Mr. Green?

Mr. GREEN: Yes.

The CHAIRMAN: Put the whole thing in as originally suggested. Somebody will have to move that we reconsider this motion.

Mr. McCUAIG: I will move that we reconsider these motions in question.

The CHAIRMAN: It is moved by Mr. McCuaig, seconded by Mr. Green, that we reconsider the motion with respect to voting for party or candidate by name. Is there any discussion?

Mr. FAIR: Would there be any advantage in leaving that over to a subsequent meeting so that we can read the recommendation that has just been presented to us.

The CHAIRMAN: The only difficulty there, Mr. Fair, is that I would like to have a decision made now because time is passing quickly and I would like to have Mr. Castonguay and Mr. Butcher start working on the actual regulations. Of course, I am entirely in the hands of the committee, but I would prefer to have a decision to-day if it can be obtained, and in that way implement the matter of preparing the draft regulations.

Mr. FAIR: That is quite all right with me.

The CHAIRMAN: Is there any further discussion? Those in favour of reconsideration of the motion? Motion to reconsider agreed to.

I will now put the motion to you again. It is moved by Mr. McCuaig and seconded by Mr. Sinclair that this committee recommend that the vote be for the candidate by name rather than for the party in each constituency? Is there any discussion?

Mr. GILLIS: Mr. Chairman, when the first vote was taken not knowing that the matter had been considered by our advisers in the draft regulations, I was prepared to fall in line and let it go. After having listened to Mr. Butcher reading the memorandum prepared for submission to the committee by Mr. Castonguay I am prepared to pay some attention to their advice; I know that they have considered this matter very carefully.

The CHAIRMAN: Might I interrupt you a moment, Mr. Gillis? I might possibly be able to clarify this by pointing out to you that Mr. Castonguay's recommendation was in respect to one difficulty only; that is, the question of ascertaining the riding, the constituency in which the voter is located at the time of his enlistment; and the thing that he recommends as set out in this submission is a key to the ridings. So that it is not a recommendation of the Chief Electoral Officer with respect to anything else except that.

Mr. McNIVEN: And that is applicable to only four or five cities.

The CHAIRMAN: Yes, it says here it might affect sixty constituencies.

Mr. GILLIS: I thought it gave the distribution that was to be made; I thought there were other factors involved, and some of them in my opinion are very pertinent to the people in whose hands we are trying to place the ballot papers. As I see it, there are service personnel to-day who have been out of Canada for the last three years; a list of candidates is placed in their



hands and they are told it is an election and to write the name of the candidate they prefer on a piece of paper. In my opinion that affords absolutely no guide as to what they are voting for; for the simple reason that you have been involved in a war for the past three years and if you have been over there you are out of touch with your constituency and the name of the candidate on that list practically means nothing to you, and is no guide to you as to how you are going to vote.

The CHAIRMAN: Supposing that list of the names of candidates were to contain the names of parties; would that overcome your objection?

Mr. GILLIS: That is exactly what I have in mind. That would overcome my objection. If the name of the party for which the candidate stands is made clear that would overcome any objection I have.

Hon. Mr. McLARTY: Such a list would be placed in the hands of the deputy returning officer.

Mr. GILLIS: It would be printed on that list of candidates from all over Canada and would indicate the party as well as the candidate.

The CHAIRMAN: I do not think we need a very long debate on that. We can argue that out sometime. There may be some technical difficulties to iron out, but I do not see any objection to the principle of the thing. Nobody has any objection to having a list of that kind; that does not come under the merits of voting either for the party or the candidate.

Mr. McCUAIG: That does not affect the ballot.

Mr. McNIVEN: No.

Mr. GILLIS: To an extent it clarifies the ballot for the benefit of the voter, but it does not affect the ballot.

Hon. Mr. McLARTY: It is a matter of information.

The CHAIRMAN: As a matter of fact, I intended to do that very thing; to ask Mr. Castonguay to make some recommendation with respect to furnishing information to the candidates. Can we arrive at this decision now and at an early stage present the motion on that? Is that agreeable?

Mr. MacNICOL: What did you have in mind, Mr. Chairman; are you going to give the list of candidates and the parties with which they are affiliated?

The CHAIRMAN: I think what Mr. Gillis has in mind is a system similar to that which is in operation in New Zealand where the electoral officer had a key—you will recall that I passed that around for the benefit of members at the last meeting—it gives the name of the constituency, the name of the candidates and the party affiliation.

Mr. MacNICOL: There is nothing on the ballot?

The CHAIRMAN: No. Is that agreeable?

Mr. GILLIS: Yes.

The CHAIRMAN: All those in favour of the motion?

Hon. Mr. McLARTY: Exactly what is the motion?

The CHAIRMAN: The motion is that this committee recommend that the voting be for the candidate by name and by constituency rather than by party.

Mr. GREEN: That is, without any strings.

The CHAIRMAN: Yes, without any strings.

Mr. GREEN: This vote is not tied up by any other conditions as to what is going to happen later on in regard to publicity?



The CHAIRMAN: Not at all. I will read the motion again: that this committee recommend that the voting be for the candidate by name in every constituency and not for the party.

Mr. McCUAIG: And that will not interfere with the ballot, or with writing the name of the candidate of his choice on it.

Motion agreed to unanimously.

Mr. FAIR: I think Col. Ferguson has some information for you with respect to prisoners of war.

Col. FERGUSON: Mr. Chairman, I was requested to obtain the number of army personnel who are prisoners of war in the hands of the enemy. That information has now been furnished to me by our records office.

Mr. GREEN: What is the date of that information?

Col. MACDERMID: The latest information we have on that is as of the 28th of February, 1944.

Hon. Mr. McLARTY: That applies to the army alone; it does not include the figures for the air force or the navy?

Col. FERGUSON: That applies to the army alone.

The CHAIRMAN: I wonder if Lieut. O'Brien has any information on that subject with respect to navy personnel prisoners of war?

Lieut. O'BRIEN: In our case the number is very small.

The CHAIRMAN: Thank you very much, gentlemen.

There is one other thing which I would like to discuss with the committee and that is that we are now in a position to get down to work now, so to speak; and I would like the committee to sit twice a week if there is no objection.

Mr. MACNICOL: As long as it does not conflict with the meetings of other committees.

The CHAIRMAN: Well then, let us make it at the call of the chair; it is going to be very difficult because there are so many committees. I will try to make it either Tuesday morning or Thursday morning.

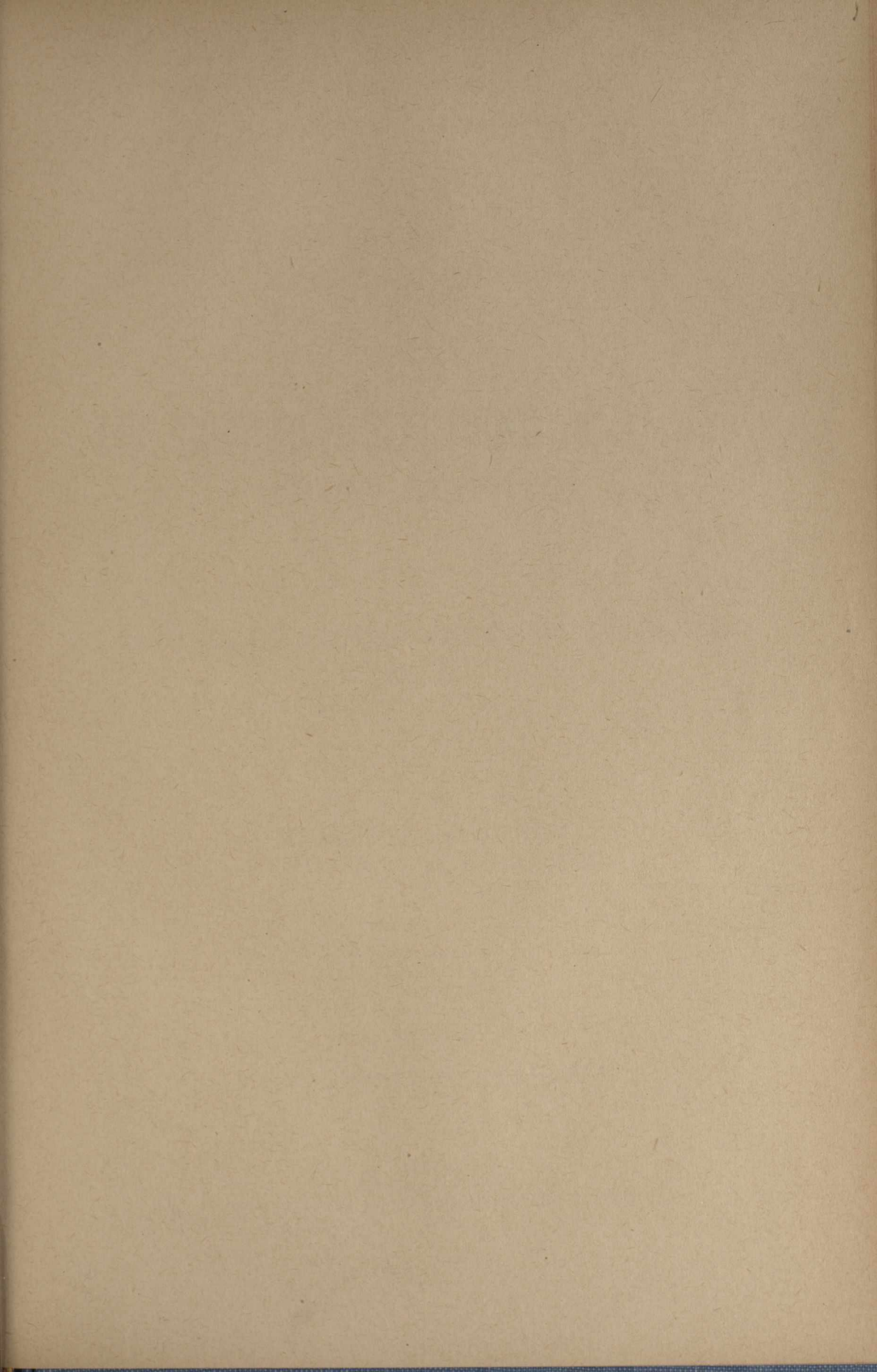
Mr. MACNICOL: You might consult the reconstruction and other committees; Reconstruction had two sittings yesterday. I do not think any committee is entitled to two sittings in one day.

Hon. Mr. McLARTY: I do not think it would work. I was wondering; I do not think it is possible to work on Wednesday—for instance, I am in this committee this morning because I consider it important, but there are other committees as well, and the meetings in council which I have to attend. It might be difficult for me on Wednesday; however, I am not greatly concerned as to what time you sit.

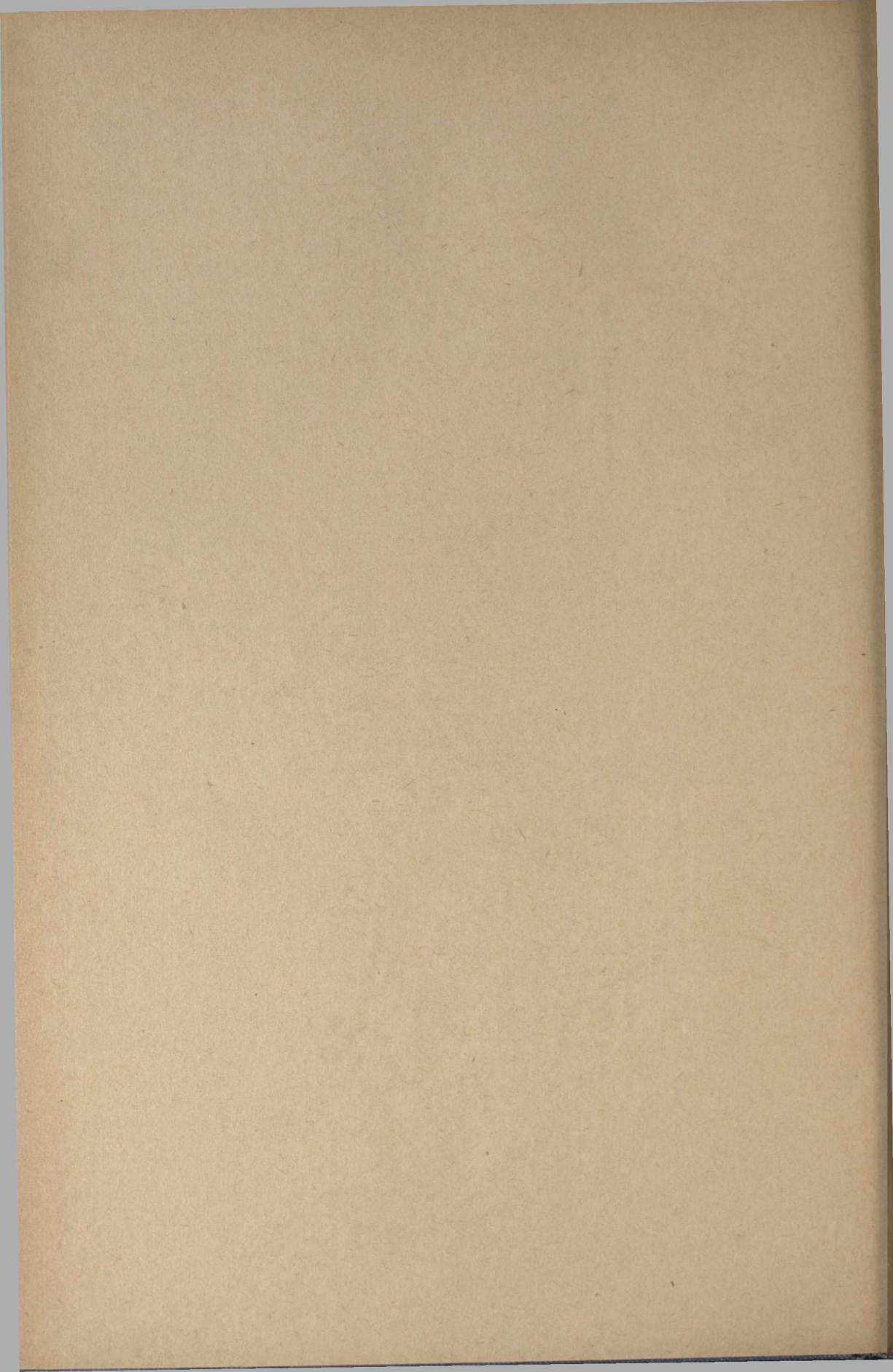
The CHAIRMAN: Well then, gentlemen, I will try to arrange it for Wednesday preferably in the morning or the afternoon, but if not then Wednesday night.

The Committee adjourned at 12:55 o'clock p.m. to meet again at the call of the Chair.











SESSION 1944  
HOUSE OF COMMONS

---

SPECIAL COMMITTEE

ON

**THE DOMINION ELECTIONS ACT, 1938**  
**(ARMED SERVICES)**

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

---

MARCH 22 and 30, 1944  
APRIL 20, 21, 25 and 26, 1944

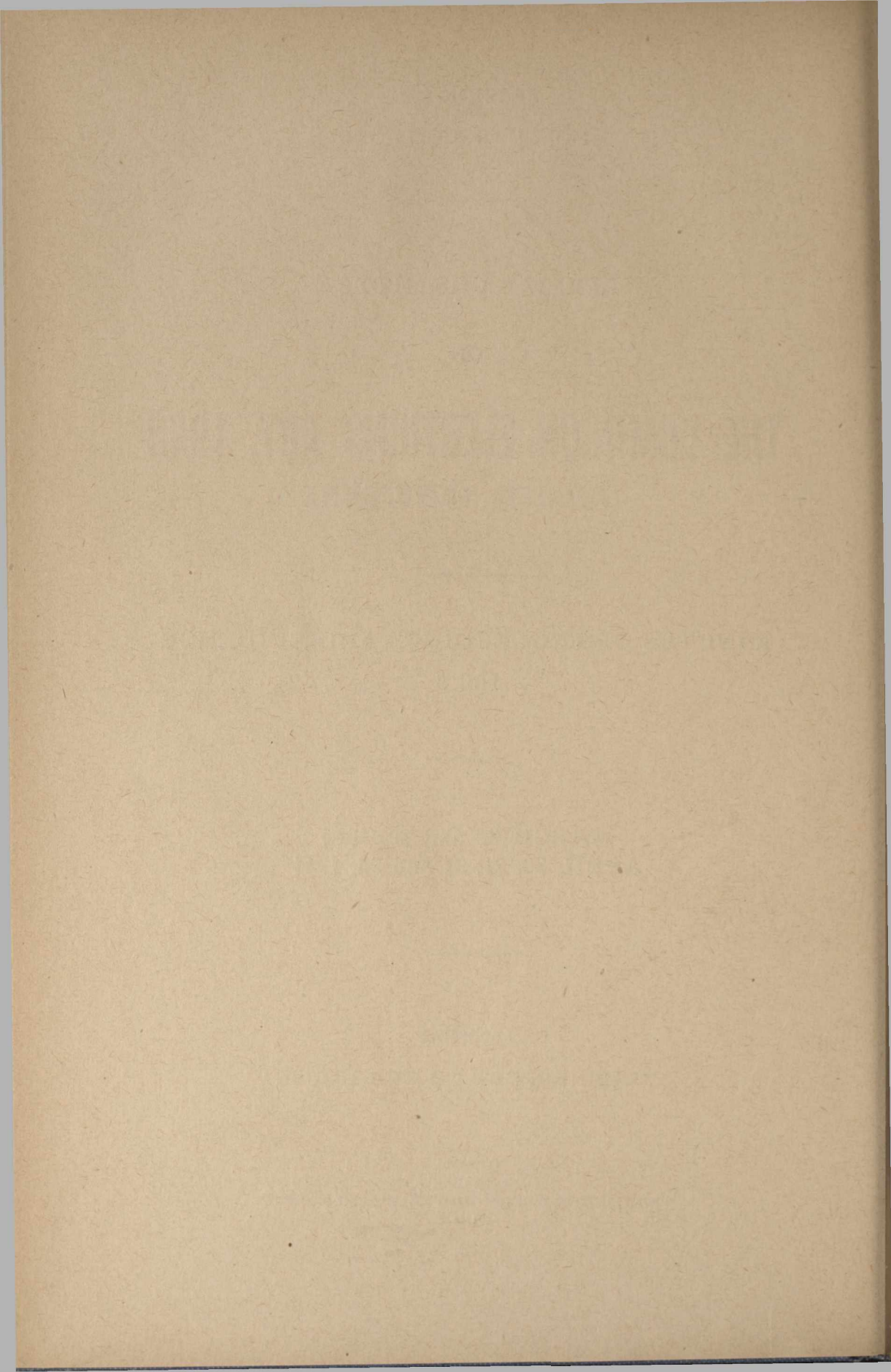
---

Including

THIRD REPORT TO THE HOUSE

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1944







# MINUTES OF PROCEEDINGS

WEDNESDAY, March 22, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Green, Isnor, MacNicol, McCuaig, McLarty, McNiven, Sinclair.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

Mr. Butcher submitted draft war service voting regulations, amended in accordance with the decisions reached at the last meeting, and the Committee proceeded to consideration thereof.

At 1 o'clock p.m., on motion of Mr. Sinclair, the Committee adjourned until 3 o'clock p.m.

---

## AFTERNOON SITTING

The Committee resumed at 3 o'clock p.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Isnor, MacNicol, McCuaig, Sinclair.

*In attendance:* Captain Alan Chambers, M.P.; Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

Consideration of the draft war service voting regulations was continued. On motion of Mr. McCuaig:

*Resolved,*—That the Committee recommend to the House that The Dominion Elections Act, 1938, be amended to provide for a period of 28 days between nomination day and polling day; and that the Committee further recommend that the special returning officers for overseas voting territories be appointed at least 60 days before the issuance of the writs of election.

At 5.10 o'clock p.m. the Committee adjourned to meet at the call of the Chair.

---

THURSDAY, March 30, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Green, Isnor, MacNicol, McLarty, McNiven.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

Consideration of the draft war service voting regulations was continued.

At 1 o'clock p.m., the Committee adjourned to meet at the call of the Chair.

---

THURSDAY, April 20, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11.20 o'clock p.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Factor, Fair, Gillis, Isnor, MacNicol, McCuaig, McLarty, McNiven, Sinclair.



*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

Consideration of the draft war service voting regulations was continued.

At 1 o'clock p.m. the Committee adjourned until Friday, April 21, at 11 o'clock a.m.

---

FRIDAY, April 21, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Isnor, Lapointe (*Matapedia-Matane*), MacNicol, McLarty, McNiven.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

Consideration of the draft war service voting regulations was continued.

Mr. Butcher read a memorandum that he had prepared as to the meaning of the phrase "during the present war" in which he expressed the opinion that the war would not be legally terminated until a proclamation of peace had been issued.

On motion of Mr. MacNicol:

*Resolved,*—That the regulations be amended to permit special returning officers to vote, and that their votes be cast before their chief assistants.

Mr. Isnor moved:

That the Committee recommend that provision be made, either by amendment to the Dominion Elections Act, 1938, or otherwise, that every person who, while on Active Service with the Naval, Military or Air Forces of Canada, became a prisoner of war and is officially recorded as such at Headquarters, shall be entitled to vote by proxy, on a special certificate issued by the Chief Electoral Officer. Such certificate shall be issued not earlier than two weeks before polling day to the person officially recorded at Headquarters as the next of kin of such prisoner of war, provided such next of kin is qualified to vote as a civilian elector in the electoral district in which the prisoner of war ordinarily resided prior to his enlistment.

After discussion, it was decided to allow this motion to stand as a notice of motion until the next meeting.

Mr. Gillis raised the question as to how war service electors outside of Canada could best be informed of the aims of the various political parties. It was decided that discussion of this matter be deferred until the next meeting.

At 1 o'clock p.m. the Committee adjourned until Tuesday, April 25, at 11 o'clock a.m.

---

TUESDAY, April 25, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present:* Messrs. Blanchette, Factor, Fair, Gillis, Isnor, MacKenzie (*Neepawa*), MacNicol, McCuaig, McLarty, McNiven.

*In attendance:* Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

The Committee resumed consideration of a motion made at the previous meeting by Mr. Isnor and the question being put, it was



*Resolved*,—That the Committee recommend that provision be made, either by amendment to The Dominion Elections Act, 1938, or otherwise, that every person who, while on Active Service with the Naval, Military or Air Forces of Canada, became a prisoner of war and is officially recorded as such at Headquarters, shall be entitled to vote by proxy, on a special certificate issued by the Chief Electoral Officer. Such certificate shall be issued not earlier than two weeks before polling day to the person officially recorded as such at Headquarters as the next of kin of such prisoner of war, provided such next of kin is qualified to vote as a civilian elector in the electoral district in which the prisoner of war ordinarily resided prior to his enlistment.

Discussion followed as to the practicability of distributing manifestos of the various political parties to war service electors stationed outside Canada.

At 12 o'clock noon the Committee adjourned until Wednesday, April 26, at 11 o'clock a.m.

---

WEDNESDAY, April 26, 1944.

The Special Committee on The Dominion Elections Act, 1938, met at 11 o'clock a.m., the Chairman, Mr. Factor, presiding.

*Members present*: Messrs. Blanchette, Factor, Fair, Gillis, Green, Isnor, MacKenzie (*Neepawa*), MacNicol, McCuaig, McLarty, McNiven, Sinclair.

*In attendance*: Mr. Harry Butcher, K.C., Counsel to the Committee; Mr. Jules Castonguay, Chief Electoral Officer; Mr. Donald Stewart, Assistant Chief Electoral Officer.

On motion of Mr. Isnor, the proposed *Canadian War Service Voting Regulations, 1944*, as amended, were approved.

The Chairman presented a draft of a final report to the House and the Committee proceeded to consideration thereof.

By unanimous consent, the question of proxy voting by prisoners of war was re-opened for further consideration, and Mr. Sinclair moved that the resolution passed at the meeting of April 25 be amended to read as follows:—

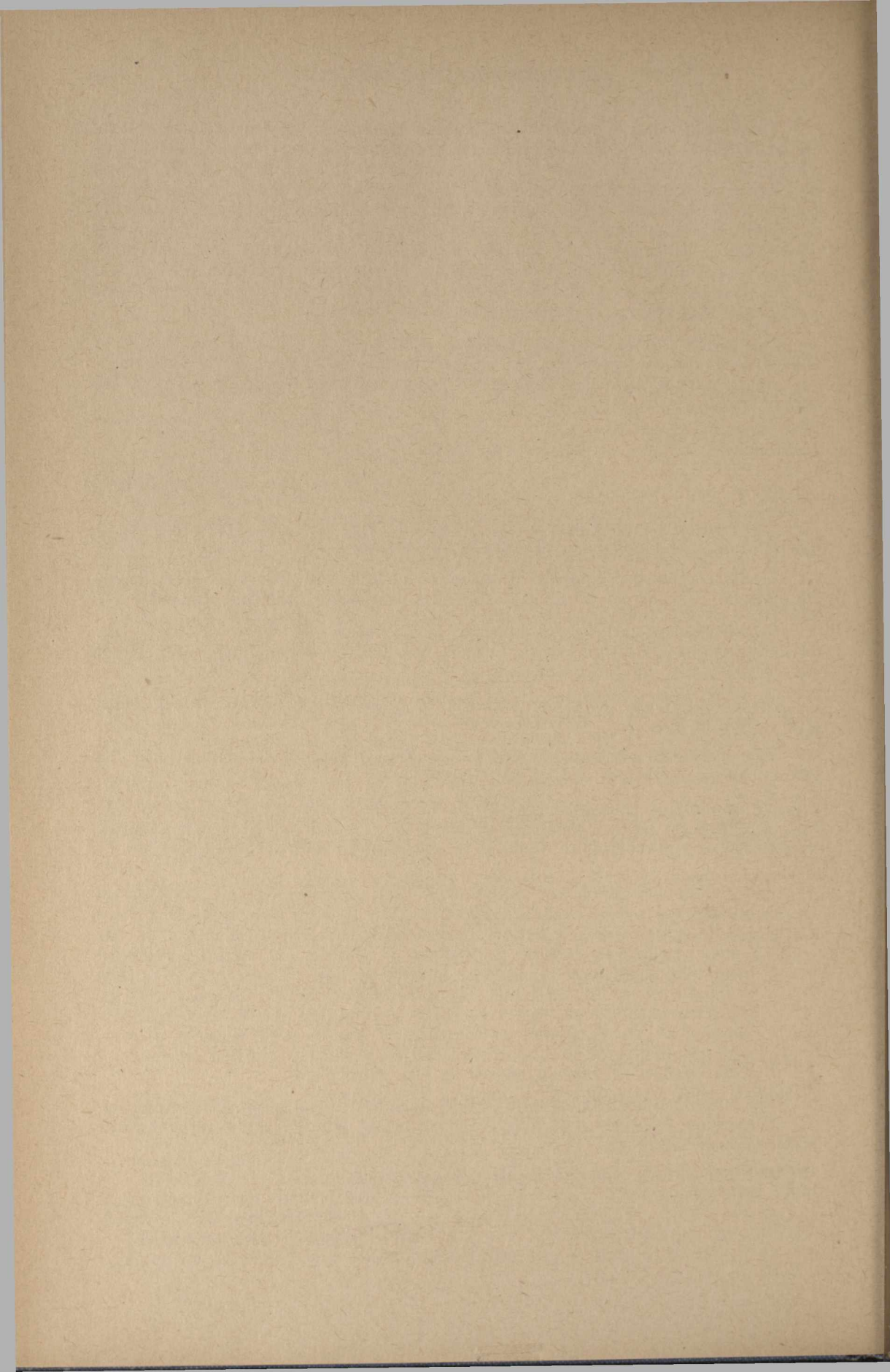
That the Committee recommend that provision be made, either by amendment to The Dominion Elections Act, 1938, or otherwise, that every person who, while on Active Service with the Naval, Military or Air Forces of Canada, became a prisoner of war and is officially recorded as such at Headquarters, shall be entitled to vote by proxy, on a special certificate issued by the Chief Electoral Officer. Such certificate shall be issued not earlier than two weeks before polling day to the person officially recorded at Headquarters as the next of kin of such prisoner of war, provided such next of kin is qualified to vote as a civilian elector. After discussion, motion passed in the affirmative.

The report having been considered and amended, it was adopted unanimously. Discussion followed regarding distribution of political manifestos to war service electors overseas.

At 12.46 o'clock p.m. the Committee adjourned *sine die*.

A. L. BURGESS,  
*Clerk of the Committee.*







## REPORT TO THE HOUSE

FRIDAY, April 28, 1944.

The Special Committee on The Dominion Elections Act, 1938, begs leave to present the following as a

## THIRD AND FINAL REPORT

Under the Order of Reference dated February 1, 1944, your Committee was empowered,—

to consider The Dominion Elections Act, 1938, together with any existing regulations relating to the taking of the vote of the members of the active services of Canada with a view to preserving, continuing and safeguarding the full right of franchise of the personnel of the armed services serving at home and abroad and establishing the required procedure for exercising same; to survey all aspects of the problem, to suggest such amendments, modification or regulations as may be deemed necessary to accomplish the above named purposes.

The Committee has held eleven meetings, has heard several witnesses, including representatives of the Navy, the Army and the Air Force, and all suggestions made by the witnesses have been carefully considered.

Study has been made of the various methods employed in the past by Canada and by provincial legislatures for the taking of the votes of members of the armed services, while the systems used for that purpose in the United Kingdom, the United States, Australia, New Zealand and South Africa have also been scrutinized.

Consideration has been given to a suggestion that the votes of members of the armed services be taken by proxy, the person so appointed as proxy to be either the next of kin of the elector, or some other person nominated by such elector. Your Committee believes that, except in the case of prisoners of war—for whose voting recommendations are made later in this report—direct voting would be much more satisfactory to the vast majority of the members of the armed services.

A suggestion was received that each war service elector cast his vote by writing on the ballot paper either the name of the political party of his choice, or the name of a candidate who has been officially nominated in the electoral district in which the elector is entitled to vote. Your Committee recommends that the more practicable method is to have the elector vote for a candidate rather than for a party.

It is recommended that the procedure to be followed in the taking, receiving, sorting and counting of the votes cast by war service electors, stationed within and without Canada, at a general election held during the present war and within a period of six months thereafter, be as set forth in paragraphs one to sixty-five of the proposed "Canadian War Service Voting Regulations, 1944" hereto attached as Schedule A.

It is further recommended that the special returning officers for the overseas voting territories be appointed at least two months before the issue of the writs ordering a general election. Your Committee is informed that, if this is done, there will be no need to extend the period between the issue of the writs and polling day, which is usually sixty days.



For the effective functioning of these regulations, it is further recommended that The Dominion Elections Act, 1938, be amended as follows, such amendments to be in force only at a general election held during the present war and during a period of six months thereafter, viz:—

- (a) That the day fixed for the close of official nomination of candidates at a general election shall be the twenty-eighth day before polling day.
- (b) That the returning officer of each electoral district shall, immediately after three o'clock in the afternoon of nomination day, communicate to the Chief Electoral Officer by telegraph, the names and surnames of all candidates officially nominated in his electoral district as these appear on the nomination papers.
- (c) That the Chief Electoral Officer shall, on a day not later than Monday next following polling day, advise, by telegraph, the returning officer of every electoral district as to the total number of votes cast by war service electors, under the *Canadian War Service Voting Regulations, 1944*, in every voting territory established within and without Canada, for each candidate in his electoral district, and that the returning officer shall thereupon deal with such telegraphic communication as though it were a statement of the poll received from a deputy returning officer.
- (d) That the time at which the returning officer for each electoral district shall add up the number of votes cast for the several candidates shall not be earlier than Tuesday the eighth day after polling day.
- (e) That if the result of the vote taken under the *Canadian War Service Voting Regulations, 1944*, has not been communicated by the Chief Electoral Officer to the returning officer on the day fixed for the final addition of the votes, the returning Officer shall adjourn the proceedings to a future day and hour.

Your Committee further recommends that every person who, while on active service with the Naval, Military or Air Forces of Canada, became a prisoner of war and is officially recorded as such at Headquarters, shall be entitled to vote by proxy, on a special certificate issued by the Chief Electoral Officer. Such certificate shall be issued not earlier than two weeks before polling day to the person officially recorded at Headquarters as the next of kin of such prisoner of war, provided such next of kin is qualified to vote as a civilian elector.

Your Committee was fortunate in securing the services of Mr. Harry Butcher, K.C., as Counsel. Mr. Butcher has made an exhaustive study of the electoral systems of the democratic countries of the world and is recognized as an authority in this field.

Your Committee wishes to express its appreciation of the co-operation received from Mr. Jules Castonguay, Chief Electoral Officer, and from his assistant, Mr. Donald Stewart. Mr. Castonguay's knowledge, gained from long experience in connection with electoral matters, has been of invaluable assistance.

A printed copy of the Minutes of Proceedings and Evidence taken is appended.

(For Minutes of Proceedings, Evidence, etc., accompanying said Report, see Appendix to the Journals, No. 1)



## SCHEDULE A

## THE CANADIAN WAR SERVICE VOTING REGULATIONS, 1944

To enable Canadian electors on War Service to exercise their franchise at a general election, notwithstanding anything to the contrary in *The Dominion Elections Act, 1938*, contained.

## SHORT TITLE

*Short title*

1. These Regulations may be cited as *The Canadian War Service Voting Regulations, 1944*.

## APPLICATION

*Application*

2. These Regulations shall apply only to a general election held in Canada during the present war and within a period of six months thereafter.

## ADMINISTRATION

*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*

(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.

## INTERPRETATION

*Definitions*

4. In these Regulations, unless the context otherwise requires, the expression "*Chief assistant*"

- (a) "*chief assistant*" means a person appointed by the Governor in Council, under paragraph 8 of these Regulations, as chief assistant to a special returning officer or to a deputy special returning officer;

*"Chief Electoral Officer"*

- (b) "*Chief Electoral Officer*" means the person who holds office under sections three and four of *The Dominion Elections Act, 1938*.

*"Clerical assistant"*

- (c) "*clerical assistant*" means a person appointed by a special returning officer for duty in his office or in the office of a deputy special returning officer;

*"Commanding officer"*

- (d) "*commanding officer*" means the commanding officer of a unit, as herein defined, with whom the special returning officer is directed by the appropriate Minister of National Defence to communicate with a view to making arrangements for the taking of the votes of War Service electors, pursuant to paragraph 14 of these Regulations. It also means the officer in command of the Corps of (Civilian) Canadian Fire Fighters organized for service in the United Kingdom;

*"Commissioned officer"*

- (e) "*commissioned officer*" means the commissioned officer designated by the commanding officer, pursuant to paragraph 25 of these Regulations,



to take the votes of War Service electors; it shall include a non-commissioned officer designated by the commanding officer for that purpose where a commissioned officer is not available;

*"Deputy special returning officer"*

- (f) "deputy special returning officer" means a person appointed by the Governor in Council to assist a special returning officer in voting territories in which the number of War Service electors exceeds 60,000;

*"Hours of the day"*

- (g) "hours of the day" and all other references to time in these Regulations relate to whatever time is lawfully in effect in any voting territory during a general election;

*"Inner envelope"*

- (h) "inner envelope" means the plain envelope in which the ballot paper is to be placed after it has been marked by the War Service elector, and before it is transmitted to the special returning officer in the outer envelope hereinafter defined;

*"Ordinary residence"*

- (i) "ordinary residence" means the place which was the habitation or home of a War Service elector prior to his appointment, enlistment, enrolment or calling up on War Service;

*"Outer envelope"*

- (j) "outer envelope" means the envelope provided for transmission by mail of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope hereinbefore defined) of a War Service elector to the appropriate special returning officer, which envelope has been printed as follows: on the front with the full name and complete post office address of such special returning officer, and on the back with a blank declaration in Form No. 8 of these Regulations;

*"Polling day"*

- (k) "polling day" means the date fixed, as prescribed by section 21 of *The Dominion Elections Act, 1938*, for holding the poll at a general election;

*"Scrutineers"*

- (l) "scrutineers" means the persons appointed, by the Chief Electoral Officer, under paragraph 9 of these Regulations, for duty in the office of the special returning officer and deputy special returning officer;

*"Special returning officer"*

- (m) "special returning officer" means a person appointed by the Governor in Council to superintend the taking, receiving, sorting, and counting of the votes cast by War Service electors in a specified voting territory;

*"Unit"*

- (n) "unit" means a formation, unit, detachment, ship or establishment to which War Service electors are posted or attached for the time being;

*"Voting territory"*

- (o) "voting territory" means a specified area, within or without Canada, where a special returning officer shall be stationed and where the votes of War Service electors shall be taken, sorted and counted, as prescribed in these Regulations;



*“War Service”*

- (p) “War Service” means engagement in any of the services or duties referred to in paragraph 5 of these Regulations;

*“War Service elector”*

- (q) “War Service elector” means any person qualified to vote at a general election under the provisions of paragraph 5 of these Regulations.

## QUALIFICATIONS OF WAR SERVICE ELECTORS

*Qualifications*

5. (1) Every person, man or woman, irrespective of age, who is a British subject, whether stationed within or without Canada, shall be deemed to be a War Service elector and qualified to vote under these Regulations, if he or she

*On Active Service*

- (a) having voluntarily offered himself or herself for appointment to or enlistment in any of His Majesty’s Naval, Military or Air Forces of Canada, has been appointed to or enlisted in such Forces and has been placed on active service therein; *or*

*On training or duty*

- (b) having been called up pursuant to The National Resources Mobilization Act, 1940, and the regulations thereunder, for training, service or duty in any of His Majesty’s Naval, Military or Air Forces raised in Canada, is performing training, service or duty in any of said Forces; *or*

*Merchant seamen*

- (c) is accommodated in a merchant seaman manning pool in Canada established by authority of the Governor in Council or is serving under articles of agreement on a merchant ship of Canadian registry or of United Kingdom registry or of the registry of one of the Powers allied or associated with His Majesty in the present War; *or*

*Fire fighters*

- (d) is a member of the Corps of (Civilian) Canadian Fire Fighters organized for service in the United Kingdom; *or*

*Red Cross and St. John Ambulance workers*

- (e) is serving under the administration, control, or direction of the Canadian Red Cross Society or the St. John Ambulance Association, and is engaged, outside of Canada, in Red Cross or St. John Ambulance services relating to or connected with the Naval, Military or Air Forces of Canada; *or*

*Persons attached to Overseas Forces*

- (f) though not mentioned in the foregoing clauses, is subject to naval, military or air force law, as the case may be, by reason of his or her being attached to or accompanying, outside of Canada, any of the Naval, Military or Air Forces of Canada on active service.

*Proviso*

Provided that such person ordinarily resided in Canada prior to his or her appointment, enlistment, enrolment or calling up in or to one of the Forces or services referred to in clauses (a) to (f) hereof.

*Auxiliary services*

(2) Every person, man or woman, who is a British subject of the full age of twenty-one years, and is serving, outside of Canada, as a supervisor, helper or member of the Overseas Headquarters Staff of the following organizations: The Canadian Legion War Services Inc.; The National Council of the Y.M.C.A.;



The Knights of Columbus Canadian Army Huts or The Salvation Army Canadian War Services, as defined in the Order in Council dated the 8th of March, 1944 (P.C. 44/1555),\* shall be deemed to be a War Service elector and qualified to vote under these Regulations, provided that such person ordinarily resided in Canada prior to the assumption of such duties.

*Member of Reserve Army, etc.*

(3) Every person who is a British subject of the full age of twenty-one years and is a member of a Reserve unit or formation of the Canadian Army, and is absent from his ordinary place of residence while undergoing training at a duly authorized training camp or school established for full time courses, including any person who, being a member of a Reserve unit or formation of the Canadian Army, has been called up on service by the Minister of National Defence, but only with respect to the period during which such person is in receipt of compensation in consequence of his having been so called up, and including further any person who is a member of the University Air Training Corps or the Air Cadet Corps present in the course of duty at a Royal Canadian Air Force unit, shall be deemed to be a War Service elector and entitled to vote under these Regulations, provided such person ordinarily resided in Canada prior to his enlistment.

*Residence requirements*

(4) In order to be entitled to vote under these Regulations, a War Service elector must specify, in the declaration in Form No. 8, the city, town or village, with street address, if any, or other place, in Canada, wherein he or she was ordinarily residing prior to his or her appointment, enlistment, enrolment or calling up on War Service, and his or her vote shall be applied only in the electoral district in which such place of ordinary residence is situated.

*Disqualification for want of residence*

(5) A War Service elector who cannot specify a city, town or village, with street address, if any, or other place, in Canada, wherein he or she was ordinarily residing prior to his or her appointment, enlistment, enrolment or calling up on War Service, shall not be qualified to vote under these Regulations.

SPECIAL RETURNING OFFICERS AND THEIR STAFFS

*Appointment by Governor in Council*

6. For the purpose of these Regulations the Governor in Council shall, with respect to a general election, appoint the necessary number of special returning officers to superintend the taking, receiving, sorting and counting of the votes of War Service electors in the following voting territories:—

\* Relevant Definitions in Order in Council P.C. 44/1555

- (b) "Supervisor" means an authorized field representative of Canadian Legion War Services, Inc., The National Council of the Y.M.C.A., Knights of Columbus Canadian Army Huts or Salvation Army Canadian War Services, who directly provides services and recreational equipment to the forces.
- (c) "Helper" means a person employed and paid by Canadian Legion War Services, Inc., The National Council of the Y.M.C.A., Knights of Columbus Canadian Army Huts or Salvation Army Canadian War Services, to assist the supervisors, and shall include only persons who proceed or have proceeded from Canada for attachment to
  - (i) the Canadian Naval Forces under the authority of the Chief of Naval Personnel;
  - (ii) active units and formations of the Canadian Army under the authority of the Adjutant-General;
  - (iii) active units and formations of the Royal Canadian Air Force under the authority of the Air Member for Personnel.
- (d) "Overseas Headquarters Staff" means the headquarters staff of Canadian Legion War Services, Inc., The National Council of the Y.M.C.A., Knights of Columbus Canadian Army Huts or Salvation Army Canadian War Services, employed and paid by the said organizations and not included in the term "supervisor" or "helper", and who proceed or have proceeded out of Canada, under the authority of the Chief of Naval Personnel or the Adjutant-General or the Air Member for Personnel.



*Ontario*

- (a) The province of Ontario shall constitute a voting territory, with the headquarters of the special returning officer located at Ottawa;

*Quebec*

- (b) The province of Quebec shall constitute a voting territory, with the headquarters of the special returning officer located at Montreal;

*Nova Scotia, New Brunswick, and Prince Edward Island*

- (c) The provinces of Nova Scotia, New Brunswick, and Prince Edward Island shall constitute a voting territory, with the headquarters of the special returning officer located at Halifax;

*Manitoba, Saskatchewan, Alberta, and Yukon*

- (d) The provinces of Manitoba, Saskatchewan, Alberta, and the Yukon Territory shall constitute a voting territory, with the headquarters of the special returning officer located at Edmonton;

*British Columbia*

- (e) The province of British Columbia shall constitute a voting territory, with the headquarters of the special returning officer located at Vancouver;

*Newfoundland*

- (f) Newfoundland shall constitute a voting territory, with the headquarters of the special returning officer located at St. John's, Newfoundland;

*United Kingdom*

- (g) The United Kingdom shall constitute a voting territory, with the headquarters of the special returning officer located at London, England;

*In other countries*

- (h) If at the time of a general election there are War Service electors stationed in other countries than those stated above, and the taking, receiving, sorting and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories above mentioned, the Governor in Council may establish any such country or part thereof as an additional voting territory and appoint such special returning officers and deputy special returning officers as are deemed necessary.

*Oath and tenure of office*

7. (1) Every special returning officer shall be sworn, in Form No. 1 of these Regulations, before the Chief Electoral Officer or before a Judge of a Court of Record, to the faithful performance of his duties. Upon the completion of such duties the tenure of office of the special returning officer shall cease.

*When unable to act*

(2) If, during a general election, a special returning officer or deputy special returning officer dies or becomes unable to act, his chief assistant shall, until a new appointment is made, or until the special returning officer or deputy special returning officer is able to resume his duties, assume and perform the duties of such special returning officer or deputy special returning officer, as the case may be.



*Appointment and oath of chief assistant*

8. (1) The Governor in Council shall appoint a person to act as chief assistant to each special returning officer. As soon as possible after his appointment, the chief assistant shall be sworn, in Form No. 4 of these Regulations, before the appropriate special returning officer, to the faithful performance of the duties imposed upon him by these Regulations.

*Appointment and oath of deputy special returning officer*

(2) In any voting territory in which the number of War Service electors exceeds 60,000, the Governor in Council may, on the recommendation of the Chief Electoral Officer, appoint the necessary number of deputy special returning officers, and in such case the special returning officer shall act as an overseer in the whole of his voting territory. The Governor in Council shall also in that case appoint such additional chief assistants as may be necessary. Every deputy special returning officer shall be sworn, in Form No. 2 of these Regulations, before the special returning officer, to the faithful performance of his duties.

*Selection, appointment and oath of scrutineers*

9. (1) The Chief Electoral Officer shall, whenever necessary for the purpose of these Regulations, appoint six scrutineers for duty in the office of each special returning officer. Two of such six scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition and two on the joint recommendation of the Leaders of political groups having a recognized membership in the House of Commons of eight or more. Each scrutineer shall be appointed and sworn in Form No. 3 of these Regulations. If within one week after the date of the issue of the writs for a general election, insufficient or no nominations of scrutineers are received as above prescribed, the Chief Electoral Officer may himself select and appoint to any necessary extent.

*Selection, appointment and oath of additional scrutineers*

(2) In any voting territory in which the number of War Service electors exceeds 60,000, and where one or more deputy special returning officers are appointed pursuant to paragraph 8 of these Regulations, the Chief Electoral Officer shall appoint six scrutineers for duty in the office of each deputy special returning officer. Such scrutineers shall be nominated and sworn as provided in the next preceding subparagraph.

*Remuneration*

10. Special returning officers, deputy special returning officers, chief assistants and scrutineers shall be paid for their services as the Governor in Council may provide; whenever any of these officials is called upon to act outside of his place of ordinary residence, he shall be reimbursed his actual travelling expenses and allowed living expenses at a rate to be fixed by the Governor in Council.

*Appointment, oath, etc., of clerical assistants*

11. Each special returning officer shall, subject to the approval of the Chief Electoral Officer, select and appoint such clerical assistants as may be deemed necessary for the proper performance of the duties of his office. Clerical assistants shall be paid for their services at a rate to be fixed by the Governor in Council and shall be discharged as soon as their services are no longer needed. They shall be sworn before the special returning officer, and their appointment and oath shall be in Form No. 5 of these Regulations.



*Duties of special returning officers*

12. Every special returning officer, when duly appointed and sworn, shall:—
- (a) Secure suitable quarters to be used as an office or offices for the proper performance of his duties;
  - (b) Maintain such office or offices until all the duties imposed upon him by these Regulations are fully completed;
  - (c) Retain in his possession the oaths of office of his deputy special returning officer, scrutineers, chief assistant, and clerical assistants, and, after the election, transmit such oaths of office to the Chief Electoral Officer, as prescribed in paragraph 53 of these Regulations;
  - (d) Select and appoint the clerical assistants required for the performance of his duties, as prescribed in paragraph 11 of these Regulations;
  - (e) Secure a statement of the approximate number of War Service electors from the various commanding officers, as herein defined, stationed in the voting territory under his jurisdiction, as prescribed in paragraph 16 of these Regulations;
  - (f) Secure a list of the names, rank and regimental number of every commissioned officer and non-commissioned officer designated by each commanding officer to take the votes of War Service electors, as prescribed in paragraph 25 of these Regulations.
  - (g) Distribute a sufficient number of copies of these Regulations, ballot papers, envelopes, books of key maps, books of excerpts from the Canadian Postal Guide, printed lists of names and surnames of candidates nominated in each electoral district, and other necessary supplies, to the commanding officers stationed in the voting territory under his jurisdiction, as prescribed in paragraph 21 of these Regulations;
  - (h) Receive completed outer envelopes containing ballot papers marked by War Service electors in the voting territory under his jurisdiction, as prescribed in paragraphs 39 and 40 of these Regulations;
  - (i) Stamp each completed outer envelope with the date of its receipt, as prescribed in paragraph 40 of these Regulations;
  - (j) Provide that each completed outer envelope shall be sorted to its correct electoral district, as prescribed in paragraph 40 of these Regulations;
  - (k) On polling day, immediately after the close of the polls in Canada, proceed with the counting of the votes cast by War Service electors, as prescribed in paragraphs 44 to 52, inclusive, of these Regulations;
  - (l) Communicate by telegraph, cable or otherwise, to the Chief Electoral Officer the number of votes cast by War Service electors in the voting territory under his jurisdiction for each candidate officially nominated in the various electoral districts in Canada, as prescribed in paragraph 54 of these Regulations;
  - (m) Transmit to the Chief Electoral Officer the official statements of the count, the used outer envelopes, ballot papers and other documents, as prescribed in paragraph 53 of these Regulations;
  - (n) Perform all other duties prescribed to be performed by him under these Regulations.



*Liability of special returning officer and staff*

13. Every special returning officer, deputy special returning officer, chief assistant, scrutineer or clerical assistant who wilfully omits to comply with the provisions of these Regulations shall be liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, and every special returning officer, deputy special returning officer, chief assistant, scrutineer or clerical assistant who refuses to comply with any of the provisions thereof, shall, on summary conviction, be liable to a penalty of not less than two hundred dollars nor more than five hundred dollars.

## PROCEDURE FOR TAKING THE VOTES OF WAR SERVICE ELECTORS

*Communication with and by the Ministers of National Defence*

14. (1) The Chief Electoral Officer shall advise the Minister of National Defence, the Minister of National Defence for Air, and the Minister of National Defence—Naval Services, as to the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting and counting of the votes of War Service electors, stating the voting territory assigned to each of them. The Ministers shall respectively inform each such special returning officer as to the name, rank and address of the commanding officer of every formation, unit, detachment, or corps within his jurisdiction and stationed within the voting territory of such special returning officer, with whom the said special returning officer shall communicate for the purpose of arranging for the taking of the votes of War Service electors.

*Communication with the S.R.O.'s*

(2) The Chief Electoral Officer shall at the same time communicate with every special returning officer directing him to proceed immediately with the duties imposed upon him by these Regulations.

*Promulgation in Orders*

15. (1) Immediately after a general election has been ordered in Canada, the Minister of National Defence, the Minister of National Defence for Air, and the Minister of National Defence—Naval Services shall cause all relevant provisions of these Regulations to be published in Routine Orders and reproduced at least once in all Canadian Naval, Military and Air Force Daily Orders, as the case may be.

*Publication of notice of general election*

(2) Every commanding officer shall forthwith publish, as a part of Daily Orders, a notice in Form No. 6 of these Regulations advising all War Service electors under his command that a general election has been ordered in Canada, and shall therein state the dates fixed for nomination and polling days. The said notice shall also state that every War Service elector qualified under these Regulations may cast his vote before any commissioned officer designated by the commanding officer for that purpose, on application to such commissioned officer during such hours as may be indicated by the commanding officer, not less than three each day, between nine o'clock in the forenoon and nine o'clock in the afternoon, during the period between the second Monday immediately following nomination day and the Saturday preceding polling day, both inclusive, but excepting the intervening Sunday. Every commanding officer shall afford all necessary facilities for such War Service electors to cast their votes in the manner prescribed by these Regulations.



*Notification of days, hours and places of voting*

(3) At least two days before the period fixed for voting by War Service electors, and every day thereafter until the Saturday preceding polling day, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating: (a) the days and dates upon which War Service electors may cast their votes; (b) the exact locations of the voting places established for each unit, and (c) the hours during which War Service electors may cast their votes at each of such voting places.

*Statement of number of electors in each unit*

16. (1) As soon as possible after publication of the notice in Form No. 6 of these Regulations, in Daily Orders, the commanding officer shall furnish to the special returning officer for the voting territory in which his unit is stationed a statement giving the approximate number of War Service electors stationed in the unit under his command.

*Number to be communicated to C.E.O.*

(2) The special returning officer shall promptly communicate the information referred to in the next preceding subparagraph to the Chief Electoral Officer, so that the number of deputy special returning officers and staffs that will be needed can be ascertained and arrangements made for their appointment, as prescribed in paragraphs 8 and 9 of these Regulations.

*War Service elector in hospital, etc.*

17. Every War Service elector in a hospital or convalescent institution during the period prescribed by these Regulations for the casting of votes at a general election shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution.

*Supplies to special returning officers*

18. The Chief Electoral Officer shall, whenever deemed expedient, provide each special returning officer with a sufficient number of ballot papers, outer and inner envelopes, copies of these Regulations, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions and other supplies required for the taking of the votes of War Service electors.

*Form of ballot paper*

19. (1) The ballot papers supplied by the Chief Electoral Officer for the taking of the votes of War Service electors, shall be in Form No. 7 of these Regulations.

*Books of key maps, etc.*

(2) The books of key maps referred to in paragraph 18 hereof, supplied by the Chief Electoral Officer, shall be used by War Service electors from large Canadian centres to enable them to ascertain the electoral district in which they are qualified to vote at the pending general election, and the books of excerpts from the Canadian Postal Guide shall be used for the same purpose by War Service electors from other places in Canada.



*Special procedure in electoral district returning two members*

20. Each War Service elector shall vote for one candidate, unless he is qualified to vote in the electoral district of Halifax in the Province of Nova Scotia or in the electoral district of Queens in the Province of Prince Edward Island, both of which return two members to serve in the House of Commons. In the case only of the said electoral districts of Halifax and Queens, the War Service electors may vote for two candidates.

*Distribution of supplies to commanding officers*

21. (1) As soon as possible after nomination day, each special returning officer shall transmit a sufficient number of ballot papers, outer envelopes, inner envelopes, copies of these Regulations, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions, printed lists of names and surnames of candidates nominated in each electoral district, and other necessary supplies, to the commanding officers stationed within his voting territory. These supplies shall forthwith be distributed in sufficient quantities by such commanding officers to the commissioned officers designated by them to take the votes of War Service electors.

*Record of distribution of ballot papers*

(2) Each special returning officer shall keep a record, on the special form prescribed by the Chief Electoral Officer, of the serial numbers of ballot papers supplied by him to each commanding officer.

*Record of unused ballot papers*

(3) Each special returning officer shall also keep a record, on the special form prescribed by the Chief Electoral Officer, of the serial numbers of the unused ballot papers returned to him by each commanding officer, pursuant to paragraph 33 of these Regulations.

*Transmitted to Chief Electoral Officer*

(4) After the general election, the special returning officer shall transmit to the Chief Electoral Officer the records referred to in the last two preceding subparagraphs, as prescribed in paragraph 53 of these Regulations.

*List of names and surnames, etc., of candidates*

22. As soon as possible after nominations of candidates at a general election have closed in Canada, on the 28th day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a printed list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer stationed in Canada, and shall cable the entire contents of such list to the special returning officers stationed outside of Canada. Upon such list shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations. Such designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer.

*List of names and surnames of candidates; how dealt with in Canada*

23. As prescribed in paragraph 21 of these Regulations, the special returning officers stationed in Canada shall immediately transmit a sufficient number



of copies of the list of names and surnames of candidates, referred to in the next preceding paragraph, to the commanding officers stationed in their respective voting territories, and such commanding officers shall forthwith cause copies of such list to be published as part of Daily Orders and posted up on the bulletin boards of their units, and in other conspicuous places.

*List of names and surnames of candidates; how dealt with outside of Canada*

24. The special returning officers stationed outside of Canada shall immediately cause the list of names and surnames of candidates officially nominated, as cabled to them by the Chief Electoral Officer, to be printed, and, as directed in paragraph 21 of these Regulations, shall immediately transmit a sufficient number of copies thereof to the commanding officers stationed in their respective voting territories, and such commanding officers shall forthwith cause copies of such list to be published as part of Daily Orders and posted up on the bulletin boards of their units, and in other conspicuous places.

*Before whom votes to be cast*

25. (1) The vote of every War 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 War Service elector, and has not been officially nominated as a candidate in any electoral district. Provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate a non-commissioned officer, subject to the above mentioned limitations.

*Name, etc., sent to special returning officer*

(2) As soon as a commissioned officer or non-commissioned officer has been designated to take the votes of War Service electors, the commanding officer shall communicate the name, rank and regimental number of such commissioned officer or non-commissioned officer to the appropriate special returning officer.

*Posting up of card of instructions, etc.*

26. In any place or premises, and at any time at which War Service electors are casting their votes, the commissioned officer before whom such votes are cast shall cause at least two copies of the card of instructions, in Form No. 10 of these Regulations, to be posted up in conspicuous places. The commissioned officer shall also keep one book of key maps, one book of excerpts from the Postal Guide and one printed list of the names and surnames of candidates readily available for consultation by War Service electors.

*War Service electors in non-Canadian unit*

27. Whenever it is reported to the special returning officer that there are War Service electors attached to a unit not distinctly Canadian, the special returning officer shall endeavour to secure the co-operation of the commanding officer of such unit in order that the votes of such War Service electors may be recorded in the manner prescribed by these Regulations.

*Representative of political party*

28. (1) Any person qualified to vote at a general election either under *The Dominion Elections Act, 1938*, or these Regulations, may, upon delivery of a declaration, completed and signed by himself, in Form No. 11 hereof, to a commissioned officer who is taking the votes of War Service electors, act as representative of a political party at the taking of such votes.



*Disposition of declarations*

(2) After the voting period has ended the commissioned officer shall transmit every completed declaration in Form No. 11 of these Regulations to the appropriate commanding officer.

*Declaration by War Service elector*

29. Before delivering a ballot paper to a War Service elector, the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 8 of these Regulations, 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 War service elector's full name, rank, and regimental number, that he is a British subject, has not previously voted at the pending general election, and the name of the city, town or village, with street address, if any, or other place in Canada, wherein he was ordinarily residing prior to his appointment, enlistment, enrolment or being called up on War Service. The name of the electoral district and of the province in which such place of residence is situated shall also be stated in the spaces provided for that purpose. The commissioned officer shall cause the War Service elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the commissioned officer.

*Manner of voting of War Service elector*

30. After the declaration has been completed and signed by the War Service elector and the certificate thereunder has been completed and signed by the commissioned officer, as prescribed in the next preceding paragraph, the commissioned officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, in ink or with a pencil of any colour, the name (or initials) and surname of the candidate of his choice. The ballot paper shall then be folded by the War Service elector. When this has been done, the commissioned officer shall hand an inner envelope to the War Service elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the commissioned officer, who shall, in full view of the War Service elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the War Service elector.

*Disposition of completed outer envelope*

31. (1) The commissioned officer, before whom the vote of a War Service elector has been cast shall, as prescribed in the next preceding paragraph, hand the outer envelope containing the ballot paper to the War Service elector, who will himself forthwith despatch it by ordinary mail or by such other postal facilities as may be available and expeditious, to the special returning officer whose name and address have been printed on the face of the outer envelope.

*Warning to War Service elector*

(2) The commissioned officer shall at the same time inform the War Service elector that his ballot paper must be received by the special returning officer to whom the envelope is addressed not later than six o'clock in the afternoon of the date fixed for polling day at the then pending general election, otherwise it will not be counted.



*Mailing of outer envelopes*

(3) Every such envelope despatched by ordinary mail in Canada shall be carried free of postage. In all other countries the special returning officer shall, before distributing the outer envelopes to the commanding officers, affix thereto the necessary postage stamps to carry such envelopes, when duly completed, to their proper destination.

*Postal facilities*

(4) Every commanding officer shall, whenever possible, provide that polling places established for taking the votes of War Service electors shall be located in close proximity to a post office or mail box. The commissioned officer before whom a War Service elector has cast his vote shall direct such elector to the nearest post office or mail box from which outer envelopes may be despatched to the special returning officer.

*Voting by commissioned officer*

32. (1) A commissioned officer before whom War Service electors have cast their votes may cast his own vote after completing the declaration in Form No. 8 of these Regulations printed on the back of the outer envelope. In such case it shall not be necessary for the commissioned officer to complete the certificate printed at the foot of such declaration.

*Voting by officials*

(2) Special returning officers, deputy special returning officers, chief assistants and scrutineers appointed pursuant to paragraphs 6, 8 and 9 of these Regulations shall be entitled to vote in the same manner as War Service electors, if qualified to vote at a general election.

*Procedure*

(3) For the purpose of this paragraph, the special returning officer and his chief assistants may act in the capacity of a commissioned officer designated, as herein prescribed, to take the votes of special returning officers, deputy special returning officers, chief assistants and scrutineers.

*Spoiled ballot paper*

33. (1) A War Service elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used, shall return it to the commissioned officer, who shall deface it and deliver another in its place. All ballot papers thus refaced shall be classified as spoiled ballot papers, and when the voting is complete, shall be parcelled and transmitted to the commanding officer, together with all declarations completed by representatives of political parties and unused ballot papers and envelopes.

*Disposition of declarations and unused supplies, etc.*

(2) The commanding officer shall forthwith transmit to the appropriate special returning officer all spoiled ballot papers, declarations made by representatives of political parties, unused ballot papers and envelopes received from commissioned officers.



*Incapacitated War Service elector*

34. If a War Service elector is unable to read or write, or is incapacitated from any physical cause, and therefore unable to vote in the manner prescribed in these Regulations, the commissioned officer before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another War Service elector who is able to read and to write. Such other elector shall be selected by the incapacitated War Service elector.

*War Service elector voting as civilian*

35. (1) Any War Service elector who has not voted in the manner prescribed by these Regulations, and who is in the place of his ordinary residence on polling day at a Dominion election may cast his vote in the manner prescribed by *The Dominion Elections Act, 1938*, for civilian electors. In such case, however, the War Service elector must be of the full age of twenty-one years, and, in urban polling divisions, his name must appear on the official list of electors used at the poll.

*Voting by War Service electors on leave or on furlough*

(2) A War Service elector who is absent from his unit, on leave or on furlough, during the voting period prescribed by paragraph 15 (2) of these Regulations, and who has not already voted at the pending general election, may, on production of documentary proof that he is on leave or furlough, cast his vote elsewhere before any commissioned officer of the same Force, designated to take the votes of War Service electors, when such commissioned officer is actually engaged in the taking of such votes.

*Voting by merchant seamen, etc.*

36. 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 at a general election under paragraph 5 of these Regulations, shall cast their votes before any commissioned officer designated for that purpose by the commanding officer of a Canadian Naval, Military or Air Unit. As soon as a general election has been ordered in Canada, it shall be the duty of the special returning officer, wherever necessary, to make arrangements with a commanding officer, conveniently stationed, for the taking of the votes of the above mentioned War Service electors. No such person shall be allowed to vote unless he produces, to the commissioned officer, satisfactory proof of identity and of his qualification as a War Service elector.

*Canadians serving in British Forces*

37. Every person on Active Service in any of His Majesty's United Kingdom Forces, who enlisted in such Forces subsequent to January 1, 1937, who is a British subject, and was ordinarily residing in Canada prior to his enlistment in such Forces, shall be qualified to vote as a War Service elector under these Regulations, and may cast his vote before any commissioned officer designated to take the votes of War Service electors by the commanding officer of a Canadian Naval, Military or Air Unit, when such commissioned officer is actually engaged in the taking of such votes, on the production to such commissioned officer of satisfactory proof of identity and of his qualification as a War Service elector.



*Elector must vote only once*

38. No elector, whether War Service or civilian, shall be entitled, because of anything in these Regulations contained, to vote more than once at a general election.

PROCEDURE TO BE FOLLOWED AT THE RECEIVING AND SORTING  
OF THE VOTES CAST BY WAR SERVICE ELECTORS

*Supervision, etc.*

39. (1) Every operation relating to the receiving and sorting to the proper electoral districts of outer envelopes containing ballot papers marked by War Service electors, shall be conducted under the supervision of the special returning officer or his chief assistant, or of a deputy special returning officer or his chief assistant, by scrutineers, who shall work in pairs, each pair consisting of persons representing different and opposed political interests.

*Marking and initialling outer envelopes*

(2) Whenever an outer envelope has been sorted to its electoral district, the name of such electoral district shall be written by the scrutineers in the lower left hand corner of the back of the outer envelope and both scrutineers shall affix their signatures thereto.

*Disposition of completed outer envelopes*

40. On receipt of outer envelopes containing ballot papers marked by War Service electors, the special returning officer or the deputy special returning officer or their chief assistant shall:—

- (a) stamp each envelope with the date of its receipt;
- (b) examine each envelope in order to ascertain if the declaration on the back thereof is signed by both the War Service elector and the commissioned officer concerned (except in cases referred to in paragraph 32 of these Regulations);
- (c) ascertain if all the necessary details are given in the declaration made on the back of the outer envelope;
- (d) direct the scrutineers to ascertain, from the details given on the back of each outer envelope, the correct electoral district containing the place of ordinary residence in Canada of the War Service elector, and to sort such outer envelope thereto; and
- (e) make sure that each outer envelope is sorted to its proper electoral district, and has been duly marked and initialled by the scrutineers.

*Packaging used outer envelopes*

41. (1) At the end of each day upon which outer envelopes are received, the special returning officer, or his chief assistant, shall, in the presence of at least two scrutineers representing different and opposed political interests, place in a special large envelope provided for that purpose, all the outer envelopes sorted by his staff or the staff of his deputy to each electoral district separately.

*Completing special large envelopes*

(2) Every such special large envelope shall be endorsed with the name of the applicable electoral district, the day of the week and the date of the month upon which it was used, and the number of sorted outer envelopes enclosed therein.



*Sealing special large envelopes*

(3) Upon the completion of the above requirements, the special returning officer, or his chief assistant, shall close the special large envelope, and affix a gummed seal, provided for that purpose, across the sealed flap. The special returning officer, or his chief assistant, and at least two scrutineers, shall affix their signatures to such seal.

*Safekeeping of special large envelopes*

(4) When this has been done, the special returning officer shall keep the sealed special large envelopes in safe custody, unopened, until the time has arrived to count the ballot papers sorted to the electoral district to which they appertain, as prescribed in paragraphs 44 to 52, inclusive, of these Regulations. The scrutineers shall be permitted to inspect any or all such sealed special large envelopes whenever they wish to do so.

*Disposition of outer envelopes not sorted at end of day*

42. All used outer envelopes which have not been sorted, as prescribed in paragraph 40 of these Regulations, to their proper electoral districts at the end of each day, shall be placed in one or more of the special ballot boxes provided for the counting of the votes. Such ballot boxes shall be kept locked and sealed until the sorting of outer envelopes is proceeded with on the day following. The signatures of at least two scrutineers shall be affixed to such seals.

*Disposition of outer envelope when declaration incomplete*

43. (1) An outer envelope which does not bear the signatures of both the War Service elector and the commissioned officer concerned, or upon which a sufficient description of the place of ordinary residence in Canada of such elector does not appear, shall be laid aside, unopened (except in cases referred to in paragraph 32 of these Regulations). The special returning officer shall endorse upon each such outer envelope the reason why it has not been opened, and such endorsement shall be initialled by at least two scrutineers. The ballot paper contained in such unopened outer envelope shall be deemed to be a rejected ballot paper.

*Disposition of outer envelope received too late*

(2) All outer envelopes received by a special returning officer after six o'clock of the afternoon, on polling day, shall also be laid aside unopened. The special returning officer shall endorse upon each such envelope the reason why it has not been opened, and such endorsement shall be initialled by at least two scrutineers. The ballot paper contained in such unopened outer envelope shall be deemed to be a rejected ballot paper.

*Transmission to the Chief Electoral Officer*

(3) The special returning officer shall retain all unopened outer envelopes mentioned in subparagraphs (1) and (2) of this paragraph in his possession, and, after the counting of the votes is complete, transmit them to the Chief Electoral Officer, as prescribed in paragraph 53 of these Regulations.

PROCEDURE TO BE FOLLOWED IN THE COUNTING OF THE VOTES CAST BY  
WAR SERVICE ELECTORS

*Commencement of the counting*

44. At six o'clock in the afternoon of polling day, the special returning officer shall cause the actual counting of the votes cast by War Service electors to be



commenced. Such counting shall be carried on with all possible despatch, and shall be completed not later than three o'clock in the afternoon of the Monday next following polling day.

*Scrutineers to work in pairs*

45. In the counting of votes, scrutineers shall work in pairs, each pair consisting of persons representing different and opposed political interests. The special returning officer shall direct each pair of scrutineers to count the ballot papers for only one electoral district at a time. In the performance of these duties, each pair of scrutineers shall be supplied by the special returning officer with the services of at least one clerical assistant.

*Ballot box used at the count*

46. For the counting of votes the Chief Electoral Officer shall furnish each special returning officer with a sufficient number of specially made ballot boxes. Before the counting of the votes for any given electoral district begins, the ballot box used at such count shall be examined by the scrutineers, and, when empty, shall be locked and the key thereof retained by either the special returning officer, the deputy special returning officer, or a chief assistant.

*Opening special large envelopes*

47. All the special large envelopes containing outer envelopes sorted to a given electoral district shall be opened and their contents placed upon a table. The scrutineers shall examine every outer envelope in order to ascertain if it belongs to the electoral district for which the ballot papers are being counted. If it appears that any outer envelope belongs to another electoral district, the special returning officer shall sort such outer envelope to its proper electoral district and, if the counting of the votes of such electoral district has been completed, the special returning officer shall retain such outer envelope in his possession until the count has been completed in every electoral district. The special returning officer shall then re-open the count in the electoral district to which such misplaced outer envelope belongs and direct the scrutineers to count the ballot paper enclosed in such outer envelope in the manner prescribed by these Regulations. When the outer envelopes have been checked as above prescribed, they shall be opened, and the inner envelopes shall be removed therefrom and immediately placed, unopened, in the ballot box referred to in the next preceding paragraph.

*Procedure when counting votes*

48. When all the outer envelopes for a given electoral district have been opened and the inner envelopes placed in the ballot box, as prescribed in the next preceding paragraph, the ballot box shall be opened and its contents placed upon a table. The scrutineers shall then count the inner envelopes found in the ballot box in order to ascertain if the number of such inner envelopes corresponds with the number of outer envelopes sorted to such electoral district. If the number of inner envelopes does not correspond with the number of such opened outer envelopes, the scrutineers shall make a report to that effect to the special returning officer, stating all particulars, and shall attach such report to the official statement of the count referred to hereunder. The scrutineers shall then proceed to open the inner envelopes and count the votes cast for each candidate and when this has been done, shall make at least three copies of a statement of the count on Form No. 9 of these Regulations. One copy of such statement, to



be called the official statement of the count, shall be forthwith delivered to the special returning officer, and the two scrutineers shall each retain a copy thereof. The ballot papers counted for each candidate shall then be placed in a special envelope provided for that purpose. The inner envelopes shall then be destroyed.

*Application of votes cast*

49. Subject to the provision of paragraph 50 of these Regulations, a ballot paper marked for a candidate shall be counted for such candidate if he has been officially nominated in the electoral district to which, in accordance with the declaration made on the back of the outer envelope, such ballot paper has been sorted.

*Rejection of ballot paper*

50. (1) In counting of the votes the scrutineers shall, with the approval of the special returning officer or the deputy special returning officer, reject all ballot papers

- (a) which do not appear to have been supplied by the special returning officer; *or*
- (b) which have not been marked with the name of any candidate; *or*
- (c) which have been marked with the name of a person who has not been officially nominated as a candidate in the electoral district to which the ballot paper has been sorted; *or*
- (d) upon which the War Service elector appears to have intentionally made a mark by which he might afterwards be identified.

*Ballot paper not to be rejected for uncertainty*

(2) No ballot paper shall be rejected for uncertainty as to the candidate intended to be voted for, if it is possible to ascertain, with a reasonable degree of certainty, for which candidate the War Service elector intended to vote.

*Disposition of rejected ballot papers*

51. After the counting of the ballot papers sorted to an electoral district is complete, the scrutineers shall place all rejected ballot papers in the special envelope supplied for that purpose and, after inserting the necessary details thereon, shall package such envelope with the other documents, as prescribed in paragraph 52 of these Regulations.

*Disposition of ballot papers, etc.*

52. 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, relating to each individual electoral district, shall be parcelled together by the scrutineers and delivered to the special returning officer after the name of such electoral district has been plainly written on each such parcel. Scrutineers, special returning officers, deputy special returning officers, and chief assistants shall exercise special care in dealing with used outer envelopes. There shall be no poll book kept at the counting of the votes, and the used outer envelopes themselves shall constitute the official record of the votes cast by War Service electors. The procedure prescribed in this and the five preceding paragraphs relating to the counting of the votes cast by War Service electors shall be repeated in the case of every electoral district.



*Final Duties**Transmission of ballot papers, etc., to Chief Electoral Officer*

53. Immediately after the counting of the votes cast by War Service electors has been completed for every electoral district, each special returning officer shall forthwith deliver or transmit to the Chief Electoral Officer, the following documents:—

- (a) 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 envelope containing the ballot papers rejected during the count, as prepared by the scrutineers pursuant to paragraph 52 of these Regulations;
- (b) The official statements of the count completed by the scrutineers, pursuant to paragraph 48 of these Regulations;
- (c) The unopened outer envelopes, laid aside pursuant to paragraph 43 of these Regulations;
- (d) The oaths of office of deputy special returning officers, scrutineers, chief assistants and clerical assistants, as prescribed in paragraph 12 (c) of these Regulations;
- (e) The complete files of correspondence, reports and records in the office of the special returning officer;
- (f) The ballot papers spoiled by War Service electors and the declarations in Form No. 11 hereof received from the commanding officers, pursuant to paragraph 33 of these Regulations; and
- (g) The record of ballot papers distributed to commanding officers and the record of unused ballot papers returned by commanding officers, pursuant to paragraph 21 of these Regulations.

*Result of the count to be communicated to the Chief Electoral Officer*

54. Immediately after the counting of the votes cast by War Service electors has been completed for every electoral district, but not later than five o'clock in the afternoon of the Monday next following polling day, each special returning officer shall advise the Chief Electoral Officer by telegraph, or cable, or otherwise, as to the number of votes counted in his voting territory for each candidate in every electoral district in Canada. The special returning officer shall at the same time advise the Chief Electoral Officer as to the total number of votes counted in each electoral district.

*Disposition of results by Chief Electoral Officer*

55. Upon receipt of the result of the votes cast by War Service electors from every special returning officer, the Chief Electoral Officer shall compute the total number of votes counted for each candidate in every electoral district, and forthwith communicate by telegraph or otherwise such result to the appropriate returning officer.

## OFFENCES AND PENALTIES

*Liability of War Service elector*

56. Any War Service elector who

- (a) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by War Service elector;

or



- (b) prevents or endeavours to prevent any War Service elector from voting; or
- (c) knowingly applies for a ballot paper to which he is not entitled; or
- (d) makes any untrue statement in the declaration in Form No. 8 of these Regulations signed by him before a commissioned officer;

shall be guilty of an offence against these Regulations and liable to a fine of two hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

*Penalty for intimidation, etc., of War Service elector*

57. Every person is guilty of an indictable offence against these Regulations who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any temporal or spiritual injury, damage, harm or loss, or in any manner practises intimidation upon or against any War Service elector, in order to induce or compel such elector to vote for any candidate or to refrain from voting, or on account of such War Service elector having voted for any candidate or refrained from voting at a general election or who, by abduction, duress, or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any such elector, or thereby compels or induces or prevails upon any such elector either to vote for any candidate or to refrain from voting at a general election.

*Procedure*

58. (1) Any offence against these Regulations may be prosecuted alternatively on indictment or by way of summary conviction.

*Penalty for indictable offence*

(2) Any person who is guilty of any offence against these Regulations is liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment, as well as fine and costs, is imposed, to imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

SUPPLEMENTAL PROVISIONS

*Procedure on withdrawal of candidate*

59. In the case of the withdrawal of a candidate during the period between nomination day and one week before polling day, the Chief Electoral Officer shall, by the most expeditious means, advise all special returning officers of such withdrawal. The special returning officer shall forthwith so advise every commanding officer stationed in his voting territory. The commanding officer shall, as far as possible, advise every commissioned officer designated by him to take the vote of War Service electors of such withdrawal, and such com-



missioned officer shall inform the War Service electors concerned as to the name of the candidate who has withdrawn, when such electors are casting their votes. Any votes cast by War Service electors for a candidate who has withdrawn shall be null and void.

*Procedure on death of candidate*

60. In the case of the death of a candidate between nomination and polling day, and the subsequent postponement of the election in the electoral district in which such candidate was officially nominated, the outer envelopes containing ballot papers cast by War Service electors sorted, or to be sorted, to such electoral district shall remain unopened, and the ballot papers contained in such envelopes shall be deemed to be rejected ballot papers. All such unopened outer envelopes shall be parcelled by the special returning officer and transmitted to the Chief Electoral Officer with the other documents mentioned in paragraph 53 of these Regulations.

*Validity of election not affected by non-compliance*

61. The validity of any election of a member to serve in the House of Commons shall 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 found impossible to secure the vote of any War Service elector hereunder.

*Recounting of votes*

62. The provisions of sections fifty-four and fifty-five of *The Dominion Elections Act, 1938*, relating to a recount of votes by a Judge shall apply, *mutatis mutandis*, to all ballot papers counted and rejected after being cast by War Service electors under these Regulations, which have been transmitted by the special returning officers to the Chief Electoral Officer, pursuant to paragraph 53 hereof.

*Custody, inspection or production of documents*

63. The provisions of sections fifty-nine and eighty-eight of *The Dominion Elections Act, 1938*, relating to the custody, inspection and production of election documents, shall apply, *mutatis mutandis*, to such documents received by the Chief Electoral Officer from the special returning officers, pursuant to paragraph 53 hereof.

*Taxation and payment of accounts*

64. All accounts for services and expenses incurred in connection with these Regulations shall be taxed and paid by the Auditor General.

*Consolidated Revenue Fund*

65. Any expenses incurred in the administration of these Regulations shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.



FORM No. 1

OATH OF A SPECIAL RETURNING OFFICER. (Par. 7)

I, the undersigned.....  
 appointed special returning officer for the voting territory of.....  
 pursuant to the provisions of paragraph seven of *The Canadian War Service  
 Voting Regulations, 1944*, do solemnly swear (or affirm) that I will act faithfully  
 in my said capacity of special returning officer, without partiality, fear, favour  
 or affection, and that I will keep secret the name of the candidate for whom any  
 War Service elector has marked his ballot paper at the general election, should I  
 acquire any information with respect thereto during my tenure of office as special  
 returning officer. So help me God.

.....  
*Signature of special returning officer.*

CERTIFICATE OF OATH OF SPECIAL RETURNING OFFICER

I, the undersigned, do hereby certify that on the.....  
 day of.....19....., the special returning  
 officer above named made and subscribed before me the above set forth oath (or  
 affirmation). In testimony whereof I have issued this certificate under my hand.

.....  
*Chief Electoral Officer.*

(or)

.....  
*Judge of the.....Court.*

FORM No. 2

OATH OF A DEPUTY SPECIAL RETURNING OFFICER. (Par. 8)

I, the undersigned,.....  
 appointed deputy special returning officer for duty in the office of the special  
 returning officer for the voting territory of.....  
 pursuant to the provisions of paragraph eight of *The Canadian War Service  
 Voting Regulations, 1944*, do solemnly swear (or affirm) that I will act faithfully  
 in my said capacity of deputy special returning officer, without partiality, fear,  
 favour or affection, and that I will keep secret the name of the candidate for  
 whom any War Service elector has marked his ballot paper at the general election,  
 should I acquire any information with respect thereto during my tenure of office  
 as deputy special returning officer. So help me God.

.....  
*Signature of deputy special returning officer.*

CERTIFICATE OF OATH OF DEPUTY SPECIAL RETURNING OFFICER

I, the undersigned, do hereby certify that on the.....  
 day of.....19....., the deputy special  
 returning officer above named made and subscribed before me the above set forth  
 oath (or affirmation). In testimony whereof I have issued this certificate under  
 my hand.

.....  
*Special returning officer.*



FORM No. 3

APPOINTMENT OF SCRUTINEER. (Par. 9)

To.....whose address is.....  
.....and whose occupation is.....

Know you that, pursuant to the authority vested in me under paragraph nine of *The Canadian War Service Voting Regulations, 1944*, I do hereby appoint you as scrutineer for duty in the office of the special returning officer (or deputy special returning officer) for the voting territory of.....

Dated at Ottawa this.....day of.....19....

.....  
*Chief Electoral Officer.*

OATH OF SCRUTINEER. (Par. 9)

I, the undersigned, appointed scrutineer, pursuant to paragraph nine of *The Canadian War Service Voting Regulations, 1944*, do solemnly swear (or affirm) that I will act faithfully in my said capacity as scrutineer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any War Service elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such scrutineer. So help me God.

.....  
*Signature of scrutineer.*

CERTIFICATE OF OATH OF SCRUTINEER

I, the undersigned, do hereby certify that on the.....  
day of.....19...., the scrutineer above named made and subscribed before me the above set forth oath (or affirmation). In testimony whereof I have issued this certificate under my hand.

.....  
*Special returning officer.*

FORM No. 4

OATH OF CHIEF ASSISTANT. (Par. 8)

I, the undersigned, appointed chief assistant in the office of the special returning officer for the voting territory of.....  
pursuant to paragraph eight of *The Canadian War Service Voting Regulations, 1944*, do solemnly swear (or affirm) that I will act faithfully in my said capacity as such chief assistant without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any War Service elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such chief assistant. So help me God.

.....  
*Signature of chief assistant.*



CERTIFICATE OF OATH OF CHIEF ASSISTANT

I, the undersigned, do hereby certify that on the..... day of.....19...., the chief assistant above named made and subscribed before me the above set forth oath (or affirmation). In testimony whereof I have issued this certificate under my hand.

.....  
Special returning officer.

FORM No. 5

APPOINTMENT AND OATH OF CLERICAL ASSISTANT. (Par. 11)  
APPOINTMENT

To.....whose address is .....and whose occupation is .....

Know you that, pursuant to the authority vested in me under paragraph eleven of *The Canadian War Service Voting Regulations, 1944*, I do hereby appoint you as clerical assistant for duty in my office.

.....  
Special returning officer.

OATH OF CLERICAL ASSISTANT

I, the undersigned, appointed clerical assistant in the office of the special returning officer for the voting territory of..... pursuant to paragraph eleven of *The Canadian War Service Voting Regulations, 1944*, do solemnly swear (or affirm) that I will act faithfully in my said capacity as such clerical assistant without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any War Service elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such clerical assistant. So help me God.

.....  
Signature of clerical assistant.

CERTIFICATE OF OATH OF CLERICAL ASSISTANT

I, the undersigned, do hereby certify that on the..... day of.....19...., the clerical assistant above named made and subscribed before me the above set forth oath (or affirmation). In testimony whereof I have issued this certificate under my hand.

.....  
Special returning officer.

FORM No. 6

NOTICE TO WAR SERVICE ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 15)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the nomination of candidates will take place on....., the.....day of....., 19...., and that the day fixed as polling day is....., the..... day of.....19....



Notice is further given that pursuant to *The Canadian War Service Voting Regulations, 1944*, all War Service electors, as defined in 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 War Service electors will take place on each of the twelve week days between Monday, the..... day of....., 19...., and 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 abovementioned voting period.

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

.....  
*Commanding officer.*

FORM No. 7

FORM OF BALLOT PAPER. (Par. 19)

*Front*

THE WAR SERVICE ELECTOR WILL WRITE HEREUNDER THE NAME  
(OR INITIALS) AND SURNAME OF THE CANDIDATE  
FOR WHOM HE WISHES TO VOTE

I VOTE FOR.....  
*(Write as above directed—Family Name Last.)*

*Back*

OFFICIAL BALLOT PAPER  
FOR THE USE OF  
WAR SERVICE ELECTORS  
AT A

DOMINION GENERAL ELECTION  
THE CANADIAN WAR SERVICE VOTING REGULATIONS, 1944

Supplied by the Chief Electoral Officer for Canada, pursuant to the provisions of Paragraph Eighteen of *The Canadian War Service Voting Regulations, 1944*.

Printed by.....  
*(Insert name and address of printer)*



FORM No. 8

DECLARATION TO BE MADE BY A WAR SERVICE ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 29)

I hereby solemnly declare:

1. That my name is.....  
*(Insert full name, family name last)*
  2. That my rank is.....
  3. That my regimental number is.....
  4. That I am a British subject.
  5. That I have not previously voted as a War Service elector at the pending general election.
  6. That prior to being engaged in War Service I was ordinarily residing in Canada at .....
- (Here insert the name of place of ordinary residence in Canada, with street address, if any)*
- (Here insert name of electoral district—name of province)*

I solemnly declare that the above statements are true in substance and in fact.

Dated at.....this.....day of .....

.....  
*Signature of War Service elector.*

CERTIFICATE OF COMMISSIONED OFFICER

I hereby certify that the above named War Service elector did this day make before me the above set forth declaration.

.....  
*Signature of Commissioned Officer.*

.....  
*(Here insert rank, regimental number and name of unit)*

FORM No. 9

STATEMENT OF THE COUNT TO BE COMPLETED AFTER THE BALLOT PAPERS SORTED TO A GIVEN ELECTORAL DISTRICT HAVE BEEN COUNTED. (Par. 48)

Electoral District of.....

	<i>Insert name of candidate</i>	<i>Insert number</i>
Number of ballot papers counted for.....	.....	.....
“ “ “.....	.....	.....
“ “ “.....	.....	.....
“ “ “.....	.....	.....
“ “ “.....	.....	.....
“ “ “.....	.....	.....
Number of ballot papers rejected during count.....	.....	.....
Total number of ballot papers found in ballot box.....		.....



CERTIFICATE OF SCRUTINEERS

We, the undersigned scrutineers, jointly and severally certify that the above statement is correct.

Dated at.....this.....day of.....19....

.....  
Scrutineer.

.....  
Scrutineer.

FORM No. 10

CARD OF INSTRUCTIONS. (Par. 26)

A WAR SERVICE ELECTOR IS ENTITLED TO VOTE ONLY ONCE AT A GENERAL ELECTION

1. A War Service elector must vote for the candidate of his choice, officially nominated in the electoral district in which he ordinarily resided prior to his appointment, enlistment, enrolment or calling up on War Service.
2. During the hours fixed by the commanding officer for voting, any War Service elector may cast his vote before the commissioned officer designated for that purpose.
3. The commissioned officer shall require each War Service elector to make the declaration printed on the back of the outer envelope.
4. After the declaration has been duly completed and signed by the War Service elector and the certificate printed thereunder is completed and signed by the commissioned officer, the War Service elector shall cast his vote in the following manner:—
5. Each War Service elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Halifax, N.S., or Queens, P.E.I., in which case he may vote for two candidates).
6. Upon receiving a ballot paper from the commissioned officer, the War Service elector shall secretly cast his vote by writing in ink or with a pencil of any colour the name (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.
7. The War Service elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the commissioned officer, seal such inner envelope, and hand it to the commissioned officer.
8. The commissioned officer shall then, in full view of the War Service elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
9. The commissioned officer shall then hand the completed outer envelope to the War Service elector.
10. The War Service elector shall then mail the completed outer envelope in the nearest post office or mail box.

*In the following form of ballot paper, given for illustration, the War Service elector has marked his ballot paper for William R. Brown*

THE WAR SERVICE ELECTOR WILL WRITE HEREUNDER THE NAME  
(OR INITIALS) AND SURNAME OF THE CANDIDATE  
FOR WHOM HE WISHES TO VOTE

I VOTE FOR William R. Brown

*(Write as above directed—Family Name Last.)*



FORM No. 11

DECLARATION OF REPRESENTATIVE OF POLITICAL PARTY. (Par. 28)

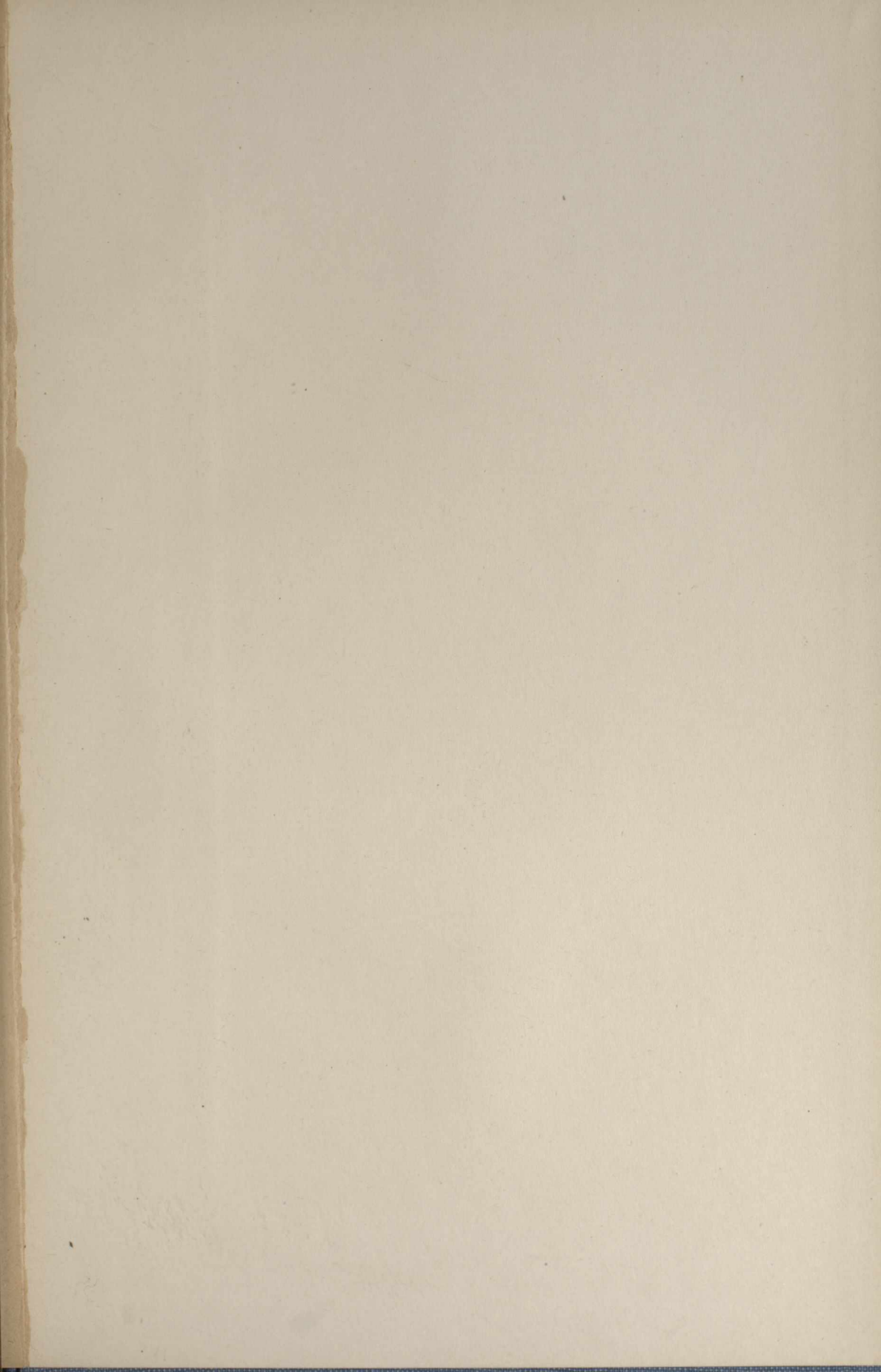
To the commissioned officer designated to take the votes of War Service electors at.....

Pursuant to the provisions of paragraph twenty-eight of *The Canadian War Service Voting Regulations, 1944*, I hereby declare that I am qualified to vote at the general election now pending in Canada, and I have undertaken to represent the interests of the.....party, during the taking of the votes of War Service electors in this polling place.

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

.....  
*Representative.*

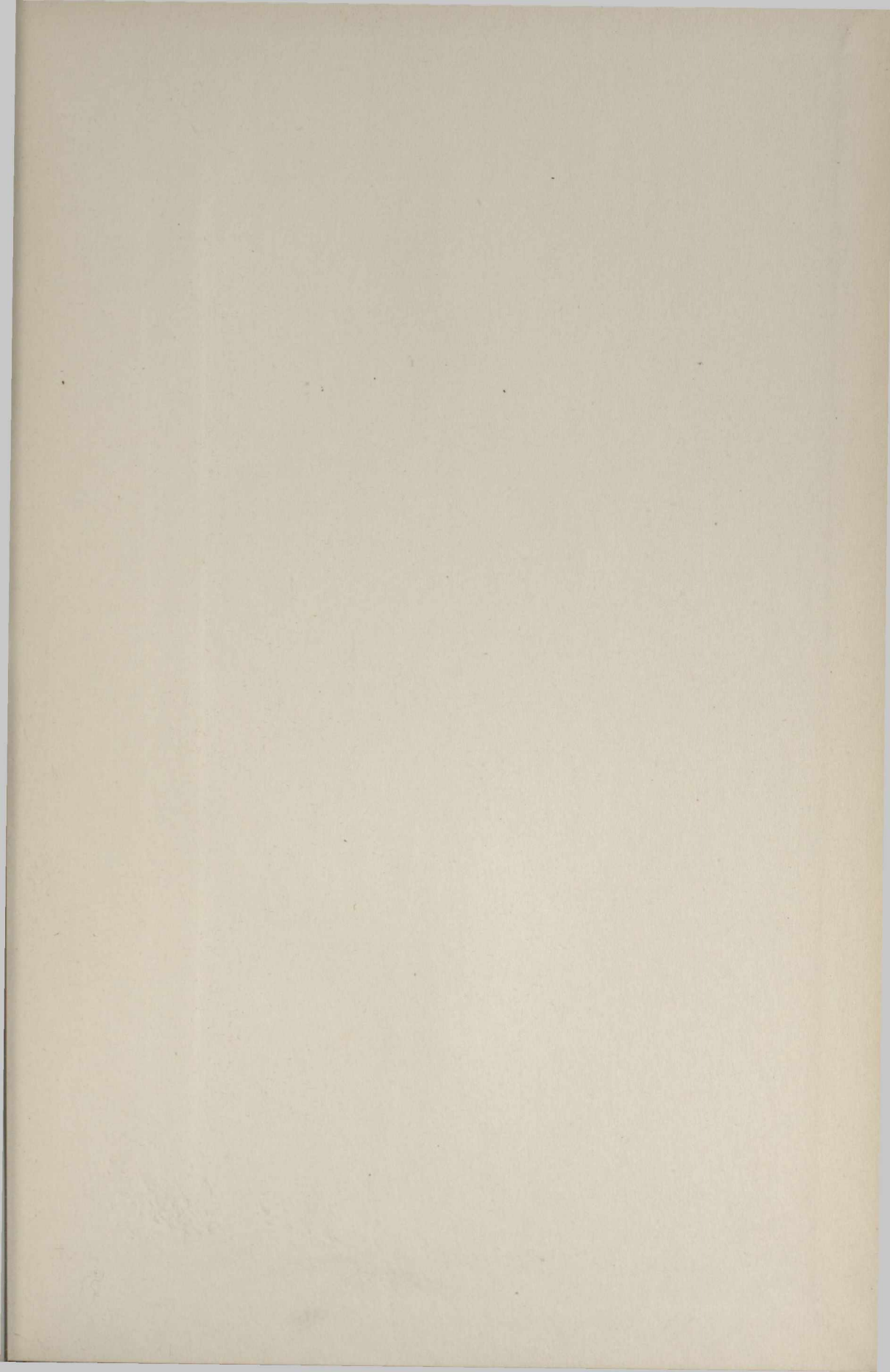






















BIBLIOTHEQUE DU PARLEMENT  
LIBRARY OF PARLIAMENT



3 2354 00515 584 4